

Summary of the 1991-92 Wisconsin Legislative Session

1991 Wisconsin Acts 1 to 323

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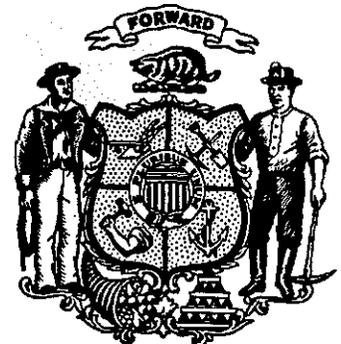


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**Summary of the 1991-92 Wisconsin Legislative Session
1991 WISCONSIN ACTS 1 to 323**

INTRODUCTION

This bulletin provides an overview of the 1991-92 legislative session through July 1, 1992. An updated bulletin will be published after floorperiod VI. 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 significant provisions of any act affecting more than one area of state law (including Acts 39 and 269, the budget act and the budget adjustment act) are described separately under the appropriate subject headings. The bulletin also includes summaries of the more important enrolled joint resolutions. Included in the *HIGHLIGHTS* section of the bulletin are synopses of those acts and joint resolutions that were of particular interest to the Legislature. Commonly used abbreviations are listed in section V of the bulletin.

The 1991 Legislature took its oath of office on January 7, 1991. Its regular session was organized into 6 floorperiods:

- I — January 29 to March 14, 1991
- II — April 16 to May 16, 1991
- III — June 4 to June 28, 1991
- IV — October 1 to November 8, 1991
- V — January 28 to March 27, 1992
- VI — May 19 to May 21, 1992

In addition to these floorperiods, as of July 1, 1992, the Governor has called 4 special sessions.

Statistics for the 1991-92 legislative session through July 1, 1992, and for the previous 4 sessions are provided below.

	Legislative Session				
	1983-84	1985-86	1987-88	1989-90	1991-92
Total Drafting Requests.....	14,231	15,294	15,482	13,148	14,707
Bills Introduced.....	1,936	1,724	1,656	1,616	1,708
Assembly Bills.....	1,198	1,022	1,044	1,027	1,112
Senate Bills.....	738	702	612	589	596
Acts.....	550	342	422	368	323
Percentage of Bills Enacted.....	28.4	19.8	25.5	22.8	18.9
Bills Totally Vetoed.....	3	7	38	35	33
Bills Partially Vetoed.....	11	7	20	28	12

STATE BUDGET SUMMARY

GENERAL FUND SUMMARY

	<u>1991-92</u>	<u>1992-93</u>
REVENUES		
Opening Balance, July 1	\$ 113,609,500	\$ 99,600,600
Taxes	6,313,920,000	6,725,357,000
Transfer from Lottery Fund	54,054,800	0
Departmental Revenues	<u>206,874,300</u>	<u>149,030,000</u>
Total Available	\$ 6,688,458,600	\$ 6,973,987,600
APPROPRIATIONS AND RESERVES		
Gross Appropriations	\$ 6,664,172,700	\$ 6,963,387,700
Compensation Reserves	25,382,700	67,635,500
Less Lapses	<u>- 100,697,400</u>	<u>- 98,146,800</u>
Net Appropriations and Reserves	\$ 6,588,858,000	\$ 6,932,876,400
BALANCES		
Gross Balances	\$ 99,600,600	\$ 41,111,200
Required Statutory Balance	<u>- 66,641,700</u>	<u>- 69,633,900</u>
Net Balance, June 30	\$ 32,958,900	\$ - 28,522,700

SUMMARY OF APPROPRIATIONS — ALL FUNDS

	<u>1991-92</u>	<u>1992-93</u>
General Purpose Revenue	\$ 6,664,172,700	\$ 6,963,387,700
Federal Revenue	(2,995,749,000)	(3,146,858,700)
Program	2,698,327,900	2,811,984,100
Segregated	297,421,100	334,874,600
Program Revenue	(1,729,499,900)	(1,833,950,300)
State	1,482,134,300	1,571,192,400
Service	247,365,600	262,757,900
Segregated Revenue	(1,523,572,200)	(1,555,070,100)
State	1,478,057,300	1,507,079,700
Local	34,761,100	36,701,200
Service	<u>10,753,800</u>	<u>11,289,200</u>
GRAND TOTAL	\$ 12,912,993,800	\$ 13,499,266,800

SUMMARY OF COMPENSATION RESERVES — ALL FUNDS

	<u>1991-92</u>	<u>1992-93</u>
General Purpose Revenues	\$ 25,382,700	\$ 67,635,500
Federal Revenue	7,969,000	21,260,800
Program Revenue	20,102,400	53,627,300
Segregated Revenue	<u>5,380,800</u>	<u>14,354,200</u>
TOTAL	\$ 58,834,900	\$ 156,877,800

LOTTERY FUND SUMMARY

	<u>Estimated 1991-92</u>	<u>Estimated 1992-93</u>
GROSS REVENUE	\$ 445,071,000	\$ 478,071,000
PROGRAM EXPENDITURES		
Prizes	\$ 254,762,500	\$ 273,655,000
General Program Operations	54,890,100	58,699,100
DOJ-Gaming Law Enforcement	<u>0</u>	<u>203,400</u>
	\$ 309,652,600	\$ 332,557,500
NET PROCEEDS	\$ 135,418,400	\$ 145,513,500
TOTAL AVAILABLE FOR PROPERTY TAX RELIEF		
Opening Balance	\$ 153,039,100	\$ 60,302,700
Net Proceeds	135,418,400	145,513,500
Interest Earnings	9,500,000	4,200,000
Transfer to General Fund	<u>- 54,054,800</u>	<u>0</u>
	\$ 243,902,700	\$ 210,016,200
APPROPRIATIONS	\$ 183,600,000	\$ 191,980,000
BALANCES		
Gross Balances	\$ 60,302,700	\$ 18,036,200
Reserve	<u>- 15,577,500</u>	<u>- 16,732,500</u>
Net Balance	\$ 44,725,200	\$ 1,303,700

Figures supplied by the Legislative Fiscal Bureau as of July 29, 1992.

HIGHLIGHTS

Children

Act 95 (SB-155) prohibits a child from possessing cigarettes or tobacco products unless the child possesses them for the purpose of resale in the course of the child's employment. The act also prohibits a person who is licensed to sell cigarettes from keeping a cigarette vending machine in any public place that is open to persons under the age of 18 unless the person keeps the machine in the immediate vicinity of an employe and inaccessible to the public when the premises are closed.

Act 263 (AB-180) requires an unemancipated pregnant child to obtain the consent of a parent, guardian, legal custodian, adult family member (a grandparent, aunt, uncle, brother or sister) who is 25 years of age or over or foster parent (if the child's parent has authorized DHSS, a county department of human services or social services or the foster parent to consent to medical treatment on the child's behalf) before having an abortion unless the child, or a member of the clergy on behalf of the child, obtains a waiver of the consent requirement from a court. The consent requirement does not apply if a medical emergency requires an immediate abortion; the child is likely to commit suicide rather than seek consent or a judicial waiver; the pregnancy is the result of sexual intercourse with a relative, guardian, legal custodian or person residing with the child or a sexual assault other than consensual sexual contact with a person under 16 years of age; or a parent, guardian, legal custodian, adult family member or foster parent has abused the child. A court must waive the consent requirement if the court finds that the child is mature and well-informed enough to make the abortion decision on her own or that having the abortion is in the child's best interests.

Constitutional Amendments

Enrolled Joint Resolution 14 (Senate Joint Resolution 12), proposed by the 1991 Legislature on 2nd consideration, authorizes the Legislature to reduce property taxes on residential and agricultural real property. Currently, the constitution requires state taxation to be "uniform" but allows differences in real property taxation for forest lands, mineral property and agricultural and undeveloped land. Other constitutional exceptions allow instalment payment of real property taxes, imposition of income and occupation taxes and nonuniform taxation of merchants' inventory, manufacturers' material and finished products and livestock. The amendment adds another exception that authorizes the legislature to reduce taxes on residential and agricultural real property by an income tax credit or by payment from state revenues.

Enrolled Joint Resolution 16 (Assembly Joint Resolution 130), proposed by the 1991 Legislature on first consideration, restricts the manner in which the Governor may partially veto an appropriation bill. The current constitution allows the Governor to approve an appropriation bill "in whole or in part" but prohibits the Governor from vetoing individual letters in words to create new words. The amendment deletes the Governor's authority to veto an appropriation bill "in whole or in part" and substitutes authority for the Governor to veto "any item or items" of an appropriation bill. The amendment prohibits the Governor from writing anything in a bill except to identify a vetoed item. The amendment further requires the remainder of a bill in which any item is vetoed to be a complete, entire and workable law that is germane to the legislative

enactment. The current constitution does not define an "appropriation bill". The amendment defines an appropriation bill as a bill that sets aside a sum of public money and limits the use of that money to a specified purpose.

Enrolled Joint Resolution 27 (*June 1992 Spec. Sess. Assembly Joint Resolution 1*), proposed by the 1991 Legislature on first consideration, restricts gambling conducted by the state to the forms of gambling that the state is currently conducting, thus excluding casino-type games. The amendment also prohibits the state from conducting a lottery game that permits a player to purchase a ticket, or to otherwise participate in the game, from a residence by using a computer, telephone or other form of electronic, telecommunication, video or technological aid.

Correctional System

Act 39 (*AB-91*) requires DOC to administer an intensive sanctions program for persons convicted of felonies. The program is designed as a punishment option between traditional imprisonment and traditional probation. It provides participants with relatively short, intensive and highly structured phases of punishment. Participants may enter the program in 4 ways: by a judge's sentence, by DOC placement, as a condition of a parole grant by the parole commission or as an alternative to the revocation of probation or parole.

Crimes

Act 11 (*AB-179*) broadens restrictions on handgun sales by federally licensed firearms dealers. Former law provided a 48-hour waiting period before such a dealer could transfer a handgun to a purchaser. The act requires DOJ to conduct a criminal history record check during the waiting period. Under the act, a federally licensed firearms dealer must obtain information about a purchaser and convey the information, using a toll-free telephone number (hotline), to DOJ. DOJ conducts a criminal history record check to see if the purchaser is prohibited under state law from possessing a firearm. The waiting period is extended for a short period if the record check shows a felony charge but no recorded disposition. DOJ notifies the dealer of the results of the record check and the dealer is prohibited from transferring the handgun to the purchaser unless the waiting period has expired and the dealer has not been notified that the sale is prohibited.

Education

Act 118 (*AB-561*) allows the Board of Regents of the UW System to grant a tenure appointment to a faculty member without the affirmative recommendation of the appropriate academic department if the board has the affirmative recommendation of the chancellor of the institution where the member serves, a special faculty committee finds that the negative recommendation of the academic department was based upon impermissible factors and the board has the affirmative recommendation of a committee appointed to review the individual's record.

Act 269 (*SB-483*) eliminates the competency-based testing program and the requirement that school districts annually administer tests in reading, language arts and mathematics in at least 4 grade levels. The act directs the State Superintendent of Public Instruction to adopt or approve examinations designed to measure pupil attainment of knowledge in the 8th and 10th grades. All school districts must administer the tests beginning in the 1993-94 school year and ending in the 1997-98 school year. The act requires the State Superintendent of Public Instruction to develop plans for implementing

a pupil assessment program in the 1996-97 school year that is consistent with the state educational goals and a state education vision that the act requires to be developed.

Employment

Act 310 (SB-292) prohibits employers, labor organizations, employment agencies and licensing agencies from engaging in employment discrimination based on an individual's use or nonuse of a lawful product off the employer's premises during nonworking hours. The act does not prohibit:

1. Taking adverse employment action against an individual if the individual's use or nonuse of a lawful product off the employer's premises during nonworking hours impairs the individual's ability to undertake, or creates a conflict of interest with, the individual's job-related responsibilities; conflicts with a bona fide occupational qualification of the individual's job; or conflicts with any federal or state law, state rule or federal regulation.
2. If certain conditions are met, offering a life, health or disability insurance plan under which different coverage or coverage at a different cost is provided based on an individual's use or nonuse of a lawful product off the employer's premises during nonworking hours.
3. Taking adverse employment action against an individual based on use or nonuse of a lawful product off the employer's premises during nonworking hours if the employer is a nonprofit corporation that either encourages or discourages the use of that lawful product.
4. Refusing to employ as a fire fighter an applicant who smokes tobacco.

Environment

Act 302 (AB-1055) makes numerous changes in the laws related to air quality, many necessitated by 1990 amendments to the federal Clean Air Act. The act generally requires a person who proposes to construct or modify a stationary source of air pollution to obtain a construction permit before beginning construction or modification and an operation permit before beginning operation. The act generally requires a person who operates an existing stationary source of air pollution, including one with an air pollution control permit issued under former law, to obtain a new operation permit which is valid for not more than 5 years.

The act authorizes DNR to place conditions in a construction or operation permit to ensure compliance with the federal Clean Air Act. The act authorizes DNR to issue an operation permit for an existing source that will not comply with emission limitations or other requirements in state or federal air pollution control laws at the time that the permit is issued if DNR includes in the permit a schedule of the measures that the permit holder must take to achieve compliance with those requirements.

The act requires DNR to establish a program to assist small businesses in complying with air pollution control laws and establishes a Small Business Environmental Council in DOD to advise DNR concerning the program for small businesses.

The act includes several provisions to comply with federal requirements concerning areas that do not comply with federal air quality standards (nonattainment areas). The act requires DNR to establish an employe trip reduction program, under which employers take actions to reduce their employes' work-related travel, in certain ozone nonattainment areas and authorizes DNR to establish the program in certain other areas. The act requires DNR to establish a clean-fuel vehicle program for persons who operate fleets of motor vehicles in certain ozone nonattainment areas and authorizes DNR to establish the program in certain other areas. The act prohibits, beginning on January 1, 1995, the sale of

gasoline other than gasoline that is reformulated to reduce emissions of volatile organic compounds and toxic air pollutants in ozone nonattainment areas specified in federal law and in certain other areas.

The act requires DNR to establish the cost of motor vehicle repairs that a person must incur in order to obtain a waiver from the emission limits under the motor vehicle inspection maintenance program equal to the amount required under the federal Clean Air Act, which is currently \$450 as adjusted annually for inflation. Act 39 had established a repair cost limit of \$200.

Act 309 (SB-281) includes numerous provisions related to the control of water pollution from diffuse, or nonpoint, sources.

The act requires DILHR to establish standards for the control of erosion from construction sites of one-family and 2-family homes and requirements for the administration of those standards by counties, villages, cities, and, in some cases, towns, as part of the one-family and 2-family dwelling code. DILHR reviews county and municipal one-family and 2-family construction site erosion control programs to ensure that the programs meet state requirements.

The act requires DOT to establish standards for the control of erosion related to road and bridge construction that is funded in whole or in part with state or federal funds.

The act requires DNR to complete the planning process for the nonpoint source water pollution abatement grant program in all priority watersheds by December 31, 2000. The act also requires DNR to establish water quality objectives for each priority watershed and priority lake and to appoint a committee for each priority watershed and priority lake to advise DNR, DATCP and municipalities about the nonpoint source grant program.

The act imposes a fee of \$7.50 for filing an application for a first certificate of title for a motor vehicle or for a certificate of title after transfer of ownership of a motor vehicle. The revenue is used for programs to reduce nonpoint source pollution.

The act requires DATCP to establish performance standards for drainage district structures and operations to minimize adverse effects on water quality and gives DATCP other regulatory responsibilities concerning drainage districts.

The act authorizes WHEDA to guarantee loans for the installation of nonpoint source pollution abatement practices.

Gambling

Act 269 (SB-483) creates a Gaming Commission, consisting of 3 full-time members who are appointed by the Governor with the advice and consent of the senate for staggered 4-year terms, to replace and assume the responsibilities of the Lottery Board, Racing Board and Bingo Control Board, and to assume the gambling-related responsibilities of DORL. The act creates an Administrative Services Division, a Gaming Security Division, a Racing Division and a Lottery Division in the commission, and requires the commission to establish a separate subunit in the commission for the regulation of bingo, raffles and crane games and a separate subunit in the commission to perform various duties and functions of the commission relating to Indian gaming.

Act 321 (April 1992 Spec. Sess. Assembly Bill 6) restricts the types of games that may be offered to players of the state lottery to the games that are currently being conducted by the Lottery Board. The act also:

1. Provides that the Legislature may not pass any bill that authorizes the state to conduct a casino-type game unless, in the same legislative session and prior to the bill's passage, a bill requiring a statewide advisory referendum on the question of whether the

Legislature should authorize the conduct of such a game has been enacted and the statewide advisory referendum has been held.

2. Provides that the provisions of the act that specifically restrict gambling conducted by the state do not affect the provisions of any Indian gaming compact entered into by an Indian tribe and the Governor before December 1, 1992. Under the federal Indian Gaming Regulatory Act, a casino-type game may be lawfully conducted by an Indian tribe on tribal lands in Wisconsin only if that activity is permitted to be conducted in Wisconsin by any other person, organization or entity and if the casino-type game is conducted by the tribe in conformance with a tribal-state compact that is entered into by the tribe and the state and approved by the Secretary of the federal Department of the Interior.

3. Provides for advisory referenda at the spring election in April 1993 on the questions of allowing riverboat gambling, casino gambling and video gambling in this state and continuing to allow pari-mutuel on-track betting and the state-operated lottery in this state.

4. Creates a Council on Charitable Gaming to advise the Gaming Commission on matters relating to the conduct of bingo and raffles.

Health and Social Services

Act 250 (AB-655) regulates health care facilities and providers (see also *Insurance*). The act:

1. After September 30, 1992, and before July 1, 1993, requires hospitals and other health care providers to conduct a health care project analysis and hold a public hearing prior to obligating more than \$1,000,000 for a capital expenditure at a hospital; implementing a new hospital service or clinical medical equipment that exceeds \$500,000; purchasing or otherwise acquiring a hospital; or constructing or operating an ambulatory surgery center or home health agency. After June 30, 1993, the act requires hospitals and other health care providers to obtain approval from a Cost Containment Commission, created by the act, before performing these actions.

2. Requires the Office of Health Care Information, in DHSS, to establish by January 1, 1993, a uniform hospital accounting system, which must be used by each hospital beginning with the hospital's first fiscal year that commences after June 30, 1993.

3. Permits a health care provider that contemplates entering into a cooperative agreement with another health care provider to apply to DHSS for a certificate of public advantage with respect to the cooperative agreement, if certain requirements are met. A health care provider that holds a certificate of public advantage is exempt from state antitrust laws with respect to the specific cooperative agreement for which the certificate is issued.

4. Establishes a moratorium, until July 1, 1996, on constructing for additional hospital beds unless a person has entered into a legally enforceable contract for the construction before the act's effective date.

5. Establishes a moratorium, until July 1, 1996, on obligating for a capital expenditure to add to the number of a hospital's licensed psychiatric or chemical dependency beds or converting existing general hospital beds to this type of bed.

6. Establishes a Task Force on Health Cost Containment, which must, by January 1, 1993, submit to the Governor and the Legislature a report on numerous specified health care cost and coverage issues.

7. Creates a Cost Containment Council to advise and report to the Cost Containment Commission on various issues and to recommend a state health services plan for adoption by the commission.

8. Requires hospitals that increase rates for services above the increase in the consumer price index to hold a local public hearing and submit information from the hearing to the Office of Health Care Information.

Act 313 (AB-977) requires DHSS to seek federal approval for a demonstration project (commonly referred to as the 2-tier welfare project) under which the AFDC benefits of a person who has not resided in this state for at least 6 months and who applies for AFDC soon after moving from another state are calculated on the basis of the AFDC benefit level in the state from which the person moved. The act requires DHSS to conduct the project in up to 6 counties for not more than 36 months if federal approval is granted, unless the Wisconsin Supreme Court determines that the project would be unconstitutional.

The act requires DHSS to suspend the AFDC benefits of a person who is determined by a court to have committed fraud for the purpose of obtaining or increasing the amount of AFDC benefits. The act provides that a minor who is pregnant or is a custodial parent is generally not eligible for AFDC unless he or she lives in the home of an adult relative, in a foster home or in a similar living arrangement supervised by an adult. The act requires DHSS to establish a system for classifying participants in the AFDC employment and training program to determine the types of services that each participant will receive. The act also requires DHSS to give priority to providing services under that employment and training program to persons who have been unemployed for at least 36 months or who have not graduated from high school or received a declaration of equivalency of high school graduation.

Insurance

Act 250 (AB-655) makes a number of changes to the laws relating to insurance coverage of health care services (see also *Health and Social Services*). The act:

1. Establishes certain parameters for a group basic health benefits plan for eligible employes of eligible small employers and establishes a board to formulate the plan. An employer is eligible to offer the plan if the employer is a village or town with 2 to 10 eligible employes that has not provided health insurance coverage to its employes in the past 12 months or a business with 2 to 25 eligible employes. An employe is eligible for coverage if the employe is a full-time employe who normally works at least 30 hours per week. Any insurer that offers health insurance to the small employer market must provide the basic health benefits policy to any eligible small employer that applies for coverage and to all of the employer's eligible employes who want coverage.

2. Imposes certain fair marketing standards on all insurers that offer health insurance coverage to the small employer market.

3. Imposes certain requirements on all insurers that offer health insurance coverage to the small employer market relating to the minimum participation of eligible employes, underwriting and preexisting condition restrictions or exclusions and their portability.

4. Requires all group or blanket health insurance policies that provide coverage of any inpatient hospital treatment or any outpatient treatment to provide a certain level of coverage for transitional treatment arrangements for the treatment of nervous or mental disorders and alcoholism or other drug abuse problems. The Commissioner of Insurance must designate by rule the transitional treatment arrangements that qualify for coverage.

5. Requires the Commissioner of Insurance to promulgate rules for the establishment of a standardized billing format for health care services, a standardized claim format for health insurance benefits, a standardized format for the explanation of health insurance benefits and a uniform statewide patient identification system in which each individual who receives health care services in this state is assigned an identification number for use on the standardized billing forms and the standardized claim forms.

Local Law

Act 39 (AB-91) creates a statewide code of ethics for local public officials holding elective and major appointive offices. Under the code, no local public official may use his or her public position or office to obtain anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. No person may offer or give to a local public official, and no official may solicit or accept from any person, anything of value if it could reasonably be expected to influence the official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the official. With certain exceptions, no local public official may take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest. With certain exceptions, no local public official may use his or her office or position in a way that produces or assists in the production of a substantial benefit for the official, one or more members of the official's immediate family, or an organization with which the official is associated.

The code does not include any requirement for disclosure of economic interests. Under the act, counties and municipalities retain the authority to enact supplemental codes governing county and municipal officials, including the authority to require disclosure of economic interests.

Occupational Regulation

Act 160 (AB-125) establishes requirements for the certification of social workers, marriage and family therapists and professional counselors. The act does not require an individual to be licensed as a social worker, marriage and family therapist or professional counselor to engage in the practice of social work, marriage and family therapy or professional counseling but, with exceptions, restricts the use of the terms "social worker," "marriage and family therapist" and "professional counselor," and similar terms, only to those who are so certified. The act:

1. Provides for 4 types of licensed social workers: social workers, advanced practice social workers, independent social workers and independent clinical social workers.

2. Creates an Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors in DORL to administer the requirements. The act provides for the examining board to be divided into a social worker section, a marriage and family therapist section and a professional counselor section and gives the interested section of the examining board the authority to grant, deny, limit, suspend or revoke a social worker, marriage and family therapist or professional counselor certificate.

3. Establishes social worker-patient, marriage and family therapist-patient and professional counselor-patient privileges in Wisconsin court proceedings similar to the patient privilege regarding a physician, registered nurse, chiropractor or psychologist.

4. Includes social workers, marriage and family therapists and professional counselors in the list of health care professionals who are immune from civil and criminal liability for

reporting or failing to report a patient's use of controlled substances to another health care professional; who are subject to certain requirements relating to the confidentiality of patient health care records and are given access to certain patient health care records, including records of the results of a test for the presence of HIV (any strain of human immunodeficiency virus, which causes AIDS); who are prohibited from discriminating against a patient who has tested positive for HIV or who has AIDS; who are authorized to provide certification as to the seriousness of the health condition of an employee who is requesting family leave or medical leave; who, if requested by a court, are required to provide certain health care records as evidence in a hearing to terminate parental rights; and who are prohibited from serving as a witness to a living will if employed in a facility in which the prospective declarant is a patient.

State Government

Act 110 (AB-440) requires men and women to have equal speed of access to toilets in facilities where the public congregates. The act applies to newly built or expanded facilities that seat 500 or more persons.

Act 269 (SB-483) requires DILHR to establish a statewide multifamily dwelling code for new dwellings. The act requires the code to mandate either automatic fire sprinkler systems or 2-hour firewall protection, but exempts from this requirement dwellings constructed in any political subdivision whose preexisting ordinance has more stringent fire sprinkler provisions.

Taxation

Act 39 (AB-91) establishes a lottery property tax credit. The credit is equal to the school levy on the first \$8,200 of value of property that includes a taxpayer's principal dwelling. Each eligible taxpayer receives a credit of approximately \$125 to \$150.

Transportation

Act 26 (SB-7) makes permanent the requirement that most motor vehicle operators and passengers use safety belts. The act retains the \$10 forfeiture for safety belt use violations. Previous law would have abolished these mandatory safety belt use requirements on July 1, 1991.

Act 39 (AB-91) prohibits a law enforcement officer or a motor vehicle inspector from stopping or inspecting a vehicle solely to determine compliance with specified state or local traffic and controlled substances laws, including certain mandatory safety belt use provisions, unless reasonable cause exists that a violation has occurred (see also *Act 269*).

Act 269 (SB-483) restores the provision of state law prohibiting a law enforcement officer or a motor vehicle inspector from stopping or inspecting a vehicle solely to determine compliance with certain mandatory safety belt use laws, regardless of whether reasonable cause exists that a violation has occurred (see also *Act 39*).

Act 277 (SB-308) makes various changes related to driving or operating a motor vehicle while under the influence of an intoxicant, drug or both (OWI). The act:

1. Lowers the blood concentration of alcohol permissible while driving or operating a motor vehicle from 0.1% to 0.08% if the person has 2 or more prior OWI-related convictions, suspensions or revocations.

2. Requires a court to order a vehicle seized and forfeited, immobilized or equipped with an ignition interlock device if the owner of the vehicle is convicted of an OWI-related

violation and he or she has 2 or more prior OWI-related convictions, suspensions or revocations within a 5-year period.

3. Requires a court to order a vehicle seized and forfeited if the owner of the vehicle is convicted of an OWI-related violation and he or she has 3 or more prior OWI-related convictions, suspensions or revocations within a 5-year period.

4. Imposes an absolute sobriety requirement on a person who operates or drives a motor vehicle while using an occupational license if the person has 2 or more prior OWI-related convictions, suspensions or revocations.

5. Allows a court to order, as a condition of issuance of an occupational license to a person who has 2 or more OWI-related convictions, suspensions or revocations, that any vehicle that the person uses be equipped with an ignition interlock device.

6. Allows a person to voluntarily submit to an alcohol use assessment and driver safety plan before conviction of an OWI offense and allows a court to take that voluntary submission into account when sentencing the person.

7. Requires, as a condition of eligibility for an occupational license, that the applicant has completed an assessment and is complying with the driver safety plan.

8. Allows a court to order a person convicted of an OWI offense to visit a site that demonstrates the adverse effects of substance abuse, to include as part of an ordered driver safety plan that the person is made aware of the effect of the offense on victims and their families and to include in any community ordered service work that the work demonstrates the adverse effects of substance abuse.

