

Summary of the 1993-94 Wisconsin Legislative Session
1993 Wisconsin Acts 1 to 497

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ABBREVIATIONS

AB	Assembly Bill	DOJ	Department of Justice
AFDC.....	Aid to Families with Dependent Children	DOR.....	Department of Revenue
AIDS	Acquired immunodeficiency syndrome	DORL	Department of Regulation and Licensing
DATCP	Department of Agriculture, Trade and Consumer Protection	DOT	Department of Transportation
DER	Department of Employment Relations	DPI.....	Department of Public Instruction
DETF	Department of Employe Trust Funds	DVA	Department of Veterans Affairs
DHSS	Department of Health and Social Services	JCF.....	Joint Committee on Finance
DILHR.....	Department of Industry, Labor and Human Relations	PSC.....	Public Service Commission
DNR.....	Department of Natural Resources	SB	Senate Bill
DOA.....	Department of Administration	Spec. Sess..	Special Session
DOC	Department of Corrections	UW.....	University of Wisconsin
DOD.....	Department of Development	WHEDA ..	Wisconsin Housing and Economic Development Authority
		WRS	Wisconsin Retirement System
		WSEU	Wisconsin State Employees Union

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STATE BUDGET SUMMARY

GENERAL FUND SUMMARY

	<u>1993-94</u>	<u>1994-95</u>
REVENUES		
Opening Balance, July 1	\$ 167,765,500	\$ 233,634,900
Taxes	7,305,140,000	7,699,630,000
Departmental Revenues	<u>143,182,900</u>	<u>122,275,200</u>
Total Available	\$ 7,616,088,400	\$ 8,055,540,100
APPROPRIATIONS, TRANSFERS AND RESERVES		
Gross Appropriations	\$ 7,359,093,500	\$ 7,884,729,700
Compensation & Litigation Reserves	58,605,200	119,736,200
Transfers to:		
Statewide UCC Lien System	228,900	-0-
Local Government Property Insurance Fund	-0-	2,000,000
Veterans Trust Fund	-0-	4,225,500
Less Lapses	<u>-35,474,100</u>	<u>-48,516,400</u>
Net Appropriations	\$ 7,382,453,500	\$ 7,962,175,000
BALANCES		
Gross Balance	\$ 233,634,900	\$ 93,365,100
Required Statutory Balance	<u>-73,590,900</u>	<u>-78,847,300</u>
Net Balance, June 30	\$ 160,044,000	\$ 14,517,800

SUMMARY OF APPROPRIATIONS — ALL FUNDS

	<u>1993-94</u>	<u>1994-95</u>
General Purpose Revenue	\$ 7,359,093,500	\$ 7,884,729,700
Federal Revenue	(3,637,585,100)	(3,794,624,700)
Program	3,226,456,200	3,389,498,200
Segregated	411,128,900	405,126,500
Program Revenue	(1,998,978,800)	(2,052,027,600)
State	1,668,234,800	1,716,444,300
Service	330,744,000	335,583,300
Segregated Revenue	(1,827,849,800)	(1,862,243,100)
State	1,657,624,800	1,684,110,900
Local	52,114,700	51,328,300
Service	<u>118,110,300</u>	<u>126,803,900</u>
GRAND TOTAL	\$ 14,823,507,200	\$ 15,593,625,100

**SUMMARY OF COMPENSATION AND
LITIGATION RESERVES — ALL FUNDS**

	<u>1993-94</u>	<u>1994-95</u>
General Purpose Revenue	(\$ 58,605,000)	(\$ 119,736,200)
Estimated Litigation	35,000,000	35,000,000
Estimated Compensation	23,605,200	84,736,200
Federal Revenue	7,478,100	26,134,200
Program Revenue	19,214,700	66,205,700
Segregated Revenue	<u>4,693,000</u>	<u>17,317,400</u>
TOTAL	\$ 89,991,000	\$ 229,393,500

LOTTERY FUND SUMMARY

	<u>1993-94</u>	<u>1994-95</u>
REVENUES		
GROSS REVENUE	\$ 510,064,200	\$ 523,550,500
EXPENSES		
Prizes	290,153,800	297,880,600
Administrative Expenses	<u>65,817,400</u>	<u>67,107,300</u>
	\$ 355,971,200	\$ 364,987,900
NET PROCEEDS	\$ 154,093,000	\$ 158,562,600
TOTAL AVAILABLE FOR PROPERTY TAX RELIEF		
Opening Balance	\$ 23,351,800	\$ 6,507,000
Net Proceeds	154,093,000	158,562,600
Interest Earnings	<u>2,000,000</u>	<u>1,700,000</u>
	\$ 179,444,800	\$ 166,769,600
PROPERTY TAX RELIEF	\$ 172,937,800	\$ 156,298,600
GROSS CLOSING BALANCE	\$ 6,507,000	\$ 10,471,000
RESERVE	6,507,000	10,471,000
NET CLOSING BALANCE	\$ -0-	\$ -0-

Figures supplied by the Legislative Fiscal Bureau as of July 15, 1994.

HIGHLIGHTS

Agriculture

Act 16 (SB-44) establishes an agricultural chemical clean-up program. Under the program, DATCP may order a person to clean up a discharge of an agricultural chemical (a nonhousehold pesticide or fertilizer that is also a hazardous substance). Under preexisting law, only DNR had authority to order cleanups of hazardous substances, including agricultural chemicals. Under the program, DATCP provides reimbursement for a portion of the costs of cleaning up certain discharges of agricultural chemicals. The amount of reimbursement available under the program varies depending on whether the person applying for reimbursement is licensed by DATCP (as a pesticide applicator, for example), whether DATCP has previously provided reimbursement for a cleanup at the same site and whether the discharge occurs while the agricultural chemical is being transported. To fund the agricultural chemical clean-up program, the act increases pesticide and fertilizer license and tonnage fees and provides general purpose revenues. The act also authorizes WHEDA to guarantee loans to finance the cleanup of a discharge of an agricultural chemical if the cleanup is ordered by DATCP.

Act 476 (SB-771) requires DATCP to promulgate rules authorizing the labeling of a dairy product with a statement indicating that synthetic bovine growth hormone (BGH) is not used for the production of the dairy product. The statement must be based upon affidavits from dairy farmers stating that they do not use synthetic BGH for the production of milk.

Beverages

Act 98 (SB-548) allows a municipality or DOR to revoke, suspend or refuse to renew a person's alcohol beverage license or permit if the person: 1) knowingly allows the premises for which the license or permit is issued to be used for possessing, with the intent to manufacture or deliver, or manufacturing or delivering illegal drugs; or 2) is convicted of possessing, with the intent to manufacture or deliver, or manufacturing or delivering illegal drugs (see also *Children, Courts and Procedure and Crimes*).

Children

Act 98 (SB-548) makes various changes relating to juvenile justice. The act:

1. Expands the offenses for which a child who is 14 years of age or over may be waived to adult court to include certain gang-related offenses and certain additional violent offenses.
2. Provides for direct adult court jurisdiction, without waiver of juvenile court jurisdiction, over a child who is alleged to have committed an assault or battery while in a secured juvenile correctional facility and provides a presumptive minimum sentence of imprisonment for a child who is convicted of such an offense.
3. Permits the victim of a child's act to attend and make a statement at the child's dispositional hearing.
4. Prohibits a child from requesting the substitution of a judge in a delinquency proceeding within one year after the entry of an order in another proceeding under the children's code in which the child requested the substitution of a judge.

5. Excludes periods of delay, permitted under preexisting law, in calculating the time within which to hold a hearing on the extension of a dispositional order under the children's code.

6. Requires the parent or guardian of a child to reimburse, based on his or her ability to pay, the state or a county for the cost of legal counsel provided for that child in a proceeding before the juvenile court, whether or not a district attorney requests reimbursement.

7. Lowers from 14 to 12 the age at which a municipal court has jurisdiction over a child who is alleged to have committed a civil law or ordinance violation.

8. Permits a juvenile court to order a child who is adjudicated delinquent both to pay a forfeiture (civil monetary penalty) and to make restitution for any damages or injury caused by the child and eliminates the maximum forfeiture amount that a child who has committed a delinquent act or a civil law or ordinance violation may be ordered to pay.

9. Permits a child who has been ordered to be held in custody or who is the subject of a dispositional order or sanction to be electronically monitored.

10. Permits a child to be held in contempt of court for a 2nd or subsequent violation of a juvenile court order. Under former law, a child could be sanctioned for repeated violations of a juvenile court order, but could not be held in contempt.

11. Requires a juvenile court to notify the principal of a child's school if the child is adjudicated delinquent for committing a delinquent act that would be a gang-related felony if committed by an adult; permits law enforcement agencies to have access to the juvenile court records of such a child; and eliminates the right of a parent to object to a juvenile court notifying his or her child's school that the child has been adjudicated delinquent (see also *Act 228*).

12. Provides that certain juvenile sex offenders must comply with reporting requirements by providing DOJ with their current addresses, school enrollment status and employment information (see also *Crimes*).

13. Creates or expands certain programs for the prevention of delinquency or for the supervision and rehabilitation of children who have been adjudicated delinquent, including creating a juvenile boot camp program and providing bonding authority for a juvenile boot camp facility, eliminating the expiration date of the pilot program to provide intensive aftercare for children who have been released from a secured juvenile correctional facility, creating a community improvement job training grant program and increasing funding for grants to counties for intensive supervision programs and for grants to school districts for drug abuse resistance education (DARE) programs (see also *Beverages, Courts and Procedure* and *Crimes*).

Act 377 (SB-810) makes various changes relating to delinquency prevention and the supervision and rehabilitation of children who have been adjudicated delinquent. The act:

1. Creates a youthful offender program, effective on December 1, 1995, under which a juvenile court, on the recommendation of DOC, may place certain repeat offenders under the supervision of DOC usually for a period of 5 years, unless the child is discharged sooner. Under the program, DOC provides supervision, care and rehabilitation services for the child, including placement in a secured juvenile correctional facility.

2. Provides funding for DHSS to distribute to counties for early intervention services for first offenders and for intensive community-based intervention services for seriously chronic offenders.

3. Grants bonding authority for DOC to provide 250 juvenile secured correctional beds and for DHSS to provide juvenile secured mental health beds.

4. Creates an intensive residential aftercare pilot program under which DHSS may place a child in a child-caring institution after the child has been released from a secured juvenile correctional facility.

5. Permits a juvenile court, beginning on December 1, 1995, to order the parent or guardian of a child who has been adjudicated delinquent or found to be in need of protection or services to comply with any conditions that are necessary for the child's welfare, including participation in mental health treatment or parent training.

6. Provides additional funding for the juvenile boot camp program, the truancy abatement and burglary suppression (TABS) program and the UW-Madison Law School prosecution program (see also *Education*).

Constitutional Amendments

Enrolled Joint Resolution 3 (*Senate Joint Resolution 2*), proposed by the 1993 Legislature on 2nd consideration, prohibits the legislature from authorizing any gambling except that expressly permitted in the constitution and 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. The amendment was ratified by the electorate on April 6, 1993.

Enrolled Joint Resolution 27 (*Senate Joint Resolution 49*), proposed by the 1993 Legislature on first consideration, permits the state to operate a Wisconsin sports lottery, with proceeds to be used for athletic facilities. Currently, the constitution permits the state to operate a lottery the proceeds of which must be used for property tax relief.

Courts and Procedure

Act 98 (*SB-548*) makes various changes related to courts and procedure. The act:

1. Declares that any building or structure that is used as a meeting place of a criminal gang or that is used to aid the activities of a criminal gang is a public nuisance and is subject to closure and sale.

2. Permits a person whose property is damaged as a result of criminal gang activity to bring a civil action against the gang or any member of the criminal gang who participated in the activity for the amount of the person's damages.

3. Permits the state, a school district or a political subdivision of the state to bring an action to enjoin a person from committing an act that would injure the state, school district or political subdivision.

4. Permits the state, a school district or a political subdivision of the state to bring a civil action against a gang or members of a gang to recover money expended for the allocation of resources resulting from criminal gang activity (see also *Beverages, Children and Crimes*).

Crimes

Act 98 (*SB-548*) makes various changes relating to crimes. The act:

1. Provides that certain sex offenders must comply with reporting requirements by providing DOJ with their current addresses, school enrollment statuses and employment information (see also *Children*).

2. Increases penalties for crimes committed for the benefit of, at the direction of or in association with a criminal gang.

3. Provides penalties for soliciting a child to participate in criminal gang activity.
4. Creates a Gang Violence Prevention Council to advise DHSS.
5. Expands the arrest authority of a police officer when he or she is physically outside of his or her home jurisdiction in certain emergency or felony situations.
6. Broadens the coverage of the crime of disarming a peace officer to cover the taking of any dangerous weapon from the officer.
7. Increases the penalties for attempting to disarm a peace officer.
8. Provides enhanced penalties for using or possessing a handgun in the commission of a crime if the handgun is loaded with an armor-piercing bullet or if the person possesses such a bullet.
9. Provides penalty enhancements for committing a crime for terrorist purposes.
10. Provides a single set of penalties for illegal drug dealing activities for offenses involving cocaine. Prior law had different penalties for illegal drug dealing activities involving cocaine base (including "crack cocaine") and those involving other forms of cocaine.
11. Allows a broader use of videotaped statements by a child at a preliminary examination in a felony case.
12. Requires DOC to allow law enforcement officers to have access to certain DOC records relating to prisoners, probationers, parolees and intensive sanctions program participants (see also *Beverages, Children and Courts and Procedure*).

Act 289 (SB-781) provides that certain persons who are persistent repeat serious felony offenders must be sentenced to life imprisonment without the possibility of parole. Under this so-called "3 strikes and you're out" act, a person is subject to the mandatory life sentence if he or she is currently being sentenced for a serious felony and had prior convictions on 2 or more separate occasions for serious felonies preceding the current serious felony violation. At least one of the prior convictions must have occurred before the date of at least one of the other serious felony violations. The serious felonies include serious violations related to homicide, battery, sexual assault, mayhem, kidnapping, taking hostages, tampering with household products, arson, armed burglary, armed robbery, carjacking, assault by a prisoner, crimes against children and controlled substances.

Domestic Relations

Act 481 (May 1994 Sec. Sess. SB-2) makes a number of changes in the laws relating to child support, child support enforcement and paternity. The act:

1. Requires that a court use the same method to determine how much child support parents must pay for a child who is placed by the court in substitute care, such as a group home, foster home, treatment foster home, child caring institution or juvenile correctional institution as is used to determine child support in divorce matters. Under this method, child support equals a specified percentage of a payer's gross income, depending on the number of children that the payer is obligated to support. Under former law, child support for a child placed in substitute care was based on a sliding scale formula determined by DHSS.
2. Allows the alleged father in a paternity action to stipulate to his paternity, to legal custody and physical placement of the child and to an amount of child support. If the alleged father files such a stipulation with a statement that waives his first appearance or before the scheduled pretrial hearing, the alleged father need not appear in court unless the judge or family court commissioner requires it.

3. Requires a court, upon the request of the attorney responsible for child support enforcement in a county, to appoint a guardian ad litem to commence a paternity action on behalf of a minor, nonmarital child if AFDC is being provided on behalf of the child, or if legal services on behalf of the child have been requested of the state child support enforcement program, and the state is barred by a statute of limitations from commencing a paternity action on behalf of the child. Before commencing a paternity action, the guardian ad litem appointed by the court must determine that a determination of paternity is in the child's best interest.

4. Allows a court to order a man to pay child support for a child in any action affecting the family that seeks child support, if the man has signed and filed a statement acknowledging paternity with respect to the child. Under former law, a court could order child support on the basis of a statement acknowledging paternity only in a paternity action.

5. Allows a payee of child support to establish an arrearage in child support payments by affidavit when the order for payments is expressed as a percentage of income rather than as a fixed sum.

6. Allows a court to require a payer of child support or maintenance to make those payments by an automatic deposit account transfer if the court determines that income withholding for the payments is inapplicable or ineffective.

7. Increases the authority of the family court commissioner by authorizing the commissioner to conduct hearings and enter orders and judgments in paternity actions and in actions to establish, enforce or revise child support. Under former law, a family court commissioner had authority to enforce or revise but not to establish child support, and could perform in paternity actions only those functions specifically authorized in the paternity statutes.

8. Allows a court to require income withholding for a child's health insurance premiums in a divorce or paternity action, and requires an insurer or an employer to provide health care coverage for a child if the child's parent is ordered by a court to pay for the child's health care expenses and the parent is eligible for family coverage. Coverage for the child must be provided without regard to enrollment periods and even if the child is a nonmarital child or resides outside the insurer's geographical service area.

9. Provides that a paternity action survives the death of the alleged father.

Education

Act 16 (SB-44) makes various changes relating to education. The act:

1. Limits the increase in the total amount of revenue that a school district may receive from general school aids and property taxes in the 1993-94 to 1997-98 school years. The maximum allowable increase is a specific dollar amount per pupil (\$190 in the 1993-94 school year) or the rate of inflation, whichever is greater. The specified dollar amount per pupil is adjusted each year by the rate of inflation. A school board may exceed the revenue limit if the electors of the school district approve the excess revenue at a referendum. If a school district exceeds the limit without a referendum, the State Superintendent of Public Instruction must deduct from the school district's state aid an amount equal to the excess revenue. If that is insufficient to cover the excess revenue, the school board must reduce the property tax obligations of its taxpayers by an amount that represents the remainder of the excess revenue.

2. Requires each school district to maintain all existing fringe benefits and the employer's percentage contribution to the cost of providing those benefits to

nonrepresented professional employees for the period beginning on July 1, 1993, and ending on June 30, 1996. The act also prohibits such employees from receiving, as a group, within each school district, an average annual increase in compensation greater than 2.1% of their employer's total annual compensation and fringe benefit costs, less the cost of maintenance of fringe benefits exceeding 1.7% of those costs, during that period. In addition, the act requires all contracts between school districts and nonrepresented professional employees to expire on June 30 of each odd-numbered year. Formerly, there was no limitation on the terms of such contracts (see also *Employment*).

3. Authorizes a school board on its own initiative, or upon receipt of a petition signed by at least 10% of the teachers employed by the school district or by at least 50% of the teachers employed at one school, to contract for the operation of a school as a charter school. A charter school is exempt from most laws governing public schools. A school board may not establish a charter school without the approval of the State Superintendent of Public Instruction, who must approve the first 10 requests for approval and must ensure that charter schools are established in no more than 10 school districts. If a school board contracts for the operation of a school as a charter school, the contract must specify the amount that the school district will pay the charter school each year. Charter school employees remain school district employees and may participate in WRS.

Act 377 (*SB-810*) directs the State Superintendent of Public Instruction to provide funds to a nonprofit corporation for the planning, development and operation of a youth village program. The program must be designed to provide a residential alternative education program for pupils whose home or social environment seriously interferes with their educational progress and who are functioning below their grade levels in basic academic skills, are behind in academic credits for their grade levels or have records of poor grades or attendance problems.

The act also directs the state Technical College System Board to award grants to district technical college boards for providing basic skills instruction in jails and prisons (see also *Children*).

Act 437 (*AB-1126*) changes the state general school aid appropriation, beginning in the 1995-96 school year, from a specified amount to an amount that is sufficient to ensure that the total increase in general school aids over the previous fiscal year is equal to the maximum revenue increase allowed, on a statewide basis, under the school district revenue limit. The act also prohibits a school board from levying a tax for school operations that exceeds 10 mills (3.33 mills in a union high school district and 6.67 mills in a school district operating only elementary grades) beginning with the 1997 levy.

Finally, the act creates a School Funding Commission. The commission must develop a plan for the state to provide at least two-thirds of the revenue of the public schools beginning in the 1996-97 school year. The commission must submit its report to the Legislature by September 15, 1995, and JCF must introduce a bill encompassing the commission's recommendations by October 1, 1995. The act creates a provision which states that the Legislature must act on the bill by October 31, 1995.

Act 454 (*SB-542*) directs the State Superintendent of Public Instruction, whenever he or she receives an application for issuance or renewal of a license or permit, to conduct a background investigation with the assistance of DOJ. Under certain circumstances, the superintendent must require the person to be photographed and fingerprinted. The act authorizes the superintendent to issue or renew a license or permit conditioned upon the receipt of a satisfactory background investigation.

Employment

Act 16 (SB-44) repeals the law which provides for compulsory arbitration of labor disputes in local government employment other than law enforcement and fire fighting employment effective on July 1, 1996. The act also provides that collective bargaining units in local government employment may consist only of school district professional employes or other employes, and provides that in collective bargaining units consisting of school district professional employes, for the period from July 1, 1993, to June 30, 1996, the employer is not required to submit economic issues to binding arbitration if it submits a "qualified economic offer." A "qualified economic offer" is one which maintains all existing fringe benefits and the employer's percentage contribution to the cost of providing those benefits and includes specified compensation adjustments to the extent that the total additional annual cost of all fringe benefits and compensation adjustments do not exceed 3.8% of the employer's annual total increased cost for providing compensation and fringe benefits to the employes in a collective bargaining unit. (Formerly, an employer could be required to submit any dispute relating to compensation or fringe benefit adjustments for school district professional employes to binding arbitration.)

The act also requires all collective bargaining agreements covering school district professional employes to expire on June 30 of each odd-numbered year. (Formerly, no expiration date was specified but agreements were limited to 2 years in most cases.)

In addition, the act reconstitutes the Council on Municipal Collective Bargaining and requires the council to continuously review the operation of local government dispute settlement procedures and to recommend appropriate changes to those procedures and specifically, to report to the Legislature, no later than January 1, 1995, concerning an analysis and assessment of proposed changes to local government dispute settlement procedures and the council's recommendations for changes to those procedures (see also *Education*) (see also *Act 429*).

Environment

Act 116 (AB-607) prohibits a city, village, town or county from regulating pesticides except that the act allows local regulations of pesticides if those regulations are required by federal or state law or if those regulations prohibit conduct that is prohibited by federal or state law. The act requires a city, village, town or county to consult with DATCP before enacting pesticide regulations that are authorized under the act.

Health and Social Services

Act 27 (AB-585) includes numerous provisions related to public health.

The act revises preexisting administrative structures for county, city, village and town health agencies by abolishing town and village boards of health except in Milwaukee County and in a county that satisfies certain criteria (Racine County), by requiring county boards of supervisors to establish county health departments meeting the act's requirements and by prohibiting the establishment of additional city health departments except in Milwaukee County where city and village health departments that meet the act's requirements must be established (see also *Act 106*).

The act requires that a local health department provide at least one of 3 levels of service. The act specifies required services that local health departments must, at the minimal level, provide and requires that DHSS promulgate rules that specify services required to be provided by the other levels.

The act specifies the membership and duties of and appointing authority for a local board of health.

The act also establishes specific educational and experience requirements for a local health officer; requires, with certain exceptions, that the local health officer be a full-time employe; specifies the officer's required scope of administration and enforcement; and specifies the authority for appointment of the officer.

Under the act, DHSS is required to perform numerous duties related to statewide administration and provision of public health services, including appointment by the state health officer of chief medical officers to serve as state epidemiologists for certain diseases.

Lastly, the act revises preexisting laws pertaining to public health and creates provisions relating to communicable diseases, maternal and child health, environmental health, injuries and chronic disease.

Act 99 (SB-418) provides for the expiration of the AFDC program on December 31, 1998, and requires the Secretary of Health and Social Services to submit to the Legislature a proposal to replace AFDC. The act also requires DHSS to request a waiver from the federal government to allow it to implement a pilot public assistance program called "work-not-welfare" in one or more counties that it selects. In general, persons who are subject to the pilot program receive a combined AFDC benefit and cash benefit in lieu of food stamps. The benefits are payable only for a limited number of months and must be used within a family's benefit period, which is generally 48 months. In order to receive these cash benefits, certain members of the family are required to participate in an employment and training program. In addition to cash benefits, a family may be eligible for certain additional transitional benefits for shelter, child care and medical care. After the cash and transitional benefits are exhausted or the benefit period has elapsed, members of the family are generally ineligible for AFDC, general relief and relief of needy Indian persons for 3 years. The act also establishes a pilot program known as "work-first" which seeks to increase the amount of job opportunities and basic skills (JOBS) program services provided to AFDC recipients and to minimize the time between the date on which a person first applies for AFDC and the date on which the person begins to participate in the JOBS program.

Act 479 (May 1994 Spec. Sess. AB-3) creates a procedure for the involuntary commitment of certain individuals who are found to be sexually violent persons. A "sexually violent person" is a person who: 1) has been convicted of a sexually violent offense, has been adjudicated delinquent for a sexually violent offense, or has been found not guilty of or not responsible for a sexually violent offense by reason of insanity or mental disease, defect or illness; and 2) is dangerous because he or she suffers from a mental disorder which creates a substantial probability that he or she will engage in acts of sexual violence. Under the act, "sexually violent offense" means a sexual assault or, if it is sexually motivated, an intentional or reckless homicide, aggravated battery, false imprisonment, hostage-taking, kidnapping or burglary. DOJ or certain district attorneys may file a petition to commit a person who appears to be a sexually violent person if the person is within 90 days of release from custody, commitment or supervision resulting from a conviction or adjudication for a sexually violent offense or from a finding that the person was not responsible for or not guilty of a sexually violent offense by reason of insanity or mental disease, defect or illness. A person who is subject to a petition is entitled to a trial, which may be by a jury, at which DOJ or the district attorney must prove beyond a reasonable doubt that the person is a sexually violent person. If the person is found to be a sexually violent person, the person is committed to DHSS for control, care and treatment

until such time as the person is no longer dangerous to others or is no longer suffering from a mental disorder which creates a substantial probability that the person will engage in acts of sexual violence. The person may be committed to institutional care in an appropriate facility or the court may order the person to be placed on supervised release. A person committed as a sexually violent person is entitled to a periodic reexamination and to petition for supervised release or discharge from commitment.

Former law did not provide a specific procedure for the involuntary commitment of a sexually violent person who was at the end of his or her period of custody, commitment or supervision. However, such a person could have been subject to a new period of custody, commitment or supervision if, after a previous period of custody, commitment or supervision, he or she engaged in an act that could have been prosecuted as a crime or that indicated the person was mentally ill and dangerous to himself, herself or others.

Local Law

Act 16 (SB-44) imposes tax rate limits on counties for general operating purposes (excluding debt retirement). Unless a higher operating levy rate is approved by the electors in a county referendum, the operating levy rate limit is the greater of .001 mills or the operating levy rate that was imposed by the county in 1992. If a county exceeds this limit, DOR is required to penalize the county in one or more ways, including reducing the amount of certain shared revenue payments made by the state to the county.

Act 246 (AB-1076) grants to towns most of the powers that cities and villages had under preexisting law, including the authority to establish town housing authorities, enact traffic ordinances and regulate billboards and certain places of amusement. The act does not allow towns to use tax incremental financing, to zone wetlands in shorelands or to annex land.

Act 263 (AB-1052) authorizes any city, village, town or county, either alone or in combination with other cities, villages, towns or counties, to create a local exposition district. Such a district is a separate and distinct unit of government. If a 1st class city creates such a district, the district includes the entire city and all municipalities located wholly or partially within the county in which the city is principally located, but if any other local government creates such a district, the district is limited to the geographical area of that local government. The primary purpose of the district is to establish and operate an exposition center and exposition center facilities, which are to be used for conventions, trade shows and other commercial or cultural events. The act also allows the city of Milwaukee to transfer its interests in the Milwaukee Exposition and Convention Center and Arena to a local exposition district.

The act authorizes a local exposition district to issue bonds for certain specified purposes related to the construction and improvement of an exposition center and an exposition center facility. If certain criteria are met, including a finding that a substantial statewide public purpose is served, the district may establish one or more special debt service reserve funds. The act expresses a state "moral obligation pledge" to appropriate funds to cover certain shortfalls, if any, in a special debt service reserve fund.

The act applies the public records access law to all records of a local exposition district, applies the statutory code of ethics for local public officials to all district directors and applies the state open records law to all board meetings.

The act also allows a local exposition district to impose a tax on car rentals, on the renting of hotel and motel rooms and the sale of certain food and beverages.

Occupational Regulation

Act 138 (AB-756) allows certain advanced-practice nurses to prescribe drugs if they are certified by the Board of Nursing to prescribe drugs. The act requires the board to establish education, training and examination requirements that an advanced-practice nurse must meet in order to be certified to prescribe drugs. The act also requires the board to promulgate rules regulating the prescription of drugs by an advanced-practice nurse.

Public Utilities

Act 496 (June 1994 Spec. Sess. AB-2) establishes a new regulatory framework for PSC regulation of telecommunications utilities. The act authorizes the PSC to regulate telecommunications utilities under methods other than traditional rate-of-return regulation. Under rate-of-return regulation, the PSC establishes a cap on total earnings of a utility. The act directs the PSC to have as its goal the moving of these utilities to alternative forms of regulation (incentive regulation). The act specifically establishes procedures for a telecommunications utility to elect to be price-regulated. Under price regulation, an incentive regulation method, the PSC sets a cap on certain prices that can be charged but does not limit the total earnings of the telecommunications utility.

The act creates a universal service fund and requires telecommunications utilities and other telecommunications providers to contribute to the fund. Moneys from the fund may be used to support the provision of affordable and accessible basic telecommunications services to customers in high-cost areas of this state, to assist in the deployment of advanced telecommunication services and to promote affordable access to education, library and health care information services.

In addition, the act authorizes the state to participate in an advanced telecommunications foundation, a nonprofit entity established to fund telecommunications technology applications projects, establishes a telecommunications worker retraining program and expands the authority of DOJ and DATCP to enforce unfair trade practices and deceptive advertising provisions with respect to the telecommunications industry.

