

SUMMARY OF THE 1997-98 WISCONSIN LEGISLATIVE SESSION
1997 WISCONSIN ACTS 1 to 338

INTRODUCTION

This bulletin provides an overview of the 1997-98 legislative session. The main body of the bulletin is divided according to subject matter; the acts of the legislature are described individually beneath each subject heading. The significant provisions of any act affecting more than one area of state law (including Acts 27 and 237, the budget act and the budget adjustment act) are described separately under the appropriate subject headings. The bulletin also includes summaries of those enrolled joint resolutions proposing amendments to the Wisconsin Constitution; under the heading “Constitutional Amendments.” The *HIGHLIGHTS* section of the bulletin provides synopses of those acts and joint resolutions that were of particular interest to the legislature and the public.

The 1997 Legislature took its oath of office on January 6, 1997. Its regular session was organized into 14 floorperiods:

January 14, 1997	May 13 to 29, 1997	January 13 to 22, 1998
January 28 to 30, 1997	June 10 to September 29, 1997	February 3 to 12, 1998
February 12, 1997	September 16 to 30, 1997	March 10 to 26, 1998
February 25 to 26, 1997	November 4 to 6, 1997	April 28 to 30, 1998
March 4 to 20, 1997	November 18 to 20, 1997	

An extraordinary session was conducted April 21 to May 21, 1998; a special session was held April 21 to May 13, 1998.

Statistics for the 1997-98 legislative session (including extraordinary and special sessions) through July 6, 1998, and for the previous four sessions are provided below.

	Legislative Session				
	1989-90	1991-92	1993-94	1995-96	1997-98
Total Drafting Requests	13,148	14,707	13,466	13,631	11,908
Bills Introduced	1,616	1,709	2,156	1,781	1,521
Assembly Bills	1,027	1,112	1,319	1,103	979
Senate Bills	589	597	837	678	542
Acts	368	324	497	469	338
Percentage of Bills Enacted	22.8	19.0	23.1	26.3	22.2
Bills Totally Vetoed	35	33	8	4	3
Bills Partially Vetoed	28	13	24	21	8

STATE BUDGET SUMMARY

GENERAL FUND SUMMARY

REVENUES	<u>1997-98</u>	<u>1998-99</u>
Opening Balance, July 1	\$ 331,145,100	\$ 352,243,400
Taxes	9,350,475,000	9,662,667,500
Transfer from:		
Property Tax Relief Fund	257,755,900	0
Recycling Fund	3,850,000	0
Departmental Revenues	<u>159,375,900</u>	<u>151,226,600</u>
Total Available	\$ 10,102,601,900	\$ 10,166,137,500
APPROPRIATIONS, TRANSFERS AND RESERVES		
Gross Appropriations	\$ 9,776,152,300	\$ 9,876,323,600
Compensation Reserves	34,915,600	66,338,400
Transfers to:		
Local Government Property Insurance Fund	2,217,200	2,108,600
Property Tax Relief Fund	0	100,000,000
Computer Escrow Fund	0	64,000,000
Less Lapses	<u>-62,926,600</u>	<u>-60,255,000</u>
Net Appropriations	\$ 9,750,358,500	\$ 10,048,515,600
BALANCES		
Gross Balances	\$ 352,243,400	\$ 117,621,900
Required Statutory Balance	<u>-98,110,700</u>	<u>-99,426,600</u>
Net Balance, June 30	\$ 254,132,700	\$ 18,195,300

SUMMARY OF APPROPRIATIONS - ALL FUNDS

	<u>1997-98</u>	<u>1998-99</u>
General Purpose Revenue	\$ 9,776,152,300	\$ 9,876,323,600
Federal Revenue	\$ 4,323,934,400	\$ 4,339,196,600
Program	(3,868,165,100)	(3,929,984,000)
Segregated	(455,769,300)	(409,212,600)
Program Revenue	\$ 2,284,115,900	\$ 2,353,325,400
State	(1,776,795,100)	(1,804,236,100)
Service	(507,320,800)	(549,089,300)
Segregated Revenue	\$ 2,175,818,200	\$ 2,229,010,500
State	(1,966,877,200)	(2,024,839,800)
Local	(66,012,200)	(60,799,700)

Service	<u>(142,928,800)</u>	<u>(143,371,000)</u>
GRAND TOTAL	\$ 18,560,020,800	\$ 18,797,856,100