9. Removes mandatory jail terms, forfeitures, fines and license revocations for operating a motor vehicle after revocation or suspension unless the underlying offense is OWI-related.

10. Requires an OWI offender who has one or more prior convictions within 5 years to remain in jail for at least 48 consecutive hours.

11. Requires DOT to maintain OWI-related records for 10 years.

12. Raises the maximum term of imprisonment from 5 years to 10 years for a conviction of OWI causing death.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Agriculture

Senate Bill 143 would have prohibited the sale, distribution, use or possession of supplemental bovine somatotropin by persons other than retail food establishments until June 1, 1993.

Assembly Bill 468 would have imposed certain restrictions on commercial applicators relating to the application of pesticides to residential lawns and grounds.

Business and Consumer Law

Assembly Bill 19 would have required large telecommunications utilities to offer residential customers the option of receiving basic local exchange service for a flat monthly charge.

Constitutional Amendments

Enrolled Joint Resolution 2 (*Assembly Joint Resolution 7*), proposed by the 1991 Legislature on 2nd consideration, would have authorized the Legislature to appropriate funds for housing primarily for persons of low or moderate income. The amendment was rejected by the electorate on April 7, 1991.

Assembly Joint Resolution 28 and Senate Joint Resolution 39, proposed by the 1991 Legislature on first consideration, would have abolished, over a 10-year period, the use of the property tax for school operations.

Assembly Joint Resolutions 85 and 141 and Senate Joint Resolution 56, proposed by the 1991 Legislature on first consideration, would have ensured adequate funding of public schools to provide equal educational opportunities in all district schools.

Crimes

Jan. 1991 Spec. Sess. Assembly Bill 5 and Spec. Sess. Senate Bill 5 would have created mandatory minimum sentences for committing a felony while possessing, using or threatening to use a dangerous weapon.

Education

Oct. 1991 Spec. Sess. Assembly Bill 1 and Spec. Sess. Senate Bill 1 would have lowered the age for mandatory school attendance from 6 to 5 years.

Assembly Bill 322 and Senate Bill 72 would have increased the number of days on which school districts must hold school each year from 180 to 200.

Senate Bill 355 would have required a school board to accept the lowest responsible bid for certain construction contracts.

Assembly Bill 484 would have limited the rate of increase in a school district's per pupil costs to the rate of increase in the consumer price index.

Employment

Assembly Bill 229 and Senate Bills 75 and 268 would have increased the state minimum wage.

Assembly Bills 240 and 419 and Senate Bills 69, 70 and 182 would have prohibited an employer from hiring permanent replacement workers during a labor dispute.

Gambling

Assembly Bill 361 and Senate Bill 188 would have statutorily allowed video gaming machines to be located in taverns and would have specified various requirements for the regulation of video gaming machines by the Lottery Board.

Assembly Bill 469 would have statutorily authorized casino-type gambling on excursion vessels operating on the Mississippi River, Lake Michigan or Lake Superior (and possibly on other bodies of water in the state) and specified various requirements for the regulation of the gambling and the gambling vessels by the Lottery Board.

Health and Social Services

Assembly Bill 203 would have created a mental illness standard for emergency detention or involuntary civil commitment that would require that an individual be found in need of treatment but would not require that he or she be found dangerous.

Assembly Bill 555 would have established a publicly financed system for comprehensive health care and treatment for all state residents.

Redistricting

Assembly Bill 1017 and Senate Bills 548, 549 and 578 would have redistricted senate and assembly districts to create districts of substantially equal population based on the 1990 federal decennial census.

State government

Assembly Bill 743 would have required an employer that receives an industrial development revenue bond for a project that shifts jobs from another Wisconsin location to offer new jobs at the project site to persons who lost their jobs at the other Wisconsin location.

Transportation

Assembly Bill 870 would have removed the requirement that the amount of any forfeiture in excess of \$150 for a conviction under a local ordinance for certain vehicle size, weight or load violations be forwarded to the State Treasurer for deposit in the transportation fund (see also *Act 39*).

SUMMARY OF PROPOSALS ENACTED BY THE 1991 LEGISLATURE

Agriculture

Act 4 (AB-205) makes various changes to the agricultural production loan guarantee program (CROP) administered by WHEDA, including:

1. Extending the program to December 31, 1992.
2. Limiting the number of times a guaranteed loan may be refinanced to once without condition and twice if a loan that has been refinanced once is at least 60% repaid.
3. Prohibiting WHEDA from guaranteeing a loan to a borrower who has more than \$20,000 in outstanding guaranteed loans.
4. Prohibiting WHEDA from guaranteeing more than \$30,000,000 in outstanding loans.
5. Allowing WHEDA to waive on an individual basis the requirement that a borrower insure the agricultural commodity financed by a guaranteed loan.

The act also makes various changes to the agricultural production drought assistance loan guarantee program (DROUGHT) administered by WHEDA, including:

1. Limiting the period that a lender may extend the term of a guaranteed loan to no more than 5 years after the loan was granted.
2. Limiting the period that WHEDA makes interest reduction payments for a guaranteed loan to no more than 3 years of the loan's repayment term.

Act 38 (SB-223) creates a farms for the future trust fund, managed by the Investment Board, to be used for the purpose of investing federal, local government and private funds in the protection or preservation of farmland for agricultural purposes.

Act 39 (SB-91) makes various changes related to agriculture. The act:

1. Creates a World Dairy Center Authority to promote the development of dairying.
2. Creates an agrichemical management segregated fund and converts the funding for certain programs administered by DATCP, including pesticide certification and regulation, to that fund.
3. Makes the pesticide container collection and disposal demonstration program, which was to expire on June 30, 1991, a permanent program.
4. Modifies various license and inspection fees for pesticides, commercial feed, soil and plant additives and fertilizers.
5. Modifies various license and reinspection fees relating to food regulation including those for food warehouses, food processing plants, retail food establishments and dairy plants, creates certain other fees including a milk procurement fee assessed to dairy plants and authorizes DATCP to modify certain food regulation fees by rule.
6. Increases license fees for animal slaughtering establishments, renderers, grease processors, animal food processors, dead animal collectors and custom meat processors.
7. Modifies warehouse keeper and grain dealer security requirements. The act establishes 3 categories of grain dealers and modifies grain dealer certificate of registration fees based on those categories. The act establishes minimum bond and security requirements and minimum financial standards for grain dealers and modifies minimum financial standards applicable to warehouse keepers. The act also modifies financial statement requirements for grain dealers and warehouse keepers (see also *Act 269*).
8. Eliminates the Potato Industry Board.

9. Applies most of the laws relating to agriculture to aquaculture.

10. Continues the farmer assistance program by deleting its June 30, 1991, expiration date and expands the type of assistance offered by DATCP to distressed farmers under that program to include employment and retraining counseling for farmers needing employment other than farming.

11. Extends the expiration date for the stray voltage program from August 31, 1991, to August 31, 1993. The act requires DATCP to conduct research on the incidence, levels and effects of stray voltage on agriculture in this state.

12. Requires DATCP to relinquish land from a farmland preservation agreement upon the request of the land owner if the land has been subject to the agreement for at least 10 years. The act applies the same tax credit repayment requirements for these relinquishments as apply under current law to other relinquishments except that it requires the additional payment of interest in the amount of 9.3% per year rather than the 6% per year applicable to other relinquishments under current law.

Act 109 (SB-359) requires DATCP to pay the owner of any swine it orders destroyed because of exposure to or infection with pseudorabies the difference between the net salvage and the appraised value of the animal.

Act 111 (AB-636) permits a person to use the term "light butter" or "lite butter" in connection with the sale of a food produced to resemble butter if, among other requirements, it contains 52% butterfat, has at least one-third fewer calories than butter and is made from pasteurized milk or cream or both.

Act 112 (AB-678) changes the fee structure for licenses required by DATCP to sell pesticides by requiring a licensee to pay an amount that is based on the licensee's volume of sales of each pesticide product and to pay a hazardous waste collection and disposal surcharge. The act establishes separate fee schedules for household and nonhousehold pesticide products. The act also increases inspection fees required to be paid to DATCP by persons who sell or distribute fertilizer, commercial feed or soil and plant additives and prohibits a manufacturer or distributor of fertilizer or commercial feed from indicating any charge made for the fees on its invoice or sales receipt.

Act 175 (AB-704) adds seasoned meat to the types of meat food products that may not be sold to restaurants and institutions by establishments that are exempt from the general licensing requirement for establishments that slaughter animals or poultry for human consumption or that process meat or poultry products.

Act 201 (AB-34) imposes requirements on livestock market operators and livestock dealers for applying a mark to certain calves before and at the time of the sale of the calf. The act requires DATCP to promulgate rules specifying the methods and materials that must be used when applying the mark.

Act 210 (AB-949) revises the manner in which the amount of license and reinspection fees are determined for retail food establishments and food warehouses.

Act 231 (SB-302) establishes a semi-monthly payment schedule for the payment by a dairy plant operator to a milk producer for milk received during one month by the dairy plant operator. The act also permits a dairy plant operator who suffers a monetary loss as the result of the rejection of a bulk milk shipment adulterated with a drug residue to recover the loss from the milk producer who caused the adulteration. The act authorizes DATCP to require that a dairy plant operator who suffers such a loss recover the loss by deducting from the proceeds of the milk sold by the milk producer an amount specified by DATCP by rule.

Act 269 (SB-483) makes various changes in the laws relating to agriculture. The act:

1. Requires that milk procurement fees required to be paid to DATCP by dairy plant operators be paid on a monthly rather than an annual basis. The act also requires DATCP to pay refunds on a prorated basis to dairy plants that paid a milk procurement fee in fiscal years 1991-92 and 1992-93 if the balance in the appropriation to DATCP for food regulation exceeds a specified amount.

2. Requires the Animal Health and Disease Research Board to award funds to applicants for research on developing a blood test to detect bovine tuberculosis in commercially raised deer. The act specifies the circumstances and manner in which commercially raised deer must be inspected by DATCP before and after slaughter. The act also requires that persons who commercially raise certain types of deer hold licenses issued by DNR and that persons who sell venison to consumers from these commercially raised deer hold permits issued by DNR.

3. Permits persons engaged in the business of buying milk from milk producers to pay different prices based on differences in milk quality. The act permits different prices only if the buyer establishes a payment method based on actual measured differences in certain milk qualities, the buyer announces the payment method to all producers, the buyer makes payments to all producers according to the payment method established by the buyer and the payment method is not part of any other method used to discriminate between producers in the price paid for milk.

4. Increases the maximum amount of the bond or security that grain dealers may be required to file with DATCP from \$100,000 to \$500,000 (see also *Act 39*).

5. Increases seed labeler license fees.

6. Authorizes the State Fair Park Board to award an annual grant to the city of West Allis in an amount not to exceed \$35,000 for crowd and traffic control services related to events held at the State Fair Park.

Act 286 (SB-231) makes numerous changes to the farmland preservation program. The act:

1. Eliminates the right to relinquish a farmland preservation agreement on the basis of agreement restrictions that impose economic inviability causing hardship.

2. Permits relinquishment of an agreement if relinquishment allows a landowner to avoid bankruptcy or foreclosure, to develop land to assist local economic development or to transfer farmland to be used for certain nonagricultural uses that are consistent with agricultural use.

3. Specifies that the law governing relinquishment of an agreement also applies to the release of part of the farmland covered by the agreement.

4. Authorizes DATCP to release land from an agreement when the land is acquired by a local government for a public improvement.

5. Authorizes the approval of farm family businesses and nonmetallic mineral extraction as special uses on land in an exclusive agricultural district under an exclusive agricultural use ordinance.

6. Revises the description of the types of residences permitted on land in an exclusive agricultural use district under an exclusive agricultural use ordinance.

Beverages

Act 28 (AB-50) replaces the phrase "bowling alley" with the phrase "bowling center" wherever that phrase appears in the alcohol beverage and other laws.

Act 39 (AB-91) makes various changes to the alcohol beverage laws. The act:

1. Permits municipalities that have reached their quota for the issuance of on-premises liquor licenses to issue "Class C" licenses to restaurants, authorizing them to sell wine for on-premises consumption.

2. Permits a municipality to issue an alcohol beverages operator's license to an applicant who completes a training course approved by the Educational Approval Board if the course is comparable to one offered by a VTAE school that conforms to curriculum guidelines specified by the VTAE Board.

3. Prohibits an out-of-state shipper from selling liquor in this state or shipping liquor into this state unless the shipper is the liquor manufacturer or rectifier or its designated agent.

4. Permits brewers and wholesalers to purchase products from persons who hold a license or permit for the sale of beer for on-premises consumption and to provide to those persons certain types of in-state business entertainment not exceeding a value of \$75 per day.

5. Prohibits the issuance of a license or permit to sell beer for on-premises consumption for premises where other business is conducted on the premises unless the premises for which the license or permit is issued is connected to another business by a secondary doorway that serves as a safety exit and is not the primary entrance to the premises for which the license or permit is issued. The prohibition does not apply to certain businesses, including hotels and restaurants.

6. Revises penalties for offenses related to the falsification of proof of age in connection with attainment of the legal drinking age.

Act 171 (SB-370) authorizes a court, when entering an order against an 18, 19 or 20 year old person found guilty of violating laws that limit an underage person's access to alcohol beverages to stay the penalties applicable to the offense and enter an additional order requiring the person to submit to an alcohol abuse assessment or to participate in an alcohol abuse treatment or education program. The act permits the court to suspend or modify the penalties stayed by the court based on the defendant's compliance with the terms of the additional order.

Act 269 (SB-483) permits a municipality, when it issues a temporary license for the sale of beer, to authorize the licensee to permit underage persons on the premises for which the license is issued.

Business and Consumer Law

BUSINESS ASSOCIATIONS

Act 16 (SB-79) revises various provisions of the business corporation law, including the procedures for bringing a derivative action (a civil action brought by a shareholder that asserts a right on behalf of a corporation) and the availability of treasury shares (shares acquired and held by the corporation that issues the shares).

Act 173 (SB-460) makes several minor substantive revisions to the business corporation law.

Act 269 (SB-483) revises procedures for several corporate filings required to be made in the Office of the Secretary of State.

CONSUMER LAW

Act 39 (AB-91) prohibits operation of a restaurant, after January 1, 1995, unless DHSS has issued the operator or manager a certificate of food protection practices. The act creates a Council on Food Protection Practices to assist in implementing the requirement.

Act 121 (AB-289) requires the promoter of an entertainment or sporting event that is not held on the originally scheduled date for the event to refund to any person who purchased a ticket for the event the amount paid for the ticket minus certain handling and service charges. If the promoter of the event is a nonprofit organization, the promoter is generally required only to refund that portion of the ticket price attributable to the admission price of the event.

Act 158 (SB-15) limits the circumstances under which a merchant may request a consumer to display a credit card in order to accept a check as payment from the customer and limits the circumstances under which a merchant may ask for additional identification information from a customer in order to accept a credit card as payment from the customer.

Act 176 (AB-760) prohibits a person from selling a motor vehicle replacement part that is not made by or for the motor vehicle's manufacturer unless the name or logo of the manufacturer of the replacement part is affixed to or inscribed on the replacement part (see also *Insurance*).

Act 192 (AB-174) requires a person who operates a tanning facility to obtain a permit from DHSS. It also requires the owner of a tanning facility to provide certain warnings to its customers, to take certain steps to protect customers and to report customer injuries that require medical attention. The act requires a tanning facility customer to sign a statement acknowledging that the required warnings were given and agreeing to use protective eyewear.

Act 222 (AB-958), which is based on the law relating to the repair, refund and replacement of motor vehicles under new motor vehicle warranties (the "lemon law"), specifies the circumstances under which a manufacturer of motorized wheelchairs must repair, refund the price of or replace a motorized wheelchair that contains a substantial defect. The act also requires the manufacturer of a motorized wheelchair to furnish an express warranty for a duration of at least one year.

Act 244 (AB-802) requires the registration of credit services organizations with the Office of the Commissioner of Banking. The act also requires various disclosures by credit services organizations and prohibits several business practices. A credit services organization, sometimes called a credit repair business, is an organization that agrees to improve a customer's credit rating or credit worthiness for a fee.

Act 247 (SB-443) regulates establishments that provide as their primary purpose supervision or counseling for weight loss (diet centers). The act requires certain diet centers to establish proof of financial responsibility in the form of a bond, certificate of deposit, escrow account or irrevocable letter of credit. It also requires a diet center contract to be for a specified length of time, to make certain disclosures to a customer, to provide a right of cancellation of the contract within a specified period of time and to limit a customer's liability for payment upon cancellation of the contract.

Act 269 (SB-483) regulates unsolicited notices that inform the recipient that he or she has been selected or may be eligible to receive a prize and that require or invite the recipient to make a contact to learn how to receive the prize or that condition receipt of the prize on the person making a payment. The act prohibits a solicitor from accepting payment for a

prize before providing a person with a written prize notice. The act requires all written prize notices to contain certain information and disclosures and specifies how the information must be presented. The act specifies the prize alternatives that must be made available to the recipient of a prize notice if a prize identified in the notice is not available.

The act also exempts from the laws regulating future services contracts those contracts that give the customer a 30-day right of cancellation, require the contractor to provide certain refunds and impose a fee of not more than \$75 for a 12-month period.

Act 296 (AB-748) establishes several notice and repair rights for subscribers to cable television systems and specifies procedures that a cable television system franchisee must follow to obtain the approval of a franchising municipality to transfer the franchise.

Act 298 (SB-450) requires motor vehicle manufacturers to disclose the existence of a warranty adjustment program and to reimburse customers for certain costs the customer incurred before learning about the program. A warranty adjustment program is a program under which a manufacturer pays for repairing a condition that is not covered under a warranty and that affects the safety or reliability of a vehicle it manufactures.

ECONOMIC DEVELOPMENT AND INVESTMENT

Act 37 (AB-485) authorizes WHEDA to issue \$35,000,000 in bonds and notes to finance an economic development project that is a sports or entertainment home stadium and requires the employment of minority workers and minority-owned businesses in the construction and operation of the stadium.

Act 39 (AB-91) makes various changes in the laws relating to economic development. The act:

1. Merges the recycling loan fund, the agricultural production loan fund and the drought assistance and development loan fund, all administered by WHEDA, into a single fund called the Wisconsin development reserve fund administered by WHEDA. All loan programs guaranteed by the merged funds are guaranteed by the new fund, and WHEDA is required to transfer to the general fund on June 30 each year the fund balance after deducting amounts sufficient to pay outstanding claims and to fund all guarantees under all of the programs guaranteed by the new fund.

2. Creates a targeted development loan guarantee program to guarantee business development loans for projects located in economically distressed areas of the state. The program is administered by WHEDA and guaranteed by the Wisconsin development reserve fund.

3. Authorizes WHEDA to guarantee loans to Frank Lloyd Wright's Taliesin at Spring Green for construction, improvement or land or building acquisition, and exempts from general property taxation real property of Taliesin.

4. Authorizes DOD to make grants for various purposes to certain nonprofit corporations and to a business incubator that provide services primarily to minority group members or minority-owned businesses.

5. Authorizes DOD to make a grant to the Women's Business Initiative Corporation and requires DOD to develop, maintain and update a data base of women-owned businesses for information purposes.

6. Authorizes DOD to make grants to a nonprofit corporation that serves the northern counties of the state to provide services to businesses for the purpose of creating or retaining jobs.

7. Authorizes DOD to make a grant to the Milwaukee Economic Development Corporation (MEDC) to establish a capital access loan guarantee program. Under the

program, a loan made by a commercial lending institution is partially guaranteed by a reserve fund consisting of funds that are contributed by the lending institution and then matched by MEDC.

8. Provides funding to increase the number of physicians who may participate in the physician loan assistance program, which repays educational loans for physicians who practice primarily in a health care shortage area in this state, establishes shortage areas for obstetrics and psychiatry and provides that a physician specializing in obstetrics or psychiatry who participates in the program may only agree to practice that specialty in an obstetric or psychiatric shortage area.

9. Authorizes DOD to make a grant to the Midwest U.S.-Japan Association for costs and expenses related to an economic development conference in Milwaukee of the Midwest U.S.-Japan Association and the Japan-Midwest U.S. Association.

10. Authorizes DOD to make a grant to the Great Lakes Inter-Tribal Council to provide technical assistance to businesses located on American Indian reservations.

Act 261 (AB-258) authorizes DOD to award grants to 5 committees on area promotion.

Act 269 (SB-483) authorizes DOD to make grants to the city of Beloit for riverfront development.

OTHER BUSINESS AND CONSUMER LAW

Act 39 (AB-91) requires motor vehicle dealers to maintain a bond of at least \$25,000.

Act 145 (SB-357) makes several minor substantive revisions to the uniform securities law.

Act 148 (SB-447) creates a chapter in the uniform commercial code to govern leases of personal property. The act establishes general rules regarding the formation and construction of lease contracts, warranties, determination of default and remedies for breach of a lease contract.

Act 269 (SB-483) revises the fee schedule for filing security interests under the uniform commercial code.

Act 304 (SB-476) creates a chapter in the uniform commercial code to govern commercial funds transfers by electronic means. The act establishes provisions relating to the origination, issuance, acceptance and the execution of a funds transfer, identifies who bears the risk of loss at various points in a funds transfer and provides remedies for a loss.

Children

Act 6 (SB-77) requires DHSS to allocate the child care grant funds received under the federal AFDC job opportunities and basic skills (JOBS) program and matching state community aids funds to provide child care for parents who have children under 13 years of age, who need child care to work, who are not receiving AFDC and who have a family income that is equal to or less than 75% of the state median income. Funds allocated under the act may not be used to start, maintain or expand child care facilities, to recruit or train child care workers, to monitor or certify child care providers or to provide child care solely to prevent child abuse or neglect, alleviate stress or preserve the family unit (see also *Acts 39 and 275*).

Act 18 (Jan. 1991 Spec. Sess. SB-7) prohibits a child from possessing a firearm and prohibits an adult from intentionally providing a firearm to a child, except under certain circumstances. These circumstances include possession of a firearm having a barrel that is 12 inches in length or longer by a child who is accompanied by a parent or guardian or who

has completed or is enrolled in the DNR firearm safety program. The preexisting criminal law relating to possession of a firearm by a child applied only to firearms having a barrel that is less than 12 inches long.

Act 39 (AB-91) makes various changes in the law relating to children. The act:

1. Requires DHSS to allocate a portion of the funds received under the federal Child Care and Development Block Grant Act of 1990 and matching state community aids funds to provide child care for parents who are gainfully employed or who need child care to prevent child abuse or neglect, alleviate stress or preserve the family unit; changes the upper age eligibility limit for children whose care may be paid for with those funds from 12 to 13 years of age; increases the income eligibility limit to receive aid from those funds from 70% to 75% of the state median income and requires a county to set the maximum rate payable for child care paid for with those funds so that 75% of the places for children within the capacity of all child care providers in the county can be purchased at or below that maximum rate (see also *Other Health and Social Services*).

2. Requires DHSS to allocate the funds received under the federal Child Care and Development Block Grant Act of 1990 that are not allocated for child care as described in paragraph 1 for child care start-up and expansion, resource and referral services, quality improvement, licensing and technical assistance (see also *Act 275*).

3. Prohibits counties from expending federal AFDC JOBS child care funds and matching state community aids funds on child care provided by a relative, permits counties to expend those funds on monitoring and certifying child care providers and permits DHSS to authorize counties to expend those funds that are unused at the end of a calendar year on child care start-up and expansion (see also *Act 6*).

4. Increases the licensing fees for day care centers and certain community-based residential facilities and creates licensing fees for child welfare agencies and group homes.

5. Makes various minor changes relating to the distribution of youth aids funds.

6. Requires DHSS to provide or contract for a secured juvenile correctional facility for girls that is located in the Milwaukee metropolitan area, Kenosha County or Racine County and to relocate to that secured juvenile correctional facility all girls who are placed at the Lincoln Hills secured juvenile correctional facility in Lincoln County. The act also permits DHSS to provide or contract for a secured juvenile correctional facility for girls that is located outside the Milwaukee metropolitan area, Kenosha County and Racine County.

7. Directs DHSS to contract for the provision of services to divert youths from gang activities in Kenosha and Racine counties. Under preexisting law, DHSS was permitted to contract for the provision of services to divert youths from gang activities only in Milwaukee County.

8. Makes various minor changes relating to the administration of secured juvenile correctional facilities.

9. Requires a juvenile court or municipal court to suspend or revoke for a period of not less than 6 months nor more than 5 years the operating privilege of a child who has violated the Uniform Controlled Substances Act. This change first applies to offenses committed on January 1, 1993, but offenses committed before that date may be counted as prior violations for the purpose of imposing a disposition under the children's code (see also *Drivers' Licenses*).

10. Permits a law enforcement agency to provide to a school district administrator, on request, any information in the law enforcement agency's records relating to the use, possession or distribution of alcohol or a controlled substance by a pupil of the school

district for the purpose of providing alcohol and other drug abuse programs for the pupils of the school district (see also *Primary and Secondary Education*).

11. Directs the Adolescent Pregnancy Prevention Board to award grants to organizations to provide comprehensive community-based adolescent demonstration projects in which the organizations provide to adolescents and the parents of adolescents comprehensive educational programs and services, including pregnancy prevention education that promotes abstinence from sexual activity, self-esteem, decision-making skills, respect for others and responsible behavior.

12. Directs DHSS to identify ways to improve the coordination of adolescent and parent educational programs at the state and local levels by identifying ways to eliminate governmental barriers to the local development of those programs and ways to involve parents in the planning, coordination and delivery of those programs.

13. Directs DHSS to allocate funds for the Career Youth Development Center in the city of Milwaukee to construct an inpatient substance abuse treatment facility.

14. Directs DHSS to allocate funds for the Milwaukee Police Athletic League to purchase sports and recreational equipment for 2 gymnasiums located in the city of Milwaukee.

Act 95 (SB-155) prohibits a child from possessing cigarettes and regulates the placement of cigarette vending machines (see *HIGHLIGHTS*).

Act 106 (SB-2) prohibits any person, other than a physician in the course of the physician's professional practice, from tattooing or offering to tattoo a child.

Act 191 (AB-113) permits a relative who has maintained a relationship similar to a parent-child relationship with a child who has been adopted by a stepparent or other relative to petition a court for visitation rights if the petitioner has maintained such a relationship with the child within 2 years prior to the filing of the petition. A court may grant visitation rights to the petitioner if the court determines that visitation is in the best interest of the child, that the petitioner will not undermine the adoptive parents' relationship with the child and that the petitioner will not act in a manner that is contrary to parental decisions made by the adoptive parents. Under preexisting law, adoption completely severed the relationship between the adopted child and the relatives of the adopted child's birth parents.

Act 213 (SB-346) permits a juvenile court to use restitution and participation in a supervised work program as conditions of informal dispositions and consent decrees for children who have attained 12 years of age. An informal disposition is an agreement made before the filing of a petition alleging that a child is delinquent or in need of protection or services. A consent decree is an agreement made after the filing of such a petition, but before final adjudication of the petition. Under preexisting law, a juvenile court could order restitution or participation in a supervised work program only after a child had been adjudicated delinquent or found to be in need of protection or services.

Act 253 (SB-402) authorizes courts to place children adjudicated or alleged to be delinquent or in need of protection or services with volunteers in probation programs, under which a volunteer may serve as a role model or provide counseling or monitoring functions.

Act 263 (AB-180) requires a pregnant child to obtain the consent of a parent, guardian, legal custodian, adult family member or foster parent before having an abortion unless an exception provided by the act applies or the child obtains a waiver of the consent requirement from a court (see *HIGHLIGHTS*).