Taxation

Act 16 (SB-44) combines the motor fuel (gasoline) tax and the special fuel (diesel) tax into the motor vehicle fuel tax and requires that the tax be collected from terminal operators. Under prior law the motor fuel tax was collected from the last wholesaler to have possession of the fuel and the special fuel tax was collected from the consumer. The act facilitates collection of the motor fuel tax by such changes as requiring additional licenses, allowing seizure of fuel and requiring fuel that is to be used for tax-exempt purposes to be dyed. These changes enable improved administration and enforcement, thereby reducing evasion of the tax.

Transportation

Act 16 (SB-44) eliminates the Office of the Commissioner of Transportation and transfers its functions as follows:

1. The act transfers all functions relating to railroads to the PSC, including all matters relating to adjudicating contested cases, except for certain functions that are transferred to the Secretary of State.

2. The act requires certain railroads that are incorporated in other states to obtain a certificate of authority from the Secretary of State before transacting business in this state.

3. The act transfers motor carrier regulation and responsibility to decide certain matters arising out of motor vehicle accidents to DOT.

4. The act transfers responsibility to review certain DOT decisions and to decide matters relating to motor vehicle dealer regulation to the division of hearings and appeals in DOA (see also *Act 123*).

Act 123 (SB-487) creates an Office of the Commissioner of Railroads attached to the PSC for limited purposes. The act transfers all functions related to railroads that were assigned to the PSC under Act 16, including those functions having the character of contested cases, to the Office of the Commissioner of Railroads.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Beverages

Assembly Bill 259 would have lowered the legal drinking age from 21 years of age to 19 years of age.

Children

Senate Bill 740 would have created a presumption that a child who is alleged to have committed a violent offense, an armed violent offense or a weapons violation should be held in secure custody before trial and would have created a presumption that a child who is found to have committed such an offense or violation should be placed in a secured juvenile correctional facility.

Courts and Procedure

Assembly Bill 1046 would have prohibited a person who is the subject of a domestic abuse, child abuse or harassment temporary restraining order or injunction from purchasing a handgun while the order or injunction is in effect.

Crimes

Assembly Bills 123, 170, 358 and 835 and Senate Bills 23 and 30 would have provided the possibility of the death penalty for certain kinds of homicide.

Assembly Bill 1251 would have allowed a court to order restrictions on the possession of a firearm by persons who are subject to involuntary civil commitment or to an abuse or harassment injunction, persons who are convicted of a misdemeanor, and children and their parents who are subject to juvenile court jurisdiction for certain reasons.

Domestic Relations

Senate Bill 340 would have allowed a court to prohibit a parent with legal custody of a child from moving with the child to a location that is outside the state or that is at a distance of 150 miles or more from a parent with physical placement rights (formerly called visitation rights) to the child.

Education

Assembly Bill 275 and Senate Bill 415 would have established statewide intra-district and inter-district public school choice programs.

Assembly Bill 1266 would have extended the Milwaukee parental choice program to sectarian schools.

Employment

Assembly Bill 981 would have required employers to establish sexual harassment policies and procedures in the workplace.

Health and Social Services

Assembly Bills 1292 and 1299 and Senate Bill 716 would have required DHSS to request federal waivers under the AFDC and job opportunities and basic skills (JOBS) programs, limiting increases in AFDC benefits for additional children born into a family that is

already receiving AFDC, tying AFDC benefit payments to the level of participation in the JOBS program, and withholding AFDC benefits until an applicant had completed certain orientation and job search requirements.

Insurance

Assembly Bill 1160 would have allowed private employers to purchase health insurance through a program offered by the Group Insurance Board and would have provided for health insurance market reform, including community rating, guaranteed provision of health insurance and limits on preexisting condition exclusions.

Senate Bill 327 would have created a health care plan for state employees in which other private employers and other public employers, and individuals acting independently of an employer, could have participated and would have provided for health insurance market reform.

Senate Bill 722 would have provided for health insurance market reform.

SUMMARY OF PROPOSALS ENACTED BY THE 1993 LEGISLATURE

Agriculture

Act 1 (AB-37) extends, to December 1, 1994, the agricultural production loan guarantee program (CROP) under which WHEDA guarantees loans made to farmers for the purchase of services or consumable goods necessary for the production of an agricultural product.

Act 16 (SB-44) makes various changes in the laws relating to agriculture. The act:

1. Establishes an agricultural chemical clean-up program (see *HIGHLIGHTS*).
2. Eliminates a requirement under the farmland preservation program that a landowner must repay tax credits if the landowner does not renew a farmland preservation agreement or if land is withdrawn from a farmland preservation agreement because of the death or disability of the landowner.
3. Authorizes DATCP to make grants for sustainable agriculture demonstration projects ("sustainable agriculture" means an agricultural practice that uses renewable resources and minimizes the use of purchased, nonrenewable resources).
4. Imposes license surcharges on nurseries to fund gypsy moth eradication.
5. Increases license fees for livestock markets, livestock dealers and livestock truckers; authorizes DATCP to change the fees by rule; and adds goats and horses (to cattle, sheep and swine) as types of animals for which these licenses are required.
6. Authorizes DATCP to make grants to Dane County to assist in paying for the expansion and operation of an exposition center and for the costs of hosting the World Dairy Expo.
7. Authorizes DATCP to make a grant to the World Dairy Center Authority for administrative activities associated with the start-up of the authority.

Act 114 (AB-195) provides for the licensure of persons producing, processing and distributing the milk of sheep and for the regulation of those activities by DATCP.

Act 215 (SB-578) makes the following changes with respect to the State Fair Parks:

1. Repeals a requirement that the State Fair Park Board make the Youth Building, which is adjacent to the Olympic Ice Training Center, available to DNR.
2. Changes certain requirements that the State Fair Park Board must follow when entering into certain leases.
3. Renames the "State Fairgrounds" in West Allis to be the "State Fair Park" (see also *Other State Government*).

Act 216 (SB-602) expands the authority of DATCP to oversee the beekeeping industry to include the detection and prevention of outbreaks of honey bee pests.

The act also repeals a provision that requires DATCP to promulgate rules for homeowner insulation standards.

Act 249 (AB-970) expands the farm mediation program administered by DATCP to allow the mediation of additional types of disputes involving farmers, including disputes over contracts for the sale of farm products, disputes over environmental issues, disputes of a kind specified as eligible for mediation by the Farm Mediation and Arbitration Board and other types of disputes in which all parties request mediation.

Act 250 (AB-939) authorizes county treasurers to participate in the farm mediation program administered by DATCP. The act also provides that a farm mediation agreement may provide for the payment of delinquent property taxes in instalments.

Act 264 (AB-38) lowers the annual license fee for small food processing plants and small retail food establishments.

Act 403 (AB-763) requires DATCP to promote the development and growth of commercial aquaculture and to award grants for research projects related to the development of commercial aquaculture.

Act 417 (SB-615) adds the Secretary of Natural Resources as a nonvoting member of the Fertilizer Research Council, which advises DATCP concerning projects to be funded using fertilizer research funds, and adds a person who must be knowledgeable about water quality, appointed by the Secretary of Natural Resources, as a voting member of the council. The act authorizes fertilizer research funds to be used for research on surface water problems that may be related to fertilizer use, in addition to the purposes for which those funds may already be used.

Act 437 (AB-1126) authorizes WHEDA to administer a program to assist beginning farmers to purchase agricultural property. WHEDA is authorized to issue bonds in an amount not to exceed \$10,000,000 for the program.

Act 455 (AB-821) prohibits a person who is in the business of selling farm equipment from selling the equipment without specified safety devices. The act also provides that if a person who is in the business of selling and repairing farm equipment makes and installs a safety device on used equipment, that person is not liable in tort for claims arising from the device unless the claimant proves that the harm to the claimant was caused by the failure of that person to use reasonable care with respect to the design, fabrication or installation of, or warnings relating to, the device (see also *University of Wisconsin System and Motor Vehicles*).

Act 476 (SB-771) regulates statements on labels of dairy products concerning the use of synthetic bovine growth hormone (see *HIGHLIGHTS*).

Act 497 (June 1994 Spec. Sess. AB-3) increases the amount of state general purpose revenue that may be paid as aids for county fairs in state fiscal year 1994-95.

Beverages

Act 98 (SB-548) allows a municipality or DOR to revoke, suspend or refuse to renew a person's alcohol beverage license or permit if the person is convicted of or allows his or her premises to be used to commit certain drug-related offenses (see *HIGHLIGHTS*).

Act 226 (SB-48) allows a bed and breakfast establishment to serve, to any guest who has reached the legal drinking age, not more than 2 complimentary 4-fluid-ounce glasses of wine per day without having to obtain an alcohol beverage license or permit.

Act 259 (AB-563) requires an applicant for a license or permit to sell alcohol beverages at retail to have completed a responsible beverage server training course within the 2-year period prior to the date on which he or she applies for the license or permit, unless the person held, in that 2-year time period, a license or permit to sell alcohol beverages at retail or an alcohol beverages manager's or operator's license.

Act 378 (SB-747) makes changes relating to who may hold certain alcohol beverage licenses. The act:

1. Prohibits a person from simultaneously holding a license to sell beer at wholesale (wholesale license) and either of the following:

- a. A license or permit to sell beer at retail (retail license or permit).
 - b. A permit allowing the purchase and use of beer for industrial purposes (industrial permit).
2. Prohibits a person who has an ownership interest in a place operating under a wholesale license from holding a retail license or permit or an industrial permit.
 3. Prohibits a person from holding a wholesale beverage license if the person has an ownership interest in a place operating under a retail beverage license or permit or an industrial permit.

Act 472 (SB-281) increases the penalties for persons who are found guilty of providing or selling alcohol beverages to persons who are under 21 years of age. The act also exempts any person holding a license or permit to sell alcohol beverages at retail from the increased penalties; instead, that person is subject to a temporary suspension of his or her alcohol beverage license or permit.

Business and Consumer Law

BUSINESS ASSOCIATIONS

Act 35 (AB-564) makes several revisions related to the administration of corporate law, including revisions related to administrative dissolution of nonstock, nonprofit corporations by the Secretary of State and to service of process on a nonstock, nonprofit corporation and revocation and reinstatement of the certificate of authority of a corporation not organized under the law of this state to operate in this state.

Act 69 (SB-97) permits a nonprofit corporation organized for historic preservation or for land conservation to use the word "trust" in its corporate name.

Act 112 (AB-820) authorizes the organization of limited liability companies in this state. A limited liability company (LLC) possesses characteristics of both a corporation and a partnership. Most significantly, LLC owners, or members, are subject to limited liability for actions of the LLC and, if certain conditions are met, a LLC may be considered a partnership for state and federal income tax purposes.

Act 172 (SB-170) permits financial institutions, businesses and certain other entities that were formerly authorized to store records on microfilm to store records on optical disks, and provides that copies of records generated from optical disk storage have the same effect as the original records for all legal purposes. (An optical disk is a rotating circular plate on which information or images are placed in storage, and which is recorded and read by laser beams focused on the plate.)

Act 214 (SB-563) makes various technical or remedial revisions to corporate filing provisions in statutes administered by the Office of the Secretary of State.

Act 323 (AB-917) permits a corporation to file a statement identifying changes to its board of directors or to its principal officers with the Office of the Secretary of State at the time that the changes occur. Formerly, the Office of the Secretary of State was only authorized to accept annual reports of the names of the members of corporate boards of directors and of principal officers.

Act 331 (SB-641) permits a holder of a corporate registered name to transfer the rights to that registered name to another person.

Act 473 (SB-618) authorizes the establishment of health care professional service corporations the shareholders of which may be licensed, certified or registered in any of

several health care professions. Formerly, all shareholders of a professional service corporation had to be licensed, certified or registered in the same profession.

CONSUMER LAW

Act 34 (SB-156) defines as a hazardous substance any toy or other article that is meant to be used by children that contains a toxic substance, with the result that DATCP may ban the sale or distribution of the toys or articles, and bans the sale or distribution of any toy containing elemental mercury.

Act 111 (AB-516) requires a lender to make specific disclosures to consumers relating to income tax refund anticipation loans and specifies that the fees for such loans are subject to the Wisconsin Consumer Act. A refund anticipation loan is a loan that the lender arranges to have repaid directly from the proceeds of the borrower's income tax refund.

Act 150 (SB-316) increases the maximum permissible charges in certain consumer credit transactions. The act increases the maximum charge for failing to make a minimum payment when due from \$2 to \$10 and adds a 5-day grace period. The act increases the maximum cash advance charge for certain cash advances from \$2 to \$5 and permits a \$10 charge for exceeding the credit limit in a billing cycle. The act also allows creditors to change these fees (up to the maximum) by providing at least 90 days prior notice.

Act 158 (AB-515) provides that it is not deceptive or misleading advertising or an unfair method of competition for a person who sells new motor vehicles to compare the manufacturer's suggested retail prices of vehicles.

Act 210 (SB-207) expands the prohibition that restricts retailers from selling cigarettes or tobacco products to any person under the age of 18 to apply to manufacturers and distributors (see also *Other Health and Social Services*).

Act 234 (AB-572) regulates the delivery of certain liquid fuels by any vehicle that is equipped with a pump and metering device and requires disclosure of certain information to purchasers.

Act 239 (AB-68) changes the statutory name of diet centers to be "weight reduction centers," reduces the required amount of financial responsibility that must be established by certain weight reduction centers and permits a weight reduction center to establish proof of financial responsibility by maintaining an escrow account approved by DOJ.

Act 312 (AB-295) permits cigarettes to be sold only by the package or within a container on which is affixed a stamp indicating the payment of the cigarette tax.

Act 352 (AB-612) provides a penalty of a civil monetary forfeiture of up to \$10,000 for a violation of the law that prohibits unfair discrimination in the pricing of prescription drugs, authorizes DATCP or a district attorney to seek an injunction against a violation of this law and requires DATCP to submit a study to the Legislature regarding the extent of predatory pricing and DATCP's enforcement activities with respect to this unfair discrimination in drug pricing. Previously, the penalty for a violation of this law was a fine of not more than \$200 or imprisonment for not more than 6 months or both.

Act 390 (SB-730) grants to a person who enters into a contract for dating services the right to cancel the contract until midnight of the 3rd day after the date on which the person signed the contract and to receive a refund of all moneys paid. The act also requires a person who provides dating services to establish proof of financial responsibility.

Act 425 (AB-815) requires a financial institution to provide to a customer, upon request, a copy of a credit report that the financial institution obtains about that customer.

ECONOMIC DEVELOPMENT AND INVESTMENT

Act 5 (AB-324) authorizes DOD to make a grant to the Waukesha County Private Industry Council for a labor training and employment services program for employes of Ringier America, Inc. who are affected by a plant closing.

Act 16 (SB-44) makes various changes in the laws relating to economic development. The act:

1. Creates 2 clean air loan guarantee programs, to be administered by WHEDA, to guarantee business loans for the purchase or upgrading of machinery or equipment, or for upgrading the physical plant of the borrower, to enable the borrower to comply with federal, state or local clean air requirements.

2. Authorizes DOD to make a grant in each fiscal year in the 1993-95 fiscal biennium to a nonprofit organization located in Milwaukee for recruiting major sporting events to the state and for promoting and marketing those sporting events.

3. Authorizes DOD to make a grant to a community-based, nonprofit organization that provides services to Hispanics for a project that will provide expanded educational opportunities for persons residing in the area served by the organization.

4. Authorizes DOD to make grants to the Women's Business Initiative Corporation for operating costs.

5. Authorizes DOD to make a grant to the Greater Milwaukee YWCA for the construction of a women's business incubator.

6. Authorizes DOD to make a grant each fiscal year to a nonprofit corporation that owns and operates a business incubator that is located in Milwaukee that provides services primarily to minority group members or businesses. The grants must be used to build or rehabilitate the premises of that business incubator.

7. Authorizes DOD to make grants each fiscal year to the 5 committees on area promotion, created by executive order to promote tourism, improve relations between Indians and non-Indians and foster economic development in northern Wisconsin.

8. Creates a health care provider loan assistance program under which DOD is authorized to repay educational loans of certain health care providers who agree to practice exclusively in certain areas of the state that have a shortage of those health care providers.

9. Changes the state main street program, under which DOD assists municipalities in revitalizing historically significant commercial districts, from a pilot program to an ongoing program.

10. Adds 2 to the number of geographical areas (called development zones) that DOD may designate from among those nominated by local governing bodies, in which persons conducting economic activity may receive certain tax benefits, and increases the limit on tax benefits for the development zones.

11. Makes various changes to DOD's program under which grants and loans are provided for technical research to develop new or improved industrial products or processes and DOD's employe ownership assistance loan program.

12. Makes various changes to DOD's programs that relate to pollution control, including the program under which grants are provided for determining the cost of using and producing pollutants and for identifying pollution prevention options; the program under which grants and loans are provided for the production of products made from materials recovered from postconsumer waste; and the program under which rebates are

provided for the purchase of machinery or equipment that is used in the process of recycling and for certain activities that use solid waste (see also *Environment, Act 75*).

13. Authorizes DOD to make a grant for a study to determine the feasibility of marketing the sale of herring harvested from Lake Superior.

14. Specifies in greater detail the content of the report that WHEDA must submit annually to the Secretary of Administration concerning its surplus funds and the proposed uses thereof. Under preexisting law, WHEDA may not expend or encumber any assets in its surplus until a plan for their use is approved by the Governor and certain legislative committees.

15. The act also makes various changes affecting WHEDA. The act:

a. Transfers the property tax deferral loan program from DOA to WHEDA. The property tax deferral loan program provides loans to elderly, low-income homeowners to assist the homeowners in paying their property taxes. The act also allows money loaned under the program to be used to pay special assessments as well as property taxes, increases the annual maximum loan amount and the limit on liens against eligible property, and requires WHEDA to set the interest rate on loans under the program.

b. Requires WHEDA to allocate funds from its surplus to match federal funds available under the federal home investment partnership program, which provides first mortgage loans to low-income and moderate-income persons.

Act 110 (AB-749) authorizes DOD to make a grant to the Lisbon Avenue Health Center in the city of Milwaukee for the cost of renovating the health center.

Act 124 (SB-443) authorizes the Wisconsin Health and Educational Facilities Authority, until March 31, 1994, to issue bonds to finance nonprofit child care centers located in commercial or industrial parks.

Act 232 (SB-805) creates 2 development opportunity zones, one in Beloit and one in West Allis, in which a corporation conducting economic activity may receive certain tax benefits. The designation of each of these areas as development opportunity zones expires in 3 years, and they differ from development zones in that they are not first nominated by a local governing body and only one person, which must be a corporation, may receive tax benefits in each area. The act also authorizes DOD to make grants for the establishment of manufacturing extension centers to provide hands-on training in the use of technical industrial machinery and processes.

Act 268 (AB-298) increases from \$10,000 and \$3,000 to \$25,000 the minimum cost of a project for which a city housing authority or a city redevelopment authority, respectively, is required to advertise for competitive bids.

Act 275 (SB-397) changes the authority to determine whether a business that is relocating into a development zone from a location outside the development zone but within the municipality may receive tax benefits from DOD to the local governing body of the municipality in which the development zone is located. Generally, a business may not receive tax benefits if it is determined that the economic activity in the development zone will result in a loss of jobs at, or a transfer of employees from, another business location.

Act 286 (SB-639) allows WHEDA to make a loan under its home ownership and rehabilitation mortgage loan program, which provides mortgage loans to low-income and moderate-income persons who buy, build or rehabilitate certain types of residential property, in an amount not exceeding 97% of a property's purchase price or 97% of a property's appraised value, whichever is less, whether or not the loan is insured under the mortgage insurance provisions of the National Housing Act. Formerly, if a loan was not

insured under the mortgage insurance provisions of the National Housing Act, the loan could not exceed 95% of a property's purchase price or 95% of a property's appraised value, whichever was less.

Act 287 (SB-640) allows WHEDA to make loans to low-income and moderate-income persons under the home ownership and rehabilitation mortgage loan program for the construction of a new 2-unit residence if the residence is in an area targeted for housing development and if one of the units will be the principal residence of the loan applicant. Formerly, WHEDA could make loans under the program only for certain single-family residences, certain existing residences with up to 4 units and certain units in a cooperative or condominium.

Act 394 (SB-705) increases the total outstanding principal amount of loans that WHEDA may guarantee under the business improvement loan guarantee program, under which WHEDA guarantees loans for improvements to businesses that provide goods or services to tourists, and the targeted development loan program, under which WHEDA guarantees loans made for business development projects in areas characterized by such conditions as low household incomes, high unemployment or declining property values. The act correspondingly decreases the total outstanding principal amount of loans that WHEDA may guarantee under the small business loan guarantee program, under which WHEDA guarantees loans for expenses in performing a federal, state or local government contract, and the agricultural development loan guarantee program, under which WHEDA guarantees loans that are used for certain expenses in the processing or marketing of a product from a raw agricultural commodity.

Act 437 (AB-1126) requires DOD to make a grant for the promotion of international trade, business and economic development. The act also authorizes DOD, under the business development and initiative program, to award loans for working capital or fixed-asset financing and grants for management assistance to individuals or businesses that already received technical assistance or a grant for technical assistance under the program. Under former law, DOD was authorized to make a grant to the Community Development Finance Company for making equity investments, such as the purchase of stock, in a business that had received technical assistance or a grant for technical assistance under the program.

SECURITIES

Act 67 (SB-251) permits an issuer of securities to sell securities to individual investors, who satisfy criteria established under rules promulgated by the Office of the Commissioner of Securities and whose knowledge and experience enable them to evaluate the merits and risks of purchasing the securities, without registering the securities offering with the commissioner's office.

Act 197 (AB-90) replaces investor financial suitability standards regarding minimum net worth and income that are set by statute with investor financial suitability standards that are set by rules promulgated by the Commissioner of Securities. The Commissioner of Securities may suspend or revoke a registered securities offering if the commissioner believes that the offering is unfair to purchasers, unless full disclosure of information is made to the potential purchaser and the purchaser meets the investor financial suitability standards.

Act 200 (AB-452) revises procedures relating to the franchise investment law registration exemption that permits a franchisor to sell a franchise without registering the sale with the Office of the Commissioner of Securities.

OTHER BUSINESS AND CONSUMER LAW

Act 13 (AB-535) makes numerous revisions to the statutes that regulate franchise agreements between motor vehicle manufacturers and motor vehicle dealers. These changes include:

1. Establishing a dispute resolution mechanism as an alternative to litigation.
2. Prohibiting a manufacturer from cancelling a dealer's franchise without just provocation.
3. Requiring a manufacturer to reimburse a dealer for warranty work at retail parts and labor rates.
4. Revising dealer relocation and reopening requirements.
5. Revising the procedures relevant to a franchise ownership transfer.

Act 70 (SB-76) specifies that the Office of the Secretary of State is the appropriate filing office for federal tax liens filed against personal property held in a trust or estate.

Act 161 (SB-265) permits a motor vehicle dealer to maintain an irrevocable letter of credit of not less than \$25,000 as an alternative to a bond of not less than \$25,000 and permits a motorcycle dealer to maintain a bond or letter of credit of not less than \$5,000 rather than the \$25,000 minimum applicable to other dealers.

Act 179 (SB-325) provides that a nonresident collection agency doing business in this state solely by telephone or by mail is not required to obtain a state collection agency license.

Act 328 (SB-576) creates a plastics fabricator's lien. The act permits a plastics fabricator to retain possession of toolings that are owned by a customer and plastic products that are produced for a customer until the customer pays for work that is done.

Act 368 (AB-883) raises the permissible collateral repair expenses that a creditor may collect from a defaulted debtor in a consumer credit transaction. The act also permits a creditor to collect attorney fees in certain consumer credit transactions related to mortgage foreclosures, prohibits the collection of attorney fees in consumer credit transactions for agricultural purposes and revises licensing and record-keeping provisions applicable to licensed lenders.

Act 452 (AB-796) increases the portion of certain filing fees that the Office of the Secretary of State receives from county registers of deeds to fund the uniform commercial code statewide lien system.

Children

Act 16 (SB-44) makes various changes in the law relating to children. The act:

1. Establishes a corrective sanctions program under which a child who has been placed in a secured juvenile correctional facility is released under intensive surveillance (which may include electronic monitoring and daily face-to-face contacts with the child's caseworker) and provided community-based treatment services.
2. Permits counties to provide intensive supervision programs, similar to the corrective sanctions program provided by DHSS, for children who are ordered by the juvenile court to participate in an intensive supervision program (see also *Act 98*).
3. Permits a law enforcement officer to take into custody a child who is absent from school without an acceptable excuse and, if the child's school district has established a youth service center for the counseling of such a child, deliver the child to that center. This is known as the truancy abatement and burglary suppression ("TABS") program (see also *Acts 56 and 377*).

4. Requires juvenile courts to order children who have been adjudicated delinquent based on certain sex offenses to provide a biological specimen to the DOJ state crime laboratories for analysis (see also *Crimes*):

5. Eliminates the liability of counties to reimburse DHSS for the cost of care of certain violent juvenile offenders.

6. Permits the county of residence of a child who is adjudicated delinquent in another county to assume responsibility voluntarily for the cost of care of that child.

7. Transfers from DOC to DHSS the responsibility for providing health services to children who are placed in secured juvenile correctional facilities.

8. Eliminates the requirement that DHSS provide driver's education at Ethan Allen School.

9. Makes various minor changes relating to the distribution of youth aids funds, which are funds distributed to counties to provide or purchase services for children who have been adjudicated delinquent.

10. Requires DHSS to distribute community aids funds for child abuse and neglect services, family-based child welfare services, family preservation services and child care services (see also *Other Health and Social Services*).

11. Directs DHSS to distribute funds to Milwaukee County for recruiting new foster parents and adoptive parents.

12. Permits DHSS to provide adoption assistance to proposed adoptive parents and to provide adoption assistance for nonrecurring adoption expenses such as legal fees and court costs.

13. Increases the age-related basic maintenance rates paid for children in foster care.

14. Permits DHSS, under the "Anchorage program", to provide assessment and treatment of children with mental illness, in addition to assessment and treatment of children who are drug dependent as formerly provided.

15. Eliminates DHSS funding of before-school and after-school day care services.

16. Makes various changes relating to child care, including allocating federal child care and development block grant funds, modifying child care funding priorities, modifying the permitted uses and carryover of child care funds distributed to counties and permitting parental access to a day care center that holds a probationary license.

17. Requires the Child Abuse and Neglect Prevention Board to provide materials and programming that emphasize the role of fathers in preventing child abuse; permits the board to expend federal revenues on early childhood family education center grants; and requires state and local registrars to transmit quarterly to the State Treasurer any fees received for issuing duplicate birth certificates (from which the board's activities are funded).

Act 32 (AB-592) authorizes a juvenile court to order an alleged or adjudicated juvenile sex offender to submit to a test for the virus that causes AIDS. The act also requires the health care professional who performs the test to disclose the test results to certain individuals (see also *Crimes and Act 495*).

Act 56 (SB-25) permits a child who is absent from school without an acceptable excuse (truant) to be taken into custody by certain school district or social services agency employes designated specifically for that purpose by the child's school district administrator, if the child's school attendance officer or the child's parent, guardian or legal custodian requests that the child be taken into custody. Preexisting law did not permit these persons to take a child into custody for being truant.

Act 98 (SB-548) makes various changes relating to juvenile justice (see *HIGHLIGHTS*).

Act 149 (SB-232) transfers from juvenile court to adult court jurisdiction over children who are 16 years of age or older and who commit all-terrain vehicle violations. Under preexisting law, adult courts had jurisdiction over children who were 16 years of age or older and who committed traffic, boating or snowmobile violations, but not all-terrain vehicle violations.

Act 163 (AB-44) increases from 30 to 45 days the time that a municipal court that is being operated jointly by 2 or more municipalities may have after the filing of a petition or after the issuance of a citation against a child who was not held in secure custody to hold a hearing on the child's plea.

Act 195 (SB-647) permits an adult court to review juvenile court records to determine if a child who has been adjudicated delinquent for an act that would be a felony if committed by an adult has unlawfully possessed a firearm (see also *Crimes*).

Act 219 (AB-250) allows prosecution for a crime against a child to be commenced before the victim reaches 26 years of age, rather than 21 years of age as formerly provided.

Act 228 (SB-408) makes an exception to the general rule of confidentiality of juvenile court records by requiring a juvenile court on request to disclose the name and age of a child who has been adjudicated delinquent for committing certain violent offenses and to disclose the nature of the child's offense and the disposition imposed on the child for that offense.

Act 230 (SB-645), for purposes of investigating cases of child abuse or neglect, distinguishes between cases in which a caregiver is suspected of the abuse or neglect and cases in which a noncaregiver is so suspected. The act requires observation of and an interview with the child only when a caregiver is suspected of committing the abuse or neglect or when it is not known who committed the abuse or neglect. The act requires a visit to the child's dwelling only when the suspected abuse or neglect is by a caregiver who continues to reside with the child. Under preexisting law, those observations, interviews and home visits were required in all child abuse or neglect investigations.

Act 233 (AB-470) increases the membership of the Child Abuse and Neglect Prevention Board by 2 members to include a representative to the Assembly appointed by the Assembly Minority Leader and a senator appointed by the Senate Minority Leader.

Act 235 (SB-32) provides that intentional homicide of a child's parent by the child's other parent is grounds for involuntary termination of parental rights.