SUMMARY OF COMPENSATION RESERVES - ALL FUNDS

	<u>1997-98</u>	<u>1998-99</u>
General Purpose Revenue	\$ 34,915,600	\$ 66,338,400
Federal Revenue	9,183,500	18,154,200
Program Revenue	24,772,800	48,971,500
Segregated Revenue	<u>5,768,000</u>	<u>11,402,400</u>
TOTAL	\$ 74,639,900	\$ 144,866,500

LOTTERY FUND SUMMARY

	<u>1997-98</u>	<u>1998-99</u>
GROSS REVENUE	\$ 446,980,000	\$ 487,080,000
EXPENSES		
Prizes	\$ 255,133,500	\$ 278,471,700
Administration	<u>59,462,800</u>	<u>63,227,600</u>
	\$ 314,596,300	\$ 341,699,300
NET PROCEEDS	\$ 132,383,700	\$ 145,380,700
TOTAL AVAILABLE FOR PROPERTY TAX RELIEF		
Opening Balance	\$ 134,747,000	\$ 8,939,600
Net Proceeds	132,383,700	145,380,700
Interest Earnings	<u>7,340,000</u>	<u>2,986,200</u>
	\$ 274,470,700	\$ 157,306,500
PROPERTY TAX RELIEF	\$ 265,531,100	\$ 147,564,900
GROSS CLOSING BALANCE	\$ 8,939,600	\$ 9,741,600
RESERVE	8,939,600	9,741,600
NET CLOSING BALANCE	\$ 0	\$ 0

HIGHLIGHTS

Beverages

Act 27 (AB-100) reduces the quotas of most municipalities for issuance of “Class B” licenses, which authorize the sale of intoxicating liquor to be consumed on the premises where sold, by approximately one-half. The act also increases the cost for initial issuance of a “Class B” license from \$500 to \$10,000 and, unlike “Class B” licenses already issued, makes newly issued “Class B” licenses nontransferable to other persons or premises.

Children

Act 27 (AB-100) transfers the duty and authority to provide child welfare services, other than juvenile delinquency-related services, in Milwaukee County from Milwaukee County to DHFS. Those services include investigating child abuse or neglect reports, referring children in need of protection or services to the juvenile court, providing protection or services to those children and their families, licensing foster homes and placing children for adoption. The act also eliminates the five neighborhood-based Milwaukee child welfare advisory committees, which under preexisting law were responsible for making recommendations to DHFS regarding the delivery of child welfare services, and transfers the duties of those committees to the Wisconsin Works community steering committees established in Milwaukee County.

Act 239 (AB-686) makes various changes relating to truancy (see also *Education – Primary and Secondary Education*). The act:

1. Changes the definition of “habitual truant”, for purposes of school attendance enforcement, from a pupil who is absent from school without an acceptable excuse for part or all of five or more out of ten consecutive days during a semester or for part or all of ten or more days during a semester to a pupil who is absent from school without an acceptable excuse for part or all of five or more days during a semester.
2. Authorizes additional dispositions to be imposed on a habitual truant, including an order for the habitual truant to attend school, to pay a forfeiture of up to \$500, to be placed under supervision and to comply with any other reasonable conditions, including a curfew. The act also increases the maximum time for which a habitual truant’s privilege to possess or obtain a driver’s license (operating privilege) may be suspended from 90 days to one year.
3. Authorizes certain dispositions to be imposed on the parents of a habitual truant, including an order for the parent to attend school with his or her child, to pay a forfeiture of up to \$500 and to pay the costs of the child’s participation in any counseling or community service work ordered by the court.
4. Permits a habitual truant who violates a condition of his or her dispositional order to be held in secure detention for not more than 10 days.

5. Permits a county, city, village or town to enact an ordinance prohibiting a person under 18 years of age from being truant from school for part or all of any day and authorizes as dispositions for a truant an order for the truant to attend school and for the truant and his or her parents to pay a forfeiture of up to \$50 for a first violation and up to \$100 for a second or subsequent violation committed within 12 months of a previous violation, subject to a maximum cumulative amount of \$500 in any semester.

6. Permits any of the dispositions that may be imposed on a habitual truant to be imposed as sanctions on a truant who violates a condition of his or her dispositional order.

7. Eliminates a requirement that school officials meet with a pupil's parents before the pupil may be prosecuted for habitual truancy.