Act 269 (SB-483) makes various changes in the laws relating to children. The act:

1. Eliminates state funding of day care programs for student parents (see also *Act 275*).
2. Requires superintendents of secure juvenile detention facilities appointed after the effective date of the act to complete an administrative training program within one year after appointment.
3. Eliminates funding for the 1991-93 fiscal biennium for the early intervention program for high-risk youths, under which DHSS provides grants to counties to establish school, school-related and after school programs and activities for children ages 8 to 11 who are at high risk of committing serious delinquent acts in the future.

Act 275 (AB-1000) makes various changes in the law relating to child care. The act:

1. Further specifies the guidelines and procedures that DHSS must follow in distributing the funds received under the federal Child Care and Development Block Grant Act of 1990 and requires DHSS to expend a portion of those funds on day care programs for student parents (see also *Acts 39 and 269*).
2. Requires a child care provider to permit a parent to visit and observe the provider's program of child care at any time during the provider's hours of operation, unless the visit and observation is contrary to a court order.
3. Provides that a parent of a child who is in a day care center having 9 or more children has the right to know certain information that would aid in assessing the quality of care provided by the center and requires a group day care center to post the results of DHSS' most recent inspection of the center and a report prepared by DHSS of serious violations by the center of statutes, rules or provisions of licensure during the previous year.
4. Provides for sanctions, including monetary forfeitures and license revocation, for child care providers that violate a statute, rule or provision of licensure.

Act 319 (SB-582) provides that a child who is charged with a traffic or boating offense may be held before trial only in a secure juvenile detention facility, that a child who is sentenced to a period of incarceration of less than 6 months for a traffic or boating offense may serve that period of incarceration only in a secure juvenile detention facility and that if a child is sentenced to a period of incarceration of 6 months or more by a court of civil or criminal jurisdiction (adult court) for a traffic or boating offense, the adult court must petition a juvenile court to order a disposition, including placement in a secured juvenile correctional facility if appropriate. Under preexisting law, a child who was charged with, or sentenced to a period of incarceration for, a traffic or boating offense could be held in an adult jail or an adult correctional facility.

Constitutional Amendments

Enrolled Joint Resolution 9 (Senate Joint Resolution 30), proposed by the 1991 Legislature on 2nd consideration, authorizes the state to acquire, develop, improve or construct railway facilities for public purposes. The amendment was ratified by the electorate on April 7, 1992.

Enrolled Joint Resolution 13 (Assembly Joint Resolution 16), proposed by the 1991 Legislature on 2nd consideration, authorizes compensation increases for legislators to become effective after the next general election instead of after a legislator's term expires. The amendment was ratified by the electorate on April 7, 1992.

Enrolled Joint Resolution 14 (Senate Joint Resolution 12), proposed by the 1991 Legislature on 2nd consideration, modifies the constitutional requirement for uniform state taxation by authorizing the Legislature to reduce property taxes on residential and agricultural real property (see *HIGHLIGHTS*).

Enrolled Joint Resolution 16 (*Assembly Joint Resolution 130*), proposed by the 1991 Legislature on first consideration, restricts the Governor's authority to partially veto appropriation bills by defining an appropriation bill, by deleting the Governor's authority to veto an appropriation bill "in whole or in part" and substituting authority to veto an "item" of an appropriation bill and by permitting the Governor to veto an "item" of an appropriation bill only if the remainder of the bill meets certain criteria (see *HIGHLIGHTS*).

Correctional System

Act 39 (*AB-91*) makes various changes relating to the correctional system. The act:

1. Requires DOC to administer an intensive sanctions program (see *HIGHLIGHTS*).
2. Provides for additional prison facilities, including new prisons and modifications to preexisting prisons.
3. Creates the mother-young child program in which female prisoners may retain, during participation in the program, the physical custody of their children.
4. Revises eligibility criteria and other aspects of the challenge incarceration (boot camp) program.
5. Limits DOC liability for medical and dental service costs of prisoners.
6. Increases to \$40 per person per day the rate that the state reimburses a county for the costs associated with certain probationers or parolees in county jail under a departmental hold order pending disposition of probation or parole revocation proceedings. The act also shortens the time period within which DOA's division of hearings and appeals must begin those proceedings.
7. Transfers from DOC to DHSS the responsibility for supervising, upon release, persons who were committed following a finding of not guilty of a crime by reason of mental disease or defect.
8. Limits DOC responsibility for providing presentence investigation reports just to felony cases.

Act 269 (*SB-483*) requires DOC to collect not less than 5% nor more than 20% of the gross wages of state prison inmates working under certain prison industries contracts. The amounts collected must be used for crime victim compensation purposes. The act also declassifies 4 DOC positions whose functions relate to sales of corrections industries products and provides that compensation for the positions is a base salary plus commissions.

Courts and Procedure

Act 39 (*AB-91*) makes various changes related to courts and procedures. The act:

1. Provides an additional circuit court branch in Milwaukee County and authorizes the chief judge in the First Judicial Administrative District (serving Milwaukee County) to designate 4 courts of that county as violent crime courts.
2. Increases reserve judge pay from \$190 to \$205 per day.
3. Provides civil immunity to a state officer, employe or agent who furnishes safety inspections or advisory services intended to reduce the likelihood of injury, death or damages.
4. Removes a requirement that a jury be sequestered during a first degree murder trial.
5. Requires that a person commencing an action against a state officer, employe or agent comply strictly with the notice of claims requirements specified in the statutes. Formerly, strict compliance was not required.

6. Increases the circuit court automation fee from \$1 to \$3 to provide staffing and funding for installation, training and support services for the circuit court automation project.

Act 40 (AB-66) authorizes circuit courts and municipal courts to order a person who has committed an ordinance violation to make restitution to any victim who suffered damages as a result of that ordinance violation. In most cases the amount of restitution is limited to \$200.

Act 43 (AB-260) gives the judicial records, orders and judgments of Indian tribal courts and acts of Indian tribal legislative bodies the same full faith and credit in the courts of this state as acts, records, orders and judgments of any other governmental entity.

Act 64 (AB-147) requires courts to count the number of violations, instead of convictions, that had occurred within a 5-year period when setting the penalties for operating a vehicle after the person's operating privilege is suspended or revoked.

Act 65 (AB-194) provides a special civil procedure for the failure to pay for any food, beverage, lodging or other service at any hotel, motel, boarding or lodging house, campground or restaurant. Victims may recover actual damages plus limited punitive damages and attorney fees.

Act 71 (SB-372) creates an additional court of appeals judgeship in Court of Appeals District I (Milwaukee County) and creates 2 additional circuit court branches in Dane County and one each in Monroe and Walworth counties (see also *Act 269*).

Act 122 (AB-362) requires that all appeals of contempt of court cases be held before a one-judge court of appeals.

Act 128 (AB-363) gives circuit courts the option of entering a plea of no contest and issuing a judgment for a monetary forfeiture against a person who is accused of an ordinance violation and who fails to make a cash deposit or appear in circuit court to contest the alleged violation.

Act 134 (SB-356) eliminates a requirement that the citation used in certain violations punishable by monetary forfeitures include information concerning the maximum forfeiture, assessments and other penalties for that violation. The act also gives clerks of circuit court discretion to refuse to docket a document until the appropriate fee is paid.

Act 163 (AB-436) expands the jurisdiction of the small claims court to include actions for the return of earnest money tendered for purchase of real estate and for confirmation, modification or vacation of an arbitration award arising out of a real estate transaction, regardless of the amount of the earnest money claim or arbitration award.

Act 179 (AB-832) changes the time a hospital has to file a notice of lien for services rendered from 30 days to 60 days after a patient's discharge and allows the hospital to send a copy of the notice of lien to the patient by certified mail. Former law permitted a hospital to use registered mail only.

Act 182 (SB-296) requires a judgment debtor in a small claims action to execute and mail a copy of a disclosure statement to the judgment creditor or to the clerk of the circuit court in the county where the judgment is entered.

Act 217 (AB-119) allows a patient to use his or her initials instead of name in the court documents filed in a civil action against a therapist for sexual exploitation. The act provides that any agreement by a patient and therapist that prohibits the patient from disclosing the conduct of the therapist to another therapist, DORL, DHSS or a district attorney is void.

Act 236 (AB-508) establishes a procedure for determining which country's money is used and the rate of exchange in cases in which one or more of the parties involved in a civil lawsuit asserts a claim in money other than U.S. currency and in cases involving enforcement of a judgment from another jurisdiction that is expressed in a foreign money.

Act 245 (AB-853) requires the state to pay the attorney fees and any judgment rendered against a state officer or employe in a state or federal criminal action for the inadvertent acts of the state officer or employe committed in the storage, transportation, treatment or disposal of a hazardous substance if the person was acting in good faith and within the scope of his or her employment.

Act 269 (SB-483) makes various changes relating to courts and procedure. The act:

1. Makes court commissioners subject to review and discipline by the Judicial Commission.

2. Creates additional circuit court branches commencing on August 1, 1994, in the counties of Dane, Door, Eau Claire, Kenosha, Milwaukee, Outagamie, Portage, Sheboygan and St. Croix (see also *Act 71*).

3. Allows the Chief Justice of the Supreme Court to appoint as a reserve judge any person who has served a total of 6 or more years (instead of 8 years) as a supreme court justice or circuit judge and adds court of appeals judges to those eligible after 6 years of service. The act also removes the provision allowing the appointment of certain persons who had served as a judge or justice of any court for 4 or more years.

4. Raises the per diem salary of temporary reserve judges from \$205 to \$225 as of August 1, 1994.

5. Permits DOA to award grants to the city of Madison for programs to help youths who are at risk due to alcohol or other drug abuse problems.

Act 271 (AB-306) makes numerous changes regarding the eligibility and selection of jurors, including expanding the sources used to create a jury list, setting forth a procedure for avoiding duplication when establishing a jury list, and establishing the option for one-day or one-trial jury responsibility.

Act 276 (SB-197) allows members of organizations that provide counseling or support services to victims of crime or abuse to attend civil and criminal proceedings with a victim and to confer with a victim at those proceedings.

Act 297 (SB-237) creates a uniform statutory power of attorney form that includes a list of powers that a principal may delegate to the agent designated in the power of attorney form.

Act 308 (AB-388) raises the limit upon damages for loss of society and companionship in wrongful death actions from \$50,000 to \$150,000.

Act 318 (SB-209) provides a Ski Patrol member with immunity from liability for civil damages resulting from any acts or omissions committed while acting as a Ski Patrol member.

Crimes

Act 11 (AB-179) provides a mandatory criminal history record check procedure applicable to handgun sales by federally licensed firearms dealers (see *HIGHLIGHTS*).

Act 17 (Jan. 1991 Spec. Sess. SB-2) restricts the possession and use of firearms in, on or within 1,000 feet from the grounds of a public, parochial or private school.

Act 20 (AB-33) prohibits the unauthorized release of animals that are lawfully confined for scientific, farming or other specified purposes and provides criminal penalties and a civil cause of action applicable to any such unauthorized release.

Act 39 (AB-91) makes various changes relating to crimes. The act:

1. Modifies various property crime penalties, generally establishing \$1,000 as the loss or damage threshold separating felony offenses from misdemeanor offenses.

2. Requires DOJ to maintain a toll-free telephone number (hotline) to provide crime victims and witnesses with information and referral, crisis counseling and assistance in obtaining resources and protection.

3. Provides a grant to the city of Milwaukee for police substations in high crime areas.

Act 46 (AB-350) provides funding for the state crime laboratories in the cities of Milwaukee, Madison and Wausau.

Act 63 (AB-124) revises the procedure for handling cash deposits (bail) for defendants charged with crimes and requires the return of a deposit if the defendant is acquitted or the charges are dismissed.

Act 88 (SB-161) makes the issuance of a criminal complaint and an arrest warrant discretionary whenever a judge in a John Doe (investigatory) proceeding determines that there is probable cause to believe that a crime was committed by a certain person. Formerly, the issuance of a criminal complaint and an arrest warrant under those circumstances was mandatory.

Act 135 (AB-145) broadens arrest authority within Milwaukee County for officers of law enforcement agencies that implement written policies regarding arrests outside of their territorial jurisdictions.

Act 137 (AB-86) provides penalties for modifying a firearm so that it will provide full-automatic fire.

Act 138 (AB-771) specifies that the weight of marijuana, including all parts of the plant and its seeds and resin, must be considered in determining the applicable minimum and maximum penalties for drug dealing offenses involving marijuana.

Act 139 (SB-54) creates penalties applicable to any person who recklessly stores or leaves a loaded firearm within the reach or easy access of a child under 14 years old if the child obtains the firearm without lawful permission and uses the firearm in certain ways.

Act 140 (SB-226) expands the coverage of the drug paraphernalia laws to apply to equipment, products and materials that are used, designed for use or primarily intended for use in violation of the controlled substance (dangerous drug) laws.

Act 153 (AB-918) increases penalties for soliciting or using a child to commit a felony.

Act 155 (AB-95) prohibits the sale or distribution of certain toy guns and other imitation firearms that are designed to look like actual firearms.

Act 159 (SB-310) modifies reporting requirements relating to crime victims and witnesses.

Act 172 (SB-412) allows the Chief of the Capitol Police to authorize individuals to go armed in the State Capitol Building.

Act 188 (SB-519) permits a district attorney to appoint an attorney, without court approval, to serve as a public service special prosecutor without state compensation. The public service special prosecutor may perform the duties and exercise the powers of the district attorney and serves at the pleasure of the district attorney. The act permits a law

firm or other employer of a public service special prosecutor to continue to pay his or her salary and benefits for up to 4 months.

Act 193 (AB-252) permits the Milwaukee County District Attorney to use certain police latent fingerprint reports at preliminary examinations in criminal cases without calling as witnesses the experts who made the findings contained in those reports.

Act 194 (AB-739) increases penalties for harassment that occurs while the actor is subject to a restraining order limiting contact with the victim, while accompanied by a credible threat of death or severe harm or within 7 years of a prior serious harassment offense.

Act 205 (AB-542) provides penalties for persons who mutilate or hide a corpse with the intent to conceal a crime or avoid apprehension, prosecution or conviction for a crime.

Act 223 (AB-960) makes the closed record requirement for John Doe proceedings applicable only if a judge conducts a John Doe proceeding secretly.

Act 253 (SB-402) creates a sentencing option whereby a court may order that a misdemeanor offender be placed with a volunteers in probation program, under which a volunteer may serve as a role model or provide counseling or monitoring functions.

Act 269 (SB-483) requires DHSS to notify crime victims regarding extended home visits or leaves, conditional releases, terminations and discharges of certain persons who have been criminally committed to DHSS. The act also increases the time limit for bringing criminal prosecutions in child enticement cases.

Act 291 (AB-507) provides that the penalty enhancement and special civil action provisions of the "hate crimes" law apply if the intentional selection of the victim is wholly or partially based on the actor's belief about the victim's race, religion, color, disability, sexual orientation, national origin or ancestry, whether or not the belief was correct.

Discrimination

Act 295 (AB-684) makes various changes in the state fair housing law based on the federal Fair Housing Amendments Act of 1988. The act:

1. Changes the protected classes that are covered by the law.
2. Adds to the list of discriminatory acts prohibited by the law.
3. Provides new requirements protecting persons with disabilities from discrimination in housing.
4. Adds new exemptions to the prohibitions against discrimination.
5. Changes certain administrative enforcement procedures.
6. Authorizes a court to impose forfeitures for violations of the law.

Domestic Relations

Act 39 (AB-91) makes various changes in the laws relating to domestic relations. The act:

1. Requires the court to use the child support percentage standard when setting child support in all child support order revisions.
2. Requires a judge or family court commissioner who makes a child support order that deviates from the amount that would be required by using the child support percentage standard to state in writing or on the record the amount of support that would be required by using the percentage standard and the amount by which the order deviates from that amount.

3. Requires a clerk of court to disburse maintenance, child support or family support payments within 15 days of receipt.

4. Allows a county to increase from \$10 to \$25 the annual fee paid to the clerk of court by a party ordered to pay child or family support or maintenance for receiving and disbursing such payments, and requires a court to notify a party ordered to pay support or maintenance of this annual fee and the amount of the fee.

Act 96 (SB-156) allocates funds to a domestic abuse shelter in the city of Milwaukee for the operation of a 24-hour telephone service.

Act 224 (AB-984) changes from elective to automatic the surviving spouse's intestate share of a decedent's property other than marital property.

Act 228 (SB-195) prohibits employes or agents of organizations that provide domestic abuse services from intentionally disclosing the whereabouts of a recipient of domestic abuse services or the whereabouts of a minor child of the recipient.

Act 287 (SB-232) reduces, from 10 days to 5 days, the time within which an employer or other person that receives a notice of assignment for the payment of support or maintenance must send to the clerk of court the amount withheld from the money owed to the payer of the support or maintenance.

Act 301 (AB-983) makes numerous changes to the laws relating to marital property. The act:

1. Allows a surviving spouse to disclaim the decedent's interest in survivorship marital property.

2. Allows a person who is intending to marry to execute a unilateral statement classifying the income from nonmarital property as individual property.

3. Provides that a marital property agreement may create certain exceptions to general marital property rules.

4. Provides that a "Washington will" provision in a marital property agreement is revoked, as a matter of law, upon a judgment of annulment, divorce or legal separation. (A "Washington will" provision specifies that, upon the death of either spouse, any of either or both spouses' property passes without probate to a named designee by nontestamentary disposition.)

5. Exempts certain property from being seized in satisfaction of a judgment and provides a procedure for lifting a lien obtained as a result of a judgment.

6. Provides that a claim against an estate that is based on a certain type of marital property agreement is not subject to the time bar generally applicable to claims against an estate.

7. Clarifies, by stating expressly, various implicit rules of marital property about which questions have arisen relating to probate matters, account ownership, the availability of certain property to satisfy certain obligations and the valuation of certain beneficial interests.

Education

PRIMARY AND SECONDARY EDUCATION

Act 10 (SB-121) authorizes the Board of Directors of the Milwaukee Public Schools (MPS), before July 1, 1995, to appoint a Superintendent of Schools who is not licensed by DPI.

Act 15 (SB-12) substitutes the term "cognitive disability" for "mental retardation" in the laws relating to the education of handicapped pupils.

Act 39 (AB-91) makes numerous changes in the laws relating to public instruction. The act:

1. Provides that in the 1992-93 school year the primary cost ceiling, which determines the level of state support for most school costs, is adjusted by the average percentage change in the consumer price index.

2. Modifies the formula for calculating general aid to County Handicapped Children's Education Boards (CHCEBs). Under the act, a CHCEB receives general aid only for costs associated with its own program and not for costs related to a participating school district's programs.

3. Modifies the special adjustment aid program, which guarantees eligible school districts a certain percentage of their previous year's aid, by reducing the percentage from 90% to 85%.

4. Eliminates the statutory reimbursement rate of 63% for costs of the bilingual-bicultural programs.

5. Allocates funds for the 1991-92 fiscal year for various educational programs within MPS, including alternative educational programs for pupils ages 13 to 18 who are subject to learnfare (a program that reduces a family's AFDC benefit if a child does not attend school). The act also provides that the allocation for the 1992-93 fiscal year is based upon a spending plan submitted by the Governor to JCF.

6. Adds 3 categories of programs eligible for science, mathematics and technology grants: interdisciplinary programs for elementary grade pupils involving laboratory and field experiences in basic research, environmental scientist-in-residence programs, and programs designed to encourage females and minority group pupils to pursue advanced studies and careers in science, mathematics, engineering and research.

7. Delays until the 1992-93 school year the elimination of the requirement that DPI use federal discretionary funds to pay the costs of educating children from the Central Wisconsin Center for the Developmentally Disabled who are attending the Madison School District.

8. Expands eligibility for state reimbursement under the morning milk program to include children enrolled in prekindergarten who are eligible for free or reduced-price lunches under the federal school lunch program.

9. Directs the State Superintendent of Public Instruction to develop a school and school district performance report for use by all school districts. The act requires school districts to annually distribute the reports to each pupil's parent or guardian.

10. Establishes a postsecondary enrollment options program, which allows a public school pupil enrolled in the 11th or 12th grade to attend a postsecondary institution to take one or more nonsectarian courses. Generally, if a course is taken for high school credit, the school board is responsible for the cost of tuition, fees, books and other necessary materials (see also *Act 269*).

11. Provides that only pupils who are children at risk (pupils who are significantly behind their age group academically and are also dropouts, habitually truant, parents or adjudicated delinquents) may attend a VTAE school part-time or in lieu of high school, and modifies the method of calculating the school district payment to the VTAE district for those pupils.

12. Requires the State Superintendent of Public Instruction to submit rules to permit school boards to comply in an alternative manner with school district standards.

13. Directs the State Superintendent of Public Instruction to give priority to assisting school boards to operate vocational student organizations.

14. Transfers DPI's Bureau for Children with Physical Needs and its function to DHSS.

15. Allows a school board to provide transportation for children residing in a school district to and from day care or prekindergarten programs and to charge a fee for such transportation.

16. Permits a law enforcement agency, upon the request of a school district administrator, to provide the administrator with any information in its records on the use, possession or distribution of alcohol or dangerous drugs by a pupil. The school district may use the information only for the purpose of providing AODA programs for pupils enrolled in the school district (see also *Children*).

17. Eliminates the statutory position of secretary-business manager in MPS. The act allows the MPS Board of Directors to elect a clerk from among its members.

18. Requires school districts to establish technical preparation programs in each high school, consisting of a sequence of courses designed to allow high school pupils to gain advanced standing in VTAE associate degree programs upon graduation from high school.

19. Creates a reading performance grant category as part of the learning assistance grant program. A school district is eligible for a grant if at least 20% of the 3rd grade pupils enrolled in the school district scored at or below the state minimum performance standard on the 3rd grade reading test in either of the previous 2 years.

20. Allows cooperative educational service agencies to contract with UW institutions and centers and VTAE districts.

Act 42 (AB-120) directs the State Superintendent of Public Instruction to revoke a license granted by the State Superintendent of Public Instruction, without a hearing, if the licensee is convicted of any of certain specified felonies. The act prohibits license reinstatement in such cases for 6 years. The act also prohibits the State Superintendent of Public Instruction from granting a license to an individual who has been convicted of any of the same specified felonies for 6 years following the date of conviction.

Act 48 (SB-17) provides that a pupil enrolled in a 4-year-old kindergarten program that provides at least 437 hours of direct pupil instruction each year is counted as 0.6 pupil in the school district's enrollment for state aid purposes if the program annually provides at least 87.5 additional hours of outreach activities. The act also authorizes a school board operating a 4-year-old kindergarten program to use up to 87.5 of the scheduled hours for outreach activities.

Act 49 (SB-80) eliminates the requirement for separate annual-meeting approval of the issuance of bonds or promissory notes in a common school district when a referendum is not required or a petition for a referendum is not filed within the time permitted. The act also exempts from the procedures required for the issuance of a promissory note any note issued by a school district in response to an order to remove a hazardous substance from a school or to remedy fire code violations.

Act 51 (SB-286) appropriated moneys to DPI for supplemental aid to school districts in the 1991-92 fiscal year and postponed the dates by which school budgets for the 1991-92 fiscal year had to be determined (see also *State Finance*).

Act 93 (AB-666) increases by 3 the authorized full-time equivalent positions for the Division of Instructional Services, Bureau for Vocational Education in DPI.

Act 103 (AB-290) requires that appropriate health care professionals who are employees of a school board, cooperative educational service agency, county handicapped children's

education board, or private school be involved in the development of their employer's policy on the administration of drugs to pupils.

Act 108 (SB-221) directs the State Superintendent of Public Instruction to establish an alternative teacher training program for mathematics and science teachers. The program consists of approximately 100 hours of formal instruction and is open to any person who holds a bachelor's degree in engineering, mathematics, biology, chemistry or physics, has at least 5 years of experience as an engineer, mathematician or science professional and passes the appropriate subject area portion of the national teacher's examination in mathematics or science.

Act 131 (SB-289) prohibits discrimination in public schools on the basis of religion.

Act 157 (AB-551) eliminates the requirement that a school district receiving a grant under the preschool to grade 5 program annually test pupils in preschool programs and eliminates testing in science and social studies. The act requires all pupils in grades 1 to 5 to be tested in reading, language arts and mathematics.

Act 164 (AB-461) specifies that beginning in the 1995-96 school year, no child with exceptional educational needs as a result of a visual handicap may be denied the opportunity to receive instruction in reading and writing braille. In addition, beginning July 1, 1995, the act prohibits the State Superintendent of Public Instruction from issuing or renewing a license to teach the visually impaired unless the applicant demonstrates that he or she is proficient in reading, writing and teaching braille.

Act 196 (AB-898) allows children enrolled in alternative educational programs in MPS who are also children at risk to be counted as enrolled in children-at-risk programs for the purpose of computing state aid for children-at-risk to MPS.

Act 227 (SB-167) directs the State Superintendent of Public Instruction to promulgate rules providing for the reasonable accommodation of a pupil's sincerely held religious beliefs with regard to all examinations and other academic requirements.

Act 269 (SB-483) makes numerous changes in the laws relating to primary and secondary education. The act:

1. Creates an Educational Goals Committee and directs it to hold regional conferences and a statewide conference during the 1992-93 school year on school district and state educational goals and a state vision for education, and to submit recommendations on these topics to the Legislature by September 1, 1993.

2. Eliminates the competency-based testing program and the requirement that school districts annually administer tests in reading, language arts and mathematics in at least 4 grade levels and directs the State Superintendent of Public Instruction to adopt or approve examinations designed to measure pupil attainment of knowledge in the 8th and 10th grades (see *HIGHLIGHTS*).

3. Requires representatives of school boards, school administrators, teachers and parents to participate in the development of a management restructuring program designed to decentralize school board powers and duties and to foster shared decision-making. The act also provides for grants to school districts to assist in developing or implementing a management restructuring program.

4. Creates a new category under the learning assistance grant program to provide grants to school districts for programs that provide educational, health, nutritional, mental health and social services to low-income preschoolers and their families.

5. Establishes a grant program to assist in funding school district, cooperative educational service agency and professional educational development consortium staff development programs.

6. Establishes a student readiness study committee to evaluate health and social welfare programs to determine how well the programs prepare children for school.

7. Allows a school board, in conjunction with one or more public agencies or private, nonprofit, community-based organizations, to apply to the State Superintendent of Public Instruction for a 3-year grant to develop and implement a collaborative service program for preschool or elementary grade pupils and their families.

8. Directs the State Superintendent of Public Instruction to award a \$300,000 grant to a rural school district, a suburban school district and an urban school district (other than MPS) for collaborative projects with the county social services department or the county human services department that integrate social services and educational services offered to pupils and their parents.

9. Establishes a grant program to enhance the instruction of mathematics and science in the elementary grades.

10. Authorizes the MPS Board of Directors to hold its annual meeting on or after the 4th Monday in April and before the first Monday in May. Former law required the meeting to be held on the 4th Monday in April.

11. Provides funds to MPS for a mentor teacher program for inexperienced teachers, a peer coaching program for experienced teachers and school administrator assessment and development.

12. Requires school districts to pay the costs of advanced placement examinations taken by pupils who are eligible for free or reduced-price lunches under the federal school lunch program.

13. Modifies the postsecondary enrollment options program created in Act 39. The act provides that a school district is required to pay for a course taken for high school credit at a postsecondary institution only if a comparable course is not offered in the school district. The act also provides that if a school board determines that the number of pupils enrolled in a course at a postsecondary institution is equal to or greater than the number normally required for the school board to offer the course, and the school board expects the situation to continue in the next school year, the school board must offer the course in the next school year.