Act 244 (SB-395) provides for the presumptive waiver of juvenile court jurisdiction over a child who is alleged to have violated a criminal law on or after his or her 16th birthday if the juvenile court has waived its jurisdiction over the child for a previous violation. A child over whom juvenile court jurisdiction is waived is subject to adult criminal proceedings and sentencing.

Act 272 (SB-21) permits a report or record of child abuse or neglect, which in general is confidential, to be disclosed to the parent, guardian or legal custodian of a child, as long as the identity of the person who reported the child abuse or neglect is not disclosed. Preexisting law permitted a child abuse or neglect report or record to be disclosed to a child's parent, guardian or legal custodian only if that person had custody of the child, was suspected of the abuse or neglect or had been determined to have abused or neglected the child.

Act 313 (AB-738) prohibits smoking on the premises, indoors or outdoors, of a day care center when children are present.

Act 318 (AB-676) permits a juvenile court to issue a child abuse temporary restraining order (TRO) and injunction prohibiting a child from abusing another child or a TRO and injunction prohibiting a child from engaging in harassment. Under preexisting law, a child abuse TRO and injunction could be issued only against an adult and a juvenile court did not have jurisdiction to issue a harassment TRO and restraining order against a child.

Act 377 (SB-810) makes various changes relating to delinquency prevention and to the supervision and rehabilitation of children who have been adjudicated delinquent (see *HIGHLIGHTS*).

Act 380 (AB-405) requires a licensed, incorporated group home to establish a per client rate for its services and subjects such a group home to the same requirements with respect to rates with which residential child care centers must comply. The act also permits nonprofit corporations that contract to provide services for DHSS or a county to retain a certain percentage of the contract amount.

Act 385 (AB-780) makes changes effective July 1, 1995, concerning a child adjudicated to be delinquent. The act permits a child to be placed in a secured juvenile correctional facility without transfer of legal custody from the child's parents to DHSS. The act requires a juvenile court to designate either DHSS or a county to provide aftercare supervision for a child following the child's release from a secured juvenile correctional facility and requires a child's aftercare provider to prepare an aftercare plan for the child. The act also permits a county to use administrative procedures (rather than having to return to juvenile court as under preexisting law) to revoke the aftercare status of a child. Revoking the aftercare status of a child has the effect of returning the child to a secured juvenile correctional facility.

Act 387 (SB-113) permits a juvenile court to assess costs or assessments against a child who is 14 years of age or older except in cases involving the waiver of parental consent regarding an abortion.

Act 395 (SB-570) makes various changes relating to children in foster care and children in need of protection and services (CHIPS). The act:

1. Expands the jurisdiction of the juvenile court to include jurisdiction over a child who is at substantial risk of abuse or neglect based on information that another child in the child's home has been abused or neglected.

2. Permits a child to be held in physical custody based on a determination that the child's parent is unable to provide care for another child in the child's home or that another child in the home will be subject to injury by others.

3. Requires a juvenile court to appoint a guardian ad litem for a child whenever it is recommended or ordered that the child be placed out-of-home and to order the agency that is primarily responsible for providing services for a child to notify the child's guardian ad litem of certain actions concerning the child.

4. Requires a juvenile court to provide notice of all hearings involving a nonmarital child who is alleged to be in need of protection or services to the putative father of the child.

5. Requires the agency that places a child out of his or her home or that is primarily responsible for providing services for a child to provide the foster parent or operator of any other facility in which the child is placed with the results of a test of the child for the virus that causes AIDS and with information relating to any disabilities of the child.

6. Permits a juvenile court to appoint a panel to review a child's permanency plan, that is, a plan designed to ensure that the child returns home whenever possible or that a stable

placement is quickly made, and provides that a majority of the persons appointed to a permanency plan review panel may not be persons who are responsible for providing services for the child or employees of the agency that prepared the permanency plan.

7. Changes the conditions that must be met for involuntary termination of parental rights (TPR) based on continuing need for protection or services by reducing the time that a child under 3 years of age must be in an out-of-home placement before a TPR petition may be filed, by giving the child's parent less time to meet the conditions specified by the juvenile court for reunification with the child before a TPR petition may be filed and by permitting involuntary TPR if the parent fails to demonstrate substantial progress toward meeting those conditions and is unlikely to meet those conditions within one year after the fact-finding hearing.

8. Permits a county to license a foster home located in another county under certain circumstances, subject to the agreement of the county in which the foster home is located.

9. Permits DHSS to make supplemental foster care payments for exceptional circumstances.

10. Requires a juvenile court to notify a child's foster parent of any proposed change in the child's placement and permits the foster parent to submit a written statement to the juvenile court regarding that change.

11. Shortens the time limits governing an appeal of a TPR judgment.

12. Requires an agency that places a school-age child in a foster home or group home to notify the school district in which the home is located and requires the State Superintendent of Public Instruction to include that child in the school district's membership (pupil count) for purposes of determining state aid.

Act 437 (AB-1126) creates an African-American foster parent recruitment grant program and expands the authorized average daily population of the corrective sanctions program (created by Act 16) from 60 to 105, or to more than 105 if JCF or the Secretary of Administration supplements the appropriation for that program.

Act 444 (AB-819) requires the Child Abuse and Neglect Prevention Board to award "right from the start grants" to nonprofit organizations and public agencies for programs that provide parenting education, outreach services and the services of an early childhood family education center for the parents of newborn infants and that emphasize direct services to families with children 3 years of age or under.

Act 446 (AB-905) makes various changes regarding the provision of mental health treatment and services for children. The act:

1. Creates a new type of foster home called a "treatment foster home" in which structured, professional treatment is provided by trained individuals.

2. Permits a juvenile court to order a county to provide special treatment or care for a child who is adjudicated delinquent or found to be in need of protection or services.

3. Requires DHSS or a county to screen a child whose legal custody is transferred to DHSS or the county to determine whether the child is in need of special treatment or care because of alcohol or other drug abuse, mental illness or severe emotional disturbance.

4. Eliminates the liability of guardians and legal custodians to contribute to the cost of certain court-ordered services provided for a child.

5. Requires DHSS to expend on services and projects to assist children and families all moneys received from the federal foster care and adoption assistance program in reimbursement of foster care costs paid by DHSS. Formerly, the moneys were deposited in the general fund to be expended for any purpose.

Act 451 (AB-783) requires the SPD to represent a child who is referred to the SPD by a juvenile court for appointment of counsel without regard to whether the child is indigent.

Act 474 (SB-666) provides a procedure for juvenile courts to follow when there is reason to doubt whether a child who is accused of committing a delinquent act has the present mental capacity to understand the proceedings against him or her and to assist in his or her defense (competency to proceed). Under the act, if a child is found not competent to proceed, the delinquency proceedings are suspended and a mental commitment or CHIPS petition is filed. If the child is likely to become competent to proceed within 12 months, the child is reexamined periodically and, if he or she is found competent to proceed, the delinquency proceeding is resumed.

Act 488 (SB-828) provides a July 1, 1994, effective date for the appropriation increase for the 1994-95 fiscal year for the truancy abatement and burglary suppression ("TABS") program made by Act 377 (see *HIGHLIGHTS*). Under Act 377, the increase would not have taken effect until after the 1994-95 fiscal year.

Act 495 (June 1994 Spec. Sess. AB-1) eliminates a requirement that a juvenile court find probable cause to believe that an adjudicated juvenile sex offender has significantly exposed his or her victim to the virus that causes AIDS before ordering the offender to be tested for that virus, eliminates a time limit within which a juvenile court had to order such a test and eliminates the discretion that a juvenile court had not to order such a test and disclosure of the results of such a test in certain circumstances (see also *Crimes*).

Constitutional Amendments

Enrolled Joint Resolution 2 (Senate Joint Resolution 3), proposed by the 1993 Legislature on 2nd consideration, requires the state to provide crime victims with certain privileges and protections as provided by law. The amendment was ratified by the electorate on April 6, 1993.

Enrolled Joint Resolution 3 (Senate Joint Resolution 2), proposed by the 1993 Legislature on 2nd consideration, restricts the kinds of gambling permitted in the state (see *HIGHLIGHTS*).

Enrolled Joint Resolution 19 (Assembly Joint Resolution 3), proposed by the 1993 Legislature on first consideration, deletes the current disqualification from holding an office of trust, honor or profit in this state by any person who is convicted of an "infamous crime" in any court within the United States and by any person who is a defaulter to the United States or this state or any county or town in this state or to any state or territory in the United States. The resolution substitutes a disqualification from holding an office of trust, honor or profit in this state by any person who is convicted of a felony in any court within the United States and by any person who is convicted in federal court or the court of any state of a crime designated, at the time of commission, under federal law or the law of that state, as a misdemeanor involving a violation of the public trust, unless the person has been pardoned of that conviction. The resolution also prohibits any person from seeking to have placed on a ballot at an election for state or local office in this state the name of any person who has been convicted of any crime so designated, unless the person has been pardoned of that conviction.

Enrolled Joint Resolution 20 (Assembly Joint Resolution 81), proposed by the 1993 Legislature on first consideration, permits a justice or judge to assume a nonjudicial office of public trust after resigning from his or her judicial office. Currently, no justice or judge may assume a nonjudicial office of public trust during the term for which he or she was elected.

Enrolled Joint Resolution 21 (*Assembly Joint Resolution 121*), proposed by the 1993 Legislature on first consideration, removes from the Wisconsin Constitution the remaining unnecessary masculine gender pronouns and substitutes gender-neutral words.

Enrolled Joint Resolution 27 (*Senate Joint Resolution 49*), proposed by the 1993 Legislature on first consideration, permits the state to operate a sports lottery (See *HIGHLIGHTS*).

Correctional System

Act 16 (*SB-44*) makes various changes relating to the correctional system. The act:

1. Provides for expansion and improvements at various state prisons.
2. Eliminates statutorily set prison population limits and instead requires DOC to promulgate rules setting systemwide and institutional population limits.
3. Provides for a \$500,000 payment in each fiscal year to counties that have high costs related to holding probationers and parolees in county jails. This payment is in addition to the funding provided under the current formula to reimburse counties for these costs.

Act 48 (*AB-28*) allows a county, with the concurrence of the county board and the sheriff, to enter into an agreement with the governing body of an American Indian tribe or band to confine county jail prisoners in a tribal jail.

Act 79 (*AB-373*) makes prisoners in the intensive sanctions program eligible for discretionary parole or special action release on parole. The intensive sanctions program provides certain state prisoners with a series of intensive and highly structured placements. The special action release on parole program authorizes the Secretary of Corrections to grant release on parole to relieve prison crowding.

Act 89 (*AB-208*) allows any county to create a county house of correction in which the population is generally limited to prisoners who have been sentenced to confinement and the administration and management are prescribed by the county board, rather than the sheriff.

Act 97 (*SB-488*) requires DOC to provide notice of parole releases to certain victims of serious crime or family members of victims of certain serious crimes. The act also allows those victims or their family members to have direct input in the parole decision-making process, in a manner specified by parole commission rules.

Act 178 (*SB-174*) eliminates a requirement that the notice of discretionary parole grant consideration that the parole commission sends to a crime victim state the crime for which the inmate was convicted.

Act 437 (*AB-1126*) expands facilities at various state prisons.

Act 485 (*SB-825*) reconciles Acts 377 and 437 by increasing the amount of public debt that the state is authorized to contract for the construction by DOC of adult and juvenile correctional facilities by the combined increase in that authorization made by those acts.

Courts and Procedure

Act 10 (*SB-140*) allows a city, village or town to appoint a person as a temporary municipal judge pending the initial election of a municipal judge.

Act 16 (*SB-44*) makes various changes regarding courts and procedure. The act:

1. Establishes one additional appellate court judgeship in District 4, which is located in south central and southwestern Wisconsin.

2. Adds a \$20 court support services fee to most civil court filings. The fee is also assessed against persons who are convicted of civil violations in actions brought by the state or local governments, such as moving traffic violations.

3. Provides grants to counties to offset court costs incurred by the counties related to juror fees, witness fees and the salary and fringe benefits of judicial assistants (see also *Act 206*).

4. Provides reimbursement to counties for guardian ad litem fees but limits those fees to the amount paid to private attorneys who are appointed to represent indigents by the State Public Defender (SPD) (see also *Act 437*).

5. Provides funding for staff for the "speedy trial drug court" in Milwaukee County and for court reporters for 10 new circuit court branches that were created by the 1991-92 Legislature.

6. Requires the SPD to represent indigent persons in paternity cases in which the petitioner is represented by a district attorney or other government attorney and the blood test does not show a 99% or greater probability of paternity. Preexisting law required the SPD to represent indigent persons in such cases regardless of whether the blood tests showed a 99% or greater probability of paternity.

Act 22 (SB-74) allows the service of an order for a supplementary examination of a judgment debtor in the same manner as the service of a summons in a civil action. Formerly, service of an order for a supplementary examination had to be done by the sheriff or a constable.

Act 71 (AB-129) increases to \$15 the maximum amount that a creditor may charge for a check that was returned because of insufficient funds, increases to \$500 the maximum amount that may be awarded for exemplary damages and reasonable attorney fees in shoplifting and bad check civil actions against adults and allows a merchant's security agent to detain a person for a reasonable time if the agent has reasonable cause to believe that the person has shoplifted.

Act 80 (AB-570) makes various changes regarding the garnishment of earnings. The act:

1. Provides that the garnishment of the earnings of a person who is not employed by the state or a political subdivision of the state affects the earnings of the debtor for 13 weeks and may be extended for an additional 13-week period by agreement of the creditor and debtor. Formerly, the garnishment applied to one pay period.

2. Increases exemption from garnishment from 75% to 80% of a debtor's disposable earnings.

3. Exempts from garnishment the earnings of debtors whose household income is below the federal poverty level or who are eligible for a welfare program.

4. Raises the garnishee fee to \$15 but requires payment only once in the 13-week garnishment period.

5. Requires court involvement in an earnings garnishment only if either party disputes the amount of the garnishment or disputes the exemptions allowed or if either party believes that the other party is not following the established procedures.

Act 98 (SB-548) makes various changes relating to criminal gang activity (see *HIGHLIGHTS*).

Act 109 (AB-251) provides civil immunity of certain health care providers who render voluntary health care to a participant in an athletic event sponsored by a nonprofit corporation, school or public agency.

Act 148 (SB-186) removes a requirement that a statutory power of attorney form be filed in the office of the county clerk in order to be effective. The act also requires DHSS to prepare and make copies of the statutory power of attorney form available for a fee to certain professionals, institutions and private persons (see also *Act 299*).

Act 154 (AB-233) makes the owner of a dog liable for injury caused by the dog to domestic animals, including livestock, dogs and cats. Under preexisting law, the owner of a dog was liable for injury caused by the dog to livestock, but not other domestic animals.

Act 156 (AB-476) allows a court to consider the nonappearance of a defendant who was issued a citation involving hunting, fishing or certain other violations and who did not make a deposit as a plea of no contest and enter judgment accordingly. The act gives the defendant the opportunity to either pay the judgment within 20 days or to notify the court of his or her inability to pay the judgment, in which case he or she may ask for a modification of the judgment.

Act 181 (SB-396) increases the jurisdictional amount in small claims actions from a maximum of \$2,000 to \$4,000.

Act 206 (AB-1152) requires the Director of State Courts to make payments to counties to offset certain court costs, including juror fees, expert witness fees, witness fees and salary and fringe benefits that are paid for judicial assistants. The act provides that no condition may be imposed on a county in order to receive a payment except that the county must submit the necessary information regarding its actual court costs. The Director of State Courts may withhold a future payment until this information is received or may reduce the amount of a future payment by the difference between the amount paid to a county and the actual costs later found to have been incurred by the county. The act replaces similar language in Act 16.

Act 238 (SB-723) eliminates a requirement that a governmental unit provide or pay for legal representation of a public officer or employe who is proceeded against as a public officer or employe to the extent that insurance provides that legal representation.

Act 265 (AB-211) provides that, in addition to other means provided under preexisting law, personal jurisdiction over a defendant may be obtained by leaving a copy of the summons at the home of the defendant in the presence of a competent adult who currently resides in that home and informing the adult of the contents of the summons.

Act 299 (AB-3) provides for the recording of a statutory power of attorney form and the revocation of a statutory power of attorney form in the office of the register of deeds, instead of the office of the county clerk, in the county where a principal resides and in the county where an agent resides.

Act 309 (SB-314) prohibits any person who is injured as a result of an improvement to real property from commencing an action against the owner or occupier of the property or against any person that is involved in the improvement if more than 10 years has lapsed since the improvement was substantially completed. This limit does not apply to an action against a person who commits fraud, concealment or misrepresentation related to the improvement, or against a person who warrants the improvement (while the warranty is still in effect) or against the owner or occupier of the real property for negligence related to the improvement (see also *Act 311*).

Act 310 (SB-358) requires an action to recover damages for an act or omission related to professional accounting services to be brought within 6 years after the act or omission. The limit on commencing actions does not apply to actions against persons who commit

fraud or concealment or to actions involving the offering or selling of securities or a franchise.

Act 311 (SB-814) allows a person who, as a result of a deficiency or defect in an improvement to real property, sustains damages during the period beginning on the first day of the 8th year and ending on the last day of the 10th year after substantial completion of the improvement, to commence an action for the damages within 3 years after the date on which the damages occurred.

Act 319 (AB-735) makes various changes related to domestic abuse restraining orders. The act:

1. Includes as domestic abuse any physical abuse or any threat of physical abuse by an adult against his or her adult former spouse or against an adult with whom the person has a child in common.

2. Allows service of a petition for a domestic abuse restraining order by publication in a newspaper or by mailing the order to the respondent's post office address if the respondent has been avoiding personal service by concealment.

3. Prohibits a judge or a family court commissioner from making findings or issuing orders regarding child support or custody as part of an action brought solely for the issuance of a domestic abuse restraining order.

4. Requires a judge or a family court commissioner who issues a temporary restraining order or injunction prohibiting a person from visiting the petitioner's residence to include in that document an order restraining the respondent from committing acts of domestic abuse against the petitioner.

5. Requires a judge or a family court commissioner, in determining whether to issue a temporary restraining order or injunction, to consider the potential danger to the petitioner and the pattern of abusive conduct and to not base his or her decision to issue an order or injunction solely on the length of time that has lapsed since the last abusive incident occurred or since the relationship ended.

6. Allows a petitioner to use a private process server to serve papers on the respondent.

Act 320 (AB-766) allows a municipal court to authorize the issuance of an arrest warrant by using a computer or other electronic media, but requires a law enforcement officer to convert the electronic authorization to a paper copy of the warrant before serving the warrant.

Act 321 (AB-793) gives a circuit court jurisdiction over proceedings regarding property that was seized by a law enforcement agency when an action to forfeit the property to the state is commenced in state court but allows the seized property to also be the subject of a federal forfeiture action. Previously, any property seized by state law enforcement officers had to be forfeited through action in state court.

Act 384 (SB-444) specifies the procedure for assignment of a municipal court judge when a municipal court judge is temporarily absent or when there is a permanent vacancy in a municipal court judge position.

Act 402 (AB-714) allows the Chief Justice of the Supreme Court to appoint as a reserve judge any person who, before May 1, 1992, was eligible to serve as a reserve judge under the requirements in effect before that date.

Act 423 (SB-297) requires that the SPD reimburse a private attorney who is assigned to a public defender case for time spent in travel if the travel is for more than 30 miles, one way, from the attorney's principal office.

Act 424 (SB-490) permits a court to order a party in a civil action to submit to a vocational examination.

Act 437 (AB-1126) limits the rate of reimbursement paid to a county by the Director of State Courts for costs of guardian ad litem compensation to the hourly rate established for time spent in court by private attorneys appointed by the SPD to represent indigents without regard to the amount of fees ordered by a court.

Act 445 (AB-900) establishes a procedure for petitioning for a temporary restraining order and injunction that orders the respondent to not interfere with an investigation of the abuse or neglect of, the delivery of protective service to or a protective placement of, a person who is 18 years of age or older and who is developmentally disabled or who has an infirmity of aging, mental illness or other similar incapacity.

Act 466 (AB-539) provides that if a court orders a tenant to be evicted from his or her rental property, the tenant may begin an appeal of that order within 15 days after the court issues the order. The act requires the tenant, if he or she wants to remain on the premises while the appeal is in process, to file a bond with the landlord and continue paying rent. If a tenant fails to pay the rent while the appeal is in process, the act provides that the appeal is automatically dismissed, the bond is forfeited to the landlord and the sheriff must evict the tenant from the premises. Previously, an appeal was possible only after all of the issues in the case were resolved.

Act 484 (SB-824) removes conflicts between 1993 Wisconsin Acts 148 and 299 by allowing the recording of a completed statutory form power of attorney and of the revocation of a statutory form power of attorney in the office of the register of deeds in the county where the principal resides and in the county where the agent resides.

Crimes

Act 16 (SB-44) makes various changes relating to crimes. The act:

1. Requires courts to order certain criminal offenders and children who are adjudicated delinquent to provide a biological specimen to the DOJ state crime laboratories for analysis. The crime laboratories must maintain a data bank based on the deoxyribonucleic acid (DNA) analysis of these specimens. The crime laboratories may make this data available for use in criminal or delinquency investigations. The act also establishes a \$250 DNA analysis surcharge to be imposed on certain offenders and directs that the proceeds be used for DNA analysis and maintaining the DNA data bank. Formerly, a court could require a person to provide a biological specimen: 1) for the purpose of collecting evidence of a crime by issuing a search warrant based on probable cause to believe the person violated the law; or 2) in circumstances involving special needs beyond the normal need for law enforcement, such as to provide a court with information at the time of sentencing a person (see also *Children*).

2. Increases the amount of the penalty assessment that is imposed whenever a court imposes a fine or forfeiture for a violation of state law or a violation of certain local ordinances.

3. Increases reimbursement to local governments for the costs of law enforcement officer recertification training.

4. Creates a program to provide grants to organizations that provide services to sexual assault victims.

Act 32 (AB-592) permits a court that orders a criminal defendant to submit to a test for the virus that causes AIDS to require the health care professional who administers the test to disclose the test results to the defendant (see also *Children*).

Act 49 (AB-261) allows Wisconsin law enforcement agencies to make mutual aid agreements with Minnesota, Iowa, Illinois or Michigan law enforcement agencies.

Act 50 (SB-155) increases penalties for batteries or threats to, or criminal damage to the property of, judges and their family members.

Act 51 (SB-176) allows the district attorney of any county to appoint investigators who have police powers in that county.

Act 54 (SB-69) increases penalties for batteries against school district officers or employes.

Act 87 (AB-268) increases the penalties for committing certain controlled substance (dangerous drug) crimes while in or within 1,000 feet of a prison or jail.

Act 90 (AB-215) authorizes cities (other than Milwaukee), villages, towns or counties to retain, with certain exceptions, seized firearms or ammunition for law enforcement use.

Act 91 (AB-220) allows, with certain restrictions, a person to possess a device containing oleoresin of capsicum (pepper gas) and to use the device for self-defense or defense of others. The act also requires DOJ to promulgate rules imposing requirements for labeling, packaging and written safety instructions for these devices.

Act 92 (AB-253) increases penalties for persons who intentionally take a vehicle without the owner's consent while possessing a weapon and by the use, or threat of the use, of force or the weapon. Under this so-called "carjacking" act, the penalties vary depending on the harm suffered by the victim.

Act 94 (AB-724) increases penalties for intentionally discharging a firearm from a vehicle at or toward another person, any building or another vehicle.

Act 95 (AB-726) prohibits, with certain exceptions, going armed while on any premises (such as a tavern) that has a license or permit to sell alcohol beverages for consumption on those premises.

Act 96 (SB-8) provides penalties for stalking. The act prohibits a person from intentionally engaging in a course of conduct that is directed at a specific person, that would cause a reasonable person to fear harm to that person or to that person's family and that causes the victim to fear harm to the victim or to the victim's family.

Act 97 (SB-488) provides mandatory minimum sentences of not less than 5 years' imprisonment for repeat serious violent offenders and repeat serious sex crime offenders. The act also restricts the admissibility of evidence relating to the manner of dress of the complaining witness in criminal cases involving sexual assault, sexual exploitation of a child or incest with a child.

Act 98 (SB-548) makes various changes relating to crimes (see *HIGHLIGHTS*).

Act 118 (SB-299) increases the penalties for offenses relating to manufacturing, delivering or possessing methcathinone, which is a controlled substance commonly referred to as "cat."

Act 128 (AB-311) broadens the coverage of crimes against witnesses to cover crimes against persons who have provided information concerning any crime to a peace officer or prosecutor or to a crime-reporting hotline.

Act 129 (AB-336) broadens the coverage of crimes relating to illegal manufacturing of controlled substances so as to include a person who illegally prepares a controlled substance for personal use.

Act 146 (SB-420) provides penalties for impersonating a utility employe.

Act 155 (AB-473) requires the bond or other conditions of release to continue when a defendant is discharged from custody because he or she has not received a trial within the required time limit.

Act 157 (AB-646) broadens DOJ's authority to sue or join an action in situations in which DOJ has paid an award to a crime victim.

Act 164 (AB-210) increases penalties for committing battery against a public transit vehicle operator, driver or passenger.

Act 169 (AB-91) provides for the seizure of vehicles, equipment and devices used in the commission of a crime relating to a submerged cultural resource (an archaeological site or historic property that is located beneath the surface of a lake or stream).

Act 191 (AB-665) prohibits a person from carrying or displaying a toy or fake firearm in a way that could reasonably be expected to alarm or threaten someone else.

Act 192 (SB-372) increases penalties for persons who frighten, abuse or harass police animals.

Act 193 (SB-607) provides several types of grants to cities and law enforcement agencies for various law enforcement purposes and for the restoration of neighborhoods affected by high rates of crime.

Act 194 (SB-754) makes various changes in the laws relating to crimes:

1. It provides that certain serious felony offenders need not be automatically released when they reach their mandatory release dates, as was the case under prior law. Instead, the parole commission may deny such a release to an inmate in order to protect the public or because the inmate refused to participate in counseling or treatment.

2. It provides that courts may delay the parole eligibility dates of certain repeat serious felony offenders.

3. It increases the maximum period of imprisonment for all Class B felonies from 20 years to 40 years. This change affects crimes such as 2nd-degree intentional homicide, 1st-degree reckless homicide, 1st-degree sexual assault, armed burglary and armed robbery.

Act 195 (SB-647) prohibits a person from possessing a firearm if he or she has been adjudicated delinquent as a child for an act that, if committed by an adult in this state, would be a felony. The act also requires the juvenile court in which any person was adjudicated delinquent for such an offense to inform DOJ of the person's adjudication so that the information is available when DOJ conducts background checks of prospective handgun purchasers. The act first applies to persons who are adjudicated delinquent on or after April 21, 1994 (see also *Children*).

Act 196 (SB-648) requires a court to prohibit a person from possessing a firearm if the person is involuntarily committed for treatment for mental illness, drug dependency or developmental disability and if the court determines that there is a substantial probability that the person may use a firearm to harm himself or herself or endanger public safety. The act also provides a procedure for the person to regain the right to possess a firearm. Finally, the act requires the court to inform DOJ of a court order prohibiting a person from possessing a firearm so that the information is available when DOJ conducts background checks of prospective handgun purchasers.

Act 218 (SB-620) places the crime of forcing children to view sexual activity into the statutory chapter covering crimes against children.

Act 220 (AB-751) prohibits persons from knowingly renting sexually explicit or other harmful material to children.

Act 224 (SB-104) increases penalties for persons who repeatedly commit sex crimes against children.

Act 227 (SB-308) creates a new sexual assault crime for the situation in which multiple sexual assaults of the same child occur within a specified period of time.

Act 262 (SB-84) requires DNR to maintain a registry of prominent features in the landscape of state-owned land and increases penalties for criminal damage to property that is listed in the registry.

Act 273 (SB-45) provides penalties for a person who receives a stay of execution on a jail sentence and who intentionally fails to report to jail as required under the sentence. Previously, no specific penalty applied.

Act 274 (SB-46) recognizes a prosecutor's authority to charge an offender with multiple counts of felony nonsupport of a child, grandchild or spouse if each count covers a distinct period of at least 120 days.

Act 280 (AB-71) adds felony obscenity law violations to the list of crimes covered under the Wisconsin Organized Crime Control Act (WOCCA). With this change, felony obscenity law violations may be counted toward establishing a pattern of racketeering activity, which is an element of several WOCCA violations.

Act 281 (AB-194) increases penalties for illegally manufacturing, delivering or possessing a controlled substance in or near a public housing project.

Act 289 (SB-781) provides for a life sentence without the possibility of parole for certain persistent repeat serious felony offenders (see *HIGHLIGHTS*).

Act 302 (AB-671) increases the penalties for causing a child to leave his or her legal custodian or otherwise interfering with the custody of a child.

Act 336 (SB-512) generally prohibits persons from possessing beebee or pellet-firing guns or starter pistols on school premises.

Act 342 (AB-135) prohibits a landowner from using blaze orange on any signs or markings used to provide notice to others not to trespass on the owner's land.

Act 359 (AB-204) prohibits a court from excluding evidence in a criminal action or civil traffic forfeiture action on the basis that the evidence was obtained from outside of this state.

Act 407 (AB-1198) expands the enforcement authority of tribal law enforcement officers who meet certain requirements.

Act 428 (SB-137) increases penalties for causing great bodily harm by the intoxicated use of a vehicle.

Act 441 (AB-879) revises the battery law. The prior law based penalties primarily on whether bodily harm or great bodily harm was intended or occurred. The act provides a middle category of substantial bodily harm, covering injuries such as bone fractures, concussions and lacerations that require stitches.