Act 292 (AB-463) permits an expectant mother to be taken into custody if, due to her habitual lack of self-control in the use of drugs or alcohol, exhibited to a severe degree, there is a substantial risk that the physical health of her child will be seriously affected (unborn child abuse) unless she is taken into custody and if she is refusing to accept or is not making a good faith effort to participate in any alcohol or other drug abuse (AODA) services offered to her. The act permits the juvenile court to order such an expectant mother to be placed under supervision, to be placed in the home of an adult relative or friend or in a community-based residential facility, to enter an outpatient AODA treatment program, to participate in an AODA education program, to obtain other medical, psychological or psychiatric treatment or to enter an inpatient AODA treatment program, but only if she is in need of inpatient treatment and that treatment is appropriate for her needs and is the least restrictive treatment consistent with those needs. The act permits, but does not require, any person having reason to suspect that an unborn child has been abused or is at substantial risk of abuse to report that suspicion under the child abuse reporting law, requires the agency receiving the report to investigate such a report and, if substantiated, to offer services and, if those services are refused, permits the district attorney or corporation counsel to file a petition with the juvenile court seeking protection or services for the unborn child.

Constitutional Amendments

Enrolled Joint Resolution 18 (Senate Joint Resolution 43), proposed by the 1997 Legislature on second 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). The amendment will be submitted to the electorate for adoption or rejection at the November 1998 general election.

Enrolled Joint Resolution 21 (Assembly Joint Resolution 11), proposed by the 1997 Legislature on second 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. The amendment will be submitted to the electorate for adoption or rejection at the November 1998 general election.

Courts and Civil Actions

Act 89 (SB-148) raises the amount of damages that may be recovered for the loss of the society and companionship of a spouse, parent or child in wrongful death actions from \$150,000 to \$500,000 per occurrence in the case of deceased minors and \$350,000 per occurrence in the case of deceased adults. The act also permits minor siblings to collect damages for the loss of society and companionship in a wrongful death action.

Act 133 (AB-688) limits litigation by persons in jail or prison by: a) requiring a prisoner to commence a lawsuit within 30 days after the cause of action accrues if the action involves review of an administrative remedy related to prison conditions; b) requiring the exhaustion of all administrative remedies before commencing a lawsuit; c) eliminating the costs and fees previously awarded to a prisoner in an action against a public agency; d) specifying where any money awarded to a prisoner in a lawsuit is to be paid before being paid to the prisoner; e) reducing the type and amount of discovery (gathering of testimony or other evidence) in a lawsuit commenced by a prisoner; f) allowing a custodian of a public record to require prepayment of any copying fee and to deny access to a record to a prisoner who has not paid a previous record copying fee; g) allowing an unpaid prisoner litigation loan, which is a loan made by the state to a prisoner to pay the costs and fees necessary to start a lawsuit, to become a judgment against the prisoner; and h) permitting judges to dismiss a lawsuit by a prisoner who has, on three or more previous occasions, brought a lawsuit that was dismissed because it was frivolous, that was used for harassment or another improper purpose, that sought damages from someone immune from paying damages or that failed to state a claim upon which relief may be granted.

Crime and Criminal Procedure

Act 181 (AB-342) makes various changes relating to the rights of victims of crime. The act:

1. Provides that all of the following persons have the same rights as the person against whom a crime is committed: a parent, guardian or legal custodian of the victim, if the victim is a child; a family member of the victim or another person designated by the victim, if the victim is physically or emotionally unable to exercise his or her rights; a family member of the victim or a person who resided with the victim, if the victim is deceased; and the guardian of the victim, if the victim has been found incompetent and if a guardian has been appointed for him or her by a court.

2. Requires prosecutors to confer with a crime victim concerning the case or certain actions being taken in the case, if the victim has requested the opportunity to confer.

3. Requires that crime victims be given notice of certain actions taken in a case, such as closing a case without charging a person or dismissing charges filed in a case.

4. Creates a Crime Victims Rights Board that may review complaints regarding violations of the rights of crime victims by public officials, employees or agencies and issue private or public reprimands of the public officials, employees or agencies, seek appropriate equitable relief on behalf of crime victims if such relief is necessary to protect the rights of the victims and bring civil lawsuits to assess forfeitures (civil monetary penalties) against persons who intentionally violate the rights of crime victims.