14. Authorizes a school board to require a pupil to participate in community service activities in order to receive a high school diploma.

15. Provides that school districts that consolidate are eligible to receive for 5 years, instead of 3, a special adjustment aid that guarantees no less than the total amount of general school aid received by the separate school districts in the school year prior to consolidation and a 10% increase, instead of 5%, in the consolidated school district's equalization aid formula's primary and secondary guaranteed valuations and primary cost ceiling. These factors determine the level at which the state shares in funding school district costs.

16. Requires the State Superintendent of Public Instruction to annually audit 10% of all school districts for compliance with school district standards and to audit each school district at least once every 10 years but not more than once every 6 years. Former law required auditing 20% annually, with each school district audited at least once every 5 years but not more than once every 3 years.

17. Requires the State Superintendent of Public Instruction to annually identify those school districts that are low in performance and those schools in which there are pupils enrolled who do not meet the minimum performance standard on state-required examinations. The state superintendent must make recommendations regarding how the programs and operations may be improved.

18. Allows the State Superintendent of Public Instruction to request up to 10 items of information on staffing and financial data for inclusion in the school district performance report (see also *Act 39*).

19. Requires the State Superintendent of Public Instruction to develop a uniform pupil transcript that may be used by school districts.

20. Directs the State Superintendent of Public Instruction to coordinate and publicize the exchange of teachers and administrators between school districts.

21. Requires all school boards, except school boards of union high school districts, to annually adopt a policy on access to extracurricular and recreational school programs and activities that encourages full participation by all elementary grade pupils in these programs and activities.

22. Increases from 10 to 15 the number of consecutive school days that a pupil may be suspended from school pending an expulsion hearing.

23. Expands priority for preschool to grade 5 program grants to include school districts that had programs in existence on July 1, 1991.

24. Increases the state reimbursement for driver education programs from \$50 to \$100 for each pupil who completes a course in driver education.

25. Provides that a school district receives first priority for a state trust fund loan made by the Board of Commissioners of Public Lands if the school district is subject to an order issued by the State Superintendent of Public Instruction after December 31, 1991, regarding noncompliance with the state standard for safe and healthful facilities, the school district's equalized property value per pupil is less than 50% of the statewide average and its property tax levy rate is greater than 140% of the statewide average.

26. Allows the MPS Board of Directors to contract with other governmental units for the purchase, operation and maintenance of land, buildings and equipment for educational purposes.

Act 314 (*Oct. 1991 Spec. Sess. SB-4*) authorizes the MPS Board of Directors, upon approval by the mayor of Milwaukee, to direct the Milwaukee common council to issue up to \$35,000,000 in promissory notes between June 1, 1992, and June 30, 1995, for the purpose of providing additional classroom space to accommodate anticipated school enrollments and for educational programming.

The act also directs the board to develop a 10-year facility plan. The board must hold public hearings on the plan and approve the plan by November 15, 1992.

Finally, the act provides that if the representatives of school boards, school administrators, teachers and parents meeting during the 1993-94 school year to develop a management restructuring program (*See Act 269, item 3*) reach an agreement that is approved by two-thirds of the teachers employed at the school, the program must be implemented beginning in the 1994-95 school year unless a different time is specified in the agreement.

UNIVERSITY OF WISCONSIN SYSTEM

Act 39 (*AB-91*) makes various changes relating to the UW system. The act:

1. Requires the Board of Regents of the UW system to annually submit a plan to JCF on its proposed uses of funds resulting from reductions of base resources and staff vacancies due to enrollment reductions.

2. Extends the expiration date of the pilot minority student tuition award program to June 30, 1994, and requires the Board of Regents to allocate at least 1% of the amount appropriated to the UW for minority and disadvantaged students in the 1991-92 and 1992-93 fiscal years to fund proposals from faculty and academic staff to encourage minority pupils in grades 5 to 8 to attend college.

3. Allows the Board of Regents to increase the salary of the UW system president.

4. Requires the Board of Regents to specify, in its biennial budget request and in fiscal estimates, the anticipated completion date of all research and public service projects that involve general purpose revenue.

5. Establishes a Great Lakes Indian law program at the UW-Madison Law School.

6. Requires the UW-Madison to establish a fee structure at the University Ridge Golf Course that contains no more than 2 fee levels: one for students and one for all other participants.

7. Provides a 2-year extension of the tuition award program at UW-Parkside and UW-Superior. The program exempts a number of students at those 2 campuses from nonresident tuition.

8. Exempts from nonresident tuition refugees who have resided continuously in this state since their emigration and have demonstrated an intent to make this state their permanent home.

9. Permits the Board of Regents to annually award up to \$500 each to no more than 10 UW system employes who make suggestions that result in significant quality improvements for the system relating to supplies and expenses.

10. Permits a chancellor to designate an administrative officer as provost to act as chief officer in the chancellor's absence.

11. Authorizes the Board of Regents to promulgate rules specifying circumstances (in addition to a leave of absence, sabbatical or teacher improvement assignment) that are not included in the 7-year limit on probationary faculty appointments.

Act 68 (SB-169) allows the president of the Board of Regents to designate a member of the Board of Regents other than the vice-president to serve on the state VTAE Board in his or her place.

Act 118 (AB-561) allows the Board of Regents to grant a tenure appointment to a faculty member without the affirmative recommendation of the appropriate academic department (see *HIGHLIGHTS*).

Act 168 (AB-835) exempts from nonresident tuition at the UW system members of the armed forces who reside in this state and are stationed at a federal military installation located within 90 miles of the borders of this state, and their spouses and children.

Act 169 (AB-847) exempts from nonresident tuition at the UW system nonresident members of the armed services and persons engaged in alternative service who are stationed in this state, and their spouses and children, even if such persons are stationed in this state for the purpose of obtaining an education.

Act 227 (SB-167) directs the Board of Regents to promulgate rules providing for the reasonable accommodation of a student's sincerely held religious beliefs with regard to all examinations and other academic requirements.

Act 269 (SB-483) directs the Board of Regents to assist the Council on American Indian Health in developing and updating those elements of the state American Indian health plan that relate to the recruitment and training of health care providers. The act also eliminates the requirement for the UW system to conduct research on supplemental bovine somatotropin.

VOCATIONAL, TECHNICAL AND ADULT EDUCATION

Act 29 (AB-132) adds a student enrolled in a VTAE school to the state VTAE Board.

Act 39 (AB-91) makes various changes relating to the VTAE system. The act:

1. Authorizes the state VTAE Board to award incentive grants for programs that assist business and industry in adopting and implementing new technology.

2. Makes all district boards eligible for minority retention grants, which are awarded for programs that increase the retention of minority students in the VTAE system. The act also establishes a new grant category for programs that use community-based organizations to assist in the recruitment, training and retention of minority students.

3. Creates a farm training tuition assistance program, which provides matching grants to students enrolled in the first 4 years of farm business and production management programs.

4. Provides grants to VTAE districts to assist in funding transitional services for handicapped students.

5. Requires that technical preparation programs be coordinated and approved by a council established in each VTAE district (see also *Primary and Secondary Education*).

6. Establishes a Workplace Literacy Resource Center operated by the state VTAE Board.

7. Requires the state VTAE Board to assist VTAE districts in operating student vocational organizations.

8. Clarifies that interdistrict tuition supplemental aid, paid to those VTAE districts in which the number of residents of other VTAE districts enrolled is greater than the number of residents enrolled in other districts, is determined based solely on students enrolled in associate degree and vocational diploma programs.

9. Increases the percentage of statewide operational costs on which tuition is based from not less than 12% to not less than 14% for postsecondary and vocational adult programs and from 29.3% to not less than 31% for college transfer programs.

10. Allows the state VTAE Director to authorize a VTAE district board to waive nonresident fees for needy and worthy students and students enrolling under certain agreements with foreign educational institutions, and to charge nonresident students enrolled under federal contracts a fee equal to the costs per full time equivalent student of operating the programs in which the students are enrolled.

11. Allows VTAE districts, with the approval of the state VTAE Director, to establish fees for vocational-adult seminars and workshops.

12. Allows VTAE districts to charge a fee for court-approved programs for alcohol and other drug abuse that are offered to juveniles as an alternative to penalties.

Act 67 (SB-118) authorizes a VTAE district board to adopt resolutions regulating the parking of motor vehicles on property under its jurisdiction. The resolutions may establish a fee for parking and fines for the violation of any parking regulation (see also *Traffic and Parking Regulation*).

Act 68 (SB-169) allows the president of the VTAE system to designate a member of the VTAE Board other than the vice-president to serve on the Board of Regents of the UW system in his or her place.

Act 184 (SB-360) specifies that for the purposes of determining eligibility to attend and tuition at a VTAE school, persons who are refugees under federal law, who moved to this state immediately upon arrival in this country and who have resided in this state continuously since then are to be considered state residents if they demonstrate an intent to establish and maintain a permanent home in this state.

Act 227 (SB-167) directs the state VTAE Board to promulgate rules, applicable to all district boards, providing for the reasonable accommodation of a student's sincerely held religious beliefs with regard to all examinations and other academic requirements.

Act 269 (SB-483) directs the state VTAE Board to assist the Council on American Indian Health in developing and updating those elements of the state American Indian health plan that relate to the recruitment and training of health care providers.

OTHER EDUCATIONAL AGENCIES

Act 39 (AB-91) requires the Arts Board to award grants to the Wisconsin Chamber Orchestra, the Milwaukee Symphony Orchestra and the Florentine Opera.

The act directs the Educational Approval Board to establish, by rule, the fee for a proprietary school solicitor's permit and the amount of a proprietary school's surety bond. Previous law restricted the maximum fee for a solicitor's permit to \$50.

The act requires the nonstock, nonprofit corporation created to raise funds for the Educational Communications Board to donate any real and tangible property it currently holds or acquires to the state (see also *Act 269*).

The act modifies eligibility for the academic excellence higher education scholarship program and includes high school pupils at the School for the Deaf and the School for the Visually Handicapped in the program. Under the program, scholarships are awarded to certain designated scholars who enroll at postsecondary institutions in Wisconsin (see also *Act 269*).

The act increases the maximum grant available under the Indian student assistance grant program to \$2,000 and expands eligibility for nursing student stipend loans to resident students enrolled in programs leading to a master's degree in nursing.

The act transfers First Capitol State Park from DNR to the State Historical Society on July 1, 1993. It requires the Historical Society to prepare and distribute to cities, villages and counties a model historic preservation ordinance. The act also makes several technical changes to state law on burial sites preservation and field archaeology administered by the Historical Society.

Act 161 (AB-403) makes various changes in the laws relating to school services of the Historical Society, including requiring the society to prepare instructional materials for the teaching of state and local history and offer seminars to teachers.

Act 212 (SB-163) adds 3 members to the Arts Board and requires regional representation on the board.

Act 226 (SB-166) creates a records pilot grant program, administered by the Historical Society, to fund projects for the protection, preservation and management of local public records.

Act 269 (SB-483) requires, except under limited circumstances, that the nonstock, nonprofit corporation created to raise funds for the Educational Communications Board

donate any real property it acquires to the state within 5 years of property acquisition. The act removes the requirement that the corporation donate any tangible personal property it acquires to the state (see also *Act 39*).

The act allows the UW system to satisfy its matching requirement for designated scholars under the academic excellence higher education scholarship program by the waiver of academic fees (see also *Act 39*).

The act directs the Historical Society to develop and publicize a uniform system of historical markers and plaques. The act requires the Historical Society to coordinate the preservation, management and use of submerged cultural resources (any archaeological site or historic property located beneath a lake or stream surface) and creates a Submerged Cultural Resources Council.

The act prohibits the disclosure of the identity of any individual using library services except in certain circumstances. Under preexisting law, the identity of the individual could be disclosed but the materials used by that individual could not be disclosed.

Act 272 (AB-557) provides an exemption from the provision that all public library systems must honor the cards of adjacent library systems in cases in which the costs incurred by the library system that honors the cards exceeds the amount of reimbursement it receives from the library system that issued the cards it is honoring.

Elections

Act 5 (SB-11) makes various changes in the law relating to adjustment of municipal ward boundaries and adoption of county supervisory district plans. The act provides that decennial ward plans must reflect municipal boundaries as of August 1 of the year following a federal decennial census and specifically permits ward boundaries to be changed to enhance participation of members of a racial or language minority group in the political process and their ability to elect representatives of their choice (see also *Local Law*).

Act 62 (AB-109) uniformly applies to all school board candidates a preexisting requirement for certain candidates to state, on the face of their declarations of candidacy and nomination papers, if any, the apportioned area or numbered seat, if any, for which they are candidates.

Act 143 (SB-90) permits municipalities with a population of at least 35,000 but less than 50,000, for any election held prior to June 1, 1996, to provide for the use of combined ballot boxes and ballots or voting machines in groups of combined wards and for the reporting of election returns by combined groups of wards instead of by individual wards. The act also permits municipalities with a population of at least 87,000 but not more than 150,000 (city of Green Bay), for any election held prior to June 1, 1996, to use this procedure in groups of 2 combined wards. In addition, the act permits all such municipalities, as well as all municipalities with a population of less than 35,000, to maintain separate election returns for each ballot required by law only at the September primary and general election rather than at all elections.

Act 269 (SB-483) provides that in a recall election where officials are elected at large for the same term from the same district or territory, if more than one official holding the same office is the subject of a recall petition, the candidates must designate which position they are contesting and electors must vote for each position separately. Formerly, electors voted for the number of positions contested and the candidates receiving the highest numbers of votes were elected or retained in office.

Eminent Domain

Act 39 (AB-91) provides that if a person whose property is acquired by a condemnor waives relocation assistance or is ineligible for such assistance, the condemnor may require the person to vacate the acquired property before a comparable replacement property is available unless the acquired property is part of a project receiving federal financial assistance.

Act 269 (SB-483) permits a condemnor to obtain an appraisal of property or to obtain an option to purchase property (if no federal financial assistance is involved) without first filing a relocation assistance service plan and a relocation payment plan with DILHR.

Employment

CIVIL SERVICE

Act 35 (AB-487) ratifies the collective bargaining agreement for the 1991-93 biennium between the state and the Teaching Assistants' Association, AFT, Local 3220, AFL-CIO, as representative of the program, project and teaching assistants of the UW-Madison and UW-extension collective bargaining unit.

Act 39 (AB-91) repeals the one-year state residency requirement for city and county civil service positions.

The act also authorizes a person who files a complaint alleging employment discrimination with the Personnel Commission to waive the complaint investigation and proceed directly to a hearing on the merits of the complaint.

Act 52 (SB-270) ratifies the collective bargaining agreement for the 1991-93 biennium between the state and the Wisconsin Education Association Council, as representative of the employes of the professional education collective bargaining unit.

Act 53 (SB-271) ratifies the collective bargaining agreement for the 1991-93 biennium between the state and the State Engineering Association as representative of the employes of the professional engineering collective bargaining unit.

Act 54 (SB-327) ratifies the collective bargaining agreement for the 1991-93 biennium between the state and the WSEU, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employes of the clerical and related collective bargaining unit.

Act 55 (SB-328) ratifies the collective bargaining agreement for the 1991-93 biennium between the state and the WSEU, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employes of the security and public safety collective bargaining unit.

Act 56 (SB-329) ratifies the collective bargaining agreement for the 1991-93 biennium between the state and the WSEU, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employes of the technical collective bargaining unit.

Act 57 (SB-330) ratifies the collective bargaining agreement for the 1991-93 biennium between the state and the WSEU, AFSCME Council 24, and its appropriate affiliated locals, as representative of the employes of the professional social services collective bargaining unit.

Act 58 (SB-331) ratifies the collective bargaining agreement for the 1991-93 biennium between the state and the WSEU, AFSCME Council 24, and its appropriate affiliated

locals, AFL-CIO, as representative of the employes of the professional research, statistics and analysis collective bargaining unit.

Act 59 (SB-332) ratifies the collective bargaining agreement for the 1991-93 biennium between the state and the WSEU, 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.

Act 75 (AB-523) expands the authorization for interchange of employes of the state and of institutions of higher education with other state and local governments and institutions to authorize interchange of employes with foreign governments.

Act 132 (SB-316) authorizes the state to advertise classified civil service vacancies as requiring applicants to have a college degree if an employe is required to have a license or other credential for which a college degree is a prerequisite. Former law prohibited including a college degree requirement in advertisements of vacancies.

Act 149 (SB-567) ratifies the collective bargaining agreement for the 1991-93 biennium between the state and the Wisconsin Science Professionals, AFT, Local 3732, as representative of the employes of the professional science collective bargaining unit.

Act 150 (SB-568) ratifies the collective bargaining agreement for the 1991-93 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.

Act 151 (SB-569) ratifies the collective bargaining agreement for the 1991-93 biennium between the state and the District 1199W/United Professionals for Quality Health Care as representative of the employes of the professional patient care collective bargaining unit.

Act 269 (SB-483) declassifies 4 DOC civil service positions whose functions relate to sales of correction industries products and provides that compensation for the positions is a base salary plus commissions (see also *Correctional System*).

Act 288 (AB-372) requires the Secretary of Employment Relations to keep records concerning the number of state employes who are severely disabled.

Act 311 (SB-580) ratifies the collective bargaining agreement for the 1991-93 biennium between the state and the Association of State Prosecutors as representative of the employes of the assistant district attorneys collective bargaining unit.

Act 312 (SB-581) ratifies the collective bargaining agreement for the 1991-93 biennium between the state and the Milwaukee Graduate Assistants Association, AFT, Local 2169, AFL-CIO, as representative of the program, project and teaching assistants of the UW-Milwaukee collective bargaining unit.

OTHER EMPLOYMENT

Act 39 (AB-91) makes various changes in the laws related to employment. The act:

1. Creates a Wisconsin Service Corps, modeled after the Wisconsin Conservation Corps and administered by DILHR, to provide employment and personal development for unemployed persons age 18 to 26 years in Milwaukee County and to address the social, health and economic needs of communities in Milwaukee County.

2. Creates a youth apprenticeship program to be administered by DILHR with the assistance of the Youth Apprenticeship Council created under the act, the state VTAE Board and DPI.

3. Provides funding for grants to the city of Eau Claire, a labor organization representing employes of the Uniroyal Goodrich Tire Company plant in Eau Claire and

the West Central Private Industry Council to provide job training and related employment services for persons who are affected by the closing of that plant.

4. Provides an administrative procedure for resolving complaints alleging that a company has violated the law requiring a company that has received a loan or grant from the state within the previous year to notify DILHR and the area private industry council of any position opening with the company before advertising the position opening.

5. Extends the expiration date of the Wisconsin job opportunities business subsidy (WISJOBS) program from June 30, 1991, to June 30, 1993.

Act 85 (AB-571) makes various changes in the worker's compensation law. The act:

1. Increases the amount of death, disability and burial expense benefits payable.

2. Clarifies the process by which DILHR resolves disputes between health care providers and insurers or self-insured employers over the reasonableness of fees charged for services provided for an injured employe and over the necessity of treatment provided for an injured employe. Under the act, DILHR determines the reasonableness of a disputed fee by comparing the disputed fee to the average fee for the procedure for which the disputed fee was charged, as shown by a data base certified by DILHR. Under the act, DILHR determines the necessity of treatment by obtaining the opinion of an independent expert. DILHR must adopt that opinion unless a party to the dispute shows that the expert's opinion is in error.

3. Makes miscellaneous changes to the procedures governing the resolution of worker's compensation claims, including requiring an insurer or employer who requires an injured employe to submit to an examination to notify the employe of the specialization of the examiner and of the employe's right to receive a copy of the examination report.

4. Clarifies the process by which DILHR revokes an employer's self-insurer status by providing for a review by the Secretary of Industry, Labor and Human Relations or the secretary's designee of the revocation decision and for an administrative hearing to review the secretary or designee's determination.

5. Extends the expiration date for the uninsured employers fund from June 30, 1992, to June 30, 1994, if the cash balance in that fund does not reach \$3,000,000, and provides that if that balance is not reached by June 30, 1994, that fund will continue to exist, but the moneys in the fund may be used only for the administration of the fund and not to pay benefits to the injured employes of uninsured employers.

6. Provides that worker's compensation records, other than certain confidential records, are subject to inspection and copying under the open records law.

7. Makes permanent the option for officers of small, closely held corporations to elect not to be covered by the worker's compensation law.

8. Provides that tinnitus (ringing in the ear) is no longer compensable effective January 1, 1992.

Act 89 (SB-287) makes numerous changes in the unemployment compensation law. The act increases benefit rates, effective in January 1993, to a minimum of \$46 and a maximum of \$243 per week. The act also decreases the amount of wages required to qualify for benefits but requires an employe, before he or she may begin receiving benefits under a new claim, to have earned wages since receiving benefits under a prior claim equal to at least 5 times his or her benefit rate under the prior claim. The act reduces benefits for employes receiving certain lump-sum pension payments. The act makes requalification for benefits easier after an employe is suspended for good cause or fails to apply for or accept suitable work or to accept recall to work, or after an employe quits his or her job to take another job. The act permits certain seasonal employers in the recreation or tourism

industry to elect not to pay benefits based on work performed for them under certain conditions. In addition, the act extends lower contribution (tax) rates formerly granted to certain small employers to apply to more employers, and permits certain partnerships consisting of the same partners to be treated separately for contribution purposes.

Act 117 (AB-515) prohibits employers, labor organizations, employment agencies and licensing agencies from requiring a person to submit to a genetic test as a condition of employment, membership or licensure and from taking adverse employment action against a person who obtains a genetic test. This prohibition does not apply if an employee requests, and provides informed, written consent for, a genetic test for the purposes of investigating a worker's compensation claim or of determining the employee's susceptibility or level of exposure to toxic chemicals or toxic substances in the workplace, if the employer does not take adverse employment action against the employee as a result of the genetic test.

Act 130 (SB-130) prohibits smoking in a hospital or in a physician's office, effective October 1, 1993, except that an adult patient of a hospital or unit of a hospital that has as its primary purpose the care and treatment of mental illness, alcoholism or drug abuse and who has the written permission of a physician may smoke in an enclosed room with outside ventilation that is designated as a smoking area by the person in charge of that hospital or unit of a hospital. Under preexisting law, smoking was generally prohibited in hospitals and physicians' offices, except that the person in charge of a hospital or physician's office was permitted to designate smoking areas and the main occupant of a room or office in a hospital or physician's office was permitted to smoke in that room or office.

Act 136 (AB-320) extends coverage under the Municipal Employment Relations Act to law enforcement supervisors employed by counties having a population of 500,000 or more (Milwaukee). Under the act, any such county is required to bargain collectively in good faith with a representative of its law enforcement supervisors concerning wages, hours and conditions of employment. Either the county or a representative may petition for final and binding arbitration of disputes between them relating to mandatory subjects of bargaining.

Act 146 (SB-358) deletes DILHR's responsibility to promote voluntary arbitration, mediation and conciliation of labor disputes and makes technical and minor substantive changes in laws relating to the disposition of court costs recovered in a wage claim action and the annual report to the Legislature of DILHR's activities under the plant-closing law.

Act 216 (AB-65) prohibits burglar alarm installation companies from hiring unpardoned felons as burglar alarm installers and from allowing unpardoned felons to have access to individual burglar alarm installation records.

Act 269 (SB-483) permits the Governor, during a period specified by the Governor, to suspend the payment of Wisconsin supplemental unemployment compensation benefits or federal extended unemployment compensation benefits that would otherwise be payable during periods of high unemployment in order to allow for payment of additional federally funded unemployment compensation benefits during the same period if federal law permits such action.

Act 289 (AB-377), which is based on the Federal Employee Polygraph Protection Act of 1988, prohibits an employer from requiring an employee to take a lie detector test, except in specified circumstances, and prohibits an employer from taking any adverse employment action against an employee based on the results of a lie detector test, a refusal to take such a test or the employee exercising his or her rights under the act regarding the administration of such a test. The act permits employers to administer polygraph tests as part of an

ongoing investigation of economic loss, if certain conditions are met, or to employes and prospective employes of businesses that provide security services or that manufacture or distribute controlled substances (dangerous drugs).

Act 310 (SB-292) prohibits employment discrimination based on the use or nonuse of lawful products off an employer's premises during nonworking hours (see *HIGHLIGHTS*).

Environment

Act 25 (AB-358) makes permanent the Radioactive Waste Review Board, the Radioactive Waste Policy Council and the Radioactive Waste Technical Council. Under former law, those bodies would have ceased to exist on June 30, 1991.

Act 31 (AB-32) allows an electric cooperative that owns or operates a solid or hazardous waste disposal facility to satisfy the requirement to provide proof of financial responsibility for the costs of long-term care of the facility by meeting specified conditions relating to the net worth of the electric cooperative.

Act 36 (SB-110) exempts the sale of a package that contains wine or liquor and that is filled and sealed before December 31, 1992, from the prohibition on selling a package with a total concentration of certain toxic substances, including lead, that exceeds 600 parts per million.

Act 39 (AB-91) makes numerous changes in environmental law. The act:

1. Authorizes DNR to clean up contaminated areas that are in or adjacent to Lake Michigan and Lake Superior and provides funding for those activities.
2. Requires gas stations located in areas of the state that exceed air quality standards for ozone to install and operate systems that capture the vapors released when gasoline is pumped into motor vehicle fuel tanks (vapor recovery systems) beginning in 1993; establishes a grant program to compensate owners or operators of gas stations for a portion of the costs of installing those vapor recovery systems; and imposes an additional petroleum inspection fee to finance the grants.
3. Creates provisions concerning the management of medical waste, including requiring every hospital to implement a policy for the reduction of the amount of waste generated and requiring persons who transport medical waste to obtain a license from DNR (see also *Act 300*).
4. Increases the fees paid by persons who discharge wastewater and air contaminants and requires municipalities to pay those fees (see also *Act 269*).
5. Changes the method of calculating the amount of financial assistance paid by DNR to municipalities for recycling programs; reduces the amount of that financial assistance beginning in 1998; and specifies the total amount of that financial assistance to be provided through 1999, when the financial assistance program ends.
6. Eliminates this state's assumption of responsibility for long-term care of closed landfills; extends the period during which the owner of a closed landfill must maintain proof of financial responsibility for the costs of long-term care of the landfill; and eliminates the tonnage fees paid by operators of landfills for which this state formerly assumed responsibility for long-term care.
7. Makes several changes in the petroleum storage remedial action program (commonly known as PECFA), including making costs associated with the replacement or closure of a petroleum storage tank ineligible for reimbursement, increasing the deductible in certain cases and discontinuing PECFA coverage for petroleum storage tanks that meet federal or

state performance standards and for tanks on sites for which PECFA awards were previously issued (see also *Act 82*).

8. Makes several changes in the motor vehicle emission inspection and maintenance program, including requiring the testing of older motor vehicles, allowing less frequent testing of newer motor vehicles and increasing the value of motor vehicle repairs that must be made in order to obtain a waiver from emission limitations from \$55 to \$200 (see also *Act 302*).

9. Requires a court to impose an environmental assessment equal to 5% of the amount of any fine or forfeiture imposed for the violation of an environmental law and directs that the revenues from the assessment be used for environmental enforcement and environmental repair.

10. Requires DNR to establish limitations on the amount of phosphorous that may be discharged into the waters of this state.

11. Establishes a statewide maximum annual income of \$45,000 for eligibility for grants under the well contamination compensation program and provides reduced grant amounts for individuals with annual incomes above \$32,000.