Act 445 (AB-900) revises penalties for the abuse or neglect of patients and residents of various health-related agencies or facilities (see also *Health and Social Services*).

Act 459 (AB-349) provides for the seizure and forfeiture of vehicles used in impersonating a peace officer.

Act 460 (AB-558) makes various changes relating to jail officer training requirements. The act:

1. Creates separate training requirements for officers who work in secure juvenile detention facilities as opposed to officers who work in regular adult jails.
2. Increases the minimum preparatory training requirements for jail officers from 96 hours to 120 hours.
3. Provides that any person who is certified as a jail officer prior to July 1, 1994, automatically is certified as a secure detention officer, but that he or she is subject to recertification requirements and the Law Enforcement Standards Board's authority to decertify him or her.

Act 468 (AB-930) classifies ephedrine as a schedule IV controlled substance, thereby subjecting ephedrine to a series of restrictions on its usage and to penalties for its illegal manufacture, delivery or possession. Previously, ephedrine was not classified as a controlled substance.

Act 478 (AB-320) increases penalties for causing great bodily harm by the intoxicated use of a vehicle.

Act 483 (Senate Bill 823) removes conflicts among provisions in 5 acts relating to crimes that were enacted earlier in the 1993-94 legislative session.

Act 495 (June 1994 Spec. Sess. AB-1) modifies laws that permit a court to order a sexual assault or incest defendant to be tested for the virus that causes AIDS. The act permits testing at any time after conviction and requires disclosure of the test results to the defendant and the parent or guardian of a victim who is a minor (see also *Children*).

Domestic Relations

Act 16 (SB-44) requires that a revision in an amount of child support or family support must be based on a substantial change in circumstances.

Act 78 (AB-221) prohibits both parties to an action affecting the family, such as a divorce, from physically removing minor children from the jurisdiction of the court, disposing of assets that are within the jurisdiction of the court and harassing, or imposing any restraint against the personal liberty of, the other party. The prohibition applies during the pendency of the action and arises automatically upon the filing and service of the petition.

Act 225 (SB-373) allows a court to require the parties to an action affecting the family to attend an educational program concerning the effects of divorce on children.

Act 326 (SB-369), known as the uniform interstate family support act, provides procedural rules for the exercise of jurisdiction by a court in an action to establish or enforce a spousal or child support obligation, or to determine paternity, when the parties reside in different states.

Act 389 (AB-1105) provides that a person (usually an employer) who fails to withhold money or send it to a clerk of court after receiving a notice of assignment for child support or maintenance may be required to pay a civil monetary forfeiture.

Act 422 (AB-800) provides that 2 types of property are not subject to division by a court in an annulment, divorce or legal separation: property acquired as a gift from a person other than the other party and property acquired by reason of the death of another.

Act 481 (May 1994 Spec. Sess. SB-2) makes a number of changes in the laws relating to child support, child support enforcement and paternity (see *HIGHLIGHTS*).

Education**PRIMARY AND SECONDARY EDUCATION**

Act 14 (AB-532) allocates the responsibility between counties and school districts for ensuring that children with exceptional educational needs who reside in a child caring institution receive a free appropriate public education, as required under state and federal handicapped education law.

Act 15 (AB-533) updates the terminology used in the laws relating to handicapped education in order to conform state law with the federal Individuals with Disabilities Education Act.

Act 16 (SB-44) makes various changes in the laws relating to public instruction. The act:

1. Establishes school district revenue limits (see *HIGHLIGHTS*).
2. Requires maintenance of all fringe benefits provided to, and limits compensation adjustments that may be provided to, nonrepresented school district professional employes prior to July 1, 1996 (see *HIGHLIGHTS*).
3. Authorizes a school board to establish up to 2 charter schools in the school district (see *HIGHLIGHTS*).
4. Provides that 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.
5. Modifies the equalization aid formula, under which general state school aids are distributed, by excluding the value of tax incremental financing (TIF) districts from a school district's equalized property valuation. The act also eliminates the separate supplemental aid program, which provided additional equalization aid to school districts with TIF districts.
6. Provides that, beginning in the 1994-95 school year, minimum aid payments to a school district will be reduced by 20% if the percentage increase in the school district's costs per pupil in the previous school year exceeded the average annual percentage change in the consumer price index plus 1%. Any amount remaining in the minimum aid appropriation after fully funding the minimum aid requirement is to be distributed as equalization aid.
7. Modifies the special adjustment aid program, which guarantees to eligible school districts a certain percentage of their previous year's aid. The act eliminates certain eligibility requirements and requires that special adjustment aid be apportioned so as to guarantee that a school district's general aid payment is no less than a specific percentage of its prior year level or the prior year payment minus \$1,000,000. A school district that is eligible for both levels of aid receives only the prior year level.
8. Modifies the children-at-risk program. The act requires only those school districts that submit applications to the State Superintendent of Public Instruction for children-at-risk aid to make programs available for children at risk (pupils who are significantly behind their age groups academically and are also dropouts, habitually truant, parents or adjudicated delinquents). The act requires a school district which has 50 or more dropouts and a dropout rate exceeding 5% to apply for aid. The act narrows the definition of children at risk by eliminating separate criteria for pupils in grades 5 to 8, and allows any school board to contract with private agencies to provide services for up to 30% of its children at risk. Formerly, only the Milwaukee Public Schools (MPS) were allowed to contract for such services. Finally, the act requires MPS to ensure that in each children-at-

risk program there are at least 40 pupils and no more than 200 pupils and that a separate administrator or teacher is in charge of each program.

9. Modifies the early alcohol and other drug abuse prevention and intervention grant programs by eliminating the pupil services grant program (which provided one-time grants to school districts for additional school counselors, psychologists and social workers), expanding eligibility for drug abuse resistance education program grants and eliminating the June 30, 1993, expiration date for the early alcohol and other drug abuse prevention and intervention grant programs.

10. Increases the maximum limit on the number of participants in the Milwaukee parental choice program, which allows certain pupils who reside in the city of Milwaukee to attend certain private schools at state expense, from 1% to 1.5% of the enrollment of MPS beginning in the 1994-95 school year. The act also increases the maximum percentage of a participating private school's enrollment that may consist of pupils participating in the choice program from 49% to 65%.

11. Establishes an Office of Educational Accountability in DPI.

12. Requires the State Superintendent of Public Instruction, in consultation with the state Technical College System Board, to establish a uniform method for school districts to report the number of pupils attending technical colleges under the postsecondary enrollment options program, which allows 11th and 12th grade pupils to attend institutions of higher education for one or more courses, and the alternative education provisions of the compulsory school attendance law and to report pupil participation in technical preparation programs.

13. Modifies required filing dates for various school district reports to the State Superintendent of Public Instruction.

14. Eliminates a requirement that a school district submit a separate audit of self-insurance plans for employe health care benefits, and requires it to include information on its self-insurance plans in the annual audit of school district accounts.

15. Requires that grants awarded by the Environmental Education Board to corporations and public agencies for the development, dissemination and presentation of environmental education programs be awarded on an 18-month basis.

16. Extends the expiration date for payments to the Wisconsin Geography Alliance from June 30, 1993, to July 1, 1996.

Act 58 (SB-238) allows the MPS Board of School Directors to continue, beyond July 1, 1995, to elect a superintendent of schools who is not licensed by the State Superintendent of Public Instruction. The act also excludes the position of assistant superintendent of MPS from the classified service and from tenure provisions.

Act 59 (AB-509) eliminates requirements that the payroll of the MPS Board of School Directors be certified by the board president and superintendent of schools and countersigned by the city of Milwaukee auditing officer.

Former law provided that within 20 days after each meeting of the MPS board at which salaries and accounts were voted on and allowed, the superintendent of schools had to file with the city auditing officer statements of the condition of the funds for the support of the schools and of the financial transactions of the MPS board. The act requires that such a statement be filed within 20 days after each meeting of the MPS board.

Act 60 (AB-513) authorizes the MPS Board of School Directors to provide for the destruction of obsolete school records.

Act 134 (SB-81) authorizes a school district, rather than a judge, to make the initial determination regarding the necessity of the taking when the school district acquires property by condemnation.

Act 168 (AB-582) authorizes the State Superintendent of Public Instruction to award grants to school districts and to private schools to assist in establishing school breakfast programs (see also *Public Assistance* and *Other Health and Social Services*).

Act 223 (AB-1022) provides that, with parental approval, a child who is 17 years of age or older must be excused by the school board from regular school attendance if the child began a program leading to a high school equivalency diploma in a secured correctional facility and the child continues to participate in such a program upon his or her release.

Act 283 (AB-893) allows a school board, Cooperative Educational Service Agency (CESA) and County Handicapped Children's Education Board (CHCEB) to enter into an agreement with a county agency that is authorized to provide early intervention services for children from birth to age 3 with developmental needs to allow the employees of the school board, CESA or CHCEB to participate in the performance of multidisciplinary evaluations of children who may have exceptional educational needs and in the development of individualized family service plans. The act also allows a school board, CESA and CHCEB to enter into an agreement with that county agency, a head start agency or a tribal school to allow individuals who are employed by, or who are under contract with, any of the latter agencies to participate in the performance of multidisciplinary team evaluations and in the development of individualized education programs for children who have exceptional educational needs.

Act 284 (AB-1144) authorizes a school board to suspend or expel a pupil from school for conduct while not at school or while not under the supervision of a school authority if the pupil endangers the property, health or safety of any employe or school board member of the school district in which the pupil is enrolled.

Act 307 (AB-1095) excludes the estimated value of land acquired by DNR after December 31, 1991, from the equalized valuation of each city, village and town for the purposes of imposing the school district levy and of calculating state aid to the school district (see also *Taxation*).

Act 333 (AB-218) requires schools to observe Wednesday of the 3rd week in September as Wisconsin Day as part of Wonderful Wisconsin Week.

Act 334 (AB-291) authorizes a school board to adopt rules requiring persons to identify themselves and sign in when entering or remaining in a school building. The act also prohibits a public school from denying a pupil credit in a course solely because of the pupil's suspension from school. Beginning on July 1, 1996, the act prohibits the State Superintendent of Public Instruction from issuing an initial teaching license, school district administrator's license or school administrator's license unless the applicant demonstrates competency in resolving conflicts between pupils and between pupils and staff, in assisting pupils in learning methods of resolving such conflicts, and in dealing with crises that may arise in school or at school activities as a result of such conflicts. The act authorizes a school board to adopt a policy that allows any school official, employe or agent to use reasonable and necessary force when acting within the exceptions to the prohibition against corporal punishment. The act requires that under certain conditions the school district clerk must, upon request, provide a law enforcement agency, district attorney, corporation counsel, county department or court with information relating to any pupil who is enrolled in the school district to enforce that pupil's school attendance or to

respond to a health or safety emergency. Finally, under certain circumstances the act allows a school district to provide information concerning a pupil's physically harmful behavior to the pupil's teachers and to other school district officials who have a legitimate educational or safety interest in the information.

Act 335 (AB-1151) changes the name of the Division for Library Services in DPI to the Division for Libraries and Community Learning, and changes the name of the Division for Handicapped Children and Pupil Services to the Division for Learning Support, Equity and Advocacy.

Act 338 (SB-80) establishes a committee to study the feasibility of establishing a regional high school of excellence for academically talented students in the areas of science and mathematics.

Act 339 (SB-89) directs the State Superintendent of Public Instruction to establish requirements for licensure as an alternative education program teacher and for the approval of teacher education programs leading to licensure as an alternative education program teacher. The act allows a school board to establish policies to permit a pupil who is eligible for high school enrollment to be assigned to a period of assessment as a consequence of the pupil's truancy or upon the pupil's return to school from placement in a correctional facility, alcohol and other drug abuse treatment facility or other out-of-school placement. Finally, the act allows a school board to grant a high school diploma to a pupil who has not earned the required number of credits in specified subjects if the pupil was enrolled in an alternative education program and the school board determines that the pupil has demonstrated a level of proficiency in the specified subjects equivalent to that which he or she would have attained if he or she had earned the required number of credits.

Act 340 (SB-560) allows a school board to establish a program that allows a pupil who is enrolled in grades 9 to 12 and who has demonstrated a high level of maturity and personal responsibility to leave the school premises for up to one class period each day if the pupil does not have a class scheduled during that class period.

Act 341 (SB-703) allows a school board to contract with a private, nonprofit sectarian agency located in the school district or within 5 miles of the boundaries of the school district for children-at-risk programs. Under former law, the agency was required to be located in the school district.

Act 355 (SB-87) provides that a board of control of a CESA may request the State Superintendent of Public Instruction to submit names for possible appointment as a CESA administrator when a vacancy occurs. Under former law, the Board of Control was required to appoint an administrator from names submitted to the Board of Control by the superintendent.

Act 367 (AB-802) provides that, upon the request of a pupil's parent or guardian, a school board must excuse the pupil from taking the statewide 8th and 10th grade pupil assessment examinations.

Act 377 (SB-810) directs the State Superintendent of Public Instruction to provide funds to a nonprofit corporation for the planning, development and operation of a youth village program (see *HIGHLIGHTS*).

Act 392 (AB-1147) provides that a court may stay the enforcement of an order of school district reorganization on appeal of the order if a showing is made that there is substantial probability that the party seeking review will prevail on the merits and will suffer irreparable harm if a stay is not granted. Under former law, appeal of an order of school

district reorganization resulted in an automatic stay of the order pending a final court determination.

Act 430 (SB-550) delays until the 1996-97 school year a requirement that each school board provide regular instruction in foreign language in grades 7 and 8. Under former law, the requirement was effective beginning in the 1994-95 school year.

Act 437 (AB-1126) changes the equalization aid appropriation from a sum certain to a sum sufficient appropriation and establishes a levy rate limit for school districts (see *HIGHLIGHTS*).

The act also modifies the minimum aid program (which entitles certain school districts that receive little or no state general aid to specified amounts per pupil) by increasing the lowest minimum aid category from \$100 per pupil to \$175 per pupil; providing that median household income from the 1980 census must continue to be used to determine eligibility for aid; and providing that any aid reductions resulting from the minimum aid penalty must be redistributed through the general equalization aid formula. (Under the penalty, minimum aid payments are reduced by 20% for any school district in which the percentage increase in its cost per pupil in the previous school year exceeded the average annual percentage change in the consumer price index plus 1%.)

Act 454 (SB-542) requires a background investigation for issuance or renewal of a license or permit by the State Superintendent of Public Instruction (see *HIGHLIGHTS*).

Act 458 (AB-69) appropriates from the environmental fund an amount equal to 50% of the assessments for violation of environmental protection laws imposed for grants awarded by the Environmental Education Board to corporations and public agencies for the development, dissemination and presentation of environmental education programs (see also *Environment*).

TECHNICAL COLLEGE SYSTEM

Act 16 (SB-44) makes various changes relating to the technical college system. The act:

1. Establishes a state aid program for the development and implementation of technical preparation programs in each high school.
2. Requires the state Technical College System Board, in consultation with the State Superintendent of Public Instruction, to approve courses for technical preparation programs and to establish a uniform method for technical college district boards to report the number of high school pupils attending technical colleges and to report pupil participation in technical preparation programs.
3. Eliminates the July 1, 1993, expiration date for the program that awards grants to technical college district boards for alcohol and other drug abuse prevention and intervention programs.
4. Provides that a graduate of an associate degree or vocational diploma program is exempt from program and materials fees for up to 6 credits in the same occupational program if his or her employer certifies that the graduate lacks entry-level job skills or if the graduate has not found employment in his or her field within 6 months after graduation.

Act 101 (AB-155) states that the students of each technical college, subject to the responsibilities and powers of the state Technical College System Board, the state director, the district board, the district director and the faculty, are active participants in the immediate governance of and policy development for the district and may participate in all matters affecting student interests.

Act 397 (AB-1018) provides that a contract made by a technical college district board for public construction must be let to the lowest responsible bidder if the estimated cost of the construction exceeds \$10,000. Under former law, the minimum was \$5,000.

Act 399 (SB-510) changes the name of the vocational, technical and adult education system to the technical college system.

UNIVERSITY OF WISCONSIN SYSTEM

Act 16 (SB-44) makes various changes relating to the UW system. The act:

1. Eliminates the minority doctoral student loan program, which provided educational loans to minority doctoral students who agreed to teach in the UW system upon completing their doctorates.

2. Extends the expiration date for the pilot minority student tuition award program from June 30, 1994, to June 30, 1995. The program provides tuition and fees to minority freshmen enrolled in the UW system who need financial assistance, who meet academic criteria specified by the Board of Regents of the UW system and who are enrolled in high schools selected by the Board of Regents.

3. Extends for 2 years (until 1995) the tuition award program at UW-Parkside and UW-Superior. Under the program, the Board of Regents may exempt from nonresident tuition up to 150 students who are enrolled at UW-Superior and up to 200 juniors and seniors who are enrolled at UW-Parkside in programs identified by the campuses as having surplus capacity. The act requires that Wisconsin students be given preference in admission at these 2 campuses over nonresidents who could participate in the program. The act also requires that a nonresident student participating in the program pay an amount equal to the resident tuition at either the campus that the student actually attended or the public bachelor's degree-granting institution closest to the student's permanent residence, whichever is higher.

4. Makes various changes relating to exemptions from nonresident tuition, including the following:

a. The act provides that any minor student, rather than only a minor student who was an orphan, who had resided substantially in this state during the years of minority and for at least 12 months prior to the semester or session for which the student registered is exempt from nonresident tuition.

b. The act provides that any adult student who is a dependent of his or her parents, rather than only an adult student whose natural parents are divorced or legally separated, is exempt from nonresident tuition if one or both of the student's parents had been residents of this state for at least 12 months prior to the semester or session for which the student registered.

c. The act requires that nonresident members of the armed forces be on active duty in order to qualify for a nonresident tuition exemption.

d. The act adds involvement in community activities, physical presence in this state for at least 12 months preceding the beginning of the semester or session for which a student registers, and, if the student is not a U.S. citizen, possession of a visa that permits indefinite residence in the United States, to the criteria used to determine a student's residence for the purpose of determining eligibility for a nonresident tuition exemption.

5. Eliminates a requirement that the Board of Regents establish tuition rates at the UW Medical School at 26% of instructional cost for residents and 38% of instructional cost for nonresidents.

6. Increases from \$10 to \$25 the application fee for admission for new freshmen and undergraduate transfers from outside the UW system, and increases from \$20 to \$35 the application fee for admission for graduate, law and medical school students.

Act 57 (AB-841) allows the Board of Regents to commence 1994 fall semester classes at the UW system on September 1, 1994. Formerly, fall semester classes could not commence until after September 1. If the Board of Regents commences classes on September 1, 1994, it must develop procedures to enable students to continue to work during the Labor Day weekend.

Act 180 (SB-364) abolishes the Council on Public Broadcasting in the UW system, which advised the UW system concerning public broadcasting matters.

Act 455 (AB-821) establishes an Agricultural Safety and Health Center in the UW-extension to develop curricula and materials for, and provide instructor training necessary to provide, a statewide program of tractor and machinery operation safety training for minors. The act also directs the Board of Regents to award grants to local sponsors of farm safety education, training or information programs (see also *Agriculture and Motor Vehicles*).

OTHER EDUCATIONAL AGENCIES

Act 16 (SB-44) eliminates a requirement that the Arts Board award grants to the Wisconsin Chamber Orchestra, the Milwaukee Symphony Orchestra and the Florentine Opera.

The act permits HEAB to award original scholarships under the academic excellence higher education scholarship program after the 1993-94 school year. Under the program, scholarships are awarded to high school seniors with high grade point averages who enroll at postsecondary institutions in Wisconsin (see also *Act 457*).

The act eliminates 2 programs administered by HEAB that provide loans to medical students and other health care providers: the medical student loan program and the health care providers loan forgiveness program.

The act also delays the transfer of First Capitol State Park from DNR to the Historical Society until March 1, 1994, subject to JCF approval.

Act 61 (SB-267) provides that the exemption from regulation by the Educational Approval Board for nonprofit schools applies only to in-state schools that meet certain specified conditions.

Act 241 (AB-803) allows consolidated public library systems and consolidated county libraries to be governed by 9-member boards in addition to 7-member boards as provided under preexisting law.

Act 257 (SB-430) provides funding for a book in the Voices of the Wisconsin Past series and creates a pilot program, administered by the Historical Society, relating to the preservation of electronic records of state agencies.

Act 358 (SB-693) ratifies the Midwestern Higher Education Compact. The purpose of the compact is to provide greater higher educational opportunities and services for residents of the member states to the compact. The current compact states are Illinois, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin.

The act also provides for the appointment of 5 members to represent this state on the Midwestern Higher Education Commission.

Act 393 (SB-453) provides funding for temporary exhibits, janitorial services and public programming services for the Historical Society Museum.

Act 398 (SB-445) provides funding to increase the number of authorized positions for the Educational Communications Board by one position to perform duties relating to distance education projects.

Act 437 (AB-1126) requires the Educational Communications Board to expend at least \$140,200 in each fiscal year for the development and periodic update of certain instructional television programs for use in schools.

The act limits the total amount of initial awards that HEAB may make for an academic year under the program that awards tuition grants to certain resident undergraduate students.

The act also specifies certain fees for admission to historic sites and prohibits the Historical Society from establishing a special fee for the admission of a group of children to a historic site.

Act 440 (AB-711) provides funding for the local history program of the Historical Society.

Act 457 (AB-21) makes various changes to the academic excellence higher education scholarship program. The act:

1. Modifies eligibility for scholarships under the program.
2. Permits alternates in cases where 2 or more pupils from the same high school have the same grade point average.
3. Transfers all responsibilities of DPI under the program to HEAB.

Elections

Act 140 (AB-145) permits a candidate to specify that his or her nickname be placed on an election ballot in lieu of a first or middle name or initials. Under the act, a "nickname" is limited to a familiar or shortened form of a proper name by which an individual is commonly known.

Act 173 (AB-16) changes the law regulating electioneering near polling places on election day. Formerly, no person was permitted to engage in electioneering during polling hours on election day within 500 feet of an entrance to a building containing a polling place. The act limits this prohibition only to public property within 100 feet of such an entrance, and exempts from the prohibition the placement of any material on the bumper of a motor vehicle that is located on that property.

Act 175 (AB-243) prohibits any person from knowingly making or publishing, or causing to be made or published, a false representation pertaining to a referendum which is intended or tends to affect voting at an election.

Act 266 (AB-248) provides that if an incumbent fails to file a declaration of candidacy and nomination papers, if required, within the time prescribed by law, the filing deadline for all candidates for the incumbent's office, except the incumbent, is extended by 72 hours. The act grants a similar extension to a nonincumbent candidate who is opposed by an incumbent candidate who is nominated at a town or village caucus but who fails to file a declaration of candidacy within the time prescribed by law. The act also provides that the time for filing is not extended if the incumbent files a statement of noncandidacy no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed for filing declarations of candidacy and nomination papers, if required, and the incumbent does not file a declaration or nomination papers within the time prescribed for filing declarations and papers.

Employment**CIVIL SERVICE**

Act 7 (AB-491) ratifies the collective bargaining agreement for the 1991-93 biennium between the state and the Wisconsin State Attorneys Association, Inc., as representative of the employes of the professional legal collective bargaining unit.

Act 8 (AB-492) ratifies the collective bargaining agreement for the 1993-95 biennium between the state and the Wisconsin State Attorneys Association, Inc., as representative of the employes of the professional legal collective bargaining unit.

Act 12 (SB-349) makes various changes necessary to implement the nonrepresented state employe compensation plan. The act:

1. Modifies the standard for determining reimbursement for state officers and employes who must travel by air in the course of their official duties.

2. Changes the time at which a stipend for certain moving expenses may be paid by an agency to certain employes.

3. Permits the Investment Board to set the salary of the division administrator of the Investment Board.

4. Changes a restriction on the salary of certain psychiatric residents employed by DHSS.

5. Allows employes who earn a certain amount of annual leave (vacation) and who have accrued a specified amount of sick leave to defer a certain portion of their vacations to use for other purposes in later years.

6. Requires that certain employes be given credit toward their periods of probation for the time that the employes spend in previous positions in the state service.

Act 16 (SB-44) repeals compulsory dispute settlement procedures affecting local government employes, other than law enforcement and fire fighting personnel, effective on July 1, 1996, and changes those procedures affecting school district professional employes prior to July 1, 1996 (see *HIGHLIGHTS*).

The act also makes various changes in the procedures for conducting appeals to the Personnel Commission by state employes of decisions made by the Secretary of Employment Relations relating to the classification of positions within the state civil service. The act also establishes a procedure, which is available at the option of a person who is appealing the secretary's decision, for the arbitration of appeals by state employes of classification decisions involving positions and employes. The arbitration is conducted under rules promulgated by the commission, and the decision of the arbitrator is subject to judicial review only under certain limited circumstances.

Act 37 (SB-455) ratifies the collective bargaining agreement for the 1993-95 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 38 (AB-754) ratifies the collective bargaining agreement for the 1993-95 biennium between the state and the Association of State Prosecutors as representative of the employes of the assistant district attorneys collective bargaining unit.

Act 39 (AB-753) ratifies the collective bargaining agreement for the 1993-95 biennium between the state and the State Engineering Association as representative of the employes of the professional engineering collective bargaining unit.

Act 40 (SB-503) ratifies the collective bargaining agreement for the 1993-95 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 41 (SB-504) ratifies the collective bargaining agreement for the 1993-95 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 social services collective bargaining unit.

Act 42 (SB-505) ratifies the collective bargaining agreement for the 1993-95 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 43 (SB-506) ratifies the collective bargaining agreement for the 1993-95 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 44 (SB-507) ratifies the collective bargaining agreement for the 1993-95 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 45 (AB-886) ratifies the collective bargaining agreement for the 1993-95 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.

Act 46 (AB-887) ratifies the collective bargaining agreement for the 1993-95 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 47 (SB-456) increases the amount of annual leave (vacation) to which an attorney who is employed in the state civil service is entitled, regardless of whether the attorney is in the classified or unclassified service.

Act 144 (SB-213) brings Wisconsin law into conformity with the federal Fair Labor Standards Act by permitting the state and local units of government to provide compensatory time, that is, time off in lieu of overtime pay, and by exempting from state minimum wage laws certain persons who perform services for the state or for a local unit of government, including volunteers, elective officers and the staff of elective officers.

Act 297 (SB-817) ratifies the collective bargaining agreement for the 1993-95 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 298 (SB-818) ratifies the collective bargaining agreement for the 1993-95 biennium between the state and the Wisconsin Education Association Council, as representative of the employes of the professional education collective bargaining unit.

Act 493 (SB-833) ratifies the collective bargaining agreement for the 1993-95 biennium between the state and the Professional Employes in Research, Statistics and Analysis, WFT/AFT, AFL-CIO, as representative of the professional research, statistics and analysis collective bargaining unit.

Act 494 (SB-834) ratifies the collective bargaining agreement for the 1993-95 biennium between the state and the Wisconsin Professional Employes Council, WFT/AFT, AFL-

CIO, as representative of the professional fiscal and staff services collective bargaining unit.

OTHER EMPLOYMENT

Act 16 (SB-44) makes various changes relating to employment. The act:

1. Directs DILHR to award grants to nonprofit corporations and public agencies for career counseling centers throughout the state to provide youths with access to career education and job training information.

2. Directs DILHR to award grants to school boards and technical college district boards for the awarding of training grants to employers who provide on-the-job training and supervision for youth apprentices (see also *Act 437*). The act also directs DILHR to contract with the state Technical College System Board for the development of youth apprenticeship curricula.

3. Directs the Office of Workforce Excellence in DILHR to coordinate and implement DILHR's workforce excellence initiatives, programs and policies.

4. Directs DILHR, subject to JCF approval, to contract with the UW Center on Wisconsin Strategy for research associated with providing technical assistance and staff training to Wisconsin businesses and assisting those businesses in creating high performance work organizations.

Act 81 (AB-844) makes various changes in the worker's compensation law related to:

1. Increases in the amount of disability benefits payable, including benefits payable for a permanent partial disability to an employe's dominant hand.

2. Resolution of worker's compensation claims, including permitting an employer or insurer to request an injured employe who claims loss of earning capacity to submit to an examination by a vocational expert, permitting an employe who has difficulty understanding English to have an interpreter present at his or her medical examination, requiring an injured employe to submit an itemized statement of his or her medical and incidental expenses before the hearing on his or her claim and permitting DILHR to order a party to pay interim compensation if an employe is entitled to compensation but there is a dispute over which of 2 or more parties is liable to pay the compensation.

3. Administration of the worker's compensation law, including requiring insurers to investigate and report to DILHR any suspected fraudulent worker's compensation claims.

4. Coverage of the worker's compensation law, including permitting an employer who is not otherwise subject to the worker's compensation law, but who elects to be subject to that law by purchasing a worker's compensation insurance policy, to withdraw from the worker's compensation program by cancelling his or her policy, permitting a county to assume primary liability for worker's compensation coverage of the volunteer members of a volunteer fire department or rescue squad organized in that county and permitting certain prisoners who are injured while employed in the prison industries program to recover worker's compensation benefits to the same extent that other employes may recover those benefits.

5. Uninsured employers, including reducing, or permitting waiver of, the penalties imposed on an uninsured employer in certain circumstances, extending from June 30, 1994, to June 30, 1996, the date on which the uninsured employers fund expires if the cash balance in that fund does not reach \$4,000,000 and providing a procedure for collecting payments owed to DILHR by uninsured employers.

