

SUMMARY OF THE 1995-96 WISCONSIN LEGISLATIVE SESSION

1995 WISCONSIN ACTS 1 to 469

INTRODUCTION

This bulletin provides an overview of the 1995-96 legislative session. The main body of the bulletin is divided according to subject matter; beneath each subject heading the acts of the Legislature are individually described. The significant provisions of any act affecting more than one area of state law (including acts 27 and 216, the budget act and the state government operations act) are described separately under the appropriate subject headings. The bulletin also includes summaries of those enrolled joint resolutions proposing amendments to the U.S. constitution. Proposed constitutional amendments are discussed only under that subject heading. Included in the *HIGHLIGHTS* section of the bulletin are synopses of those acts and joint resolutions that were of particular interest to the Legislature.

The 1995 Legislature took its oath of office on January 3, 1995. Its regular session was organized into 11 floorperiods:

January 4 and 5, 1995	September 19 to October 5, 1995
January 17 to February 2, 1995	November 7 to 16, 1995
February 14 to March 9, 1995	January 9 to February 1, 1996
April 4 to 6, 1995	March 5 to 28, 1996
May 16 to June 1, 1995	May 7 to 13, 1996
June 13 to June 29, 1995	

Statistics for the 1995-96 legislative session through August 15, 1996, and for the previous four sessions are provided below.

	Legislative Session				
	1987-88	1989-90	1991-92	1993-94	1995-96
Total Drafting Requests	15,482	13,148	14,707	13,466	13,631
Bills Introduced	1,656	1,616	1,709	2,156	1,781
Assembly Bills	1,044	1,027	1,112	1,319	1,103
Senate Bills	612	589	597	837	678
Acts	422	368	324	497	469
Percentage of Bills Enacted	25.5	22.8	19.0	23.1	26.3
Bills Totally Vetoed	38	35	33	8	4
Bills Partially Vetoed	20	28	13	24	21

STATE BUDGET SUMMARY

GENERAL FUND SUMMARY

REVENUES	<u>1995-96</u>	<u>1996-97</u>
Opening Balance, July 1	\$ 408,880,400	\$ 566,339,200
Taxes	8,231,400,000	8,663,850,000
Less Federal Retirees Refunds	-26,600,000	-12,700,000
Departmental Revenues	<u>174,683,100</u>	<u>228,779,200</u>
Total Available	\$ 8,788,363,500	\$ 9,446,268,400
APPROPRIATIONS, TRANSFERS AND RESERVES		
Gross Appropriations	\$ 8,241,608,300	\$ 9,153,611,400
Compensation Reserves	18,235,000	46,382,400
Transfers to:		
Local Government Property Insurance Fund	3,503,800	2,234,700
Property Tax Relief Fund	-0-	257,755,900
Less Lapses	<u>-41,322,800</u>	<u>-113,723,000</u>
Net Appropriations	\$ 8,222,024,300	\$ 9,346,261,400
BALANCES		
Gross Balances	\$ 566,339,200	\$ 100,007,000
Required Statutory Balance	<u>-82,598,400</u>	<u>-91,999,900</u>
Net Balance, June 30	\$ 483,740,800	\$ 8,007,100

SUMMARY OF APPROPRIATIONS – ALL FUNDS

	<u>1995-96</u>	<u>1996-97</u>
General Purpose Revenue	\$ 8,241,608,300	\$ 9,153,611,400
Federal Revenue	\$ 3,850,830,600	\$ 3,891,800,700
Program	(3,457,543,500)	(3,523,184,100)
Segregated	(393,287,100)	(368,616,600)
Program Revenue	\$ 2,185,416,200	\$ 1,975,161,400
State	(1,830,883,500)	(1,603,037,200)
Service	(354,532,700)	(372,124,200)
Segregated Revenue	\$ 1,908,291,300	\$ 1,910,832,300
State	(1,718,850,700)	(1,718,605,800)
Local	(49,453,300)	(49,453,300)
Service	<u>(139,987,300)</u>	<u>(142,773,200)</u>
GRAND TOTAL	\$ 16,186,146,400	\$ 16,931,405,800

SUMMARY OF COMPENSATION RESERVES - ALL FUNDS

	<u>1995-96</u>	<u>1996-97</u>
General Purpose	\$ 18,235,000	\$ 46,382,400
Federal Revenue	5,978,800	15,035,100
Program Revenue	15,151,700	38,102,300
Segregated Revenue	<u>3,963,700</u>	<u>9,967,400</u>
TOTAL	\$ 43,329,200	\$ 109,487,200

LOTTERY FUND SUMMARY

	<u>1995-96</u>	<u>1996-97</u>
GROSS REVENUE	\$ 509,572,500	\$ 514,564,400
EXPENSES		
Prizes	\$ 295,347,700	\$ 295,908,900
Administrative Expenses	<u>61,573,500</u>	<u>65,373,400</u>
	\$ 356,921,200	\$ 361,282,300
NET PROCEEDS	\$ 152,651,300	\$ 153,282,100
TOTAL AVAILABLE FOR PROPERTY TAX RELIEF		
Opening Balance	\$ 26,239,000	\$ 10,191,500
Net Proceeds	152,651,300	153,282,100
Interest Earnings	<u>4,100,000</u>	<u>3,400,000</u>
	\$ 182,990,300	\$ 166,873,600
PROPERTY TAX RELIEF	\$ 172,798,800	\$ 156,582,300
GROSS CLOSING BALANCE	\$ 10,191,500	\$ 10,291,300
RESERVE	10,191,500	10,291,300
NET CLOSING BALANCE	\$ -0-	\$ -0-

HIGHLIGHTS

Agriculture

Act 27 (AB-150) provides that the secretary of agriculture, trade and consumer protection is no longer appointed by the Board of Agriculture, Trade and Consumer Protection, but is instead nominated by the governor and appointed by the governor with the advice and consent of the senate (see *State Government – Reorganization*).

Business and Consumer Law

Act 27 (AB-150) transfers the consumer protection function of DOJ to DATCP, including the enforcement of laws relating to the following: fraudulent representations, fraudulent drug advertising, methods of competition and trade practices, motor vehicle rustproofing warranties, certain energy savings and safety claims, sale of cleaning agents and water conditioners containing phosphorus, sale of products containing or made with ozone-depleting substances, ticket refunds, cable television subscriber rights, dating service contracts, fitness center and weight reduction contracts, pawnbrokers and secondhand article and jewelry dealers, prize notices, mail-order sales, motor fuel dealerships, future service plans, self-storage facilities, time share ownership deposits and escrow requirements, and prepaid maintenance liens (see *State Government – Reorganization*).

Children

Act 27 (AB-150) makes various changes relating to juvenile justice. The act:

1. Lowers from 18 to 17 the age at which an adult criminal court has jurisdiction over a person who violates a criminal law (see *Act 76*).
2. Transfers the responsibility for administering juvenile correctional services from DHSS (DHFS effective July 1, 1996) to DOC.
3. Eliminates extended juvenile court jurisdiction under which the juvenile court may exercise jurisdiction over an individual beyond the individual's 19th birthday.
4. Eliminates the Youthful Offender Program for juveniles 16 years of age or over who have committed what would be a Class A, B, C or D felony if committed by an adult and instead creates a Serious Juvenile Offender Program for juveniles 14 years of age or over who have committed what would be a Class A or Class B felony if committed by an adult (see *Act 77*).

Act 77 (AB-130) makes various changes relating to juvenile justice. The act:

1. Creates a juvenile justice code that governs juveniles who are alleged to have violated a criminal law, civil law or municipal ordinance or who are alleged to be uncontrollable, school dropouts or habitual truants from home or school.

2. Declares that the intent of the legislature in enacting the juvenile justice code is “to promote a juvenile justice system...which will protect the community, impose accountability for violations of [the] law, and equip juvenile offenders with competencies to live responsibly and productively”.

3. Lowers from 12 to 10 the age at which a juvenile who violates a criminal law is treated as a delinquent, rather than as a juvenile in need of protection or services.

4. Provides for original adult court jurisdiction over a juvenile who is at least 10 years of age and who: is alleged to have attempted or committed certain homicides; has been previously convicted in adult court; has criminal proceedings for a previous violation still pending against him or her; or commits assault or battery in any secure facility or institution (see *Act 352*). Formerly, an adult court had original jurisdiction only over a juvenile who committed assault or battery in a secure correctional facility.

5. Lowers from 16 to 15 the age at which a juvenile may be waived to adult court for the violation of any criminal law and permits a juvenile 14 years of age to be waived to adult court for felony murder, armed robbery or second-degree sexual assault. Formerly, a juvenile 14 years of age was permitted to be waived to adult court only for delivery of a controlled substance, first-degree or second-degree intentional or reckless homicide, first-degree sexual assault, taking hostages, kidnapping or armed burglary. The act also eliminates a requirement that the district attorney present testimony if a waiver is uncontested and permits a juvenile to be waived in absentia if the juvenile does not appear for his or her waiver hearing (see *Act 352*).

6. Expands the dispositions that a juvenile court may impose to include new dispositions, such as short-term detention, home detention, victim-offender mediation, a specific disposition for a hate violation, 30-day inpatient alcohol or other drug abuse treatment, drug testing, vocational training, and participation in day treatment or a pupil assistance program. The act also permits a juvenile court to stay a disposition that it has imposed and to expunge the record of a juvenile’s delinquency adjudication.

7. Eliminates jury trials in proceedings under the juvenile justice code.

8. Expands the right of a victim of a juvenile’s delinquent act to: attend hearings relating to that act; make a statement before the court enters an order relating to that act; obtain from a law enforcement agency without court order information relating to any injury, loss or damage suffered by the victim, including the juvenile’s name and address; and receive any information, other than sensitive personal information about the juvenile or the juvenile’s family, regarding the outcome of the case.

9. Requires a law enforcement agency to provide to the victim-witness coordinator employed by a county or DOC information relating to the enforcement of a victim’s rights and permits a law enforcement agency, without court order, to provide information to the victim; the victim’s insurer; a school district; the juvenile, if 14 years of age or over; the juvenile’s parent; and, with the permission of the juvenile, if 14 years of age or over, or the juvenile’s parent, a person named in the permission. If a law enforcement agency discloses information about

a juvenile, the act requires the agency to notify the juvenile and the juvenile's parent and provide to them the information disclosed (see *Act 352*).

10. Requires a juvenile court to open for public inspection its records relating to a juvenile who is alleged to have committed a violation that would be a felony if committed by an adult, if the juvenile has been adjudicated delinquent previously, and its records relating to a juvenile who is alleged to have committed a serious felony. The act also requires hearings relating to those juveniles to be open to the general public (see *Act 352*).

11. Requires a juvenile court to open its records relating to a juvenile for inspection by the victim-witness coordinator; the juvenile, if 14 years of age or over; the juvenile's parent, unless that inspection would result in imminent danger to the juvenile; and, with the permission of the juvenile, if 14 years of age or over, or the juvenile's parent, the person named in the permission. The act also requires a juvenile court to notify the juvenile and his or her parent if the court opens for inspection its records about the juvenile and to provide to the juvenile and his or her parent the record inspected (see *Act 352*). The act further requires a juvenile court to notify a juvenile's school if the juvenile is alleged to have committed an act that would be a felony if committed by an adult or if the juvenile is adjudged delinquent for any violation. Formerly, juvenile court records were open for inspection only by order of the juvenile court or under certain circumstances.

12. Permits a social services agency to confidentially exchange a juvenile's records with the victim-witness coordinator and a school district, and to disclose the contents of a record to the juvenile, if 14 years of age or over, the juvenile's parent and, with the permission of the juvenile, if 14 years of age or over, or the juvenile's parent, the person named in the permission (see *Act 352*).

13. Requires a school board, if ordered by a juvenile court, to disclose pupil records to a law enforcement agency or a social services agency and requires a school board, without a court order, to disclose to a law enforcement agency the attendance records and directory data of a pupil who is under investigation by that agency. The act also requires a school board to notify the pupil and the pupil's parent if the school board discloses information about the pupil and provide to the pupil and parent the information disclosed (see *Act 352*).

14. Permits an adult court to consider a delinquency adjudication in setting bail or considering the credibility of a witness.

15. Raises from \$2,500 to the jurisdictional limit of the small claims court (currently \$5,000) the maximum amount of a parent's liability for the willful, malicious or wanton act of his or her child. The act also permits the juvenile court to order that any forfeiture (civil monetary penalty) or restitution that is not paid by a juvenile be docketed as a judgment against the juvenile and the parent with custody of the juvenile and to order the juvenile or parent to perform community service work instead of paying the restitution or forfeiture (see *Act 352*). In addition, the act permits a juvenile court to order a parent, under penalty of a forfeiture, to show good cause for failure to comply with a deferred prosecution agreement. A deferred prosecution agreement is an agreement entered into between the juvenile court intake worker and all parties in lieu of filing a petition with the juvenile court.

16. Creates a presumption that a juvenile who is alleged to have committed a violent offense, an offense against life or bodily security while armed, or a weapons offense should be held in a secure detention facility prior to adjudication and in a secured correctional facility after adjudication.

17. Expands the sanctions that may be imposed on a juvenile who violates a dispositional order and permits a juvenile's caseworker to take the juvenile into secure or nonsecure custody for 72 hours while an alleged violation is being investigated or, in some cases, to take the juvenile into nonsecure custody for 30 days as crisis intervention.

18. Eliminates the minimum age (formerly 14) at which a juvenile may be held civilly liable for retail theft and the minimum age (formerly 12) at which a juvenile may be ordered to participate in a work program or make restitution (see *Act 352*).

19. Excuses school personnel from conducting certain activities that are required before filing a petition alleging a juvenile's habitual truancy if they attempted to meet with the juvenile's parent and received no response or if they could not conduct those activities due to the juvenile's absence from school. The act also expands the dispositions that a juvenile court may impose on a juvenile who is habitually truant and permits a juvenile court to impose sanctions on a habitually truant juvenile who violates a dispositional order. In addition, the act permits DILJD to revoke the work permit of a juvenile if the revocation might improve the juvenile's school attendance or remedy the juvenile's failing school performance.

20. Prohibits a juvenile and the juvenile's parent from requesting the substitution of a judge in a proceeding under the juvenile justice code if the judge has previously entered a dispositional order with respect to the juvenile or if the juvenile or parent has requested a substitution in a previous proceeding under the juvenile justice code.

21. Permits a juvenile court to dismiss a petition with or without prejudice, grant a continuance (temporary delay), release a juvenile from custody or grant other appropriate relief if a time limit under the juvenile justice code is not met (see *Act 352*). Previously, the court was required to dismiss the petition with prejudice if a time limit was not met.

22. Permits a juvenile court to transfer a delinquency proceeding from the county in which a violation took place to a juvenile's county of residence for disposition.

23. Expands the dispositions that a municipal court may impose on a juvenile who violates a municipal ordinance, permits a municipal court to impose sanctions on a juvenile who violates a municipal court dispositional order, and permits a municipal court to issue a summons requiring a juvenile's parent to attend a hearing involving the juvenile.

24. Permits a juvenile court to grant permission to DOC or a county to administer psychotropic medication to a juvenile 14 years of age or over who is in an out-of-home placement under the supervision of DOC or the county, who is competent to consent to that administration and who is in need of that medication, if the juvenile's parent cannot be found or unreasonably withholds consent to that administration.

25. Requires the victim of any delinquent act committed by a juvenile to be notified of the juvenile's release or escape from correctional custody if the victim so wishes.

26. Provides that the juvenile court retains jurisdiction over a juvenile who absconds before being adjudicated delinquent and who turns 17 before being apprehended. The act also creates a crime of absconding for a juvenile who absconds after adjudication, but before disposition, and who turns 17 before being apprehended (see *Act 352*).

Act 275 (SB-501) makes various changes relating to children in need of protection or services (CHIPS) and termination of parental rights (TPR). The act:

1. States that in construing the children's code, which governs CHIPS, TPRs and other nondelinquency matters, the best interests of the child must always be of paramount consideration and requires the children's code to be liberally construed to effectuate certain legislative purposes, including preserving the unity of the family whenever appropriate, rather than whenever possible.

2. Modifies certain grounds for CHIPS jurisdiction to provide for that jurisdiction if a parent needs assistance in caring for his or her child, rather than merely being unable to do so; if the parent is neglecting, unable or needs assistance in providing special treatment or care for his or her child, rather than merely being unwilling to do so; and if the parent is neglecting or unable to provide treatment for emotional damage or an alcohol or other drug abuse impairment, rather than merely being unwilling to do so.

3. Modifies the grounds for taking and holding a child in custody to permit a child to be taken and held in custody if the child's parent is neglecting to provide adequate supervision or care for the child, rather than merely being unwilling or unavailable to do so.

4. Provides for a 12-person jury in TPR cases, unless the parties agree to a lesser number. The act also provides for a six-person jury in CHIPS cases and provides that in a CHIPS case the jury determines whether the grounds for CHIPS jurisdiction are met and the judge determines whether the child is in need of protection or services which can be ordered by the court. Formerly, jury trials in TPR and CHIPS cases were before 12-person juries and the jury determined whether the child was in need of protection or services which the court could order.

5. Provides that, in addition to the discovery procedures permitted under the children's code, the discovery procedures permitted in civil proceedings generally apply to proceedings under the children's code.

6. Requires a child's guardian ad litem to: meet with the child personally or through a trained designee; assess the appropriateness and safety of the child's environment; interview the child to determine the child's goals and concerns, if the child is old enough to communicate; and make recommendations to the court that appointed the guardian ad litem concerning the best interests of the child.

7. Requires a child's foster parent to be notified of hearings relating to the child; permits a foster parent to attend those hearings, subject to certain exceptions; and permits a foster parent to make a written or oral statement during the hearing.

8. Permits counties to use community aids funds (state mental health, alcohol and other drug abuse treatment service aids) to hire private attorneys for proceedings under the children's code.

9. Lengthens the time within which a hearing must be held for a child taken into custody from 24 hours after the child is taken into custody to 48 hours after that time and lengthens the time within which a CHIPS petition must be filed or the child released from custody from 48 hours after the detention hearing to 72 hours after that hearing.

10. Permits a juvenile court intake worker to extend an informal disposition for up to six months.

11. Permits a juvenile court to determine the paternity of a child, but only for purposes of a CHIPS proceeding, if a man who has been given notice of a CHIPS hearing appears, alleges that he is the father of the child, and requests a paternity determination. The act also requires a child support enforcement attorney and family court to give priority to paternity determinations referred by the juvenile court; requires that the juvenile court open its records relating to a child's paternity to the family court and the attorneys and parties to a paternity proceeding in family court; and permits a family court to disclose its records of a paternity proceeding to the juvenile court and the attorneys and parties to a proceeding under the children's code.

12. Provides a procedure for the appointment of a relative of a child in need of protection or services as the guardian of the child, if certain criteria are met, and for the permanent placement of the child with the guardian.

13. Permits a TPR based on abandonment if a child has been left without provision for his or her care in a place that exposes the child to a substantial risk of death or great bodily harm; if a parent has failed to visit or communicate with a child placed outside the home by a juvenile court for three months (rather than six months); or if a parent has left the child with another person and has failed to visit or communicate with the child for six months (rather than one year).

14. Permits a TPR based on continuing need of protection or services for a child three years of age or over if the child has been placed outside the home for six months (rather than one year) and the parent has failed to demonstrate substantial progress toward meeting, and is unlikely to meet, the conditions established for the return of the child to the home.

15. Permits a TPR based on continuing denial of periods of physical placement if the juvenile court has denied the parent visitation with the child for at least one year.

16. Permits a TPR based on child abuse if a parent has exhibited a pattern of physically or sexually abusive behavior that poses a substantial threat to the health of a child and any child has previously been removed from the child's home under a CHIPS order after an adjudication that the child was a victim of physical or sexual abuse or a substantial risk of becoming such a victim.

17. Extends the applicability of failure to assume parental responsibility, as grounds for TPR, to mothers, and to fathers whose paternity was established *prior to* the filing of the TPR petition. Formerly, this basis for TPR applied only to fathers whose paternity was not established prior to the filing of the TPR petition. The act also permits a marital child to be the subject of a TPR that is based on failure to assume parental responsibility. Formerly, only a non-marital child was permitted to be the subject of such a TPR.

18. Permits a TPR based on the homicide of the child's other parent if the parent committed first-degree reckless, not just first-degree intentional, homicide of the child's other parent.

19. Creates new grounds for TPR based on the commission of a serious felony by a parent against one of the parent's children and for TPR based on the prior involuntary TPR to another child.

20. Changes certain time limits governing an appeal of a TPR judgment.

21. Permits a TPR petitioner to petition the juvenile court to prohibit visitation between the parent and child during the pendency of the TPR proceeding.

22. Requires an agency placing a child for adoption to consider placing the child with a relative.

23. Requires an agency investigating a report of suspected or threatened child abuse or neglect that is made voluntarily by a relative other than a parent to inform that relative on request of what action was taken to protect the child.

Courts and Civil Actions

Act 10 (AB-36) limits the amount of noneconomic damages, such as for pain and suffering or mental distress, that are recoverable in cases involving medical malpractice to \$350,000. The act requires the director of state courts to adjust the \$350,000 amount at least annually, based on the consumer price index for all urban consumers (see *SUMMARY OF PROPOSALS, Insurance*).

Act 17 (SB-11) changes the method of determining the liability of persons in tort actions by requiring that the negligence of the person injured be measured separately against each person found to be causally negligent for the injury and limiting the liability of any person found less than 51% causally negligent to the amount of causal negligence attributed to that person. (Formerly, all persons who were found negligent were collectively and individually liable for all damages.) Under the act, any person found more than 51% causally negligent remains collectively and individually liable for all of the damages recoverable by the injured person. The act also limits punitive damages in tort actions to those actions where evidence shows that the defendant acted maliciously or in intentional disregard of the rights of the injured party.

Crime and Criminal Procedure

Act 71 (SB-144) prohibits a person from possessing a firearm if he or she is subject to a domestic abuse or child abuse injunction (a court order requiring a person to refrain from committing domestic abuse or child abuse against another person). The act also permits a judge to issue an order prohibiting a person from possessing a firearm if he or she is subject to a harassment injunction (a court order requiring a person to refrain from harassing another person). Under the act, a prohibition on firearm possession remains in effect as long as the injunction on which it is based is in effect. The firearm possession prohibition created by the act does

not apply to temporary restraining orders that are issued in domestic abuse, child abuse or harassment cases.

Act 451 (AB-13) changes the law relating to trespassing by prohibiting a person from entering without the consent of the owner or occupant land that is enclosed or cultivated, occupied by a structure used for agricultural purposes, or undeveloped, except that if the undeveloped land is adjacent to or surrounded by publicly-owned land the owner or occupant must notify persons not to enter. The act also provides that a person may not enter any land if he or she has been notified by the owner or occupant not to enter. Formerly, a person needed consent from the owner or occupant to enter enclosed or cultivated land with a motor vehicle or with intent to hunt, fish or gather products of the soil; otherwise, a person could enter land unless he or she was notified not to enter. Under the act, as under former law, an owner or occupant may give written or oral notice not to enter land or may post “no trespassing” signs on the land.

Domestic Relations

Act 68 (SB-55) authorizes a court to grant a petition for visitation rights under certain circumstances to a grandparent of a minor child in either an independent action or an existing action affecting the family, such as a divorce or paternity action. Formerly, visitation was only permitted to be granted to a grandparent if an action affecting the family had already been commenced. In order for a grandparent to file an independent action for visitation, the child must be a nonmarital child whose parents have not subsequently married each other; paternity must be determined if the grandparent filing the petition is a parent of the child’s father; the child may not have been adopted; the grandparent must have maintained or attempted to maintain a relationship with the child; the court must determine that the grandparent will not act in a manner that is contrary to the wishes of the child’s custodial parent with respect to the child’s physical, emotional, educational or spiritual welfare; and the court must determine that the visitation is in the child’s best interest. The act also permits a grandparent who seeks visitation under the act to seek a paternity determination if the grandparent is a parent of the alleged father of the child with whom visitation is sought and if the alleged father has filed a declaration of paternal interest or a statement acknowledging paternity.

Act 70 (SB-132) allows a court in instances in which the child’s other parent has physical placement rights with the child to prohibit a parent from moving with a child outside the state or within the state at a distance of 150 miles or more from the residence of the child’s other parent or from removing a child from the state for more than 90 consecutive days. As under previous law, a parent who has custody and physical placement rights with a child must provide notice to the child’s other parent, if that parent also has physical placement rights, of a contemplated move with or removal of the child. As under prior law, the other parent may file an objection to the move or removal and a petition, motion or order to show cause for modification of the existing custody or physical placement order. The act allows an objecting parent alternatively to file a petition, motion or order to show cause for an order prohibiting the move or removal. The court may prohibit the move or removal if the court determines that such a

prohibition is in the child's best interest after considering the reasonableness of the proposed action, the child's relationship with the objecting parent, the disruption that the move or removal would cause to that relationship, and the availability of alternative arrangements that would foster and continue the relationship.

Education

PRIMARY AND SECONDARY EDUCATION

Act 27 (AB-150) makes various changes relating to education. The act:

1. Restructures the governance of public instruction (see *State Government – Reorganization*).

2. Replaces the former two-tiered general school aid formula with a three-tiered formula. The first tier of support is for costs shared between the state and school district up to a primary cost ceiling of \$1,000 per student. The state's share at this level is calculated using a guaranteed property valuation of \$2 million per student. Every school district is guaranteed no less in general aid than this primary aid amount. The second tier of support is for shared costs per student between \$1,000 and a secondary cost ceiling calculated beginning in the 1997-98 school year as the prior year's secondary cost ceiling adjusted by the rate of inflation. The third tier is for shared costs above the secondary cost ceiling. The guaranteed valuation for this level is set at 100% of the statewide average equalized valuation per student. Under the former two-tiered formula, costs were divided into two levels, primary and secondary. The primary cost ceiling was a fixed amount which was adjusted each year by the rate of inflation.

3. Modifies the Milwaukee Parental Choice Program, which permits low-income children in Milwaukee to attend private schools at state expense, by allowing sectarian schools to participate; by increasing the number of pupils allowed to participate; by allowing pupils who in the previous year were enrolled in private schools outside the program to participate; by providing that the state payment for each choice pupil is the lesser of the Milwaukee Public Schools general state aid per pupil or the private school's operating and debt service cost per pupil that is related to educational programming; and by providing that no pupil may be required to participate in any religious activity if the pupil's parent or guardian objects.

UNIVERSITY OF WISCONSIN SYSTEM

Act 27 (AB-150) creates a UW Hospitals and Clinics Authority to operate and manage the UW Hospitals and Clinics. The act also creates a new state agency, the UW Hospitals and Clinics Board (see *State Government – Reorganization*; see also *Acts 216* and *326*). The act:

1. Transfers most professional employes of the UW Hospitals and Clinics to the UW Hospitals and Clinics Authority and most nonprofessional employes of the UW Hospitals and Clinics to the UW Hospitals and Clinics Board.

2. Requires the UW Hospitals and Clinics Authority to enter into a lease agreement with the Board of Regents of the UW System to lease certain on-campus facilities for a period of not more than five years. Under the agreement, the UW Hospitals and Clinics Authority is re-

quired to pay the debt service on all bonds issued by the state for the purpose of financing the acquisition, construction or improvement of the on-campus facilities, regardless of whether these bonds are issued before or after the agreement is entered into. No extension or renewal of the agreement may be for more than five years.

3. Requires the UW Hospitals and Clinics Authority to enter into an affiliation agreement with the Board of Regents of the UW System to run concurrently with the lease agreement. Under the agreement, the Board of Regents is required to make reasonable charges for services provided to the UW Hospitals and Clinics Authority.

4. Requires the UW Hospitals and Clinics Authority to enter into a contractual services agreement with the UW Hospitals and Clinics Board to provide services by its employees to the UW Hospitals and Clinics Authority for a period of not more than two years. The UW Hospitals and Clinics Authority may not contract with any other person for those services provided by the UW Hospitals and Clinics Board.

5. Places nonsupervisory employees of the UW Hospitals and Clinics Board in four separate collective bargaining units under the state employment labor relations act (SELRA), effective July 1, 1997. The act also provides for the UW Hospitals and Clinics Board to represent the state in negotiations with the representatives of those units, rather than DER, which formerly served as the exclusive representative of the state under SELRA. The act deletes a requirement that the collective bargaining agreements in these four units be approved by the Joint Committee on Employment Relations. The act also creates three separate collective bargaining units for professional nonsupervisory employees of the UW Hospitals and Clinics Authority under the state employment peace act, effective July 1, 1997 (these employees were formerly covered under SELRA). Unlike under SELRA, strikes are not prohibited under the employment peace act. In addition, the act changes the mandatory and prohibited subjects of bargaining under SELRA and the employment peace act for nonsupervisory employees of the UW Hospitals and Clinic Board and the UW Hospitals and Clinics Authority.

6. Authorizes the UW Hospitals and Clinics Authority to issue bonds or incur indebtedness for any corporate purpose in an amount not to exceed \$50 million, excluding debt issued to refund outstanding indebtedness. The act authorizes the UW Hospitals and Clinics Authority to seek financing from WHEFA.

7. Provides that the UW Hospitals and Clinics Authority may buy, sell and lease real estate (excluding on-campus facilities). The act also allows the UW Hospitals and Clinics Authority to design, acquire, construct or improve such facilities. The state's prevailing wage and hours laws apply to construction projects undertaken by the UW Hospitals and Clinics Authority.

8. Permits the UW Hospitals and Clinics Authority to establish, govern and participate in entities that provide health-related services.

9. Requires the UW Hospitals and Clinics Authority to continue to operate a poison control center at the UW Hospitals and Clinics (see *SUMMARY OF PROPOSALS, Health and Social Services – Health*).

OTHER EDUCATION

Act 403 (AB-1011) establishes a college tuition prepayment program administered by DOA, under which an individual may contract with DOA to purchase tuition units on behalf of a beneficiary named in the contract. Either the individual or the beneficiary must be a Wisconsin resident, and the beneficiary must be the child or grandchild of the individual. The cost of each tuition unit is determined by DOA. To the extent possible, the price must be set so that the value of the tuition unit in the anticipated academic year of its use will be equal to 1% of the weighted average tuition of bachelor's degree-granting institutions within the UW System in that academic year. When the beneficiary enrolls in an accredited institution of higher education in the United States, each tuition unit purchased on his or her behalf entitles the beneficiary to apply toward tuition at the institution an amount equal to 1% of the anticipated weighted average tuition of bachelor's degree-granting institutions within the UW System for the year of attendance, as estimated by DOA. DOA must pay that amount or the amount of tuition, whichever is less, to the institution, subject to the availability of sufficient assets in the tuition trust fund, created by the act.

Employment

Act 27 (AB-150) consolidates oversight of the administration of various state and federal employment and education programs under a Governor's Council on Workforce Excellence, created by the act. The act transfers the duties of certain preexisting councils to that council and directs that council to prepare a plan for the termination of other duplicative employment and education bodies, and another plan that realigns the intrastate boundaries for the local administration of employment and education programs along the lines of the Technical College System districts (see *Act 109*). In addition, the act upgrades the Office of Workforce Excellence in DILHR (DILJD effective July 1, 1996) to the Division of Workforce Excellence, expands the duties of that division and permits the secretary of industry, labor and human relations (secretary of industry, labor and job development effective July 1, 1996) to issue a waiver of any limitation on the use of state employment and education funds if the waiver will promote the coordination of employment and education services.

Act 215 (SB-373) makes various changes in the prevailing wage and hours of labor law under which an employe performing certain work on a state or local public works project must be paid the prevailing wage and overtime pay for hours worked in excess of the prevailing hours of labor for the employe's trade or occupation. The act:

1. Changes the method by which DILHR (DILJD effective July 1, 1996) determines the prevailing wage when there is no rate at which a majority of the hours worked in an area at a trade or occupation is paid. In that case, the prevailing wage is the average hourly wage, plus benefits, weighted by the number of hours worked, paid for the highest-paid 51% of hours worked at the trade or occupation in the area. Under previous law, if there was no rate at which the majority of employes in a trade or occupation were paid, the prevailing wage was the rate paid to the largest number of employes in the trade or occupation.

2. Changes the prevailing hours of labor from no more than eight hours per day and 40 hours per week to no more than 10 hours per day and 40 hours per week and specifies that overtime pay must be paid for any hours worked on a Saturday or Sunday or on certain holidays (see *Act 216*).

3. Permits DILHR, if the wage data in the county in which a project is located is insufficient for determining the prevailing wages and hours in an area, to consider data from contiguous counties and, if still insufficient, counties contiguous to those counties and ultimately the entire state.

4. Requires DILHR to determine, through an annual survey of each area of the state, the prevailing wages and hours for local public works projects and state building projects, rather than make those determinations project-by-project. Under previous law, DILHR was required to conduct an annual survey only for state highway projects.

5. Requires DILHR, rather than local governmental units, to determine prevailing wages and hours for local street projects.

6. Permits a local governmental unit or state agency to request DILHR to review a determination if the determination does not reflect the prevailing wages or hours in the city, town or village in which the project is located.

7. Raises the estimated cost of project completion for coverage of a project under the prevailing wage and hour law from \$3,500 to \$30,000 for a single-trade project and from \$35,000 to \$150,000 for a multiple-trade project. The act defines a “single-trade project” as a project in which a single trade accounts for 85% or more of the labor cost of the project and a “multiple-trade project” as a project in which no single trade accounts for 85% or more of the labor cost of the project.

8. Clarifies which employees working on a project are covered under the prevailing wage and hours law.

9. Makes certain changes relating to the administration and enforcement of the prevailing wage and hours law, such as requiring that the prevailing wages and hours be physically incorporated into all contracts and subcontracts for a project, except minor subcontracts; that DILHR, on request, inspect the payroll records of a contractor to ensure compliance with the law and charge the requester for the actual cost of the inspection if the contractor is found to be in compliance; and that contractors, subcontractors and agents file affidavits of compliance with the prevailing wage and hours law before they may receive final payment for work done on a project.

10. Prohibits two specific forms of “kickbacks”, that is, the practice of inducing employees to return part of the wages to which they are entitled under the prevailing wage law. The act prohibits reducing the hourly pay of an employee for work performed on a nonpublic works project during a week in which the employee also performs work on a public works project. The act also prohibits inducing an employee to permit part of his or her wages to be deducted and deposited with a labor organization for the purpose of subsidizing bids on other projects

(“targeting”), unless the deduction would be permitted under the federal Copeland Act for an employe working on a federal project.

11. Standardizes the penalties for noncompliance with the prevailing wage and hours law.

Environment

Act 27 (AB-150) changes the laws related to the Public Intervenor (see *State Government – Reorganization*). The act:

1. Eliminates the Public Intervenor’s authority to commence and intervene in court proceedings, including proceedings for review of administrative determinations.
2. Transfers the office from DOJ to DNR.
3. Replaces the advisory committee, comprised of nine members appointed by the attorney general, with a Public Intervenor Board attached to DNR, comprised of eight members (two appointed by the governor alone, four appointed by legislative leadership, and two appointed by the governor with the advice and consent of the Senate.).
4. Requires approval of the Public Intervenor Board to commence or intervene in administrative proceedings.

Health and Social Services

Act 92 (AB-244) changes the funding obligations of counties to provide protective placements or protective services and to provide for the program needs of protectively placed persons or persons suffering from mental illness, developmental disabilities or alcohol and other drug abuse. The act limits a county’s funding obligation to those programs, services and resources that the county board of supervisors is reasonably able to provide within the limits of available state and federal funds and of county funds that are required to be appropriated to match state funds. The act also applies the limitations of this required funding to the right of patients to the least restrictive conditions necessary to achieve the purposes of mental health admission or commitment, or protective placement, and to their right to receive prompt and adequate treatment, rehabilitation and educational services appropriate for their conditions. The act expands factors that must be considered in making protective placements to include: the reasonableness of the placement, given the cost and actual benefits in the level of functioning to be realized by the person being placed; the number of persons who will need protective placement; and the limits of available state and federal funds and county funds required to be appropriated to match state funds. Lastly, the act eliminates a requirement that the appropriate county board be charged for the cost of care and custody resulting from a person’s protective placement.

Act 289 (AB-591) makes numerous changes to the laws related to public assistance, medical assistance and low income and at-risk child care. The act:

1. Eliminates cash entitlements under the AFDC program and certain health care entitlements under the Medical Assistance (MA) program, pending federal approval, and replaces

them with a program entitled Wisconsin Works (W-2), beginning not earlier than July 1, 1996, and not later than September 30, 1997.