12. Establishes targets for the recycled content of newsprint used by newspapers equal to 35% for 1996, 40% for 1998 and 45% for 2000 in addition to the preexisting targets which are 10% for 1992, 25% for 1994 and 45% for 2001 and thereafter.

13. Exempts a municipality from liability for damages caused by the release of a hazardous substance on property owned by the municipality if the municipality obtained the property for the purpose of conducting an environmental clean-up under a plan approved by DNR and if certain other conditions are satisfied.

14. Exempts petroleum marketers from paying the annual hazardous chemical fee to the State Emergency Response Board (SERB) with respect to gasoline and diesel fuel present at their facilities.

Act 41 (AB-105) requires DNR to submit a draft of the federally required capacity assurance plan for the management of hazardous waste to the Legislature at least 75 days before the federal deadline for submittal of the plan. The deadline for submittal of the draft under former law was July 30 of the year in which submittal of the plan was required.

Act 50 (AB-210) prohibits the incineration of low-level radioactive waste that is determined by the federal Nuclear Regulatory Commission (NRC) to be below regulatory concern. The act also prohibits the disposal of low-level radioactive waste that is determined by the NRC to be below regulatory concern in a landfill or a hazardous waste disposal facility unless the landfill or hazardous waste disposal facility is licensed for the disposal of low-level radioactive waste.

Act 82 (AB-299) makes several changes in PECFA. The act restores PECFA coverage (discontinued in Act 39) for petroleum storage tanks that meet federal or state performance standards and for tanks on sites for which PECFA awards were previously issued. The act changes the method of calculating awards and establishes a \$7,500 maximum on the amount of the PECFA deductible. The act allows a PECFA claimant to assign the claimant's interest in a PECFA award to a person who loans money to the claimant for the purpose of cleaning up a petroleum discharge. The act also authorizes the owner or operator of a petroleum storage tank to designate another person to act as the owner or operator's agent for the purpose of cleaning up a petroleum discharge under PECFA.

Act 97 (SB-276) makes numerous changes in the law relating to refrigerants that can deplete the stratospheric ozone layer. The act expands the application of preexisting

requirements concerning the installation, servicing and salvaging of motor vehicle air conditioners and other types of refrigeration equipment so that the requirements apply to all persons who engage in those activities, rather than just to businesses. The act requires persons who install or service motor vehicle air conditioners and other types of refrigeration equipment to certify that they do not knowingly or negligently release any ozone-depleting refrigerant to the environment. The act also prohibits any person from knowingly or negligently releasing any ozone-depleting refrigerant to the environment during the salvaging, dismantling or transporting of refrigeration equipment.

Act 104 (AB-535) makes several changes in the law relating to emergency response to releases of hazardous substances. The act requires SERB to contract with no fewer than 7 and no more than 11 regional emergency response teams, each of which must respond to the most dangerous releases of hazardous substances in a region of this state. The act requires SERB to reimburse the regional teams for costs incurred in responding to those releases. The act requires SERB to establish fees, which must be collected by DOT, to be paid by certain motor carriers who transport hazardous materials. The fees are used to fund payments to the regional emergency response teams and other SERB activities. The act exempts regional emergency response teams and their members and county emergency response teams and their members from civil liability for acts or omissions related to carrying out their emergency response duties.

Act 115 (AB-402) prohibits the wholesale sale of certain cleaning products, including laundry detergents and commercial cleaners, that contain more than a specified amount of phosphorus. The act also increases the maximum monetary forfeiture that a court may impose for the retail sale of those phosphorous-containing cleaning products.

Act 259 (AB-661) makes several changes in the laws relating to mining for metallic minerals. The act requires a person who intends to apply for a mining permit to pay from \$50,000 to \$150,000 into the investment and local impact fund for paying the costs incurred by a county, town, village, city, tribal governing body or local committee in negotiating an agreement with that person concerning the proposed mine. Any funds not paid out for that purpose are returned to the person making the payment.

Counties in which metallic mines are located receive annual payments from the investment and local impact fund. The act eliminates the 10% limit on the amount of those annual payments that a county may set aside for use in alleviating the impact of a future reduction or cessation of mining.

The act requires DNR to prepare an environmental impact statement for every mining permit. The act provides that DNR may issue a mining permit only if it determines that the proposed mine will result in a net positive economic impact in the area reasonably expected to be most affected by the mine. The act authorizes any county, town, village or city in which any portion of a proposed mining site is located to negotiate an agreement concerning the proposed mine with the person proposing to operate the mine. Under former law, this authority was limited to political subdivisions that required a zoning or other land use approval for a mine.

Act 260 (SB-240) requires DNR to deny a permit for metallic mineral mining if it finds any of the following:

1. That the applicant, its parent corporation, its principal shareholder, another person with more than a 30% ownership interest in the applicant or a subsidiary or affiliate of the applicant has forfeited a mining reclamation bond within the previous 10 years.
2. That the applicant, its parent corporation, another person with more than a 30% ownership interest in the applicant or a subsidiary or affiliate of the applicant has, within

the previous 10 years, been convicted of more than one felony for violations of environmental laws arising out of operation of a mining site unless the person convicted has been pardoned or the applicant submits a plan to prevent the occurrence of events similar to the events that resulted in the convictions.

3. That the applicant, its parent corporation, another person with more than a 30% ownership interest in the applicant or a subsidiary or affiliate of the applicant has, within the previous 10 years, declared bankruptcy that resulted in the failure to reclaim a mining site in violation of a state or federal law.

4. That, within the previous 10 years, a mining permit issued to the applicant, its parent corporation, another person with more than a 30% ownership interest in the applicant or a subsidiary or affiliate of the applicant was permanently revoked because of a failure to reclaim a mining site in violation of state or federal law.

Act 262 (SB-366) prohibits a person from engaging in oil or gas exploration or production unless the person has a license issued by DNR. The act prohibits a person from conducting drilling for oil or gas from beds beneath the Great Lakes unless the drilling originates from above the high-water mark and is conducted according to the terms of a lease from DNR. The act requires DNR to promulgate rules to protect the environment from the adverse effects of oil and gas exploration and production and to prevent waste in the exploration for or the production of oil and gas. The act prohibits DNR from issuing a license for oil or gas exploration or production if it finds that, within the previous 10 years, the applicant, a person with a specified ownership interest in the applicant or a subsidiary or affiliate of the applicant forfeited a reclamation bond for oil or gas exploration or production, failed to reclaim an oil or gas exploration or production site in violation of state or federal law or, unless the applicant submits a plan to prevent similar future violations, committed and failed to remedy certain violations of environmental laws related to oil or gas exploration or production (see also *Taxation*).

Act 269 (SB-483) imposes annual fees on operators of stationary sources of air pollution for which operation permits are required. The fees are based on the quantity of certain air pollutants emitted. The fees are used to fund DNR's activities related to stationary sources of air pollution. The act specifies that a person is not required to pay the preexisting air containment discharge fee on the same emissions for which the person is required to pay the annual operation permit fee.

The act authorizes county solid waste management boards to impose fees on persons who dispose of solid waste at publicly owned landfills for the purpose of cleaning up closed landfills, under specified conditions.

The act limits the damages and remedies that a court may order in a case in which a solid waste facility (for example, a landfill) is found to be a nuisance, if the facility is operated in compliance with state environmental requirements.

Act 273 (AB-938) requires each agency of the state to submit an annual report to the Legislature that specifies the number of proposed actions for which the agency conducted an assessment of whether an environmental impact statement was required and the number of environmental impact statements that the agency prepared.

Act 300 (AB-976) prohibits DNR from issuing a permit for the construction or modification of a medical waste incinerator before July 1, 1995, with limited exceptions. The act allows DNR to issue a permit for the construction or expansion of a medical waste incinerator not subject to the moratorium or after June 30, 1995, only if DNR finds that the medical waste incinerator is needed and the site is appropriate, considering the effect of the incinerator on specified uses and characteristics of land and water.

The act provides that prohibitions on the incineration of various materials in solid waste, which take effect in 1995 under this state's recycling law, apply to medical waste that is burned at any medical waste incinerator in this state unless the generator of the medical waste develops policies for reducing the amount of waste that it generates. Formerly, the prohibitions applied only to the burning of medical waste at large incinerators in specified counties.

The act requires clinics and nursing homes to implement policies for reducing the amount of medical waste that they generate. The requirement, created in Act 39, originally applied only to hospitals. The act also requires the operator of a medical waste incinerator to continuously monitor emissions from the medical waste incinerator, beginning in 1993.

Act 302 (AB-1055) makes changes in the laws relating to control of air pollution (see *HIGHLIGHTS*).

Act 309 (SB-281) revises laws relating to the control of water pollution from diffuse, or nonpoint, sources (see *HIGHLIGHTS*).

Financial Institutions

Act 39 (AB-91) authorizes banks to become members of the Federal Home Loan Bank and provides that the state business combination laws apply to mergers or combinations involving financial institutions.

Act 74 (AB-428) permits trust company banks to establish branch offices.

Act 221 (AB-904) permits the organization and operation of savings banks in this state under the regulation of the Office of the Commissioner of Savings and Loan. Generally, a savings bank may exercise the same authority that a savings and loan association may exercise.

Act 234 (SB-469) permits a bank and a savings and loan association, if both are owned by the same bank holding company, to contract with each other to provide financial services for the other's customers.

Act 243 (AB-801) prohibits an organization from organizing to engage in fiduciary operations unless the organization is regulated by the Office of the Commissioner of Credit Unions, the Commissioner of Savings and Loan or the Commissioner of Banking.

Act 269 (SB-483) permits banks to invest in the International Finance Corporation.

Act 280 (SB-404) permits savings and loan associations and savings banks to store records by optical imaging.

Fringe Benefits of Public Employes

Act 24 (SB-150) extends eligibility and employer contributions toward premium payments for health insurance coverage under the state group health insurance program for certain state employes who left state employment to participate in Operation Desert Shield or Operation Desert Storm.

Act 39 (AB-91) makes various changes relating to the retirement, group insurance and other fringe benefits of public employes. The act:

1. Allows a state constitutional officer, member or officer of the Legislature, head of a state agency who is appointed by the Governor with senate confirmation or head of a legislative service agency who terminates all employment covered under the WRS to be eligible for coverage under the state group health insurance program at the time he or she is eligible and applies for retirement benefits under WRS, without furnishing evidence of insurability and regardless of his or her age at the time of termination of WRS

employment, and to retain his or her accumulated unused sick leave for the purpose of converting the unused sick leave, at the time of application for retirement benefits, to credits for the payment of his or her postretirement health insurance premiums under the state group health insurance program. The act also provides for the individual's unused sick leave to be converted at the salary rate that he or she would be receiving on the date of the conversion if he or she had continued to be employed in or elected to the position previously vacated, instead of at the salary rate that he or she was receiving on the date that he or she vacated the position (see also *Act 269*).

2. Allows a state executive employe leaving WRS-covered service who had not previously received creditable service under WRS because of a pre-1988 statutory age restriction and who is or was also an elected official or an appointee of such an official to receive creditable service equal to the period not previously credited if the employe pays to DETF a lump sum equal to 5.5% of one-twelfth of the employe's highest earnings in a single annual earnings period times the number of months of additional service that is credited. Prior law required such an employe to pay DETF a lump sum sufficient to fully fund the costs of the increased benefits that would result.

3. Makes district attorneys (other than district attorneys who were initially employed before January 1, 1990, and who choose to continue to be covered under their county group insurance plans) immediately eligible for employer contribution towards their premiums under the state group health insurance program and immediately eligible for coverage under the state group life and income continuation insurance programs. Under prior law, a district attorney was not eligible for those benefits until he or she was employed for 6 months.

4. Allows for reimbursement under the state employe-funded reimbursement account (ERA) plan of a state employe's share of premiums for any group insurance benefit plan provided by DETF or any other group insurance benefit plan approved by the Group Insurance Board for offering to state employes on an optional payroll deduction basis if the Employe Trust Funds Board (ETFB) determines that the expenses that are actually incurred and paid by employes under the group insurance benefit plan are consistent with applicable requirements of the federal internal revenue code. Under prior law, the ERA plan allowed for reimbursement to a state employe only for the costs of dependent care assistance, of medical expenses that are not covered under a health insurance contract, or of his or her share of premiums for group health insurance, long-term care insurance or basic or supplemental group life insurance. The act also provides that the amount of ERA reductions taken by an employe reduce the employe's gross earnings figure that is used to compute the maximum amount of deferrals under the state deferred compensation plan.

5. Provides that, if a participant under WRS who becomes disabled dies before his or her application for a disability annuity is approved, the application is considered to have been approved before the applicant's death (and the applicant's beneficiary is entitled to the disability annuity) if, in addition to meeting other requirements, the participant was certified as disabled by a physician. Prior law allowed for such an application to be considered to have been approved before the applicant's death only if, in addition to meeting other requirements, the participant was certified as disabled by at least 2 physicians.

Act 107 (SB-20) increases from 5 to 10 years the period during which a retired public employe may delay the use of accumulated unused sick leave credits for the payment of postretirement health insurance premiums under the state group health insurance program.

Act 113 (AB-99) allows any retired state employe and certain other former state employes to purchase coverage under the state group health insurance program by furnishing evidence of insurability satisfactory to the insurer.

Act 116 (AB-434) adds one member who is a WRS annuitant and is elected by WRS annuitants to ETFB, and also provides for that member to serve as an additional member on the Retirement Research Committee (RRC). The act also changes the number of members of RRC that constitute a quorum from 8 to a majority of members (10), and allows the Secretary of Employee Trust Funds to designate a person to serve on the Joint Survey Committee on Retirement Systems on his or her behalf.

Act 141 (AB-101) allows rollovers from qualified pension plans to WRS and allows WRS to be a payout option for the state deferred compensation plan.

Act 152 (AB-379) makes various changes affecting WRS and group insurance and other benefit plans for public employes. The act:

1. Provides that if a participant under WRS retires and elects, as an alternative to a straight-life annuity payable until the death of the participant, an annuity option to have a reduced annuity payable for the participant's life and, after the participant's death, an annuity payable to a beneficiary designated by the participant for the life of the beneficiary of either 100% or 75% of the amount of the reduced annuity, and if the beneficiary dies before the participant dies and within 5 years of the participant's retirement date, the reduced annuity automatically converts to a straight-life annuity payable until the death of the participant. Under prior law, if a participant elected this annuity option and the beneficiary died before the participant died, the participant could not elect another annuity option and continued to receive the reduced annuity until he or she died.

2. Allows any state employe who is insured under the state group health insurance program, who leaves state service (without withdrawing his or her accumulated contributions from WRS) after attaining at least 20 years of creditable service under WRS, who is not eligible for an immediate annuity or is not receiving a retirement or disability annuity under WRS and who, if eligible, is receiving medicare coverage under the federal social security act, to continue his or her coverage under the state group health insurance program.

3. Provides that if an individual who is receiving an annuity from WRS is rehired by a WRS employer, he or she continues to receive the annuity and does not become a participating employe (an employe working in a position for which contributions are required under and benefits are accrued under WRS) after his or her annual earnings under the new employer exceed an annual earnings limit that, under prior law, required the temporary termination of the annuity and required the employer to include the individual as a participating employe, unless the individual filed with DETF a written election to include the individual as a participating employe.

4. Provides that, if a WRS employer determines that one of its employes is not a participating employe or not a protective occupation participant (a participating employe whose principal duties involve law enforcement or fire suppression or prevention and require frequent exposure to a high degree of danger or peril and a high degree of physical conditioning), the employe may appeal the determination directly to ETFB. Prior law provided for the employe's appeal to be made to DETF, subject to review by ETFB.

5. Provides that a decision of the Wisconsin Retirement Board, the Teachers Retirement Board, the Group Insurance Board, the Deferred Compensation Board or ETFB are reviewable only by the circuit court for Dane County.

6. Provides for interest to be added to a payment that corrects an underpayment of a WRS retirement or disability annuity if the underpayment has not been corrected for at least 12 months.

7. Provides for monthly proration of annual interest earnings on retirement contribution accumulations for purposes of calculating lump sum money purchase annuities under WRS.

8. Allows a participating employe to use part or all of his or her accumulated employe additional (voluntary) contributions to WRS to purchase creditable service under WRS that the employe had previously forfeited.

9. Provides that an employe who is employed in a position that would otherwise be covered under WRS is not covered under WRS as a participating employe if the employe is under 20 years of age and is regularly enrolled, or is expected to be regularly enrolled, as a full-time student in a public, private or parochial high school.

10. Clarifies the method used by the Investment Board to determine the value of the assets of the fixed retirement investment trust and the variable retirement investment trust of the public employe trust fund.

Act 203 (AB-324) authorizes the Board of Regents of the UW system to deduct contributions from the salaries of football coaches employed in the UW system who are eligible and wish to participate in a qualified cash or deferred arrangement pension plan for football coaches.

Act 229 (SB-250) provides for the continued accrual of retirement benefits under WRS for UW system faculty on sabbatical leave.

Act 269 (SB-483) does the following:

1. It eliminates the "salary indexing" of the value of the accumulated unused sick leave of an elected or appointed state official described in item 1 under Act 39 and instead provides for his or her accumulated unused sick leave to be converted (on the date of application for retirement benefits) to credits for the payment of postretirement health insurance premiums at the employe's basic pay rate of his or her position at the time that he or she terminated that position.

2. It changes the annual earnings period under WRS for justices and judges from the calendar year to the period beginning on July 1 and ending on the following June 30. Under WRS, the annual earnings period is used to determine the amount of creditable service and the final average earnings of a participating employe for purposes of calculating retirement benefits.

3. It authorizes the Group Insurance Board to contract with the Office of Health Care Information and with other public or private entities for data collection and analysis services related to health maintenance organizations and insurance companies that provide health insurance to state employes.

4. It allows a WRS participating employe to receive additional creditable service for service as an employe of any other governmental entity, other than a WRS participating employer. In order to receive additional creditable service, a participant must have at least 3 continuous calendar years of creditable service under WRS. A participant may apply for not more than the number of years of creditable service that the participant has under WRS or 10 years, whichever is less. In-state and out-of-state service may be counted as additional creditable service if certain conditions and requirements are met. A participant must pay DETF a lump sum equal to the value of the additional creditable service requested. The lump sum is calculated according to actuarial rates determined to be

sufficient to fund the full cost of increased benefits that will result from granting the additional creditable service.

Gambling

Act 39 (AB-91) makes various changes in lottery and racing laws. The act:

1. Authorizes DOA to make and to delegate the authority to make procurements of services or supplies for the Lottery Board that are unique to the Lottery Board and not common to the ordinary operations of state agencies in accordance with requirements that, under prior law, applied to such procurements made by the Lottery Board. Under prior law, with certain exceptions, the Lottery Board was authorized to make such procurements directly.

2. Extends from one year to 3 years the term of a lottery retailer contract, and authorizes the executive director of the Lottery Board to suspend or terminate immediately a lottery retailer contract if necessary to protect the public interest or the security, integrity or fiscal responsibility of the lottery.

3. Requires the Lottery Board to establish goals to increase the total amount of expenditures for advertising, public relations and other procurements that are directed to minority-owned establishments, the number of minority-owned retailers and the number of minority employes of the Lottery Board.

4. Permits unlimited intertrack wagering at Wisconsin racetracks on races conducted at other Wisconsin racetracks and requires the Racing Board to issue licenses for conducting the wagering. The intertrack wagering may be conducted only as an adjunct to wagering on live races, may not be conducted in a manner that supplants wagering on live races and may not be the primary source of wagering revenue at the racetrack. Prior law limited simulcast wagering on races to 9 races per year. Under the act, the 9-race limit continues to apply to simulcast wagering at a Wisconsin racetrack on races that are conducted at an out-of-state racetrack. In addition, the act permits Wisconsin racetracks to simulcast their races to any out-of-state legal wagering entity.

5. Eliminates the use of racing proceeds for certain educational, research or development programs.

6. Increases the amount of pari-mutuel tax on the amount wagered on dog races that the person who sponsors and manages the races must pay to the Racing Board.

7. Eliminates the racing fund and provides for all racing revenues to be deposited in the state general fund. Under the change, interest earned on racing revenues becomes a part of the state general fund.

Act 269 (SB-483) does all of the following:

1. Creates a Gaming Commission to replace and assume the responsibilities of the Lottery Board, Racing Board and Bingo Control Board, and to assume the gambling-related responsibilities of DORL (see *HIGHLIGHTS*).

2. Provides that the rules of the Gaming Commission prohibiting any medication or foreign substance from being administered to a race animal within 48 hours prior to its entry in a race and prohibiting an animal participating in a race if any medication or foreign substance is present in its body may permit specified levels of the following medications or foreign substances to be present in the body of an animal participating in a race if it is determined by the commission that the medication or foreign substance entered the body of the animal through the food chain: procaine and its metabolites; sulfa drugs and their metabolites; polyethylene glycol; and any other medication or foreign substance that may enter the body of an animal through the food chain and that the commission

determines will not affect the integrity of the race or will not be relevant to the wagering public if the medication or foreign substance is present in an animal participating in a race. The rules must specify the permissible levels of those medications or foreign substances consistent with levels resulting from food ingestion and in a manner that enables the levels to be detected in a urine sample of the animal.

3. Statutorily creates the Division of Criminal Investigation in DOJ and requires that a separate bureau be established in that division to perform all of DOJ's enforcement responsibilities relating to the state lottery, racing, bingo, raffle and crane game laws and to gaming activities conducted on Indian lands. The act authorizes new positions for DOJ for this purpose, which are funded with lottery and racing revenues.

Act 320 (*April 1992 Spec. Sess. Assembly Bill 4*) requires the Lottery Board and, beginning on October 1, 1992, when the responsibilities of the Lottery Board are transferred to the Gaming Commission, the Gaming Commission to certify and, with the assistance of DOJ, conduct criminal background investigations of persons proposing to do business with an Indian tribe relating to the gaming operations of the Indian tribe and employes of Indian tribes who are engaged in the conduct of gaming.

Act 321 (*April 1992 Spec. Sess. Assembly Bill 6*) specifically restricts gambling conducted by the state to the forms of gambling that the state is currently conducting (see **HIGHLIGHTS**).

Health and Social Services

HEALTH

Act 22 (*SB-76*) authorizes funding, under the medical assistance program, for the following:

1. An essential access city hospital, as designated by DHSS.
2. Services provided to residents of the Plymouth Manor Nursing Home in Milwaukee County.
3. Supplements for rural hospitals with high utilization of inpatient services by certain patients.
4. Supplements for allowable capital costs of certain free-standing intermediate care facilities for the mentally retarded.
5. Certain neonatal intensive care services.
6. Supplements for health care services required to be provided to medical assistance recipients.

Act 39 (*AB-91*) makes numerous changes in the health laws. The act:

1. Requires Medicare-certified hospices to employ or contract for services only with hospice aides who have certain previous employment experience or have, by October 1, 1991, completed a state-certified instructional and competency evaluation program.
2. Designates DHSS as the lead agency for administration of a federally funded statewide comprehensive multidisciplinary program of early intervention services for infants and toddlers with disabilities. The act authorizes DHSS to establish personnel standards, a development plan, complaint resolution procedures and data collection requirements and requires counties to designate lead agencies to provide services to eligible persons (see also *Act 269*).
3. Funds grants to city and county health departments for lead poisoning education and screening activities and funds breast cancer screening in the city of Milwaukee.

4. Eliminates or eliminates funding for numerous grant programs that address specific health problems, including Lyme disease, epilepsy, prevention of injuries, and investigational drugs for treatment of AIDS.

The act also makes several changes with respect to the medical assistance program. The act:

1. Authorizes DHSS to recover the value of medical assistance benefits received by a medical assistance beneficiary while a nursing home resident or after he or she reached age 65 from the estate of the beneficiary or his or her surviving spouse (see also *Act 269*). If the decedent is survived by a spouse or a disabled or minor child, DHSS may not recover the value of the medical assistance benefits from the estate but has a lien for the value of the benefits on a home that is in the decedent's estate.

2. Grants DHSS a lien on the home of a medical assistance beneficiary who resides in a nursing home and is not expected to return home. The lien is for the value of the medical assistance the beneficiary receives while residing in the nursing home.

3. Imposes assessments on nursing homes based on the state's share of their payments for services provided under the medical assistance program. With these moneys and federal Medicaid moneys, the act funds a 6.75% increase in the rate of medical assistance payment to nursing homes. The act also requires that DHSS enter into a memorandum of understanding with nursing home industry representatives concerning the state's intent as to funding the rate increase and as to possible disapproval of the assessment under federal Medicaid laws (see also *Act 269*).

4. Changes rates of payment for numerous health care providers. The act specifies payment rates for nurse services for ventilator-dependent individuals who are under age 21 but permits DHSS to establish payment rates for nurse services for ventilator-dependent individuals who are aged 21 and older (see also *Act 80*).

Act 80 (AB-650) expands the assessment imposed by DHSS on the state's share of payments to nursing homes under the medical assistance program by imposing assessments on ambulatory surgery centers that provide services to medical assistance recipients. The act authorizes funding to provide an annual increase of 7% in the medical assistance payment rate for the ambulatory surgery centers. The act eliminates a requirement for and provisions of a memorandum of understanding between DHSS and representatives of the nursing home industry concerning future increases in rates of medical assistance payment to nursing homes. Lastly, the act increases rates of payment under medical assistance for respiratory care services to ventilator-dependent individuals aged at least 21 (see also *Act 39*).

Act 120 (SB-527) exempts the Wisconsin Veterans Home at King from the requirement that DHSS review and approve proposed construction or replacement, capital expenditures of more than \$600,000 and expenditures for clinical equipment of more than \$600,000. The act also eliminates the requirement that DVA obtain written approval from DHSS for plans and specifications for new buildings and conveyances, leases and subleases at the veterans home.

Act 177 (AB-774) deletes certain specific tests from the laws that regulate the required testing of infants for congenital disorders and, instead, requires that infants be tested for congenital and metabolic disorders as specified in rules that DHSS must promulgate.

Act 185 (SB-395) exempts from the law requiring the public records and forms board to transfer certain records to the Historical Society the transfer of public health care records of DHSS or of a local public health agency. The act also eliminates the authority of local officers to transfer such records to the Historical Society.

Act 232 (SB-396) revises the homestead income tax credit eligibility limitation that DOR, DHSS, DOT and the Board on Aging and Long-Term Care use to distribute to persons eligible for homestead credit information on voluntary acceptance by physicians of assignment of federal Medicare Part B benefits.

Act 250 (AB-655) regulates hospitals and other health care facilities and providers (see *HIGHLIGHTS* and *Insurance*).

Act 269 (SB-483) makes numerous changes to the health laws. The act:

1. Modifies the law relating to the virus that causes AIDS as follows:
 - a. Permits defendants in criminal actions concerning sexual assault or incest to be tested for the virus without their consent, if so ordered by a court.
 - b. Permits certain persons who provide care or services to an individual under circumstances in which the virus might be transmitted to request a district attorney to apply for a court order to test the individual, without consent, for the presence of the virus.
 - c. Expands prohibitions on discrimination against persons who are infected with the virus.
 - d. Makes less stringent laws relating to testing donated human ova for the virus and clarifies ways by which a person may be exposed to the virus.
2. Permits a physician who acts in accordance with DHSS protocols and supervises, without compensation, a local immunization program providing free vaccines to be a state agent for purposes of liability.
3. Requires a health care provider who ceases practice or business, or, if deceased, his or her personal representative, to provide for the maintenance, deletion or destruction of any of his or her health care patient records (see also *Other State Government*).