Act 86 (SB-509) makes certain changes relating to the investigation and collection of wage claims. The act provides for audits of the payroll records of an employer against

whom a valid wage claim is filed, both by the employer and by DILHR, and for the payment of increased wages by the employer on certain wage claims. The act also provides a procedure for the filing and enforcement of wage claim liens and requires an employe whose employment ends to be paid by 31 days after the end of his or her employment or by the date on which he or she would have been paid under the employer's established payroll schedule, whichever is earlier.

Act 370 (AB-1082) permits an injured employe to select a private rehabilitation counselor certified by DILHR to develop a rehabilitative training program for the employe if DHSS is not able to provide such a program, and requires the employe's employer or worker's compensation carrier to pay for that program. The act raises from 40 weeks to 80 weeks the presumptive period for which an injured employe may receive rehabilitative training and permits administrative and judicial review of the cost and reasonableness of a private rehabilitative training program.

Act 373 (SB-669) makes numerous changes in the unemployment compensation law. The act:

1. Increases benefit rates in 1994 to a minimum of \$48 and a maximum of \$250 per week and increases benefit rates in January, 1995 to a minimum of \$50 and a maximum of \$266 per week.

2. Decreases the amount of wages (or certain other amounts treated as wages) that an employe needs outside of his or her highest wage quarter in his or her eligibility period in order to qualify for benefits.

3. Increases the amount of qualifying wages that an employe must earn after receiving benefits under a prior claim before the employe may claim benefits again.

4. Limits the benefit eligibility of certain employes of employers who are primarily engaged in the agricultural production, agricultural services or forestry industry or in the commercial hunting, fishing or trapping industry.

5. Creates 3 additional exceptions to the current restriction which generally precludes an employe who voluntarily terminates his or her work from claiming benefits until the employe requalifies by working for a specified period and earning specified wages.

6. Makes a number of changes in the benefit eligibility of employes who perform work for or on behalf of a school or other educational institution and employes who receive certain lump-sum pension payments.

7. Extends lower contribution (tax) rates that were formerly granted to certain small employers to apply to more employers.

8. Makes numerous changes in the definition of "wages" which governs the extent to which payments made by an employer become subject to a contribution requirement, but authorizes DILHR to change the definition by rule.

9. Clarifies the scope of the law which limits fees that may be collected for representation before DILHR or the Labor and Industry Review Commission.

Act 427 (AB-982) clarifies the definition of "sexual harassment" for purposes of liability under the fair employment law by expressly including unwelcome requests for sexual favors, conduct directed at a person of the same or opposite gender as the harasser and deliberate verbal or physical conduct that is sufficiently severe to create a hostile work environment according to a reasonable person test. The act also specifies that making the employe's reaction to sexual harassment the basis of an employment decision and permitting sexual harassment to have the purpose or effect of creating a hostile work environment are forms of sexual harassment.

Act 429 (SB-547) makes minor clarifications and corrections to dispute settlement procedures in local government employment, other than law enforcement and fire fighting employment, enacted as part of Act 16.

Act 437 (AB-1126) makes various changes relating to employment. The act:

1. Creates a National and Community Service Board to administer on the state level the federal National and Community Service Trust Act of 1993 under which the federal government provides funding for national service programs and educational grants for persons who complete their term of national service.

2. Permits DILHR to award grants to local governmental units and nonprofit organizations, in addition to school boards and technical college boards as under preexisting law, for the award of training grants to employers who provide on-the-job training and supervision for youth apprentices.

3. Provides an exception to the work permit requirement for children 14 years of age or over who are enrolled in a youth apprenticeship program.

Environment

Act 9 (SB-4) decreases the total amount of the fees that DNR charges to persons who discharge wastewater and requires that municipalities that are subject to the fees must pay 50% of the total amount of the fees and other persons who are subject to the fees must pay the other 50%.

Act 16 (SB-44) makes numerous changes in the laws relating to the environment. The act:

1. Changes the name of the Land Conservation Board to the Land and Water Conservation Board and gives the board responsibilities under the nonpoint (diffuse) source water pollution abatement program, including designating the priority watersheds and priority lakes in which the program will be implemented. The act requires DNR to designate significant sources of nonpoint source pollution in a priority watershed or priority lake area as critical sites, after nonpoint source grants have been available in the priority watershed or priority lake area for 36 months. Once a site has been designated as a critical site, the amount of the nonpoint source program grant to which the owner of the site is entitled is reduced and DNR may order the owner to implement practices to abate the pollution from the site, except with respect to animal waste and except that if the source is agricultural, DNR must obtain the approval of the county land conservation committee (see also *Act 166*). The act eliminates a limit on the number of landowners to whom DNR may issue nonpoint source economic hardship grants for measures to reduce nonpoint source pollution and requires DNR to issue these higher grants in cases of economic hardship. The act also eliminates a \$20,000 cap on nonpoint source program grants for animal waste management facilities.

2. Requires DILHR to establish statewide standards for erosion control at building sites for the construction of buildings that are used by the public and buildings that are places of employment. The act authorizes DILHR to delegate authority concerning erosion control at those construction sites to a city, village, town or county. The act prohibits a city, village, town or county from exercising any authority, other than that provided by DILHR, over erosion control at those construction sites, except that a city, village, town or county may continue to enforce an ordinance concerning erosion control at those construction sites if the ordinance was in effect on January 1, 1994, and if the requirements in the ordinance are more stringent than DILHR's requirements.

3. Increases from 12% to 18% the portion of the total biennial subsidy provided by the state under the clean water fund program that may be used to provide financial hardship assistance to communities for wastewater projects. The act adds criteria related to per capita income and residential property value to the criteria used to determine eligibility for clean water fund hardship assistance, but specifies that the new criteria do not apply to projects on the 1993 funding list established by DNR (see also *Act 413*).

4. Requires a permit from DNR for certain discharges of storm water into the waters of this state from industrial and municipal sources. The act also requires the operator of an industrial activity that discharges storm water through a municipal storm water system to provide information to the operator of the municipal storm water system if the municipal system is required to obtain a permit.

5. Makes several changes in the petroleum storage remedial action program (commonly known as PECFA) under which DILHR provides reimbursement for a portion of the costs of cleaning up discharges from certain petroleum storage tanks. The changes include discontinuing PECFA coverage for petroleum storage tanks that meet federal or state standards for new or upgraded tanks and for tanks on sites for which PECFA awards were previously issued (see also *Act 416*).

6. Makes several changes in the waste reduction and recycling demonstration grant program administered by DNR, including authorizing DNR to request applications for projects needed to develop or expand the market for specific types of materials recovered from solid waste. The act exempts grants for projects proposed in response to such a request from the general rule that grants may be made only for projects involving innovative technology.

7. Requires DNR to conduct monitoring of cryptosporidium and giardia.

8. Increases the amount of the fee paid by generators of hazardous waste and exempts household hazardous wastes collected by local governmental bodies, under what are commonly called clean sweep programs, from that fee.

9. Imposes a fee on generators of solid waste and hazardous waste to pay for the operations of the Waste Facility Siting Board.

10. Establishes a program administered by DOT to distribute federal funds for congestion mitigation and air quality improvement projects.

Act 74 (SB-342) prohibits the sale of certain types of batteries, if those batteries contain mercury, and limits the sale of other types of batteries that contain mercury.

Act 75 (SB-513) creates a Recycling Market Development Board which is required to promote the development of markets for materials recovered in recycling programs and to assist in the orderly and efficient marketing of those materials. The act authorizes the board to promote its objectives by providing financial assistance to governmental and private entities, by funding research and by establishing technical assistance and educational programs.

The act makes changes in the recycling rebate program under which DOD makes payments to offset a portion of the costs of making a product from materials recovered from solid waste. The changes include making public and nonprofit bodies eligible for rebates and requiring DOD to select types of materials, rather than types of activities, with respect to which rebates will be paid. The act prohibits DOD from paying a recycling rebate after June 30, 1995, unless DOD made a commitment before that date to pay the rebate.

The act makes changes in the program under which the Development Finance Board awards recycling grants and loans. The changes include authorizing the Development

Finance Board to award a grant to a person to provide services to develop markets for materials recovered from solid waste. The act prohibits the awarding of any grant or loan under this program or under the minority business recycling development grant and loan program after June 30, 1995. The act also prohibits WHEDA from guaranteeing a loan under its recycling loan guarantee program after June 30, 1995.

The act requires the Recycling Market Development Board, DNR, DOD and the UW-extension to enter into an agreement specifying the duties of each in carrying out this state's activities relating to the marketing of materials recovered in recycling programs and the development of markets for these materials. The act authorizes DNR and DOD to provide assistance relating to the marketing of materials recovered from solid waste if the provision of that assistance is a responsibility assigned to the respective department under the agreement.

The act changes the due date for applications for annual financial assistance for local governmental recycling programs from September 1 to October 1. Under the act, the amount of the financial assistance is reduced if an application is submitted after October 1 but no later than October 30. A local governmental unit receives no grant if it submits an application after October 30.

Act 116 (AB-607) generally prohibits a city, village, town or county from regulating pesticides (see *HIGHLIGHTS*).

Act 135 (SB-228) requires owners of certain older landfills (called nonapproved facilities) that receive household waste and that remain in operation after October 8, 1993, to provide proof of financial responsibility for the costs of closing the facilities and of caring for the facilities after closure. The act also authorizes DNR to modify the plan of operation of any landfill to ensure that the landfill complies with federal law.

Act 166 (SB-470) changes laws relating to nonpoint (diffuse) sources of water pollution. The act requires DNR to obtain the approval of the Land and Water Conservation Board of DNR's plan for operating the nonpoint source water pollution abatement program in a priority watershed or priority lake area. The act provides that DNR may designate a nonpoint source of water pollution as a critical site under that program only by making that designation in the priority watershed or priority lake plan. The act authorizes a person who owns a source that is designated as a critical site to obtain a review, by the county land conservation committee, of that designation. The owner or DNR may obtain a review, by the land and water conservation board, of the county land conservation committee determination. The act authorizes a person who owns a source that is designated as a critical site to obtain a review, by the land and water conservation board, of a DNR order to abate the pollution from the source if the person did not seek a review of the critical site designation.

The act authorizes DATCP to request DNR to transfer funds to DATCP from DNR's appropriations for the nonpoint source program if DATCP determines that it needs those funds to make grants for animal waste management facilities to farmers who have received notices of discharge from DNR and whose farms are located in priority watersheds or priority lake areas. DNR must transfer the funds if the request is approved by the Land and Water Conservation Board.

Act 188 (SB-450) authorizes a 2-year project position for DNR to conduct cryptosporidium and giardia monitoring.

Act 240 (AB-732) requires all facilities with 10 or more employes engaged in metal or coal mining or oil and gas extraction to complete forms that report toxic chemical releases and submit them to DNR.

Act 243 (SB-106) makes several changes in the laws relating to substances that deplete the stratospheric ozone layer. The act:

1. Prohibits a person from representing that a product is "ozone friendly" or making a similar claim if the product contains or is made with an ozone-depleting substance.

2. Permits the sale of ozone-depleting refrigerants only to persons who are authorized under state law to service equipment that contains those refrigerants.

3. Prohibits the sale of portable fire extinguishers that contain specified ozone-depleting substances except for commercial purposes and, beginning on January 1, 1995, prohibits the sale of fire-extinguishing products containing one of those substances unless the substances have been recycled or reclaimed.

4. Requires DNR to prohibit the use of specified ozone-depleting substances in medical sterilizers or, if that is not feasible, to require the lowest achievable emission rate of those substances from medical sterilizers.

5. Authorizes DATCP, with respect to car and truck air conditioners, and DILHR, with respect to other types of refrigeration equipment, to regulate substances used as substitutes for ozone-depleting refrigerants.

Act 245 (SB-678) adds furnaces, dehumidifiers and water heaters to the kinds of appliances that may not be disposed of in a landfill or incinerated. The act allows a microwave oven to be disposed of in a landfill if the capacitor has been removed.

Act 253 (SB-784) provides money from the transportation fund, instead of the general fund, for regional hazardous materials emergency response teams and for their administration and equipment costs and allows DOT to deposit fees that are collected from shippers of hazardous materials into the transportation fund.

Act 261 (SB-82) exempts installations for the storage, handling or use of flammable or combustible liquids that have a capacity of less than 1,000 gallons from the requirement that DILHR collect a \$100 groundwater fee for reviewing and approving those installations.

Act 288 (SB-715) makes numerous changes to the motor vehicle emissions inspection and maintenance program, including requiring less frequent testing of older motor vehicles, eliminating fleet emissions inspection station permits, requiring the testing of vehicles with a gross vehicle weight rating of 14,000 pounds or less, and prescribing procedures for the remote sensing and subsequent emissions inspection of motor vehicles (see also *State Building Program*).

Act 295 (AB-1249) extends the expiration date of the moratorium on the construction and expansion of medical waste incinerators from July 1, 1995, to July 1, 1998, and creates an additional exemption from that moratorium.

Act 344 (AB-598) authorizes DNR to issue a citation to a person who violates a law related to the removal of septage from septic tanks or to the disposal of septage on land.

Act 345 (AB-836) postpones, from 1995 to 1997, a requirement for a local unit of government which is responsible for operating a recycling program, and which does not separate for recycling at least 25% by volume or weight of the solid waste collected by or for that responsible unit, to have a system of volume-based solid-waste fees.

Act 365 (AB-915) permits DOJ to defend the state or any state agency in any civil action relating to the assessment or collection of costs concerning environmental cleanup or natural resources damages and to represent DNR in prosecuting those actions, but requires DOJ to use attorneys from separate subunits of DOJ for the prosecution and for

the defense. Previously, a private attorney was hired to represent one agency in a civil action if DOJ represented the other.

Act 413 (SB-597) requires DNR to provide financial hardship assistance under the clean water fund program during the 1993-95 fiscal biennium to wastewater collection and treatment projects that have specified characteristics. The act provides that the limitations on clean water fund hardship assistance established by Act 16 do not apply to projects on the 1994 funding list established by DNR.

The act also increases the income limit for eligibility under the program that provides compensation for remedying the contamination of private wells and increases the percentage of eligible costs that may be paid under that program.

Act 416 (SB-15) makes numerous changes in PECFA. The act:

1. Authorizes PECFA awards of not more than \$100,000 for cleanups of discharges from certain farm tanks of 1,100 gallons or less capacity. The act provides that not more than 5% of the total amount of PECFA awards each year may be paid as awards for these cleanups.

2. Increases the maximum PECFA awards for costs incurred beginning on the effective date of the act for cleanups of discharges from aboveground storage tanks and increases deductibles for those cleanups.

3. Authorizes PECFA awards of not more than \$190,000 for cleanups of discharges from heating oil tanks owned by school districts and technical college districts.

4. Modifies the provisions in Act 16 that deny eligibility for financial assistance under PECFA for petroleum storage tanks that meet federal or state standards for new or upgraded tanks. The act provides that a tank that meets the new tank performance standards but that is located on a site on which a discharge occurred before the tank was installed retains PECFA coverage for a period ending no later than January 1, 1996. The act provides that an upgraded tank retains PECFA coverage for at least 90 days after the tank is upgraded, if the owner applies for private pollution insurance within 30 days after the tank is upgraded, and that an upgraded tank retains PECFA coverage for a period ending no later than January 1, 1996, under specified circumstances.

5. Provides that a PECFA award will generally be denied for a discharge from a tank if the discharge occurs after DILHR made a PECFA award for the cleanup of a previous discharge from the same tank. The act provides PECFA coverage for a period ending no later than January 1, 1996, for the 2nd or subsequent discharge from such a tank if the earlier cleanup has not been completed or if the tank has not been upgraded at the time of the 2nd or subsequent discharge.

6. Provides that a tank on trust lands of an American Indian tribe is eligible for a PECFA award if the owner or operator complies with DILHR's rules concerning petroleum product storage tanks.

7. Eliminates a scheduled July 1, 1995, reduction in the petroleum inspection fee, keeping the fee at 3 cents per gallon. Under former law, the fee would have decreased to 1.74 cents per gallon on July 1, 1995. The petroleum inspection fee is imposed on all petroleum products, including gasoline and heating oil.

Act 419 (AB-1056) authorizes DNR to grant a waiver from the current prohibition on the burning of yard waste (leaves, grass clippings, garden debris and brush or other woody material of less than 6 inches in diameter) by a solid waste facility without energy recovery. A waiver may only authorize the burning of brush or other woody material of less than 6 inches in diameter at a wood burning facility licensed by DNR.

Act 453 (SB-462) changes laws regulating discharges of hazardous substances and the contamination of soil and groundwater by these substances.

The act establishes a program under which DNR makes grants to political subdivisions (cities, villages, towns and counties) for investigations of environmental contamination of land owned by political subdivisions and for cleaning up that land. A grant equals 25% of the cost of an investigation or cleanup.

The act establishes a mechanism for negotiations between a political subdivision and responsible parties concerning the methods to be used to clean up contaminated land owned by the political subdivision and the contribution of funds toward the clean-up costs. Responsible parties are persons who generated hazardous substances disposed of at a site; persons who owned or operated the site at the time that a disposal or discharge of a hazardous substance occurred or, if the site was taken for tax delinquency, at the time that the site was taken for tax delinquency; under certain circumstances, persons who transport hazardous substances to a site; persons who possess or control a hazardous substance that is discharged or disposed of; and persons who cause the discharge or disposal of a hazardous substance. If the parties fail to reach an agreement, an umpire, appointed by DNR, makes a recommendation concerning the method of the cleanup and contribution of funds toward the clean-up costs. A responsible party may reject the recommendation and a political subdivision may reject the recommendation as it relates to one or more responsible parties. A responsible party that complies with an agreement or recommendation is not liable to this state, the political subdivision or any other responsible party for any additional costs of the cleanup.

A political subdivision that participates in the negotiation process and conducts a cleanup may sue a responsible party that did not enter into an agreement or accept a recommendation or did not comply with an agreement or recommendation that it accepted. Each responsible party is liable for a percentage of the costs of the cleanup equal to its percentage of contribution to the environmental pollution at a site, as determined by a court based on factors which include the amount and toxicity of hazardous substances involved and the degree of care exercised by the responsible party.

The act provides that a lender is generally not liable with respect to the discharge of a hazardous substance on property owned by a person who borrows from the lender. Under the act, a lender is also generally not liable with respect to the discharge of a hazardous substance on property acquired through foreclosure if the lender conducts an environmental assessment of the property, notifies DNR of the results of the environmental assessment and does not itself negligently or intentionally cause the discharge. The act also limits the personal liability of a representative (such as a trustee or a guardian) with respect to discharges of hazardous substances on property over which the representative has authority.

The act provides that a local governmental unit is not required under the hazardous substance spills law to clean up, or reimburse DNR for the cost of cleaning up, a discharge of a hazardous substance on land that is owned by the local governmental unit if the local governmental unit acquired the land through a tax delinquency proceeding or through the order of a bankruptcy court or if the local governmental unit acquired the land from another local governmental unit that acquired the land through tax delinquency proceedings or through the order of a bankruptcy court.

The act provides that a person who purchases contaminated property and conducts a cleanup of the property that is approved by DNR is not required under the hazardous substance spills law to conduct any further cleanup, or reimburse DNR for costs DNR

incurs for a further cleanup, of a hazardous substance discharge that occurred before the person purchased the property.

The act gives DNR a lien, superior to any other lien except a preexisting residential mortgage, on property on which DNR has conducted an environmental cleanup for DNR's costs incurred in the cleanup.

Act 458 (AB-69) increases the assessment that a court must impose for a violation of an environmental protection law from 5% to 10% of the amount of the fine or forfeiture imposed (see also *Primary and Secondary Education*).

Act 464 (AB-498) requires DNR to establish, by rule, uniform statewide standards for the reclamation of nonmetallic mining sites and the text of a nonmetallic mining reclamation ordinance. The act requires each county to enact a nonmetallic mining reclamation ordinance that is in strict conformity with the text of the ordinance established by DNR, except that if a county had a nonmetallic mining reclamation ordinance in effect on June 1, 1993, that is at least as restrictive as the text of the ordinance established by DNR, then the county may continue to administer that preexisting ordinance. The act authorizes a city, village or town to enact a nonmetallic mining reclamation ordinance that is in strict conformity with the text of the ordinance established by DNR and authorizes a city, village or town to continue to administer a nonmetallic mining reclamation ordinance that was in effect on June 1, 1993, if that ordinance is at least as restrictive as the text of the ordinance established by DNR. The act requires DNR to review county and municipal administration of nonmetallic mining reclamation programs and to administer the program in a county if the county is not in compliance with the requirements of the act. The act authorizes a person who owns land that has an economically viable nonmetallic mineral deposit to register the land with the register of deeds. Once land has been registered, a county, city, village or town may not by zoning, rezoning or other official action permit the erection of permanent structures upon the land in a manner that would permanently interfere with the extraction of the nonmetallic mineral deposit. A registration under the act may not be rescinded.

Financial Institutions

Act 68 (SB-249) permits financial institutions to pay interest on escrow accounts (accounts required to ensure the payment of real estate insurance and property taxes) at a rate equal to an average passbook savings rate, rather than at an annual rate of 5.25%.

Act 88 (AB-615) permits financial institutions to enter into federally-insured reverse mortgage loans. A reverse mortgage loan, or home equity conversion mortgage, permits a borrower to obtain a loan using the equity in the borrower's home as security for the loan. The loan is not required to be repaid until the borrower sells or permanently leaves the home.

Fringe Benefits of Public Employes

Act 229 (SB-416) increases the monthly minimum annuity threshold that is used to determine whether a participant in the WRS must take his or her annuity as a monthly annuity or as a lump sum payment.

Act 360 (AB-518) permits an employe who works for an employer that was not under the WRS at the time that the employe began to work for the employer but that subsequently joined the WRS to purchase creditable service toward a WRS annuity for those years that the employe worked for the employer before the employer joined the WRS.

Act 383 (AB-768) gives the Milwaukee federated library system the option of providing the benefits of the WRS to its employees rather than continuing their coverage under the city of Milwaukee retirement system (see also *Local Law*).

Act 426 (AB-868) requires that both a participant in the WRS and his or her spouse must sign the participant's application for a WRS lump sum payment. DETF is authorized to promulgate rules that would waive this requirement in certain circumstances.

Gambling

Act 84 (SB-183) reduces from 45 days to 7 days the period within which a person who holds a racing occupational license may appeal a decision of a racing steward to suspend or recommend suspension of the person's license.

The act also prohibits the gaming commission from issuing a license to own and operate a race track, sponsor and manage races at a race track or engage in certain racing-related occupations to any corporation if any person who is an owner of the corporation has been convicted of certain crimes or violated certain other types of federal or state laws.

Act 152 (SB-534) increases the maximum permissible price of a raffle ticket from \$10 to \$50.

Act 174 (AB-201) provides an exception for gaming contracts and money wagered on gaming that is legal in this state from those state laws that void gaming contracts and permits the recovery of money that is wagered and lost on gaming.

Act 271 (AB-1036) provides an exemption for lottery vendors and their employees from certain conflict of interest prohibitions under the racing and pari-mutuel wagering laws.

Health and Social Services

HEALTH

Act 4 (AB-191) changes from June 30, 1993, to March 31, 1994, the date by which hospitals must use a uniform accounting system that is developed by the Office of Health Care Information and specified in rules promulgated by DHSS.

Act 16 (SB-44) changes the health laws in various ways. The act:

1. Transfers from DHSS to OCI the Office of Health Care Information, which collects, analyzes and disseminates information from certain health care providers, and the hospital data systems unit of the center for health statistics.

2. Requires DHSS to develop distribution formulas for state and federal funding to counties for congregate nutrition programs for the elderly, permits DHSS to use up to 10% of state supplemental nutrition funds to reduce county losses resulting under the formulas and provides additional funding to ensure that counties receive at least amounts equal to 1992 funding.

3. Abolishes the Emergency Medical Services Assistance Board, which advises DHSS on funding for ambulance services and emergency medical technician training, and requires DHSS to eliminate the Emergency Medical Services Advisory Committee and instead creates an 11-member Emergency Medical Services Board that assumes the functions of the former board and committee and that is assigned specific additional duties.

4. Requires DHSS to promulgate rules that establish income limitations for eligibility to participate in the disease aids program for assistance to persons with chronic renal disease,

cystic fibrosis, hemophilia or tuberculosis and to revise every 3 years the preexisting sliding scale for patient cost liability (see also *Act 449*).

5. Creates a 13-member Council on American Indian Health, which is required to develop, periodically update and recommend to DHSS a state plan for improvement of health care services to Wisconsin American Indians. The act also funds grants to organize American Indian health projects.

6. Requires the Board on Aging and Long-Term Care to act as an Office of the Long-Term Care Ombudsman, as required by the federal Older Americans Act, and authorizes access by the ombudsman (the executive director of the board) or others to clients or facility residents and limits access to certain confidential information.

7. Increases annual licensing fees for certain inpatient health care facilities to fund operations of the Cost Containment Commission, which regulates capital expenditures of hospitals and certain other medical facilities or groups, and the Cost Containment Council, which advises the commission; requires an application fee for persons applying for review by the commission of health care capital expenditure projects; and requires the commission to promulgate rules that establish application fees that are sufficient to fund the commission's operations beginning July 1, 1995. The act changes newspaper publication and public hearing requirements for a proposed hospital rate change to require publication no sooner than 45 days and no later than 30 days before the rate change and to require a public hearing no sooner than 15 days after publication and no later than 15 days before the rate change (see also *Act 104*).

8. Requires DHSS to approve certain laboratories under standards of the federal Clinical Laboratory Improvement Act, rather than under DHSS standards, and eliminates authority for certain laboratories to substitute equivalent evaluations in place of evaluations conducted by DHSS.

9. Deletes statutory specification of annual fees assessed for sanitary permits to authorize operation of certain establishments and instead requires DHSS to establish the fees by rule, and authorizes transfers of permits to certain immediate family members of permit holders.

10. Provides funds to supplement operation of 2 regional poison control centers required to be designated by DHSS and for statewide collection and reporting of poison control data.

11. Requires certification of lead contractors and lead inspectors and accreditation of lead training courses (see also *Act 450*).

Act 27 (AB-585) substantially changes the public health laws (see *HIGHLIGHTS*).

Act 28 (SB-17) modifies the volunteer health care provider program, under which health care providers who provide certain services without compensation at nonprofit agencies in Brown, Racine, Milwaukee and Outagamie counties, and whose applications are approved by DOA, are state agents of DHSS. (State agents are represented by DOJ in civil actions, and claims and amounts that may be recovered in those actions are limited.)
The act:

1. Expands the counties under the program to include Dane, Dodge, Fond du Lac, Kenosha, La Crosse, Rock and Sheboygan counties.

2. Permits JCF and DOA to extend the program to additional counties.

3. Expands the definition of "health care provider", for purposes of the program, to include licensed practical nurses and nurse-midwives and certified physician assistants.

Act 104 (SB-67) transfers from DHSS to the Office of Health Care Information the administration of requirements for publication and content of notices and the conduct of public hearings on hospital rate increases.

Act 105 (SB-68) changes the term "physician's assistant" in preexisting law to "physician assistant" and defines physician assistants as health care providers for purposes of prohibiting discrimination against persons infected with AIDS, confidentiality of patient health care records, powers of attorney for health care and health care provider records that may be offered as evidence notwithstanding the rule of evidence prohibiting use of hearsay in certain court actions.

Act 106 (SB-511) provides, for a county that satisfies certain criteria (Racine County), an exception to a requirement established in Act 27 that a local health officer be a full-time employe of the local health department and specifies requirements for the local health officer in that county.

Act 185 (AB-321) requires hospitals and ambulatory surgery centers to add information on the external causes of patients' injuries to uniform patient billing forms that are submitted to the Office of Health Care Information.

Act 186 (AB-795) authorizes the Milwaukee County Board of Supervisors to determine policy and provide for management of the county hospital as the county board determines is appropriate, except that hospital employe positions must remain county employe positions and the county board may not discontinue the hospital's operation or change the hospital's mission to treat certain persons.

Act 190 (AB-334) specifies the circumstances under which a peace officer, correctional officer, state patrol officer or jailer who is exposed to an individual in a manner that may transmit the AIDS virus may request a court order to require an AIDS test of that individual and to be notified of the results of that test. The act also expands the types of professionals who are prohibited from discriminating against persons who have the AIDS virus to include jailers, keepers of jails and certain persons designated with custodial authority (see also Act 252).

Act 252 (AB-552) modifies current law concerning testing, without consent, of certain individuals for the AIDS virus and disclosure of the test results. Under preexisting law, health care providers who have been significantly exposed (exposed in a manner that may transmit the AIDS virus) to an individual and who have used certain precautions against exposure may test the individual's blood without consent if the blood was drawn for a purpose other than to conduct the test. The act extends this authority to numerous other types of professionals. Under preexisting law, emergency medical technicians, fire fighters, peace officers, correctional officers and state patrol officers who are significantly exposed may request a court order to require testing for the virus and to order disclosure of the test results; the act extends this authority, if certain requirements are met and if blood drawn for another purpose is unavailable, to numerous other types of professionals. The act also expands the types of professionals who are prohibited from discriminating against persons who are infected with the AIDS virus to include first responders.

Act 290 (SB-797) makes numerous changes in laws relating to the regulation of capital and other expenditures by nursing homes. The act:

1. Increases from \$600,000 to \$1,250,000 the amount of a nursing home capital expenditure that may be made without prior approval by DHSS and specifies circumstances under which DHSS may aggregate separate expenditures to require prior approval.