2. Replaces cash entitlement under AFDC with a three-component subsidized job program that consists of the following:

a. Trial jobs, under which a participant receives an hourly wage for every hour actually worked, payable by the participant's employer. The employer receives a subsidy of up to \$300 per month for each participant.

b. Community service jobs, under which a participant may be required to work in a wholly subsidized job for not more than 30 hours per week and to engage in an educational program for not more than 10 hours per week. The participant receives a monthly grant of \$555, which may be reduced by \$4.25 for each hour that the participant fails to participate in the job or educational program.

c. Transitional placements, under which a participant who is incapacitated or otherwise unable to perform a trial job or community service job may be required to participate in work or other activities for not more than 28 hours per week and to engage in certain educational programs for not more than 12 hours per week. The participant receives a monthly grant of \$518, which may be reduced by \$4.25 for each hour that the participant fails to participate in the required work or other activities.

3. Imposes a 24-month time limit on participation in any one job component and a 60-month overall limit on participation. These limits may be extended on a case-by-case basis by a Wisconsin Works agency or DILJD. Participation after July 1, 1996, in the Job Opportunities and Basic Skills (JOBS) program, a work program for AFDC recipients, counts toward the 60-month limit.

4. Provides for a monthly grant of \$555, with certain limitations, for a participant who meets specified financial and nonfinancial criteria, and who is a custodial parent of a child who is 12 weeks old or younger.

5. Provides for a job access loan to enable a participant to address an immediate and discrete financial crisis that is not the result of the participant's failure to accept a bona fide job offer or of the participant's termination of a job without good cause. The participant must need the loan to obtain or continue employment or to repair a vehicle that is needed to obtain or continue employment.

6. Creates an employment skills advancement program. Under the program, certain low-income working parents may receive up to \$500 of educational assistance. To receive a grant, a parent must contribute matching personal funds and matching funds provided by community sources.

7. Modifies the low-income and at-risk child care programs by:

a. Eliminating child care subsidies for participation in training or educational programs (except by recipients under age 20 to complete a high school education) and limiting eligibility for the subsidies to parents with an income of no more than 165% of the federal poverty level

(FPL). Previous law limited the subsidy to parents with an income of no more than 75% of the state median income, which is equal to approximately 220% of the FPL.

b. Requiring all subsidy recipients to pay a percentage of the cost of child care. Previous law had required contribution only from those recipients whose incomes were at or above 50% of the state median income.

c. Creating a new certification level for child care providers, termed “Level II certified family day care”, for which no training may be required. Previously, DHSS was permitted to require training for all certified child care providers.

d. Extending criminal background investigations to certified and state-licensed day care providers and before and after school day care providers under contract with a school board.

8. Creates a W-2 health plan that replaces MA for AFDC-related cases and healthy start groups (pregnant women and children under age six). The act offers health care coverage to certain individuals whose family income is equal to or less than 165% of the FPL and who meet certain other criteria. The act provides that no individual is eligible for the plan if he or she has access to employer-subsidized health care coverage, defined as coverage offered by an employer for which the employer pays at least 50% of the cost of the coverage for the individual, including dependent coverage. The individual is also ineligible, under certain circumstances, if the individual had access to employer-subsidized health care coverage within the 18 months immediately preceding application for the plan. Pregnant women and children up to age six in families with incomes up to 165% of the FPL and children between the ages of six and twelve in families with incomes up to 100% of the FPL are exempt from the ineligibility provisions relating to access to employer-subsidized health care coverage. The act requires individuals who are enrolled in the plan to pay a monthly premium determined by DHFS.

9. Requires DHSS (DILJD effective July 1, 1996) to seek a federal waiver to allow the state to require all able individuals aged 18 to 60 who request food stamps and who are ineligible for a W-2 employment position to participate in the Food Stamp Employment and Training Program, except caretakers of a child under 12 weeks old and individuals who are enrolled at least half time in a recognized school, training program or institution of higher education. The act also permits DILJD, to the extent permitted by federal law or waiver, to distribute food stamps on a “pay-for-performance” basis, that is, to deduct from an individual’s food stamp grant an amount equal to the minimum wage multiplied by the number of hours that the individual failed to participate without good cause.

10. Modifies the JOBS program to:

a. Allow postsecondary and vocational skills training as a method of satisfying the JOBS participation requirement only for those persons already enrolled in postsecondary or vocational skills training as of December 1, 1995. The provision does not apply after June 30, 1997.

b. Require DHSS (DILJD effective July 1, 1996) to seek a federal waiver to allow the state to require that a primary caretaker of a child who is at least 12 weeks old participate in JOBS. Currently, a primary caretaker of a child under one year old may not be required to participate in JOBS.

c. Require participation in a work supplementation program, a subsidized job provided as an alternative to aid.

d. Require DHSS (DILJD effective July 1, 1996) to seek a federal waiver to allow the state to require not more than 40 hours of participation per week in a Community Work Experience Program (CWEP), (a work experience and training program for aid recipients who are not otherwise able to obtain employment) for not more than six months in a 12-month period. Currently, the state may require not more than 32 hours of work per week for not more than 16 weeks in a 12-month period.

11. Requires DILJD to make kinship care payments to a relative of a child who is providing care for the child if certain conditions are met. The act also requires each county to review all relatives receiving income maintenance payments under the AFDC program to determine if relatives are eligible to receive kinship care payments or foster care payments, and to end all income maintenance payments to relatives by July 1, 1997.

12. Authorizes DILJD to use the name “Department of Workforce Development” (see *State Government – Reorganization*).

Act 292 (SB-270) establishes a new standard for mental illness, which does not require a finding of dangerousness, for the purpose of emergency detention or involuntary civil commitment. The standard is effective for the period after November 30, 1996, and before December 1, 2001. Under the standard, after the advantages and disadvantages of and alternatives to accepting a particular medication or treatment have been explained to an individual, he or she must be unable, because of mental illness, to express an understanding of those advantages, disadvantages and alternatives or to apply to his or her mental illness an understanding of the advantages, disadvantages and alternatives in order to make an informed choice as to acceptance or refusal. Also, the individual must show a substantial probability of needing care or treatment to prevent further disability or deterioration and a substantial probability that, if left untreated, he or she will lack services necessary for health or safety and suffer severe harm that will result in the loss of his or her ability to function independently in the community or in the loss of cognitive or volitional control over his or her actions. Unless a court of competent jurisdiction in this state finds that the new standard for emergency detention is constitutional, each emergency detention and involuntary commitment under this standard must be reviewed by the attorney general or his or her designee before the detention takes place or within 12 hours after it. If the attorney general disapproves, the detention may not take place or, if detained under this standard, the individual must be released.

The act limits to 30 days the inpatient treatment of persons who are involuntarily committed under the new standard but authorizes an additional 30 days inpatient treatment if the person is subsequently treated on an outpatient basis and violates a condition of treatment. Under the act, both a finding by the court that there is probable cause to believe an individual meets the standard and the same finding at the final hearing for commitment constitute a finding that the individual is incompetent to refuse medication or treatment.

Act 309 (AB-441) modifies and significantly expands preexisting informed consent requirements that must be met prior to the performance or inducement of an abortion, requires

compliance with the requirements at least 24 hours before the performance or inducement of the abortion, and applies the requirements to abortions for both minors and adults. Under the act, unless a medical emergency (as defined in the act) exists, a physician must, at least 24 hours before the abortion is performed or induced, in person orally inform the woman for whom the abortion is to be performed and, if the woman is a minor, the individual who is also giving consent for the abortion for the minor, of the following, in addition to the requirements of preexisting law:

1. The probable anatomical and physiological characteristics of the unborn child at the time that the information is given.
2. The details of the medical or surgical method that will be used in performing or inducing the abortion.
3. The availability of fetal ultrasound imaging and auscultation of fetal heart tone services and how they may be obtained.
4. That if, in the reasonable medical judgment of the physician, the woman's unborn child has reached viability, the physician is required to take all steps necessary to preserve and maintain the life and health of the child.
5. Any other information that a reasonable patient would consider material and relevant to a decision of whether to carry a child to birth or to undergo an abortion.
6. That the woman may withdraw her consent to have an abortion at any time before the abortion is performed or induced.
7. That the woman is not required to pay for performance or inducement of the abortion until at least 24 hours have elapsed.

The act deletes preexisting requirements that information be provided on the availability of services to assist a minor in seeking consent for an abortion or in petitioning a court for a waiver of the requirement for parental consent. The act also modifies the requirement for information on the medical risks associated with the particular abortion procedure to be used to require inclusion of information on infection, psychological trauma, hemorrhage, endometriosis, perforated uterus, incomplete abortion, failed abortion, danger to subsequent pregnancies, and infertility.

The act requires the physician who is to perform or induce the abortion or a qualified person assisting the person (who is required, under the act, to be a physician assistant, certified social worker or licensed registered nurse), at least 24 hours before the abortion is performed or induced, to orally inform the woman in person and, if the woman is a minor, the individual who is also giving consent for the abortion for the minor, of the following:

1. That benefits for prenatal care, childbirth and neonatal care may be available under the Medical Assistance program.
2. That the father of the unborn child must assist in the support of the child, if born.
3. That the woman has a legal right to continue her pregnancy and keep the child, place the child in foster care or with a relative for adoption, place the child in foster care or petition the court for placement of the child for adoption in the home of a nonrelative.

4. That the woman has the right to receive and review certain printed materials provided by the state, free of charge, that describes the unborn child and lists agencies that offer alternatives to abortion. The physician or qualified person must physically give current materials to the woman.

5. If the woman has received a diagnosis of disability for her unborn child, that the printed materials contain information on community-based services and financial assistance programs for children with disabilities and their families, support groups and adoption of children with special needs.

6. If the woman asserts that her pregnancy is the result of sexual assault or incest, that the printed materials contain information on counseling services, support groups and legal protections.

The act requires that the information be provided in an individual setting that meets certain requirements, after which the woman and, if the woman is a minor, the individual who is giving consent for the abortion of the minor, must certify in writing that the required or requested information has been provided in the required setting and that any questions have been answered. The certification must be placed in the woman's medical record prior to performance or inducement of the abortion. Satisfaction of all these requirements creates a rebuttable presumption that the woman's consent is informed.

The 24-hour period for provision of the information may, under the act, be waived if the woman alleges that the pregnancy is the result of a violation of one of certain crimes of sexual assault, states that a report alleging the sexual assault has been made to law enforcement authorities, and the provider of the informed consent information has confirmed with law enforcement authorities that a report has been made and has placed a notation to this effect in the woman's medical record. The 24-hour period may, under the act, be reduced to two hours if the woman alleges that the pregnancy is the result of a violation of the crime of incest with a child and if requirements concerning the making and confirming of a report are complied with.

The act requires that DHSS (DHFS effective July 1, 1996) publish certain printed materials in English, Spanish and certain other languages; distribute the materials, for a fee, to county departments of social services and human services; and upon request, annually review the materials for accuracy and exercise reasonable diligence in providing materials that are current. Under the act, physicians who reasonably believe they may have a patient for whom the materials are required must request a reasonably adequate number of the materials from DHSS or a county department. DHSS also is authorized to maintain a 24-hour toll-free telephone service to provide a listing of available agencies in the localities of the callers, a description of the services that the agencies offer and the manner in which they may be contacted. Lastly, the act expands the types of information required to be reported to DHSS concerning induced abortion to include, for a minor, whether consent for the minor's abortion was obtained and, if so, the relationship to the minor of the individual who provided consent or if not, on what basis the abortion was performed.

Insurance

Act 21 (SB-6) allows insurers who issue motor vehicle insurance policies to preclude an insured, when making a coverage claim, from adding the limits for the same type of coverage under one or more policies to arrive at a new limit of coverage that is the sum of the limits, a practice known as “stacking”. Before the act, limits were most usually “stacked” for uninsured or underinsured motorist coverage. The act also allows a motor vehicle insurance policy to provide that coverage under the policy does not apply to a loss resulting from the use of a motor vehicle that is owned by the named insured or a spouse or other relative who lives in the same household as the named insured and that is not described in the policy. Such a provision is known as a “drive-other-car exclusion”. In addition, the act also requires motor vehicle insurers to notify their insureds who do not have underinsured motorist coverage about the availability of such coverage.

Act 289 (AB-591) imposes a number of requirements on insurers with respect to group health insurance, including requirements related to limiting or waiving preexisting condition exclusion or limitation periods, offering coverage to all eligible employees in a group, providing coverage to certain employees who previously waived coverage, and terminating and renewing health insurance contracts. The act also prohibits insurers from considering pregnancy as a preexisting condition (see *Health and Social Services*).

Act 453 (AB-545) provides that an employer may establish a medical savings account for an employee who chooses a high-deductible health insurance plan and permits a self-employed person who purchases a high-deductible health insurance plan to establish a medical savings account for himself or herself, using the difference between the premium for the high-deductible health insurance plan and the premium for a more expensive health insurance plan. The medical savings account may be used only for the cost of medical care, long-term care or long-term care insurance (see *SUMMARY OF PROPOSALS, Taxation*).

Local Law

Act 56 (September 1995 Spec. Sess. AB-1) creates a professional baseball park district in Milwaukee County and in all counties that are contiguous to Milwaukee County (Ozaukee, Racine, Washington and Waukesha Counties). The district is governed by a board consisting of seven appointees of the chief executive officers of specified local governmental units and six appointees of the governor. The district may acquire, construct, maintain, improve, operate and manage baseball park facilities, and may impose a sales tax and a use tax, each at a rate of no more than 0.1%. The district may also issue bonds for certain purposes that are related to baseball park facilities. If certain conditions are met, bonds, in an amount which generally may not exceed \$160 million, may be backed by a state moral obligation. Subject to certain conditions, the act authorizes WHEDA to issue bonds and notes, backed by a state moral obligation pledge, in an amount not to exceed \$50 million to finance the construction of baseball park facilities. Such bonds and notes issued by WHEDA are not general obligations of WHEDA, and a loan financed by these bonds and notes may not be made to a professional baseball

team unless the team pledges adequate collateral. Upon request of the district, the act also permits DOA to provide any services to the district (see *Act 216*).

Natural Resources

Act 27 (AB-150) provides that the secretary of natural resources is no longer appointed by the Natural Resources Board, but is instead nominated by the governor and appointed by the governor with the advice and consent of the senate (see *State Government - Reorganization*).

State Government

REORGANIZATION

Act 27 (AB-150) makes a number of changes in the organization and functions of various state agencies.

Department of Administration

The act changes the name of the Public Records and Forms Board to the Public Records Board and transfers most forms functions from that board to DOA; creates a Division of Technology Management in DOA; transfers administration of the Low-Income Energy Assistance Program from DHSS (DHFS effective July 1, 1996) to DOA; abolishes the Sentencing Commission; and abolishes the Privacy Council and the position of the Privacy Advocate.

Department of Agriculture, Trade and Consumer Protection

The act provides that the secretary of agriculture, trade and consumer protection is nominated by the governor and appointed with the advice and consent of the senate. Previously, the secretary was appointed by the Board of Agriculture, Trade and Consumer Protection. The act also transfers consumer protection functions, including the enforcement of consumer protection laws, from DOJ to DATCP.

Department of Commerce (see Department of Development)

Department of Corrections

The act transfers responsibility for administering juvenile correctional services from DHSS to DOC.

Department of Development

The act transfers responsibility for administering and enforcing state laws regulating safety and buildings from DILHR (DILJD effective July 1, 1996) to DOD; transfers to DOD some of the responsibilities of DNR relating to leaks from underground tanks storing petroleum, as well as the Petroleum Storage Remedial Action Program responsibilities currently performed by DILHR; transfers to DOD the responsibilities of DATCP and DILHR relating to the platting of subdivisions, as well as certain municipal boundary review functions currently performed by DOA; on July 1, 1997, transfers to DOD from the UW System the Recycling Market Development Board, which was transferred under the act to the UW System from DOA; and changes the name of DOD to the Department of Commerce.

Department of Education (see Department of Public Instruction)

Employment Relations Commission

The act abolishes the Council on Municipal Collective Bargaining, which was attached to the Employment Relations Commission.

Department of Financial Institutions

The act creates a Department of Financial Institutions (DFI); reorganizes the Office of the Commissioner of Banking, the Office of the Commissioner of Savings and Loan, the Office of the Commissioner of Credit Unions and the Office of the Commissioner of Securities as divisions attached to DFI; transfers the regulation of mortgage banking from DORL to DFI; and transfers responsibility for business organization filings, Uniform Commercial Code (UCC) filings and the statewide UCC information system from the Office of the Secretary of State to DFI.

Gaming Commission

The act eliminates the Gaming Commission; creates a Gaming Board to oversee pari-mutuel racing, charitable gaming, crane games and Indian gaming; transfers administration of the state lottery from the Gaming Commission to DOR; and creates a Lottery Division in DOR.

Governor

The act creates a Governor’s Council on Workforce Excellence and consolidates in that council oversight over the planning, coordination, administration and implementation of various state and federal employment and education programs currently administered by DILHR, DHSS, the Technical College System, DPI, DOD, DOR, DVA and DOA.

Department of Health and Family Services (see *Department of Health and Social Services*).

Department of Health and Social Services

The act eliminates the Cost Containment Commission, which reviewed and approved certain proposed capital expenditures for hospitals, and the Cost Containment Council, which advised the commission. In addition, the act changes the name of DHSS to the Department of Health and Family Services.

Department of Industry, Labor and Human Relations

The act transfers from DHSS to DILHR supervision over the administration of the Aid to Families with Dependent Children (AFDC) program, the Job Opportunities and Basic Skills (JOBS) program, and the Learnfare, Work-Not-Welfare and Parental Responsibility pilot programs; transfers from DHSS to DILHR administration of the food stamp program, the employment and training program for food stamp recipients, the Children-First program and the program for payment of funeral expenses for recipients of certain public assistance programs; transfers from DHSS to DILHR supervision of income maintenance administration by county departments of social or human services; transfers the Division of Vocational Rehabilitation from DHSS to DILHR; transfers the Wisconsin Conservation Corps Board from DOA to DILHR; and changes the name of DILHR to the Department of Industry, Labor and Job Development.

Department of Industry, Labor and Job Development (see *Department of Industry, Labor and Human Relations*).

Judicial Council

The act abolishes the executive secretary and clerical support for the Judicial Council and requires the Judicial Commission to provide staff services to the Judicial Council.

Department of Natural Resources

The act provides for nomination of the secretary of natural resources by the governor and appointment with the advice and consent of the senate. Previously the secretary was appointed by the Natural Resources Board. The act also transfers the Public Intervenor from DOJ to DNR; eliminates the authority of the Public Intervenor to commence and intervene in court proceedings; and replaces the Public Intervenor Advisory Committee, which was appointed by the attorney general, with a supervisory board appointed by the governor and legislative leaders.

Department of Public Instruction

The act restructures the governance of public instruction by changing the name of DPI to the Department of Education (DOE); creating an 11-member Education Commission to function as the policy-making unit for DOE; vesting in a secretary of education the administrative powers and duties of DOE; assigning all powers and duties of the State Superintendent of Public Instruction to the Secretary of Education or DOE; establishing a separate Office of the State Superintendent, attached to DOE; and directing the State Superintendent to visit the public schools, stimulate public interest in the public schools, and advocate for the needs of children and school districts. The act also eliminates the Higher Educational Aids Board and transfers its responsibilities to DOE, and eliminates the Educational Approval Board, which was attached to the Technical College System Board, and transfers its responsibilities to DOE.

On March 29, 1996, the Wisconsin Supreme Court held that the creation of DOE and the transfer of the powers and duties of the State Superintendent of Public Instruction to the Secretary of Education or DOE were unconstitutional and therefore void. *Thompson v. Craney*, 199 Wis. 2d 674, 546 N.W. 2d 123 (1996).

Public Service Commission

The act abolishes the Radioactive Waste Review Board, the Radioactive Waste Policy Council and the Radioactive Waste Technical Council, all in the UW System, and transfers the responsibilities of the Radioactive Waste Review Board to PSC. The councils advised the Radioactive Waste Review Board on issues related to the disposal of high-level radioactive waste.

Department of Revenue

The act transfers from DILHR to DOR the responsibility for collecting the petroleum inspection fee.

Department of Tourism

The act creates a Department of Tourism; transfers to the Department of Tourism from DOD the Division of Tourism; transfers to the Department of Tourism from DOA the Arts Board; transfers to the Department of Tourism the formerly independent State Fair Park Board; transfers to the Department of Tourism from DNR the Lower Wisconsin State Riverway Board; and transfers to the Department of Tourism from DOA the Kickapoo Valley Governing

Board and to the Department of Tourism from DNR responsibility for police supervision over the Kickapoo Valley Reserve.

University of Wisconsin System

The act creates a UW Hospitals and Clinics Authority and transfers control, management and operation of the UW Hospitals and Clinics from the Board of Regents of the UW System to the UW Hospitals and Clinics Authority; creates a UW Hospitals and Clinics Board to provide certain contractual services to the UW Hospitals and Clinics Authority; and transfers the Recycling Market Development Board from DOA to the UW System until July 1, 1997, when the board is transferred to DOD.

Other councils, boards and commissions

The act requires that each of 144 specified councils, commissions, boards and offices in the executive branch of state government submit to the lieutenant governor a report describing its functions and the justification, if any, for continuation of these functions; directs the lieutenant governor to submit to JCF a single legislative proposal to terminate those bodies which the lieutenant governor determines should be terminated; and directs the lieutenant governor to recommend the transfer to other bodies any functions of the terminated bodies which the lieutenant governor determines should be retained.

Act 289 (AB-591) authorizes DILHR (DILJD effective July 1, 1996) to use the name “Department of Workforce Development” for any official purpose beginning on July 1, 1996, and ending on the day after the 1997-99 biennial budget act is published.

Act 305 (AB-687) transfers the Controlled Substances Board from DHSS (DHFS effective July 1, 1996) to DORL.

Act 404 (AB-1067) transfers from DHSS (DHFS effective July 1, 1996) to DILHR (DILJD effective July 1, 1996) responsibility for administering the state’s child support and child care programs, other than child care licensing.

Act 440 (SB-182) transfers the management of the sex offender registration program from DOJ to DOC.

See other appropriate subject headings for more information about the reorganization changes mentioned under this heading.

STATE FINANCE

Act 27 (AB-150) creates a State Information Technology Investment Fund, which is financed primarily by fees imposed upon most persons who provide materials, supplies, equipment or contractual services to the state. The act permits DOA to make grants from the fund to state agencies for information technology projects that meet certain criteria and specifies detailed procedures for the award of grants by DOA for these projects. The act also permits the Educational Technology Board, created by the act, to make grants from the fund to subsidize a portion of the interest costs incurred by school districts; technical college districts; counties or municipalities; or consortia of two or more school districts, counties or municipalities that obtain state trust fund loans for distance education projects (see *Act 351*).

Transportation

Act 318 (SB-541) authorizes DOT to increase the maximum speed limit applicable to motor vehicles traveling on designated freeways or expressways from 55 miles per hour to 65 miles per hour. The national maximum speed limit of 55 miles per hour applicable on those highways was repealed in December 1996.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Beverages

Assembly Bill 197 would have lowered the legal drinking age from 21 years of age to 19 years of age if doing so would not result in the loss of any federal funds to this state.

Crime and Criminal Procedure

Assembly Bills 298, 352 and 937 and Senate Bill 1 would have provided the possibility of the death penalty in certain homicide cases.

Assembly Joint Resolutions 9, 10 and 84 and Senate Joint Resolution 51 would have provided for an advisory referendum on enactment of the death penalty.

Education

Assembly Bill 347 and Senate Bill 161 would have created interdistrict school choice programs and interdistrict and intradistrict enrollment options programs.

Assembly Bill 400 and Senate Bill 291 would have created procedures under which a new school district could be created out of a portion or portions of the territory of one or more existing school districts.

Assembly Bill 824 would have specifically authorized a school board to adopt a policy that requires pupils to wear a uniform in school.

Senate Bill 564 would have required each private school participating in the Milwaukee parental choice program to meet additional requirements.

Employment

Assembly Bill 200 would have conformed the Wisconsin family and medical leave law to the federal Family and Medical Leave Act.

Assembly Bill 542 would have permitted, and under certain circumstances required, municipalities to enact convenience store security ordinances.

Gambling

Assembly Bill 774 would have permitted and regulated the play and possession of video amusement devices (including video poker machines).

Health and Social Services

Assembly Bill 1076 would have transferred from cities, villages and towns to local health departments, acting as agents of DHFS, the authority to license cigarette and tobacco products

retailers and to regulate cigarette sales and gifting to and purchase and possession by minors, and would have authorized random, unannounced investigations of retailers.

Insurance

Assembly Bill 573 would have required health insurers to cover inpatient hospital services for a mother and child for a specified period of time after the birth of the child, plus specified home care visits and postnatal follow-up care contacts after the mother and child were no longer hospital inpatients.

Local Law

Assembly Bill 516 would have allowed cities, villages, towns and counties to enact ordinances regulating the sale and free distribution of cigarettes to minors that were stricter than state law.

Senate Bill 614 and Assembly Bill 1065 would have subjected the Milwaukee Metropolitan Sewerage District (MMSD) to regulation and supervision by the PSC in much the same manner that other public utilities are subject to PSC regulation and supervision. The act also would have authorized the MMSD Commission to sell or lease any or all MMSD assets and facilities, subject to certain conditions, including PSC review and approval.

Taxation

Assembly Bill 402 would have imposed on motor vehicle fuel suppliers a franchise fee at the rate of 3.5% of the average retail price of that fuel.

SUMMARY OF PROPOSALS ENACTED BY THE 1995 LEGISLATURE

Agriculture

Act 4 (AB-39) allows sellers of fertilizer and commercial animal feed to indicate the amount of fees paid to DATCP on invoices for fertilizer and commercial animal feed.

Act 5 (AB-56) repeals the expiration date of December 31, 1994, for the Agricultural Production Loan Guarantee Program (commonly known as 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; authorizes the guarantee of a loan under the program on the basis of different criteria in emergency situations; conditions upon certain factors the interest reduction payments made by WHEDA on loans guaranteed under the program; and requires reserve funding in the Wisconsin development reserve fund, from which loans are guaranteed, to be maintained at a certain level.

Act 9 (AB-124) eliminates the requirement that livestock market operators and livestock dealers apply marks to calves that they sell.

Act 27 (AB-150) makes various changes in the laws related to agriculture. The act:

1. Changes the manner of appointing the secretary of agriculture, trade and consumer protection (see *HIGHLIGHTS*).

2. Terminates the program that provides grants for sustainable agriculture projects, unless DATCP identifies a source of funding for the program that is approved by the legislative committees with jurisdiction over agricultural issues.

3. Transfers most of DATCP's functions related to the review of subdivision plats to the Department of Commerce (see *HIGHLIGHTS, State Government - Reorganization*).

4. Changes the dairy trade regulation fee, paid by dairy product manufacturers and processors, from a fee based on butterfat content to a fee based on the weight of products sold.

5. Decreases the fees paid by certain persons who sell nursery stock.

6. Attaches the State Fair Park Board to the Department of Tourism, created by the act, and makes various other changes related to the State Fair Park Board (see *HIGHLIGHTS, State Government - Reorganization*).

Act 41 (AB-60) authorizes the owners of adjacent properties, at least one of which is used for farming or grazing, to agree to use markers along the boundaries of their properties instead of fences. The act also allows high tensile wire to be used in legal fences.

Act 42 (AB-230) makes numerous changes in the laws regulating grain dealers and grain warehouse keepers. Among other changes, the act strengthens the financial standards applicable to grain dealers and applies those standards to more grain dealers. If a grain dealer fails to meet the financial standards, the grain dealer must file security with DATCP for the benefit of those who grow grain.

Act 79 (SB-356) requires a person who keeps farm-raised deer, which includes most types of deer other than white tail deer, to register with DATCP. The act also specifies requirements

for fences used to enclose farm-raised deer (see *Natural Resources – Fish and Game and Endangered Resources*).

Act 95 (AB-303) exempts a registered auctioneer who sells livestock from the requirement to obtain a livestock dealer license if the auctioneer conducts a sale that meets requirements specified in the act. The act also exempts a person who operates an auction sponsored by a livestock breeder association or a youth agricultural organization from the requirement to obtain a livestock market license.

Act 102 (SB-210) eliminates the prohibition on establishing a rendering or animal processing plant within one-eighth mile of a public highway.

Act 148 (AB-251) specifies that construction of a fence does not relieve a landowner who keeps horses, sheep or goats from liability for damage committed by those animals on adjoining enclosed land.

Act 149 (AB-546) changes the law related to lawsuits in which agricultural activities are alleged to be nuisances. A nuisance is, generally, an activity that unreasonably interferes with the use of another person's property. Under the act, an agricultural activity may not be found to be a nuisance if it is conducted on land that was in any agricultural use before the person bringing the lawsuit began the use of his or her property that is interfered with by the agricultural activity, unless the agricultural activity presents a substantial threat to public health or safety. The act specifies that if a court finds an agricultural activity to be a nuisance, the court may not substantially restrict or regulate the agricultural activity unless the agricultural activity is a substantial threat to public health or safety. The act also requires a court to award litigation expenses, including attorney fees, in a lawsuit in which an agricultural activity is alleged to be a nuisance if the agricultural activity is not found to be a nuisance.

Act 150 (AB-556) creates a Farm Assets Reinvestment Management Loan Guarantee Program (FARM), to be administered by WHEDA, to guarantee loans to farmers for the acquisition for agricultural purposes of agricultural assets, such as machinery, land and livestock, or for the cost of improvements made for agricultural purposes to facilities or land.

Act 155 (AB-22) authorizes a person to sell or move cattle without brucellosis testing unless the U.S. Department of Agriculture determines that this state is not brucellosis free or unless DATCP requires testing because of an outbreak of brucellosis. The act also authorizes DATCP to promulgate rules prohibiting the sale or movement of other species of animals without brucellosis testing.

Act 176 (SB-470) makes various minor changes in the laws related to agriculture including changing the date by which certain fees related to soil and plant additives must be paid.

Act 181 (AB-43) increases from \$100 to \$500 the maximum civil penalty that the owner of a dog may generally be required to pay if the dog injures a person, property, domestic animal, deer or game bird. The act increases the maximum civil penalty from \$500 to \$1,000 if the owner knew that the dog had previously caused injury.

Act 210 (AB-652) requires that a written contract under which farm animals owned by one party are possessed by the other party for breeding, feeding or the production of animal prod-

ucts specify how any payments received because of the destruction of the livestock due to disease or other unanticipated cause will be divided between the parties.

Act 307 (SB-466) prohibits a person from bringing a honeybee, beehive or used beekeeping equipment into this state without reporting it to DATCP. The report replaces a permit requirement.

Act 316 (SB-320) changes the law related to dog damage claims paid by counties to persons whose animals are injured by dogs. The act adds elk and other deer raised in captivity, llama and alpaca to the kinds of animals for which dog damage claims are paid. The act also authorizes a county to establish maximum amounts that it will pay for dog damage claims and to establish different maximums for different kinds of animals.

Act 450 (AB-483) changes the laws related to compensating owners of animals that DATCP orders to be destroyed because of infectious diseases. Under the act, the indemnity payment for any disease except pseudorabies equals two-thirds of the difference between the value of the animal and any amount received from selling the carcass, but not more than \$1,500 per animal. The indemnity for pseudorabies equals the value of the animal less any amount received from selling the carcass, but not more than \$1,500 per animal. The act establishes methods for determining the value of a condemned animal if DATCP and the owner do not agree on the value. The methods generally are based on the average price paid at public auction for a commercial-grade animal of the same type. The act also authorizes DATCP to test swine and commercially raised deer for brucellosis, and to order the destruction of animals that react to the test.

Act 460 (AB-630) makes numerous changes in the Fruit and Vegetable Producer Security Program, under which this state formerly regulated persons who buy fruit or vegetables from growers for use in food processing. The act ends the regulation of persons who buy fruit for use in food processing. The act strengthens the financial standards applicable to persons who buy vegetables for use in food processing. If a person fails to meet the financial standards, the person must file security with DATCP for the benefit of the vegetable growers. In addition, the act also imposes new requirements relating to financial statements that must be filed by persons who buy vegetables for use in food processing.

Beverages

Act 23 (SB-218) requires certain municipalities to issue a 60-day provisional alcohol beverage retail license to any person who has applied for an alcohol beverage retail license. The act also eliminates the requirement that certain agents of a corporation or limited liability company complete a responsible alcohol beverage server training course.

Act 27 (AB-150) conditions a permit to sell alcohol beverages on obtaining a business tax registration certificate from DOR.

Act 282 (AB-928) allows municipalities to issue temporary licenses for the sale of beer for consumption on or off the premises where it is sold to public facilities already covered by an intoxicating liquor retail permit issued by DOR.

Act 320 (SB-551) allows brewers and alcohol beverage wholesalers to furnish free taste samples of alcohol beverages to individuals attending trade shows and other business meetings of certain trade associations of alcohol beverage retailers.

Act 334 (SB-311) allows unaccompanied individuals under the legal drinking age to enter, and remain for any lawful purpose, indoor golf simulator facilities and volleyball courts where alcohol beverages are sold and consumed.

Buildings and Safety

Act 27 (AB-150) transfers responsibility for administrating the laws related to buildings and safety from DILHR to the Department of Commerce (see *HIGHLIGHTS, State Government – Reorganization*).

Act 285 (AB-580) prohibits DILHR (DILJD effective July 1, 1996) from promulgating a rule requiring the provision of unisex toilet rooms in any building.

Act 286 (SB-553) extends the term of a plumbing apprenticeship from four years to five years.

Act 330 (SB-76) makes various changes in the law regulating fireworks. The act:

1. Revises the descriptions of various fireworks that are excluded from regulation.
2. Modifies restrictions on the sale of fireworks for shipment or delivery out-of-state.
3. Specifies that only those fireworks that are the subject of a violation of state or local law may be destroyed and that fireworks that are seized as evidence of a violation for which no conviction results must be returned to the owner in the same condition as they were when seized.

Act 362 (AB-510) requires DILHR (DILJD effective July 1, 1996) to promulgate rules prescribing minimum installation standards for pier installation of new manufactured homes.

Business and Consumer Law

BUSINESS ASSOCIATIONS

Act 27 (AB-150) does the following:

1. Authorizes the secretary of state to charge an additional fee for providing information on UCC filings on an expedited basis.
2. Changes initial filing fees for domestic limited liability companies (LLCs) and requires foreign LLCs to file annual reports with the Office of the Secretary of State. The act also creates a procedure for administrative revocation of certificates of registration permitting foreign LLCs not organized under the laws of this state to do business in this state.
3. Authorizes the secretary of state to serve notice by publication in the official state newspaper on corporations in certain cases involving the administrative dissolution of a corporation organized under the laws of this state or the revocation of any other corporation's certificate of authority to conduct business in this state.

Act 97 (AB-498) creates a new type of business association in Wisconsin, called a limited liability partnership (LLP). An LLP possesses most of the attributes of a partnership, such as flexible organization and the ability to pass income and losses through to the partners for income tax purposes. However, unlike a partner in a general partnership, a partner in an LLP is generally not personally liable for a debt, obligation or liability of the partnership, except when this debt, obligation or liability arises from the partner's own negligence or misconduct or from the negligence or misconduct of persons under the partner's actual supervision and control. The act requires domestic and foreign LLPs to file a registration statement and filing fee with the Office of the Secretary of State (with DFI effective July 1, 1996). The act also governs LLP names, registered offices and agents of LLPs, service of process on an LLP, registration of existing partnerships as LLPs, amendment and termination of LLP registration statements and dissolution of LLPs.

Act 271 (SB-529) creates special corporate law provisions for corporations, such as mutual funds, that are registered, or are organized for the purpose of registering, as a management investment company under federal securities laws. Under the act, these corporations may authorize an indefinite number of shares in their articles of incorporation and may make certain changes to their articles of incorporation without shareholder approval.

Act 400 (AB-923) limits the personal liability of a shareholder, director, officer or employee of a service corporation to liability arising from his or her own acts or the acts of a person under his or her actual control; extends certain state tax credits to members of a limited liability company; expands the types of business associations that may obtain a real estate brokers license; and makes a number of other minor substantive and remedial changes to business corporation law and limited liability company law.

CONSUMER LAW

Act 27 (AB-150) provides that the consumer protection functions of DOJ are transferred to DATCP (see *HIGHLIGHTS*).