Act 283 (AB-351) changes the structure of prison sentences that are imposed for felony offenses. Under this so-called “truth in sentencing” act, if a judge decides to give a prison sentence to a person convicted of a felony committed on or after December 31, 1999, other than a felony punishable by life imprisonment, the judge must impose a bifurcated sentence that consists of a specified period of time in prison followed by a specified period of supervision in the community. A person given a bifurcated sentence is not eligible for parole, but must serve the entire time in prison set by the judge. After serving the prison time the person is released to supervision in the community. If the person violates any rules or conditions of supervision, he or she may be returned to prison. For a felony committed on or after December 31, 1999, that is punishable by life imprisonment, the judge may provide that the person is not eligible for release to supervision in the community or that the person may petition for release to supervision in the community after the person has served at least 20 years in prison. In addition to changing the structure of prison sentences for felonies, the act increases the penalties for felonies that are committed on or after December 31, 1999. The act also creates a criminal penalties study committee to study and make recommendations concerning current criminal penalties and the implementation of the changes made by the act to the structure of prison sentences for felonies.

Domestic Relations

Act 191 (SB-494) increases the power and authority of DWD to establish and enforce obligations to pay support, including child support, family support, maintenance (spousal support) and other support-related payments, and expands the means for establishing paternity. The act:

1. Requires DWD to establish a system, in cooperation with other state agencies and the Wisconsin Supreme Court, under which an individual who owes at least one month’s delinquent support, or who has failed to comply with a subpoena or warrant related to paternity or support proceedings, is denied an operating privilege or an occupational, professional or recreational license, permit or credential, and under which any operating privilege or occupational, professional or recreational license, permit or credential that such an individual possesses is nonrenewed, restricted or suspended. The system established by DWD must provide for notice to the individual and specified opportunities for the individual to request and obtain a court hearing, pay the delinquent amount or enter into a payment arrangement with DWD before any action is taken with respect to the operating privilege or occupational, professional or recreational license, permit or credential. The individual’s operating privilege or occupational, professional or recreational license, permit or credential

Domestic Relations - continued

must be promptly issued or reinstated if the individual pays the delinquent amount, enters into a payment arrangement or complies with the terms of the subpoena or warrant. Regardless of nonpayment or noncompliance, however, an individual's operating privilege or occupational, professional or recreational license, permit or credential may not be denied, nonrenewed, restricted or suspended for more than five years for nonpayment of delinquent support or for more than six months for noncompliance with a subpoena or warrant.

2. Creates a financial record matching program. Under the program, DWD is required to enter into agreements with financial institutions in this state regarding matching information about account holders at the financial institutions with DWD's records on delinquent obligors. The act limits the liability of financial institutions for disclosure of information in connection with the financial record matching program and in connection with certain other support enforcement efforts.

3. Creates a statutory lien against the property of a delinquent obligor for the amount of delinquent support, which becomes effective when the lien is entered in a statewide support lien docket created by the act.

4. Creates a procedure for levying against the financial accounts, personal property and real property of delinquent obligors to enforce liens entered into the statewide support lien docket.

5. Creates a lien on any lump sum pension payment that may be paid by DETF, by a retirement system of the city of Milwaukee, by a retirement system established by a county government or by a private pension plan to a person who owes delinquent support. The lien is in favor of DWD and in the amount of the delinquent support.

6. Creates a lien on any money judgment awarded to a person who owes delinquent support. The lien is in favor of DWD and in the amount of the delinquent support.

7. Requires an individual to provide his or her social security number to a license-issuing state agency in order to obtain or renew an occupational, professional or recreational fish and game license. The license-issuing agency may release a social security number only to DWD for purposes of administering its Child and Spousal Support and Establishment of Paternity and Medical Support Liability Program.

8. Requires various state agencies to disclose to DWD, upon request and for purposes of administering DWD's Child and Spousal Support and Establishment of Paternity and Medical Support Liability Program, otherwise confidential information from records in the possession of the agencies receiving the requests.

9. Provides that, if not rescinded within the statutorily prescribed time (generally, 60 days after filing), a statement acknowledging paternity that is properly signed and filed with the state registrar becomes a conclusive determination of paternity that has the same effect as a judgment of paternity. If a statement acknowledging paternity is not timely rescinded, all orders that may be made by a court after paternity is adjudicated, such as orders for child support, custody, physical placement and payment of the child's medical expenses, may be made with respect to the parents who signed the statement acknowledging paternity.

Domestic Relations – continued

10. Authorizes DWD to issue subpoenas to compel the production of financial information or other documentary evidence in the administration of its Child and Spousal Support and Establishment of Paternity and Medical Support Liability Program. A person who does not comply may be required to pay a forfeiture (civil monetary penalty).

11. Authorizes DWD to require, by subpoena or otherwise, a child, the child's mother and an alleged father of the child to submit to genetic tests to determine the probability of the alleged father's paternity.