2. Eliminates a prohibition on subdividing a project to avoid review and a requirement that transactions within 5 years that are components of an overall plan be considered as one project.

3. Prohibits, without prior approval, renting or leasing a capital asset worth more than \$1,000,000.

4. Requires expedited review for capital expenditures that are for certain renovations that cost \$1,500,000 or less.

5. Expands the standard for review for a project that would result in nursing home bed relocation to require available resources to serve displaced nursing home residents.

Act 438 (SB-748) authorizes WHEDA to provide financing to nonprofit facilities that provide health education.

Act 449 (SB-777) modifies the disease aids program of assistance to persons with chronic renal disease, cystic fibrosis and hemophilia. The act eliminates, retroactively to January 1, 1994, a requirement that DHSS promulgate rules that establish income limits on applicants for assistance and instead requires DHSS to promulgate rules that require eligible persons with certain incomes to spend portions of their incomes for medical care before receiving financial assistance under the program.

MENTAL HEALTH

Act 16 (SB-44) makes numerous changes to mental health laws. The act:

1. Requires counties to transmit to DHSS only 15%, rather than 100%, of moneys obtained from the \$250 surcharge imposed on persons who are convicted of operating vehicles while under the influence of intoxicants and authorizes counties to spend the amounts retained for community programs for convicted drivers.

2. Requires DHSS, rather than counties, to fund treatment, services and case management for persons who are found not guilty of certain crimes by reason of mental disease or defect and who are conditionally released by a court.

3. Establishes a 12-bed unit at the Northern Center for the Developmentally Disabled for adults who are diagnosed as both developmentally disabled and mentally ill and who exhibit extremely aggressive and challenging behaviors.

4. Authorizes DHSS to operate community-based facilities for persons who are relocated from state centers for the developmentally disabled.

5. Consolidates preexisting law and modifies certain eligibility requirements relating to funding of care for mentally ill persons who are residing in facilities found to be institutions for mental diseases, relocated from these facilities or eligible for services in place of persons who discontinue them (see also *Act 212*).

6. Provides an expiration date of June 30, 1995, for the long-term residential alcohol and other drug abuse treatment program in Milwaukee County and extends from June 30, 1993, to June 30, 1995, the expiration date for programs for special services for pregnant women and mothers, to prevent neighborhood drug abuse and violence, to prevent American Indian drug abuse, to treat infants with mothers who abuse drugs, to test infants for controlled substances (dangerous drugs) and to prevent domestic abuse related to alcohol and other drug abuse.

Act 187 (SB-374) authorizes certain relatives or a close friend of an incapacitated individual to consent on his or her behalf to admission from a hospital to a nursing home or community-based residential facility, if certain other persons do not object and if petitions for protective placement and guardianship of the individual are filed before the admission.

Act 212 (SB-427) modifies laws relating to funding of the care of mentally ill persons in institutions for mental diseases (IMDs). The act authorizes DHSS to redistribute funds for a vacant bed in an IMD from one county to another county and requires approval by an IMD for relocation by a county of an IMD patient to the community.

Act 270 (AB-837) permits psychologists who are certified by the American Board of Professional Psychology the opportunity to obtain hospital staff privileges (see also *Insurance*).

Act 316 (AB-650) modifies the standard under which a person who has been found to be incompetent and for whom a guardian has been appointed may be found to be incompetent to refuse psychotropic medication and also modifies the standard for annual review of that finding. The act permits a court to authorize a guardian to consent to the forcible administration of psychotropic medication to the guardian's ward if certain procedures, specified in the act, are followed. Lastly, the act requires that a person whom a court has found to be in need of a guardianship and only temporary protective services be provided care only on an outpatient basis.

Act 437 (AB-1126) makes various changes in laws related to funding the mental health institutes, including extending to July 1, 1997, the date by which DHSS must eliminate a projected funding deficit for the mental health institutes, requiring reduction of mental health institute expenditures if average daily patient populations decrease and requiring that rates for various services be increased, on average, by 10%.

Act 445 (AB-900) makes numerous changes to the mental health and protective services laws (see also *Crimes*). The act:

1. Defines "community mental health program" and requires DHSS to certify and perform reviews, including random reviews, of community mental health programs and to develop a program with DORL to use uncompensated services of certain professionals in the review in return for continuing education credits.
2. Requires consumer representation on and a training curriculum for county human services boards and county community programs boards.
3. Establishes certain patient rights; requires DHSS to promulgate rules that establish standards for a grievance procedure for use by patients; prohibits retaliation or discrimination against patients or employees for participation in a grievance procedure; and establishes penalties for preventing patients from seeking redress for patients' rights violations.
4. Establishes a county protective services agency in Milwaukee County and authorizes that agency to investigate allegations of abuse, neglect or misappropriation of property of certain vulnerable adults.
5. Prohibits certain falsification, concealment or damage of patient health care records.
6. Requires counties to submit to DHSS every 3 years a local community mental health plan; and requires DHSS to enter into an agreement for development of a mental health client survey prototype and to develop a model community mental health plan for use by counties in preparing local plans.
7. Provides for the appointment of a receiver, under certain circumstances, for county departments of community programs and related programs.

PUBLIC ASSISTANCE

Act 16 (SB-44) makes various changes in state public assistance programs. The act:

1. Makes numerous changes in the laws regarding the medical assistance eligibility of persons who divest certain resources, who establish certain trusts or who accumulate certain assets relating to burial expenses. The act establishes specific provisions regarding the treatment, for purposes of medical assistance eligibility, of transfers to nondiscretionary trusts or irrevocable annuities, transfers to joint accounts, payment for services provided by a relative, the divestment of resources from a single asset source and the divestment of other resources. The act provides that in certain cases, a trust is void if the trust restricts the use of principal or income from the trust when the person who establishes the trust or his or her spouse applies for medical assistance or is determined to be eligible for medical assistance. The act also prohibits courts from accepting certain divorce decrees which transfer assets from an institutionalized person who is receiving medical assistance and makes changes in the method of determining the amount of income that an institutionalized person may transfer to a community spouse and still remain eligible for medical assistance (see also *Act 437*).

2. Makes changes in the laws governing DHSS' recovery of medical assistance nursing home costs from estates, including increasing the maximum value of a decedent's property that may be claimed by affidavit, allowing recovery of the nursing home costs of a decedent's spouse and reducing the waiting period for filing an affidavit from 90 to 20 days. The act also modifies certain estate law provisions to require that county probate registers notify DHSS monthly of pending probate cases and to require that DHSS be given certain notices regarding whether a decedent or a decedent's spouse had received medical assistance nursing home benefits.

3. Clarifies that certain types of dental services are covered under medical assistance.

4. Changes the program that reduces a family's AFDC benefits if a child in the family is truant, commonly referred to as Learnfare, by altering case management provisions and expanding the program in 4 pilot counties to cover children who are 6 to 12 years of age, subject to additional limitations on the imposition of sanctions.

5. Changes the AFDC parental responsibility pilot program which is to be conducted in up to 4 counties. Under the act, a family generally receives one-half of the usual increases in the AFDC benefit amount for the first child born after the family becomes subject to the program and no benefit increase for a subsequent child. In determining the benefit amount and, in certain cases, in determining eligibility of a family subject to the program, the act requires DHSS to disregard a greater amount of earned income than is disregarded for other persons who receive AFDC. The act also requires DHSS to provide certain training and parental education to participants in the program.

6. Prohibits persons who are eligible to receive AFDC benefits under the 2-tier benefit demonstration project (under which certain persons receive AFDC benefits at levels payable in their former state of residence for the first 6 months that they reside in this state) from receiving general relief payments in excess of the 2-tier AFDC benefit amount.

7. Requires DHSS to request and, if received, implement, a federal waiver to permit AFDC recipients to accumulate up to \$10,000 in an account to be used for education or improving employability. The amounts in the account are not counted against the asset limit in determining eligibility for AFDC.

8. Provides a statutory definition of homelessness for purposes of eligibility for AFDC emergency assistance and requires that this assistance be used only to obtain a permanent living accommodation.

9. Allows DHSS to use administrative hearings to sanction individuals who commit fraud in obtaining AFDC benefits.

10. Increases the amount that DHSS may withhold from an AFDC benefit payment to recover an overpayment resulting from an intentional program violation from no more than 7% to no more than 10% of the payment allowance, as adjusted for family size.

11. Prohibits the payment of an AFDC benefit if the amount of the benefit would be less than \$10.

12. Consolidates and restructures current state statutes for the AFDC employment and training programs to conform with the federal job opportunities and basic skills program (JOBS).

13. Extends the expiration date of the New Hope project, which provides job placement services, wage subsidies and community service jobs to certain low-income persons in 2 areas in the city of Milwaukee, from December 31, 1994, to June 30, 1995.

14. Makes a number of changes to the food distribution start-up program, including deleting references to the use of grant funding for start-up services and instead specifying that grants are to be used for the operation of food distribution services.

15. Makes certain changes to the low-income energy assistance program, including allowing DHSS to contract with local governmental agencies or nonprofit organizations to administer heating and crisis assistance benefits.

16. Repeals a requirement that the state pass through any federal increase in supplemental security income (SSI) payments without reducing the amount of the state supplement to SSI and makes changes to the procedures for changing the amount of the state supplement.

17. Eliminates, in order to comply with federal medical assistance laws, authorization for nursing homes to claim the monthly bed taxes as allowable costs under the nursing home payment formula, precludes nursing homes from receiving direct payments for the bed taxes, increases net annual nursing home rates by 3.3% and modifies the payment formula with respect to certain high-cost nursing homes.

18. Changes rates of payment under medical assistance for numerous health care providers, including increasing rates for physicians who provide obstetric and gynecological services in health care professional shortage areas to 125% of rates paid to other primary care physicians in such areas (see also *Act 356*). The act also requires that providers of personal care services obtain authorization from DHSS before providing services in excess of certain limits established by rule by DHSS.

19. Eliminates county authority to conduct nursing home preadmission screening and resident review under the medical assistance program for persons with mental illness or developmental disability and, instead, authorizes DHSS or a delegated entity to perform the screenings and reviews. The act also changes exceptions to the preadmission screening and resident review requirements for persons who have specified diagnoses or are admitted to a nursing home from a hospital for 30 days or less.

20. Delays discontinuance of medical assistance coverage for alcohol and other drug abuse day treatment services until July 1, 1995, or the day after publication of the 1995-97 biennial budget act, whichever is later.

Act 76 (SB-533) appropriates the amount required to pay as fees charged to the state by the federal government for administering the payment of the state supplement to federal supplemental security income payments. The act also requires DHSS to study the feasibility of having the state assume responsibility for administering the payment of the state supplement and to report the results of the study to the Secretary of Administration by March 1, 1994.

Act 99 (SB-418) creates a work-not-welfare pilot program and a work-first program and abolishes the AFDC program on December 31, 1998 (see *HIGHLIGHTS* and *Act 437*).

Act 168 (AB-582) creates a food stamp outreach program to distribute funds to certain programs that inform individuals with low incomes about the availability, eligibility requirements, application procedures and benefits of the food stamp program (see also *Primary and Secondary Education* and *Other Health and Social Services*).

Act 269 (AB-824) grants medical assistance eligibility, contingent upon the availability of federal financial participation and state funding under the long-term support community options program (COP), to certain working disabled persons. Under COP, persons receive community support services as an alternative to institutional care in a nursing home.

Act 277 (SB-574) grants medical assistance eligibility, contingent upon federal approval of a waiver or of a change in the approved state medical assistance plan, to pregnant women and children under 6 years of age whose family income does not exceed, in state fiscal year 1994-95, 155% of the federal poverty line and, in each state fiscal year thereafter, 185% of the federal poverty line. Eased medical assistance eligibility criteria for these pregnant women and children is commonly referred to as "Healthy Start."

Act 356 (SB-482) increases the rate of payment, under the medical assistance program, for all certified primary care providers who provide obstetric or gynecological care in federally-designated primary care health professional shortage areas or to medical assistance recipients who reside in those areas, to 125% of the rates paid to primary care physicians in the areas.

Act 437 (AB-1126) makes various changes to state public assistance programs. The act:

1. Amends or repeals many of the changes enacted in Act 16 regarding medical assistance eligibility for persons who divest certain resources or who establish certain trusts. The act expands the divestment provisions to cover noninstitutionalized, as well as institutionalized, individuals. The act lengthens from 30 to 36 months, or, in some cases, 60 months, the period prior to application for medical assistance during which transfers of assets are considered in determining medical assistance eligibility. The act also eliminates the limit on the period for which an individual may be found to be ineligible for medical assistance as a result of transferring assets. The act establishes more detailed statutory provisions regarding the treatment of trusts in determining eligibility for medical assistance.

2. Makes certain changes to the work-not-welfare program, including allowing increases in the AFDC benefit amount for certain additional children born as a result of sexual assault or incest.

3. Allows the recovery of certain public assistance overpayments from state tax refunds without a court judgment, if the amount to be recovered has been certified by DHSS.

4. Increases the amount of income earned by stepparents that is disregarded in determining AFDC benefits and eligibility from \$75 to \$90 a month.

5. Prohibits DHSS from paying a health care service provider, under the medical assistance program, for certain health services provided as the result of a referral that is made to the provider after December 30, 1994, by a licensed physician and that, if made on behalf of a beneficiary under the federal Medicare program, would result in the denial of Medicare payment.

Act 450 (AB-540) makes a number of changes relating to the prevention of lead poisoning in children. The act:

1. Repeals provisions relating to the certification of lead contractors and lead inspectors enacted in Act 16 and instead allows DHSS to promulgate rules establishing certification requirements for any person who performs or supervises lead hazard reduction or a lead management activity.

2. Repeals the accrediting provisions for lead training courses enacted in Act 16 and instead allows DHSS to promulgate rules establishing requirements for accrediting certification training courses in lead hazard reduction.

3. Allows DHSS to promulgate certain types of rules relating to lead hazard reduction, lead inspections and lead screening and to the care, coordination and treatment of children with lead poisoning.

4. Makes certain changes in the authority of DHSS to conduct lead inspections and creates, in certain circumstances, a rebuttable presumption that the owner of a dwelling or premises has exercised reasonable care if the owner complies with an order to conduct lead hazard reduction.

5. Creates a grant program to local health departments for lead poisoning prevention programs and allows DHSS to delegate any of its statutory duties related to lead hazard reduction, except for rule-making, to local health departments if DHSS provides a grant to carry out such duties.

6. Requires reporting of the results of lead poisoning screenings of children to DHSS.

7. Creates a criminal penalty for certain offenses related to lead (see also *Insurance*).

Act 469 (AB-1055) requires DHSS annually to submit to JCLO a report on nursing home bed use by medical assistance recipients. If the report indicates a decrease in bed use from the previous fiscal year and if JCF does not disapprove, the moneys that DHSS calculates, under a specified formula, that are saved by the decrease must be transferred to the long-term support community options program.

OTHER HEALTH AND SOCIAL SERVICES

Act 16 (SB-44) changes laws relating to other health and social services as follows:

1. The act modifies provisions on liability to DHSS for payment of cost-based fees for services provided by DHSS, to require interest charges on payments that are 90 days past due and to extend to employers the preexisting requirement to provide certain information to DHSS about employes who are liable for payment (see also *Act 437*).

2. The act requires persons applying for services of COP to divulge information relating to income and certain resources that they divested for less than fair market value within the previous 30 months and requires DHSS to use this information in calculating financial eligibility and cost-sharing requirements. The act also modifies provisions targeting services under the program to certain populations.

3. The act requires annual submittal to DHSS, by December 31, of certain final county budgets, rather than submittal, by September 30, of proposed budgets.

4. The act transfers from DHSS to DILHR the authority for review of plans for constructing, altering or reconstructing public swimming pools and water recreation attractions and altering public swimming pool equipment and requires DILHR to establish by rule a fee schedule for the reviews.

5. The act requires independent living centers to have boards of directors that govern the independent living centers, to substantially involve severely disabled individuals in

policy and management and to offer certain living services to assist them and requires DHSS to conduct periodic reviews to enforce compliance with these requirements.

6. The act establishes a hospital-based paternity incentive pilot program at 3 selected hospitals under which participating hospitals receive \$20 for each voluntary paternity declaration form that is submitted. The pilot program also requires DHSS to provide training on paternity establishment and the legal implications of establishing paternity to staff at participating hospitals and requires staff at participating hospitals to verbally inform parents of the benefits and responsibilities associated with paternity establishment.

7. The act makes a number of changes to the provisions governing the distribution of certain social service funds, commonly referred to as community aids. The act establishes certain statutory allocations for the distribution of these funds, including a basic county allocation and a number of categorical allocations for specific types of services. The act also makes certain changes regarding the use of unanticipated federal funding under the community aids program (see also *Children*).

Act 29 (AB-525) narrows the emergency medical services laws to require DHSS to certify qualified applicants as first responders only for the performance of defibrillation, rather than for the performance of those emergency medical procedures (including defibrillation) that are prescribed in rules promulgated by DHSS. "Defibrillation" is defined in preexisting law as administering an electrical impulse to an individual's heart in order to correct certain heartbeat irregularities.

Act 30 (AB-287) extends to podiatrists laws that require that licensed physicians be given an equal opportunity to obtain hospital staff privileges and that prohibit certain types of profession-based discrimination. The act permits recovery, in a civil court action, of monetary losses suffered as a result of the discrimination.

Act 83 (SB-147) modifies laws relating to county departments of human services to permit, rather than require, a county board of supervisors to transfer to that department the powers and duties of the county's department of developmental disabilities services. The act also provides that a member of the county human services board may be removed, on due notice in writing, if the member when appointed was a member of the county board of supervisors and was not reelected to that office.

Act 168 (AB-582) creates a Board on Hunger and a community-based hunger prevention grant program. The community-based hunger prevention grants are awarded by the Board on Hunger for the start-up of certain specified programs related to hunger prevention. The grant program expires on June 30, 1999 (see also *Primary and Secondary Education* and *Public Assistance*).

Act 209 (SB-194) deletes obsolete titles of certain institutions administered or formerly administered by counties and by DHSS, specifically, "charitable, curative and reformatory" institutions and "industrial schools."

Act 210 (SB-207) abolishes the Citizens Council on Alcohol and Other Drug Abuse, expands by 8 members the membership of the State Council on Alcohol and Other Drug Abuse and expands the duties of the state council to include review of plans, budgets and operations of, and development of a state plan for, all state alcohol and other drug abuse programs (see also *Consumer Law*).

Act 221 (AB-823) provides supplemental state general purpose revenue funding for the foster grandparent project, under which low-income persons who are at least 60 years of age provide supportive services to children with exceptional needs.

Act 231 (SB-654) expands preexisting law applicable to the Milwaukee County Board of Supervisors to permit all other county boards of supervisors to authorize the trustees of a county hospital to join with a public or private organization or affiliation in organizing the governance and operation of an entity to operate a health-related service and to participate in financing that entity.

Act 251 (AB-551) requires DHSS to perform numerous duties related to state administration of the emergency medical services program, including preparing, by December 31, 1995, a state emergency medical services plan and promulgating rules that set forth the authority of medical directors of emergency medical services and the State Medical Director for Emergency Medical Services and that, beginning in 1996, specify the authorized actions of emergency medical technicians. The act clarifies that emergency medical services are prohibited from being provided to persons who object on religious grounds, except for transporting such persons to facilities of their choice.

Act 327 (SB-434) expands the definition of an adult family home to include 3-bed or 4-bed facilities that, under preexisting law, were required to be licensed as community-based residential facilities (C-BRFs) and eliminates a requirement that these 3-bed or 4-bed facilities be licensed as C-BRFs. The act requires that these adult family homes be licensed by counties or by DHSS under rules required to be promulgated by DHSS that set standards for licensure, license revocation, monitoring and inspection. The act applies to these licensed adult family homes most of the statutory zoning requirements that are applicable under preexisting law to C-BRFs in cities (other than Milwaukee) and in villages and towns.

Act 346 (SB-675) modifies laws relating to vital records to specify procedures that the state registrar and a local registrar must follow if a court determines that a certificate of death does not represent actual facts and orders the creation of a new certificate.

Act 375 (AB-406) applies to child welfare agencies, shelter care facilities, group homes and community-based residential facilities the same sanction, civil monetary forfeiture, revocation and license denial grounds and procedures that apply to day care centers under preexisting law. The act also provides certain new sanctions and penalties and a new ground for license revocation for all of these facilities, authorizes DHSS to consider certain actions by a facility in determining whether to license the facility and provides for probationary licensure for all of these facilities.

Act 437 (AB-1126) establishes a 30-day time limit for appeal of a DHSS order to compel payment of cost-based fees for care, maintenance, services and supplies provided by DHSS to eligible persons. If a person named in the order fails to make payment, if no contested case to review the order is pending and if the time for filing an appeal of the order has expired, DHSS may provide a certified copy of the order to the circuit court, which must, without notice, render judgment in accordance with the order.

Act 479 (May 1994 Spec. Sess. AB-3) creates a process by which a person who is determined to be a sexually violent person may be involuntarily committed to the custody of DHSS (see *HIGHLIGHTS*).

Insurance

Act 16 (SB-44) requires the Commissioner of Insurance to study whether the cost of health care administration would be reduced if insurers were required to comply with certain standards and to study the feasibility and cost-effectiveness of requiring the use of machine-readable health insurance identification cards.

The act also requires the general fund to repay in instalments a loan from the local government property insurance fund beginning on June 30, 1995, instead of June 30, 1994, as under former law.

Act 108 (AB-193) requires a health insurer to provide written notice to an individual who, upon reaching age 65, will lose primary coverage under his or her employer's group health plan. The notice must inform the individual that he or she will be eligible for medicare coverage at age 65.

Act 201 (AB-899) changes the definition of "Medicare supplement policy" so that it is defined as a policy that supplements medical expenses of any person who is eligible for Medicare, not just those who are eligible for Medicare by reason of age, as under former law. The effect of the change is to subject all Medicare supplement policies, regardless of the reason for which an insured is eligible for Medicare, to any provision that applies to a Medicare supplement policy.

Act 207 (SB-19) requires an insurer to allow an insured under a long-term care insurance policy to cancel the policy before the expiration of the term and requires the insurer to refund any unearned premium.

Act 270 (AB-837) permits any psychologist who is certified by the American Board of Professional Psychology to provide certain outpatient services that must be covered under certain group or blanket health insurance policies that provide coverage for outpatient treatment (see also *Mental Health*).

Act 325 (AB-960) allows the Commissioner of Insurance to designate for credit life insurance a presumptively reasonable ratio of losses incurred to premiums earned (loss ratio) that is lower than 50%.

Act 447 (AB-1219) creates a task force on hospital and medical center costs, attached to the Office of the Commissioner of Insurance. The task force is to submit a report to the Legislature that makes recommendations for legislative or administrative action regarding the financing of graduate medical education and the provision of resources to academic medical centers and hospitals that provide education for primary care.

Act 448 (SB-318) requires an insurer to provide claims experience information upon request to the policyholder (usually an employer) of a group health insurance policy.

Act 450 (AB-540) mandates coverage of blood lead tests for children who are under 6 years of age by many types of insurance policies and health care benefit plans (see also *Health*).

Local Law

Act 16 (SB-44) does the following:

1. Imposes tax rate limits on counties (see *HIGHLIGHTS*).
2. Increases from \$200 to \$500 the maximum amount of a reimbursement that DOT is required to make to a town for fire call costs incurred by the town on certain state or federal highways. The act also increases from \$100 to \$500 the maximum amount of a reimbursement that DOT is required to make to certain villages and cities for such fire call costs.
3. Provides that all county employes of a district attorney's office in a county with a population of 500,000 or more (currently only Milwaukee County) are in the unclassified civil service, except for those employes engaged in clerical and stenographic work.

Act 17 (AB-23) permits any county to operate a work center that is licensed by DILHR to provide employment for severely handicapped individuals at a wage rate that is

commensurate with the individuals' productivity and ability, which may be lower than the state minimum wage rate (see also *Other State Government*).

Act 53 (SB-66) clarifies the rights of law enforcement officers who are employed by a city, village, town or county to engage in political activity and defines the cause that employers must have to undertake certain disciplinary actions against such officers.

Act 77 (AB-141) expands the methods by which villages may provide for fire protection by allowing the use of certain fire fighters' associations.

Act 113 (AB-813) authorizes the city of Arcadia to limit or monitor access to certain streets for safety purposes.

Act 122 (AB-64) limits the ability of employers that enter into certain revenue agreements with cities, villages or towns to shift jobs from one location to another within the state.

Act 167 (AB-980) limits the ability of towns to change the selection procedure for town sanitary district commissioners.

Act 170 (AB-673) authorizes a county to enact and enforce an ordinance to impose and collect a charge for worthless checks that are issued to a county agency or office and to retain certain overpayments or waive certain underpayments that are made to a county.

Act 171 (SB-111) authorizes the chairperson of a county board to appoint 2 alternate members to a county board of adjustment. The alternate members may act only when a member of the board of adjustment is absent or refuses to vote because of a conflict of interest.

Act 172 (SB-170) permits local governments to transfer their records to optical disk storage to the same extent that they were permitted to store their records on microfilm under preexisting law. (Formerly, only county governments were permitted to utilize optical disk storage for their records.) The act provides that a copy of a record generated from an optical disk in accordance with requirements specified in the act and standards prescribed by DOA is the same as the original record for all legal purposes. (An optical disk is a rotating circular plate on which information or images are placed in storage, and which is recorded and read by laser beams focused on the plate.)

Act 176 (AB-662) deletes a June 30, 1996, expiration date for the fee structure used by a register of deeds for documents that are filed or recorded with a register of deeds.

Act 177 (SB-85) authorizes certain counties, other than Milwaukee County, to require the use of a parcel identification number to record a real estate conveyance. In Milwaukee County, tax key numbers are required.

Act 203 (AB-1033) authorizes cities, villages, towns, counties, school districts and certain other local districts and governing boards to invest in the securities of a registered open-end management investment company or registered investment trust, if the investment company or trust does not impose a sales charge and if the portfolio of the investment company or trust is limited to certain types of securities.

Act 208 (SB-118) grants to counties the right to regulate or prohibit by ordinance, and impose civil monetary forfeitures for, certain conduct that is regulated or prohibited by state statute, such as certain criminal laws, laws related to underage persons and alcohol beverages and laws related to fireworks.

Act 246 (AB-1076) grants to towns most of the powers that cities and villages currently have (see *HIGHLIGHTS*).

Act 247 (AB-680) changes certain procedures used by cities and villages in the annexation of town territory by requiring that the published notice of annexation include a legal description and a scale map of the territory to be annexed.

Act 263 (AB-1052) authorizes cities, villages, towns and counties to create local exposition districts (see *HIGHLIGHTS*).

Act 267 (AB-289) changes the procedures used by cities, villages and towns to serve notice of an order to raze a building.

Act 293 (AB-1032) allows tax increments generated by one tax incremental district (TID), under certain circumstances, to be shifted to another TID in the same city if environmental pollution exists that has prevented development within the other TID from taking place under the project plan for that TID. The act applies only in the city of Kenosha, and does not apply after January 1, 2002.

Act 300 (AB-272) extends to villages the authority to create housing authorities for elderly persons.

Act 301 (AB-664) requires that all documents received by a register of deeds be recorded instead of filed, except that plats, certified survey maps, notices of lis pendens (pending lawsuits affecting property), federal tax liens, documents governed by the uniform commercial code and vital records are still filed under the act. If a document is filed with a register of deeds, the original document is kept in his or her office. If a document is recorded with a register of deeds, a permanent copy of the original, for example, on microfilm, is kept and the original is returned to the submitter.

Act 305 (AB-818) authorizes cities, villages, towns and counties to impose impact fees on certain developers to pay for the capital costs to construct, expand or improve certain public facilities that are necessary to accommodate land development and limits the fees that may be imposed.

Act 306 (AB-1043) shortens the period during which a county treasurer must hold, but may not use, unclaimed funds that have been transferred to the treasurer by a city, village, town or county officer or by a clerk of court.

Act 337 (SB-391) allows tax incremental financing project costs to be used for environmental remediation.

Act 379 (AB-235) increases the membership of a housing authority created by the city of Milwaukee from 5 to 7 commissioners.

Act 381 (AB-528) requires the Milwaukee City Clerk to have the city's budget printed.

Act 383 (AB-768) makes the Milwaukee federated library system a separate legal entity for the purposes of having custody of the library system's funds and making contracts (see also *Fringe Benefits for Public Employes*).

Act 400 (SB-772), subject to certain exceptions, prohibits a city, village, town or county from enacting an ordinance or continuing to enforce an existing ordinance, and prohibits the enforcement of a restrictive covenant, that affects certain antennas and satellite dishes.

Act 406 (AB-1099) authorizes the state and other units of government to enter into intergovernmental cooperation agreements with federally recognized Indian tribes and bands in this state and validates all existing agreements.

Act 456 (AB-994) changes drainage district procedures and authorizes a drainage board, rather than a judge, to make final decisions regarding most aspects of the management of a drainage district within the board's jurisdiction.

Act 467 (AB-690) imposes a cap on the amount of a room tax that a municipality (a city, village or town) may impose, except that the cap does not apply to certain municipalities, such as a municipality that is located in a county with a population of at least 380,000 if a convention center is being constructed or renovated in that county. The act also authorizes 2 or more municipalities to create a tourism zone with a common room tax rate and a single commission to distribute the room tax revenues generated in the participating municipalities for tourism promotion and development.