Act 183 (AB-184) eliminates an exception from the requirement that a person who sells liquid petroleum (LP) gas state the volume of LP gas sold in terms of the volume that the LP gas would occupy at a temperature of 60 degrees Fahrenheit. Formerly, the requirement to make a temperature correction did not apply to sales of less than 100 gallons of LP gas made directly to mobile fuel tanks.

Act 216 (SB-565) transfers responsibility for the administration of the Wisconsin Consumer Act (transferred by Act 27 from the Office of the Commissioner of Banking to the Division of Banking in DFI) to the secretary of financial institutions.

Act 272 (AB-834) allows loan administration fees to be charged for certain consumer loans, up to 2% of the principal of the loans.

Act 319 (AB-428) requires that a person who sells an item and who uses an electronic scanner to record the item's price refund to the buyer any difference between the advertised price and the sale price if the sale price is higher. The act also makes it unlawful to falsely represent the price in the sale or advertising of any item or service.

Act 328 (AB-830) repeals limits on the maximum interest rate, or finance charge, that may be imposed under open-end credit plans, such as credit cards. In addition, unless the attorney general makes certain findings with respect to the interpretation of federal banking law, the act repeals limits on the maximum fees that may be imposed under an open-end credit plan, including fees for making a late or insufficient payment, obtaining a cash advance, exceeding a credit line and paying with a check that is returned because of insufficient funds.

Act 329 (AB-954) regulates motor vehicle consumer leases (see *Transportation – Motor Vehicles*).

Act 382 (AB-989) creates a supplemental forfeiture (civil monetary penalty) for violation of certain consumer fraud and unfair trade practices laws. A court may impose this supplemental forfeiture if the court imposes a fine or forfeiture on a defendant for violating these laws and if the violation was perpetrated against a person who is at least 62 years old or a disabled person.

Act 392 (SB-387) lowers from \$25,000 to \$5,000 the amount of the bond that a contractor must have in force, conditioned on compliance with the one-family and two-family dwelling code, to obtain a building permit to perform work on such a dwelling. The act also provides that if a contractor has in force a bond of less than \$25,000, the contractor must agree not to perform any work which costs more to complete than the amount of the bond. Finally, the act permits an insurer to cancel a contractor's general liability policy for nonpayment of premiums on 10 days' notice, rather than 30 days' notice, served on DILHR (DILJD effective July 1, 1996) by 1st-class, rather than certified, mail.

ECONOMIC DEVELOPMENT AND INVESTMENT

Act 2 (SB-122) designates a development opportunity zone in Eau Claire, in which a corporation conducting economic activity may receive certain tax benefits. Designation of an area as a development opportunity zone remains in effect for three years.

Act 27 (AB-150) makes a number of changes in the laws relating to economic development. The act:

1. Expands the Business Improvement Loan Guarantee Program, which is administered by WHEDA and which guarantees loans made to businesses primarily engaged in furnishing goods, services, lodging or recreation or amusement facilities to tourists for the purpose of upgrading or expanding a business, to include guarantees of loans made for start-up costs if the business will derive more than 50% of its annual revenue from furnishing lodging.

2. Creates a Department of Tourism, and transfers to it the responsibilities of the Division of Tourism in DOD, which include general responsibilities for promoting the state's tourism industry to residents and nonresidents of the state; operating tourist information centers; promoting Wisconsin as a location for film activities; and creating a marketing clearinghouse in the Department of Tourism to provide marketing services to all state agencies (see *HIGHLIGHTS, State Government – Reorganization*).

3. Requires the Department of Tourism to spend at least \$125,000 each fiscal year from its appropriation for tourism marketing to conduct or contract for marketing activities related to sporting events and activities.

4. Changes the name of DOD to the Department of Commerce (see *HIGHLIGHTS, State Government – Reorganization*).

5. Authorizes DOD to make a grant to the private industry council serving Milwaukee County to fund a labor training and employment services program to provide job training and related employment services to laid-off employees of Briggs and Stratton Corporation in Wauwatosa.

6. Authorizes DOD to make a grant to a community-based organization for economic development activity that is unique to or within the region in which the organization is located.

7. Makes changes in DOD's Main Street Program, which provides assistance to municipalities in revitalizing their downtown business areas. These changes relate to the length of time that a municipality may participate in the program and the membership of the Council on Main Street Programs, which recommends municipalities for participation in the program and advises the secretary of development (the secretary of commerce effective July 1, 1996) on the operation of the program.

8. Modifies the early planning grant portion of the Minority Business Grants and Loans Program, administered by DOD, by allowing early planning grants for the expansion, as well as the start-up, of a minority business; by increasing the amount that may be awarded for any one early planning project; and by increasing the percentage of the funds appropriated under DOD's general purpose revenue appropriation for the entire Minority Business Grants and Loans Program that may be used for early planning grants (see *Act 216*).

9. Eliminates the Export Development Loan Program, which was administered by DOD and under which DOD made loans to small businesses for foreign market research and other activities related to exporting. The act also creates a Wisconsin Trade Project Program, under which DOD may reimburse a business for expenses related to participating in a foreign trade show or in a trade event in which businesses and foreign representatives and distributors meet for purposes related to exporting products or services.

10. Expands the Rural Economic Development Program, which is administered by DOD and under which DOD makes grants or loans to businesses in rural areas, by allowing a loan to be made for employee relocation costs, in addition to the working capital and fixed asset financing purposes under preexisting law.

11. Replaces the Hazardous Pollution Prevention Board, a policy-making body, with the Hazardous Pollution Prevention Council, an advisory body. The act also changes the Hazardous Pollution Prevention Program, which is administered by DOD, to a program in which DOD contracts with the UW-Extension Solid Waste Center for the provision of assessment services to businesses and other entities to determine their use of hazardous substances, the cost of using those hazardous substances and options for preventing hazardous pollution. Under

preexisting law, DOD provided grants to businesses and other entities to obtain these assessment services.

12. Authorizes DOD to designate up to 50 areas in the state as enterprise development zones, in which a business conducting economic activity may receive certain tax benefits. The designation may remain in effect for up to seven years; only one business per zone may receive tax benefits; a business may not receive more than \$3,000 in tax benefits; and an enterprise development zone may not be located within the boundaries of a development zone or a development opportunity zone, within which businesses conducting economic activity may also receive tax benefits (see *Taxation*).

13. Changes the Recycling Grants and Loans Program, which is administered by DOD and which provides grants and loans to a new or expanding business for activities related to establishing or expanding a diaper service or producing a product made from postconsumer waste, and renames the program the Technology and Pollution Control and Abatement Grants and Loans Program. Eligible recipients are expanded to include municipalities or other public entities, and eligible uses for the grants and loans are expanded to include activities related to processing industrial waste, controlling or treating industrial waste or air pollution, abating or eliminating air pollution, reducing emissions of volatile organic compounds or complying with federal, state or local air pollution control requirements.

14. Changes the Permit Information Center, which is administered by DOD and which attempts, through various means, to expedite the application and issuing processes for permits issued by any state agency as a condition of operating a business in the state, to the Permit Information and Regulatory Assistance Bureau. The act also makes the bureau responsible for advocating legislative changes to improve and expedite the issuing of permits, and mediation and dispute resolution services for disputes between state agencies issuing, and persons applying for, permits.

Act 116 (AB-583) creates a Job Training Loan Guarantee Program, to be administered by WHEDA and DOD (the Department of Commerce effective July 1, 1996), to guarantee loans made to employers in the state for expenses related to employe training or retraining or for purchasing equipment or upgrading facilities for purposes related to employe training or retraining.

Act 119 (AB-606) authorizes DOD (the Department of Commerce effective July 1, 1996) to make a grant to the private industry council serving Grant County for a labor training and employment services program for employes of FDL Foods, Inc., who are residents of this state and who are affected by the closing of the FDL Foods, Inc., plant in Dubuque, Iowa.

Act 209 (AB-1033) makes various changes in the Development Zone Program of DOD (the Department of Commerce effective July 1, 1996), under which a person conducting economic activity in an area designated as a development zone receives certain tax benefits, including: increasing the number of development zones that DOD may designate; increasing the amount that may be claimed in tax benefits; changing the criteria for designating an area as a development zone; changing the population requirement for areas that may be designated as development zones; allowing a county board of supervisors to nominate an area as a development

zone; increasing the number of separate areas in a first class city that may be designated as one development zone; and eliminating the requirement that the local governing body that nominated an area that is designated by DOD as a development zone appoint an advisory board to assist it in administering the development zone (see *Taxation*).

Act 216 (SB-565) increases the amount allocated under Act 27 that may be spent on grants for the start-up or expansion of minority businesses under the Minority Business Grants and Loans Program of DOD (the Department of Commerce effective July 1, 1996) by limiting the amount that may be spent on the grants to a percentage of the total monies appropriated under three appropriations to DOD related to the Minority Business Grants and Loans Program instead of only under DOD's general purpose revenue appropriation for the Minority Business Grants and Loans Program.

Act 332 (SB-121) extends for two years the authority of WHEFA to issue bonds to finance nonprofit child care centers and eliminates the requirement that the child care centers be located in commercial or industrial parks (see *Act 439*).

Act 439 (SB-540) extends indefinitely, by removing the ending date from, the authority of WHEFA to issue bonds to finance nonprofit child care centers and eliminates the requirement that the child care centers be located in commercial or industrial parks (see *Act 332*; see also *Children*).

SECURITIES

Act 356 (AB-781) repeals the so-called “merit review” provisions in state securities laws. The act eliminates the authority of the office of the commissioner of securities (after July 1, 1996, the Division of Securities in DFI) to suspend or revoke the effectiveness of securities registration statements on the grounds that the sale of securities would be unfair or inequitable to the purchasers, although the act retains that authority with respect to sales of securities which would work a fraud upon the purchasers. The act also expands the scope of broker-dealer, agent and investment adviser licensing requirements, repeals certain securities registration exemptions, and repeals provisions allowing the commissioner of securities to require escrow of certain stock.

Act 364 (AB-782) makes a number of changes to the franchise investment law. The act replaces the current registration system with a system of registration by notification. Registration is effective upon receipt by the Division of Securities in DFI of a notice of registration. The act also repeals the requirement that franchise advertisements be filed with the Division of Securities in DFI.

Act 415 (SB-484) makes a number of remedial changes to state securities law, including broadening exemptions from securities registration requirements to include certain specific types of transactions that are similar to transactions exempt under preexisting law. The act also specifies to whom certain required notices are required to be sent, and modifies certain licensing procedures for broker-dealers, agents and investment advisers.

OTHER BUSINESS AND CONSUMER LAW

Act 216 (SB-565) transfers responsibility for the administration of Uniform Commercial Code statewide lien system (transferred by Act 27 from the Office of the Secretary of State to the Division Of Banking in DFI) to the Secretary of Financial Institutions.

Act 283 (SB-293) provides that an assignment of rents, leases and profits becomes effective against the person making the assignment (the assignor) when the signed assignment is delivered to the person to whom the rents, leases and profits are assigned (the assignee) and provides that they are effective as to all others when the assignment is recorded in the office of the register of deeds. The act also governs the means by which the assignment may be enforced and requires that a person paying assigned rents directly to the assignee be given credit for the payment by the assignor.

Act 284 (SB-379) imposes regulations on the practices of associations that license musical works on behalf of copyright owners when the associations are dealing with owners of retail establishments, restaurants, bars and nightclubs. The regulations include requiring that these licensing associations disclose to the owners lists of the musical works they have licensed and copies of the contracts they use, and requiring that they refrain from using deceptive or coercive practices in their dealings with retail owners.

Act 395 (SB-498) modifies the law governing construction liens. Under preexisting law, if a construction lien is filed by a person other than the prime contractor, the prime contractor must defend, at his or her expense, against any action on the lien; the act limits this requirement so that it does not apply if the lien is the result of the failure of the owner to pay the prime contractor. In addition, the act requires subcontractors and suppliers to meet certain notice requirements in order to maintain an action against a performance bond given by the prime contractor and requires prime contractors in public construction projects to maintain a list, to the extent practicable, of the subcontractors and suppliers performing labor or furnishing materials for the projects.

Act 449 (SB-358) adopts revised Article III of the Uniform Commercial Code, as well as certain conforming revisions to Article IV, in Wisconsin. These revisions were approved and promulgated by the National Conference of Commissioners on Uniform State Laws (NCCUSL) and the American Law Institute (ALI) in 1990. Article III governs “negotiable instruments,” which are unconditional promises or orders to pay fixed amounts of money, such as notes or checks, that meet certain specified criteria. Article IV governs bank deposits and collections. The revisions to Articles III and IV reflect changes in the technology used in check processing, changes in the types of notes commonly issued by banks, and changes in federal law requirements relating to funds availability. The revisions also reflect case law decided since Articles III and IV were originally promulgated by NCCUSL and ALI in 1952.

Children

Act 27 (AB-150) makes various changes relating to children. The act:

1. Lowers the age of adult criminal jurisdiction to 17, transfers the administration of juvenile correctional services to DOC and creates a Serious Juvenile Offender Program (see *HIGHLIGHTS*).

2. Directs DHSS (DHFS effective July 1, 1996) to submit to the governor and the legislature a proposal to transfer the duty and authority of providing child welfare services in Milwaukee County from Milwaukee County to DHFS beginning on January 1, 1998 (see *Act 303*).

3. Permits DHSS to contract with counties or licensed child welfare agencies for the administration of the Adoption Search Program. Under the Adoption Search Program, persons whose birth parents' parental rights have been terminated are assisted in locating those birth parents, obtaining copies of their original birth certificate, and obtaining medical and genetic information, while maintaining the anonymity of the birth parents if desired by the birth parents.

4. Increases the biennial license fees charged to day care centers, child welfare agencies, and group homes, and establishes a biennial license fee for shelter care facilities, which provide nonsecure temporary physical custody for children.

5. Makes various changes relating to child care including allocating federal child care and development block grant funds; eliminating certain procedures and criteria for awarding child care grants; eliminating priorities for the use of child care funds to assist families at risk of becoming eligible for AFDC; specifying the purposes for which unspent child care funds may be used; and requiring DHSS to recover promptly child care overpayments made to low-income families.

6. Eliminates the Children-in-Crisis Program under which DHSS provided grants to counties for 24-hour crisis and respite care for abused and neglected children.

7. Increases the duplicate birth certificate fee to fund the Right from the Start Program under which the Child Abuse and Neglect Prevention Board provides grants for programs that provide parenting education and outreach services for the parents of newborn infants. The act also increases the matching funds requirement for grant recipients under the program.

8. Directs the Adolescent Pregnancy Prevention and Pregnancy Services Board to develop or purchase and to provide the education now and babies later (ENABL) curriculum.

9. Directs DHSS to provide a secured adolescent treatment unit at the Mendota Mental Health Institute and permits DHSS to designate not more than 43 beds at the unit as secured correctional facility beds (see *Act 216*).

10. Authorizes DHSS to purchase or accept as a gift an existing facility to renovate and equip as an additional secured correctional facility for delinquent boys.

11. Renames the Capacity Building Program, under which DHSS distributes funds to counties for community-based intervention services for juvenile offenders, the Community Intervention Program. The act also eliminates the maintenance of effort requirement under that program and modifies the formula for distributing funds under that program.

12. Eliminates the Intensive Aftercare Program, under which certain counties received funding to provide intensive aftercare for juveniles who were released from secured correctional facilities.

13. Eliminates the Intensive Supervision Grant Program, under which certain counties received funding to provide intensive supervision for juvenile offenders.

14. Requires DOC to charge a juvenile or the juvenile's parents a fee for providing electronic monitoring services for the juvenile.

15. Permits DOC to operate prison industries in any juvenile secured correctional facility operated by DOC.

16. Prohibits juvenile courts from appointing counsel for any party other than the child in a child in need of protection or services (CHIPS) proceeding. On June 13, 1996, the Wisconsin Supreme Court held that this prohibition violates Wisconsin's separation of powers doctrine and the due process clause of the U.S. Constitution and is therefore void. *Joni B. and Richard S. v. State of Wisconsin*, 95-2757-OA (1996) (see *Public Defender*).

Act 76 (AB-665) permits a juvenile court to extend the dispositional order of a juvenile who is subject to a dispositional order on December 31, 1995, notwithstanding that the juvenile is 17 years of age when the dispositional order terminates. Under preexisting law, the age at which a juvenile court could no longer extend the dispositional order of a juvenile was 18. Act 27, however, lowered that age to 17.

Act 77 (AB-130) creates a new juvenile justice code (see *HIGHLIGHTS*).

Act 108 (AB-222) provides that conception of a child as a result of sexual assault is a grounds for involuntary termination of the father's parental rights over the child.

Act 143 (SB-224) eliminates a requirement that counties report annually to DHSS (DHFS effective July 1, 1996) certain information relating to permanency plan review panels. A permanency plan review panel is a panel appointed by the juvenile court to review the permanency plan of a child living in an out-of-home placement.

Act 173 (AB-609) permits a law enforcement agency to disclose to a school district administrator information relating to the illegal possession by a juvenile of a dangerous weapon in or on the grounds, or within 1,000 feet of the grounds, of a school. Generally, law enforcement agency records of a juvenile may not be disclosed except under certain circumstances or by order of the juvenile court.

Act 216 (SB-565) requires DHSS (DHFS effective July 1, 1996) to establish and operate as a secured correctional facility a juvenile treatment center on the grounds of the Mendota Mental Health Institute to provide treatment for juveniles transferred from other secured correctional facilities. Under preexisting law, DHSS operated a secured adolescent treatment unit at Mendota, but was permitted to designate no more than 43 beds at that unit as secured correctional facility beds.

Act 230 (AB-511) permits a social services agency to disclose to DORL information about an individual in the care or legal custody of the social services agency for use in an investigation or proceeding relating to alleged misconduct by a medical practitioner, psychologist, so-

cial worker, therapist or counselor. Generally, social services agency records of a child may not be disclosed except under certain circumstances or by order of the juvenile court.

Act 266 (AB-471) permits DHSS (DHFS effective July 1, 1996) to provide grants to, rather than contract with, individuals and private agencies for adoption information exchange services.

Act 275 (SB-501) makes various changes relating to children in need of protection or services and termination of parental rights (see *HIGHLIGHTS*).

Act 303 (SB-615) requires or authorizes DHSS (DHFS effective July 1, 1996) to undertake certain activities to plan and prepare for the transfer, on January 1, 1998, from Milwaukee County to DHFS, of the responsibility to provide child welfare services in Milwaukee County.

Act 352 (SB-624) makes various changes to the juvenile justice code enacted in Act 77. The act:

1. Permits a juvenile court to place a juvenile who has been adjudicated delinquent in a child caring institution under the correctional supervision of a county and provides a procedure for the movement of a juvenile in state or county correctional custody to a more restrictive or less restrictive placement.

2. Exempts a juvenile who is participating in a restitution project or supervised work program from the requirement to obtain a work permit from DILHR (DILJD effective July 1, 1996).

3. Provides that a juvenile under 15 years of age who is subject to the original jurisdiction of the adult court may be held in secure custody only in a juvenile secure detention facility, permits an adult court to impose a juvenile disposition on a juvenile who is convicted of a lesser offense, and provides a procedure for transferring from adult court to juvenile court a juvenile who is alleged only to have committed a misdemeanor.

4. Permits a juvenile who absconds, is waived in absentia and later apprehended to contest the waiver by showing good cause for his or her failure to appear at the waiver hearing.

5. Provides that if a party does not object to a failure to meet a time limit under the juvenile justice code, the party waives that time limit, and excludes from the calculation of a time limit under the code delays due to court congestion or scheduling.

6. Provides for public hearings and open records relating to juveniles who are alleged to have committed a serious felony, and permits a juvenile court or social service agency to refuse to disclose a record to a juvenile or his or her parent if the disclosure would result in imminent danger to anyone. The act also eliminates a requirement that a law enforcement agency, school, or juvenile court notify a juvenile's parent whenever it discloses to a third party a record relating to the juvenile and permits a person to whom a law enforcement agency has denied access to a juvenile's record to petition the juvenile court to order disclosure of the record.

7. Permits a juvenile court to impose sanctions, other than secure detention, on a juvenile in need of protection or services who violates a condition of his or her dispositional order.

8. Permits a juvenile who has been adjudged delinquent to be taken into custody if the juvenile presents a substantial risk of harm to another person or of running away.

9. Provides that a judgment of restitution against a juvenile and his or her parents does not bar the victim or his or her insurer from commencing a civil action seeking compensation from the juvenile or the juvenile's parent if the amount of restitution ordered is less than the amount of damages incurred by the victim.

10. Requires DOC to notify any witness who testified against a juvenile of the juvenile's release or escape from correctional custody if the witness so wishes.

11. Requires a juvenile court petition, other than a delinquency petition, to state whether the juvenile may be subject to the federal Indian Child Welfare Act.

12. Requires a juvenile court to order a juvenile's parent to contribute toward the cost of holding the juvenile in custody, whether prior to disposition, as a disposition or sanction, or as crisis intervention by the juvenile's caseworker.

13. Permits Wisconsin counties to contract with Minnesota counties for reciprocal secure detention facility services.

Act 369 (SB-460) permits child abuse and neglect reports and records to be disclosed to a district attorney; a volunteer or employe of a juvenile court special advocate program; a judge conducting a John Doe proceeding to investigate potential criminal violations; a child fatality review team; a coroner, medical examiner or pathologist investigating the unexplained or unusual death of a child; or a federal, state or local agency that has a need for the report or record to carry out its responsibilities to protect children from abuse or neglect.

Act 404 (AB-1067) transfers from DHSS (DHFS effective July 1, 1996) to DILHR (DILJD effective July 1, 1996) the responsibility for administering the state's child care programs, other than child care licensing. Those child care programs include the distribution of child care funding for low-income families and the distribution of grants to improve and expand child care services (see *HIGHLIGHTS, State Government - Reorganization*; see also *Domestic Relations*).

Act 416 (SB-563) provides revised per person daily cost assessments on counties for juveniles placed in a secured correctional facility or transferred to a treatment facility beginning in state fiscal year 1996-97 (see *Correctional System*).

Act 439 (SB-540) permits school districts to enter into prekindergarten and kindergarten agreements with day care centers, and provides state transportation aid to school districts that transport children between school and a day care program. The act also requires DILHR (DILJD effective July 1, 1996) to promulgate rules permitting children under the age of 24 months to be provided day care on a floor other than the first floor or ground floor of a day care center and requires DHSS (DHFS effective July 1, 1996) to promulgate rules for granting exemptions to the outdoor play space requirement under DHSS' day care rules.

Act 443 (AB-470) permits a county with a population of less than 500,000 to place a child for adoption with the child's foster parent without having to be licensed to do so by DHSS (DHFS effective July 1, 1996). The act eliminates certain situations in which DHSS must make a recommendation regarding the adoption of a child so that under the act DHSS is required

to make that recommendation only when no agency has guardianship of the child and the proposed adoptive parent is a nonrelative. In addition, the act eliminates a restriction on the readoption in this state of an adoptive child from a foreign country and permits DHSS to provide grants to, rather than contract with, individuals and private agencies to operate the state adoption center.

Constitutional Amendments

Enrolled Joint Resolution 2 (*Senate Joint Resolution 3*), proposed by the 1995 Legislature on second consideration, would have permitted 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. The amendment was rejected by the electorate on April 4, 1995.

Enrolled Joint Resolution 3 (*Assembly Joint Resolution 12*), proposed by the 1995 Legislature on second consideration, removes from the Wisconsin Constitution the remaining unnecessary masculine gender pronouns and substitutes gender-neutral words. The amendment was rejected by the electorate on April 4, 1995.

Enrolled Joint Resolution 4 (*Assembly Joint Resolution 15*), proposed by the 1995 Legislature on second 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. The amendment was rejected by the electorate on April 4, 1995.

Enrolled Joint Resolution 21 (*Senate Joint Resolution 30*), proposed by the 1995 Legislature on first consideration, extends the terms office of district attorneys from two years to four years, beginning with district attorneys who take office in January 1999.

Enrolled Joint Resolution 23 (*Assembly Joint Resolution 37*), proposed by the 1995 Legislature on first consideration, extends the terms of office of sheriffs from two years to four years, beginning with sheriffs who are elected at the first gubernatorial election following ratification. The proposal also deletes the current prohibition on the holding of nonpartisan offices by sheriffs. In addition, the proposal substitutes for the current requirement that vacancies in the office of sheriff be filled by appointment for the remainder of the unexpired term, a requirement that vacancies in the office of sheriff be filled by appointment of the governor until a successor is elected and qualified (thus permitting the legislature to provide for such vacancies to be filled by election).

Enrolled Joint Resolution 27 (*Assembly Joint Resolution 53*) proposed by the 1995 Legislature on first consideration, creates a constitutional right of the people of this state to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose.

Enrolled Joint Resolution 28 (*Assembly Joint Resolution 16*), proposed by the 1995 Legislature on second 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.

Correctional System

Act 26 (AB-148) authorizes a superintendent of a county house of correction to place a house of correction prisoner in a home detention program.

Act 27 (AB-150) makes various changes relating to the correctional system. The act:

1. Increases by \$25 million the amount of public debt that the state is authorized to contract for the construction of a new maximum security prison. The act also specifies that no public debt for the new prison may be authorized until the state receives an unspecified amount of federal funding for the new prison (see *Act 388*).

2. Provides for improvements and staffing changes at various existing state prisons.

3. Allows DOC to lease space within state prisons and juvenile correctional institutions to not more than three private businesses that will employ prison inmates and residents of juvenile correctional institutions to manufacture products or components or to provide services for sale on the open market.

4. Authorizes DOC to enter into contracts with public or private vendors for supervision of probationers and parolees who need only infrequent face-to-face contacts with a probation and parole agent or other representative of DOC.

Act 43 (AB-26) authorizes a county sheriff or a superintendent of a county house of correction to charge a prisoner of the county jail or house of correction for medical care that is provided to the prisoner and paid for by the county.

Act 74 (SB-112) requires DOC to notify the victim of a prisoner's crime and the witnesses who testified against a prisoner if the prisoner escapes from prison.

Act 96 (AB-367) authorizes DOC to require a person who is on probation or parole to perform community service work for a public agency or a nonprofit charitable organization.

Act 241 (SB-204) authorizes the sale in the open market of by-products of mattresses and paint from prison industries recycling operations. The act also permits DOC to enter into contracts with manufacturers and distributors under which DOC provides by-products of mattresses and paint from prison industries recycling operations.

Act 281 (AB-444) permits a county to seek reimbursement from any prisoner who is confined in the county's jail for expenses related to the prisoner's confinement, including the actual per-day cost of maintaining the prisoner in the jail. The act also authorizes a county to establish a work camp for county jail prisoners. Prisoners who are assigned to a county work camp

may work at paid employment in the community or on a project that serves the public interest or a charitable purpose.

Act 344 (SB-602) allows DOC to contract with any other state or any political subdivision of another state to provide for the confinement in that other state of a prisoner committed to the custody of DOC. If a contract involves the transfer of more than 10 prisoners in any fiscal year to any one state (other than Minnesota) or to any one political subdivision of another state, the contract must be approved by the legislature or by JCF.

Act 379 (SB-503) authorizes a sheriff and county board of supervisors to contract with a federally recognized American Indian tribe or band to confine tribal prisoners in the county jail.

Act 388 (AB-1018) increases by \$15 million the amount of public debt that the state is authorized to contract for the new maximum security prison authorized under Act 27, thus providing a total of \$40 million in bonding authority for the building of the prison. The act also eliminates the provision in Act 27 that prohibited the contracting of public debt for the prison until the state received federal funding for the new prison; instead, the act requires DOC to seek to identify and secure federal funding for the new prison.

Act 389 (SB-177) authorizes tax supported institutions and nonprofit agencies to sell in the open market products manufactured by state prison inmates as part of vocational training or a hobby-craft program.

Act 416 (SB-563) makes various changes relating to DOC, including authorizing DOC to establish a secure work program (the so-called “chain gang” program) in which inmates are assigned to work away from the grounds of the prison while appropriately restrained for security purposes.

Act 437 (SB-526) provides penalties for delivering an article to or receiving an article from a jail inmate unless the delivery or receipt of the article is allowed by the rules or regulations of the jail or is done with the knowledge or permission of the jail keeper.

Act 444 (AB-851) eliminates the requirement that the parole commission grant parole, in the absence of overwhelming reasons not to do so, to an inmate who met certain educational achievement goals.

Courts and Civil Actions

Act 6 (AB-95) limits the liability for damages in a tort action against a volunteer fire company that is a nonstock corporation, or against the company’s officers, officials, agents and employees, to \$25,000.

Act 10 (AB-36) limits the amount of noneconomic damages that are recoverable in cases involving medical malpractice to \$350,000 (see *HIGHLIGHTS*; see also *Insurance*).

Act 17 (SB-11) changes how liability is determined in tort actions (see *HIGHLIGHTS*).

Act 27 (AB-150) makes various changes regarding courts and civil procedure. The act:

1. Increases the small claims court filing fee from \$20 to \$30 and large claims court filing fee from \$20 to \$100.

2. Merges the Judicial Commission and Judicial Council, requires the staff of the Judicial Commission to staff the Judicial Council, eliminates the executive director and secretary previously provided for the Judicial Council and requires that the Judicial Council recommend changes that will improve court efficiency and effectiveness and reduce costs.

3. Increases the maximum jurisdictional amount (the amount that may be recovered) in small claims court from \$4,000 to \$5,000.

4. Increases the circuit court automation fee from \$3 to \$5, renames the fee the justice information system fee, and allocates \$4 of the revenue from the fee to DOA for the purpose of supporting a computerized justice information system.

5. Increases the fee that a defendant who is found guilty pays in a forfeiture action in circuit court by \$5.

6. Increases the court fee used to pay for electronic automation of the circuit court from \$1 to \$3.

7. Creates a separate appropriation for reimbursement by counties of guardians ad litem (counsel appointed to represent the interests of a child in court) and provides for the monies appropriated to be distributed to counties using a formula that is based on each county's number of circuit court branches, revenues generated by the court support fee and number of cases in each circuit that involve the use of a guardian ad litem.

8. Eliminates the requirement that a defendant give consent to conduct certain proceedings by telephone or live audiovisual means.

9. Provides that the \$30 filing fee in cases involving the revision of child or family support does not apply if both parties agree to the revised judgment.

10. Authorizes courts to make awards to DOJ for the reasonable and necessary expenses, including attorney fees, of investigating and prosecuting violations related to medical assistance fraud, unfair trade practices, antitrust actions and environmental pollution and pollution discharge elimination.

Act 28 (AB-15) gives circuit and municipal courts the authority to require a person who violated an ordinance to make a contribution to a crime prevention organization if that ordinance prohibits conduct that is similar to conduct prohibited by state statute.

Act 73 (SB-98) provides that a court may appoint a successor guardian with or without a hearing when a guardian dies, is removed by the court or resigns. The act requires that, if the court appoints a successor guardian without a hearing, the ward and all interested parties be provided notice of the appointment and of the right to counsel and to petition for reconsideration of the appointment.

Act 112 (SB-50) provides immunity from civil liability for injury or death caused by commercial equipment or technology to a person who is engaged in commerce and who donates the commercial equipment or technology to a public or private elementary or secondary school or college or accepts reimbursement only for the cost of overhead and transportation costs related to providing that equipment or technology to the school or college.

Act 139 (AB-465) limits the appeal as a matter of right in traffic regulation cases heard in circuit court to those cases in which a person may be required to pay a forfeiture (civil monetary penalty) if convicted.

Act 140 (AB-466) clarifies that litigation expenses may be awarded to a condemnee in a condemnation proceeding assigned by a judge to the condemnation commission.

Act 156 (AB-67) increases the maximum amount that a municipal court may order a person to pay in restitution from \$200 to \$4,000 (see *Act 262*).

Act 177 (SB-361) provides immunity from civil liability for a person who, absent malice, provides information concerning suspected, anticipated or completed insurance fraud to certain interested parties, including the commissioner of insurance, a law enforcement officer or a private agency established to detect and prevent insurance fraud. The act also allows a person who is sued for damages resulting from providing such information to recover his or her costs related to the suit, including attorney fees, if a court determines that the person is immune from liability under this act.

Act 192 (AB-552) creates immunity from civil liability for damages caused by any person who renders assistance related to the threat of an oil discharge or related to the removal of oil resulting from an oil discharge if that assistance is consistent with a contingency plan or directed by the federal or state official responsible for preventing or cleaning up an oil discharge.

Act 220 (SB-181) expands the types of meetings that a person who is selected by a victim to be his or her representative may attend with the victim to include all interviews and meetings related to the hearings, depositions and court proceedings that a victim's representative is currently permitted to attend.

Act 223 (SB-292) expands the immunity from civil liability provided to owners of recreational property and their officers, employees or agents, to include immunity for the death of a person involved in a recreational activity, not just for the injury of that person as under previous law.

Act 224 (SB-344) clarifies the use of the terms "docket" and "judgment and lien docket" and corrects references to the circuit court and to the entering and filing of court documents.

Act 250 (AB-579) provides a period of seven days after a court finds that a person has failed to fulfill his or her obligations under a land contract for the person to pay the amount owed under the contract and avoid foreclosure of the property. Formerly, there was no redemption period.

Act 256 (SB-478) provides immunity from civil liability to any person involved in an activity related to horses (or other equines) if a person participating in the activity is injured or killed as the result of a danger or risk that is an integral part of that activity, such as the unpredictability of the animal's response to a sound or unfamiliar object. The act requires persons who rent horses (or other equines) or who rent or sell related equipment or who provide instructions in the use of those animals to post notices and include in any contract a statement of the immunity provided under this act.

Act 260 (SB-561) limits the civil liability of a trustee, director, officer or volunteer of certain religious associations for a breach of, or failure to perform, any duty resulting from his or her status as a trustee, director, officer or volunteer.

Act 262 (AB-134) allows a circuit court to find the parent or parents with legal custody of a minor child liable for the costs of repair, replacement or removal of graffiti caused by the child. Under the act, the parental liability is limited to the jurisdictional amount in small claims court (currently \$5,000) (see *Act 156*).

Act 263 (AB-256) changes the procedures to be followed when someone finds money or property belonging to an unknown person. The act changes from \$3 to \$25 the minimum value of the money or goods that triggers the current requirement to follow certain procedures for the purpose of attempting to find the owner, requires the finder to notify the law enforcement agency having jurisdiction of the area where the money or property was found, and reduces the time an owner has to claim the lost money or property from one year to 90 days after notification to the law enforcement agency by the person who finds the money or property.

Act 267 (AB-593) allows a landlord to terminate a tenancy, and to evict a tenant after giving the tenant five days' notice of the termination, if the landlord receives written notice from a law enforcement agency that the property occupied by the tenant is a public nuisance because the property is being used as a meeting place of a criminal gang or to facilitate the activities of a criminal gang.

Act 306 (AB-793) requires the courts of this state to give full faith and credit to an order (generally, to treat the order as if it was an order of a Wisconsin court) that is issued by a court of the United States, of an Indian tribe or of another state; that meets certain procedural requirements; and that is issued to prevent abuse, bodily harm, communication, harassment or other types of threatening contact with a person. The act includes provisions for filing those protection orders in Wisconsin circuit courts, and for law enforcement agencies to enter information about the orders in the statewide information system and to enforce those protection orders.

Act 327 (AB-718) allows public school board employees or agents, or law enforcement officers authorized by the school board, to require a public school pupil to provide a sample of his or her breath for the purpose of determining the presence of alcohol. Under the act, the results of the breath screening test, or the pupil's refusal to take the test, are available at any hearing or proceeding regarding the discipline of the pupil for alcohol use.

Act 345 (AB-727) requires a court to order a claimant in an action to recover damages for personal injuries to give the other party the right to inspect any X-rays taken during the treatment of the claimant and to inspect and copy any hospital, medical or other records that are relevant to the claimant's injuries.

Act 393 (SB-416) clarifies that any person who secures a discharge in bankruptcy of a judgment regarding real property or any person who is interested in that real property may submit an application to the clerk of circuit court for an order satisfying the judgment. The act provides that upon satisfaction of the judgment, the judgment ceases to be lien on any real property that the person discharged in bankruptcy owns or acquires.

Act 411 (SB-435) requires a court, if the court determines that costs are awardable to a state employe or official who has been provided representation by a governmental unit, to award those costs to the governmental unit that provided the representation.