12. Requires that trained hospital staff provide to available, unmarried parents of a child who is born at or en route to a hospital oral information or an audio or video presentation and written information about the voluntary acknowledgment of paternity form (the mother is given a copy of the form in the hospital after the birth of the child) and about the significance and benefits of, and alternatives to, establishing paternity.

13. Authorizes a court, in a paternity action, to adjudicate an alleged father to be the father of the child if the mother fails to appear for a court-ordered genetic test or a hearing at which her appearance is required and if there is sufficient evidence for such an adjudication.

14. Authorizes a court to make a temporary order for the payment of child support in a paternity action before paternity is adjudicated if genetic tests show that the alleged father is not excluded and that the probability of his parentage is 99% or higher.

Education

PRIMARY AND SECONDARY EDUCATION

Act 27 (AB-100) makes various changes relating to education. The act:

1. Creates a full-time open enrollment program under which a pupil is allowed to attend a public school located outside of his or her school district of residence on a full-time basis if the pupil satisfies certain requirements and complies with certain application dates and procedures. DPI adjusts each school district's state aid distribution depending on whether the school district has a net gain or net loss of pupils resulting from the program.

2. Creates a part-time open enrollment program under which a pupil in grades 9 to 12 is allowed to enroll in one or two courses in another school district under certain conditions. The school district in which the pupil resides must pay to the other school district an amount equal to the cost of providing the course or courses to the pupil.

3. Requires each school board to adopt pupil academic standards in mathematics, science, reading, writing, geography and history. The act also requires DPI to develop a high school graduation examination designed to measure whether pupils meet the academic standards issued by the governor as an executive order. Beginning in the 2000-01 school year, each school district must administer the graduation examination developed by DPI or its own examination. Beginning September 1, 2002, a school board may not grant a high school diploma to a pupil unless the pupil has passed the high school graduation examination.

Act 237 (AB-768) authorizes school districts to develop or adopt their own 4th and 8th grade pupil exams and administer them in addition to the 4th and 8th grade exams developed

by DPI. (A school district that administers its own exams is not required to administer the state exams if it provides DPI with statistical correlations between the two exams and the federal department of education approves.) Beginning July 1, 2002, a school board may not promote a 4th grade pupil to the 5th grade, or an 8th grade pupil to the 9th grade, unless the pupil passes the appropriate school district-developed exam or, if the school district has not developed its own exams, the appropriate exam developed by DPI.

Act 238 (AB-631) authorizes a school board to contract with a partnership, association, corporation or governmental unit to operate a school as a charter school and provides that if one or more school boards contract with the board of control of a Cooperative Educational Service Agency (CESA) (a regional educational agency that performs services for a school district) to operate a charter school, the school must be located within the boundaries of the CESA. The act also prohibits a school board, other than the board of the Milwaukee Public Schools (MPS), from entering into a contract that would result in the conversion of a private, sectarian school to a charter school and provides that all school boards, except for the board of MPS, must determine whether a charter school located in its school district is an instrumentality of the school district. If a school board determines that a charter school is an instrumentality of the school district, the school board must employ all charter school personnel.

Act 239 (AB-686) makes various changes relating to truancy (see also *Children*). The act allows a parent or guardian to excuse his or her child from school attendance for no more than 10 days in any school year. The act also requires a truancy committee to be convened in each county at least once every four years to review and make recommendations to the school boards of all of the school districts in the county on revisions to the school districts' truancy plans.

Act 286 (AB-304) creates procedures under which a new school district may be created out of a portion or portions of the territory of one or more existing school districts and creates provisions applicable after the creation of a new school district, including those concerning revenue limits, state aid and borrowing referenda.

Act 335 (SB-274) requires each school board to adopt a code to govern pupils' classroom conduct and authorizes a teacher to remove from the class a dangerous, disruptive or unruly pupil or a pupil who has violated the code of classroom conduct. Under the act, pupils removed in this manner from the class must be assigned an interim placement by the school principal and a final educational placement as provided under the code of classroom conduct.

OTHER EDUCATION

Act 27 (AB-100) creates a Technology for Educational Achievement in Wisconsin (TEACH) Board. The TEACH Board does all of the following:

1. Awards grants to school districts, CESAs and public libraries to provide technical assistance and training in the use of educational technology.

2. Makes loans to school districts and public libraries to upgrade electrical wiring and install and upgrade computer network wiring.
3. Administers an educational telecommunications access program, under which school districts, private schools, technical college districts, private colleges and public libraries are provided access to data lines and video links. Funds for the subsidy are derived from required contributions from telecommunications providers.
4. Coordinates the purchase of educational technology materials, supplies, equipment and contractual services for school districts, CESAs, technical college districts and the UW System.
5. Purchases educational technology equipment for use by school districts, CESAs and public educational institutions and permits the districts, agencies and institutions to purchase or lease the equipment from the TEACH Board (see also *Public Utilities* and *State Government*).