The act also makes several changes in the medical assistance program. The act:

1. Provides that DHSS may only recover, from the estate of a medical assistance beneficiary or his or her spouse, the value of medical assistance benefits paid while the beneficiary resided in a nursing home.
2. Eliminates the limitation of medical assistance payments for inpatient psychiatric care, including alcohol and other drug abuse care, to only those cases in which inpatient care is determined, by a medical peer review organization, to be medically necessary.
3. Changes the assessment imposed on the state's share of medical assistance payments to nursing homes to a monthly assessment in a specified amount on the occupied beds of all nursing homes and intermediate care facilities for the mentally retarded except those beds in the state centers for the developmentally disabled or occupied by Medicare beneficiaries (see also *Act 39*).

Act 290 (AB-414) authorizes funding for the award of grants by DHSS to hospitals for projects to test the use of devices designed to prevent occupational puncture injuries, and requires DHSS to report to the Legislature on the effectiveness of the grant program.

MENTAL HEALTH

Act 39 (AB-91) makes numerous changes in laws relating to mental health, including the following:

1. It creates an 8-bed unit at the Southern State Center for the Developmentally Disabled for persons who are both developmentally disabled and mentally ill or are developmentally disabled and have extremely aggressive and challenging behaviors.

2. It permits DHSS to waive the requirement that beds in institutions for mental diseases that are available due to patient relocation be closed or that funding for institutions for mental diseases be permanently limited.

3. It eliminates, or eliminates funding for, numerous grant programs related to alcohol and other drug abuse.

Act 129 (AB-432) permits hospitals that admit patients for treatment of mental illness to allow certain psychologists to obtain hospital staff privileges to admit, treat and discharge patients if physicians accept responsibility for medical evaluation and management of the patients.

Act 211 (AB-994) adds the Secretary of Corrections and the Secretary of Transportation, or their designees, to the membership of the State Council on Alcohol and Other Drug Abuse.

WELFARE

Act 39 (AB-91) establishes the new hope project to be conducted in 2 areas in the city of Milwaukee. The project assists individuals with incomes below 200% of the federal poverty line to obtain employment, including community service jobs funded by the project if no other jobs are available, pays wage subsidies to participants with low-paying jobs, and assists participants to obtain health care, child care and job counseling and training.

The act authorizes DHSS to seek federal approval for a parental responsibility pilot program to be conducted in Milwaukee County and up to 3 other counties as part of the AFDC program. The act authorizes DHSS to conduct the pilot program if it obtains federal approval and sufficient funds are available.

The act provides that state funds may be used to pay child care costs of an AFDC recipient who is working or is in an education or job training program only if the child care provider is licensed by the state or certified by a county.

The act requires DHSS to use a formula based on workload to distribute state and federal funds to counties as reimbursement for county costs of administering income maintenance programs.

The act authorizes a county to provide that a general relief check is valid for only 60 days from the date of issuance. The act also authorizes a county to operate an enhanced general relief work program under which the county assesses a participant's employability and enters into an agreement with the participant that describes the participant's obligations and the county's commitment to provide services to help the recipient obtain employment.

Act 313 (AB-977) makes several changes in the laws related to AFDC (see *HIGHLIGHTS*).

Act 322 (SB-573) makes numerous changes in the laws related to general relief and the AFDC program. The act:

1. Requires DHSS to count up to 4 calendar quarters of school attendance toward the requirement that one parent in a 2-parent family applying for AFDC be employed in 6 recent calendar quarters.

2. Requires DHSS to use federal funds to pay a portion of the costs for AFDC recipients to attend Milwaukee Area Technical College if the federal government approves.

3. Requires DHSS to pay an AFDC recipient's rent in the form of a voucher at the request of the recipient.

4. Allows AFDC and general relief recipients to own automobiles with a higher equity value than allowed under previous law, if the federal government approves.

5. Requires a general relief agency to provide information about general relief recipients to a law enforcement officer, at the officer's request, so that the officer can determine whether a warrant has been issued for the arrest of any of the recipients.

6. Increases the amount of income earned by recipients of general relief that is exempt for work expenses from \$40 or 18% of income per month to \$100 or 20% per month.

7. Establishes a work opportunities pilot program for recipients of general relief in up to 3 counties in the state. Under the program, a county provides work for every employable person who is eligible for a general relief grant instead of providing that person with a grant. An employable person who refuses to accept offered employment is not eligible to receive any general relief benefits. The act requires the pilot counties to provide counseling, referral rehabilitation and training services to persons eligible to receive general relief. The act requires DHSS to pay a county participating in the pilot program \$100 for each employable person who is placed in employment other than a work opportunities pilot program position.

8. Permits a general relief agency to deny eligibility for general relief medical benefits to persons who divest themselves of assets for less than full value during the 90 days before applying for general relief.

OTHER HEALTH AND SOCIAL SERVICES

Act 39 (AB-91) makes the following changes in community aids:

1. Abolishes the categorical allocations in community aids for services to children, supportive home care, community support programs, community-based programs for the developmentally disabled, family support programs, Alzheimer's family and caregiver support, emergencies, alcohol, drug abuse and mental health block grant, family-based services, alcohol and other drug abuse treatment programs. Under the act, DHSS determines the allocations.

2. Provides specific allocations for child day care services (see also *Children*).

3. Creates and provides specific allocations for 3 pilot programs: supported employment for severely disabled persons, services to persons with epilepsy, and family based child welfare services.

Act 84 (AB-559) makes numerous changes to laws governing living wills (see also *Act 281*). The act:

1. Permits a person, under his or her living will, to authorize the withholding or withdrawal of either life-sustaining procedures or medical tubes through which food or water is administered, or both, if the person suffers from a terminal condition or is in a persistent vegetative state, unless the withholding or withdrawal will cause the person pain or reduce his or her comfort.

2. Permits withholding or withdrawal, under a living will, of food or water that is administered to a person through means other than a medical tube only if the person's attending physician advises that the administration is medically contraindicated.

3. Prohibits a person who is directly financially responsible for another's health care or related to another by adoption from acting as a witness for the other's living will.

4. Permits a person's valid power of attorney for health care to supercede directly conflicting provisions of his or her valid living will.

Act 178 (AB-803) makes various technical changes in the laws relating to health and social services.

Act 235 (SB-563) establishes procedures by which a county board of supervisors or the elected governing body of a federally recognized American Indian tribe or band may create an aging unit to administer, at the county or tribal level, programs for individuals aged at least 60 years that are funded under the federal Older Americans Act or by the state. The act permits an aging unit to be organized as an agency of county or tribal government, a unit within a county department of social services or human services or a private, nonprofit corporation. The act establishes numerous powers and duties for an aging unit and requires that each aging unit be staffed by a full-time unit director and be directed by a county or tribal commission on aging, appointed as specified by the act.

Act 238 (AB-664) requires DHSS to promulgate rules that establish standards for certifying certain emergency medical services personnel to administer, by up to 3 modes, electrical impulses to an individual's heart in certain circumstances. The act requires DHSS to certify applicants who meet these standards. The act also requires DHSS to promulgate rules establishing standards for certifying individuals as a type of emergency medical services personnel known as "first responders" and to certify applicants who meet these standards.

Act 274 (AB-972) abolishes the department that formerly administered the health and human services programs in Milwaukee County. The act establishes, instead, a County Department of Human Services for that county, with a director who is appointed by the Milwaukee County Executive, but without a board that corresponds to county human services boards that advise county departments of human services in other counties. The Milwaukee County Board of Supervisors oversees the operation of the County Department of Human Services. The act transfers to the County Department of Human Services those powers and duties of the existing Milwaukee County departments of social services, community programs and developmental disabilities services pertaining to human services. Lastly, the act establishes the position of administrator of the Milwaukee County Hospital and permits the Milwaukee County Board of Supervisors to assign powers and duties to that administrator.

Act 281 (SB-415) makes numerous changes to laws governing powers of attorney for health care and living wills (see also *Act 84*). The act:

1. Permits an individual who has executed a power of attorney for health care or a living will to file either document for safekeeping, for a fee, with the register-in-probate of the county in which the individual resides, and permits certain persons to have access, without consent, to the filed documents.

2. Modifies the limitations on witnesses to the execution of a health care power of attorney or a living will to permit a chaplain or a social worker who is an employer of a health care provider or inpatient health care facility to serve as a witness.

3. Requires DHSS to include certain information when distributing to persons the statutorily specified power of attorney for health care form or living will form.

Insurance

Act 1 (SB-22) increases the appropriation that provides subsidies for premium reductions and deductibles for certain individuals with health care coverage under the health insurance risk sharing plan (HIRSP).

Act 39 (AB-91) makes various changes to the insurance laws. The act:

1. Requires insurers that offer health insurance to small employers to comply with certain rate restrictions, contract termination and renewability restrictions, denial of

coverage restrictions, disclosure requirements and requirements for certification of compliance with rate restrictions.

2. Modifies criteria for eligibility for HIRSP; provides for an assessment against certain insurers for the HIRSP premium reduction and deductible subsidy program; modifies the eligibility criteria for HIRSP premium reduction and deductible subsidies; and modifies the premium, deductible and subsidy amounts.

3. Requires licensure of 3rd party administrators.

4. Requires health insurance policies, including those offered by the state, and self-insured plans of school districts and municipalities to provide coverage for pap tests, pelvic examinations and associated laboratory work when the tests or examinations are performed by a nurse practitioner if such coverage is provided when the tests or examinations are performed by a physician.

Act 45 (AB-286) requires health insurance policies that cover the treatment of diabetes and the state employe standard health care plan to cover certain equipment and education programs related to the treatment of diabetes after December 31, 1992, formerly the ending date for the coverage requirements.

Act 69 (SB-176) requires additional conditions to be fulfilled in order for group or blanket insurance covering risks in this state to be exempt from insurance regulation, including:

1. That both the policyholder and the insured group exist primarily for purposes other than to procure insurance.

2. That the relationship between the policyholder and the insured group not be created for purposes of procuring insurance.

3. That the Commissioner of Insurance not find the exemption to be contrary to the public interest.

Act 70 (SB-205) requires group health insurance policies that provide coverage of prescribed drugs or devices through a pharmaceutical mail order plan to provide coverage of prescribed drugs or devices that are provided by a pharmacist selected by an insured if the pharmacist provides the drugs or devices under the terms of the policy and at the same cost to the insurer as the mail order plan. The act prohibits different coverage, deductibles or copayments for the drugs or devices provided by the selected pharmacist. The requirements of the act also apply to health plans offered by the state but do not apply to health maintenance organizations or preferred provider plans, even if offered by the state, or to limited service health organizations or cooperative sickness care plans.

Act 123 (AB-427) requires all health insurance policies to provide coverage from birth for a newly born child of the insured, whether or not the policy provides coverage for dependents of the insured.

Act 144 (SB-340) requires the Commissioner of Insurance to notify the Director of State Courts whenever an insurer doing a surety business is placed in liquidation. The act then requires the Director of State Courts to notify each register in probate and clerk of court, who must then notify and require each fiduciary that has filed a bond with that insurer as surety to file a new bond with a different insurer as surety.

Act 154 (SB-339) requires every insurer to provide notice to its policyholders and insureds of the right to file a complaint with the Office of the Commissioner of Insurance.

Act 176 (AB-760) requires an insurer to give notice to an insured prior to the repair of a motor vehicle if a replacement part for the exterior of the vehicle that is not made by or for the manufacturer of the vehicle will be used in the repair (see also *Consumer Law*).

Act 214 (SB-453) makes explicit the authority of the Commissioner of Insurance to summarily suspend the license of an intermediary under certain conditions. The act also makes various changes in the laws relating to health care liability and patients compensation, including redefining the health care providers that are subject to the patients compensation fund assessment and the health care liability insurance requirements and allowing the Board of Governors for the patients compensation fund to exempt any type of health care provider from the mediation fund assessment based on a low number of requests for mediation involving that type of health care provider.

Act 250 (AB-655) establishes a group basic health benefits plan for small employers (see *HIGHLIGHTS*).

Act 269 (SB-483) makes various changes to the insurance laws. The act:

1. Places certain restrictions on the use of genetic tests and genetic test results for insurance coverage.

2. Prohibits an insurer from denying health insurance coverage to an individual because the individual has been treated by a chiropractor, from excluding or restricting coverage of a health condition because it is treatable by a chiropractor or from establishing underwriting standards that are more restrictive for chiropractic care than for care provided by other health care providers.

3. Requires health insurance policies, including those offered by the state, and self-insured plans of municipalities and school districts to provide coverage for the diagnosis and treatment of a condition or complaint by a dentist, within the scope of the dentist's license, if the diagnosis and treatment of the condition or complaint by a physician is covered.

4. Makes changes to HIRSP, including:

a. Directing the HIRSP Board to establish rates for payments to health care providers that are 10% less than the charges approved by the administering carrier for reimbursement of covered expenses.

b. Allowing the HIRSP Board to provide coverage under a health maintenance organization or a preferred provider plan to eligible persons who elect such coverage.

5. Allows the Office of the Commissioner of Insurance to refuse to disclose certain information that would otherwise be open to public inspection and discoverable in a lawsuit.

Act 279 (SB-399) prohibits an insurer from using certain data collected in an auto emissions test for the purpose of setting rates for a motor vehicle liability insurance policy.

Local Law

Act 5 (SB-11) limits the moratorium on detachments and certain annexation actions taken by a city or village during the period beginning April 1 of the year commencing after a federal decennial census and ending June 30 of the year commencing after that census (see also *Elections*).

Act 33 (AB-176) authorizes certain local units of government to invest surplus debt service funds in a separate account in the state's local government pooled-investment fund.

Act 39 (AB-91) makes the following changes in local law. The act:

1. Creates a statewide code of ethics for local public officials (see *HIGHLIGHTS*).

2. Changes the required contents of published local government budget summaries.

3. Allows a historic building to be considered a public nuisance (thereby permitting demolition) if the cost of reasonable repairs exceeds 85% of the building's full value.

4. Changes the procedures under which a deputy sheriff receives pay and benefits following his or her suspension or dismissal, pending final resolution of the matter that resulted in the suspension or dismissal.

5. Authorizes certain local governmental units to delegate investment authority of any of their funds that are not immediately needed to certain banks or trust companies.

6. Provides that no city, village, town or county may regulate the amount of rent charged for the use of certain residential dwelling units.

7. Permits towns to provide blanket bonds rather than individual surety bonds for town officials that are required to have such bonds.

8. Designates town board supervisors as part-time officers unless a town's annual meeting designates the supervisors as full-time.

9. Repeals the one-year state residency requirement for applicants for certain city and county civil service positions.

10. Authorizes cities, villages, towns and counties to enter into ambulance service contracts with one or more ambulance service providers and to charge a reasonable fee for providing the service.

Act 237 (AB-516) creates a procedure by which a property owner who elects to pay a special assessment in a lump sum may revoke that election, under certain circumstances, and may then pay the special assessment on an instalment basis.

Act 255 (SB-378) prohibits the governing body of a city, village, town or county from interfering, by ordinance or resolution, with the repair or expansion of certain migrant labor camps if the repair or expansion is required by administrative rule, and provides that any existing ordinance or resolution that interferes with such a repair or expansion is void.

Act 264 (AB-872) specifically authorizes a county board to broadcast county board meetings by radio or television.

Act 269 (SB-483) does the following:

1. It creates a cooperative procedure by which any combination of cities, villages and towns may alter or maintain the boundaries between themselves by mutual agreement, subject to approval by DOA.

2. It authorizes a city, village or town to create an architectural conservancy district, consisting of contiguous parcels of land where at least 50% of the buildings are historic properties, to rehabilitate, maintain and promote the area.

3. It authorizes a county executive to appoint alternate members to a county planning and zoning commission.

Act 270 (AB-288) retroactively includes certain real property in town sanitary districts, subjects such property to taxes and charges imposed or assessed by the town sanitary districts on or after April 19, 1990, and requires town sanitary districts to reimburse certain property owners for certain costs incurred by the property owners for installing private sewage systems.

Act 283 (SB-485) authorizes the city of Milwaukee to lease a portion of a water purification plant that the city owns on a lake bed area to a public utility for use as a cellular site for telecommunication services.

Military Law

Act 2 (AB-26) adds veterans of the December 20, 1989, to January 31, 1990, Panama campaign and veterans of Operations Desert Shield and Desert Storm to those veterans who are eligible for benefits provided to veterans of other wars. (see also *Act 39*).

Act 39 (AB-91) makes various changes related to military law. The act:

1. Increases the level for National Guard tuition grants to 50% of the resident tuition at UW-Madison.

2. Makes National Guard officers, full-time personnel and active duty personnel eligible for the National Guard tuition grant program but prohibits members of the National Guard who fail to meet service eligibility criteria from receiving a tuition grant.

3. Adds veterans who served in Operation Desert Shield or Desert Storm under an involuntary extension of an active duty order to those veterans eligible for state veterans benefits.

4. Eliminates prepaid care accounts of residents of the Wisconsin Veterans Home at King and allows those residents to establish interest-bearing accounts for their personal funds.

5. Requires an applicant to the Wisconsin Veterans Home at King to complete a financial statement to enable DVA to evaluate the financial circumstances of the applicant.

6. Requires DVA to treat residency at a U.S. Department of Veterans Affairs facility as state residency in determining whether a veteran meets the state residency requirements for admission to the Wisconsin Veterans Home at King.

7. Provides that a spouse or surviving spouse is eligible for admission to the Wisconsin Veterans Home at King if he or she lived with the veteran for at least 6 months immediately before applying for admission or before the death of the veteran.

8. Allows a veteran to be buried at the cemetery at the Wisconsin Veterans Home at King if, after serving in the armed forces, the veteran was a resident of the state for 15 consecutive years.

9. Increases the income eligibility limit for the primary veterans mortgage loan program to \$40,300 in fiscal year 1991-92 and \$42,600 in fiscal year 1992-93. The primary veterans mortgage loan program is generally used for the purchase of a home or of a major home improvement.

10. Abolishes the veterans secondary mortgage loan program.

11. Requires DVA to periodically inventory real property it acquires and holds for longer than 12 months as the result of mortgage loan defaults, to make that inventory available to public and private organizations and to sell or lease those properties for use as facilities to house homeless veterans and their families.

12. Increases the income eligibility limit for veterans economic assistance loans to \$31,000 in fiscal year 1991-92 and to \$32,800 in fiscal year 1992-93 and creates the same income eligibility limit for the veterans part-time study grant program.

13. Requires county veterans' service officers to perform their duties separately and distinctly from any other county department.

14. Changes the name of the state museum dedicated to preserving artifacts relating to veterans from the G.A.R. Memorial Hall to the Wisconsin Veterans Museum.

15. Transfers net proceeds from redemption of veterans housing bonds and from the sale of veterans housing loans to the veterans trust fund in DVA from WHEDA.

Act 44 (AB-273) provides DVA with funds to construct memorials for World War I, World War II and Persian Gulf War veterans at The Highground memorial site in Clark County.

Act 47 (AB-486) authorizes the Governor, or the Adjutant General if delegated by the Governor, to request volunteers from the National Guard to assist law enforcement officers in drug interdiction and counter-drug activities.

Act 99 (AB-387) adds Air Force, Coast Guard and Merchant Marine veterans to those veterans to whom public employers are required to grant a leave of absence with pay on Memorial Day.

Act 101 (SB-255) expands the preference granted to state and local civil service job applicants who are veterans by increasing the number of preference points awarded to veterans, authorizing preferences for spouses of veterans and requiring inclusion of veterans on various registers of applicants. The act also extends the time for certain veterans to apply for civil service jobs and requires reports on veteran applicants and employes.

Act 102 (SB-267) allows an individual who was a veteran or parent or spouse of a veteran to be buried in the cemetery at the Wisconsin Veterans Home at King if the individual was a resident of the state at the time of death and if the individual was a resident of the state for at least 15 consecutive years.

Act 126 (AB-674) corrects an improper reference to the Board of Veterans Affairs.

Act 147 (SB-374) authorizes veterans preference for civil service applicants who have received the Navy or Marine Corps expeditionary medal.

Act 165 (AB-530) designates the period of military service from August 5, 1964, to June 30, 1975, as the Vietnam War.

Act 166 (AB-798) allows DVA to reimburse veterans for part-time classroom study at a school located within 50 miles of the boundary of the state if the study program the veteran is pursuing is not offered within 50 miles of the veteran's residence.

Act 241 (AB-713) allows DVA to provide health care aid to veterans for the treatment of alcoholism or other drug addictions and to pay for health care required because of alcohol or other drug abuse.

Act 269 (SB-483) makes various changes to military law. The act:

1. Requires DVA to pay any debts remaining unpaid as of February 15, 1992, for expenses incurred in operating the veterans memorial at The Highground in Clark County.
2. Requires DVA to contract for improvements at the veterans memorial at The Highground in Clark County, including paving the parking lot.
3. Permits DVA to grant health care aid to a veteran suffering from non-Hodgkin's lymphoma or soft-tissue sarcoma if the veteran served in the Vietnam War.
4. Allows DVA to provide grants to 2 retired senior volunteer programs to provide services to veterans who are primarily confined to their homes.
5. Requires DVA to make a grant to the Milwaukee office of the National Association of Black Veterans for the operation of a long-term transitional housing program in Milwaukee County for homeless veterans.
6. Permits DVA to make a grant to a county veterans' service office outside Milwaukee County for the operation of a long-term transitional housing program for homeless veterans.

Natural Resources

BOATING AND NAVIGABLE WATERS

Act 19 (AB-11) imposes a forfeiture of not more than \$500 on a person who fails to remove an aircraft that has crashed in a body of water within 30 days after the date of the crash or the date that the National Transportation Safety Board authorizes its removal, whichever is later.

Act 39 (AB-91) allows certain lake associations to apply for recreational boating project aids and expands the types of recreational boating projects for inland waters that are eligible for such aid to include such activities as dredging or the acquisition of equipment to remove aquatic nuisance plants.

The act establishes a program to provide grants for lake management to counties, municipalities and certain lake associations and other local entities for lake management projects such as the purchase of conservation easements, the restoration of wetlands or activities that improve water quality.

The act authorizes DNR to place fill or structures on the beds of Lake Winnebago and its adjoining lakes in order to improve navigation, to protect water quality or fish, wildlife or wetland habitat or to enhance the aesthetic value or recreational use of these lakes.

The act establishes a Fox-Winnebago Regional Management Commission, to manage, operate, restore and repair the Fox River navigational system, if the state receives federal funds for the system's repair and restoration. If established, the Fox-Winnebago Regional Management Commission will take the place of the Fox River Management Commission, which currently oversees the management and operation of the Fox River navigational system.

The act also creates an exclusive method for a creditor to perfect a security interest in a boat. Perfections of security interests in boats are administered by DNR.

Act 76 (AB-563) makes modifications to the permitting system administered by the Lower Wisconsin State Riverway Board (LWSRB) and to the regulatory provisions that cover certain activities in the Lower Wisconsin State Riverway such as construction and timber harvesting. The act:

1. Allows the LWSRB to exempt certain structures from the permitting requirements if they are of minimal size and are not visible from the river itself.
2. Requires the LWSRB to promulgate rules regulating the cutting of timber or woody vegetation in order to maintain prairie plant communities and archaeological sites and to enhance wildlife habitat.
3. Eliminates the authority of counties to issue timber cutting permits in areas zoned county shoreland and transfers this authority to the LWSRB.
4. Eliminates the exemption from the timber cutting permit requirements for timber located on land that is zoned shoreland in a county that has adopted the timber cutting rules promulgated by DNR.
5. Exempts from the ban on the storage and disposal of solid waste demolition debris that is buried at the demolition site and that is not of a type that must be disposed of in a licensed solid waste disposal facility.
6. Requires that the LWSRB issue a permit for the construction, modification or repair of a state-owned or municipality-owned public access site on the river. The standard to be met for issuing the permit is that the visual impact of the site be minimized.

Act 79 (AB-648) adds one additional project position ending June 30, 1992, to the staff of the LWSRB.

Act 197 (AB-899) raises the contract amount that is exempt from competitive bidding requirements for work done to municipal harbors.

Act 257 (AB-263) regulates personal watercraft (jet skis) and their operation. The act:

1. Prohibits the operation of jet skis at night.
2. Requires that all persons on jet skis wear personal flotation devices.

3. Prohibits the sale of jet skis that are not equipped with an engine cutoff switch activated by a lanyard and regulates the use of jet skis that have such equipment.

4. Imposes operation and renting restrictions on the operation of jet skis by minors. These restrictions vary according to the minor's age. These restrictions prohibit minors under the age of 12 from operating jet skis under any circumstances and prohibit minors under the age of 16 from renting jet skis.

5. Imposes restrictions on the use of jet skis for water-skiing.

Act 269 (SB-483) creates an urban river grant program under which municipalities may apply for matching grants to acquire land for projects that preserve or restore urban rivers or riverfronts for economic revitalization, outdoor recreation or scenic beauty. The act allocates money for this program from the preexisting stewardship bonding authority designated for land acquisition (see also *Other Natural Resources*).

The act creates an Aquatic Nuisance Control Council that makes recommendations to the Legislature, Governor and DNR relating to the control of aquatic nuisance species. The act requires that DNR promulgate rules regulating the possession and transportation of aquatic species and regulating the methods to be used to control these species.

The act increases the amount of money transferred from the transportation fund to the conservation fund from 1.0 times to 1.4 times the estimated motorboat gas tax payments.

Act 284 (AB-647) renames the Galena River the Fever River.

FISH AND GAME AND ENDANGERED RESOURCES

Act 39 (AB-91) raises the fees for recreational hunting and fishing licenses, permits and stamps and for trapping, bait dealer and certain commercial fishing licenses. The act also raises the issuing fees for these licenses and stamps. The act also establishes a nonrefundable processing fee for applying for certain permits such as the hunter's choice deer hunting permit and the Canada goose permit.

The act prohibits the issuing of senior citizen recreation cards and senior citizen fishing licenses after December 31, 1991, but the cards and licenses issued before that date remain valid. The act also eliminates the fishing license exemption for older state residents. The act establishes a reduced fee for small game hunting licenses and annual fishing licenses for state residents who are at least 65 years old (see also *Act 269*).

The act changes the resident and nonresident daily fishing licenses to 2-day licenses and restricts the areas for which these licenses are valid to outlying waters only. Under former law, these licenses were valid for both outlying and inland waters.

The act makes 2 changes to the permitting system for issuing deer hunting permits for years during which the killing of additional deer is necessary for proper game management. The act:

1. Allows DNR to charge a fee and issue bonus deer hunting permits to residents and nonresidents. A person who is issued a bonus deer hunting permit may kill an additional deer of the type or sex indicated on the permit.

2. Changes the preference system for issuing hunter's choice permits by giving preference to unsuccessful applicants in consecutive years until they receive permits. Under former law, hunter's choice permit applicants who did not receive a permit in one year were given preference for the next year but did not receive any preference in subsequent years.

Beginning in 1993, the act makes all recreational hunting and fishing licenses effective from April 1 or the date of issuance, whichever is later, to the following March 31.

The act creates a pheasant hunting stamp that must be attached to a hunter's small game hunting license in order for the hunter to hunt pheasants.

The act allows commercial fishing operators on Lake Michigan to bring their incidental catch of smelt, alewife and chub back to shore for sorting or sale.

The act creates an endangered resources funding program under which funds received from the endangered resources income tax check-off and other private donations for endangered resources are matched by general purpose revenue funds in an amount not to exceed \$450,000 in fiscal year 1991-92 and \$500,000 in each subsequent fiscal year (see also *Act 269*).