Act 426 (SB-570) removes a requirement that a law enforcement officer issue a citation to a person for a driving while intoxicated violation before the law enforcement officer may request that a person submit to a test to determine the presence of alcohol in his or her breath.

Act 438 (SB-538) permits a court to require the assignment of 25% of the wages, pensions and other monetary benefits of a defendant who has failed to pay fines, assessments, surcharges or restitution payments. The act gives the clerk of circuit court the authority to give notice of the assignment to the defendant and to any person who provides to the defendant wages or other benefits, and to collect the monies received as a result of the assignment to pay the unpaid fines, assessments, surcharges or restitution payments.

Act 447 (AB-628) limits the liability of a participant in a recreational contact sport, such as soccer, to those injuries inflicted on another participant as a result of action that was reckless or done with intent to cause injury.

Crime and Criminal Procedure

Act 14 (SB-54) increases the penalties for sexual assault of a child by a person who is responsible for the welfare of the child.

Act 22 (AB-159) increases penalties for committing certain crimes at or near a school.

Act 24 (AB-10) provides penalties for graffiti vandalism.

Act 25 (AB-34) prohibits a person who has been convicted of a felony from possessing a device containing oleoresin of capsicum (pepper gas).

Act 27 (AB-150) eliminates the Sentencing Commission and the requirement that a judge consider sentencing guidelines established by that commission when imposing felony sentences (see *HIGHLIGHTS, State Government – Reorganization*).

Act 30 (AB-87) allows the state, with certain restrictions, to use in court in any felony case a recording of an oral, electronic or wire communication if one party to the communication consented to the recording. Former law permitted the use of such recordings only in felony cases involving a controlled substance (dangerous drug) or conspiracy or solicitation.

Act 45 (SB-7) eliminates the prohibition against using blaze orange in “no trespassing” signs.

Act 48 (AB-167) provides that a judge may, when sentencing a person to life imprisonment, specify that the person is not eligible for parole. This “no parole” sentencing option is in addition to the two parole eligibility options available to a judge under former law. Under former law, unless the person being sentenced was subject to the so-called “three strikes and you’re out” law, any person who was sentenced to life imprisonment was eligible for parole either on a date calculated under the statutory parole eligibility formula or on a date set by the judge that was later than the earliest date calculated under the statutory parole eligibility formula.

Act 53 (AB-101) allows a judge to order a person who is convicted of a crime involving controlled substances to reimburse a law enforcement agency for certain expenses relating to the investigation of the crime.

Act 67 (SB-17) broadens the crimes of possession of child pornography, forced viewing of sexual activity, and child enticement to include behavior relating to listening to sexually explicit conduct. Former law covered only behavior relating to viewing sexually explicit conduct.

Act 69 (SB-80) increases the penalties for certain sex crimes, including second degree sexual assault, incest with a child, child enticement and soliciting a child for prostitution.

Act 71 (SB-144) places restrictions on the possession of firearms by persons who are subject to certain injunctions (see *HIGHLIGHTS*).

Act 90 (AB-18) provides that a judge may issue a search warrant in cases involving animal cruelty based either on a written affidavit or oral testimony, thus eliminating the requirement under former law that a judge examine witnesses under oath and prepare an affidavit of that testimony.

Act 93 (AB-276) provides penalties for a person who, while refusing to comply with an officer's attempt to arrest him or her, retreats or remains in a building or place and either arms himself or herself with a dangerous weapon or threatens to use a dangerous weapon.

Act 122 (AB-115) exempts certain private security persons from restrictions relating to transporting, loading or discharging a firearm in or from a motor vehicle.

Act 133 (SB-130) provides penalties for damaging certain coin-operated, currency-operated or card-operated machines with intent to steal from the machines. The act also authorizes the owner of a machine that is damaged in violation of this law to sue the person who damaged the machine and collect costs and triple damages.

Act 141 (AB-467) clarifies that the law allowing courts to require a convicted criminal defendant to pay restitution to a crime victim also covers victims of "read-in" crimes (crimes that are not charged but that the defendant admits committing and that the judge considers when sentencing the defendant).

Act 145 (AB-83) increases penalties for batteries against emergency room workers, emergency medical technicians, first responders and ambulance drivers.

Act 153 (SB-18) makes victims of hit and run motor vehicle accidents eligible for awards under the state's crime victim compensation program.

Act 154 (SB-72) provides penalties for persons who are ordered to serve time in jail as a condition of probation and who fail to report to jail as required or who escape while serving the jail time.

Act 157 (AB-88) restricts the circumstances in which a dangerous weapon that was used in the commission of a crime may be returned to the owner of the weapon. Former law restricted the return of firearms that were used in the commission of crimes, but did not restrict the return of other dangerous weapons.

Act 159 (AB-331) permits a law enforcement agency that is conducting a criminal investigation to have access, under certain circumstances, to handgun transfer records that are otherwise generally confidential.

Act 160 (AB-364) provides penalties for failing to pay for taxicab service.

Act 161 (AB-448) allows a judge to require a person who is convicted of one or more specified sex crimes to pay restitution for costs of the victim’s psychiatric or psychological care and treatment.

Act 165 (AB-154) exempts a mother who is breast-feeding her child in public from prohibitions relating to lewd behavior and sexual gratification in public.

Act 174 (AB-861) allows a police officer who is employed by DOA and acting within the scope of his or her employment to make arrests anywhere in the state. Under former law, police officers employed by DOA could make arrests only on property under DOA’s control. The act also allows DOA to provide for forfeitures (civil monetary penalties) for violation of rules DOA makes relating to DOA-controlled property. Formerly, violation of such a rule carried a criminal penalty.

Act 199 (AB-560) requires a defendant who requests a transcript of his or her preliminary hearing to pay for the cost of preparing the transcript unless he or she is indigent.

Act 208 (AB-707) provides penalties for intentionally causing damage to certain archaeological sites.

Act 214 (AB-188) includes stepparents in the category of persons who are responsible for a child’s welfare for purposes of statutes that prohibit certain conduct by a person who is responsible for a child’s welfare.

Act 249 (AB-841) prohibits, with certain exceptions, a person from doing the following:

1. Making a visual representation (including a photograph, motion picture or videotape) that depicts nudity without the knowledge and consent of the person who is depicted nude.
2. Possessing or distributing a visual representation that depicts nudity if the person knows or has reason to know that the visual representation was made without the knowledge and consent of the person who is depicted nude.

Act 265 (AB-405) makes it a crime for a person who has been convicted of one or more specified child sex crimes to work or volunteer with children under 16 years of age.

Act 288 (AB-550) increases the penalty for committing a robbery or burglary while armed with a device containing oleoresin of capsicum (pepper gas).

Act 300 (AB-568) increases the penalty for sexual exploitation by a therapist.

Act 304 (AB-229) provides that a person who is arrested in a domestic abuse incident must avoid contact with the alleged victim for 72 hours immediately following the arrest, unless there is a waiver of the time period by the alleged victim. Former law provided for a 24-hour no-contact period.

Act 310 (AB-452) adds victim and witness offices to the list of persons and agencies that must cooperate with each other to ensure that victims and witnesses receive the rights and services to which they are entitled by law.

Act 337 (AB-745) authorizes federal law enforcement officers to make arrests and render assistance in this state in certain situations. The act also eliminates the requirement that, to make an arrest or render assistance outside his or her territorial jurisdiction, a state or local peace officer must be in uniform and, if he or she is using a vehicle, must be in a marked police vehicle.

Act 339 (SB-215) provides penalties for disarming a peace officer by intentionally taking his or her container of pepper spray.

Act 340 (SB-492) increases penalties for committing a felony while wearing a bulletproof garment.

Act 343 (SB-588) increases the penalty for a battery committed by a person who is subject to a harassment or domestic abuse injunction when the battery is against the person who sought the injunction.

Act 353 (AB-853) provides penalties for using electronic mail or other computerized communication systems to send certain messages with the intent to frighten, intimidate, threaten, abuse or harass another person.

Act 374 (SB-382) makes victims of the crime of stalking eligible for crime victim compensation awards.

Act 387 (AB-721) provides for reciprocal disclosure of certain kinds of information (including witness lists, expert witness reports and physical evidence) between the prosecution and the defense in criminal cases. Formerly, the prosecution had a duty to disclose certain kinds of information to the defense but the defense did not always have a reciprocal duty to disclose the same kind of information to the prosecution.

Act 390 (SB-658) eliminates the requirement under former law that a person who escapes while under a sentence to the intensive sanctions program must be given a sentence of imprisonment that runs consecutively with the sentence to the intensive sanctions program.

Act 402 (AB-816) provides that a person who is convicted of a second or subsequent violation of the controlled substance (dangerous drug) laws may be subject to the increased penalties that are provided for second or subsequent violations of the controlled substance laws only if the prosecutor alleges when charging the person that the person has a prior conviction for a violation of the controlled substance laws. Formerly, the increased penalties that are provided for second or subsequent violations of the controlled substance laws applied regardless of whether the prosecutor alleged that the person had a prior conviction for a violation of the controlled substance laws.

Act 410 (SB-294) clarifies that placing foreign objects in either solid or liquid edibles is a crime under the law that prohibits the placement of foreign objects in edibles.

Act 427 (AB-211) provides for six-person juries in misdemeanor cases and in cases in which a forfeiture (civil monetary penalty) may be imposed. Formerly, juries in those cases generally had 12 persons.

Act 435 (AB-530) provides that a public officer or employee who exercises discretion in the award of a public contract may not have a private monetary interest of more than \$15,000 in the contract. Under former law, a public officer or employee was not permitted to have a private monetary interest of more than \$7,500 in such a contract.

Act 440 (SB-182) makes various changes relating to the registration of sex offenders. The act:

1. Expands the list of sex offenses covered by the registration requirements.
2. Requires the following persons to register as sex offenders: a) persons who are committed for treatment as sexually violent persons; b) persons who are committed for specialized treatment based on conviction for one or more specified sex offenses; and c) persons who are convicted of one or more specified sex offenses in another state who are on probation or parole in this state.
3. Transfers the management of the sex offender registration program from DOJ to DOC (see *HIGHLIGHTS, State Government – Reorganization*).
4. Authorizes DOC to release information concerning a person who is registered as a sex offender to law enforcement agencies, to victims of the person's crime, to certain community groups and to the general public.
5. Allows DOC and DHSS (DHFS effective July 1, 1996) to administer lie detector tests, polygraphs or other honesty tests to a person who is under DOC or DHSS supervision and who is required to register as a sex offender.
6. Requires persons who are committed for treatment as a sexually violent person and sex offenders convicted in another state who are on probation or parole in this state to submit biological specimens to DOJ for deoxyribonucleic acid (DNA) analysis.

Act 448 (AB-817) makes various changes to the controlled substance laws. The act:

1. Provides for the regulation of controlled substance analogs.
2. Makes changes in the procedure for adding a substance to or removing a substance from the schedules of controlled substances.
3. Regulates the possession of piperidine, which is used to make certain controlled substances and controlled substance analogs.
4. Makes changes necessary to conform the law to the revised uniform controlled substances act (drafted by the National Conference of Commissioners on Uniform State Laws) and to update chemical names in the schedules of controlled substances.

Act 451 (AB-13) changes trespass law (see *HIGHLIGHTS*).

Act 456 (AB-908) increases the penalty for a staff member of a school or school district who has sexual intercourse with a student aged 16 or 17 who is enrolled in the school or school district. The act also makes it a crime for a staff member of a school or school district to have sexual contact with a student aged 16 or 17 who is enrolled in the school or school district.

Act 466 (SB-145) provides penalties for demolishing a historic building without a permit issued by a city, village, town or county or without an order to raze a building issued by a municipality.

Domestic Relations

Act 12 (AB-21) establishes a program to be administered by DHSS (DHFS effective July 1, 1996) that publishes identifying information about persons who are delinquent in the payment of child support (see *Health and Social Services – Public Assistance*).

Act 27 (AB-150) makes various changes in the domestic relations laws, including laws related to child support. The act:

1. Requires a judge or family court commissioner, in an action affecting the family, to make a temporary order regarding the allocation of periods of physical placement with a child within 30 days after a request for such a temporary order is filed.

2. Requires DHSS (DHFS effective July 1, 1996) to spend a specified amount in each fiscal year for grants to organizations that provide domestic abuse services and for certain other purposes related to domestic abuse.

3. Authorizes DHSS to contract with or employ a collection agency to enforce delinquent child support obligations and to contract with or employ an attorney to appear in court to enforce such obligations.

4. Eliminates authorization for DHSS to pay a county a specified amount for an action to establish paternity under certain circumstances.

5. Provides that a court may order a county to pay guardian ad litem fees (for an attorney to represent the interests of a child) in an action affecting the family only if both parties are indigent.

Act 38 (SB-13) allows stepparents to petition for and be granted visitation with a minor child if one or both parents of the child are deceased. Grandparents of a child may already petition for and be granted visitation if one or both parents of the child are deceased.

Act 68 (SB-55) allows grandparents in certain situations to petition for and be granted visitation with a minor grandchild in an independent action or in an action affecting the family (see *HIGHLIGHTS*).

Act 70 (SB-132) allows a court to prohibit a parent from moving with a child if the child's other parent has physical placement rights with the child (see *HIGHLIGHTS*).

Act 100 (SB-151) requires a court to order, and use the results of, genetic tests instead of blood tests to determine paternity in paternity actions.

Act 187 (AB-343) allows a custodial parent of a child to obtain from DHSS (DHFS effective July 1, 1996) or a county child support agency the address of the noncustodial parent of the child, and the name and address of the employer of the noncustodial parent, if the noncustodial parent is in arrears in the payment of child support.

Act 279 (AB-100) authorizes a county to designate any office, officer, board, department or agency as the county support collection designee to receive and disburse child and spousal support payments. In the absence of a designation, this responsibility continues to be performed in each county by the clerk of circuit court.

Act 287 (AB-571) creates a lien on a ship, boat or other vessel for the payment of arrearages in child or family support.

Act 375 (AB-622) requires a court, when making an order of legal custody in a divorce or paternity action, to require a parent who is not granted legal custody of a child (or both parents if both parents are granted joint legal custody of a child) to provide certain medical and medical history information to the court. The court may release the information to a physician upon the written request of a physician and a parent with legal custody of the child who joins in the request.

Act 401 (AB-140) authorizes a court to suspend a person's operating privilege if the person is in arrears in the payment of child or family support and the person has the ability to pay the support. The operating privilege may be suspended until the person pays the arrearage or makes satisfactory payment arrangements, but in no case for more than five years (see *Transportation – Drivers' Licenses*).

Act 404 (AB-1067) transfers the Bureau of Child Support from DHSS (DHFS effective July 1, 1996) to DILHR (DILJD effective July 1, 1996). The Bureau of Child Support administers the Child and Spousal Support Program, under which paternity is established and support orders are established, modified and enforced. The bureau also administers the Tax Intercept Program, under which delinquent child support is collected from the income tax refunds of the persons who owe the delinquent support (see *HIGHLIGHTS, State Government – Reorganization*; see also *Children*).

Education

PRIMARY AND SECONDARY EDUCATION

Act 27 (AB-150) makes various changes in the laws relating to public instruction. The act:

1. Restructures the governance of public instruction (see *HIGHLIGHTS, State Government – Reorganization*).
2. Modifies the general school aid formula (see *HIGHLIGHTS*).
3. Modifies the Milwaukee Parental Choice Program by allowing sectarian schools to participate (see *HIGHLIGHTS*).
4. States that general school aid must be appropriated in the amount necessary to ensure that the sum of state school aids and the school levies tax credit equals two-thirds of the sum of state school aids and property taxes levied for school districts.
5. Eliminates the law which provided that beginning with the 1997 property tax levy, a school board was not permitted to levy a tax for school operations that exceeded 10 mills for K-12 school districts, 6.67 mills for K-8 districts and 3.33 mills for union high school districts.
6. Eliminates the Minimum Aid Program, which provided payments to school districts that were eligible for little or no general school aid.
7. Makes school district revenue limits permanent. Under prior law, they were due to expire after the 1997-98 school year. The act also provides that the maximum allowable increase in a school district's limit is \$200 in the 1995-96 school year and \$206 in each school year thereafter; excludes the pupils participating in the Milwaukee Parental Choice Program from

the Milwaukee Public Schools (MPS) enrollment for purposes of calculating the MPS revenue limit; provides that if a school district's revenues in any school year are less than the maximum allowed, the revenue limit otherwise applicable in the subsequent school year is increased by 75% of the difference between the district's actual revenues and the maximum amount allowed; and provides a revenue limit adjustment for decreased federal impact aid.

8. Eliminates a number of grant programs, including the following:

a. The Learning Assistance Grant Program, under which grants were awarded to school districts and Cooperative Educational Service Agencies (CESAs) (regional educational agencies that perform services for school districts) for various educational programs.

b. The Staff Development Grant Program, under which grants were awarded to school districts for staff development programs.

c. The Science, Mathematics and Technology Education Grant Program, under which grants were awarded to school districts to establish school and community partnership programs designed to promote the interaction of pupils and teachers with professional scientists, engineers and mathematicians.

d. The program in which grants were awarded to school districts for the enhancement of mathematics and science instruction in the elementary grades.

e. The program in which grants were awarded to school districts and CESAs to develop or improve human growth and development curricula.

f. The Social Services Collaborative Projects Program, under which grants were awarded to a rural, a suburban and an urban school district to support projects integrating social and educational services that were conducted with county social services or human services departments.

g. The Collaborative Service Grants Program, in which grants were awarded to school districts, public agencies and private, nonprofit community-based organizations to implement programs designed to provide greater access to community-based support services for preschool and elementary school pupils and their families.

h. The Youth Initiatives Program, in which grants were awarded to community-based organizations in the City of Milwaukee for assessment, basic skills instruction and work experience for 14- to 21-year-olds who were high school dropouts or considered at risk of dropping out.

i. The School and Home Coordinators Program, under which a grant was awarded to support the costs of two full-time coordinators in a school district with a high concentration of American Indian pupils.

j. The Indo-Chinese Refugee Community Grant Program, under which a grant was provided to a nonprofit organization in the City of Milwaukee to support the costs of bilingual personnel to serve as liaisons between MPS and the Indo-Chinese refugee community.

k. The Japanese Language and Culture Grants Program, under which grants were provided to one or two school districts for implementation of a Japanese Language and Culture Programs.

1. The program that provided funds to CESAs for suicide prevention programs.

9. Requires each school board annually to administer uniform knowledge and concepts examinations in the 4th, 8th and 10th grades. Previous law required examinations in the 8th and 10th grades only.

10. Requires MPS to contract with the Boys and Girls Clubs of Greater Milwaukee to operate two youth service centers. The act also requires MPS to pay the City of Milwaukee an amount sufficient to pay the salaries and fringe benefits for four law enforcement officers to work on truancy abatement and burglary suppression on a full-time basis.

11. Eliminates the program that provided funds to MPS for a mentor teacher program and a peer coaching program for inexperienced teachers.

12. Modifies the special transfer program (commonly known as Chapter 220), which provides additional state aid to school districts that transfer pupils between school districts or between attendance areas for the purpose of reducing racial imbalance. For intradistrict aid, the act reduces the payment from 32.5% to 25% of the school district's general school aid per pupil multiplied by the number of transfer pupils. Regarding interdistrict aid, the act eliminates bonus aid, which provided that if the number of pupil transfers accepted by a school district equaled 5% or more of its resident enrollment, the district received a 20% increase in its total interdistrict transfer aid.

13. Makes various changes to the laws governing CESAs, including the following:

a. The act provides that private schools and agencies may participate in CESA services under certain conditions.

b. The act eliminates all requirements relating to governance procedures with certain limited exceptions.

c. The act requires each CESA to adopt bylaws governing specified subjects.

d. The act provides that a CESA is eligible for any state or federal grant for which a school district is eligible.

14. Makes several changes to the laws relating to charter schools, which are exempt from most laws governing public schools. The act:

a. Eliminates the provision that limited the number of school districts that were permitted to establish charter schools to 10.

b. Provides that the requirement that a school board establishing a charter school employ all personnel for the charter school, and the provision stating that a charter school is an instrumentality of that school district, do not apply to a charter school located in the City of Milwaukee.

c. Provides that the denial of a petition to establish a charter school by the MPS School Board is appealable to DPI.

15. Authorizes DPI, upon request of a school board, to waive any school board or school district requirement, with certain exceptions.

16. Eliminates the requirement that DPI conduct an audit of each school district for compliance with the state's educational standards at least once every 10 years.

17. Authorizes the MPS Board of School Directors to contract with any nonsectarian private school or nonsectarian private agency located in the City of Milwaukee to provide educational programs to MPS pupils.

18. Specifically authorizes the MPS Board of School Directors to close any school that it determines is low in performance, and allows the MPS Superintendent of Schools to reassign the staff members of a closed school or to reassign staff members to a reopened school, without regard to seniority in service.

19. Eliminates the July 1, 1999, expiration date for the provision that permits the MPS Board of School Directors to employ a Superintendent of Schools who is not licensed by DPI. The act also extends this authority to the MPS Board with respect to the person employed by the board as business manager.

20. Provides that the statutory duties and powers of school boards must be broadly construed to authorize any school board action that is within the comprehensive meaning of the terms of the duties and powers if the action is not otherwise prohibited. Previously, case law provided that a school board had only those powers expressly given to it by statute or necessarily implied from those statutory powers.

21. Creates a Student Achievement Guarantee in Education Program. Under the program, a school district containing a school with an enrollment of 50% or more low-income pupils may enter into a five-year contract with DPI on behalf of one school in the school district if that school and the school district fulfill certain criteria. The contract requires the school board to reduce class size in the participating school, provide a rigorous academic curriculum, and develop a staff development plan. Each participating school district receives additional state aid. The aid must be used to satisfy the terms of the contract.

22. Specifies that a school principal license authorizes the holder to serve as a school principal for any grade level. Under previous law, there were separate licenses for grades 1 to 9 and grades 6 to 12.

23. Authorizes CESAs to borrow funds under the State Trust Fund Loan Program on behalf of two or more school districts belonging to the CESA for the purpose of conducting a distance education project by the school districts.

Act 29 (AB-57) provides that a school board is not required to enroll a pupil during the term of his or her expulsion from another school district.

Act 32 (AB-116) authorizes a school board to expel from school a pupil who is at least 16 years old if the pupil repeatedly engages in conduct that disrupts the ability of school authorities to maintain order or an educational atmosphere.

Act 33 (AB-117) increases from three to five the number of school days that a pupil may be suspended from school.

Act 49 (AB-213) eliminates obsolete language in the statutes relating to school district management restructuring programs.

Act 50 (AB-214) eliminates the requirement that school district administrators attend an annual convention called by the State Superintendent of Public Instruction for the purpose of consultation upon matters pertaining to the supervision and management of the schools.

Act 65 (AB-8) eliminates the requirement that a school board charge a fee for the temporary use of school grounds, buildings, facilities or equipment by religious organizations.

Act 66 (AB-215) eliminates the provision which specified that if an energy emergency results in the reduction of fuel supplies that requires public school operations to be curtailed or schools to be closed, school district employes must nevertheless receive full payment of salary or wages under their employment contracts.

Act 75 (SB-113) requires a school district administrator, or principal or teacher designated by a school district administrator, to suspend a pupil from school if the pupil possesses a firearm while at school or while under the supervision of a school authority. The act also requires a school board to commence proceedings to expel a pupil from school for at least one year under those circumstances.

Act 111 (SB-37) eliminates the law which provided that teachers employed at a public school located in Milwaukee County are permanent employes upon the gaining of a fourth contract in the school or school system after a continuous and successful three-year probation. Employes who had attained permanent employment status on the act's effective date are not affected.

Act 216 (SB-565) provides that if in any school year there are more spaces available in the private schools participating in the Milwaukee Parental Choice Program than the maximum number of pupils allowed to participate, DPI must prorate the number of spaces available at each participating private school.

Act 229 (AB-238) provides that if a pupil does not take instruction in physiology and hygiene because of parental objection, he or she may not be required to be examined in the subject and may not be penalized for not taking the instruction. The act provides, however, that if credit toward graduation is granted for instruction in the subject, the school board may require the pupil to complete an alternative assignment that is similar to the subject in length of instruction.

Act 232 (AB-544) increases from 15 to 30 the number of days permitted to file a petition requesting a referendum on a resolution adopted by a school board to issue a promissory note.

Act 235 (AB-811) requires that a notice of a pupil expulsion hearing need only cite the state statutes relating to pupil expulsion. Former law required the notice to include a copy of those statutes.

Act 298 (AB-103) specifies that significant developmental delay is a handicapping condition that may qualify a child who is 3, 4 or 5 years old for special education.

Act 299 (AB-237) beginning on July 1, 1998, prohibits DPI from issuing or reviewing a license that authorizes the holder to teach reading or language arts in any prekindergarten class or in any grade from kindergarten to six unless the applicant has successfully completed instruction preparing the applicant to teach reading and language arts using appropriate instructional methods, including phonics.

Act 358 (AB-913) authorizes a school board to adopt a resolution to issue a promissory note for the purpose of paying unfunded prior service liability contributions under the WRS without publishing or posting a notice of the resolution and thus exposing the resolution to a petition for a referendum.

Act 431 (SB-522) eliminates the initial hearing conducted by a hearing officer appointed by the school board when there is a dispute between the school board and the parents of a child with exceptional educational needs concerning that child. Formerly, the decision of that hearing officer was permitted to be appealed to DPI. Under the act, the school board or the parent may initiate the process by filing a written request for a hearing directly with DPI. DPI must appoint a hearing officer, whose decision may be appealed to circuit court.

TECHNICAL COLLEGE SYSTEM

Act 27 (AB-150) eliminates the Educational Approval Board, which was attached to the Technical College System Board, and transfers its responsibilities to DOE (see *HIGHLIGHTS, State Government – Reorganization*). The act also:

1. Provides that students who are enrolled in a technical college's farm business and production management program may apply for a grant to pay up to 50% of their tuition for up to six years. Previous law limited grant eligibility to four years.

2. Eliminates the requirement that the Technical College System Board develop a recycling program.

Act 78 (SB-289) restores the State Superintendent of Public Instruction to the State Technical College System Board and eliminates the Secretary of Education from that board.

Act 228 (AB-183) exempts from tuition at the Technical College System a resident undergraduate who is the child of a slain fire fighter or law enforcement officer.

Act 342 (SB-508) provides that a technical college training program required for participation in structural fire fighting that is offered to members of fire departments maintained by public agencies may not require more than 60 hours of training (see *Employment – Other Employment*).

UNIVERSITY OF WISCONSIN SYSTEM

Act 27 (AB-150) makes various changes to the UW System. The act:

1. Transfers responsibilities for the management and operation of the UW Hospitals and Clinics to a UW Hospitals and Clinics Authority (see *HIGHLIGHTS*).

2. Directs UW-Extension to establish a program of education and technical assistance related to recycling market development.

3. Allows, instead of requires, the UW Board of Regents to establish an Agricultural Technology and Family Farm Institute at UW-Madison.

4. Eliminates the UW Minority Teacher Loan Program (see *Education – Other Education*).

5. Increases the application fee for all students by \$3 and requires that the funds generated by the increase be used to support the Higher Education Loan Program in UW-Extension.

That program is a toll-free telephone service that provides information on undergraduate admission requirements and financial aids.

6. Extends the tuition awards programs at UW-Parkside and UW-Superior until the end of the 1996-97 academic year. The programs, which were scheduled to expire at the end of the 1994-95 academic year, allow the UW Board of Regents to exempt up to 150 students at UW-Superior and up to 200 juniors and seniors at UW-Parkside from nonresident tuition.

7. Converts the UW auxiliary enterprises and general operational receipts appropriations from annual to continuing, thus allowing funds received in one fiscal year to be carried over and spent in the subsequent fiscal year. The act also permits the UW Board of Regents to create or abolish positions funded from those two appropriations or from federal indirect cost reimbursements without approval of the governor, the legislature or JCF.

8. Eliminates the requirement that the UW Board of Regents annually report to JCF on the proposed use of base resources and staff vacancies available from enrollment reductions.

9. Permits the issuance of complimentary or reduced-price tickets to athletic events if such tickets are allowed by rules of intercollegiate athletic conferences in which the UW participates and the chancellor of the participating institution has approved the issuance of such tickets. Under former law, only complimentary or reduced-price tickets required by conference rules could be issued.

Act 54 (AB-205) makes various changes to UW System reports. The act:

1. Requires the Medical College of Wisconsin and the UW-Madison Medical School to submit biennially instead of annually a report on their family practice programs to the governor and the legislature.

2. Eliminates the annual report from the UW Board of Regents to the legislature regarding the activities of its solid waste experiment centers.

3. Eliminates the biennial report from the UW Board of Regents to JCF regarding the integrated agriculture program.

Act 78 (SB-289) restores the State Superintendent of Public Instruction to the UW Board of Regents and eliminates the Secretary of Education from the UW Board of Regents.

Act 101 (SB-160) directs the UW Board of Regents to maintain an herbarium at the UW-Madison to be known as the "Wisconsin State Herbarium."

Act 216 (SB-565) permits the UW Hospitals and Clinics Authority to store its records at the state records center and other facilities of DOA for the storage of state records, at the expense of the UW Hospitals and Clinics Authority, and treats the UW Hospitals and Clinics Authority records in the same manner as state records for evidentiary purposes if the UW Hospitals and Clinics Authority follows state procedures for transferring its records from one format to another.

Act 228 (AB-183) exempts from tuition at the UW System a resident undergraduate who is the child of a slain correctional officer, fire fighter or law enforcement officer.

Act 243 (SB-279) authorizes the UW Board of Regents to invest up to 85% of trust funds held by the board in common stocks. Previous law limited such investments to 75% of the funds.

OTHER EDUCATION

Act 3 (SB-40) eliminates specific fees for admission to certain historic sites. The act also repeals the prohibition against special group fees for the admission of children to historic sites.

Act 27 (AB-150) makes a number of other changes related to education. The act:

1. Transfers attachment of the Arts Board from DOA to the Department of Tourism (see *HIGHLIGHTS, State Government - Reorganization*; see also *Business and Consumer Law - Economic Development and Investment*).

2. Creates a Wisconsin regranting program under which the Arts Board awards grants to local arts agencies and municipalities.

3. Permits the Educational Communications Board to contract with certain public entities for services related to the construction or operation of telecommunications facilities.

4. Eliminates the Higher Educational Aids Board and transfers its responsibilities to the Department of Education, created by the act (see *HIGHLIGHTS, State Government - Reorganization*).

5. Establishes a maximum scholarship amount of \$2,250 per year under the Academic Excellence Higher Education Scholarship Program for students first eligible for scholarships for the 1996-97 academic year. Under the program, scholarships are awarded to high school seniors with high grade point averages who enroll at postsecondary institutions in Wisconsin.

6. Prohibits any new students from participating in the Nursing Student Stipend Loan Program beginning with the 1995-96 academic year. Under the program, the Higher Educational Aids Board makes loans, in stipend form, to students who are enrolled in various programs leading to nursing degrees and who fulfill certain criteria.

7. Provides that the state's share of a grant available under the Indian Student Assistance Grant Program may not exceed \$1,100 per year, but may be matched by a federally recognized American Indian tribe or band up to a maximum grant of \$2,200 per year.

8. Transfers Old Wade House State Park, including the Wesley W. Jung Carriage Museum, from DNR to the State Historical Society.

9. Creates a Pioneering Partners Program, administered by the newly created Educational Technology Board (ETB), which is attached to DOA. Under the program, a school board or a municipal or county library board, either individually or in conjunction with other school or library boards, may apply to ETB for a grant or a grant to subsidize a portion of the interest payable on a state trust fund loan, or both, for the purpose of implementing, expanding or participating in an educational technology or distance education project. The act directs the Board of Commissioners of Public Lands, to the extent practicable, to reserve \$15 million annually for four years for state trust fund loans for educational technology and distance education projects. An application for a trust fund loan must be approved by ETB and then by the board (see *State Government - State Finance*).

Act 216 (SB-565) permits the Wisconsin Sesquicentennial Commission to accept gifts, grants and bequests, and to license products. The act also appropriates to the commission all revenue received from these gifts, grants, bequests and licenses.

Act 238 (AB-1028) provides increased funding for the general program operations of the State Historical Society.

Act 399 (SB-635) awards grants to four area health education centers to support community-based primary care training programs.

Act 403 (AB-1011) establishes a college tuition prepayment program (see *HIGHLIGHTS*).

Act 445 (AB-1069) appropriates \$250,000 to the Wisconsin Sesquicentennial Commission to prepare for the anniversary celebration and creates an appropriation to match contributions received by the commission, up to \$1,250,000 (see *Transportation - Motor Vehicles*).

Elections

Act 16 (SB-111) changed the date of the 1996 spring primary from the third Tuesday in February to the first Tuesday in February, and the date of the 1996 spring election and presidential preference primary from the first Tuesday in April to the third Tuesday in March. The act also changed certain other related dates for the performance of acts related to the 1996 spring primary and election, and changed other dates to coordinate with the dates of the 1996 spring primary and election.

Act 313 (SB-125) deletes limitations concerning the earliest time that absentee voters may apply for absentee ballots, except in the case of hospitalized voters. The act also provides that when an absentee ballot is requested by an individual who is an overseas elector, the election official or agency receiving the request shall mail absentee ballots to the individual for all subsequent elections for national office to be held during the year in which the ballot is requested unless the individual otherwise requests or unless the individual no longer qualifies to receive an absentee ballot. (An overseas elector is an elector who is a U.S. citizen and was last domiciled in this state before establishing a permanent residence abroad.)

Employment

CIVIL SERVICE

Act 1 (Special Session, SB-1) ratifies the collective bargaining agreement for the 1993-95 biennium between the state and the United Professionals for Quality Health Care as representative of the employes in the professional patient care collective bargaining unit.

Act 27 (AB-150) eliminates funding for the salaries and benefits of the executive assistants in all agencies that are authorized to appoint executive assistants, other than DOT.

Act 37 (AB-473) makes various changes necessary to implement the nonrepresented state employes compensation plan. The act:

1. Authorizes the secretary of employment relations to determine whether provisions relating to the administration of the compensation plan or salary transactions are required to be contained in the compensation plan or in rules promulgated by DER.

2. Provides that the secretary of employment relations may determine the circumstances under which it is appropriate for an appointing authority to grant, and may authorize an appointing authority to grant, a wage or parity adjustment to any nonrepresented state employee whose position is covered under the compensation plan and who did not receive such an adjustment on the effective date of any adjustment set forth in the compensation plan.

3. Authorizes the secretary of employment relations to establish, by rule, a catastrophic leave program that permits classified employees to donate certain types and amounts of leave credits to other classified employees who have been granted an unpaid leave of absence on account of a catastrophic need for which absence there is no paid leave benefit or replacement income available.

4. Authorizes the secretary of employment relations to submit to the Joint Committee on Employment Relations a per diem amount and method of reimbursement for state employee expenses for lodging and meals and special allowance expenses, which include expenses for laundry, tips and travel-related personal telephone calls. Formerly, state employees were reimbursed for actual and necessary expenses, rather than on a per diem basis.

5. Provides that the annual salary of the attorney general shall be set at 18% above the minimum salary range for executive salary group 10 (currently \$83,766 per year). Formerly, the salary was set at the same level as that paid to an associate justice of the supreme court (currently \$100,690 per year).

Act 82 (AB-677) ratifies the collective bargaining agreement for the 1995-97 biennium between the state and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employees in the blue collar and nonbuilding trades collective bargaining unit.

Act 83 (AB-687) ratifies the collective bargaining agreement for the 1995-97 biennium between the state and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employees in the professional social services collective bargaining unit.

Act 84 (AB-679) ratifies the collective bargaining agreement for the 1995-97 biennium between the state and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employees in the technical collective bargaining unit.

Act 85 (AB-680) ratifies the collective bargaining agreement for the 1995-97 biennium between the state and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employees in the security and public safety collective bargaining unit.

Act 86 (AB-681) ratifies the collective bargaining agreement for the 1995-97 biennium between the state and the Wisconsin State Building Trades Negotiating Committee, AFL-CIO, and its appropriate affiliated locals, as representative of the employees in the building trades crafts collective bargaining unit.

Act 87 (AB-682) ratifies the collective bargaining agreement for the 1993-95 and 1995-97 biennia between the state and the Wisconsin Physicians and Dentists Association, as representative of the employes in the professional patient treatment collective bargaining unit.