Environment

Act 171 (SB-3) prohibits DNR from issuing a permit for the mining of a sulfide ore body (a mineral deposit in which metals are mixed with sulfide minerals) until DNR makes two determinations. First, DNR must determine that a sulfide mining operation in the United States or Canada that is capable of generating acid drainage and that has not caused significant environmental pollution from acid drainage or from the release of heavy metals has operated for at least 10 years without a formal determination that the mining operation degraded groundwater or surface water in violation of an environmental law due to acid drainage or the release of heavy metals. Second, DNR must determine that a mining operation in the United States or Canada that is capable of generating acid drainage and that has not caused significant environmental pollution from acid drainage or from the release of heavy metals has been closed for at least 10 years without a formal determination that the mining operation degraded groundwater or surface water in violation of an environmental law due to acid drainage or the release of heavy metals. DNR may not base either of its determinations on a mining operation that has been listed on the federal Superfund Act list of contaminated sites or on a mining operation for which the operator is no longer in business and for which there is no other person who may be liable for any contamination from the mining operation.

Health and Social Services

HEALTH

Act 27 (AB-100) directs DHFS to seek a federal waiver to create a BadgerCare Program, a health plan for low-income families. If the waiver is granted and in effect, the plan will provide health care services to families that have incomes of 185% of the federal poverty line or less (or 200% of the poverty line for families already receiving BadgerCare benefits) and that meet certain other criteria. A family receiving benefits under the BadgerCare Program will be required to pay a premium if the family's income exceeds 150% of the federal poverty line.

Health and Social Services – continued

The premium may not exceed 3.5% of the family's income. The benefits available under the BadgerCare health plan will be the same as those available under the Medical Assistance Program, under which certain low-income persons receive various federally and state subsidized health services.

Act 231 (SB-315) makes various changes to the laws governing the collection and dissemination by DHFS of health care information. The act:

1. Requires DHFS annually to prepare, publicize and distribute a guide to assist consumers in selecting health care providers and health care plans.

2. Eliminates preexisting specific sources of health care information and specific reports that DHFS was required to prepare, except the annual report on uncompensated hospital health care services, and instead requires that DHFS specify by rule, as approved by the Board on Health Care Information, the standard reports to be issued, the uniform data set of health care information to be collected and procedures for the collection. The data collected must be adjusted for case mix (instances of disease) and severity of diagnosis, as specified by rule.

3. Expands preexisting law that required DHFS to assess hospitals and ambulatory surgery centers for the costs of collecting and disseminating health care information by requiring assessments on health care providers who are in a class of health care providers from whom DHFS collects health care data. The Board on Health Care Information must approve the amounts of these assessments.

4. Increases to 11 members the size of the Board on Health Care Information and requires that one member be a registered record administrator and that, of five required health care provider members, one member be a registered nurse and two members be physicians. Formerly, the Board on Health Care Information consisted of nine members, a majority of whom were prohibited from being or representing health care providers.

5. Requires that specified measures be taken by DHFS to ensure the protection of patient identity in the health care data that is collected and exempts health care provider-identifiable data from the open records laws.

6. Abolishes the requirement for a public hearing on any proposed hospital rate increase.

OTHER HEALTH AND SOCIAL SERVICES

Act 27 (AB-100) prohibits a person who has been convicted of, or who has pending against him or her a charge for, a serious crime, as defined by DHFS by rule, who has abused or neglected a client or child, who has misappropriated the property of a client or whose credential with DORL restricts him or her from providing adequate care to a client from being licensed to operate, employed or contracted by or permitted to reside at, a child welfare agency, group home, shelter care facility, day care center or certain health care facilities unless the person demonstrates that he or she has been rehabilitated. The act also requires a background information form to be completed by, and a criminal history, abuse record and credential status search to be conducted of, a person at the time of initial licensure, employment, contracting or residence and every four years thereafter.

Occupational Regulation

PROFESSIONAL LICENSING

Act 67 (SB-156) prohibits a person from practicing as a physician assistant or using a related title without a license issued by the Medical Examining Board. Former law included only a prohibition regarding the use of such a title. The act also allows a licensed physician assistant to prescribe certain drugs and medical devices in accordance with rules promulgated by the board and guidelines established by a supervising physician and the physician assistant.