Act 471 (SB-47) requires certain cities, villages and towns to regulate historic structures (see also *Other State Government and Taxation*).

Military Law and Veterans

Act 16 (SB-44) makes various changes regarding military law and veterans. The act:

1. Creates a veterans trust fund stabilization loan fund to provide loans to veterans who want to purchase a mobile home or business property, add to or repair a home or business property, build a garage, educate themselves or their dependents, pay medical or funeral expenses or consolidate debt.

2. Creates a veterans rehabilitation program to provide assistance to homeless, incarcerated or other groups of veterans, including transitional housing, medical and dental care, education and employment.

3. Abolishes the programs that provided grants to Vietnam and post-Vietnam veterans to attend college as full-time undergraduates, provided grants to veterans and their dependents for temporary emergency health care and required DVA to sell or lease property to organizations for housing for homeless veterans.

4. Allows a veteran to receive a retraining grant for a certified on-the-job training program.

5. Increases the income limits that apply to applicants for part-time study grants and primary mortgage loans.

Act 115 (SB-537) makes certain appropriation changes related to the refunding of public debt related to veterans' housing loans, including increasing the amount of debt that the building commission may contract for the purpose of funding, refunding or acquiring this type of public debt from \$450,000,000 to \$550,000,000. The act also requires that JCF approve a plan for the issuance of additional bonds before the authority granted in the act may be used.

Act 125 (AB-776) increases to \$500,000 the total amount of grants that may be made during each fiscal year in the 1993-95 fiscal biennium for veterans retraining.

Act 254 (AB-619) creates a program which allows an eligible veteran to be reimbursed for up to 25% of the costs of tuition and fees for up to 8 full-time undergraduate semesters at any UW institution or for up to 4 full-time semesters at a public technical college. The act also defines "veteran" to include persons who served in the armed forces during the period beginning August 1, 1990, and ending with the ending date of Operation Desert Storm.

Act 255 (SB-334) designates the 2nd week of November as "Hire a Veteran Week."

Act 296 (AB-1277) authorizes DVA to construct and operate veterans cemeteries in northwestern and southeastern Wisconsin, to employ necessary staff and to acquire necessary lands, subject to the approval of the building commission.

Natural Resources**FISH AND GAME AND ENDANGERED RESOURCES**

Act 16 (SB-44) authorizes DNR to acquire title to land for habitat restoration areas using the stewardship program bonding authority (see also *Act 343*). Under preexisting law, DNR could only acquire easements for this purpose.

Act 133 (AB-517) allows persons who are spearfishing for sturgeon on certain lakes to use strips of wood of a certain size instead of fencing to mark spearfishing holes cut in the ice.

Act 136 (SB-230) eliminates the requirement that fish hatchery reports that are filed with DNR for renewal of fish hatchery licenses be verified (notarized).

Act 137 (SB-328) creates a penalty that applies to a person whose hunting or fishing license has been revoked but who engages in the activity authorized by the license during the revocation period. It also changes the penalties for certain other fish and game law violations.

Act 153 (AB-117) reduces the fee for an annual fishing license for any state resident who is 16 or 17 years old.

Act 182 (SB-600) requires that DNR waive fishing license fees for one weekend each year. Under preexisting law, DNR was authorized to waive fishing license fees for one day per year (see also *Act 217*).

Act 217 (SB-603) authorizes DNR, for special events, to waive fees for fish and game licenses for hunting and fishing by sport.

Act 258 (SB-598) authorizes members of the armed services who are state residents and who are serving outside this state to hunt deer of either sex during firearm deer hunting seasons without having to have any permits in addition to their deer hunting licenses.

Act 324 (AB-920) authorizes DNR to waive the requirement of having fishing licenses for groups of developmentally or physically disabled persons who are participating in fishing excursions conducted by nonprofit organizations.

Act 343 (SB-767) changes the laws relating to funding given to nonprofit organizations for conservation purposes. The act:

1. Expands the purposes of the habitat restoration program, which is funded by bonding under the stewardship program, to include the protection and enhancement of natural habitats as well as their restoration.

2. Provides a grant to a nonstock nonprofit corporation to provide assistance in establishing and managing nonprofit conservation organizations.

3. Allows nonprofit conservation organizations to receive grants to acquire land for preservation or restoration of urban rivers or urban riverfronts and to receive grants to improve or protect the water quality in lakes.

The act also provides a payment to the Minnesota-Wisconsin Boundary Area Commission for the continuation of the lower St. Croix scenic riverway study.

Act 409 (SB-382) repeals a provision that conflicts with the statutory requirement that, except under certain circumstances, a person who is fishing by net for a certain type of fish must return to the water any other type of fish caught in the net.

Act 410 (SB-428) eliminates the prohibition against possessing a game animal for which there is a closed season, including a fish or bird, or its meat, from July 1 of each year until

the end of the closed season for that game animal and prohibits the possession only if the game animal was taken during the closed season for that game animal.

NAVIGABLE WATERS AND BOATING

Act 132 (AB-236) allows DNR to issue a permit for the placement of a water intake structure in a navigable water for the purposes of constructing a fire hydrant without holding a hearing.

Act 147 (AB-352) allows a person to carry a bow or crossbow that is strung and not in a case in any type of motorboat. Former law permitted this only in a motorboat propelled by an electric motor.

Act 151 (SB-275) allows an owner of waterfront property to place a bird nesting platform or wood duck house in a navigable water without obtaining a permit from DNR if the owner notifies DNR at least 10 days before the structure is placed.

Act 167 (AB-980) makes changes in the procedural and financial laws governing public inland lake protection and rehabilitation districts. The act also prohibits an owner of waterfront property from conveying the right to use or have access to the water except under certain circumstances.

Act 236 (SB-424) allows DNR to issue a permit for the driving of a piling into the bed of a navigable water for certain purposes without holding a hearing. The act also prohibits the use of pilings for mooring boats in navigable waters other than in Lake Michigan, Lake Superior or the Mississippi River.

Act 329 (SB-589) allows a city or village, for annexed or newly incorporated lands, to request any county in which the city or village is located to amend its shoreland zoning ordinance to delete or modify provisions that establish specific land uses and that are not necessary for the protection of navigable waters. Under preexisting law, a city or village was required to enact its own shoreland zoning ordinance, including these types of provisions, for lands that it annexed or the county ordinance would continue to apply.

Act 348 (AB-944) provides funding from the recreational boating project program to the city of La Crosse for riverfront development.

Act 421 (SB-425) requires DNR to conduct a study and make recommendations to the Legislature for shoreline protection measures.

OTHER NATURAL RESOURCES

Act 16 (SB-44) eliminates a requirement that islands granted to the state by a 1912 act of Congress be managed as state forests.

The act also expands the types of entities that may receive grants to acquire land and easements under the stream bank protection program to include cities, villages, towns, counties and public inland lake protection and rehabilitation districts.

Act 55 (SB-229) allows the Natural Resources Board to enter into an agreement with a landowner to exchange state forest land that is less than an acre in size for other land.

Act 72 (AB-205) requires DNR to establish a state trail clean-up program to encourage volunteer activities to clean up state trails.

Act 73 (SB-221) exempts from the ban on glass containers in the Lower Wisconsin State Riverway the possession of glass containers in state parks that are in the riverway.

Act 119 (AB-232) makes it unlawful to damage, remove or otherwise tamper with uniform signs for snowmobile or all-terrain vehicle routes and trails.

Act 120 (AB-775) establishes a system administered by DNR to regulate snowmobile rail crossings that are not located on public highways or streets. The act:

1. Allows only snowmobile clubs and counties to construct and maintain snowmobile rail crossings.
2. Requires a snowmobile club or county that constructs or maintains one or more snowmobile rail crossings to maintain in effect at least \$1,000,000 in liability insurance.
3. Requires DNR to establish maintenance, design and construction standards for snowmobile rail crossings and requires that a county or snowmobile club that constructs or maintains a crossing comply with these standards. If the county or snowmobile club fails to comply, the act establishes procedures for closing or removing the snowmobile rail crossing.

Act 131 (AB-133) allows a landowner under certain circumstances to transfer land from the forest cropland program to the managed forest land program. Under these 2 programs, lands can be designated as types of forest lands for which the landowner pays an annual payment per acre that is different from the property taxes that the owner would normally pay. Under the managed forest land program, unlike the forest cropland program, a landowner may close the land to hunting and fishing if the landowner pays a higher payment per acre.

Act 405 (AB-1098) requires the Secretary of Natural Resources to enter into agreements with Indian tribes to exempt from state registration requirements any boats, snowmobiles or all-terrain vehicles that are registered by the tribes if the tribes' registration systems meet certain requirements.

Act 436 (AB-1200) makes various changes in the laws regulating snowmobiles and snowmobiling. The act:

1. Increases the penalties for certain violations of the laws regulating snowmobiling.
2. Changes the physical requirements imposed on snowmobiles by limiting the width of snowmobiles that may be operated or sold in this state and by excluding vehicles that are not manufactured to be used as snowmobiles or that have inflatable tires from coverage by the laws regulating snowmobiles and snowmobiling.
3. Changes the priority system used by DNR to rank the purposes for which funds may be distributed to counties for snowmobile trails.

Act 461 (SB-651) expands the program that authorizes DNR to give matching grants to nonprofit organizations for projects in state parks to also include projects in state forests.

The act also enumerates certain buildings authorized for construction in state parks and forests to be financed from existing general fund supported borrowing authority.

Occupational Regulation

Act 3 (AB-226) makes a number of changes relating to the regulation of real estate appraisers, including eliminating the restrictions on the use of initials that a person may use to show that he or she is a certified or licensed appraiser and instead restricting the use of titles, and changing from July 1, 1993, to January 1, 1996, the date by which all applicants for appraiser licenses and all licensed appraisers must satisfy both the education and experience requirements in order to obtain or renew appraiser licenses.

Act 16 (SB-44) makes various changes relating to the regulation of occupations by DORL. The act:

1. Eliminates the cemetery consumer protection fund and requires DORL to return the monies collected for the fund, less DORL's expenses, to each person who paid into the fund in proportion to the amount that the person paid.

2. Specifies that any person who in good faith provides information or advice on a matter relating to the regulation of a person holding a license, permit, certificate or registration (credential) issued by DORL is immune from civil liability. Former law provided for immunity from civil liability for any person who in good faith provided information to DORL concerning unprofessional conduct, negligence in treatment or any violation of law by a person holding a credential.

3. Increases the membership of the Medical Examining Board by 3 members, adding 2 physicians and one "public" member.

4. Establishes a standard fee that a first-time applicant must pay when submitting an application for an initial credential, in addition to any applicable examination fee.

5. Requires all applicants for a credential who must take an examination to pay an examination fee equal to DORL's best estimate of the actual cost of preparing, administering and grading the examination or of obtaining and administering an examination from a test service. Formerly, applicants for licenses requiring an examination paid the actual costs of the examination or the license renewal fee, whichever was greater.

6. Requires an applicant for the initial speech-language pathologist and audiologist credentials to pay the standard fees charged to all other applicants for initial credentials. Formerly, the fees for such credentials were specified separately in the statutes regulating speech-language pathology and audiology.

7. Authorizes the Secretary of Regulation and Licensing to appoint persons or advisory committees to assist DORL and any examining board in processing complaints against credential holders.

Act 31 (SB-39) makes various changes in the regulation of chiropractors, including authorizing the Chiropractic Examining Board to issue reciprocal licenses to certain persons holding licenses from other jurisdictions, changing the education requirements that a person must meet in order to be licensed as a chiropractor, allowing a chiropractor to delegate certain practices under certain circumstances, and requiring a chiropractor to carry professional liability insurance.

Act 66 (AB-566) allows the Hearing and Speech Examining Board to issue a speech-language pathologist license to an applicant for that license who has not passed one of the required examinations if the applicant has completed education or training that the examining board determines is substantially equivalent to passing one of the examinations.

Act 100 (AB-595) makes changes relating to joint ownership, operation or financial interests of funeral establishments and cemeteries. The act:

1. Prohibits the operation of a funeral establishment that is located in a cemetery or that is financially connected with a cemetery.

2. Prohibits a cemetery authority or an employe or agent of a cemetery authority from having any ownership, operation or other financial interest in a funeral establishment.

3. Prohibits a cemetery authority or an employe or agent of a cemetery authority from receiving any compensation from a funeral establishment or from an owner, employe or agent of a funeral establishment, except that a cemetery authority that is a religious association may receive compensation from a funeral establishment under certain circumstances (see also *Act 386*).

Act 102 (SB-243) establishes statewide regulation of auctioneers (other than motor vehicle auction dealers and fur auctioneers) by DORL, requires auctioneers and auction companies to register with DORL, establishes registration requirements for auctioneers and auction companies and creates a 7-member Auctioneer Board in DORL to advise DORL in administering the registration requirements and to enforce those requirements by conducting investigations and disciplinary proceedings.

Act 103 (SB-20) requires that removable prosthetic dental devices be marked with a patient's first and last name or initials, unless there are medical reasons why the device should not be so marked.

Act 107 (AB-172) creates a new type of licensing body called an affiliated credentialing board. Affiliated credentialing boards are bodies in DORL that are attached to an examining board to regulate a profession that does not practice independently of the profession regulated by the examining board or that practices in collaboration with the profession regulated by the examining board. With the advice of the examining board to which it is attached, an affiliated credentialing board sets standards of professional competence and conduct for the profession that it regulates. The board also reviews the qualifications of prospective practitioners, grants credentials and disciplines practitioners that are under its supervision.

The act also creates a 4-member Physical Therapists Affiliated Credentialing Board, which is attached to the Medical Examining Board, and transfers licensure and regulation of physical therapists from the Medical Examining Board to the Physical Therapists Affiliated Credentialing Board.

Act 127 (AB-816) makes various changes relating to the practice of real estate brokers. The act:

1. Specifies the duties that a broker owes to all parties to a real estate transaction and specifies the duties that a broker owes to a client that are in addition to the duties owed to all other parties to a real estate transaction.
2. Codifies certain prohibitions against a broker acting on his or her own behalf in a real estate transaction without disclosing his or her interest or without getting the consent of the other parties. These prohibitions were formerly specified by rule.
3. Allows a broker to provide brokerage services to more than one party in more than one transaction at the same time unless the broker and a client agree that the broker is to provide services only to that client.
4. Allows a broker to have more than one client in a single transaction if all of the clients consent.
5. Creates an expanded disclosure form that a broker must provide to all parties to a real estate transaction and that identifies the broker's client and contains a statement of the broker's duties to his or her client and to other parties to the transaction.
6. Makes several changes in common law duties and liabilities of brokers and parties to a real estate transaction.

Act 138 (AB-756) allows certain advanced-practice nurses to prescribe drugs (see **HIGHLIGHTS**).

Act 222 (AB-903) authorizes the Pharmacy Examining Board to discipline a person who is licensed to manufacture drugs or distribute drugs at wholesale if the person violates a federal or state law relating to the person's practice, makes a misrepresentation in the course of practice that is relied on by another person, engages in conduct that shows that

the person lacks the knowledge or ability to apply professional principles or skills, or is found guilty of an offense the circumstances of which relate to the person's practice.

Act 366 (SB-619) changes the requirements relating to when an applicant for a professional counselor certificate must complete supervised practice requirements and allows persons who meet certain requirements to obtain a temporary professional counselor training certificate.

Act 386 (AB-1163) makes the following changes relating to the regulation of cemeteries:

1. It allows any cemetery authority, rather than only a cemetery authority that is a religious association, to be excepted from the prohibition against a cemetery authority accepting compensation from a funeral establishment (see also *Act 100*).

2. It prohibits a place used for the burial of human remains that is in a cemetery owned and operated by a cemetery authority from being opened or closed by any person other than the cemetery authority.

Act 443 (AB-167) establishes requirements for the certification of dietitians. The act does not require an individual to be certified as a dietitian in order to engage in the practice of dietetics but, with exceptions, restricts the use of the term "dietitian" or "certified dietitian" and similar terms to those individuals who are certified. The act creates a 4-member Dietitians Affiliated Credentialing Board (see *Act 107*), which is attached to the Medical Examining Board in DORL, to administer and enforce the requirements of the act. The act also includes certified dietitians in the list of health care providers who are required to report suspected child abuse or neglect, who are immune from civil or criminal liability for reporting or failing to make certain reports concerning a patient's use of controlled substances (dangerous drugs), who are subject to certain confidentiality requirements concerning patient records and who are prohibited from discriminating against certain patients.

The requirements of the act do not apply after June 30, 1999.

Act 462 (AB-545) makes various changes relating to the registration of land surveyors by modifying provisions concerning education and practice requirements and provisions specifying which applicants are required to take an examination.

Act 463 (AB-1075) establishes requirements for the registration of professional geologists by the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors in DORL and creates a 5-member geologist section in the examining board to administer and enforce the requirements. The act, with exceptions, requires an individual to be registered as a professional geologist in order to practice professional geology and restricts, to those individuals who are so registered, the use of any title or description that implies that the person is a professional geologist.

Act 465 (AB-100) establishes requirements for the registration of landscape architects by the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors in DORL and creates a 5-member landscape architect section in the examining board to administer and enforce the requirements. The act does not require an individual to be registered as a landscape architect in order to practice landscape architecture, but (with exceptions) restricts the use of the title "landscape architect" to those individuals who are so registered.

Public Utilities

Act 16 (SB-44) extends the stray voltage program, under which DATCP and the PSC conduct on-site farm tests for stray voltage and conduct stray voltage research, through August, 1995.

Act 36 (SB-239) increases from 7% to 10% the percentage of the state's population who are cellular telephone service subscribers that is necessary to trigger regulation of cellular telephone providers by the PSC.

Act 121 (SB-411) increases the number of telephone lines that a telecommunications utility may support and still be considered a small telecommunications utility for purposes of PSC regulation.

Act 142 (AB-440) increases the monetary civil forfeiture amounts applicable to a violation of a gas safety provision by a gas public utility.

Act 211 (SB-241) permits gas utilities to enter into a supply contract with an individual customer as an alternative to charging the customer the same rate charged to all other customers.

Act 361 (AB-856) prohibits a toll-free service vendor (a person who sells goods or services using a telecommunications service that is not charged to the calling party) from later imposing telecommunications charges on a caller who uses the toll-free service.

Act 371 (SB-158) revises the responsibility of a public utility to pay for damages to property caused by the utility when trimming trees.

Act 388 (AB-1012) requires cellular telephone companies to permit customers to access "911" emergency services from cellular telephones.

Act 418 (AB-872) directs the PSC to encourage public utilities to develop technologies that use renewable energy resources.

Act 496 (June 1994 Spec. Sess. AB-2) changes the way the PSC regulates telecommunications utilities (see *HIGHLIGHTS*).

Real Estate

Act 33 (AB-174) requires real estate brokers to place client funds in interest-bearing trust accounts and directs that the interest on these accounts be used for programs that serve the homeless.

Act 139 (SB-131) allows property owners to evict a tenant within 5 days after receiving a notice from a law enforcement agency that a drug-related nuisance exists in the tenant's rental unit or that a drug-related nuisance was caused by the tenant.

Act 141 (AB-288) requires DORL to include on the proper form a statement that the seller of commercial real property represents that the property is not a historic building.

Act 145 (SB-287) requires most documents that are submitted for filing or recording in the register of deeds office to contain a full legal description of the property to which they pertain.

Act 374 (SB-270) requires a landlord to notify a tenant if the landlord has stored property left behind by the tenant. If the tenant does not reclaim the property within 30 days, the landlord may sell the property. If the tenant does not claim the proceeds of the sale within 60 days, the landlord may retain enough of the proceeds to cover the costs of the sale and of the storage and must send the remainder to DOA to be used to fund agencies and shelters for the homeless.

Shared Revenue

Act 16 (SB-44) does the following regarding shared revenue (state revenue distributed to counties and municipalities):

1. Establishes separate shared revenue distribution formulas for counties and for municipalities.
2. Creates a county mandate relief payment program, which provides state funds to counties on a per capita basis.
3. Establishes shared revenue funding levels for 1993 and 1994.
4. Provides funding for the small municipalities improvement program, which provides state funds to small municipalities with limited resources.
5. Provides funding, revises eligibility requirements and renames the "tax rate disparity program" to be the "expenditure restraint program" (the program targets aid to municipalities with above-average tax rates).
6. Revises elements of the public utility component of the shared revenue formula, including establishing an additional payment to counties and municipalities in which spent nuclear fuel (fuel that was used to power an electric generating facility) is stored. The public utility component provides state payments to local governments for costs incurred in providing services to utility property which is exempt from property taxes.

Act 437 (AB-1126) increases funding, beginning in 1995, for the county mandate relief program, the expenditure restraint program and the small municipalities improvement program.

State Government

STATE FINANCE

Act 2 (AB-192) increases the bond refunding authority of the building commission, which the commission uses to refinance state debt. The act increases the authority to refund general obligation debt paid from general purpose revenue from \$1,238,000,000 to \$1,640,000,000 and the authority to refund self-amortizing general obligation debt paid from program revenue or segregated funds from \$150,000,000 to \$165,000,000.

CLAIMS AGAINST THE STATE

Act 21 (SB-73) directs expenditure of \$8,659.33 from moneys appropriated to DATCP for payment of a claim made by Tom Kuenster of Glen Haven, Wisconsin, to compensate him for the difference between the value of his swine that were ordered to be destroyed by DATCP in October, 1991 for which he was reimbursed under former law and the value for which he would have been reimbursed under current law, had that law been in effect at the time that the claim arose.

Act 276 (SB-514) directs expenditure of \$4,362.10 from moneys appropriated to DOC for payment of a claim made by Firststar Bank of Portage to compensate it for attorney fees, costs and disbursements incurred in circuit court in defending a lawsuit filed by an inmate at the Columbia Correctional Institution for alleged improper conduct in accepting 3 checks made payable to him for deposit in the institution's account without his endorsement. The court held that the bank acted appropriately.

Act 285 (SB-515) appropriates \$181,214.52 from the transportation fund for payment of a claim made by Racine County against DOT to reimburse the county in part for the loss of state transportation aids for the years 1988 to 1992 which it suffered as a result of an incorrect report that was submitted by the county to DOT.

Act 431 (SB-516) directs expenditure of \$38,092.69 from moneys appropriated to DOT for payment of a claim against the department made by James Peterson Sons, Inc., Medford, Wisconsin, as reimbursement for unanticipated fuel cost increases under road paving contracts entered into with the department prior to August 8, 1990.

Act 432 (SB-517) directs expenditure of \$4,510.96 from moneys appropriated to DOT for payment of a claim against the department made by Pagel Construction, Almond, Wisconsin, as reimbursement for unanticipated fuel cost increases under a road paving contract entered into with the department prior to August 8, 1990.

Act 433 (SB-518) directs expenditure of \$150,236.43 from moneys appropriated to DOT for payment of a claim against the department made by Hoffman Construction Company, Black River Falls, Wisconsin, as reimbursement for unanticipated fuel cost increases under road paving contracts entered into with the department prior to August 8, 1990.

Act 434 (SB-519) directs expenditure of \$61,895.21 from moneys appropriated to DOT for payment of a claim against the department made by Mashuda Contractors, Inc., Princeton, Wisconsin, as reimbursement for unanticipated fuel cost increases under a road paving contract entered into with the department prior to August 8, 1990.

Act 435 (SB-520) directs expenditure of \$50,314.03 from moneys appropriated to DOT for payment of a claim against the department made by Kaiser Construction, Inc., Portage, Wisconsin, as reimbursement for unanticipated fuel cost increases under a road paving contract entered into with the department prior to August 8, 1990.

STATE BUILDING PROGRAM

Act 16 (SB-44), Act 98 (SB-548), Act 288 (SB-715), Act 377 (SB-810) and Act 437 (AB-1126) authorize \$539,925,200 (from all funding sources) in new or expanded state building projects excluding highway projects. This compares with \$544,578,400 authorized in the previous fiscal biennium. The acts also authorize \$382,069,700 in new general obligation bonding authority for the state building program and capital equipment for buildings.

Act 288 (SB-715) authorizes \$30,000,000 in 1993-95 state building program projects for land, buildings and equipment acquisition and facilities construction and renovation relating to the motor vehicle emissions inspection and maintenance program. The act does not authorize the issuance of any bonds for the projects (see also *Environment*).

OTHER STATE GOVERNMENT

Act 16 (SB-44) makes the following changes relating to DILHR:

1. It allows DILHR to allocate funds to experimental private sewage systems under the private sewage system grant program and exempts experimental private sewage systems from some of the requirements and limits of the grant program.
2. It reduces the required frequency of inspections of surface mines from one time every 2 months to once every year.
3. It requires DILHR to certify all elevator and boiler inspectors, instead of only inspectors for insurance companies and local governments, and requires DILHR to accept, at no cost, inspections of public buildings and places of employment by all certified inspectors.

The act also makes various changes relating to the regulation of mobile home parks. The act:

1. Requires DOA to inspect a mobile home park at the time that the park is built or modified, or in response to a complaint, or at such other time as DOA determines is appropriate.

2. Extends the period during which mobile home park permits are valid from one year to 2 years, repeals the statutory fees for mobile home parks and requires DOA to set fees by rule.

In addition, the act:

1. Requires each state agency to submit its biennial budget request to the Secretary of Administration no later than September 15 of each even-numbered year. (Formerly, the submittal date was specified by the secretary.) The act also provides that in each state agency that is headed by a board, the board must hold a meeting for the purpose of considering its proposed budget no later than August 31 of each even-numbered year.

2. Permits the Land Information Board to provide technical assistance to counties relating to land information and to make grants to local governments for systems integration projects (projects designed to make land information housed in one jurisdiction available to other jurisdictions or entities).

3. Permits the Secretary of Administration to waive state purchasing requirements (including requirements for public notice and solicitation of bids or proposals, award to the lowest responsible bidder, minority-owned business participation in purchasing and purchase preference from state correctional institutions and Wisconsin-based businesses) in order to permit a purchase to be made from a regional or national consortium composed of nonprofit institutions that support governmental or educational services.

4. Prohibits, with certain exceptions, any state agency or authority from permitting a facility that would be privately owned or operated to be constructed on state-owned land without prior approval of the Building Commission.

5. Creates a special committee named the "Commission for the Study of Administrative Value and Efficiency" which consists of various state legislative and executive representatives and members of the public. The commission is directed to study and evaluate the delivery and funding of state and local governmental services and to report its findings to the Legislature no later than January, 1995.

6. Directs DOA to provide financial assistance to the Badger State Games and creates an appropriation for this purpose.

7. Repeals the homesite demonstration grant program, which provided grants and loans to a community-based organization to engage in a joint venture with a private builder or developer for the purpose of reducing the purchase price of newly-constructed single-family homes.

Act 17 (AB-23) permits a county-operated work center for severely handicapped individuals to qualify as a provider for purposes of state procurements made through work centers (see also *Local Law*).

Act 18 (AB-95) establishes a procedure for museums and archives to keep track of property that was loaned to them and establishes procedures for museums or archives to acquire title to property that was loaned to them if it is subsequently abandoned.

Act 26 (SB-271) requires the standard building permit form for all new one-family and 2-family dwellings to include a space for the name and license number of the plumber who is installing or supervising the installation of the plumbing at the dwelling.

Act 52 (SB-508) renames the Legislative Council to be the "Joint Legislative Council." The act also expands the membership of the council from 21 to 22 members by adding the

President Pro Tempore of the Senate as an ex-officio member, and provides that, instead of the council selecting its chairperson, the President of the Senate and the Speaker of the Assembly (or their designees) shall serve as cochairpersons. The act also changes the expiration of the terms of the members so that the terms run concurrently with the legislative session. Formerly, terms expired on May 1 of each odd-numbered year.

Act 93 (AB-260) provides that if a law enforcement agency receives a request to inspect or copy any record of the agency that contains specific information which, if disclosed, would identify an informant, the agency must delete any identifying portion or, if no portion can be inspected without identifying the informant, the agency must withhold access to the record unless the custodian makes a determination, at the time that a request is made, that the public interest in allowing access to the record outweighs the harm done to the public interest by providing access. Under former law, a law enforcement agency was required to provide access to such a record unless it demonstrated that the harm done to the public interest by providing access to the record outweighed the strong public interest in providing access. Under the act, if a law enforcement agency denies access to a record because handwritten or recorded material would identify an informant, it must provide the requester, upon request, with a transcript of the record if the information contained in the record would otherwise be accessible.

Act 117 (SB-464) exempts a one-room school building from the health and safety regulations in the state building codes if the school that is located in the building is operated by and for members of a bona fide religious denomination and the teachings and beliefs of the denomination prohibit the use of certain products, devices or designs necessary to comply with a health and safety regulation in the state building codes.

Act 126 (AB-660) requires a contractor who performs work on a one-family or a 2-family dwelling for which a building permit is required to be bonded or insured in an amount specified under the act, and to prove that the contractor has in force any required worker's compensation coverage and is making any required unemployment compensation contributions.

Act 183 (SB-472) is a revisor's correction act.

Act 184 (SB-608) is a revisor's correction act which modifies various statutory provisions that made distinctions based on sex.

Act 202 (AB-977) eliminates the authority of the Wisconsin Conservation Corps to require a physical examination prior to employment by limiting those physical examinations to persons who have already been hired.

Act 213 (SB-473) is a revisor's correction act.

Act 215 (SB-578) specifies that an independent agency may be headed by a commission, a commissioner or a board.

Act 242 (SB-92) requires DILHR to review the energy conservation code for places of employment and public buildings and to change the requirements of the code to improve energy conservation. The act requires DILHR to consider incorporating into the energy conservation code design requirements from the most current national energy efficiency design standards relating to buildings.