Act 89 (AB-684) ratifies the collective bargaining agreement for the 1995-97 biennium between the state and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employes in the clerical and related collective bargaining unit.

Act 178 (AB-1078) increases the paid personal holidays for nonrepresented state employes from 3 to 3.5 days (see *State Government - Other State Government*).

Act 202 (AB-1070) ratifies the collective bargaining agreement for the 1995-97 biennium between the state and the State Engineering Association, as representative of the employes in the professional engineering collective bargaining unit.

Act 203 (AB-1071) ratifies the collective bargaining agreement for the 1995-97 biennium between the state and the Wisconsin Science Professionals, AFT, Local 3732, as representative of the employes in the professional science collective bargaining unit.

Act 204 (AB-1072) ratifies the collective bargaining agreement for the 1995-97 biennium between the state and the Teaching Assistants' Association, AFT, Local 3220, as representative of the employes in the program, project and teaching assistants of the UW-Madison and UW-Extension collective bargaining unit.

Act 205 (AB-1073) ratifies the collective bargaining agreement for the 1995-97 biennium between the state and the Milwaukee Graduate Assistants Association, AFT, Local 2169, AFL-CIO, as representative of the employes in the program, project and teaching assistants of the UW-Milwaukee collective bargaining unit.

Act 206 (AB-1074) ratifies the collective bargaining agreement for the 1995-97 biennium between the state and the Wisconsin Professional Employes Council, WFT/AFT, AFL-CIO, as representative of the employes in the professional fiscal and staff services collective bargaining unit.

Act 207 (AB-1075) ratifies the collective bargaining agreement for the 1995-97 biennium between the state and the Wisconsin Employes in Research, Statistics and Analysis, WFT/AFT, AFL-CIO, as representative of the employes in the professional research, statistics and analysis collective bargaining unit.

Act 251 (AB-344) creates a new collective bargaining unit in state government employment that consists of employes of DOA, DOT and the Board of Regents of the UW System who engage in the detection and prevention of crime, who enforce the laws and who are authorized to make arrests for violations of the laws; employes of DOA, DOT and the Board of Regents of the UW System who provide technical law enforcement support to such employes; and employes of DOT who engage in motor vehicle inspection or driver's license examination, except supervisors, management employes or individuals who are privy to confidential matters affecting the employer-employee relationship.

Act 324 (AB-548) creates a new collective bargaining unit in state government employment that consists of attorneys employed in the Office of the State Public Defender, except su-

pervisors, management employes or individuals who are privy to confidential matters affecting the employer-employee relationship.

Act 326 (AB-648) provides that the UW Hospitals and Clinics Authority is included among those governmental bodies that are prohibited from taking retaliatory action against an employe for disclosing information which the employe reasonably believes demonstrates a violation of any state or federal law or which an employe believes demonstrates mismanagement or abuse of authority in state or local government, a substantial waste of public funds or a danger to public health and safety.

Act 383 (SB-676) ratifies the collective bargaining agreement for the 1995-97 biennium between the state and the Association of State Prosecutors, as representative of the employes in the assistant district attorneys collective bargaining unit.

Act 384 (SB-677) ratifies the collective bargaining agreement for the 1995-97 biennium between the state and the Wisconsin Education Association Council, as representative of the employes in the professional education collective bargaining unit.

Act 385 (SB-678) ratifies the collective bargaining agreement for the 1995-97 biennium between the state and the District 1199W/United Professionals for Quality Health Care, SEIU, AFL-CIO, as representative of the employes in the professional patient care collective bargaining unit.

OTHER EMPLOYMENT

Act 27 (AB-150) makes various changes relating to employment. The act:

1. Deletes the expiration date of July 1, 1996, for dispute settlement procedures applicable to nonprotective local government employes. The act revises the definition of "school district professional employe" for purposes of preexisting law which provided for those employes to be placed in separate collective bargaining units and provided for special dispute settlement procedures to be used in these units. The act creates a new factor to be used in arbitrations relating to the terms of a proposed collective bargaining agreement affecting nonprotective local government employes relating to state legislative and administrative directives which place limits on expenditures that may be made or revenues that may be received by local governments. Under the act, the new factor is to be given greatest weight. The act also provides that the preexisting factor relating to economic conditions in the jurisdiction served by the local government is to be given greater weight than any of the other preexisting factors.

2. Requires the employment relations commission, upon the request of at least 30% of the professional employes who perform services at a charter school, to hold an election concerning the question of whether those employes should be placed in a separate collective bargaining unit, and to create that unit if a majority of those employes voting in that election so elect.

3. Makes all of the following prohibited subjects of collective bargaining under the Municipal Employment Relations Act:

a. Any proposal that would prohibit the reassignment, with or without seniority, of employees who perform services for the Milwaukee Board of School Directors as a result of a decision of the board to contract with an individual or group to operate a school as a charter school or to convert a school to a charter school.

b. Any proposal that would prohibit the reassignment, with or without seniority, of employees who perform services for the Milwaukee Board of School Directors as a result of a decision of the board to close or reopen a school.

c. Any proposal that would prohibit the Milwaukee Board of School Directors from contracting with a private school or private agency to provide certain educational programs to students who are enrolled in the Milwaukee Public School District.

d. Any proposal that would prohibit the solicitation of sealed bids for the provision of group health care benefits for school district professional employees.

4. Abolishes the Council on Municipal Collective Bargaining. The council was responsible for providing advice to the Employment Relations Commission on the operation of the Municipal Employment Relations Act (see *HIGHLIGHTS, State Government - Reorganization*).

5. Requires the Employment Relations Commission to assess and collect filing fees from the party or parties requesting the commission to perform certain arbitration and mediation functions.

6. Consolidates oversight over the administration of various state and federal employment and education programs under the Governor's Council on Workforce Excellence (see *HIGHLIGHTS*).

7. Permits DILHR (DILJD effective July 1, 1996), in determining the minimum wage, to consider the effect that an increase in the minimum wage might have on the economy of the state.

8. Permits a minor 14 years of age or over to be employed as a laboratory assistant for a nonprofit, community-based organization that provides educational opportunities in medically-related fields.

9. Eliminates the \$25 maximum limitation on the amount that DILHR may charge for the annual certificate of registration of a migrant labor contractor and for the annual application for certification of a migrant labor camp.

10. Permits DILHR to use any unanticipated proceeds it receives from a statewide labor and management conference it provides that exceed the actual cost of the conference to provide grants for local labor and management conferences, educational activities and other activities to promote positive relations between labor and management.

11. Permits, rather than requires, DILHR to award grants for career counseling centers.

12. Eliminates the requirement that DILHR may only contract with the state Technical College System Board for the development of youth apprenticeship curricula.

Act 109 (AB-676) requires the Governor's Council on Workforce Excellence to submit to the secretary of administration a plan that realigns the intrastate boundaries for the local administration of employment and education programs so that those boundaries do not split a

county, and to devise the plan so as to maintain preexisting working partnerships between counties. Preexisting law required the plan to provide for alignment of those boundaries so that they would be contiguous with the technical college districts.

Act 117 (AB-607) makes various changes relating to worker's compensation. The act:

1. Permits DILHR (DILJD effective July 1, 1996) to exempt an employer from the duty to pay worker's compensation to an employee who belongs to a religious sect whose tenets oppose accepting insurance benefits, for example, the Amish.

2. Excludes from coverage under the worker's compensation law a person who receives nominal compensation for doing volunteer work for a nonprofit organization, unless the organization elects to cover the volunteer.

3. Provides that a student participating in an unpaid work experience program is an employee of his or her school for purposes of worker's compensation coverage, if the school names the student as an employee for purposes of that coverage.

4. Prohibits a participant in an AFDC JOBS program who makes a claim against the agency administering the JOBS program from also making a claim or maintaining an action in tort against the employer providing the work experience.

5. Requires DILHR to disclose confidential records about an employee to an employer or insurer who is a party to any claim involving the employee, not just to the employer or insurer who is a party to the claim that is the subject of the record. The act also permits DILHR to refuse to honor a subpoena issued by an attorney in a proceeding other than a worker's compensation proceeding unless ordered to do so by the court.

6. Eliminates the requirement that medical reports and expert opinion reports submitted as evidence in a worker's compensation proceeding be verified, that is, sworn to under oath, and instead permits those reports to be certified, that is, signed but not sworn to.

7. Provides that when DILHR schedules a hearing on its own motion to determine whether compensation should be paid, DILHR does not become a party to the proceeding and is not required to appear at the hearing.

8. Extends from July 1, 1996, to July 1, 1998, the authority of DILHR to determine the reasonableness of the fees charged for health services provided for an injured employee.

9. Permits the Wisconsin Compensation Rating Bureau, which determines the worker's compensation premiums that insurers may charge, to grant prospective premium credits to employers that subscribe to a loss management action plan.

10. Makes certain changes relating to the Uninsured Employers Fund including changes to the threshold amount that the fund must reach before DILHR may begin paying claims from the fund; changes in the procedure for collecting from an uninsured employer payments owed to the fund; and a change permitting DILHR, under certain circumstances, to collect those payments from the transferee of the business assets of an uninsured employer.

11. Increases the amount of disability benefits and burial expenses payable under the worker's compensation law.

Act 118 (SB-390) makes various changes in the unemployment compensation law and related provisions. The act creates a multifactor test for determining independent contractor status, which is used to disqualify an individual from receiving benefits, except in the carrier and forest products industries, where a simpler test that was formerly provided is retained. The act directs DILHR (DILJD effective July 1, 1996) to withhold from each benefit check an amount specified under federal law for federal income tax and, if DILHR permits, an amount for Wisconsin state income tax determined at a rate prescribed by DILHR, and to round down resulting benefit checks to the next lowest whole dollar amount. The act also changes the method of charging the cost of benefits based on employment from certain preceding claims, employment by certain prisoners, and employment with certain employers who continue to employ a claimant while he or she claims benefits. In addition, the act changes and codifies administrative procedures for dealing with the failure of employers or claimants to file timely appeals or to appear at hearings.

Act 215 (SB-373) makes various changes relating to the prevailing wages and hours of labor of employes performing certain work on state or local public works projects (see *HIGHLIGHTS*).

Act 216 (SB-565) moves up, from January 1, 1997, to the day after publication, the effective date of the provisions of Act 215 relating to the prevailing hours of labor for workers employed on state or local construction projects. The act also requires the Employment Relations Commission to assess and collect a filing fee from the party or parties requesting that the commission initiate compulsory, final and binding arbitration with respect to a contract dispute involving a collective bargaining unit consisting of local government employes other than members of a fire department or a municipal or county law enforcement agency.

Act 314 (SB-213) permits a state or local law enforcement agency to require a prospective employe to take a polygraph test. Generally, employers are prohibited, subject to certain exceptions and safeguards, from requiring employes or prospective employes to take a polygraph test.

Act 342 (SB-508) prohibits DILHR (DILJD effective July 1, 1996) from requiring a fire fighter to complete more than 60 hours of training before participating in structural fire fighting (see *Education - Technical College System*).

Act 413 (SB-472) corrects an incorrect cross-reference in the worker's compensation law.

Act 441 (AB-860) grants immunity from civil liability for an employer who, in good faith, provides a reference concerning a current or former employe.

Environment

Act 15 (SB-63) authorizes the Recycling Market Development Board to provide financial assistance to improve the marketing of, and to develop markets for, types of recycled materials that the board specifies. Formerly, the board was limited to providing financial assistance for materials recovered in recycling programs operated by local governments under the state's recycling law.

Act 27 (AB-150) makes numerous changes in the environmental laws. The act:

1. Creates an exemption from the groundwater law so that private sewage systems need not be designed to ensure compliance with limits on the amount of nitrate in groundwater. The act also eliminates DNR's authority to disapprove provisions of the state plumbing code that relate to septic tanks and their installation.

2. Changes the laws related to the Public Intervenor (see *HIGHLIGHTS*; see also *State Government – Justice*).

3. Requires the Department of Commerce, known as DOD prior to enactment of this act, to operate a program under which it orders the investigation and cleanup of discharges from petroleum storage tanks if the discharges are characterized, under standards determined by the Department of Commerce and DNR, as medium or low priority. The act generally eliminates DNR's authority to order the investigation or cleanup of those discharges (see *HIGHLIGHTS, State Government – Reorganization*).

4. Makes several changes in the Petroleum Storage Remedial Action Program (commonly known as PECFA), under which this state provides reimbursement for a portion of the costs of cleaning up discharges from certain petroleum storage tanks. The changes include transferring administration of the program from DILHR to the Department of Commerce, and increasing the amount of reimbursement that may be paid to the owner of an aboveground petroleum storage tank. The act also requires a PECFA payment to be made to a lender who provided money for a cleanup to the owner of a petroleum storage tank if the owner is denied PECFA reimbursement because of fraud, gross negligence or willful misconduct and other specified requirements are met (see *HIGHLIGHTS, State Government – Reorganization*).

5. Makes numerous changes in the Clean Water Fund Program, under which this state provides financial assistance to communities for wastewater treatment projects. The act reduces from 18% to 15% the portion of the total clean water fund biennial subsidy that may be used to provide financial hardship assistance. Under the act, a community is eligible for financial hardship assistance if its median household income is 80% or less of state median household income and if estimated wastewater treatment charges without financial hardship assistance would exceed 2% of median household income in the community.

6. Eliminates the Radioactive Waste Review Board and transfers its functions, which concern proposals related to the long-term disposal of radioactive waste, to the PSC (see *HIGHLIGHTS, State Government – Reorganization*).

7. Exempts persons from liability under this state's environmental laws for any environmental pollution resulting from the proper use of specified high-volume industrial wastes in an approved highway improvement project.

8. Transfers the Recycling Market Development Board from DOA to the UW on the date that the act takes effect and transfers the board to Department of Commerce two years later. The act requires the board to prepare a strategic plan to guide the implementation of its programs and requires the UW-Extension to determine whether the activities of the board should be transferred to a private entity and, if not, to determine to which state agency the board should be attached (see *HIGHLIGHTS, State Government – Reorganization*).

9. Changes from December 31, 2000, to December 31, 2015, the date by which DNR is required to complete the planning process for the Nonpoint Source Water Pollution Abatement Program, under which this state provides financial assistance for measures designed to reduce water pollution from diffuse sources.

10. Eliminates, on June 30, 1997, the program for the removal of waste tires from landfills and the recycling of those tires. The act also eliminates the \$2 per tire fee, paid upon initial motor vehicle registration, that financed this program.

Act 51 (AB-166) requires a pump dispensing reformulated gasoline that contains an oxygenate other than ethanol to be labeled with the identity of the oxygenate. Reformulated gasoline is gasoline formulated to reduce emissions of substances that contribute to the formation of ozone and of toxic air pollutants.

Act 52 (AB-291) makes changes in the law related to the Employe Trip Reduction Program (also called the Employe Commute Options Program). Under the program, certain employers in the area in this state designated, under federal law, as a severe ozone nonattainment area are required to submit and implement plans to increase passenger occupancy per vehicle in commuting trips. The act requires DNR to establish limits on the amount of expenses that an employer may be required to incur under the employe trip reduction program. The act provides that an employer is considered to comply with the program if the employer has an approved plan and makes reasonable efforts to implement the plan. The act authorizes an employer to comply with the program by submitting and implementing a plan for alternate means of achieving air quality benefits. The act also authorizes the governor or the secretary of natural resources to suspend the employe trip reduction program if the federal requirement that this state operate such a program is eliminated or suspended.

Act 63 (SB-249) provides a business that is required to take corrective action because of a discharge from a hazardous waste storage, treatment or disposal facility with an additional method to comply with the requirement that it demonstrate the financial ability to pay the costs of the corrective action. The method, called the net worth method, requires the business to satisfy specified financial tests, including measures of net worth and credit worthiness.

Act 99 (AB-640) allows water used to wash fruits and vegetables and plant parts separated in the washing process to be treated, stored and dispersed without a permit, license or plan approval on land owned by the washing facility owner. The act also requires certain fruit and vegetable washing stations to register with DNR.

Act 115 (SB-332) makes numerous changes in the Midwest Interstate Low-level Radioactive Waste Compact. The compact provides for the establishment and operation of facilities to dispose of low-level radioactive waste generated within the states that are parties to the compact. Under the act, once a party state has hosted a facility, it may not be required to host another facility until each of the other party states has hosted a facility. A host state is not required to begin to accept waste at its facility until the next host state is designated. If the next host state fails to meet deadlines for siting and licensing its facility, it may no longer dispose of waste at the operating facility. A host state may cease to accept waste at the end of 20 years or of the life of the facility, whichever is sooner. Under the act, a state may withdraw from the

compact only if it has taken its turn at hosting a facility. The act also limits the liability of host states and other party states related to the disposal of low-level radioactive waste.

Act 142 (SB-164) provides for exceptions to the prohibition, in this state's recycling law, on disposing of certain materials in a landfill or by incineration. The act authorizes DNR to allow certain plastics to be disposed of in a landfill or by incineration if recycling of those plastics is not practical in light of current markets or available technologies. The act also authorizes DNR to allow the disposal of materials that have been contaminated and cannot feasibly be cleaned for recycling.

Act 144 (SB-345) expands eligibility for the Vapor Recovery Grant Program. Under the program, DNR pays a portion of the costs of installing equipment to recover vapors released when gasoline is pumped into a motor vehicle at facilities located in the area of this state that exceeds federal standards for ozone in the atmosphere. The act provides eligibility to the owners of retail gasoline stations on which station construction began after August 15, 1991, and before May 15, 1993. DNR may make payments to newly eligible owners until June 30, 1996.

Act 227 (SB-622) reorganizes the environmental statutes into 11 new statutory chapters.

Act 290 (AB-495) prohibits a tank vessel from transporting oil or hazardous materials on the part of the Mississippi River over which this state has jurisdiction unless the tank vessel has a double hull or is accompanied by a tugboat. The act prohibits open burning of solid waste on commercial vessels in the waters of this state. The act also authorizes DNR employees to board and inspect vessels to determine whether they are complying with these prohibitions.

Act 377 (AB-919) extends the requirement that the owner of a mining waste disposal facility maintain proof of financial responsibility for long-term care of the facility from 40 years to either 40 years or until the owner proves to DNR that long-term care of the facility is no longer necessary, whichever is later.

Act 378 (AB-865) updates terminology related to water systems and makes other technical changes in the statutes related to water systems.

Act 452 (AB-924) requires DNR and DOA to provide financial hardship assistance under the Clean Water Fund Program to wastewater treatment projects that have specified characteristics. The assistance must be provided without regard to the usual eligibility requirements for financial hardship assistance or the usual order in which projects are ranked under the Clean Water Fund Program.

Financial Institutions

Act 27 (AB-150) does the following:

1. Creates a Department of Financial Institutions (DFI). The Office of the Commissioner of Banking, the Office of the Commissioner of Savings and Loan and the Office of the Commissioner of Securities are reorganized as divisions attached to DFI. Until July 1, 2000, these attached divisions are independent from the secretary of financial institutions in regulatory matters, but their budgeting, program coordination and related management functions are to be performed under the direction and supervision of the secretary. Beginning on July 1, 2000, these attached divisions lose this regulatory independence and are subject to the direction and

supervision of the secretary. The Office of Credit Unions is attached to DFI for purposes of budgeting, program coordination and related management functions, but retains its independence in regulatory matters even after July 1, 2000. In addition, the regulation of mortgage banking is transferred to DFI from DORL, and business organization filings, Uniform Commercial Code (UCC) filings and the statewide UCC information system are transferred to the Division of Banking from the Office of the Secretary of State (see *HIGHLIGHTS, State Government – Reorganization*; see also *Business and Consumer Law – Consumer Law, Act 216*, and *Business and Consumer Law – Other Business and Consumer Law, Act 216*).

2. Makes certain changes relating to payment of costs for license investigations conducted by the commissioner of banking (the Division of Banking in DFI effective July 1, 1996) and increases the annual license fees for the following: licensed lenders, insurance premium finance companies, sellers of checks, sales finance companies and adjustment service companies, collection agencies, collectors or solicitors of a collection agency, and community currency exchanges.

3. Authorizes the expenditure of all monies received by the Office of the Commissioner of Banking (the Division of Banking in DFI effective July 1, 1996) from legal settlements negotiated by the commissioner, from gifts and grants, and from fees charged by the commissioner for providing certain services. These monies may be expended to carry out the functions of the office of the commissioner. Formerly, expenditure of these monies was limited to the amounts appropriated by the legislature.

4. Changes the manner of calculating registration fees (called notification fees under preexisting law) imposed under the Wisconsin Consumer Act (WCA) on all persons making consumer credit sales, consumer leases and consumer loans originating in Wisconsin. The act provides forfeitures (civil monetary penalties) for failing to pay the registration fee. The act also requires the Office of the Commissioner of Banking (the Division of Banking in DFI effective July 1, 1996) to review, upon request, acts, practices, procedures and forms to determine compliance with the WCA. The commissioner may charge a fee for this service if the request is made by a person not registered under the WCA.

Act 55 (AB-554) permits nationwide interstate and international bank and bank holding company mergers and acquisitions involving Wisconsin banks and bank holding companies. Preexisting law had only permitted regional bank and bank holding company mergers and acquisitions, that is, transactions limited to Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio and Wisconsin. Under the act, a company may generally not acquire, or merge or consolidate with, an in-state bank or in-state bank holding company, without approval of the commissioner of banking (the Division of Banking in DFI effective July 1, 1996). The act specifies requirements for filing an application for approval of these transactions, requires an application fee, establishes provisions for notice and hearings and specifies standards for disapproval of a transaction by the commissioner. The act also makes certain other changes regarding automatic teller machine (ATM) access and advertising, meetings of bank directors and the ability of banks to enter into contracts with depository institutions for the provision of banking and financially related products and services.

Act 103 (SB-348) revises the law governing savings banks and makes a number of substantive changes, including changes relating to indemnification and liability of savings bank directors, officers and employees; penalties for making false statements or reports by savings banks; disclosure of savings bank examination reports; proxy voting by shareholders of stock savings banks; savings bank reorganizations; acquisition of stock by directors in a savings bank that is converting from a mutual to a stock savings bank; the right of a member of a mutual savings bank to share in the net profit of the bank upon liquidation; and permissible savings bank investments.

Act 104 (SB-349) revises the law governing savings and loan associations (S&Ls) and makes a number of substantive changes, including changes relating to permissible investments of S&Ls, the ability of S&Ls to make loans secured by mortgages on vacant land, merger transactions involving stock and mutual S&Ls and late fees for amounts owed by S&Ls to the Office of the Commissioner of Savings and Loan (the Division of Savings and Loan in DFI effective July 1, 1996).

Act 151 (AB-569) revises the law governing credit unions and makes a number of substantive changes, including changes relating to the powers of the Office of the Commissioner of Credit Unions (the Office of Credit Unions in DFI effective July 1, 1996), the powers of the Credit Union Review Board, credit union bylaws and voting requirements, credit union membership, the board of directors and officers of credit unions, loans to members of credit unions, borrowing by credit unions, powers of credit unions, reserve requirements for credit unions, audits of credit unions and mergers of credit unions.

Act 226 (SB-464) repeals certain obsolete references to “lunatics” in provisions authorizing a bank to act as a trustee or guardian of an estate.

Act 273 (SB-440) establishes requirements for a foreign corporation (a corporation not organized under the laws of this state) to act in this state as a trustee, executor, administrator, guardian or other fiduciary. In order to act in a fiduciary capacity in this state, the foreign corporation must be authorized to act in a fiduciary capacity in its state of organization, must comply with certain filing and fee requirements, and must be organized in a state that allows Wisconsin corporations to act in a fiduciary capacity in that state under conditions that are not unduly burdensome. Unless prohibited by the terms of the instrument governing a fiduciary relationship, the act also: authorizes fiduciaries to employ advisers and agents in performing its fiduciary duties; grants banks and trust companies the authority to invest in certain types of investment companies or trusts; and expands the ability of a bank or trust company to invest trust funds in the securities of an investment company or trust that has a business relationship with the bank or trust company.

Act 325 (AB-595) repeals a requirement that credit unions, savings banks, and savings and loan associations annually publish a condensed annual report in a newspaper.

Act 336 (SB-494) revises the laws governing state banks and trust companies, and makes a number of substantive changes, including changes relating to requirements for organizing a bank; requirements for amending or restating the bank’s articles of incorporation and for amending or repealing the bank’s bylaws; filing requirements and fees; issuance of capital

stock, preferred stock and notes and debentures; minimum capital requirements; requirements regarding a bank's board of directors, officers and employees; state bank powers; requirements for shareholder approval of mergers, consolidations and dissolutions and the valuation of bank assets. The act repeals statutorily specified minimum capital requirements for trust company banks, allows trust company banks to establish service offices at any insured depository institution and makes other changes with respect to trust company banks. In addition, the act permits banks, credit unions, savings banks and savings and loan associations to charge a fee for production of certain documents that are required to be produced by legal process and eliminates state account disclosure and funds availability requirements for these financial institutions. Finally, the act requires depositories of state or local government funds to have an office in this state and amends certain provisions regulating residential mortgage loans to provide that they do not apply to loans that are primarily for a business or agricultural purpose.

Act 367 (SB-278) exempts, if certain conditions are met, a federally chartered financial institution that converts to a state savings bank from a requirement that a savings bank include the term "savings" in its name.

Act 394 (SB-417) generally prohibits certain lenders from completing a loan settlement without delivering qualified loan funds to the settlement agent before or immediately on completion of a loan settlement. Under the act, "qualified loan funds" means wire transfers, cashiers' checks, other negotiable checks on which the lender or an affiliate of the lender is the payer, and transfers to accounts maintained by the lender or an affiliate of the lender in favor of the settlement agent or borrower.

Act 465 (SB-547) exempts community-based organizations and housing authorities that provide housing assistance services to low-income individuals and that act as mortgage bankers, loan originators or loan solicitors from the regulations applicable to mortgage bankers, loan originators and loan solicitors, except that such community-based organizations or housing authorities are required to register with DFI.

Fringe Benefits of Public Employees

Act 81 (AB-617) provides that the maximum amount of annual compensation that may be considered for retirement benefit purposes under the WRS is \$150,000, with limited future indexing to the rate of inflation. Formerly, there was no maximum amount.

Act 88 (AB-683) authorizes the secretary of employment relations to recommend to the Joint Committee on Employment Relations a program, administered by DETF, that provides additional health insurance premium credits to a nonrepresented state employe or elected state official based on the employe's or official's years of continuous service, accrued accumulated unused sick leave and any other factor recommended by the secretary of employment relations. The act also requires DETF to administer such a program for all nonrepresented state employes and elected state officials whose compensation includes such health insurance premium credits and who are permitted, under current law, to convert accrued accumulated unused sick leave into credits for the payment of health insurance premiums.

Act 89 (AB-684) requires DETF to administer a program that provides additional health insurance premium credits to any represented state employe whose collective bargaining agreement provides for such credits, based on the employe's years of continuous service, accrued accumulated unused sick leave and any other factor recommended by the secretary of employment relations.

Act 216 (SB-565) makes various changes relating to certain fringe benefits of public employes. The act:

1. Provides that graduate students and employes-in-training at the UW Hospitals and Clinics Authority are not eligible for participation in the WRS, but are eligible for health insurance coverage under a state group health insurance plan established by the Group Insurance Board.

2. Consolidates certain provisions of Acts 88 and 89 to provide that DETF is only required to administer a health insurance premium credits program if it conforms to the program established under the compensation plan and approved by the Joint Committee on Employment Relations. In addition, the act provides that employes of the UW Hospitals and Clinics Authority are eligible for participation in this program, if the authority elects to cover its employes in the program.

Act 240 (SB-33) grants credit to any former state employe for the payment of postretirement health insurance premiums under the state group health insurance program for accumulated unused sick leave earned for service in Wisconsin as a National Guard technician prior to 1966, provided that the employe terminated all creditable service under the WRS before July 1, 1972.

Act 302 (SB-449) specifies that the WRS is established as a governmental plan and a qualified plan for federal income tax purposes and provides that no benefit plan administered by DETF may be administered in such a manner as to violate the U.S. internal revenue code provisions for governmental plans. In addition, the act establishes certain time frames for locating a primary and secondary beneficiary of a participant in the WRS; provides for the distribution of a participant's benefits no later than the April 1 of the calendar year in which the participant attains the age of 70.5 years; provides that the maximum annual annuity amount is the lesser of \$120,000 or 100% of a participant's three annual earnings periods in which his or her earnings were highest; and provides that the maximum annual amount of contributions under all contribution plans is the lesser of \$30,000 or 25% of a participant's earnings in that year. Previously, there were no maximum amounts provided.

Act 381 (AB-502) changes the annual earnings period used for calculating a WRS retirement annuity for educational support personnel employes (school district employes who are not teachers or professional employes) from the calendar year to the school year.

Act 414 (SB-483) makes various changes to laws affecting the fringe benefits of public employes. The act:

1. Provides that any participant in the WRS who is entitled to an annuity in a specific amount for a period of less than 10 years and who also has a retirement account under a differ-

ent retirement plan in the United States may request that DETF pay the lump sum payable under the WRS annuity directly to the other retirement plan.

2. Provides that the monies or credits in an account under the WRS of a person who is presumed to have died intestate (for example, without a will) or in an account that is presumed to be abandoned are to be transferred from the employe reserve to the employer reserve of the employe trust fund at the end of the fifth calendar year after DETF has had published in the official state newspaper notice of the person who is presumed to have died intestate or whose account is presumed to be abandoned. The employe reserve consists of all monies credited to employe accounts in the WRS; the employer reserve consists of all monies credited to employer accounts in the WRS.

3. Authorizes the Employe Trust Funds Board to transfer in whole or in part the assets and reserves held in any account in the employe trust fund to a different account in the fund, for the purpose of providing any group insurance benefit offered by Group Insurance Board.

4. Provides that, if a person who is of the minimum retirement age under the WRS (age 50 for a protective occupation participant and age 55 for all other WRS participants) but who has not applied for a WRS retirement annuity applies for long-term disability insurance benefits and the person is rejected for those benefits by DETF, DETF shall consider the application for the long-term disability insurance benefits as an application for a WRS retirement annuity, effective on the date that the application is filed.

Gambling

Act 11 (SB-49) permits the interstate transportation of gambling devices that are illegal under state law into the cities of Sturgeon Bay, Manitowoc, Marinette, Superior and La Crosse for shipbuilding businesses that construct, deliver, convert or repair vessels that are equipped with gambling devices that are illegal under state law.

Act 27 (AB-150) makes numerous changes to the gaming laws. The act:

1. Eliminates the Gaming Commission and creates a Gaming Board to oversee pari-mutuel racing, charitable gaming, crane games and Indian gaming (see *HIGHLIGHTS, State Government - Reorganization*).

2. Transfers the administration of the state lottery from the Gaming Commission to DOR and creates a Lottery Division in DOR (see *HIGHLIGHTS, State Government - Reorganization*).

3. Reduces the number of animals required to be tested for drugs in pari-mutuel races from the winning animal and at least one other animal to only one animal.

4. Permits dog and racetrack licenses to retain 100% of the breakage revenue. Breakage is that amount above \$0.10 that remains after winning bets are calculated by rounding down to the nearest \$0.10. Previously, the state retained 50% of this revenue.

5. Eliminates the requirement that DATCP inspect facilities that are used for breeding animals for racing and, instead, requires the Gaming Commission to conduct these inspections.

6. Authorizes a racetrack licensee to receive any number of simulcast races from out-of-state racetracks, thereby eliminating the previous limit of no more than nine such races per year. The act also provides, with certain exceptions, that a racetrack that conducts wagering on simulcast races must conduct at least 250 live race performances during the calendar year preceding the year simulcast wagering occurs and that simulcast wagering not become the primary source of wagering revenue at the racetrack.

7. Authorizes a racetrack licensee to deduct up to 20% of the total amount wagered in straight pool races (races in which a person picks an animal to win, place or show) and up to 25% of the total amount wagered in multiple pool races (races in which a person picks two or more animals to finish in a certain order). Prior law authorized 17% and 23%, respectively.

8. Creates a new raffle license for raffles in which all of the raffle tickets are sold on the same day as the raffle drawing. The price of raffle tickets sold under this new license may not exceed \$10 per ticket and the ticket purchaser is generally required to be present to win the prize.

9. Increases the lottery retailer basic compensation rate from 5% to 5.5%.

Act 301 (AB-653) provides that any organization conducting a Class B raffle (a raffle in which all of the tickets for the raffle are sold on the same day as the raffle drawing) may, according to procedures determined by the organization, allow the purchaser of a ticket not to be present at the drawing to win a prize.

Health and Social Services

HEALTH

Act 27 (AB-150) changes the health laws in various ways. The act:

1. Eliminates the Cost Containment Commission, the body responsible for reviewing and approving capital expenditures in excess of \$1 million and certain other projects undertaken by or on behalf of a hospital, ambulatory surgery center or home health agency (see *HIGHLIGHTS, State Government - Reorganization*).

2. Transfers the Division of Vocational Rehabilitation from DHSS (DHFS effective July 1, 1996) to DILHR (DILJD effective July 1, 1996) (see *HIGHLIGHTS, State Government - Reorganization*).

3. Eliminates the Migrant Worker Health Care Program, which provided limited funding for health care services for migrant workers and their families.

4. Eliminates a program that provided funding for services to injured Hispanic workers.

5. Eliminates the uniform accounting system requirement for hospitals.

6. Eliminates a preexisting requirement that DHSS designate two regional poison control centers, and provides that state funding be used to support a statewide poison control program. The UW Hospitals and Clinics Authority is required to continue the operation of a poison control center and to assume responsibility for administering a statewide poison control program if Children's Hospital in Milwaukee no longer participates in the program (see *HIGHLIGHTS, Education - University of Wisconsin System*).

7. Terminates the Rural Hospital Loan Guarantee Program, under which WHEFA guaranteed loans made to certain nonprofit rural hospitals and primary care providers to finance the acquisition or construction of a rural hospital or equipment for a rural hospital, and transfers the balance remaining in the rural hospital loan fund, after deducting amounts necessary to pay outstanding claims and to fund outstanding guarantees, to the state general fund.

8. Requires the secretary of administration to submit to JCF by June 1, 1996, a proposal to transfer the responsibility for the certification of laboratories from DHSS to DATCP, and to proceed with the transfer if JCF does not schedule a meeting for June 1996, to review the transfer.

9. Authorizes recovery of funds, unless it would work an undue hardship, from estates of individuals who have received benefits under the disease aids program after August 31, 1995, for treatment or services for chronic renal disease, cystic fibrosis, hemophilia or tuberculosis.

10. Transfers from DILHR to DHSS the responsibility, staff and resources for the review of plans for capital construction and remodeling projects for nursing homes and hospitals to ensure that they meet building code requirements. Under the act, DHSS must establish, by rule, a fee schedule for conducting reviews but may, before rules promulgation or July 1, 1996, whichever is earlier, collect fees that are equal to the sum of the amounts previously collected for review of facility plans by both DHSS and DILHR (see *HIGHLIGHTS, State Government - Reorganization*).

11. Establishes a biennial fee of \$75 for adult family homes, payable to DHSS for licensed adult family homes and payable to counties for certified adult family homes, and changes a preexisting annual fee of \$75, plus \$10 per resident, for licensed community-based residential facilities to a biennial fee of \$170, plus \$22 per resident.

12. Eliminates preexisting requirements for the awarding of lead poisoning or lead exposure prevention grants and instead requires awarding of the grants under criteria established by DHSS by rule.

13. Creates a program of grants to nonprofit corporations and public agencies for services to prevent human immunodeficiency virus (the virus that causes acquired immunodeficiency syndrome (AIDS)).

14. Permits DHSS to assess the owner of a nursing home or community-based residential facility for the costs of any monitor whom DHSS places in the nursing home or community-based residential facility to observe, assist and report about the nursing home or community-based residential facility.

15. Modifies the breast cancer screening program to require grant distribution to support breast cancer screening services in all areas of the state, rather than in only 12 rural counties.

16. Requires DHSS to submit to the Governor an inventory of all authorized positions and funding of state agencies that are associated with health functions.

17. Permits DHSS to waive, under certain conditions, a preexisting requirement concerning structural additions or renovations to an existing structure for licensure of a place as a bed and breakfast establishment.

18. Generally conforms the Health Care Provider Loan Assistance Program with the Physician Loan Assistance Program with respect to the definition of eligible practice areas. Under those programs, DOD (the Department of Commerce effective July 1, 1996) agrees to repay up to a specified amount of educational loans obtained by specified health care providers who agree to practice in this state primarily in eligible practice areas, which are certain health care shortage areas.