Act 68 (SB-361) allows pharmacists to administer, under specified circumstances, vaccines and prescribed drug products and devices. In order to administer a vaccine, a pharmacist must complete courses approved under rules promulgated by the Pharmacy Examining Board and maintain a specified amount of liability insurance. In addition, the vaccine must be administered in accordance with a protocol established by a physician and the pharmacist. The act allows pharmacists who satisfy certain requirements to administer prescribed drug products and devices by injection in the course of teaching self-administration to patients and only in accordance with rules promulgated by the board. The board may not promulgate such rules unless they are identical to rules recommended by the Pharmacist Advisory Council, created by the act, consisting of two pharmacists, a physician and a nurse. The act also requires all pharmacists, regardless of whether they administer vaccines or drug products or devices, to complete specified continuing education requirements.

Act 311 (AB-549) makes several changes regarding disciplinary action taken by the Medical Examining Board against physicians who engage in professional misconduct, including the following:

1. Requiring the board to initiate disciplinary action within three years after beginning an investigation into misconduct, except that, if the misconduct involves the death of a patient, the board must initiate disciplinary action within one year.
2. Allowing the board to issue administrative warnings against physicians in instances of first-time, minor misconduct.
3. Prohibiting a reviewing court from staying the board's enforcement of disciplinary action unless the physician makes a specified showing which includes a showing that the physician is substantially likely to prevail in the proceeding for review and that the stay will not result in irreparable harm.
4. Increasing the maximum fine for violating the board's rules applicable to physicians from \$10,000 to \$25,000.

Public Utilities

Act 27 (AB-100) requires the PSC to promulgate rules regarding participation by school districts, private schools, technical college districts, private colleges and public libraries in an educational telecommunications access program administered by the Technology for Educational Achievement in Wisconsin (TEACH) Board and requires the PSC to ensure that

contributions made by telecommunications providers to the universal service fund, which is administered by the PSC for the purpose of promoting access to telecommunications services, are sufficient to provide funding for the program (see also *Education – Other Education* and *State Government*).

Act 204 (AB-940) makes numerous changes to the PSC’s regulation of electric generation and transmission, including the following:

1. Eliminating the requirement under former law for certain public utilities and cooperative associations to submit advance plans for approval by the PSC and requiring instead that the PSC prepare a biennial strategic energy assessment that evaluates the adequacy and reliability of the state’s current and future energy supply.

2. Making various changes regarding the certificates of public convenience and necessity that are required before constructing certain electric generation and transmission facilities. The act increases the minimum capacity (from 12 to 100 megawatts) for which a generation facility requires a certificate. The act creates an exemption for certain construction activities that take place entirely within an existing transmission right-of-way. The act also shortens the deadlines under former law that applied to the PSC’s and DNR’s review of applications for certificates.

3. Requiring public utilities to transfer control over their electric transmission facilities to an independent system operator or owner by June 30, 2000. Also, the act requires the PSC to study constraints on the electric transmission system and allows the PSC, based on the study, to order the construction of additional electric transmission facilities.

4. Requiring certain public utilities in eastern Wisconsin to construct 50 megawatts of additional electric generation capacity from renewable resources by December 31, 2000.

5. Prohibiting public utility affiliates from owning or operating wholesale merchant plants (which are electric generating facilities that provide wholesale, rather than retail, electric service) without the prior approval of the PSC and imposing certain restrictions on sales of wholesale electricity to public utilities by their affiliates.

State Government

Act 230 (AB-150) makes two changes in the laws affecting state government. The act:

1. Abolishes 54 state governmental boards, offices, councils, divisions and bureaus. Under the act, the functions of the boards and offices are either discontinued or transferred to other state governmental units or officers. Since the councils are advisory only, their functions are discontinued under the act. Preexisting law permits the heads of the state agencies in which the divisions and bureaus are located to continue, discontinue or restructure any divisions or bureaus that are no longer created by statute. For significant changes, see appropriate topics for a more detailed description.

2. Permits DOA to purchase educational technology materials, supplies, equipment or contractual services from orders placed with DOA by the Technology for Educational Achievement in Wisconsin (TEACH) Board on behalf of school districts, Cooperative Educational Service Agencies (CESAs) (which provide services to school districts), technical

State Government – continued

college districts and the Board of Regents of the UW System. The act also directs DOA to provide or contract for the provision of professional engineering, architectural, project management and other building construction services on behalf of school districts for the installation or maintenance of electrical and computer network wiring, at the expense of the school districts (see also *Education – Other Education and Public Utilities*).