Act 243 (SB-106) prohibits a person from engaging in the business of installing or servicing heating, ventilating or air conditioning equipment unless the person registers with DILHR. The act authorizes DILHR to establish a voluntary program under which a person engaging in that business may obtain certification by passing an examination developed or selected by DILHR. The act prohibits a city, village, town or county from

requiring a person engaged in the business of installing or servicing heating, ventilating or air conditioning equipment to obtain certification, licensure or other approval from the city, village, town or county unless the requirement for local approval was in effect before November 1, 1993.

Act 294 (AB-1118) makes changes in the salaries of district attorneys. Formerly, the salaries of district attorneys were established with reference to specified percentages of the midpoint of a salary range specified by law, based upon specified population ranges for the prosecutorial units in which the district attorneys served. The dollar amount of the specified salary range was established and revised upon the recommendation of the Secretary of Employment Relations, subject to the approval of the Joint Committee on Employment Relations. The act deletes reference to any specific salary range and instead requires that district attorney salaries be established for prosecutorial districts in specified population categories, but does not specify the percentage differences between the salaries established for each of the categories. Under the act, the salaries and the percentage differences between the salaries specified for each of the categories are established and revised upon recommendation of the Secretary of Employment Relations, subject to the approval of the joint committee. The act retains a restriction that no district attorney may receive a salary that is greater than the salary established for the office of Attorney General.

Act 322 (AB-860) prohibits a person from testing the performance of a plumbing device called a "cross-connection control device" unless he or she is registered with DILHR. The act also repeals a prohibition on the sale and installation of certain plumbing fixtures.

Act 349 (SB-721) creates a Kickapoo Valley Reserve in the Kickapoo River Valley in southwestern Wisconsin consisting of all land that may be acquired by the state from the federal government and other land that may be acquired by the state for inclusion in the reserve. The reserve is governed by a 9-member board which is attached to DOA. The members of the board are appointed by the governor for staggered 3-year terms. The board consists of 6 residents of the Kickapoo River watershed and 3 nonresidents. The nonresident members must be appointed to represent various interests.

The board is directed to manage land in the reserve to preserve and enhance its unique environmental, scenic and cultural features, to provide facilities for the use and enjoyment of visitors and to promote the reserve as a destination for vacationing and recreation. Under the act, the board may authorize, license, regulate, and collect and spend revenue from private concessions in the reserve, may charge fees for the use of land and facilities in the reserve, may accept gifts, grants and bequests and may construct and maintain facilities in the reserve.

The act permits the board to promulgate rules establishing restrictions on the use of land, waters and facilities under its jurisdiction and to issue orders to enforce state law and the board's rules. Under the act, DNR has police supervision over the reserve and may enforce state law and rules of the board. The act requires, and appropriates state general purpose revenues for, payment by DOA of aids in lieu of property taxes on all land under the jurisdiction of the board. The act authorizes the board to employ an executive secretary and staff outside of the classified service.

Act 351 (AB-179) directs DOA to require all state employes to utilize gasohol or alternative fuel for the operation of all state-owned and state-leased motor vehicles whenever feasible and to require state agencies, whenever feasible, to store no motor fuel except gasohol or alternative fuel in fuel storage facilities maintained by the agencies. The act further directs DOA to encourage distribution and usage of gasohol and alternative

fuels and to report semiannually to the Legislature concerning such distribution and usage. In addition, the act requires DATCP to publish at least annually a list of all refueling facilities in the state at which gasohol or any alternative fuel is available.

Act 362 (AB-1108) increases from \$5,000 to \$12,000 the amount that an individual who is employed or retained in a full-time position or capacity with a state agency or authority, other than the World Dairy Center Authority, may receive from another such agency or authority as compensation for the individual's services during the same year.

Act 411 (SB-704) designates the polka as the state dance.

Act 414 (AB-701) adopts a new state energy policy and directs the state, to the extent that it is cost-effective and technologically feasible, to use energy conservation and renewable energy resources to meet state energy needs. The act revises various statutes to encourage the adoption of conservation methods by the state and the development of renewable energy resources.

Act 471 (SB-47) prohibits the abrasive cleaning of the exterior of qualified historic buildings, except as authorized by DILHR (see also *Local Law and Taxation*).

Act 477 (AB-608) establishes a segregated fund which is designated the "state capitol restoration fund." The fund consists of all gifts, grants and bequests received by the State Capitol and Executive Residence Board for the purpose of maintenance, restoration, preservation and rehabilitation of the state capitol building and grounds, or of artifacts, documents and historical resources located within and around the state capitol, and for the purpose of acquisition of replacement or reacquisition of original artifacts, documents and other historical resources for the state capitol. The act also permits the board to organize or cooperate in the organization of a private foundation to be operated for the same purposes.

Act 482 (SB-822) is a revisor's correction act which modifies various statutory provisions that made distinctions based on sex.

Act 486 (SB-826) is a revisor's correction act which modifies various statutory provisions that made distinctions based on sex.

Act 487 (SB-827) is a revisor's correction act which conforms the statutory election occurrences calendar to the acts of the 1993 Legislature.

Act 489 (SB-829) is a revisor's correction act which corrects the amounts of certain appropriation increases to reverse an enrolling error.

Act 490 (SB-830) is a revisor's correction act.

Act 491 (SB-831) is a revisor's correction act.

Act 492 (SB-832) is a revisor's correction act which modifies various statutory provisions that made distinctions based on sex.

Taxation

Act 16 (SB-44) makes various changes in the area of taxation. The act:

1. Combines the motor fuel tax and the special fuel tax and changes the method of collection of the combined tax (see *HIGHLIGHTS*).
2. Creates a state earned income tax credit that is no longer based upon the federal earned income tax credit.
3. Creates a head-of-household standard income tax deduction, the amount of which varies based upon income.

4. Increases to 100%, for taxable years beginning on or after January 1, 1995, the income tax deduction for medical care insurance costs that may be claimed by certain self-employed taxpayers.

5. Discontinues a requirement that retailers who are going out of business deliver their seller's permits within 10 days after the last sale in order to avoid paying a sales tax on property that they do not ordinarily sell in the course of their business.

6. Requires quarterly estimated payments of the temporary recycling surcharge instead of an annual payment.

7. Changes the Wisconsin filing requirement and standard deduction amount for individuals who may be claimed as a dependent on another person's income tax return to conform with federal provisions.

8. Updates references to the federal internal revenue code (to incorporate recent federal income tax changes for state income tax purposes) for taxable years beginning after December 31, 1992.

9. Modifies a corporation's ability to claim as an income tax deduction dividends received from other corporations.

10. Expands the income tax credit available to businesses for creating jobs in development zones.

Act 82 (SB-11) requires property tax boards of review to meet for at least 4 hours between 8 a.m. and midnight on the day that they convene. Prior law required that the meeting be completed by 12 p.m.

Act 85 (SB-259) discontinues a property tax exemption for certain marketing research computers.

Act 199 (AB-360) permits a corporation that receives a federal income tax filing extension to file a state income or franchise tax return within 30 days after the extended federal due date.

Act 204 (AB-1094) makes various technical revisions to tax provisions including changing the definitions of "return" and "gross income" for certain income or franchise tax return filers, and also revises certain estimated tax rules.

Act 205 (AB-1097) makes various revisions to tax provisions, including permitting DOR to enter into contracts to collect delinquent taxes from residents of this state and allowing DOR to notify corporations of additional tax assessments by publication in the official state newspaper.

Act 292 (AB-777) allows claims for excessive property tax assessments to be made against a county that has a county assessor system instead of against the municipality where the property is located.

Act 307 (AB-1095) makes various minor tax policy changes, including granting county boards' fact-finding authority, rather than veto authority, in determining whether certain kinds of property that are held in trust for the public interest are tax exempt (see also *Primary and Secondary Education*).

Act 308 (AB-1096) makes a number of changes related to taxation, including expanding the taxes and fees the nonpayment of which makes a person ineligible for a seller's permit (which a retailer who makes taxable sales must hold), and allowing DOR to assess a sales tax or use tax liability against more than one person.

Act 330 (SB-610) provides that payments of the property tax on improvements to leased land that are assessed as personal property are to be made to the treasurer of the taxation district where the property is located, rather than to the county treasurer.

Act 332 (AB-1179) creates a sales tax and use tax exemption for food sold by community-based residential facilities.

Act 382 (AB-750) allows the city of Milwaukee and any county to hold property owners personally liable for the costs of razing and restoring property and for the costs of abating a nuisance on the property if the amounts owed are not entered on the property tax roll and are not included in a tax certificate, and if the fair market value of the property is less than the amount owed plus interest and penalties. No action by the common council or county board is required to create this liability.

Act 391 (AB-461) changes the date by which DOR must notify the assessor of each municipality of the manufacturing property in the municipality that DOR will assess. The act also provides that the owner of mineral rights retains those rights even if the owner of the surface rights to that same land fails to pay property taxes.

Act 408 (SB-378) waives the late filing fee for sales and use tax returns if the reason for the lateness is the death of the person who was originally required to file.

Act 412 (SB-702) allows a county to use information from real estate transfer fee returns to develop a tract index if the county does not reveal the social security numbers of any buyers or sellers. The act also allows DOR to sell certain information from the returns.

Act 420 (SB-407) increases the amount of the farmland preservation income tax credit that may be claimed by the owner of farmland that is subject to a farmland preservation agreement and that is located in an area that is not subject to a restrictive agricultural zoning ordinance.

Act 437 (AB-1126) makes various changes in the area of taxation. The act:

1. Allows certain buyers to make purchases without paying the sales tax and later to pay to DOR any use tax that is due on the purchases.
2. Allows a buyer to claim a sales tax refund if the claim is for at least \$50, the seller has ceased doing business, the buyer is being audited or the seller may no longer file a claim.
3. Creates penalties for the misuse of dyed diesel fuel.
4. Updates references to the federal internal revenue code (to incorporate recent federal income tax changes for state income tax purposes) for taxable years beginning after December 31, 1993.

Act 453 (SB-462) allows the city of Milwaukee and all counties to bring a legal action against a person who owes delinquent property taxes, razing costs or the costs of abating a nuisance with respect to any property even if the fair market value of the property is at least as much as the amount owed plus interest and penalties. The act allows the governing bodies of those units of government to abrogate their duties to approve those proceedings. The act allows a court to appoint a receiver to manage property if the city of Milwaukee or a county proceeds against the owner for those costs. The act also accords priority to liens for amounts spent to remediate contaminated property over property tax liens (see also *Environment*).

Act 471 (SB-47) makes various changes in the state historic rehabilitation income tax credit, including eligibility criteria and recapture provisions (see also *Local Law and Other State Government*).

Transportation
DRIVERS' LICENSES

Act 11 (SB-278) delays implementation of the automatic reinstatement assessment imposed upon suspension of a person's operating privilege until January 1, 1994 (see also *Act 16*).

Act 16 (SB-44) eliminates the automatic reinstatement assessment that was scheduled to be imposed upon suspension of a person's operating privilege beginning on January 1, 1994.

The act establishes a driver license reinstatement training program. Under the program, DOT is authorized to contract with public and private entities to provide training and assistance on license reinstatement requirements.

The act allows 3rd-party testers, certified by DOT, to administer school bus road tests. Previous law limited 3rd-party testing to the road test for an original commercial driver license.

The act requires the completion of a basic motorcycle safety course by certain persons, including any applicant who is under 18 years of age. The act also requires DOT to reduce a person's accumulated demerit points by up to 3 points upon successful completion of a course in riding a motorcycle if the points were assessed with respect to the operation of a motorcycle.

The act increases the fees collected by DOT for driver license abstracts to a maximum of \$4.

Act 19 (AB-303) authorizes the operation of certain commercial motor vehicles by seasonal farm service industry employes.

Act 24 (SB-142) allows motor vehicle instructional operation by a permittee who is under 16 years of age if the permittee is accompanied by a person who is at least 21 years of age and who meets certain qualifications and is designated in writing by the permittee's parent or guardian. Formerly, a permittee who is under 16 years of age could only be accompanied by a qualified instructor or the permittee's parent or guardian.

Act 65 (SB-362) requires DOT to specify in its licensee records whether accidents occurred in the course of a licensee's employment in highway winter maintenance snow and ice removal.

Act 162 (SB-477) authorizes DOT to promulgate a rule establishing qualifications for a person other than a parent or stepparent to sign and verify the application for an operator's license from a person who is under 18 years of age. Previous law limited the adult sponsor to a parent, foster parent, employer, or person or guardian having custody of the applicant.

Act 314 (AB-147) eliminates a requirement that a person's motor vehicle operating privilege be revoked upon his or her conviction of a traffic violation that causes a fatal accident.

Act 363 (AB-280) authorizes a county, city, village or town to enact an ordinance permitting a court to suspend the operating privilege of a person who is under 18 years of age and who is a school dropout. The act also prohibits DOT from issuing a driver's license to an applicant who is under 18 years of age unless the applicant is enrolled in a school program or has graduated from high school.

Act 480 (May 1994 Spec. Sess. AB-1) provides that the period of suspension or revocation of a person's operating privilege resulting from a conviction of a state

controlled substance (dangerous drug) violation begins when the person is otherwise eligible and applies for issuance, renewal or reinstatement of a driver's license. Formerly, the suspension or revocation period began immediately.

HIGHWAYS AND LOCAL ASSISTANCE

Act 6 (SB-57) directs DOT to designate and mark as the "Green Bay Ethnic Trail" a highway route along the shore of Lake Michigan from the state line in Kenosha County to Green Bay in Brown County.

Act 16 (SB-44) makes numerous changes in the state highway and local assistance programs. The act:

1. Enumerates 6 additional major highway construction projects. (Unlike other highway construction projects undertaken by DOT, major highway projects require legislative approval before construction may begin.)

2. Establishes separate county and municipal local transportation aid distributions beginning in 1994 and increases the local transportation aid rate for municipalities from \$1,200 per mile in 1993 to \$1,275 per mile in 1994 and \$1,350 per mile in 1995 and thereafter.

3. Provides an annual 2.5% increase in connecting highway aids to counties and municipalities for 1994 and 1995. A connecting highway is a municipal street or highway that is designated by DOT as a marked route of the state trunk highway system.

4. Establishes a supplemental mass transit operating assistance program to make payments to eligible mass transit systems with annual operating expenses that are greater than \$20,000,000 and that have an annual ridership that is greater than 7,000,000 persons.

5. Allocates \$500,000 annually under the local roads improvement program to fund town road improvements with eligible costs totaling \$100,000 or more. Under the program, DOT reimburses counties and municipalities for certain eligible costs of local road improvement projects (see also *Act 437*).

6. Creates a surface transportation discretionary grants program to promote surface transportation projects that foster the diverse transportation needs of Wisconsin residents.

7. Establishes a reserve in the transportation fund of \$1,000,000 for preliminary engineering costs relating to a Milwaukee east-west transportation corridor (see also *Act 437*).

8. Creates a bicycle and pedestrian facilities program to assist political subdivisions in the planning, development or construction of bicycle and pedestrian facilities.

Act 20 (SB-18) directs DOT to designate as the "Blue Star Memorial Highway" STH 23 from the city of Sheboygan to the Sheboygan County line.

Act 237 (SB-628) directs DOT to designate and mark as the "Roland Kampo Bridge" the Little Lake Butte des Morts Bridge on STH 441 in Winnebago County.

Act 248 (AB-788) makes minor technical changes to laws prescribing a county's share of the cost of paving the roadway of certain city or village streets.

Act 278 (SB-285) directs DOT to mark a certain bridge on USH 10 in Portage County as the "Airborne Forces Memorial Bridge" and to erect a permanent granite monument near the bridge.

Act 347 (SB-323) directs DOT to designate USH 14 from the Wisconsin-Minnesota border to Richland Center as the "Purple Heart Memorial Highway" and to erect a permanent memorial marker along the highway route.

Act 357 (SB-483) directs DOT to designate and mark a certain highway route along the Mississippi River as the "Great River Road" and authorizes DOT to perform any duties necessary to secure and complete any proposed Great River Road development project.

Act 364 (SB-742) directs DOT to designate and mark a certain bridge on USH 63 in Pierce County as the "Lloyd Spriggle Memorial Bridge".

Act 396 (AB-137) directs DOT to designate and mark as the "POW/MIA Memorial Highway" STH 13 from Wisconsin Dells to Superior.

Act 437 (AB-1126) increases the reserve account in the transportation fund for preliminary engineering costs relating to a Milwaukee east-west transportation corridor from \$1,000,000 to \$3,800,000, and requires local units of government to reimburse DOT for 50% of the nonfederal share of the preliminary engineering costs.

The act provides \$137,400 in funding to reimburse political subdivisions for certain local road improvements that were completed by January 1, 1994.

The act also makes minor policy changes to the flood damage aids program administered by DOT, including eliminating the proration of aid awards and appropriating the amounts necessary to fund the program instead of a specified amount as formerly provided.

Act 442 (AB-853) directs DOT to designate and mark as the "Iron Brigade Memorial Highway" the entire route of USH 12 in this state.

MOTOR VEHICLES

Act 16 (SB-44) requires periodic renewal of an identification card or authorization for registration plates that grants special parking privileges for physically disabled persons. The renewal application must include a statement certifying to the applicant's disability. The act also modifies the definition of a physically disabled person by adopting applicable federal guidelines (see also *Act 256*).

The act eliminates the annual permit fees for interstate for-hire motor carriers and reduces the annual permit fees for intrastate for-hire motor carriers to \$5 for each class of motor carrier. The act also authorizes DOT to take necessary actions to participate in a new single-state insurance registration system for motor carriers.

The act increases the maximum number of characters (numbers or letters or both) on personalized special group registration plates from 5 to 6 and, for other personalized registration plates, from 6 to 7.

The act also increases a number of fees collected by DOT. The act:

1. Increases counter service fees for a vehicle registration renewal from \$1 to \$3 and for a certificate of title and other vehicle registration from \$2 to \$5.

2. Increases single trip permit fees for oversize vehicles to a maximum of \$25 and annual fleet registration fees for trailers having a gross weight of 4,500 pounds or less from \$15 to \$22.50 (the same fee as for nonfleet registered trailers in the same weight class).

3. Increases the fee for a repaired salvage vehicle inspection from \$40 to \$80 and, if the inspection was conducted by a municipal or county employe, requires the municipality or county to collect the fee and reimburse DOT 25% of the examination fee. The act also directs DOT to provide inspector training on the examination of repaired salvage vehicles (see also *Act 437*).

4. Increases the service-of-process fee on nonresidents who are involved in motor vehicle accidents from \$4 to \$15.

Act 23 (SB-136) exempts dealers, distributors, manufacturers and transporters from regular vehicle registration requirements for certain trailers, semitrailers and truck tractors that are being transported by a means other than towing.

Act 62 (AB-66) allows annual and consecutive month permits for 3-vehicle combinations that include a trailer transporting a motorcycle, personal watercraft or all-terrain vehicle and prescribes the order in which the vehicles must be towed.

Act 63 (AB-294) makes numerous changes in laws relating to salvage and junk vehicles. The act also requires the recording of certain information, if applicable, on the certificate of title for a motor vehicle, including whether the vehicle was previously a salvage vehicle, flood damaged vehicle or a vehicle that was repurchased by the manufacturer or a distributor or dealer because of a nonconformity that was not repaired.

Act 64 (SB-276) authorizes a one-time registration fee of \$5 for publicly leased vehicles. Previous law limited this fee to publicly owned vehicles.

Act 159 (AB-537) makes numerous changes in the laws relating to vehicle titles and registrations and the transfer of ownership of motor vehicles. The act:

1. Specifies mileage disclosure requirements in cases of the transfer of motor vehicles.
2. Prohibits the counterfeiting and unlawful possession of a vehicle title or registration, a manufacturer's document of origin and certain other instruments and documents.
3. Restricts the circumstances under which a secured party named on a certificate of title may possess the title.
4. Requires DOT to waive collection of the transfer fee that is used to fund programs to reduce nonpoint source pollution when a decedent's interest in a vehicle is transferred to his or her surviving spouse.

Act 165 (SB-435) authorizes the registration and operation of replica and street modified vehicles, and revises the definitions of homemade and reconstructed vehicles for registration purposes. The act increases the one-time processing fee for reconstructed, replica, street modified or homemade vehicle registration plates from \$20 to \$50 and prohibits the operation of a vehicle with such registration plates during the month of January.

Act 282 (AB-305) requires DOT to prepare a report for the Legislature on any introduced bill that directly or indirectly establishes an exception to a vehicle weight limit. The report must include a description of the proposed exception and a statement of the problem that is meant to be addressed by the proposed exception. DOT is required to submit the report within 6 weeks after the legislation is introduced.

Act 291 (AB-5) provides for the issuance of special distinguishing license plates to veterans of the Persian Gulf War and to Somalia War veterans.

Act 303 (AB-684) replaces the word "COLLECTOR" with the words "VEHICLE COLLECTOR" on regular vehicle registration plates issued to collectors of special interest vehicles and eliminates the annual expiration date for special vehicle registration plates issued to members of the Wisconsin National Guard.

Act 315 (AB-544) requires a law enforcement officer to orally inform a person who possesses a commercial driver license or whose arrest is related to the operation of a commercial motor vehicle and who is arrested and suspected of an operating while intoxicated (OWI) offense of the penalties for refusing to provide a sample of his or her blood, breath or urine to determine the presence of an intoxicating substance.

Act 317 (AB-666) increases from 5 to 10 years the period for counting the number of prior OWI convictions, suspensions or revocations, if a person has 2 or more prior OWI convictions, suspensions or revocations, when determining the penalty for a subsequent OWI offense.

Act 350 (AB-154) reduces the registration fees for trailers that are used in the transportation of liquid dairy products.

Act 353 (AB-779) modifies the authorization to transport bales of hay in vehicles that exceed vehicle width limitations.

Act 372 (SB-447) exempts the lessee of a semitrailer from payment of the semitrailer registration fee when the lessee purchases the semitrailer from the lessor and the lessee previously reimbursed the lessor for the fee.

Act 401 (AB-340) permits motor vehicles, trailers and semitrailers to transport logs within a cargo body and eliminates the authorization to transport logs in vehicles that are equipped with certain stakes.

Act 404 (AB-1071) removes a limitation that the exemption for transporting loads of tie logs, tie slabs and veneer logs in overwidth vehicles applies only to single and tandem axle trucks.

Act 415 (AB-975) provides for the issuance of special distinguishing license plates associated with endangered resources and establishes an annual registration fee that includes a tax deductible contribution for the endangered resources program administered by DNR.

Act 437 (AB-1126) requires DOT to collect all repaired salvage vehicle examination fees and, if an examination is performed by a county or municipal employe, to reimburse the county or municipality 75% of the examination fee.

Act 439 (AB-1001) provides that annual and consecutive month permits for overweight vehicles transporting raw forest products authorize the transportation of wood chips, sawdust and other wood products taken from the land, sawmills or factories.

Act 455 (AB-821) prohibits any child who is under the age of 16 from operating a farm tractor or self-propelled implement of husbandry on a highway unless the child has successfully completed a tractor and machinery operation safety training course. The act also requires certain implements of husbandry to be equipped with an amber reflector while being operated during hours of darkness (see also *Agriculture and University of Wisconsin System*).

Act 470 (AB-1060) makes minor policy changes in regard to false evidence of vehicle registration and improper use of vehicle license plates and stickers.

Act 475 (SB-743) requires a person who owns a motor vehicle that may be subject to seizure or that is equipped with an ignition interlock device or other physical immobilization as a result of the person's operating a motor vehicle while under the influence of an intoxicant to give the certificate of title of all motor vehicles owned by that person to the clerk of the circuit court that orders the restriction so that the clerk can stamp each certificate with a notice that ownership of the vehicle may not be transferred without the court's approval.

TRAFFIC AND PARKING REGULATION

Act 189 (AB-281) provides that the owner of a vehicle that is involved in fleeing a traffic officer may be liable for a violation although the owner is not operating the vehicle. The

act also increases the penalties for knowingly fleeing or attempting to elude a traffic officer when the violation does not result in great bodily harm to or the death of another.

Act 198 (AB-317) increases minimum and maximum fines and civil monetary forfeitures for certain traffic law violations committed in highway maintenance or construction areas.

Act 256 (SB-368) makes numerous changes in the laws relating to parking for motor vehicles used by physically disabled persons. The act:

1. Requires local authorities to enact and enforce parking regulations in conformity with state laws relating to parking that is reserved for motor vehicles used by physically disabled persons.

2. Prohibits the parking of vehicles that obstruct, block or otherwise limit the use of any parking space that is reserved for motor vehicles used by physically disabled persons.

3. Requires the owner or lessee of a parking facility with any reserved spaces for motor vehicles that are used by physically disabled persons to keep such spaces available for use and clear of snow and ice.

4. Prohibits the reproduction or fraudulent procurement, alteration or use of a special identification card, or the fraudulent procurement or use of special license plates, that authorize special parking privileges for physically disabled persons.

5. Creates a mandatory minimum civil monetary forfeiture of not less than \$50 for illegal parking in a space that is reserved for motor vehicles used by physically disabled persons.

6. Authorizes any 1st or 2nd class city to enact an ordinance imposing a time limitation on parking of a motor vehicle that is used by a physically disabled person in parking spaces reserved for use by such vehicles.

Act 260 (AB-785) permits in-line skates to be used on local roadways, subject to any restrictions that may be imposed by the applicable local highway authority.

Act 369 (AB-1009) permits pulsating or flashing headlamps on privately owned motor vehicles that are being used by deputy state fire marshals, fire department personnel and volunteer fire fighters.

Act 376 (SB-671) permits a local highway authority that is constructing or improving a highway that is not under its jurisdiction to impose a temporary speed limit reduction for the duration of the highway construction or improvement. The act also allows the temporary speed limit to be posted with signs on portable supports.

Act 437 (AB-1126) permits uniform traffic citations and traffic accident reports to be in an automated format.

OTHER TRANSPORTATION

Act 16 (SB-44) eliminates the Office of the Commissioner of Transportation and transfers its functions (see *HIGHLIGHTS*).

The act makes numerous changes in the laws relating to freight rail assistance and rail passenger service. The act:

1. Establishes \$50,000,000 in general obligation bonding authority to fund capital costs related to extending Amtrak service to both Madison and Green Bay from Milwaukee. The act authorizes DOT to contract with Amtrak, railroads and other individuals for the extension of Amtrak service.

2. Grants \$10,000,000 in general obligation bonding authority for certain rail acquisitions and improvements.

3. Eliminates a program to advance capital for purposes of rehabilitating rail lines and creates a program for freight rail infrastructure improvements. Under the program, DOT makes loans to eligible applicants for rehabilitation of a rail line or an economic development and transportation efficiency project.

4. Eliminates a first right of acquisition of abandoned rail property by the state for scenic purposes or for construction of a correctional institution. The act also limits the property subject to first right of acquisition by the state for other purposes (see also *Act 437*).

The act authorizes a total of \$6,500,000 in loans for purposes of acquiring land for future airport projects. Previous law limited the authorization for loans to \$4,000,000. The act also increases from \$100,000 to \$500,000 the maximum amount of state funding that may be used for the cost of an airport building construction or improvement project.

The act creates a statewide public safety radio management program administered by DOT. Under the program, DOT is authorized to provide statewide tower site management, frequency management, database administration and planning services.

Act 25 (SB-266) provides that state traffic patrol officers and motor vehicle inspectors have the arrest powers of a law enforcement officer, regardless of whether the violation is punishable by a civil monetary forfeiture or criminal penalty. Previous law limited the arrest powers of state traffic patrol officers and motor vehicle inspectors to certain circumstances where a warrant had been issued or a crime was being or had been committed. The act also authorizes DOT to assign such officers and inspectors to safeguard state officers and other persons.

Act 123 (SB-487) creates an Office of the Commissioner of Railroads (see *HIGHLIGHTS*).

Act 279 (AB-719) prohibits a public transit body, or a private organization or operator under contract with a public transit body, from operating outside specified territory unless financial support is received for such service.

Act 354 (AB-986) provides funding for the rebuilding of certain private road crossings after rail line rehabilitation if the private road crossing users have obtained permits from the appropriate rail transit commission.

Act 437 (AB-1126) provides that no major transit capital improvement project may be constructed with state transportation revenues unless the project has been enumerated in a list under state law. A major transit capital improvement project involves initial construction or expansion of a light rail transit system or separate roadway construction designated for high-occupancy modes of travel.

The act expands the use of general obligation bonding for rail property acquisitions and improvements to include such acquisitions and improvements by railroads and freight rail service users.

Trusts and Estates; Probate

Act 130 (AB-22) allows computer-generated forms to be used in probate proceedings.

Act 143 (AB-557) allows courts to terminate certain trusts that have a value of less than \$50,000. Under prior law the limit was \$5,000.

Act 160 (AB-600) allows courts to terminate charitable trusts that have a value of less than \$50,000; the limit was \$5,000 under prior law. The act allows a trustee, if the creator of the trust so directs, to retain a business that is among the trust's assets. Under prior law, a trustee needed a court order to retain a business. The act provides that the marital

property interest of the nonemployee spouse in an individual retirement account that is traceable to the rollover of a deferred employment benefit plan terminates at the death of the nonemployee spouse if he or she predeceases the employee spouse.

Act 304 (*AB-713*) discontinues one of the basic will with trust options, which had allowed the creation of a trust the beneficiaries of which are the surviving spouse, the children and the children's descendants.

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