Act 77 (AB-578) allows disabled hunters to discharge a firearm from a stationary vehicle located alongside a road under certain circumstances. The act also revises the disabled hunting and fishing permitting system administered by DNR so that a disabled person need only apply for one permit to hunt with a firearm or a crossbow or to fish or troll from a boat with an electric motor.

Act 254 (SB-217) establishes a trapper education program. A person must have satisfactorily completed the program to receive a trapping license unless the person is a farmer or unless the person holds or has previously held a trapping license.

Act 269 (SB-483) allows state residents who were born before January 1, 1927, to fish without having a fishing license (see also *Act 39*).

The act provides that holders of senior citizen recreation cards or conservation patron licenses are entitled to the privileges of the wild turkey hunting license and the wild turkey hunting stamp.

The act reduces the limit on the matching funds from the general fund for the endangered resources program from \$500,000 to \$450,000 for fiscal year 1992-93 (see also *Act 39*).

The act imposes certain DNR requirements on persons commercially raising or selling certain types of deer (see also *Agriculture*).

OTHER NATURAL RESOURCES

Act 39 (AB-91) increases the fee for the resident annual and daily admission stickers for state parks and forests. The act lowers the fee for the nonresident annual admission sticker. The act also creates a special reduced fee for daily and annual admission stickers for vehicles that are owned by residents who are at least 65 years old.

The act establishes a program to allow DNR to give matching grants to nonprofit groups for projects in state parks. The program is funded by preexisting stewardship bonding authority.

The act provides that stewardship bonding authority that is not used in one fiscal year may be used for the same purpose in the next fiscal year. The act also allows the use in any fiscal year of up to 50% of the stewardship bonding authority available for the next fiscal year under certain circumstances.

The act makes various statutory changes to the laws relating to the Ice Age Trail. The act:

1. Raises the amount of state matching funding for a private land donation from 67% to 100% of the donation's value.
2. Exempts land designated as part of the trail from zoning ordinances.

The act exempts from the withdrawal taxes under the forest crop, woodland tax and managed forest laws land that is transferred to the federal or a state or local government for a public purpose such as a recreational trail or a public forest.

The act establishes an urban forestry program for grants to cities for up to 50% of urban forestry projects (see also *Act 269*).

The act changes the laws regulating the operation of snowmobiles and all-terrain vehicles so that they apply to the situation in which the snowmobile or all-terrain vehicle is stationary but the operator has activated the controls to put it in motion. Under prior law, the laws applied only when the snowmobile or all-terrain vehicle was in motion.

The act increases the amount of money transferred from the transportation fund to the conservation fund from 1.0 times to 1.4 times the estimated snowmobile gas tax payments.

Act 91 (AB-22) changes the areas where the intoxicated snowmobiling law applies to include all public and private land except private land not designated as a snowmobile trail unless an accident occurs as a result of the operation of a snowmobile and the snowmobile was operated on the private land without the consent of the owner of the land.

Act 269 (SB-483) allocates \$1,900,000 of preexisting stewardship bonding authority in each fiscal year for the urban rivers grant program. For 3 fiscal years beginning with fiscal year 1993-94, \$1,000,000 of the \$1,900,000 is allocated for the Frank Lloyd Wright Monona Terrace project in Madison to be used for a park, a pedestrian bridge, a bicycle path and other park and recreational development associated with the project (see also *Boating and Navigable Waters*).

The act prohibits bicycles on trails in state parks or in the Kettle Moraine State Forest unless certain requirements are met.

The act increases the penalties for certain violations of the laws governing the operation of snowmobiles.

The act allows villages, towns and counties to apply for grants under the urban forestry program (see also *Act 39*).

Act 303 (SB-238) imposes certain restrictions on the operation and leasing of all-terrain vehicles. The act:

1. Requires the use of helmets for persons under the age of 18 except under certain circumstances.
2. Prohibits the rental of all-terrain vehicles to persons who are under the age of 16.
3. Places limitations, in addition to those under former law, on the purposes for which and on the locations where a person under the age of 12 may operate an all-terrain vehicle.

Occupational Regulation

Act 23 (SB-81) changes the level of supervision required by a licensed physical therapist of an unlicensed person assisting the physical therapist from direct, immediate and on-premises supervision to direct, on-premises supervision, and requires only general supervision of the unlicensed person by the physical therapist if the unlicensed person has graduated from a physical therapist assistant associate degree program approved by the American Physical Therapy Association.

Act 39 (AB-91) makes various changes relating to the regulation of occupations by DORL. The act:

1. Establishes requirements for the licensure and regulation of real estate appraisers. This category of regulated appraisers is in addition to the 2 types of appraiser certification that were provided for under preexisting law.

2. Includes speech-language pathologists and audiologists in the list of health care professionals who are immune from civil and criminal liability for reporting or failing to report a patient's use of controlled substances to another health care professional; who are subject to certain requirements relating to the confidentiality of patient health care records and are given access to certain patient health care records, including records of the results of a test for the presence of HIV (any strain of human immunodeficiency virus, which causes AIDS); who are prohibited from discriminating against a patient who has tested positive for HIV or who has AIDS; who are authorized to provide certification as to the seriousness of the health condition of an employee who is requesting family leave or medical leave; who, if requested by a court, are required to provide certain health care records as evidence in a hearing to terminate parental rights; and who are prohibited from serving as a witness to a living will if employed in a facility in which the prospective declarant is a patient.

3. Establishes uniform requirements for renewals of credentials (licenses, permits and certificates of registration) issued by DORL and changes the renewal fee for each credential to reflect the approximate cost of regulation of the particular occupation or business, directs DORL to include with each biennial budget request updated information regarding DORL's administrative and enforcement costs that are attributable to the regulation of each occupation or business and corresponding recommendations for changes to initial and renewal fees for credentials, and requests the Legislative Audit Bureau to conduct an examination of the methodology used by DORL to establish the initial and renewal fees for credentials and whether each occupation or business is assessed the approximate costs incurred by DORL in regulating that occupation or business.

4. Allows DORL to establish procedures applying to all credentials for credential renewal, restoration of credentials that have not been renewed within 5 years of expiration and review of denied credentials.

5. Requires DORL to establish the style, content and format of all credentials and all bingo and raffle licenses issued by DORL.

6. Authorizes DORL to promulgate rules specifying the period within which DORL or a board or examining board in DORL must act on an application for a credential that is required as a condition of operating a business in this state.

7. Authorizes DORL to enforce laws requiring credentials for all of the occupations and businesses regulated by DORL or by a board or examining board in DORL, and authorizes DORL, after holding a public hearing, to issue a special order to enjoin a person who is practicing or using an occupational title without a required credential from continuing the practice or use of the title.

8. Authorizes DORL to charge a fee to an applicant for a credential who fails an examination for credentialing and requests a review of his or her examination results.

9. Eliminates a requirement that DORL revise and publish in each biennium a real estate manual covering the information on which applicants for real estate broker and salesperson licenses are examined, and other information relating to real estate practice.

Act 78 (AB-599) makes various changes relating to the certification and licensure of real estate appraisers, temporary appraiser practice and appraisals of residential and commercial real estate, changes the composition of the Real Estate Appraisers Board and permits customer access to appraiser reports.

Act 114 (AB-267) specifies that drug regimen screening and the performance of any act necessary to manage a pharmacy are included within the practice of pharmacy, and provides that the requirements for dispensing a generic drug do not apply to a pharmacist

who dispenses a generic drug that is prescribed for a patient in a hospital if the pharmacist dispenses the drug in accordance with written guidelines or procedures previously established by a pharmacy and therapeutics committee of the hospital and approved by the hospital's medical staff and by the patient's individual physician for the period of the patient's stay within the hospital.

Act 160 (AB-125) establishes requirements for the certification of social workers, marriage and family therapists and professional counselors (see *HIGHLIGHTS*).

Act 163 (AB-436) prohibits a person who is employed by a broker as a real estate salesperson or time-share salesperson from accepting from any person other than that broker a commission or valuable consideration as compensation for referring a person to another broker, real estate salesperson or time-share salesperson or to any other person in connection with a real estate transaction.

Act 167 (AB-828) requires the Board of Regents of the UW system to maintain its center for urban land economics research in the School of Business at UW-Madison, requires the center to conduct research and undertake educational, public outreach and grant activities related to real estate and urban land economics, and increases the biennial license renewal fees for real estate brokers, salespersons, corporations and partnerships by \$10 to provide additional funding for the center.

Act 180 (SB-248) changes the requirements for certification as a physician's assistant by the Medical Examining Board (MEB). The act requires MEB to grant a certificate as a physician's assistant to an applicant who, not later than July 1, 1993, submits evidence to MEB that he or she is certified to assist primary care physicians by the National Commission on Certification of Physician Assistants. After that date, an applicant may be certified as a physician's assistant by MEB only if, in addition to the national certification, the applicant completes a physician's assistant training program that is certified by MEB.

Act 181 (SB-269) allows a licensed practical nurse or registered nurse to provide nursing care to a patient in this state under an order of a person who is licensed to practice medicine, podiatry or dentistry in another state if that person prepared the order after examining the patient in that other state and directs that the order be carried out in this state.

Act 183 (SB-315) eliminates the license fee for holding or showing a boxing match on a closed circuit telecast or subscription telecast.

Act 186 (SB-499) clarifies the requirement that MEB must render a disciplinary decision within 90 days after "completion" of a disciplinary hearing by specifying that the decision must be rendered within 90 days after the date on which the initial disciplinary hearing is held or, if subsequent administrative proceedings on the matter are conducted, within 90 days after those subsequent proceedings are completed.

Act 207 (AB-677) eliminates the prohibition on chiropractor advertising of fixed prices for variable services and makes various other minor substantive changes in the requirements for licensure as an optometrist and the requirements for nonresident real estate licenses.

Act 269 (SB-483) makes various changes relating to the regulation of cemeteries. The act:

1. Eliminates the classification of endowment care cemeteries and the requirements relating to endowment care cemeteries.

2. Allows a city, village or town to enact an ordinance allowing a cemetery consisting of less than 20 contiguous acres to be established in the city, village or town and allowing the establishment and use of a public mausoleum in such a cemetery.

3. Exempts a cemetery that is not required to maintain any care funds or trust funds, a cemetery with an annual operating budget of \$2,500 or less and a nonprofit cemetery described in item 5, below, from the requirements to file annual financial reports with DORL, accompanied by a filing fee.

4. Relaxes certain restrictions on the deposit and investment of cemetery care funds, and eliminates all of those restrictions for a nonprofit cemetery described in item 5, below.

5. Exempts a nonprofit cemetery that does not pay any commissions to persons to sell cemetery lots or mausoleum spaces in the cemetery, or that does not sell or solicit the sale of 10 or more cemetery lots or mausoleum spaces during a calendar year, from requirements for obtaining approval from DORL before selling or encumbering any cemetery land; for depositing a specified percentage of each payment received from the sale of a cemetery lot into a care fund for the care of cemetery lots; for preneed sales of cemetery merchandise or undeveloped mausoleum spaces; for filing certain documents and annual reports with the Secretary of State (instead, the act requires the nonprofit cemetery to file the documents and reports with the register of deeds of the county in which the cemetery is located); and for a cemetery that is established on or after November 1, 1991, to consist of at least 20 contiguous acres.

The act also increases the fee that may be charged by a police chief or other designated official for the issuance of a private security permit from \$2 to a maximum of \$10.

Act 278 (SB-397) makes various changes in the laws regulating charitable organizations that solicit contributions and other persons who solicit or collect funds for charitable purposes. With exceptions, the act requires the following to annually register with DORL: charitable organizations and other persons who are or purport to be established for a charitable purpose that solicit contributions or have contributions solicited on their behalf; professional fund-raisers who solicit contributions for a charitable organization; and fund-raising counsel who at any time have custody of contributions from a solicitation for a charitable organization. The act also establishes requirements for solicitation disclosures and for charitable sales promotions.

Act 306 (SB-532) establishes various requirements for prescribing, labeling, dispensing and administering drugs for animal use and for enforcing those requirements.

Public Utilities

Act 39 (AB-91) increases from 2% to 7% the percentage of cellular telephone service subscribers in a geographic area necessary to trigger regulation of the service provider serving those subscribers by the PSC.

Act 94 (SB-123) revises provisions relating to the extension of electric service by electric cooperatives and utilities to avoid duplication of electric service facilities.

Act 127 (SB-376) requires cost disclosures during the preamble to a pay-per-call (900) telephone service and regulates billing and collection practices associated with pay-per-call services.

Act 267 (AB-699) increases the maximum monthly charge a county may impose to recover the nonrecurring costs associated with establishing a "911" emergency telephone system.

Act 268 (AB-763) permits telephone companies to offer caller identification services (caller ID).

Act 294 (AB-672) permits a telecommunications company, at the request of a law enforcement officer, to interrupt telephone service to or from the location of a suspect involved in a crisis situation.

Real Estate

Act 66 (SB-49) requires legal descriptions of the property on assignments and satisfactions of mortgages and provides a penalty for failure to record the satisfaction of a mortgage within 7 days.

Act 162 (AB-435) requires owners who are attempting to sell residential real estate, with certain exceptions, to furnish prospective buyers with a form on which a number of specified defects are to be disclosed if they exist. After they receive the form, buyers have the right to rescind the contract of sale.

Act 200 (SB-503) voids the following provisions in contracts for the improvement of land in this state: those that require a waiver of rights to a lien or to a claim against a payment bond, those that make the contract subject to the laws of another state and those that make a payment to a general contractor a condition precedent to a general contractor's payment to a subcontractor or supplier.

Shared Revenue

Act 39 (AB-91) does the following in the area of shared revenue and property tax credits:

1. It establishes a lottery property tax credit (see *HIGHLIGHTS*).
2. It eliminates the general government tax credit, a method of distributing property tax relief credits based on a municipality's share of statewide property tax levies for nonschool purposes.
3. It establishes shared revenue funding levels for 1991 and 1992.
4. It creates a small municipalities improvement program, to provide an additional shared revenue payment to municipalities with a population of 5,000 or less (see also *Act 269*).

Act 61 (SB-273) revises the way the consumer price index is calculated for purposes of the tax rate disparity payment program. Under the program, a qualifying municipality may receive an additional shared revenue payment, depending on the municipality's property tax rate, property values and budget.

Act 225 (AB-1065) requires a taxpayer to precertify his or her eligibility for a lottery property tax credit and creates a program to reimburse a county or city for costs it incurs in precertifying property for the credit.

Act 269 (SB-483) revises the small municipalities improvement program formula created in Act 39 and establishes the shared revenue funding level for 1993.

Act 307 (AB-919) authorizes a November distribution date for tax rate disparity payments to municipalities that is in addition to an existing July distribution date.

Act 323 (SB-579) increases the lottery property tax credit for property taxes levied in 1992 and collected in 1993. The act also establishes a variable level for the credit thereafter, based on the amount of lottery proceeds available each year.

State Government

STATE FINANCE

Act 37 (AB-485) authorizes WHEDA to issue \$35,000,000 in bonds and notes to finance a sports or entertainment home stadium as an economic development project and requires the employment of minority workers and minority-owned businesses in the construction and operation of the stadium (see also *Taxation*).

Act 39 (AB-91) makes various changes affecting WHEDA. The act:

1. Provides moneys from the recycling fund to the development reserve fund in WHEDA for the recycling loan guarantee program, under which WHEDA guarantees loans for the establishment or expansion of businesses that produce products using recycled materials.

2. Merges the recycling loan fund, the agricultural production loan fund and the drought assistance and development loan fund into a single fund, the Wisconsin development reserve fund, to be administered by WHEDA.

3. Establishes a targeted development loan guarantee program under which WHEDA guarantees business development loans in economically distressed areas.

4. Authorizes WHEDA to guarantee, under the development reserve fund, loans for commercial harvesting of whitefish from Lake Superior.

5. Authorizes WHEDA to guarantee, under the development reserve fund, loans made from the proceeds of economic development bonds to a nonprofit organization that owns or leases cultural or architectural landmark property (Taliesin) in Spring Green.

6. Adds the Secretary of Administration, or the secretary's designee, to the WHEDA Board of Directors.

7. Expands the scope of the community housing alternatives program (CHAP) to serve homeless persons, children who need long-term care and domestic abuse victims and to authorize the issuance of revenue bonds for rehabilitation facilities, child care sites and sites for residence-related activities.

8. Increases the maximum amount of a housing rehabilitation loan that may be guaranteed by WHEDA.

With respect to DOA, the act:

1. Directs DOA to assess to programs funded with general purpose revenue the estimated cost of claims, losses, damages and liability under the state's risk management program. The act also directs DOA to assess all programs for the cost of administration of the risk management program.

2. Permits DOA to charge state agencies for accounting, auditing, payroll and other financial services provided to them by DOA, whether the services are required by law or performed at the agencies' request. The change decreases moneys otherwise available for some programmatic purposes. In the case of certain agencies, the charges automatically result in increased user charges (for example, increased charges by the Public Service Commission to public utilities).

3. Requires DOA to order decennial appraisals of all state-owned housing rental units and to fix rental rates based on the appraisals. If in any biennial period no appraisal is made, the act directs the Secretary of Administration to adjust rental rates in accordance with the change in the consumer price index during that period.

Act 51 (SB-286) increases state bonding authorizations to refund public debt repayable from general purpose revenue and to pay the difference between the amount of public debt contracted and any lesser amount (excluding accrued interest) that is received by the state

in the sale of that debt in order to enable refinancing of public debt. The act also decreases appropriations to DOC, the Wisconsin development fund and JCF (see also *Primary and Secondary Education*).

Act 174 (AB-675) restricts the investment of the uninsured employers fund and the work injury supplemental benefit fund under the worker's compensation law to those investments that are permitted for the state investment fund. The act also deletes the authority of the State Investment Board to fix the rates of interest to be paid by public depository institutions on deposits of the state and local governmental units (the rates are now fixed by the institutions).

Act 299 (AB-717) deletes a requirement for the State Treasurer to prepare a biennial financial statement and instead provides for the information in the statement to be included in the treasurer's biennial office report. The act provides that all information relating to the owners of state debt, revenue obligations and short-term operating notes is closed to public inspection. The act permits the State Treasurer to determine a time, not exceeding one year, during which a state check or other draft must be presented for payment. The act also deletes a requirement to publish notices of property abandoned by persons whose last-known address is outside this state under certain conditions. In addition, the act makes minor changes relating to legal actions to recover unclaimed property, agreements to locate or obtain certain property and the form of reports made by county treasurers to the State Treasurer.

CLAIMS AGAINST THE STATE

Act 7 (SB-93) directs expenditure of a sum sufficient from the general fund for payment of a claim made by Manitowoc Milk Producers Cooperative, Manitowoc, Wisconsin, to compensate it for one-half of the value of milk shipped to Kasson, Inc. USA of Brillion, Wisconsin, in 1989 for which it had not been timely paid as of the act's effective date.

Act 8 (SB-94) directs expenditure of a sum sufficient from the general fund for payment of a claim made by Farmers Union Milk Cooperative, Madison, Wisconsin, to compensate it for one-half of the value of milk shipped to Kasson, Inc. USA of Brillion, Wisconsin, in 1989 for which it had not been timely paid as of the act's effective date.

Act 9 (SB-95) directs expenditure of a sum sufficient from the general fund for payment of a claim made by Milwaukee Cooperative Milk Producers, Brookfield, Wisconsin, to compensate it for one-half of the value of milk shipped to Kasson, Inc. USA of Brillion, Wisconsin in 1989 for which it had not been timely paid as of the act's effective date.

Act 252 (SB-312) directs expenditure of \$245,643.89 from the general fund for payment of claims made by 36 claimants to compensate them for one-half of the value of milk shipped to Kasson, Inc. USA of Brillion, Wisconsin, in 1989 for which they had not been timely paid as of the act's effective date.

STATE BUILDING PROGRAM

Act 39 (AB-91) and **Act 269 (SB-483)** authorize \$544,578,400 (from all funding sources) in new or expanded state building projects excluding highway projects. This compares with \$312,356,900 authorized in the previous fiscal biennium. The acts also authorize \$407,977,400 in new general obligation bonding authority for the state building program and capital equipment for buildings. The acts also place stipulations on specific 1991-93 building program projects for the State Fair Park, a UW-Madison parking ramp, and an Olympic Ice Training Center, and authorize reallocation of appropriated moneys

to construct a military affairs training site and academy, renovation of the Nevin Fish Hatchery and an environmental health laboratory at the UW-Superior.

Act 98 (SB-398) changes one of the funding sources for construction of an Olympic Ice Training Center at the State Fair Park and requires DNR to pay not more than \$10,000 for maintenance of the Olympic Ice Rink until the rink is removed for construction of the center.

OTHER STATE GOVERNMENT

Act 30 (SB-140) temporarily suspends the requirement that fire departments must perform a minimum number of fire inspections to be eligible for fire department dues (state financial assistance) and requires the Legislative Council to study and report on statutory fire inspection requirements, fire department dues distribution and recommendations for changes (see also *Act 187*).

Act 32 (AB-162) is a Revisor's correction act.

Act 39 (AB-91) makes various changes relating to district attorneys:

1. It revises salary and fringe benefit provisions affecting district attorneys.
2. It modifies appointment procedures and compensation provisions for special prosecutors.
3. It permits part-time deputy district attorneys and assistant district attorneys to engage in private law practice.
4. It revises the procedures for the disposition of obsolete district attorney records.

The act creates the following:

1. A Privacy Council, attached to DOA, which appoints a privacy advocate. The advocate works for the development and implementation of state and local government policies that protect personal privacy as they relate to personally identifiable information collected or maintained by those governments and also provides privacy-related information. The advocate may provide assistance and serve as an advocate on behalf of individuals in matters relating to privacy interests. The act directs the Public Records and Forms Board to create and maintain a registry of state records series that contain personally identifiable information. The act also permits an individual or his or her designee to inspect, copy and challenge the accuracy of most personally identifiable information relating to that individual contained in a record maintained by state and local units of government (see also *Act 269*).

2. A Council on State-Local Relations in DOA, which is directed to review and comment on proposed legislation and state agency proposals affecting local governments and to develop policy recommendations on other issues of importance to local governments and state and local relations.

3. A Division of Information Technology Services in DOA to provide, or contract to provide, computer services to state agencies in the executive branch. Under the act, each such agency other than the Board of Regents of the UW system must purchase all computer services from the division, unless the division otherwise permits. The act provides for the transfer of information technology processing functions of all such agencies, except the Board of Regents of the UW system, to DOA by July 1, 1994. The act also creates a Council on Information Technology to advise the Secretary of Administration on matters relating to the operation of the division.

The act also makes the following changes:

1. It makes the Legislative Reference Bureau, rather than the Secretary of State, responsible for publication of the *Laws of Wisconsin* (bound volumes of legislative acts and joint resolutions).

2. It requires DOA to contract with one or more child care providers to supplement the cost of providing child care services to be offered to the children of state agency employees who are stationed in central Madison, and to bill state agencies for the cost of any such contract.

3. It permits state agencies and counties to store public records on optical disks. The act provides that reproductions of such records generated from optical disk storage in accordance with standards prescribed by DOA may be used for all legal purposes in the same manner as the original documents.

4. It exempts state public officials from the prohibition against accepting transportation, lodging, meals, food or beverages under the code of ethics for state public officials if DOD provides the transportation, lodging, meals, food or beverages in connection with sponsorship of a trip to a foreign country primarily to promote trade between that country and this state, or in connection with hosting individuals in order to promote business, economic development, tourism or conferences sponsored by multistate, national or international associations of governments or governmental officials.

5. It transfers regulation of mobile home parks and mobile home sales from DHSS to the Division of Housing in DOA and transfers regulation and licensing of mobile home dealers and salespersons from DOT to DOA (see also *Act 269*).

6. It increases the hourly rates private attorneys receive from the State Public Defender for the representation of indigents. The act eliminates the requirement that the State Public Defender represent, in guardianship proceedings, indigents who are alleged to be incompetent. Instead, the county in which an indigent last lived is responsible for paying the attorney appointed to represent the indigent.

The act makes various changes relating to DILHR and housing. The act:

1. Transfers the private sewage system grant program from DNR to DILHR, funds the program and modifies residential income eligibility limits.

2. Modifies commercial building plan review requirements in 2nd class cities (generally, cities whose population is from 39,000 to 149,999) by requiring DILHR to accept reviews by a city that employs a registered professional for plan review, allowing owners to obtain plan examinations from either the city or DILHR and requiring DILHR to promulgate rules concerning such plan examinations.

3. Requires DOA to annually prepare a 5-year state housing strategy plan that includes recommended actions to implement the plan and further requires DOA to submit the plan to the federal Department of Housing and Urban Development, the Governor and the Legislature.

4. Transfers several homeless assistance programs, funded under the federal Stewart B. McKinney Homeless Assistance Act and from state funds, to DOA. The act transfers the shelter grants program and the transitional housing program from DHSS and transfers the program that provides low-interest mortgages for the handicapped homeless from WHEDA. The transitional housing program makes grants to organizations or local governments to operate housing and supportive services to facilitate the transition of deinstitutionalized homeless persons to independent living. The shelter grants program provides grants for rehabilitating and operating shelters for homeless persons.

5. Requires DOD to contract with DOA for the housing and initial rehabilitation grant component of the community development block grant program and transfers funds and employes from DOD to DOA.

6. When DOA has awarded a grant or loan for housing costs, authorizes DOA to administer and disburse the grant or loan on behalf of the recipient.

7. Provides funds for a housing grants and loans program that funds local government and housing authorities that make grants and loans to low-income and moderate-income households for various housing costs.

8. Deletes the limit on the number of grants that a single organization may receive for local housing organization grants and loans to low-income and moderate-income households for various housing costs.

9. Establishes and funds a transitional housing grant program that authorizes grants to organizations or local governments for operating transitional housing and support services for homeless persons.

10. Allows recipients under the local housing organization grant program to use awards for counseling services as well as for salaries or other operating costs. The program consists of grants to community organizations and housing authorities to provide housing opportunities for low and moderate income persons.

11. Requires the Division of Housing in DOA to make a demonstration grant for reducing the purchase price of new single-family homes for purchasers who meet specific moderate-income guidelines.

12. Transfers the low income weatherization component of the low-income energy assistance program from DHSS to DOA and funds the program.

Act 105 (AB-587) eliminates a position created for DOA in Act 39.

Act 110 (AB-440) requires restroom equity in facilities where the public congregates (see **HIGHLIGHTS**).

Act 170 (SB-258) establishes a program to encourage participation of veteran-owned businesses in the state purchasing program. The act also renames the Council on Small and Minority Business Opportunities to be the Council on Small Business, Veteran-Owned Business and Minority Business Opportunities and adds 2 members to the council, who must be owners or employes of veteran-owned businesses. The act directs the council to review participation by veteran-owned businesses in the state purchasing program.

Act 187 (SB-514) changes the number and type of building inspections that a fire department is required to make, eliminates minimum fire department personnel and equipment requirements for entitlement to fire department dues and adds a "grace period" for a noncomplying fire department to meet statutory standards before fire department dues distribution is withheld.

Act 189 (SB-559) is a Revisor's correction act.

Act 206 (AB-623) establishes requirements and procedures, administered by the Board of Commissioners of Public Lands, for a person wishing to raise and remove logs resting on submerged lands owned by the state.

Act 209 (AB-788) prohibits a state agency from informing the public in writing that an administrative rule is or will be in effect unless the agency has completed its rule-making process or is requested to provide that information.

Act 215 (SB-545) provides that, unless otherwise directed by the Revisor of Statutes, the session laws and the Wisconsin administrative code and register must be published using the same printing, binding and format as the previous edition of the same publication.