19. Prohibits a physician from being eligible for loan repayment under the Physician Loan Assistance Program if the physician participated in the national Health Service Corps Scholarship Program.

Act 98 (AB-520) requires DHSS (DHFS effective July 1, 1996) to uniformly license, inspect and otherwise regulate rural medical centers. The act permits a facility to be regulated as a rural medical center if it is organized under a single governing and corporate structure, meets certain location requirements and provides two or more health care services of a hospital, rural primary care hospital, nursing home, hospice, rural health clinic or ambulatory surgery center or provides home health, outpatient physical therapy or occupational therapy or end-stage renal disease services or services specified by DHSS by rule. Under the act, a hospital, nursing home, hospice or home health agency that provides all of its services as part of a licensed rural medical center need not obtain, in addition to the rural medical center license, licensure or approval or pay license or approval fees under other laws of this state, but must still meet the standards and other regulations for operation under those laws, unless the laws conflict with laws regulating rural medical centers.

Act 200 (AB-658) allows a person who is terminally ill or who suffers from an extreme medical condition to request a do-not-resuscitate order from his or her physician that alerts medical personnel and emergency medical technicians that the person does not wish to be resuscitated.

Act 222 (SB-239) requires DHSS (DHFS effective July 1, 1996) annually by July 1, rather than only until July 1, 1994, to submit a report for distribution to standing committees of the legislature on the success of the statewide immunization program in eliminating certain diseases and protecting against tetanus.

Act 309 (AB-441) modifies and significantly expands preexisting requirements for informed consent prior to the performance or inducement of an abortion and requires that an informed consent be obtained at least 24 hours before performance or inducement of an abortion (see *HIGHLIGHTS*).

Act 365 (AB-926) prohibits circumcision, excision or infibulation (buckling) of the genital tissue of a female minor and prohibits asserting consent, custom or ritual as a defense to prosecution for violating this prohibition.

Act 386 (SB-94) eliminates a previous requirement to obtain parental consent before testing certain infants for controlled substances (dangerous drugs), if a physician determines that

there is a serious risk of controlled substances in the infant's bodily fluids and if the health of the infant may be adversely affected by the controlled substances. The act also eliminates termination of a program providing treatment and services to an infant who has a positive test for controlled substances and to the infant's mother.

Act 433 (SB-369) creates a 6-member Interagency Coordinating Council in DOA, to increase the efficiency and utility and facilitate the effective functioning of state agencies in activities related to health care data collection (see *Insurance*).

Act 442 (AB-1034) creates a 15-member Council on Health Care Fraud and Abuse that is authorized to function until January 1, 2000, and that must study all aspects of health care fraud and abuse, perform other duties, and annually report to the governor on its activities and on other matters.

MEDICAL ASSISTANCE

Act 27 (AB-150) makes various changes related to the Medical Assistance (MA) program. The act:

1. Limits reimbursement to providers of home health, personal care and private-duty nursing services that are provided to an MA recipient in a month to the average monthly cost of nursing home care, except for recipients who are under age 22, recipients who are ventilator dependent, recipients for whom nursing home care is unavailable or recipients for whom nursing home care costs would exceed the costs of providing home health, personal care and private-duty nursing services (see *Act 457*).

2. Limits reimbursement to providers of home health services to the lesser of the state's maximum medical assistance rate, the amount that the federal Medicare program reimburses for a service or the provider's usual and customary charge for the services (see *Act 457*).

3. Eliminates preexisting requirements to transfer funding from the MA program to the Community Options Program (under which, as an alternative to institutional care, persons receive funding for services that are provided in their homes) if there is a decline, over the period of the prior two years, in utilization of nursing home beds funded under the MA program.

4. Reduces the maximum amount of income and assets that may be retained by a spouse who resides in the community while the other spouse becomes eligible for MA in a nursing home or under home- or community-based waiver programs.

5. Modifies the provisions of the Estate Recovery Program, under which the state may recover certain MA expenses from the estates of former MA recipients, to:

a. Allow DHSS (DHFS effective July 1, 1996) to recover amounts held in a payable on death account and in a joint account.

b. Allow DHSS to make recoveries for community-based services provided under the Community-Supported Living Arrangement Program.

c. Exempt estate recovery claims from the filing time limit for probate claims.

d. Modify the type of estates for which claims may be recovered by use of an affidavit.

6. Eliminates MA coverage for removable and fixed prosthodontic services (see *Act 164*).

7. Requires prior authorization for all personal care services provided under the MA program to an individual that exceed 50 hours in a calendar year, rather than after 250 hours in a calendar year as provided under preexisting law. In addition, the act eliminates the benefit of personal care services for MA recipients who are also eligible for home health aide services under the federal Medicare program.

8. Modifies the formula for MA reimbursement for the provision of nursing home services to require nursing homes to pay for the costs of a commercial estimator with whom DHSS contracts to determine replacement value for capital payment purposes and allow the cost as an administrative expense. The act also requires nursing homes to identify interest and investment income from affiliated entities, reduce allowable interest costs by that income when determining MA reimbursement and provide information, upon request by DHSS, to determine allowable interest expenses; changes the hold harmless provision in preexisting law that permitted certain nursing homes to receive their previous year's rates rather than a rate decrease and, instead, guarantees rates that were in effect on June 30, 1994; and eliminates the rate supplement for providing care to emotionally disturbed persons.

9. Requires that DHSS distribute, to offset unreimbursed county nursing home expenses, any federal medicaid funds received that were in excess of amounts anticipated, that were not used to fund reimbursement rate increases and that are matched by county funds.

10. Requires that DHSS establish a system of MA payments to pharmacies for prescription and over-the-counter drugs that has financial incentives for pharmacists who perform services that result in savings to the MA program and that DHSS design a schedule of fees that corresponds to documented savings.

11. Permits DHSS to establish a program to provide case management services for MA recipients with high-cost chronic or catastrophic health conditions.

12. Establishes a program to reduce operating deficits of county departments of social services or human services for costs incurred in excess of MA payments for home health medical day treatment, mental health and alcohol and other drug abuse services. The program, under the act, must include the development of criteria for determining operating deficits, assure agreements by counties to provide funds to match federal medicaid funds, and consider the size of a county department's operating deficit.

13. Establishes mental health crisis intervention services as a MA benefit if the services are provided by programs operated by or under contract with a county or municipality that is certified as a provider and if funds for the non-federally funded portion of the services are provided by the county or municipality.

14. Expands targeted case management services to include members of a family that has a child at risk of serious physical, mental or emotional dysfunction; and to include children who are eligible for early intervention services, who are infected with tuberculosis or who have asthma.

15. Establishes school medical services (health care services that are appropriate to a school setting and that are provided in a school to children who are eligible for MA) as an MA

benefit, for which school districts and cooperative educational service agencies are reimbursed 60% of the federal medicaid payment for providing these services.

16. Establishes certain tuberculosis-related services as an MA benefit for persons who are infected with tuberculosis and who meet income and resource eligibility requirements for the federal Supplemental Security Income program.

17. Modifies the preexisting program under which supplemental MA payments are made to county hospitals and county mental health complexes, to authorize DHSS to make supplemental MA payments to hospitals that enter into contracts with counties to provide health care that is funded from the state medical relief block grant.

18. Eliminates the expiration, as of June 30, 1995, of MA coverage of alcohol and other drug abuse day treatment services.

19. Requires nursing homes that appeal, through the state, citations of violations of federal medicaid laws that are subject to federal appeal rights, to follow certain federal appeals procedure requirements (see *Act 407*).

Act 164 (*AB-666*) restores medical assistance coverage for fixed and removable prosthodontic services effective retroactively to October 1, 1995, the date that DHSS stopped making payments for the services pursuant to *Act 27*.

Act 191 (*AB-547*) allows a service provider under the Medical Assistance program not to collect the allowable copayment, coinsurance or deductible that a medical assistance recipient is required to pay if the cost of collecting the copayment, coinsurance or deductible exceeds the amount to be collected.

Act 216 (*SB-565*) expands a preexisting program to reduce operating deficits of county departments of social services, human services or community programs for the costs of certain under-reimbursed services provided under the Medical Assistance program. The act includes reduction of operating deficits of local health departments and adds personal care, alcohol and other drug abuse day treatment, mental health and psychosocial rehabilitation, case management and mental health crisis intervention services to the services for which federal medicaid funds may be matched if a county, city, town or village expends funds for the services.

Act 303 (*SB-615*) permits certain medical assistance providers in Milwaukee County to be certified to provide to certain medical assistance recipients prenatal and postpartum care coordination services and care coordination services for children who are under seven years old.

Act 407 (*AB-863*) requires that state nursing home appeals of citations of violations of federal medicaid laws be filed with the DOA Division of Hearings and Appeals (see *Insurance and Health and Social Services – Public Assistance*).

Act 457 (*AB-1080*) eliminates limitations enacted under *Act 27* on reimbursement, under the Medical Assistance program, of providers of home health, personal care and private-duty nursing services. The act also changes limitations, established under *Act 27*, on the provision of these services to permit a medical assistance recipient to receive, in a month, services equal to 120% of the average monthly cost of nursing home care.

MENTAL HEALTH

Act 27 (AB-150) makes various changes to mental health laws. The act:

1. Eliminates the expiration date of June 30, 1995, for funding for the Career Youth Development Center in Milwaukee, for an alcohol and other drug abuse residential treatment program in Milwaukee (New Beginning) and for the development of new drug abuse prevention, treatment and education programs that are culturally specific with respect to American Indians. The act transfers funding to the community aids program and eliminates the expiration date of June 30, 1995, for funding for the Neighborhood Drug and Violence Prevention Program, for the multi-disciplinary prevention and treatment team in Milwaukee County for cocaine-abusing women and their children, and for specialized services and treatment for pregnant women and mothers with alcohol and drug treatment needs and their children up to the age of five years at the Women's Treatment Center (Meta House) in Milwaukee.

2. Eliminates funding for the Alzheimer's Training and Information Grant Program, under which a nonprofit organization provided information and educational materials to the general public about Alzheimer's disease and provided training to service providers for persons with Alzheimer's disease (see *Act 464*).

3. Reduces funding for the Guardianship Grant Program, under which counties or nonprofit agencies recruit, train, monitor and assist individuals acting as guardians for persons who are adjudicated incompetent, and requires matching funds from the grant recipient equal to the amount of any grant awarded (see *Act 464*).

4. Increases the amount of the intoxicated driver surcharge from \$250 to \$300 and requires the increase to be used to provide supplemental funds to counties that have costs in excess of revenues for the treatment of intoxicated driver program clients (see *Transportation – Driving While Intoxicated*).

5. Modifies preexisting funding requirements for the provision of services to severely emotionally disturbed children to authorize distribution of funds to counties that meet requirements for integrated service programs for children with severe disabilities and that receive a federal grant for community mental health services for children with severe emotional disturbances or another grant for services to severely emotionally disturbed children. As a condition for fund receipt, the act requires counties to submit plans that provide for enrollment of children served under the program in a limited service health organization at the time funding is terminated.

6. Provides for federal community mental health block grant funding of training for mental health treatment professionals in new treatment approaches and medication and for assistance in relocating individuals with mental illness from institutional or residential care to less restrictive or more cost-effective community settings (see *Act 216*).

Act 92 (AB-244) limits the funding obligations of counties in providing protective placements and mental health services and limits certain rights of persons who are receiving services for mental illness, developmental disabilities or alcohol or other drug abuse (see *HIGHLIGHTS*).

Act 169 (AB-418) modifies laws governing access by a protection and advocacy agency to otherwise-confidential mental health treatment records and patient health care records. (A protection and advocacy agency is an entity designated by the governor to implement a system to protect and to advocate for the rights of persons with developmental disabilities or mental illness, as authorized by federal law.) The act limits access by the protection and advocacy agency to information about a minor with developmental disability who has not been adjudicated incompetent and permits the minor's parent or guardian to object to access to the minor's treatment or health care records. The act makes inapplicable, in certain circumstances, limitations and restrictions on record information obtainable by the protection and advocacy agency for persons who are adjudicated incompetent and minors with developmental disabilities who have not been adjudicated incompetent, including in situations where there is probable cause to believe that health or safety is jeopardized or abuse or neglect has occurred.

Act 175 (SB-241) extends immunity from civil liability to persons who, in good faith, evaluate and diagnose individuals who voluntarily enter mental health treatment facilities or who are detained on an emergency basis because of dangerousness and mental illness, alcohol or other drug dependency or developmental disability. The immunity extends to the making of a determination as to whether a person has mental illness or is dangerous and applies to the mental health evaluation, diagnosis and treatment, under a court order, of an individual who consents to treatment and who is confined in a jail.

Act 216 (SB-565) changes to July 1, 1999, the date by which under preexisting law sufficient revenues must exist to cover anticipated expenditures for the provision of care to patients at the mental health institutes, under a plan implemented by DHSS (DHFS effective July 1, 1996). The act also modifies grants, funded by federal mental health block grant monies, to counties to assist in relocating individuals with mental illness from institutional or residential care to less restrictive and more cost-effective community settings and services, by limiting the funding to five years for each recipient county, permitting initial phasing in of community services and requiring counties to continue the community services following grant termination.

Act 268 (SB-119) modifies the standard by which a court may find a person to be incompetent to refuse psychotropic medication, as it is applied to persons at or after a hearing to determine probable cause for involuntary civil commitment; after a final order for involuntary civil commitment; after binding over a criminal defendant for trial or after a finding of guilt, if there is reason to doubt the competency of the defendant; or when a criminal defendant is found not guilty by reason of mental disease or defect. Under the act, the modified standard requires that, after the advantages and disadvantages of and alternatives to a particular psychotropic medication have been explained to an individual, he or she is either incapable of expressing an understanding of the advantages, disadvantages or alternatives or is incapable of applying an understanding of the advantages, disadvantages and alternatives to his or her chronic mental illness in order to make an informed choice about acceptance or refusal.

Act 276 (SB-623) provides increased funding for treatment and services by the Wisconsin Resource Center (a state correctional facility at Oshkosh) for persons who are involuntarily

civily committed to secure mental health facilities as sexually violent persons and increased funding for costs associated with the supervised release of sexually violent persons. The act specifies criteria that a court must use to determine the county of residence of a sexually violent person for purposes of the supervised release from a secure mental health facility. Under the act, a court may not place a person who is on supervised release in the county in which is located the mental health facility to which the person was committed for institutional care unless that county is also the person's county of residence.

Act 292 (SB-270) establishes an additional standard, for the period after November 30, 1996 and before December 1, 2001, for a finding of mental illness for purposes of emergency detention or involuntary civil commitment that does not require that an individual be found dangerous (see *HIGHLIGHTS*).

Act 398 (SB-591) requires that independent living centers that are receiving state funding for nonresidential services to severely disabled individuals comply with federal requirements by July 1, 1998, and that independent living centers that first receive the funding after June 21, 1996, comply with the federal requirements.

Act 416 (SB-563) increases the amount of public debt that the state is authorized to contract for the expansion of the Wisconsin Resource Center and increases the bed capacity of the Wisconsin Resource Center. The Wisconsin Resource Center is a correctional institution that provides psychological examinations and specialized training and supervision for inmates with mental health problems, and that houses persons committed as sexually violent persons.

Act 464 (AB-739) restores the Alzheimer's Training and Information Grant Program, which was eliminated in Act 27, and reduces to 10% from 100% the required amount of matching funds from organizations receiving grants for recruitment, training, monitoring and assistance to guardians for persons who are adjudicated incompetent (see *Health and Social Services – Other Health and Social Services*).

PUBLIC ASSISTANCE

Act 12 (AB-21) requires DHSS to seek three waivers from the secretary of the U.S. Department of Health and Human Services relating to the AFDC and JOBS programs. The first waiver would permit DHSS (DILJD effective July 1, 1996) to require AFDC applicants, with certain exceptions, to provide verification of compliance with certain orientation and job search activities before providing aid under the AFDC program. The second waiver requires DHSS (DILJD effective July 1, 1996) to conduct a demonstration project pursuant to a waiver that would permit DHSS (DILJD effective July 1, 1996) to limit increases in an AFDC grant for certain families that have additional children. Under the demonstration project, the department may not consider, in determining the amount of the AFDC grant, a child born into a family more than 10 months after the date on which the family first was determined to be eligible for AFDC. The act creates a number of exceptions to this provision. The third waiver would allow DHSS (DILJD effective July 1, 1996), in certain circumstances, to reduce the amount of an AFDC grant based on the level of participation in the JOBS program. The act also takes advan-

tage of a federal law option to require JOBS participation of parents and other caretakers of children who have attained one year of age.

Act 18 (AB-243) makes changes to general relief, under which needy persons received cash and medical assistance. Previous law defined a minimum monthly benefit under the General Relief Program, although a general relief agency was required to provide more than that benefit if additional services, commodities or money were reasonable and necessary under the circumstances to provide an eligible dependent person with food, housing, clothing, fuel, light, water, medical, transportation and funeral expenses. The act amends these provisions so that, except to pay funeral expenses of an eligible dependent person, a general relief agency was not required to provide more than the minimum monthly benefit to meet an eligible dependent person's nonmedical needs (see *Act 27*).

Act 27 (AB-150) makes various changes related to public assistance. The act:

1. Transfers the administration of many economic support programs from DHSS (DHFS effective July 1, 1996) to DILHR, and changes the name of DILHR to the Department of Industry, Labor and Job Development (DILJD) effective July 1, 1996.

2. Replaces the mandatory General Relief Program for counties with an optional relief block grant program, under which counties may provide medical relief to needy persons, and counties other than Milwaukee County may provide cash assistance.

3. Specifies that the special benefits for pregnant women that are provided under AFDC are not provided until the eighth month of pregnancy. Formerly, benefits were available beginning in the seventh month of pregnancy.

4. Expands the Learnfare Program, under which AFDC benefits are linked to school attendance, to children between the ages of six and 12 and sets forth sanctions for habitual truants.

5. Makes changes in the calculation of benefits under the Work-Not-Welfare Program, under which certain AFDC recipients are subject to employment and training requirements.

6. Specifies that the AFDC benefit for new arrivals to Wisconsin will be based on the benefit level in the state where a family most recently resided for one month or longer, rather than six months or longer as under previous law. The act also provides that the two-tier provisions apply to persons who have not previously resided in Wisconsin for at least six consecutive months, rather than six consecutive or nonconsecutive months as under previous law.

7. Reduces funding for the state supplement to the federal special supplemental food program for women, infants and children (commonly known as WIC).

8. Transfers the administration of the Low-Income Energy Assistance Program from DHSS to DOA (see *HIGHLIGHTS, State Government – Reorganization*).

Act 58 (AB-599) authorizes counties to operate a relief program for a specific class or classes of persons.

Act 198 (AB-517) requires DHSS (DHFS effective July 1, 1996) to make a direct payment to the landlord of a recipient of AFDC if it is determined that the recipient has failed to pay rent for two or more months, unless the failure to pay rent is authorized by law.

Act 216 (SB-565) authorizes tribal governing bodies to use funds received under the Medical Relief Block Grant Program established under Act 27 for alcohol and other drug abuse treatment services.

Act 289 (AB-591) replaces AFDC with a non-entitlement program called Wisconsin Works (see *HIGHLIGHTS*).

Act 361 (AB-427) modifies the restrictions on the disclosure of information concerning certain public assistance recipients. The act:

1. Provides that the monthly reports maintained by county departments and relief agencies may no longer include the addresses of AFDC and relief recipients. Instead, the act allows disclosure of the addresses of AFDC and relief recipients (upon request and after providing notice to the recipients) in certain cases in which the recipients are involved in legal actions or proceedings.

2. Eliminates the 72-hour notification requirement for a county department or relief agency to notify a public assistance recipient whose records have been inspected by a member of the public. Instead, the department or agency is required to notify the person whose record has been inspected within seven days after the record is inspected or on the next regularly scheduled communication with that person, whichever is sooner.

3. Allows county departments and relief agencies to withhold the right to inspect a record from private individuals who are not inspecting this information for public, educational, organizational, governmental or research purposes, until the person whose record is to be inspected is notified by the department or agency, but in no case may the department or agency withhold the information in the record for more than five working days.

4. Requires a county department or relief agency to record the name, address, employer and telephone number of a person requesting to inspect a record and allows the department or agency to deny such a request if the person refuses to provide this information.

Act 368 (SB-445) provides for the transfer of food stamps and other governmental benefits through an electronic benefit transfer system.

Act 407 (AB-863) provides that a sanction under the Learnfare Program is a significant change in circumstances for AFDC recipients who are subject to the employment and training requirements of the Work-Not-Welfare program for the purpose of adjustment of AFDC benefits. The act also adds state and federally funded maternal and child health services to the types of medical benefits that, under preexisting law, if provided to a recipient, are an assignment for any health insurance benefits the recipient receives. In addition, the act also entitles DHSS (DHFS effective July 1, 1996), a county or an elected tribal governing body that provides the services to exercise the rights of the recipient against a third party, if a court makes an award in favor of the recipient against the third party (see *Insurance and Health and Social Services – Medical Assistance*).

Act 432 (SB-482) provides that DOA must administer the federal weatherization program in accordance with federal regulations governing the program.

OTHER HEALTH AND SOCIAL SERVICES

Act 27 (AB-150) makes numerous changes to laws relating to other health and social services as follows:

1. Establishes a new type of facility for the provision of long-term care, termed an assisted living facility, which must have at least five adult residents; consist entirely of independent apartments with individual, lockable entrances and kitchen (including a stove), bathroom, sleeping and living areas; and provide not more than 28 hours per week of supportive personal and nursing services, as defined by rule by DHSS (DHFS effective July 1, 1996), to each resident. Under the act, the assisted living facility may receive medical assistance reimbursement for resident services only if provided under the Community Options Program or the Community Integration Program (which provides home or community-based care to persons who are relocated from state centers for the developmentally disabled; who meet certain level-of-care requirements; who meet the requirements and are relocated from other institutions; or who are developmentally disabled and relocated from other institutions or meet certain requirements) for persons relocated or meeting certain standards of care and if the facility is certified as a provider under standards required to be promulgated as rules by DHSS and only at a rate of 85% of the statewide medical assistance daily cost of nursing home care. The act authorizes a nursing home, other than the Wisconsin Veterans Home at King, or a community-based residential facility to convert a separate area into an assisted living facility, except that a nursing home must reduce its licensed beds by the number of assisted living facility beds. Lastly, the act requires that an assisted living facility have a written service agreement and a risk agreement with each resident and that each assisted living facility that is not certified as a provider of medical assistance be registered with DHSS.

2. Modifies the Community Options Program to limit payments to the average cost of nursing home care, with exceptions for persons who are under age 22, persons who are ventilator dependent, persons for whom nursing home care is unavailable or persons whose nursing home costs would exceed the cost of providing care in the community; authorizes recovery of Community Options Program funding from estates of persons who are 55 and have received Community Options Program benefits after December 31, 1996; increases from 50% to 100% the percentage of costs of services to which a Community Options Program recipient must contribute payment as calculated under the uniform fee system established by DHSS; and authorizes counties to charge a fee, based on ability to pay, for assessments and case plans provided to potential Community Options Program recipients.

3. Restricts the use of Community Options Program funds and certain Community Integration Program funds to pay community-based residential facilities by prohibiting counties, subject to certain exceptions, from using more than 25% of the funds to pay for care provided in community-based residential facilities; by prohibiting, except for persons already residing in a community-based residential facility, use of the funds in a community-based residential facility with more than eight beds unless a larger, previously-licensed facility or a facility with between 8 and 20 beds is approved by DHSS under certain standards or unless a facility meets certain physical and resident requirements; by requiring development by DHSS and

use by counties of a model contract for the purchase of long-term support community services for persons who reside in community-based residential facilities; and by requiring prospective new residents of a community-based residential facility who intend to pay for their care with private funds to submit financial statements to community-based residential facilities before admission.

4. Changes the name of DHSS on July 1, 1996, to the Department of Health and Family Services (DHFS) (see *HIGHLIGHTS, State Government – Reorganization*).

5. Prohibits eligibility for state-funded Community Options Program services for persons who are eligible for, and refuse, services under the Community Integration Program waivers to federal medicaid laws and specifies that persons who are denied eligibility on this basis may not request a hearing to review the denial.

6. Eliminates the requirement that DHSS conduct a statewide campaign to increase public awareness of elder abuse.

7. Authorizes, rather than requires, DHSS to review county contracts for care and services, including those entered into by county departments of social services, human services, developmental disabilities services and community programs.

8. Establishes a pilot project to create a separate community services allocation for the Red Cliff Band of Lake Superior Chippewas for provision of services for tribal members residing on their reservation.

Act 64 (AB-241) authorizes a subunit of a county department of social services and developmental disabilities services to exchange confidential client information, without a client's informed consent, with any other subunit of the same county department if necessary to perform duties or to enable client service delivery.

Act 168 (AB-399) makes numerous changes to the laws governing living wills. A living will enables a person to authorize the withholding of life-sustaining procedures or feeding tubes when the person is terminally ill or in a persistent vegetative state. The act:

1. Permits a person to authorize, under his or her living will, the withholding or withdrawal of medications, life-sustaining procedures or feeding tubes if the person's attending physician advises that the pain or reduction of the person's comfort caused by the withholding or withdrawal can be alleviated through pain relief measures.

2. Permits a valid living will that is executed in another state or jurisdiction to be enforced in this state, to the extent that the living will is consistent with this state's laws.

3. Requires a health care facility or provider that receives a copy of a living will to include the copy in the patient's medical record.

Act 216 (SB-565) changes the maximum period of the initial lease and affiliation agreements between the UW Hospitals and Clinics Authority and the UW Board of Regents, and of any extension or renewal of the agreements, from five years to 30 years. The act requires a review of the lease and affiliation agreements by JCF every five years. The act also provides that any contractual services agreement between the UW Hospitals and Clinics Authority and

the UW Hospitals and Clinics Board remains in effect after its scheduled expiration if the agreement has not been further extended or renewed.

Act 464 (AB-739) increases general purpose revenue funding for the Community Options Program and for the Office of the Long-Term Care Ombudsman, which provides advocacy for residents of nursing homes, community-based residential facilities, hospices, adult family homes and acute care or extended care facilities (see *Health and Social Services – Mental Health*).

Act 468 (AB-733) requires DHFS, on October 1, 1996, to annually license and otherwise regulate tattooists and tattoo establishments and body piercers and body-piercing establishments, and prohibits unlicensed tattooing or body piercing. Licensing and regulation of licensed premises may, under the act, be performed by local health departments acting as agents of DHFS.

Act 469 (AB-608) authorizes a county clerk to provide the name and the otherwise-confidential address of a marriage license applicant to a law enforcement officer and requires that the county clerk do so, if the law enforcement officer makes a written request for the name and address to perform an investigation or serve a warrant. The act also requires a change in the marriage application form on October 1, 1996.

Insurance

Act 10 (AB-36) requires that future medical expenses exceeding \$100,000 that are payable under a settlement or judgment in a medical malpractice action be paid into the state patients compensation fund, and that a separate accounting be kept for each claimant's payments and the interest accruing that is attributable to the claimant's share of the fund. The act also requires the fund, which pays the portion of a medical malpractice award that exceeds required health care liability insurance limits, to pay a claimant's full medical expenses each year, plus an amount up to \$500,000 per year that will pay the remaining liability during the claimant's anticipated lifetime, if the fund incurs liability for future payments exceeding \$1 million. Any amount not paid before the claimant's death must be paid in a lump sum (see *HIGHLIGHTS, Courts and Civil Actions*).

Act 21 (SB-6) allows an insurer under a motor vehicle insurance policy to prohibit stacking of coverages and to provide for drive-other-car exclusions (see *HIGHLIGHTS*).

Act 27 (AB-150) makes various changes in the laws relating to insurance. The act:

1. Authorizes the commissioner of insurance to set standards for the prelicensing education of insurance intermediaries, as well as the standards for annual continuing education of insurance intermediaries under preexisting law; prohibits the commissioner from requiring more than 30 hours of continuing education in a two-year period; and authorizes the commissioner to approve courses or programs, as well as organizations that may offer the courses or programs, for fulfilling the prelicensing or continuing education requirement.

2. Increases, as well as adds, fees for various activities of insurers and intermediaries, and services provided by OCI.

3. Requires every insurer doing business in the state to maintain in the state an agent for service of process and provides that the commissioner may be served instead if an insurer fails to maintain an agent for service of process or if the agent cannot be found (see *Act 396*).

4. Provides that moneys in the patients compensation fund, the local government property insurance fund, and the state life insurance fund that are appropriated for operations and benefits may not be used for the administration of those funds.

5. Provides that a fraternal, or fraternal benefit society, is subject to the provisions related to the health insurance risk-sharing plan and thus is required to pay the insurer assessments that help fund the plan.

6. Increases the amount that an insurer must withhold from payment of the final settlement for a loss under a fire and other property insurance policy which insures property located in a first class city (Milwaukee) to the lesser of \$7,500 or the policy limits. Insurers must withhold the amount for a specified time in order to reimburse the expenses that a first class city may incur with respect to the damaged property.

Act 94 (AB-299) requires an insurer to make available an internal procedure by which an insured may appeal a decision by the insurer to restrict or terminate coverage for chiropractic treatment on the basis of an independent evaluation of the treatment. This requirement does not apply to worker's compensation insurance or any line of property and casualty insurance except disability insurance (see *Occupational Regulation - Professional Licensing*).

Act 167 (AB-325) provides that the patients compensation fund does not cover a health care professional service corporation if the board of governors of the Health Care Liability Coverage Plan for Health Care Providers established by the commissioner of insurance determines that it is not the primary purpose of the health care professional service corporation to provide the medical services of physicians or nurse anesthetists (see *Occupational Regulation - Professional Licensing*).

Act 197 (AB-271) allows a mutual insurance corporation that is organized by two or more municipalities to provide worker's compensation insurance covering the officers and employees of the municipalities, in addition to liability insurance and risk management services, which may be provided by municipal insurance mutuals under preexisting law.

Act 236 (AB-836) exempts limited service health organizations from required participation in the Insurance Security Fund and requires service insurance corporations, except those that offer only dental or vision care, to participate in the Insurance Security Fund. The Insurance Security Fund is funded by participating insurers and pays the claims of a participating insurer in the event of liquidation.

Act 242 (SB-256) provides that certain provisions of the statutes relating to insurance do not apply to any annuities or group policies covering the employees of nonprofit educational, scientific, research, religious or charitable institutions.

Act 259 (SB-362) provides grounds, and notice requirements, for the rescission of an insurance contract.

Act 289 (AB-591) provides for group health insurance market reform (see *HIGHLIGHTS*).

Act 371 (SB-621) provides for the regulation by OCI of viatical settlements and the licensure by OCI of viatical settlement providers and brokers. A viatical settlement is a settlement paid by a viatical settlement provider to the policyholder of a life insurance policy that insures the life of a person with a catastrophic or life-threatening illness or condition for the purchase of the policy. The settlement amount, which is a function of the life expectancy of the person whose life is insured under the policy, is less than the death benefit payable under the policy (see *Taxation*).

Act 396 (SB-533) requires every insurer that is authorized to do business in the state to maintain in the state a registered agent for service of process and specifies who may act as a registered agent and other requirements related to changes in the registered agent; requires every life insurer doing business in the state to annually submit to the commissioner of insurance an opinion and other information from a qualified actuary related to the insurer's reserves and related actuarial items held in support of policies and contracts specified by the commissioner; prohibits certain practices and activities by an insurance intermediary, related to the solicitation or sale of insurance, at any time during which the intermediary's license is revoked or surrendered; and provides for immunity from liability for the state, the commissioner, and their employes and agents, for acts or omissions in the performance of duties related to regulation of the capital or solvency of an insurer.

Act 407 (AB-863) authorizes eligibility under the health insurance risk-sharing plan for otherwise-eligible persons who receive payment for deductible and coinsurance amounts from state aids for maternal and child health services (see *Health and Social Services – Medical Assistance*).

Act 412 (SB-471) makes two remedial changes to the insurance statutes. The act requires that vision services that are performed by optometrists may not be excluded from coverage under a health insurance policy or plan that covers those same services if performed by a physician. The act also corrects the time for which previous health insurance coverage must have been in effect in order for an employe of a small employer to be eligible for portability of coverage under a new health insurance policy offered by the small employer. Under the act, such an employe will have coverage under the new health insurance policy without any preexisting condition exclusions or limitations for any condition for which the employe had coverage under his or her previous health insurance coverage if that previous coverage terminated not more than 30 days before the new coverage became effective. Preexisting law provided that the previous coverage must have terminated not less than 30 days before the effective date of the new coverage.

Act 433 (SB-369) increases by two the membership of the Board on Health Care Information, which oversees of the Office of Health Care Information (which collects, analyzes and disseminates data about certain health care services), and requires the Interagency Coordinating Council, created by the act, to report at least annually to the board (see *Health and Social Services – Health*).

Act 453 (AB-545) provides for the establishment of medical savings accounts (see *HIGHLIGHTS*; see also *Taxation*).

Act 462 (AB-992) ratifies part of the Interstate Insurance Receivership Compact, which provides for oversight of insurance receiverships in the states that ratify the compact, and creates an Interstate Insurance Receivership Commission to oversee those receiverships.

Act 463 (AB-1044) authorizes the board of governors of the state Health Insurance Risk-Sharing Plan (HIRSP), which provides health insurance coverage for persons who cannot obtain health insurance in the private market, to reduce premiums for one year beginning on July 1, 1996, for certain covered persons who do not already receive a premium subsidy and requires OCI and DHSS (DHFS effective July 1, 1996) to conduct a study for the purpose of establishing a health care program to replace HIRSP.

Libraries

Act 264 (AB-378) permits a public library board to invest its endowment fund in any real or personal property, as long as the board exercises ordinary business care and prudence in making the investment. Under preexisting law, a public library board was limited to transferring its endowment fund to the city, village, town, tribal government or school district that established the library or entrusting that fund to a public depository such as a bank or a savings and loan association.

Act 270 (SB-491) eliminates the requirement that two or more municipalities be contiguous in order to form a joint library. The act also requires DPI to adjust the maintenance of effort requirement for participation by a county or municipality in a public library system to reflect cost savings that result from the consolidation or sharing of library services (see *Local Law*).

Act 354 (AB-459) permits a county board chairperson to appoint the designee of a school district administrator of a school district in the county, in lieu of the school district administrator, to the county library board.

Local Law

Act 27 (AB-150) does the following:

1. Allows a city or village that has created a tax incremental financing district (TID) to allocate positive property tax increments generated as a result of improvements made within that district, under certain circumstances, to another TID created by the same city or village. (The allocation reimburses the city or village for public expenditures made within a TID.) For TIDs created before October 1, 1995, the act extends the maximum life span of a TID to 27 years, instead of 23 years, and allows tax increments to be allocated until 20 years, instead of 16 years, after the last expenditure in the TID's project plan is made.

2. Transfers the responsibility for the review of town incorporations, consolidations and annexations from DOA to DOD (Department of Commerce effective July 1, 1996) (see *HIGHLIGHTS, State Government - Reorganization*).

3. Requires that, beginning with taxes levied in 1995, payments for local and school tax equivalents by a public utility owned by a municipality be at least equal to the payment made on the property for taxes levied in 1994, unless a lower payment is authorized by the governing body of the municipality.

Act 34 (AB-119) authorizes town meetings and town boards to fill by appointment the offices of town clerk and town treasurer or the combined office of town clerk and town treasurer. Formerly, offices were filled only by election.

Act 35 (AB-202) provides that for any combination of cities, villages or towns (municipalities) that agree to determine the boundary lines between themselves by agreeing to a cooperative plan that is approved by DOA (Department of Commerce effective July 1, 1996), the municipalities' boundaries that relate to the cooperative plan are frozen during the planning period, subject to one exception. The planning period must be 10 years, unless a longer period is approved by DOA.

Act 56 (September 1995 Spec. Sess. AB-1) creates a local professional baseball park district in certain counties (see *HIGHLIGHTS*).

Act 72 (AB-69), subject to some exceptions, prohibits a city, village, town or county from enacting an ordinance or adopting a resolution that regulates the sale, purchase, ownership, use, possession or transportation of a firearm unless the ordinance or resolution is the same as or similar to, and no more stringent than, a state statute. The act does not prohibit a city, village or town that may exercise village powers from enacting an ordinance or adopting a resolution that restricts the discharge of a firearm.