Formerly, these publications were required by law to be printed using substantially the same printing and binding as the previous edition of the same publication, with other specifications determined by DOA, subject to approval of the Joint Committee on Legislative Organization.

Act 256 (SB-577) redistricts the state's congressional districts to create districts of substantially equal population based on the 1990 federal decennial census.

Act 266 (AB-667) creates 1.5 project positions for the State Public Defender to provide staff to assist the State Public Defender in representing members of the Hmong community in this state.

Act 269 (SB-483) does the following:

1. Creates a Wisconsin Sesquicentennial Commission attached to the Office of the Governor which is directed to make appropriate plans and preparations for commemorating the 150th anniversary of Wisconsin statehood.

2. Requires appointing authorities to deny access to any public record that may reveal the identity of an applicant for a public office or position if the applicant so requests, except an applicant who is a finalist under consideration for appointment to a position in the state classified service. Under the act, records that may reveal the identity of an applicant, other than a finalist, for a position in the state classified service are closed to public inspection regardless of whether the applicant so requests. The act also creates specific exemptions to the right (created by Act 39) of an individual to inspect, copy and challenge the accuracy of personally identifiable information relating to that individual contained in a public record. In addition, the act changes the composition of the Privacy Council created by Act 39.

3. Creates an exception to the prohibition against a lobbyist or principal furnishing any thing of value to an elective state official or candidate for elective state office, and the prohibition against solicitation or acceptance of any thing of value from a lobbyist or principal by such an official or candidate, to permit the compensation or furnishing of employe benefits by a principal to an employe who is a candidate for an elective state office but who does not hold such an office if the employe is neither an official of a state agency nor a legislative employe, and if the principal or employe demonstrates that the principal's employment of the employe and the compensation and employe benefits paid to the employe are unrelated to the candidacy.

4. Establishes an energy efficiency program to assist state agencies in energy conservation.

5. Creates a Joint Committee on Information Policy.

6. Requires WHEDA to purchase the loan portfolio of the property tax deferral loan program and provides for DOA, rather than DOR, to administer that program.

The act also makes the following changes relating to DILHR and the regulation of mobile home and recreational vehicle sales:

1. Requires DILHR to establish a statewide multifamily dwelling code (see *HIGHLIGHTS*).

2. Requires DILHR to establish a uniform design to designate firewalls and requires any political subdivision that requires firewalls to be marked to conform to the design established by DILHR.

3. Modifies the transfer of mobile home sales regulation from DOT to DOA that was made in Act 39 to retain in DOT the regulation of recreational vehicle sales and to transfer to DOA only the regulation of the sale of large mobile homes defined as primary housing units.

Act 285 (SB-102) revises the laws governing collection and distribution of state publications. The act establishes 4 depository libraries for state publications and empowers DPI to designate other depositories, including not more than 10 regional depositories (which receive virtually all state publications) and not more than 35 selective depository libraries (to which distribution of certain publications is omitted). The act establishes standards that a library must meet to qualify as a depository. The act makes DPI responsible for distribution of most state publications. The act exempts certain publications issued primarily for sale from distribution requirements. The act exempts any state document received by a depository from public records preservation requirements. The act also requires identification and collection of significant UW publications. In addition, the act increases library distribution of the Wisconsin statutes and Blue Book.

Act 315 (AB-1091) is a Revisor's correction act.

Act 316 (AB-1092) is a Revisor's correction act.

Act 317 (AB-1093) permits public access to any records revealing the identity of applicants who are under final consideration for appointment to unclassified state offices and positions and major local offices and positions, unless the appointing authority demonstrates that the public interest in nondisclosure of the identity outweighs the strong public interest in providing such access.

The act also creates a Joint Committee on Information Policy consisting of 11 legislators, one member appointed by the Governor, and the Secretary of Administration. The act directs the committee to review information management practices and policies of state and local units of government, the effects of proposals for the expansion of existing information technology and the implementation of new information technology by the state, the impact of proposed legislation on existing technology utilization by state and local units of government, and reports that the Privacy Advocate is required to submit to the Legislature. The committee may direct the Privacy Advocate, the Council on Information Technology or the subunit in DOA with policy-making responsibility related to information technology to conduct studies and prepare reports. Bills may be referred to the committee by either house of the Legislature for its recommendation.

Taxation

Act 2 (AB-26) exempts from income taxation any amount of pay received by a reserve member of the U.S. Armed Forces who is below the grade of commissioned officer, and up to \$500 per month if the person is a commissioned officer, for certain services performed for Operation Desert Shield or Storm in the Desert Shield or Storm theater of operations (see also *Veterans* and *Act 39*).

Act 3 (SB-23) removes the liability for interest payments for certain individuals who file their income tax returns late, for taxable years beginning January 1, 1990, to December 31, 1990, if the individuals served in support of Operation Desert Shield or Storm, or a successor operation.

Act 37 (AB-485) decreases the percentage of the revenue from the county sales tax that is retained by DOR from 3.0% to 1.5%, creates a property tax exemption for professional sports and entertainment home stadiums and creates a sales tax exemption for materials used to build, renovate or develop those stadiums (see also *State Finance* and *Economic Development and Investment*).

Act 39 (AB-91) makes various changes in the area of taxation. The act:

1. Establishes uniform due dates for the homestead tax credit, the farmland tax relief credit and the farmland preservation tax credit, regardless of whether a claimant is required to file an income tax return, and provides the same administrative provisions for these credits as for the income and franchise taxes. These credits are applied against income or franchise taxes otherwise due.
2. Changes the definition of household income for purposes of eligibility for the homestead tax credit and farmland preservation tax credit by including interest earnings from nontaxable state and municipal bonds.
3. Changes the calculation of the earned income tax credit to be a certain percentage of the federal basic earned income tax credit, which may be claimed by certain lower-income workers who have at least one qualifying child living with them.
4. Increases the farmland preservation tax credit for certain farmland that is covered by a town exclusive agricultural zoning ordinance.
5. Exempts DOR from certain county register of deeds copying fees.
6. Provides that a DNR designation of farmland as part of the Ice Age Trail is a permitted use under the farmland preservation tax credit program.
7. Imposes the corporate income or franchise tax on railroads. Formerly, railroads were exempt from state income or franchise taxes.
8. Updates references to the federal internal revenue code for taxable years beginning after December 31, 1990.
9. Eliminates the deductibility of the federal environmental tax for state corporate income or franchise tax purposes.
10. Makes minor substantive revisions to the corporate research income or franchise tax credit.
11. Reduces the rates for the gross revenue tax on telecommunications companies beginning in 1994 and for interexchange carriers and resellers replaces that kind of tax with a tax based on the value of their property beginning in 1997.
12. Imposes a delinquent tax collection fee equal to the greater of \$25 or 4.5% of the amount owed. The fee applies to all state taxes. This fee makes possible the conversion of 131.65 positions in DOR from general purpose revenue to program revenue funding.
13. Narrows the property tax exemption for manufacturing machinery and equipment by limiting it to property actually used in manufacturing (rather than merely being part of a manufacturing process), by making transformers taxable and by specifying that the exemption is to be strictly construed. The act also requires owners of tax-exempt property to file reports on it.
14. Modifies the income tax exemption received by certain members of the U.S. armed forces who performed services for Operation Desert Shield or Storm (see also *Act 2*).
15. Changes the treatment of capital gains on the sale of small business stock for income tax purposes.
16. Limits the state historic property income tax credit to individuals and to certain kinds of work done on certain types of property.
17. Modifies income tax return filing requirements for dependents with unearned income.
18. Eliminates the \$1,200 limit on certain interest for the individual income tax itemized deduction credit, beginning with taxable year 1993.
19. Specifies that repeated late filing of an income or franchise tax return is sufficient evidence of intent to defeat or evade the tax law and violates the civil fraud statute.

Act 60 (AB-581) provides that for taxable years that end after April 1, 1992, DOR, with the approval of JCF, must set the rates for the temporary recycling surcharge, which is payable by most businesses, at the levels required to fund the appropriations from the recycling fund. The act also requires municipalities to specify on their property tax bills the amount that they spend for solid waste collection and disposal.

Act 90 (AB-14) permits an escrow agent to make out a check for the payment of property taxes in the name of the escrow depositor only, rather than in the name of the depositor and the municipal treasurer who collects the tax.

Act 92 (AB-338) changes from December 1 to November 1 the date by which a person who deposits money in escrow for the payment of property taxes must notify his or her escrow agent of how the property taxes should be paid.

Act 119 (AB-1057) provides that the rates for the motor fuel and special fuel taxes are not to be indexed during 1992.

Act 156 (AB-334) makes statutory references to various property tax officials of the city of Milwaukee consistent.

Act 190 (AB-107) changes the procedures by which a late income or franchise tax return filing fee is imposed on persons.

Act 195 (AB-857) changes the calculation of the homestead tax credit for certain persons.

Act 202 (AB-311) exempts transfers from a partner to a partnership from the real estate transfer fee.

Act 204 (AB-538) minimally expands the duties of real property listers. These are county officials who help administer the property tax.

Act 208 (AB-770) imposes the controlled substances tax on marijuana plants.

Act 218 (AB-167) allows ill and disabled persons to testify to property tax boards of review by telephone.

Act 219 (AB-635) requires DOR to absolve taxpayers of liability for interest and penalties that result from erroneous written advice from DOR.

Act 248 (AB-310) requires property tax assessors to notify owners of buildings that are located on managed forest land of increases of \$300 or more in the assessed value of that property.

Act 262 (SB-366) imposes a tax at the rate of 7% of the market value on persons who sever oil or gas from the soil or water of this state (see also *Environment*).

Act 269 (SB-483) makes various changes in the area of taxation. The act:

1. Creates an individual income tax deduction for certain medical care insurance costs paid by certain self-employed persons and by certain employees of self-employed persons.
2. Expands eligibility for the earned income tax credit by changing the definition of "child" for purposes of the credit.
3. Changes the filing requirements for individuals who seek an extension of the time to file an individual income tax return.
4. Increases the late income and franchise tax return filing fees for individuals and corporations.
5. Updates various references to the federal internal revenue code for taxable years beginning after December 31, 1991.
6. Discontinues the property tax exemption for student loan collection agencies.

7. Provides that vacant property that had been used for manufacturing or a similar purpose may be assessed by either this state or by the local assessor and that the decision about the responsibility for the assessment may not be based solely on the period of the vacancy.

8. Requires DOR to notify a municipality if it will begin to assess property that had been assessed by the municipality and allows the municipality to appeal that decision.

9. Increases the cigarette tax from 30 cents per pack to 38 cents per pack.

10. Requires payment of the real estate transfer fee upon the recording of land contracts rather than upon their fulfillment, as under former law.

11. Exempts certain members of the clergy from the temporary recycling surcharge fee.

Act 292 (AB-572) revises the treatment of leased or rented employes for purposes of eligibility for the development zone jobs income or franchise tax credit.

Act 293 (AB-629) allows owners of buildings located on leased land to pay the property taxes on those buildings in instalments.

Act 305 (SB-486) automatically extends the time to file an individual or fiduciary income tax return if the taxpayer files with the state tax return a copy of an application for an extension that was submitted to the IRS and if the IRS grants the extension.

Transportation

MOTOR VEHICLES

Act 13 (SB-101) extends the deadline for expiration of certain vehicle registrations issued to armed forces participants in Operation Desert Shield or Operation Desert Storm.

Act 14 (AB-18) permits 2 trailers to be drawn by a truck tractor without a permit under specified circumstances. Previous law limited this permit waiver to motor trucks.

Act 39 (AB-91) makes numerous changes in motor vehicle laws. The act:

1. Increases the annual registration fee for automobiles from \$25 to \$40, for motor homes by \$15 and for most trucks by between \$15 and \$150, and the annual fee for personalized registration plates from \$10 to \$15. The biennial registration fee for motorcycles is increased from \$14 to \$20. The act decreases the annual registration fee for certain trucks used exclusively to haul agricultural or forest products.

2. Permits a physically disabled person to obtain a special registration plate for a motorcycle entitling the person to special parking privileges upon submission of a statement of disability from the U.S. Department of Veterans Affairs.

3. Authorizes DOT to establish a fee by rule for the payment by credit card of vehicle registration renewals by telephone.

4. Allows DOT to enter into reciprocal agreements with other jurisdictions for the issuance or recognition of permits for oversize or overweight vehicles or loads.

Act 72 (AB-281) increases the maximum overall length for a combination of vehicles to be operated without a permit from 60 to 65 feet. The act establishes a similar permit exception for 3 vehicles being drawn in saddlemount combination.

Act 81 (AB-128) allows the operation of special interest vehicles with special registration plates during the months of February and March.

Act 100 (AB-547) provides for the issuance of distinguishing registration plates to veterans of the attack on Pearl Harbor.

Act 125 (AB-524) permits DOT, under certain circumstances, to transfer a decedent's interest in all vehicles that are at least 20 years old to his or her surviving spouse upon

receipt of the title and an affidavit by the surviving spouse. The procedure is usually limited to no more than 5 vehicles but may be used for more vehicles in the case of certain small estates.

Act 233 (SB-463) permits a local authority to immobilize, impound and dispose of certain unregistered motor vehicles. The act also prohibits intentionally making it impossible to read a vehicle identification number. In addition, the act creates a presumption that a motor vehicle located on a highway has been operated by its owner.

Act 239 (AB-676) makes minor technical changes to motor vehicle registration and titling laws.

Act 258 (AB-502) provides reduced fees for annual or consecutive month permits for the transportation of wood, paper products, pole length and pulpwood in oversize or overweight vehicles or combination of vehicles.

Act 269 (SB-483) allows a motor vehicle registrant or applicant to designate that, except under limited circumstances, DOT not release the person's name or address in providing copies of records containing the names or addresses of 10 or more persons.

Act 309 (SB-281) imposes a fee of \$7.50 for filing an application for a first certificate of title for a motor vehicle or for a certificate of title after transfer of ownership of a motor vehicle (see *HIGHLIGHTS, Environment*).

DRIVERS' LICENSES

Act 12 (SB-51) modifies the requirements for issuance of an instruction permit for commercial motor vehicle or school bus operation. The act also changes state law on issuance of a commercial driver license without a driving skills road test.

Act 13 (SB-101) extends the deadline for expiration of certain drivers' licenses issued to armed forces participants in Operation Desert Shield or Operation Desert Storm.

Act 21 (AB-134) allows DOT to waive the driving skills test of certain motorcycle applicants who have successfully completed a basic rider education course approved by DOT.

Act 34 (AB-228) eliminates the minimum 30-day period that a person's operating privilege is suspended for failure to pay a forfeiture, penalty assessment or jail assessment.

Act 39 (AB-91) makes various changes in the laws governing drivers' licenses. The act:

1. Requires convictions in a tribal court of tribal traffic laws to be used to suspend or revoke a person's operating privilege or for purposes of sentencing a person for a subsequent state traffic law violation or authorizing a person to operate certain motor vehicles.

2. Provides for the suspension or revocation of a person's operating privilege for not less than 6 months nor more than 5 years upon conviction of a state controlled substances (dangerous drug) violation. This change first applies to offenses committed on January 1, 1993, but offenses committed before that date may be counted as prior violations for the purpose of issuing an occupational license (see also *Children*).

3. Creates a \$50 automatic reinstatement fee collected by the court upon suspension of a person's operating privilege. This fee replaces the \$50 fee collected by DOT upon reinstatement of a person's operating privilege (see also *Act 269*).

4. Increases the fee for an instruction permit from \$15 to \$20, for a road test from \$5 to \$10, for renewal of a regular driver's license from \$9 to \$10, and for a probationary driver's license or initial issuance of a regular driver's license from \$9 to \$15.

5. Permits a county correctional officer transporting prisoners in a commercial motor vehicle to operate the vehicle without a commercial driver license. The act also specifies that any commercial driver license waiver applies only to the extent permitted by federal law (see also *Act 242*).

Act 86 (SB-86) permits any resident of the state to apply for an identification card issued by DOT and prohibits DOT from disclosing any records of an applicant or identification card holder under the age of 18 except to a court, law enforcement agency, district attorney, county corporation counsel or city, village or town attorney. Prior law required applicants for identification cards to be at least 16 years of age.

Act 230 (SB-285) reduces the penalties for violating any restrictions on a driver's license while operating a noncommercial motor vehicle.

Act 242 (AB-754) permits persons to operate a commercial motor vehicle without a commercial driver license if employed in highway winter maintenance by a local authority or in seasonal agricultural activities. The act also permits rescue squad members to operate any authorized emergency vehicle without a commercial driver license.

Act 269 (SB-483) allows a licensee, identification card holder or applicant to designate that, except under limited circumstances, DOT not release the person's name or address in providing copies of records containing the names or addresses of 10 or more persons. The act also makes the following changes:

1. It lowers the minimum age for a licensed person accompanying a permittee operating a commercial motor vehicle or school bus from 25 years to 21 years and eliminates the requirement that the licensed person have at least 2 years of driving experience in the same class and type of vehicle.
2. It delays implementation of the automatic reinstatement assessment imposed upon suspension of a person's operating privilege until July 1, 1993 (see also *Act 39*).
3. It requires DOT to issue drivers' licenses and identification cards of a distinctive background color to persons under the legal drinking age.

HIGHWAYS AND LOCAL ASSISTANCE

Act 27 (AB-40) directs DOT to designate and mark a certain highway route as the "Frank Lloyd Wright Memorial Highway."

Act 39 (AB-91) makes numerous changes in the state highway and local assistance programs. The act:

1. Enumerates 11 additional major highway construction projects. The act also expands the definition of a major highway project to include projects for the improvement of 10 or more miles of an existing divided highway to freeway standards. Unlike other highway construction projects undertaken by DOT, major highway projects require legislative approval before construction.
2. Increases the local transportation aid rate per mile for counties and municipalities from \$1,000 per mile in 1991 to \$1,100 per mile in 1992 and thereafter (see also *Act 269*).
3. Provides a 2.5% increase in connecting highway per mile aids in 1992 and 1993.
4. Establishes a reserve in the transportation fund of \$14,948,900 for possible use in funding highway rehabilitation of USH 41 associated with construction of a new stadium by the Milwaukee Brewers.
5. Increases the percentage of eligible mass transit operating expenses funded under the state aid formula to 42% for payments beginning in 1992. The act also makes the cost of

vouchers that are used for full or partial payment of fares eligible expenses for state aid purposes (see also *Act 269*).

6. Creates a local roads improvement program to reimburse counties and municipalities for 50% of eligible costs of highway construction projects with a projected design life of at least 10 years and highway feasibility studies (see also *Act 269*).

7. Expands the ride-sharing program to include demand management policies and programs designed to achieve a reduction in automobile trips. The act authorizes DOT to award grants to public and private organizations for demand management and ride-sharing programs.

8. Provides for the removal, relocation or adjustment of utility facilities within state trunk highway rights-of-way when required by DOT for proposed highway improvements. The act directs DOT to reimburse utility facility owners for the costs of certain relocation or adjustment work.

9. Allows DOT to use state and federal funds for highway construction, reconstruction or reconditioning on certain portions of STH 145 in Milwaukee County and I-43 in Milwaukee and Ozaukee counties. Previous law prohibited the use of state and federal funds for such purposes.

10. Directs DOT to designate and mark a certain highway route as the "Cinco de Mayo Memorial Highway."

Act 73 (AB-344) provides that motorcycle escorts of funeral processions may be equipped with a flashing amber light. The act also authorizes the operator of a lead vehicle or motorcycle escort in a funeral procession to report a motorist's failure to yield the right of way to a funeral procession to a traffic officer who may serve a citation for the violation on the owner of the vehicle.

Act 83 (AB-496) prohibits the use in motor vehicles of radios or other sound amplification devices that may be heard from a distance of 75 or more feet. The act provides exceptions for theft alarms and certain vehicles, including authorized emergency vehicles.

Act 265 (AB-564) permits DOT to authorize specific information highway signs (gas, food, lodging or camping) on a certain portion of USH 53 in La Crosse County.

Act 269 (SB-483) makes numerous changes in the state highway and local assistance programs. The act:

1. Increases the local transportation aid rate per mile for counties and municipalities from \$1,100 per mile in 1992 to \$1,200 in 1993 and thereafter (see also *Act 39*).

2. Directs DOT to make a payment of \$540,500 to Forest County to assist in the payment of an arbitration award.

3. Makes several changes in the laws relating to the local roads improvement program, including allowing county highway departments to perform certain county trunk highway improvements funded under the program and prohibiting DOT from requiring that the design and construction of certain improvements be certified by a registered professional engineer (see also *Act 39*).

4. Permits DOT to authorize specific information highway signs (gas, food, lodging or camping) on the Tri-County Expressway in Calumet, Outagamie and Winnebago counties.

TRAFFIC AND PARKING REGULATION

Act 26 (SB-7) makes permanent the requirement that most motor vehicle operators and passengers use safety belts (see *HIGHLIGHTS*).

Act 39 (AB-91) makes various changes relating to traffic and parking regulation. The act:

1. Prohibits a law enforcement officer or a motor vehicle inspector from stopping or inspecting certain vehicles (see *HIGHLIGHTS*).

2. Requires the amount of any forfeiture in excess of \$150 for a conviction under a local ordinance for certain vehicle size, weight or load violations be forwarded to the State Treasurer for deposit in the transportation fund.

3. Requires a child under 4 years of age who is being transported in a motor vehicle by a nonresident to be properly restrained in a child safety restraint system or safety belt. Previous law applied only to residents. The act also removes the exemption from the child restraint provisions for vehicles having a seating capacity of 2 persons (see also *Act 198*).

4. Allows motor trucks to tow 2 new farm product or livestock trailers or semitrailers from dealer to dealer or from manufacturer to dealer without a permit on certain highways.

Act 67 (SB-118) authorizes VTAE district boards to regulate parking on district property (see also *Vocational, Technical and Adult Education*).

Act 87 (SB-158) authorizes the placing of educational materials about the parking privileges of physically disabled persons on certain vehicles.

Act 142 (AB-846) permits pulsating or flashing headlamps on an ambulance or fire department vehicle when any red or red and white flashing, oscillating or rotating lights on the vehicle are being used.

Act 198 (SB-326) requires a person transporting a child under 8 years of age in a motor vehicle to properly restrain the child in a child safety restraint system or safety belt. If the child is under 4 years of age, a child safety restraint system must be used. Previous law required children under 4 years of age to be properly restrained while being transported in a motor vehicle. The act also eliminates the requirement that the parent or legal guardian of a child, if present in the vehicle, must provide for the proper restraint of the child.

Act 240 (AB-691) authorizes special parking privileges for physically disabled persons who are unable to carry property due to a permanent substantial loss of function in one or both arms.

Act 249 (AB-476) requires that each junk or scrapped vehicle being transported by a motor vehicle, trailer or semitrailer be securely fastened to the vehicle unless the vehicle is equipped with certain devices to prevent the shifting or falling of any junk or scrapped vehicle.

Act 269 (SB-483) prohibits a law enforcement officer or a motor vehicle inspector from stopping or inspecting certain vehicles (see *HIGHLIGHTS*).

The act also makes the following changes to the financial responsibility laws:

1. It requires revocation of the driver's license or vehicle registration of a person failing to comply with certain financial responsibility laws, including failing to deposit security with DOT following an accident. The act provides that proof of financial responsibility must be maintained for 3 years following reinstatement or renewal of any suspended or revoked vehicle registration. The act also permits issuance of an occupational commercial

driver license to persons whose commercial driver license has been suspended or revoked under the financial responsibility laws.

2. It specifies that the operator or owner of a vehicle is not required to deposit security with DOT following an accident if there is no reasonable possibility of a judgment against the vehicle operator. Prior law required no reasonable possibility of a judgment against the vehicle operator or owner.

3. It increases the reinstatement fee for a vehicle registration that is suspended or revoked under the financial responsibility laws from \$25 to \$50.

OTHER TRANSPORTATION

Act 39 (AB-91) makes various other changes relating to transportation. The act:

1. Creates a Regional Transportation Authority for a geographic region composed of 7 southeastern counties and specifies that the authority is responsible for the coordination of highway and transit programs in the region (see also *Act 199*).

2. Modifies the composition and operation of the Mississippi River Parkway Commission. The act expands the duties of the commission to include promotion of the Great River Road in Wisconsin.

3. Extends eligibility under the advance land acquisition loan program for airport development projects to privately owned, public-use airports.

4. Allows DOT to assign its acquisition rights for abandoned rail property to towns and villages.

The act also transfers regulation of mobile home parks from DHSS to the Division of Housing in DOA and transfers regulation and licensing of mobile home dealers and salespersons from DOT to DOA (see also *Act 269*).

Act 199 (SB-401) requires the Regional Transportation Authority to include in a report to the Legislature a recommendation concerning creation of a transit security force under the authority's jurisdiction (see also *Act 39*).

Act 251 (SB-89) allows a court to order a person convicted of operating a vehicle while under the influence of an intoxicant, drugs or both to perform community service work in an activity that demonstrates the adverse effects of substance abuse and allows the court to include in the person's driver safety plan a component that makes the person aware of the effect of his or her offense on victims.

Act 269 (SB-483) modifies the transfer of mobile home dealers and sales persons made in Act 39 to retain in DOT the regulation of recreational vehicle sales and to transfer to DOA only the regulation of the sales of large mobile homes defined as primary housing units.

The act permits DOT to allow rail corridors currently being used for freight rail service to be used for other purposes and to regulate such uses by permit. The act also authorizes DOT to award a grant to General Mitchell International Airport to promote the marketing of the airport, including marketing services concentrating on the northern Illinois market.

Act 277 (SB-308) makes changes relating to operating a motor vehicle while under the influence of an intoxicant, drugs or both (see *HIGHLIGHTS*).

Act 282 (SB-470) authorizes the issuance of bonds for mass transit purposes by political subdivisions and public transit bodies.

Trusts and Estates; Probate

Act 124 (AB-464) changes the fee payable to the personal representative of an estate. Under prior law, the personal representative was entitled to a fee equal to 2% of the estate's value. Under this act, that fee is 2% of the estate's value or a rate to which the personal representative and either the decedent or the persons who receive the majority interest in the estate agree.

Act 133 (SB-342) transfers the responsibility for distributing forms to be used to terminate joint tenancies and life tenancies from DOR to the registers of deeds.

Act 220 (AB-780) allows persons who have been given a power-of-attorney by someone who is in military service to represent the person who is in military service in a proceeding that involves an estate or trust, so that an attorney need not be appointed.

Act 246 (SB-236) a uniform state law, specifies the requirements for establishing, managing and terminating trusts that are created for the benefit of an individual.

ABBREVIATIONS

AB	Assembly Bill	DOR	Department of Revenue
AFDC	Aid to Families with Dependent Children	DORL	Department of Regulation and Licensing
AIDS	Acquired immunodeficiency syndrome	DOT	Department of Transportation
DATCP	Department of Agriculture, Trade and Consumer Protection	DPI	Department of Public Instruction
DER	Department of Employment Relations	DVA	Department of Veterans Affairs
DETF	Department of Employe Trust Funds	JCF	Joint Committee on Finance
DHSS	Department of Health and Social Services	PSC	Public Service Commission
DILHR	Department of Industry, Labor and Human Relations	SB	Senate Bill
DNR	Department of Natural Resources	Spec. Sess..	Special Session
DOA	Department of Administration	UW	University of Wisconsin
DOC	Department of Corrections	VTAE	Vocational, Technical and Adult Education
DOD	Department of Development	WHEDA ..	Wisconsin Housing and Economic Development Authority
DOJ	Department of Justice	WRS	Wisconsin Retirement System
		WSEU	Wisconsin State Employees Union

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