Act 110 (SB-4) requires the standardization of documents that may be recorded in the office of a register of deeds and, subject to some exceptions, prescribes the dimensions, layout, physical characteristics and information that is required for such documents.

Act 124 (AB-175) prohibits any person from recording with a register of deeds a single instrument that contains more than one mortgage, or more than one mortgage being assigned, partially released or satisfied.

Act 134 (SB-411) authorizes each cochairperson of JCF who serves as a board member of a local exposition district to designate as his or her designee to the board a member of the same house of the legislature as the cochairperson who makes the designation.

Act 185 (AB-261) exempts from the open meetings law, subject to certain conditions, any gathering of the members of a town board or of the commissioners of a town sanitary district for the sole purpose of inspecting certain public works projects.

Act 201 (SB-639) reorganizes, renumbers and makes nonsubstantive changes to chapter 59 of the statutes, which relates to counties.

Act 216 (SB-565) does the following:

1. Authorizes certain local units of government (such as cities, villages, towns, counties, lake districts, metropolitan sewerage districts, town sanitary districts and municipal water or power districts) to issue revenue bonds to refund any obligations, and any interest on such obligations, that are issued for a purpose that is related to a public utility or a public transportation system.

2. Provides that, if DOA undertakes construction on behalf of a local professional baseball park district of a building, structure or facility that is constructed for the benefit or use of the district, the building, structure or facility is exempt from all ordinances and regulations,

except zoning ordinances and regulations, of the municipality in which the construction takes place.

Act 239 (SB-21) provides that, subject to an exception, the whole or any part of any unpaved alley in any second, third or fourth class city (every city except Milwaukee) or in any village or town (municipality) may be discontinued by the governing body of the municipality upon the written petition of the owners of more than 50% of the frontage of the land that abuts the portion of the alley that is sought to be discontinued. The act also makes the same changes relating to refunding of obligations made by Act 216.

Act 270 (SB-491) explicitly authorizes cities, villages and towns (municipalities) to enter into agreements to share revenues from taxes and special charges with other municipalities and with federally recognized Indian tribes or bands. The act also explicitly authorizes one or more cities to create a joint police department (see *Libraries*).

Act 335 (SB-433) requires DOR to accept as timely certain forms relating to a tax incremental financing district application from the City of Hayward that are filed after the otherwise applicable deadline.

Act 349 (AB-1050) grants town sanitary districts the power to enact ordinances to implement the powers they have under state law.

Act 373 (AB-438) authorizes any city, village, town or county to enact an ordinance providing for the impoundment of sound-producing devices for certain violations of state or local laws relating to excessive noise (see *Transportation - Traffic and Parking Regulation*).

Act 405 (SB-511) authorizes the governing body of a city, village, town or county that has established an airport and an airport commission to determine the number of members on its airport commission and the lengths of the commissioners' terms.

Act 432 (SB-482) requires a county corporation counsel to approve the surety bond that must be obtained by a prime contractor on a local public improvement and public works project in the corporation counsel's county. Under former law, such a surety bond was approved by the county's district attorney.

Natural Resources

FISH AND GAME AND ENDANGERED RESOURCES

Act 27 (AB-150) makes various changes in the fish and game licenses and permits issued by DNR. The act:

1. Creates an annual fishing license for disabled residents and charges a fee for the license. Under preexisting law a disabled resident was issued a fishing license at no charge, and the license remained in effect as long as the person was disabled.
2. Establishes a reduced-fee resident small game license for children of ages 12 through 17.
3. Requires DNR to charge a nonrefundable processing fee for an application for a bonus deer hunting permit.

4. Authorizes sports licenses and conservation patron licenses to be issued to nonresidents at fees higher than those charged to residents. These licenses grant certain combinations of hunting and fishing privileges. Also, a holder of a conservation patron license may enter state parks and use state trails for free.

The act also creates new wild ginseng harvesting and dealers licenses and charges fees for these licenses that are the same or higher than those charged for the necessary licenses under preexisting law.

Act 59 (AB-247) creates specific penalties applicable to a person who is convicted of illegally hunting moose. The penalties consist of a forfeiture (civil monetary penalty) and a prohibition against hunting for a period from three to five years.

Act 79 (SB-356) exempts from DNR regulation “farm-raised deer”, which consist of the following types: fallow deer, red deer, reindeer and elk that are kept captive for breeding, slaughter or other purposes (see *Agriculture*).

Act 91 (AB-168) authorizes DNR to establish special fishing seasons on certain bodies of water only for persons who are under 16 years old or who are disabled. The body of water must be in an urban area and less than 25 acres in size, and the property owners along the shoreline must agree in writing to the special fishing season.

Act 114 (SB-128) specifically prohibits the shining of wild animals while hunting on game, deer or fur farms.

Act 126 (AB-234) permits the carcass of a deer killed on a highway to be kept by someone other than the driver who killed the deer. The act also allows the person claiming the carcass to contact a law enforcement officer by phone or otherwise to get approval for the removal of the carcass rather than having to wait for the officer to arrive at the scene.

Act 218 (AB-451) repeals the limit on the number of wild geese that may be harvested at the Necedah refuge under the quota set by the federal government for the entire state.

Act 293 (SB-413) authorizes a licensed chiropractor to administer upper extremity strength tests for issuing crossbow hunting permits to disabled persons. Under preexisting law, only licensed physicians were permitted to administer these tests.

Act 296 (AB-585) allows DNR to issue a permit for the taking of an endangered or threatened wild animal or plant if the taking is only incidental to an otherwise lawful activity. DNR may issue a permit if the parties involved in the taking will minimize and mitigate, to the maximum extent practicable, the impact caused by the taking and the taking will not appreciably reduce the likelihood of the survival of the species in Wisconsin. The act also authorizes the taking of endangered or threatened species by DOT or another state agency if the taking complies with procedures established by DNR and the state agency, if the activity is not likely to jeopardize the existence or recovery of the species in Wisconsin, and if the benefit to the public health, safety or welfare justifies the activity.

Act 376 (AB-815) authorizes DNR to issue permits to regulate the number of sharp-tailed grouse killed.

Act 378 (AB-865) changes current law to make it clear that a person must have a permit for stocking or introducing any wild animal or fish regardless of whether the person brought the fish or animal into Wisconsin or obtained the fish or animal in Wisconsin.

NAVIGABLE WATERS AND BOATING

Act 8 (SB-52) eliminates the geographic restriction under the recreational boating program that limits funding for equipment to remove aquatic nuisance plants to only inland lakes and allows the funding for such equipment to be used for Lake Michigan and Lake Superior.

Act 27 (AB-150) increases boat registration fees. The act also establishes fees to be charged by DNR for wetland maps.

The act modifies the fee structure used by DNR for issuing permits for dams and for the placement of structures and other activities in navigable waters and wetlands from one based on the estimated project cost to one that reflects the DNR's staff time in issuing the permits. The act eliminates the exemption from the fees for local units of government.

The act allows the repair or reconstruction of a boathouse that is damaged beyond 50% of its current value if the boathouse was damaged by wind, vandalism or fire after January 1, 1994. Prior law limited the repair of any boathouse to 50% of its current value, regardless of the cause of the damage, and prohibited the reconstruction of any damaged boathouse. The act also prohibits DNR from promulgating rules that regulate the aesthetic features or colors of boat shelters or boathouses.

The act transfers the Lower Wisconsin State Riverway Board, formerly attached to DNR, to the Department of Tourism (see *HIGHLIGHTS, State Government – Reorganization*).

Act 39 (SB-133) removes the deadline in a prior act that required that a parcel of submerged land conveyed by the state to Brown County be conveyed back to the state if a dredge spoil containment facility was not constructed on the parcel before April 22, 1996.

Act 61 (AB-445) specifically authorizes a city, village or town to enact an ordinance to allow the operation of snowmobiles on roadways in its jurisdiction in order to travel between a residence or lodging establishment and the nearest snowmobile route or trail.

Act 105 (SB-364) authorizes the City of Appleton to place fill on the bed of the Fox River to form part of a park that honors the early history of hydroelectric power.

Act 152 (SB-252) allows the enactment of boating ordinances for a lake by a group of municipalities (a combination of cities, towns or villages) without requiring the unanimous approval of all the municipalities having jurisdiction over the lake if at least 50% of these municipalities together have at least 60% of the shoreline footage of the lake within their boundaries. The act also allows lake districts to enact boating ordinances for a lake if the lake is entirely within the lake district's boundaries and if a group of municipalities meeting these percentage requirements adopt resolutions authorizing the lake district to do so (see *Act 349*). The act specifically authorizes certain local units of government to include in their boating ordinances speed limits and restrictions on the days and times boating is allowed, and on the types of boating activities that are allowed.

Act 211 (AB-590) changes some regulatory requirements that apply to the Lower Wisconsin State Riverway. The act:

1. Authorizes the Lower Wisconsin State Riverway Board to promulgate rules establishing construction site erosion control requirements.
2. Authorizes the Lower Wisconsin State Riverway Board to issue permits for nonmetallic mining in certain areas of the Lower Wisconsin State Riverway.
3. Requires DNR to promulgate rules specifying the types and amount of timber cutting allowed in certain areas in the Lower Wisconsin State Riverway.
4. Changes some of the requirements that relate to conspicuousness for structures or mobile homes in the riverway.
5. Establishes requirements that relate to erosion control and conspicuousness for recreational trails in the riverway.
6. Transfers the authority of counties to issue permits for activities on county-zoned shorelands located in the riverway to the Lower Wisconsin State Riverway Board.

Act 258 (AB-740) extends the deadline for the completion by DNR of a lake acidification experiment on Little Rock Lake in Vilas County.

Act 290 (AB-495) lowers the permissible blood alcohol concentration level from 0.1% to 0.04% for drivers of motor-driven boats that are being operated for profit or to earn a living.

Act 331 (SB-120) creates statutory liens on boats for towing, storing or repair charges incurred by boat mechanics, persons who tow boats, and keepers of marinas.

Act 349 (AB-1050) allows town sanitary districts to enact boating ordinances under the same conditions that are imposed on lake districts under Act 152, except that for sanitary districts only 60% of the shoreline footage must be within the sanitary district's boundaries. The act grants town sanitary districts that meet this 60% minimum footage requirement many of the powers of lake districts. The act also allows lake districts that are formed for, or that incorporate, town sanitary districts to exist for inland lakes that do not provide public access via contiguous public lands or easements (see *Local Law*).

Act 397 (SB-590) prohibits the placement of boats, boat trailers and other boating equipment in the Lower St. Croix River by persons who have reason to believe that the boats, trailers or equipment have zebra mussels attached.

OTHER NATURAL RESOURCES

Act 27 (AB-150) makes numerous changes relating to other natural resources. The act:

1. Provides that the secretary of natural resources is no longer appointed by the Natural Resources Board, but is instead nominated, and with the advice and consent of the senate appointed, by the governor (see *HIGHLIGHTS*).
2. Increases the vehicle admission fees for admission to state parks and certain state forests and state recreation areas.
3. Transfers the Kickapoo Valley Governing Board from DOA to the Department of Tourism (see *HIGHLIGHTS, State Government – Reorganization*).

4. Makes the following changes to the Stewardship Program, under which the state provides funding for land acquisition and development for various conservation and recreation purposes.

a. Grants JCF the authority to review and approve expenditures from the stewardship program that are more than \$250,000.

b. Prohibits DNR from expending stewardship funds for the acquisition or development of land by a local unit of government if the land involved is acquired by condemnation.

c. Prospectively prohibits DNR from expending monies from the stewardship fund for the acquisition or development of land for golf courses.

5. Creates a separate trust fund for the operation and maintenance of DNR properties consisting of state parks, state recreation areas and state forests in southern Wisconsin, including grants to friends groups for these DNR properties. The fund consists of monies received from the sale of utility easements located on these DNR properties and gifts and other contributions made to the fund.

6. Eliminates the programs administered by DNR that operated youth conservation camps and conservation work projects for certain groups.

Act 216 (SB-565) changes the name of the Kickapoo Valley Governing Board to the Kickapoo Reserve Management Board.

Act 257 (AB-575) requires DNR to manage the state forests to provide certain benefits, which include the production of forest products, native biological diversity, and outdoor recreation.

Act 291 (AB-528) changes from a fine to a forfeiture (civil monetary penalty) the penalty for the first offense of setting a fire and failing to totally extinguish it so that it becomes a forest fire.

Act 294 (SB-441) exempts from inspection by DNR snowmobile trails that are located on DNR land if the trails are maintained by snowmobile clubs or other nonprofit organizations.

Act 311 (AB-584) prohibits DNR from promulgating rules that result in floodplain zoning ordinances for floodproofed residential basements that are more restrictive than the regulations imposed by the Federal Emergency Management Agency.

Act 312 (AB-762) increases the percentage, from 20% to 70%, that DNR may authorize a concessionaire or other agent who incurs actual expenses in operating a state trail or Heritage Hill State Park to retain from the admission fees collected.

Act 315 (SB-245) applies to a village the procedure used by a town for hearing a complaint about a failure to remove an obstruction from a natural watercourse.

Act 391 (SB-376) makes changes to the laws prohibiting the damaging or destruction of natural resources or archaeological features. The act imposes different penalties depending on whether the damage or destruction occurs in a state natural area, on other land under the management of DNR, or on private land or public land that is not under the management of DNR.

Act 455 (AB-424) prohibits the enactment of local floodplain zoning ordinances that contain provisions that are stricter than those that are minimally required by the National Flood Insurance Program for nonconforming buildings that are damaged by fire or natural disasters other than flooding. A nonconforming building is a building that is not in conformity with the provisions of the floodplain ordinance for the area of the floodplain that the building occupies. The act also prohibits the City of Oak Creek from being required to remove a structure or other deposit that is in place in Crayfish Creek.

Act 459 (SB-521) requires DNR to make a grant of \$75,000 to a nonprofit corporation in fiscal year 1996-97 to assist nonprofit conservation organizations in their establishment and management. The act also authorizes DNR to make this type of grant in each subsequent fiscal year.

Occupational Regulation

CEMETERY REGULATION

Act 357 (AB-895) permits a cemetery authority to disinter human remains buried in a cemetery that is owned or operated by the cemetery authority and to rebury the human remains in another location in the same cemetery in order to correct an error made by the cemetery authority in the original burial of the remains. Unlike former law, the act allows a cemetery authority to disinter and rebury the human remains without first obtaining an authorization issued by a coroner or medical examiner or permission from the Burial Sites Preservation Board. However, the act requires a cemetery authority to notify the spouse or other specified family members of the deceased and the coroner or medical examiner after the cemetery authority reburies the human remains. Finally, the act provides a cemetery authority with immunity from any civil suit brought against the cemetery authority based on the error that is corrected by a reburial under the act, unless the error was the result of reckless, wanton or intentional misconduct.

PROFESSIONAL LICENSING

Act 27 (AB-150) makes various changes to the regulation of occupations by DORL. The act:

1. Requires DORL to determine whether an applicant for renewal of a credential issued by DORL, an examining board or affiliated credentialing board attached to DORL, is liable for any delinquent taxes owed to the state and to deny the application for renewal if the applicant is liable for such taxes (see *Act 233*).

2. Creates a social worker training certificate that is issued by the social worker section of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to a person who is seeking to attain the equivalent of a social work degree in order to qualify for a social worker certificate and allows the holder of a social worker training certificate to use the title "social worker."

3. Allows a person who is licensed as a physician by the Medical Examining Board and who possesses a medical degree conferred by a foreign medical school recognized and listed by the World Health Organization to use the title “doctor of medicine” and the initials “M.D.”

4. Eliminates inactive licensee status for a real estate broker or salesperson by prohibiting DORL from registering a licensed real estate broker or salesperson as an inactive licensee and establishing license reinstatement procedures for a person who is registered as an inactive licensee under former law.

5. Establishes a uniform annual renewal date for certificates of registration for charitable organizations and converts the annual renewal date for certificates of registration for professional fundraisers and fundraising counsels to a biennial renewal date.

Act 94 (AB-299) requires a chiropractor to create and maintain records for every patient that the chiropractor examines or treats (see *Insurance*).

Act 146 (AB-164) allows a person who is authorized to practice nursing under a credential granted by another state, territory, country or province to provide nursing services in this state for certain persons for not more than 72 consecutive hours if the Board of Nursing determines that the requirements of the state, territory, country or province that granted the person’s credential are substantially equivalent to the licensure requirements of this state.

Act 166 (AB-280) requires the Physical Therapists Affiliated Credentialing Board and the Chiropractic Examining Board to jointly promulgate rules establishing the circumstances under which and the extent to which a chiropractor may claim to render physical therapy or physiotherapy services.

Act 167 (AB-325) allows audiologists, chiropractors, dietitians, hearing instrument specialists, physical therapists and speech language pathologists to be shareholders in a health care professional service corporation (see *Insurance*).

Act 170 (AB-429) eliminates the requirement that audiometric equipment that is used in the evaluation of hearing sensitivity for the fitting and sale of hearing aids be calibrated at least once every six months and instead requires the Hearing and Speech Examining Board to establish the frequency of required calibrations by rule.

Act 171 (AB-430) requires an applicant for a certificate to practice respiratory care to submit evidence to the Medical Examining Board that he or she graduated from a school with a course of instruction in respiratory care approved by the Commission on Accreditation of Allied Health Education Programs of the American Medical Association.

Act 172 (AB-479) requires an applicant for a certificate to practice occupational therapy to submit evidence to the Medical Examining Board that he or she has completed the academic and supervised internship requirements of an education program in occupational therapy accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association.

Act 188 (AB-389) revises the definition of the “practice of psychology” to include such services as psychoanalysis, biofeedback, treatment of sexual and neuropsychological disorders and treatment for alcohol and other substance abuse. In addition, the act provides that, with certain exceptions, a person may provide services that are included in the practice of psycholo-

gy only if he or she is licensed as a psychologist or private practice school psychologist by the Psychology Examining Board. The act also makes changes in the continuing education requirements for psychologists.

Act 231 (AB-532) authorizes the Barbering and Cosmetology Examining Board to issue a six-month, nonrenewable temporary permit to a person who is applying for an aesthetician, electrologist or manicurist license if he or she has satisfied all of the requirements for licensure except for the examination and he or she is scheduled to take the examination. Before performing a service authorized by such a permit, a permit holder must inform the person who is receiving the service that he or she is practicing under a temporary permit and that he or she has satisfied all of the requirements for licensure except for taking and passing the examination.

Act 233 (AB-642) makes changes in the credential renewal process with respect to the determination of whether a credential holder is liable for any delinquent taxes owed to this state. The act:

1. Requires DORL to request DOR to certify whether a credential holder is liable for delinquent taxes. Formerly, DORL was required to make its own determination regarding the liability of a credential holder.

2. Provides that if a credential holder's credential renewal application is denied on the basis of liability for delinquent taxes, he or she is entitled to a hearing before DOR. Former law provided for a hearing before DORL.

3. Provides that if a credential holder's credential renewal application is denied on the basis of liability for delinquent taxes and he or she reapplies for renewal of the credential, DORL must deny the reapplication unless he or she submits a certificate from DOR which states that he or she is no longer liable for delinquent taxes.

Act 245 (SB-340) requires an applicant for a license to practice podiatry to have completed 12 months of postgraduate training in a program approved by the Medical Examining Board. The act also requires a podiatrist to complete, every two years, 30 hours of continuing education in courses approved by the examining board. In addition, the act provides that an affirmative vote of two-thirds of the voting membership of an examining board is required to suspend or revoke a credential granted by the examining board. Under former law, the nonvoting membership of an examining board was counted to determine whether two-thirds of the membership had voted to suspend or revoke a credential.

Act 277 (AB-484) exempts a regionally accredited, nonprofit, postsecondary educational institution that solicits contributions in this state from the requirement to register with DORL as a charitable organization.

Act 295 (SB-535) allows a funeral establishment operator, funeral director or agent of a funeral establishment operator or funeral director to sell, subject to certain requirements and restrictions, an agreement that provides for the advance purchase of funeral merchandise or services and that is funded with the proceeds of a life insurance policy. Under former law, a person was permitted to purchase funeral merchandise or services in advance only by entering into a trust-funded burial agreement or by assigning the proceeds of a life insurance policy purchased from a licensed insurance intermediary with no relationship to the funeral estab-

lishment that would provide the merchandise or services. The act allows an agent of a funeral establishment operator or funeral director to be licensed to sell life insurance, and allows a person to assign the proceeds of life insurance sold by such an agent to fund the advance purchase of funeral merchandise or services pursuant to an agreement with the funeral establishment operator or funeral director that satisfies requirements specified in the act. The Funeral Directors Examining Board is authorized to discipline a funeral establishment operator or funeral director for violations of the act committed by an agent.

Act 305 (AB-687) transfers the Controlled Substances Board, which regulates the production, transfer and possession of dangerous drugs, from DHSS (DHFS effective July 1, 1996) to DORL. The act also requires the board to provide, upon request, advice and assistance in matters relating to the controlled substance law to DORL, or a board, examining board or affiliated credentialing board attached to DORL (see *HIGHLIGHTS, State Government – Reorganization*).

Act 321 (AB-406) changes the term “animal technician” to “veterinary technician,” expands the number of members of the Veterinary Examining Board from seven to eight, and requires one member of the board to be a veterinary technician certified by the Veterinary Examining Board.

Act 322 (AB-419) establishes requirements for the registration of interior designers by DORL, prohibits a person from using the title “Wisconsin registered interior designer” unless he or she is registered by DORL, and gives DORL the authority to reprimand a Wisconsin registered interior designer or limit, suspend or revoke his or her certificate of registration.

Act 323 (AB-440) requires the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to issue a professional counselor certificate to any person who, on a certain date, was employed or eligible to be employed as a mental health professional at an outpatient psychotherapy facility meeting certain state certification requirements.

Act 333 (SB-184) changes the education and accounting experience requirements that a person must satisfy to be licensed by the Accounting Examining Board as a certified public accountant. Until December 31, 2000, a person must have at least three years of public accounting experience or its equivalent, instead of 1.5 years of senior accounting experience required under former law. After December 31, 2000, a person must have at least two years of public accounting experience or its equivalent. In addition, after December 31, 2000, the act requires an additional year of higher education by requiring a person to have completed at least 150 semester hours of education with an accounting concentration. The act also requires DORL to submit an annual report to the legislature on the number of minority group members who apply for a certified public accountant license, pass the required examination and are issued licenses during the preceding year. Finally, the act eliminates the Accounting Examining Board’s authority to supplement the examination of an applicant for a license with an interview.

Act 461 (SB-597) prohibits a felon who has not been pardoned from obtaining a private detective license. Former law prohibited a person from obtaining a private detective license if he or she had been convicted of a felony within the preceding 5 years and the circumstances of the conviction were substantially related to the activities of a private detective.

The act also makes various changes to the regulation of private security guards. Under former law, a private security guard employed by a licensed private detective agency was not required to obtain a private detective license if he or she obtained a private security permit from a local law enforcement official, such as the chief of police, of the municipality in which his or her private security guard activities took place. The act transfers the authority to issue private security permits from local law enforcement officials to DORL and allows permit holders to engage in private security activities anywhere in the state. In addition, the act prohibits a felon who has not been pardoned from obtaining a private security permit. Under former law, the 5-year felony prohibition that applied to a private detective license also applied to a private security permit.

Public Defender

Act 27 (AB-150) makes various changes in the State Public Defender Program. The act:

1. Reduces the hourly rate for the court time that private attorneys spend representing public defender clients.
2. Requires the Public Defender to enter into as many annual contracts with private attorneys as possible, but limits the number of public defender cases that may be assigned to the private bar to no more than one-third of the cases. The contracts are for a fixed fee which may not exceed the fees that the firm would receive using the hourly rate method of payment.
3. Allows the Public Defender to assign cases to private attorneys based on the attorneys' past performance.
4. Requires the Public Defender to establish fixed amounts that may be paid by clients before representation begins. If a client pays the fixed amount, he or she may not be held liable for any additional cost of representation.
5. Requires the Public Defender to establish a system for verifying information in determining indigency for legal representation and for collecting from public defender clients the cost of representation. The act also creates additional methods for collecting for the costs of representation from those clients.
6. Requires the Public Defender to establish a fee schedule for the types of cases in which representation is provided.
7. Eliminates public defender representation in certain cases, including cases raising issues on prison and jail conditions, cases involving sentence modifications, certain probation and parole revocation cases and certain appeals.
8. Eliminates public defender representation in child support cases brought by the state when the court certifies that the person who is subject to the child support order will not be jailed for contempt of court.
9. Eliminates public defender representation for parents of children who are subject to proceedings to determine whether they are in need of protection and services (CHIPS proceedings) (see *Children*).

Act 248 (SB-562) increases funding for payments made by the State Public Defender Board to private attorneys and private investigators for the representation of indigent defendants.

Public Utilities

Act 27 (AB-150) does the following:

1. The act expands the focus of the PSC's Stray Voltage Program, operated in cooperation with DATCP, to include identifying standardized test procedures for investigating stray voltage, conducting classroom and on-farm stray voltage training sessions, and conducting unannounced spot checks of on-farm stray voltage testing by public utilities. The act also changes the program fees and assessments that may be charged under the program, repeals the requirement that DATCP undertake research on the incidence, levels and effects of stray voltage on agriculture, and deletes provisions in preexisting law under which the program would have expired on September 1, 1995.

2. The act permits the PSC to conduct its hearings and investigations using interactive video conferencing or other electronic means. The act also changes certain requirements regarding the form of PSC records of testimony presented at PSC proceedings and regarding the form of evidence provided at such proceedings.

3. The act restores the PSC's ability to order interconnections between public utilities, other than telecommunications providers.

4. The act allows a municipal water utility to bill public fire protection charges to persons who are not customers of the utility, but who own land in an area where the utility has an obligation to provide water for public fire protection.

Act 46 (SB-39) broadens the definition of a "small telecommunications utility". Small telecommunications utilities are subject to a lesser degree of regulation by the PSC than other telecommunications utilities.

Act 135 (SB-64) requires owners of certain utility transmission facilities to establish and fund a statewide, toll-free one-call system (commonly referred to as "diggers' hotline") to receive and transmit excavation notices to transmission facilities owners. The act requires excavation planners and excavators to notify "diggers' hotline" before engaging in nonemergency excavation and specifies certain requirements related to these notices. Upon receipt of an excavation notice, an owner of transmission facilities is required to mark the excavation area to identify the facilities. The act revises the color-code used to identify various types of transmission facilities and shortens the time that the transmissions facilities owner has to inspect damage to facilities in cases where there is a risk of personal injury or loss of life. The act increases penalties associated with transmission facilities requirements and applies these penalties to violations of requirements created under the act.

Act 196 (AB-185) eliminates a requirement that the PSC hold hearings to set tolls for river improvements that are charged to certain hydroelectric generator operators. Instead, the act permits a generator operator to request a hearing if the operator objects to the toll, but does not require the PSC to hold a hearing upon a request.

Act 317 (SB-388) changes the expiration date of provisions allowing the PSC to approve tariffs which permit gas utilities to enter into contracts with individual customers. Preexisting law would have repealed these provisions effective June 30, 1996; the act extends the provisions to June 30, 1998.

Act 363 (AB-728) allows the PSC to grant a rate increase to a municipally-owned water public utility, or a municipally-owned combined water and sewer public utility, without a hearing, if certain conditions are met. The conditions include limitations on the percentage of the revenue increase and the maximum overall rate of return resulting from the increase. In addition, in order for the PSC to approve the rate increase without a hearing, the utility must meet certain notice requirements and the utility must increase its rates uniformly for all customers of the utility, unless the PSC determines that the utility has good cause for not meeting the uniformity requirement.

Act 409 (AB-912) makes a number of remedial changes to the statutes administered by the PSC, including changing references from "telephone and telegraph services" to "telecommunications services" and deleting a requirement that small telecommunications utilities submit a list of their published customers with proposed rate increase filings.

Act 419 (AB-290) specifies the conditions under which a municipal public utility and certain town sanitary and lake districts may place a lien on rental property for delinquent water and electric utility bills of tenants. The act applies if the owner of the rental property provides the utility or district with the name and address of the tenant and, upon request of the utility or district, with a copy of the lease under which the tenant assumes responsibility for payment of the utility bills. If the act applies, the utility or district may not place a lien on the rental property unless the utility or district provides the landlord with notice of any tenant utility bill delinquencies and, in certain cases, continues to send past-due notices to the tenant at the tenant's forwarding address.

Act 430 (AB-966) expands the ability of the PSC to promulgate rules regarding the safe construction and operation of facilities for the production, transmission or distribution of gas. Preexisting law authorized such rules only with respect to facilities that were owned, operated, managed or controlled by a public utility; the act expands this authority to also cover facilities that are owned, managed or controlled by persons who are not public utilities, subject to certain limitations.

Real Estate

Act 179 (AB-386) exempts a real estate broker or salesperson from the laws prohibiting untrue or misleading representations in the sale or lease of real estate unless the broker or salesperson knew the representation was untrue or misleading. The act also exempts a real estate broker or salesperson from liability for the opposing party's attorney's fees in litigation brought under these laws.

Act 180 (AB-391) makes various cosmetic changes to the form for the condition disclosure report that must be provided by the owner of real property to a prospective purchaser of the real property; authorizes a person other than the owner to provide, in a separate report, in-

formation required in the condition disclosure report; and requires an owner to provide an amended condition disclosure report if, within the time required for submitting the original report, the owner obtains information or becomes aware of any condition that changes a response provided in the original report.

State Government

JUSTICE

Act 27 (AB-150) transfers the Public Intervenor to DNR, eliminates its authority to commence and intervene in court proceedings, and replaces its advisory committee appointed by the attorney general with a supervisory board appointed by the governor and legislative leaders (see *HIGHLIGHTS, Environment and State Government*).

STATE FINANCE

Act 27 (AB-150) makes numerous changes relating to state finance. The act:

1. Creates a State Information Technology Investment Fund (see *HIGHLIGHTS*).
2. Permits the Board of Commissioners of Public Lands to make loans from state trust funds for the purpose of distance education or educational technology projects to consortia of two or more school districts, technical college districts or counties; to counties, cities, villages or towns acting on behalf of county or municipal library boards; or to cooperative educational service agencies (CESAs). The act also reserves \$15 million in each of the fiscal years 1996-97 to 1999-2000 for these loans, other than loans made to consortia that include technical college districts. Under the act, the underlying local governments are liable to repay any loans provided to a consortium or CESA (see *Education - Other Education*).
3. Permits DOA to charge state agencies for processing of federal grant applications. The charges are paid by reducing programmatic expenditures for other purposes.
4. Provides for transfer of certain proceeds of the sale of certain state surplus property to an appropriation account of JCF. Under the act, JCF may make certain of the monies available for expenditure by a state agency which had managing authority for the property.

Act 40 (SB-262) 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 \$1.64 billion to \$1.74 billion and the authority to refund self-amortizing general obligation debt paid from program revenue or segregated funds from \$165 million to \$180 million.

Act 57 (AB-540) increases the bond refunding authority of DVA (see *Veterans and Military Affairs*).

Act 132 (AB-639) provides that whenever a block grant (multipurpose grant) is made to this state under any federal law enacted after August 31, 1995, the governor is not permitted to administer and no board, commission or department is permitted to encumber or expend the monies received as a part of the grant unless the governor first notifies JCF of the purposes for which he or she proposes to expend the monies and the committee is afforded the opportunity to review and approve the proposed expenditure.

Act 213 (AB-808) creates a separate state fund called the property tax relief fund. The purpose of the fund is to provide state property tax relief in the 1997-99 fiscal biennium. The act transfers \$160 million from the state general fund to the property tax relief fund on June 30, 1997. The act also directs DHSS (DHFS effective July 1, 1996) to determine the amount of savings that will accrue to this state from certain changes in the Medical Assistance and AFDC programs and, subject to the concurrence of JCF, that amount is also transferred from the general fund to the property tax relief fund. Under the act, the monies in the property tax relief fund are not available for distribution or expenditure without additional legislation (see *Acts 351 and 416*).

Act 274 (SB-402) makes various changes relating to the structure, powers and duties of the Investment Board. Among other things, the act:

1. Increases the size of the Investment Board from eight to nine members. The new member is required to be a representative of local government.
2. Creates an internal audit subunit in the Investment Board, under the supervision of an internal auditor. The internal auditor is authorized to review any activity, information or investment of the board.
3. Requires the Investment Board to keep full minutes of its proceedings.
4. Prohibits the Investment Board from purchasing or acquiring any derivative in the state investment fund (a fund which pools the assets of other state funds for purposes of investment) except in accordance with rules promulgated by the board. Generally, a "derivative" means any financial contract or other instrument that derives its value from the value or performance of any security, currency exchange rate or interest rate or of any index or group of any securities, currency exchange rates or interest rates.
5. Requires the Investment Board to provide certain investment information on a monthly basis to local governments that invest in the local government pooled-investment fund, which pools surplus monies of local governments for purposes of investment.
6. Permits the Investment Board to contract with private investment advisors for the management and control of not more than 15% of the assets of the fixed retirement investment trust or the variable retirement trust. Formerly, the amount was not more than 10%.
7. Requires the executive director to appoint a chief investment officer, who is generally required to monitor the activities of the investment directors of the Investment Board for compliance with the board's policies and guidelines and approve any unusual investments.

Act 351 (AB-1048) permits DOA or any state agency to whom DOA delegates purchasing authority to maintain a bidders list which includes the names and addresses of all persons who request to be notified of bids or proposals to be solicited by DOA or the other agency. The act also eliminates the fee that was imposed by Act 27 upon persons who provide materials, supplies, equipment or services to the state and instead permits DOA to prescribe a fee to be paid by any person who requests to be placed on a bidders list. The act also increases to \$180,635,900 the amount transferred from the general fund to the property tax relief fund by Act 213 and Act 416.

Act 416 (SB-563) increases to \$170,635,900 the amount transferred from the general fund to the property tax relief fund by Act 213.

CLAIMS AGAINST THE STATE

Act 80 (SB-148) directs expenditure of \$24,795.42 from the general fund for payment of a claim made by Mary Johnson, Milwaukee, Wisconsin, to compensate her for income tax overpayments that were made by her husband or that were obtained by levy against her husband's property for the taxable years 1985 to 1988, together with interest and costs assessed against her husband by the state.

Act 429 (SB-643) directs expenditure of \$775,000 from the general fund for payment of a claim made by the city of Superior to compensate it for occupational tax proceeds that were transferred to the state, plus the costs of certain judgments and interest, and legal expenses incurred by the city in defending two state laws levying the tax.

STATE BUILDING PROGRAM

Act 27 (AB-150), Act 60 (SB-266), Act 246 (SB-408), Act 372 (AB-1004), Act 388 (AB-1018) and **Act 416 (SB-563)** authorize \$697,272,300 (from all funding sources) in new or expanded state building projects excluding highway projects. This compares with \$539,925,200 authorized in the previous fiscal biennium. These acts also authorize \$318,618,300 in new general obligation bonding authority for the state building program and for capital equipment for buildings.

Act 60 (SB-266) amends the state building program to authorize payments to the federal government for the construction of a Northern Great Lakes Regional Visitor Center near Ashland. The act also provides for \$3.5 million in general fund supported bonding authority to pay for the state portion of the costs of constructing the center and prohibits the state from making a payment to the federal government for the center in an amount that exceeds the amount of federal funding provided for the center.

Act 246 (SB-408) amends the state building program to change the source of funding for certain UW System instructional technology improvements, by providing that all of the \$8.5 million in improvements are to be financed by general fund supported bonding. Previous law provided for certain of these improvements to be financed from any revenue source. The act also makes adjustments to bonding authorizations to reflect the change in the source of funding.

Act 372 (AB-1004) decreases, from \$15 million to \$13 million, the amount of the building project authorization for the youth and athlete facility project for the State Fair Park Board. The act also changes the source of this funding for the project so that it is funded entirely with general fund supported borrowing, rather than a mixture of general fund supported borrowing, program revenue supported borrowing and gifts and grants.

OTHER STATE GOVERNMENT

Act 27 (AB-150) makes various other changes relating to state government. The act:

1. Makes various changes related to public records and forms, including:

a. Transferring responsibility for state forms management from the Public Records and Forms Board (renamed the Public Records Board) to the Division of Technology Management in DOA.

b. Providing that state and local government records may be transferred to or maintained in electronic format.

c. Modifying the composition of the Public Records Board.

2. Makes various changes in the Wisconsin Conservation Corps (WCC) Program, including:

a. Transferring the WCC Board, formerly attached to DOA, to DILHR (DILJD effective July 1, 1996) (see *HIGHLIGHTS, State Government - Reorganization*).

b. Transferring the power to appoint and remove the executive director of the WCC from the WCC Board to the governor.

c. Reducing the minimum time required for crew members to be in the program from one year to six months and allows crew members to work part time.

d. Placing, with certain exceptions, a salary cap of twice the applicable minimum wage on the wages of WCC crew leaders.

3. Provides that records of DILHR (DILJD effective July 1, 1996) containing plans or specifications for any state-owned or state-leased building, structure or facility are not subject to the right of inspection or copying except as DILHR otherwise permits by rule. Formerly, DILHR was required to weigh the possible harm to the public interest in providing access to plans for secure state structures and was permitted to withhold access if withholding access outweighed the benefits to the requester and the public interest in providing access.

4. Eliminates the Privacy Advocate and Privacy Council in DOA. The advocate provided information relating to privacy rights to individuals and governmental officers and agencies, assisted individuals in exercising their privacy rights, and advocated for state and local governmental policies to protect personally identifiable information. The council appointed and advised the Privacy Advocate and suggested legislation relating to protection of personal privacy rights (see *HIGHLIGHTS, State Government - Reorganization*).

5. Provides that interim allowances authorized to be paid to legislators during certain periods when the legislature is not meeting may be paid to representatives to the assembly only upon approval of the speaker and may be paid to senators only upon approval of the senate majority leader.

6. Creates a Division of Technology Management in DOA to exercise certain preexisting functions of DOA relating to information technology management and requires all executive branch state agencies to biennially prepare and submit an information technology strategic plan for approval by the division. The act also requires the director of state courts and the Joint Committee on Legislative Organization to prepare similar plans for the judicial and legislative branches of state government.

7. Makes the Joint Committee on Information Policy a standing committee of the legislature, to which legislation may be exclusively referred, and deletes an appointee of the gover-

nor and the secretary of administration or his or her designee as members of the committee. The act also makes the committee responsible for reviewing state and local governmental information technology systems and plans, and permits the committee to direct the UW Board of Regents to prepare certain reports.

8. Directs each executive branch state agency to report to the secretary of administration describing the documents published by the agency and addressing the appropriateness and feasibility of securing sponsorships to underwrite the cost of publishing the documents.

9. Creates a special committee which is called the “Commission on Privatization”. The commission consists of the governor and the secretary of administration or their designees, various appointees of the governor and secretary, and legislators. The commission is directed to study and evaluate any functions of state government that may be delegated to the private sector at a cost savings to state taxpayers and report its findings and recommendations within six months after its appointment.

10. Transfers the responsibility for collecting the petroleum inspection fee from DILHR to DOR (see *HIGHLIGHTS, State Government – Reorganization*).

Act 47 (AB-2) permits DOA to allow nonstate employees to participate as drivers in van pools operated by DOA in order to provide viable van pool service for state employees. Formerly, nonstate employees were only permitted to participate as passengers in these van pools.

Act 106 (AB-264) requires every state agency to prepare a statement of the scope of any rule that it plans to promulgate. The act also prohibits a state employe or official from performing any activity in connection with drafting a proposed rule until the individual or body with policy-making powers in the agency has approved the statement of the scope of the proposed rule.

Act 158 (AB-207) provides that a person who is incarcerated in a penal facility or placed on probation and given confinement as a condition of placement does not have the same right as other persons have to inspect and copy most public records except with respect to a record that contains specific references to that person or to his or her minor children with whom he or she has not been denied physical placement (similar to visitation rights) if the record is otherwise accessible to that person. The act denies to incarcerated persons the statutory minimum of \$100 in damages for prevailing in whole or in substantial part in a lawsuit to require production of a public record. The act also imposes a 90-day time limit for an incarcerated person to commence a lawsuit to require production of a public record after a request for production of the record is denied. In addition, the act provides specifically that laws requiring that notice of claims against governmental entities be served upon the entities within 120 days of the events giving rise to the claims do not apply to lawsuits to enforce the laws governing public records access and open meetings of governmental bodies.

Act 162 (AB-833) directs the Joint Committee on Legislative Organization to contract for a bas-relief plaque to be prepared by a suitable sculptor, to display a representation of Dr. H. Rupert Theobald honoring his public service, for placement in the assembly chamber, and appropriates \$5,000 for this purpose. Dr. Theobald served as chief of the Legislative Reference Bureau from 1964 to 1994.

Act 178 (AB-1078) eliminates the afternoon of Good Friday as a period during which the offices of the agencies of state government are closed (see *Employment - Civil Service*).

Act 217 (AB-491) designates the City of Wisconsin Rapids as the official site of the State Fire Fighters Memorial to honor all fire fighters of this state who have given their lives in the public service. The act also designates the Old Firehouse Police and Fire Museum in the City of Superior as the official site of the State Police and Fire Fighters Hall of Fame.

Act 221 (SB-188) changes the composition of the Wisconsin Conservation Corps Board to require that one member be a member of an area private industry council that is established under the federal Job Training Partnership Act.

Act 219 (AB-685), Act 225 (SB-436), and Act 417 (SB-675) are revisor's correction acts.

Act 244 (SB-285) increases the dollar threshold for the application of various laws governing state procurement from \$10,000 to \$25,000, and permits DOA to revise the threshold biennially to reflect changes in the cost of living. (The laws impose requirements for solicitation of bids or competitive sealed proposals and publication of certain notices, and permit the use of simplified procurement procedures.) The act also permits the secretary of administration to waive certain state procurement requirements, including bidding requirements, or delegate to a state agency the authority to do so, in order to permit a state purchase to be made through a contract established by another state, a local government in this state, or a regional or national consortium composed of nonprofit organizations that support governmental or educational services with one or more third parties.

Act 308 (AB-384) requires DOA to prepare a report for each bill or proposed rule that affects housing.

Act 370 (SB-536) grants authority to the Division of Hearings and Appeals in DOA to hold administrative hearings for DHFS and to hold administrative hearings related to economic support programs for DILJD.

Act 432 (SB-482) changes the period for measuring a requirement that state agencies and certain state authorities purchase paper having a specified recycled or recovered content from a calendar year to a fiscal year basis.

Act 467 (SB-418) provides that the role of state agencies in an emergency resulting from enemy action or a disaster is to assist local units of government and local law enforcement officials in responding to the emergency unless state law specifies a different role for a state agency.

Enrolled Joint Resolution 8 (Senate Joint Resolution 15) designates the *Milwaukee Journal Sentinel* as the official state newspaper for publication of state legal notices (see *Enrolled Joint Resolution 26*).

Enrolled Joint Resolution 26 (Senate Joint Resolution 60) designates the *Wisconsin State Journal* as the official state newspaper for publication of state legal notices.

Taxation

Act 27 (AB-150) makes various changes in the area of taxation. The act:

1. Recouples the state earned income tax credit (EITC) to the current federal EITC such that the state EITC is equal to a certain percentage of the federal EITC based on the number of qualifying children that the claimant has. The EITC is a credit that may be claimed by low income individuals for income derived from wages.

2. Creates two new types of income tax credits for businesses that operate in any kind of development zone (an area where the state encourages economic activity by providing tax credits to businesses conducting the activity) for expenses incurred to provide day care for dependents of employes and to remediate environmental problems (see *Business and Consumer Law – Economic Development and Investment*).

3. Eliminates the franchise tax and income tax exemption for cooperative sickness care associations and for nonprofit hospital service insurance corporations that offer a health maintenance organization plan or a limited service health organization plan.

4. Eliminates the sales tax exemption for telephone companies' central office equipment.

5. Makes the sale of time-share property that has a fixed first day of occupancy and a fixed lodging unit subject to the sales tax and exempt from the real estate transfer fee.

6. Increases the cigarette tax by 5 cents per pack.

7. Imposes the license fee that applies to many utilities on companies that sell electricity to a public utility or to another entity that sells electricity to the public.

8. Exempts corporations and insurance companies from the recycling surcharge, which is imposed on businesses and provides funds for recycling programs, if they have less than \$4,000 in receipts during the year.

Act 113 (AB-557) requires interstate motor carriers to pay the petroleum product inspection fee in addition to the tax on motor vehicle fuel and alternate fuel.

Act 125 (AB-195) creates a sales tax exemption and a use tax exemption for bottled water that is used for human consumption.

Act 136 (AB-240) exempts this state and local units of government from the reporting requirements for tax-exempt property.

Act 209 (AB-1033) decreases the development zones income tax job credit, under which businesses that create jobs in development zones receive tax credits, from 40% of wages to 20% of wages (25% for wages paid to applicants for Wisconsin Works) (see *HIGHLIGHTS, Health and Social Services, Act 289*), increases the amount of wages that may be taken into account in calculating that credit from \$6,000 to \$13,000 and allows individuals, in addition to corporations as formerly provided, to claim the development zones research credit, under which businesses that incur research expenses in development zones receive tax credits (see *Business and Consumer Law – Economic Development and Investment*).

Act 212 (AB-736) allows municipalities to avoid supervision of their property tax assessments by DOR if they assess every major class of property within 10% of full value in either the year that the assessment staff participates in training because of previous inaccurate assessments or in the next year. Prior law allowed an exception only if the assessment accuracy requirement was fulfilled in the year after the training.

Act 237 (AB-955) reduces the rate for the tax on car line companies (companies that lease railroad cars to other companies) from 6% of their gross receipts to 3% of their gross receipts, and changes the reporting and payment schedules for this tax.

Act 255 (SB-632) exempts certain members of the U.S. Armed Forces participating in Operation Balkan Endeavor or a successor operation from interest otherwise due for filing income tax returns after April 15, 1996 (see *Veterans and Military Affairs*).

Act 261 (AB-78) creates an individual income tax exemption of up to \$5,000 for an adoptive parent for costs related to the adoption of a child.

Act 278 (AB-32) changes from February 14 to April 1 the deadline by which municipal treasurers charge other property taxing jurisdictions for their share of the delinquent taxes on personal property.

Act 280 (AB-417) allows retailers to retain \$10 of the sales taxes that they collect during a reporting period if that amount is more than the 0.5% of collections allowed under prior law.

Act 351 (AB-1048) changes the method of taxing telephone companies. Under prior law telephone companies paid a license fee based on their gross receipts and, beginning in 1997, interexchange carriers and resellers were to begin paying a tax based on the value of their property. Under this act, the license fee is in effect for 1996 and 1997 and the rate is increased for those years. Beginning in 1998 all telephone companies will pay a tax based on the value of their property. The rate for that tax is the property tax rate that the telephone companies would pay if their property were subject to the property tax by the taxing jurisdictions where the property is located. During 1999 and 2000 cellular companies and local exchange carriers will pay a transitional adjustment fee equal to the gross receipts tax that they would have paid under prior law minus their payments of the new tax based on the value of their property.

Act 366 (AB-1079) creates a tax exemption for property owned by this state and leased to a private, nonprofit corporation that operates an Olympic ice training center.

Act 371 (SB-621) creates a tax exemption for income received for the sale, for less than the expected death benefit, by a policyholder or a certificate holder of an insurance policy on the life of a person who has a catastrophic or life-threatening illness (see *Insurance*).

Act 380 (SB-674) adopts for state income tax and franchise tax purposes the changes made to the federal internal revenue code during 1995. The main effects are to deny the earned income tax credit to persons who have more than \$2,350 of investment income and to provide tax benefits to military personnel who serve in the former Yugoslavia.

Act 408 (AB-866) makes minor changes in the tax laws to conform statutes with other statutes and to delete obsolete provisions.

Act 418 (AB-602) prohibits DOR from applying an individual income tax overpayment, credit or refund that is otherwise due a formerly married person to the income tax obligation of that person's former spouse if, under the terms of the former couple's divorce judgment, the person's former spouse is obligated to pay the outstanding tax liability of either the former couple or one or both of the former spouses. Under the act, the nonobligated former spouse is required to include with his or her income tax return a copy of his or her divorce judgment that indicates the apportionment of the former couple's tax liability.

Act 428 (AB-775) makes a number of minor policy changes in the income tax, franchise tax, sales tax, use tax and motor fuel tax statutes.

Act 453 (AB-545) creates tax-exempt individual employe medical savings accounts that are established by employers or self-employed persons. Subject to certain conditions, up to \$2,000 each year that is deposited in such an account for an individual and his or her spouse and up to \$1,000 each year that is deposited in such an account for each nonspouse dependent is tax exempt. The act first applies to taxable years beginning on January 1 of the year in which the federal government enacts a broad-based medical savings account program (see *HIGHLIGHTS, Insurance*).

Act 454 (SB-557) replaces “taxable value” with “estimated fair market value” as the figures that must be reported on property tax bills.

Act 458 (SB-360) exempts all transfers between spouses from the real estate transfer fee. Prior law had exempted those transfers only if they were for nominal or no consideration.

Transportation

DRIVERS' LICENSES

Act 113 (AB-557) makes numerous changes to the classified driver license system. The act:

1. Creates new disqualifications for offenses relating to the operation of a commercial motor vehicle while ordered out-of-service for an alcohol-related offense and to falsifying an application for a commercial driver's license.
2. Requires a person to possess a valid Wisconsin driver's license to operate upon a highway motorized construction equipment that is designed principally for off-road use (see *Act 347*).
3. Provides that restricted commercial drivers' licenses authorize only the operation of commercial motor vehicles that are not engaged in interstate commerce, but no longer prohibit the operation of the commercial motor vehicles outside this state.
4. Specifies that a person whose operating privilege was suspended or revoked within the previous year for a controlled substance (dangerous drug) violation or a violation of laws of this state relating to financial responsibility for the operation of a motor vehicle is not eligible for an occupational license (a driver's license issued to a person with a suspended or revoked operating privilege whose occupation or trade makes it essential to operate a motor vehicle).
5. Allows DOT to confidentially retain a photograph and signature specimen of any person applying for a driver's license or identification card.
6. Removes the prohibition against a person obtaining more than one reduction in demerit points based on completion of a rider course on motorcycle operation.

Act 184 (AB-231) requires DOT to specify in its licensee records whether an accident occurred in the course of a licensee's performance of duties as a first responder (a person who provides immediate medical care to victims of illness or injury).

Act 195 (SB-509) eliminates the requirement that standards for driver's license examinations be established by joint legislative resolution and allows those standards to be established by DOT by rule.

Act 269 (SB-325) revises the procedure for obtaining an occupational license. Except for habitual traffic offenders, the act provides for administrative issuance of occupational licenses by DOT and eliminates petitions to judges for occupational licenses. The act also eliminates the requirement that a juvenile's operating privilege be suspended for failure to pay a forfeiture (civil monetary penalty) imposed for the juvenile's first traffic violation.

Act 347 (AB-848) removes the requirement imposed under Act 27 that a person possess a valid Wisconsin driver's license to operate upon a roadway motorized construction equipment that is designed principally for off-road use.

Act 446 (AB-469) requires DOT to provide each applicant for a driver's license or identification card with organ donor information. The act also requires DOT to mail information on anatomical donations with all renewal applications and to provide informational training to all driver's license examiners on the responsibilities of DOT relating to anatomical donations.

DRIVING WHILE INTOXICATED

Act 27 (AB-150) authorizes courts to report noncompliance to DOT of defendants who are convicted of driving while intoxicated and who do not pay the intoxicated driver surcharge and to suspend their drivers' licenses until the amounts are paid (see *Health and Social Services – Mental Health*).

Act 127 (AB-283) extends to all premises provided by employers for their employees' motor vehicles and all premises provided by landlords for their tenants' motor vehicles at rental housing in buildings of four or more units, the application of laws creating offenses related to reckless driving and driving while intoxicated. The act also extends the duties of a person who is involved in an accident to those same premises.

Act 359 (SB-392) allows a court to hold in contempt a person who is convicted of an offense related to operating a motor vehicle while under the influence of an intoxicant who fails to comply with a court order to visit a site that shows the adverse effects of substance abuse or of operating a motor vehicle while under the influence of an intoxicant.

Act 401 (AB-140) allows a person's operating privilege to be suspended for nonpayment of child support (see *Domestic Relations*).

Act 425 (SB-117) doubles the applicable minimum and maximum forfeiture (civil monetary penalty) or fine and operating privilege suspension or revocation period if a person who is convicted of an offense related to operating a motor vehicle while under the influence of an intoxicant had a passenger under the age of 16 in the vehicle at the time of the offense.

Act 436 (SB-573) creates the same definition of "alcohol concentration" (the number of grams of alcohol per 100 milliliters of a person's blood or per 210 liters of a person's breath) in all of the statutes related to the operation of an all-terrain vehicle, motorboat, motor vehicle or snowmobile while under the influence of alcohol.

HIGHWAYS AND LOCAL ASSISTANCE

Act 113 (AB-557) revises the funding formula for the Urban Mass Transit Operating Assistance Program and eliminates supplemental operating assistance for mass transit systems with high annual operating expenses and ridership. The act also establishes cost-efficiency standards for mass transit systems that receive assistance under the program.

The act requires DOT to negotiate the jurisdictional transfer of CTH "X" in Winnebago County from the county to the state and to mark a highway route in Winnebago and Green Lake counties as a new state trunk highway.

The act makes numerous changes in the state highway and local assistance programs. The act:

1. Increases this state's authority to contract public debt for the construction of transportation facilities and highways by 23.7%, from \$841,634,000 to \$1,041,341,000.
2. Creates reserve accounts in the transportation fund consisting of \$26,698,000 for rehabilitation of the East-West freeway in Milwaukee and \$15 million for rehabilitation of the East-West freeway or highways related to a new stadium for the Milwaukee Brewers.
3. Enumerates three additional major highway construction projects that may be undertaken by DOT. The act also requires DOT to complete any major highway project involving STH 29 between Green Bay and Chippewa Falls by December 31, 2000.
4. Provides an annual 3% increase in local transportation aid to counties and municipalities.
5. Increases the local transportation aid rate for municipalities from \$1,350 per mile for improving and maintaining local streets and roads for 1995 to \$1,390 for 1996 and to \$1,432 for 1997 and thereafter.
6. Increases the annual aid rate per mile for improving public roads in county forests from \$200 to \$300.

Act 186 (AB-328) eliminates the appointment of commissioners to review highway orders and determinations of town supervisors and allows aggrieved parties to appeal those actions directly to circuit court.

Act 216 (SB-565) changes the data used in the formula used to determine the local transportation aids payable to a newly formed municipality.

Act 297 (SB-271) directs DOT to designate and mark STH 33 from La Crosse to Port Washington as the "84th Division 'Railsplitters' Memorial Highway".

Act 423 (AB-621) requires that certain information collected from an applicant for ride-sharing services be kept confidential.

MOTOR VEHICLES

Act 7 (SB-38) allows the transporting of Christmas trees between September 15 and December 15 of each year in certain vehicles that exceed vehicle width limitations.

Act 31 (AB-91) permits red and white lights on privately-owned motor vehicles that are being used by fire department personnel and volunteer fire fighters. The act also regulates

flashing warning lamps that exhibit a directional arrow on certain authorized emergency vehicles (see *Act 190*).

Act 36 (*AB-233*) specifies that bicycles being used by law enforcement officers are authorized emergency vehicles. This specification authorizes the violation of certain traffic laws by officers on bicycles.

Act 62 (*SB-131*) modifies the law governing liens on motor vehicles for towing and storage charges. Under preexisting law, towing and storage liens had priority over other certain liens only up to certain specified amounts. The act increases the specified amounts, changes notice requirements and changes the procedures under which the owner of a motor vehicle may reclaim the motor vehicle from the person claiming the towing or storage lien.

Act 107 (*AB-138*) modifies the law governing liens on motor vehicles for mechanics' charges. Under preexisting law, these mechanics' liens had priority over certain preexisting liens on motor vehicles up to certain specified amounts. The act increases the specified amounts and provides for further adjustment of those amounts based on changes in the consumer price index.

Act 113 (*AB-557*) authorizes DOT to issue 72-hour permits for the operation of interstate motor carriers within this state without requiring such motor carriers to pay the petroleum product inspection fee or the tax on motor vehicle fuel and alternate fuel.

The act also provides that portions of *STH 78* and *USH 51* remain subject to current vehicle weight and size limitations upon federal designation of those highways as *I 39*.

Act 128 (*AB-312*) criminalizes the unlawful transfer or offering for sale of evidence of vehicle registration. The act also prohibits the possession or display of unlawfully obtained or fraudulent evidence of vehicle registration, the alteration or reproduction of evidence of registration, and the operation of a motor vehicle displaying unlawful registration.

Act 137 (*AB-825*) exempts until July 1, 1996, farm trucks from the Motor Vehicle Emission Inspection and Maintenance Program.

Act 163 (*AB-151*) allows annual and consecutive month permits for overweight vehicles and vehicle combinations transporting bulk potatoes, and for specially configured overweight vehicle combinations transporting seed potatoes.

Act 189 (*AB-395*) exempts from registration motor vehicles that are owned by a technical college district board, used exclusively to teach automotive repair and maintenance, and operated only within five miles of a technical college.

Act 190 (*AB-534*) requires a flashing, oscillating or rotating green light on fire department vehicles that are being used as a command post at the site of emergency calls. The act also modifies the regulation of warning lamps that exhibit a directional arrow on certain authorized emergency vehicles imposed under *Act 31*, by permitting the lamps to flash simultaneously or sequentially.

Act 193 (*AB-930*) increases from 41 to 43 feet the maximum permissible kingpin-to-axle length of certain semitrailers operated without a permit upon designated highways.

Act 253 (AB-570) allows a surviving spouse to retain motor vehicle registration plates that are related to service in the U.S. Armed Forces by the decedent, except plates that confer parking privileges to disabled veterans.

Act 255 (SB-632) indefinitely delays the expiration of the driver's license and vehicle registration of any active-duty member of the U.S. Armed Forces while that person is out of this state (see *Veterans and Military Affairs*).

Act 329 (AB-954) governs certain agreements relating to the lease of a motor vehicle primarily for personal, family, household or agricultural purposes for a period of more than four months. The act:

1. Requires that certain disclosures be made to a consumer prior to the consummation of a lease agreement, including disclosure of all fees and charges applicable to the lease, any trade-in allowance and any downpayment made under the lease, and the standards to be used in determining the excess wear and damage to the leased vehicle for which the consumer may be held liable.

2. Limits the penalty that may be imposed on the consumer if the consumer refuses to accept the vehicle.

3. Permits the consumer to terminate the motor vehicle consumer lease at any time and establishes requirements that govern the calculation of the consumer's obligations to the lessor upon early termination of the lease.

4. Establishes a mechanism for the assessment of excess wear and damage to the leased vehicle.

5. Establishes requirements for lease agreements entered into with minors and for "pre-lease agreements" (agreements to enter into a motor vehicle consumer lease).

6. Requires a sales finance company to maintain a bond or irrevocable letter of credit of not less than \$25,000 and specifies who is liable for damages caused by the negligent operation of a leased vehicle if a bond or liability insurance policy is not filed with DOT.

7. Allows a consumer who leases a motor vehicle to reserve the right to continued use of a personalized registration plate.

Act 346 (AB-773) prohibits any decorative coverings on vehicle lamps except those coverings originally equipped on the vehicle at the time of manufacture or sale.

Act 347 (AB-848) allows annual and consecutive month permits for the transportation over highways within 11 miles of the Michigan-Wisconsin state line of vehicles or vehicle combinations that exceed vehicle size or weight limitations. Under preexisting law, these permits were limited to loads of wood, paper products, pole length and pulpwood.

Act 348 (AB-960) authorizes DOT to waive certain vehicle weight limitations during an agricultural or energy emergency. Under preexisting law, DOT was authorized to issue permits during these emergencies.

The act allows annual and consecutive month permits for the transportation in vehicles that exceed vehicle width limitations of farm machinery and, during an agricultural emergency, of loads of Christmas trees and hay in bales.

Act 350 (AB-756) allows motor vehicle registration plates that grant parking privileges to disabled persons to be personalized with letters and numbers selected by vehicle registrants.

Act 420 (AB-252) prohibits, with certain exceptions, the transport of children under 16 years of age in an open cargo area of a motor truck.

Act 421 (AB-523) allows the transfer of ownership in a vehicle that is owned by two or more persons without the signatures of all co-owners of the vehicle if legal title is held in the names of the co-owners in the alternative.

Act 422 (AB-525) removes the prohibition against displaying a vehicle for sale upon a highway.

Act 445 (AB-1069) creates a special motor vehicle registration plate commemorating the 150th anniversary of Wisconsin statehood (see *Education - Other Education*).

TRAFFIC AND PARKING REGULATION

Act 36 (AB-233) exempts bicycles being used by law enforcement officers from the requirement of giving audible and visual signals when exceeding vehicle speed limits.

Act 44 (SB-48) increases minimum and maximum forfeitures for certain speed limit violations committed in highway maintenance or construction areas.

Act 113 (AB-557) prohibits the use of photo radar speed detection in the enforcement of state and local traffic laws.

The act also increases the minimum property damage threshold for accident reporting and security deposit requirements from \$500 to \$1,000.

Act 121 (AB-61) provides that the owner of a vehicle that fails to properly yield the right-of-way to a police, fire or other authorized emergency vehicle is liable for the violation even if the owner is not operating the vehicle.

Act 131 (AB-497) allows authorized educational materials that explain the parking privileges granted to physically disabled individuals to be placed on vehicles parked in violation of those parking privileges.

Act 138 (AB-96) makes numerous changes in the laws relating to bicycles and motor bicycles. The act:

1. Provides that bicyclists have all of the rights and duties under state law of other vehicle operators.
2. Requires local ordinances regulating the operation of bicycles and motor bicycles to be in conformity with state law.
3. Specifically governs the riding of bicycles on roadways, including the riding of bicycles two abreast.
4. Permits bicycling on any highway unless prohibited by the applicable highway authority.
5. Requires use of a white light while bicycling on a sidewalk during hours of darkness.
6. Provides that a continuous hand and arm turn signal does not have to be given by a bicyclist if the hand needs to be used to control and operate the bicycle.

Act 147 (AB-186) extends the parking privileges granted to physically disabled persons to any person who submits a statement concerning his or her disability from a physician assistant or advanced practice nurse.

Act 194 (AB-993) delays until July 1, 1997, implementation of the penalty for the operation of agricultural machinery upon highways by uncertified youthful drivers.

Act 318 (SB-541) authorizes DOT to increase the maximum speed limit applicable on designated freeways and expressways to 65 miles per hour (see *HIGHLIGHTS*).

Act 373 (AB-438) authorizes any city, village, town or county to enact an ordinance prohibiting the use in motor vehicles of radios or other sound amplification devices that may be heard from a distance of 50 or more feet. The act provides exceptions for theft alarms and certain vehicles, including motorcycles being operated outside of a business or residential district and authorized emergency vehicles (see *Local Law*).

Act 424 (AB-827) requires a motorist to stop for any authorized emergency vehicle backing into a fire station if the emergency vehicle is giving a visual signal or if directed to stop by a member of the fire patrol standing in the roadway. The act also provides that the owner of a vehicle that fails to stop may be liable for a violation although the owner is not operating the vehicle.

Act 434 (AB-748) prohibits the use of an immobilization device to enforce restrictions against unauthorized parking on public or private property, unless the device is used according to a local ordinance. The act also specifies the minimum contents of such an ordinance.

OTHER TRANSPORTATION

Act 113 (AB-557) makes numerous changes in the laws relating to aircraft registration. The act:

1. Establishes biennial registration for aircraft with a maximum gross weight of not more than 3,000 pounds.
2. Requires a minimum \$50 charge for the late payment of registration fees.
3. Eliminates an aircraft dealer exemption from aircraft registration.
4. Limits eligibility for the one-time registration fee for antique aircraft to those aircraft manufactured in 1955 or earlier.

The act allows DOT to contract with any rail passenger provider to provide rail passenger service and limits the requirement that DOT pay for the rebuilding of a private road that crosses rehabilitated railroad tracks.

The act also delays the expiration date of the Disadvantaged Business Demonstration and Training Program, which attempts to develop the capability of businesses that are primarily owned by individuals who are found to be socially and economically disadvantaged to participate in state transportation construction projects and to ensure that such businesses are awarded contracts for such projects and that such individuals are employed on those projects.

Act 130 (AB-379) permits DOT to award a grant for harbor improvements to be performed on an island in the Mississippi River, regardless of whether the island is located in Wisconsin, if the island is owned by a Wisconsin city, village, town or county.

Act 338 (AB-821) makes various minor changes in the laws relating to DOT, including changes to applications for vehicle registration and titling.

Act 341 (SB-631) requires DOT to furnish state traffic officers and motor vehicle inspectors with bulletproof garments upon request.

Act 406 (AB-914) authorizes DOT to donate real property adjacent to The Highground in Clark County to be used as part of a Vietnam veterans memorial (see *Veterans and Military Affairs*).

Trusts and Estates; Probate

Act 182 (AB-152) requires that a copy of the property tax bill of the year preceding the year of a decedent's death, instead of a copy of the most recent property tax bill, be provided to the register of deeds when terminating the decedent's interest in the property under certain probate procedures.

Act 234 (AB-644) allows a decedent's property to be distributed according to a document that is referred to in a will if the document describes the property and the distributees with reasonable certainty, and if the document is signed and dated by the decedent.

Act 355 (AB-786) adds an interest in a savings account, checking account or security to the types of interests in property that may be transferred to a decedent's surviving spouse by a summary procedure after the decedent's death. The act also provides that anyone who, in good faith, for value and without actual notice that the transfer was improper, acquires an interest in property that was transferred by the summary procedure takes title to the property free of any claims of the decedent's estate and incurs no personal liability to the estate.

Act 360 (SB-489) allows a joint tenant (person who owns property in a special form of ownership with one or more other persons), upon the death of another joint tenant, to disclaim any property or interest in property that would otherwise accrue to him or her by right of survivorship as a result of the other joint tenant's death.

Veterans and Military Affairs

Act 13 (AB-145) provides grants to emergency response teams and provides immunity from civil liability to local agencies that contract to provide regional or county emergency response teams for acts or omissions of the emergency responses team related to carrying out their responsibilities.

Act 19 (AB-73) increases the money available for National Guard tuition grants and requires a National Guard member to apply for a National Guard tuition grant no later than 90 days instead of 6 months after completing the course for which the grant is used to pay tuition.

Act 20 (SB-183) permits DVA to establish a hospital at the Wisconsin Veterans Home at King. Under the act, the hospital established at King is not subject to the statutory limits on the construction of hospital beds or on the number of licensed psychiatric or chemical dependency beds in a hospital (see *Act 27*).

Act 27 (AB-150) makes various changes regarding veterans and military affairs. The act:

1. Permits the Department of Military Affairs to sell the National Guard Armory located in Whitefish Bay and use the proceeds to pay off any bonds related to the purchase of the property. Any remainder is to be used to pay for National Guard tuition grants.

2. Eliminates officers, warrant officers and individuals with a baccalaureate degree from eligibility for National Guard tuition grants.

3. Increases the maximum economic assistance loan for veterans from \$4,500 to \$5,000.

4. Requires out-of-state schools to meet the same criteria as in-state schools in the veterans part-time correspondence course program.

5. Extends the Health Care Aid Grant Program for veterans from June 30, 1995, to June 30, 1997.

6. Allows veterans who are underemployed to participate in the Veterans Retraining Grant Program. Previously, only unemployed veterans or those who had received a notice of termination were allowed to participate.

7. Increases the reimbursement amount under the Veterans Tuition and Fee Reimbursement Program from 25% of the tuition and fees to 35% of those costs (see *Act 255*).

8. Ends the Business Loan Program, under which a veteran was eligible to receive a loan of up to \$10,000 to purchase or establish a business. The act also ends the Veterans Retired Senior Volunteer Program, under which grants were available to programs providing services to veterans confined to their homes.

9. Authorizes the conversion of 16 nursing home beds at the Wisconsin Veterans Home at King to hospital beds and exempts those beds from the moratorium on the construction of hospital beds and on the number of psychiatric or chemical dependency beds.

10. Authorizes the staff necessary to operate a veterans cemetery in southeastern Wisconsin. The act also provides that those eligible for burial at the cemetery include veterans who died while on active service who were residents of the state at the time of entry or reentry into active duty, veterans who were residents of the state at the time of death (except those who were dishonorably discharged) and veterans' spouses who predecease the veterans or who survive the veterans and have not remarried and children under the age of 18 if these persons were residents of this state at the time of their deaths (see *Act 255*).

Act 57 (AB-540) increases the bond refunding authority of DVA, which DVA uses to refinance its debt incurred to fund veterans' housing loans, from \$550 million to \$625 million.

Act 120 (AB-41) adds a representative of Wisconsin Vietnam Veterans, Inc., to the Council on Veterans Programs in DVA.

Act 123 (AB-169) decreases from 10 years to five years the period of time during which a veteran must be a resident of this state before he or she becomes eligible for admission to the Wisconsin Veterans Home at King.

Act 129 (AB-317) specifies that DVA provide services under the Veterans Rehabilitation Program to veterans who served in the U.S. Armed Forces, or in forces incorporated as part of the U.S. Armed Forces, and who were discharged under conditions other than dishonorable.

Act 247 (SB-419) changes the name of the Division of Emergency Government in the Department of Military Affairs to the Division of Emergency Management. The act adds the administrator of the Division of Emergency Management and a representative of the Department of Commerce to the State Emergency Response Board and changes the terms of members of that board from serving at the pleasure of the governor to serving for four-year terms.

Act 252 (AB-40) requires lenders who originate veterans mortgage loans to pay interest on outstanding principal balances on escrow accounts for the loans.

Act 254 (AB-690) provides one-time grants of \$10,000 to two separate military memorials for women being constructed in the Washington, D.C. area.

Act 255 (SB-632) makes a number of changes regarding veterans benefits (see *Taxation and Transportation – Motor Vehicles*). The act:

1. Provides veterans benefits to persons who served in support of Operation Balkan Endeavor or in Bosnia (defined to include Bosnia and Herzegovina, Croatia, Hungary, Macedonia and Serbia) for 90 days or more.

2. Increases reimbursement for the costs of tuition and fees under the Veterans Tuition and Fee Reimbursement Program from 35% of the costs to 50% of the costs, effective July 1, 1997.

3. Creates the same eligibility criteria for burial at both of the veterans cemeteries.

4. Restricts eligibility for election or appointment as a county veterans' service officer to persons who have served in the U.S. Armed Forces for two consecutive years, except that a person discharged for reasons of hardship or a service-connected disability may serve as a county veterans' service officer without meeting the period of service requirement.

Act 406 (AB-914) authorizes the donation of state-owner real property adjacent to The Highground in Clark County to be used as a Vietnam veterans memorial (see *Transportation – Other Transportation*).

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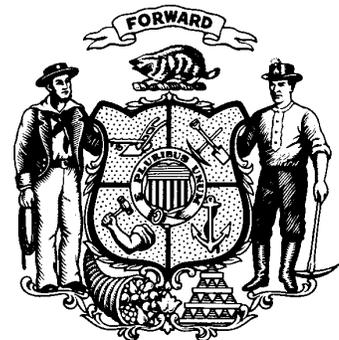
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ABBREVIATIONS

AB	Assembly Bill	DOD	Department of Development
AFDC	Aid to Families with Dependent Children	DOJ	Department of Justice
AFSCME ..	American Federation of State, County and Municipal Employees	DOR	Department of Revenue
DATCP . . .	Department of Agriculture, Trade and Consumer Protection	DORL	Department of Regulation and Licensing
DER	Department of Employment Relations	DOT	Department of Transportation
DETF	Department of Employe Trust Funds	DPI	Department of Public Instruction
DFI	Department of Financial Institutions	DVA	Department of Veterans Affairs
DHSS	Department of Health and Social Services	JCF	Joint Committee on Finance
DHFS	Department of Health and Family Services	OCI	Office of the Commissioner of Insurance
DILHR	Department of Industry, Labor and Human Relations	PSC	Public Service Commission
DILJD	Department of Industry, Labor and Job Development	SB	Senate Bill
DNR	Department of Natural Resources	Spec. Sess. .	Special Session
DOA	Department of Administration	UW	University of Wisconsin
DOC	Department of Corrections	WHEDA ..	Wisconsin Housing and Economic Development Authority
		WHEFA . . .	Wisconsin Health and Educational Facilities Authority
		WRS	Wisconsin Retirement System
		WSEU	Wisconsin State Employees Union

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