Taxation

Act 27 (AB-100) makes various changes related to taxation. The act:

1. Increases the cigarette tax from 44¢ per pack to 59¢ per pack.
2. Reduces individual income tax rates by 1%, beginning with taxable year 1998; indexes the standard deduction and individual income tax brackets for changes in the cost of living, beginning with taxable year 1999; and directs DOR to not adjust the withholding tables to reflect the lower tax rates until taxable year 2000 (see also *Act 237*).

Act 237 (AB-768) makes changes related to taxation. The act:

1. Establishes procedures and requirements for the following governmental entities to deny, suspend or revoke certain licenses, credentials, permits, approvals, registrations and certifications (licenses) if DOR certifies that an applicant or license holder is liable for delinquent taxes: the Board of Commissioners of Public Lands, DFI, DHFS, DNR, DOA, DOC, DOR, DORL (and boards in DORL), DOT, DPI, DWD, the Ethics Board and OCI. The act also requires the Wisconsin Supreme Court, if it agrees, to deny, suspend or revoke a license to practice law on the basis of liability for delinquent taxes. Former law required only DORL to deny license renewal applications on the basis of liability for delinquent taxes. The act also requires the governmental entities to deny an application for a license if the applicant fails to provide his or her social security number or, if the applicant is a business entity, its federal employer identification number.

2. Exempts computers from the property tax and provides state aid to municipalities, counties, school districts, special purpose districts, tax incremental districts and technical college districts to compensate them for the resulting reduction of their tax bases. The payment to a jurisdiction equals the full value, as of the previous January 1, of the computers in the jurisdiction multiplied by the jurisdiction's property tax rate.

3. Reduces individual income tax rates by approximately 1.6% below the rate that they were previously lowered to by Act 27, beginning with taxable year 1998.

4. Creates an individual income tax subtract modification (deduction) for certain amounts paid for higher education tuition expenses, up to a maximum of \$3,000 per student per taxable year.

Act 314 (AB-566) specifies that the late filing fee that applies to sales tax and use tax returns may not be imposed if the return was not filed on time because of reasonable cause rather than because of neglect.

Transportation

Act 84 (SB-470) enacts the recommendations of the Governor's 1995 Task Force on Operating a Motor Vehicle with an Operating Privilege that is Suspended or Revoked. Effective May 1, 2000, the act reclassifies numerous offenses that are punishable by an operating privilege sanction so that operating privileges are revoked only for serious driving-related offenses and are suspended for other offenses. The act makes operating a motor vehicle while suspended (OWS) a civil infraction for which intent need not be proven and makes operating a motor vehicle after revocation (OAR) a crime. Formerly, these offenses were either civil infractions or crimes, depending upon the seriousness of the underlying infraction that led to the suspension or revocation. The act also:

1. Requires that any bill that is introduced in the legislature that proposes to revoke an operating privilege be evaluated by DOT for consistency with a policy of revoking only for serious driving-related offenses.

2. Allows any person currently classified as a habitual traffic offender (HTO) because of an OWS or OAR conviction to apply to DOT for recalculation of the person's HTO classification and allows DOT to reinstate the person's operating privilege if appropriate.

3. Provides that a person's operating privilege or vehicle registration is suspended (rather than revoked) if the person fails to comply with this state's financial responsibility laws or other requirements following involvement in a motor vehicle accident.

4. Simplifies the penalty structure for second and subsequent OAR convictions by making all OAR offenses punishable by a fine of up to \$2,500 and a term of imprisonment of up to one year.

5. Reduces from five years to two years the maximum period of operating privilege suspension for failure to pay a fine or forfeiture (civil monetary penalty) and related assessments, restitution, driver improvement surcharge or court-ordered family support.

6. Eliminates an occupational license, which authorizes the licensee to drive to and from his or her place of employment, for any person who fails to comply with a driver safety plan for treatment for substance abuse for the offense of causing injury by operation of a motor vehicle while intoxicated.

Trusts and Estates; Probate

Act 188 (AB-645) updates the state's probate code in conformity with the principles of the 1990 Uniform Probate Code. In general, the act:

1. Reduces some of the formality required for will execution.

2. Relaxes the rules related to will construction.

3. Divides ancestors into maternal and paternal groups for purposes of entitlement to an estate when a person dies without a will.

4. Specifies the share of a surviving spouse under a will that was executed before the spouse's marriage to the decedent.

Trusts and Estates; Probate – continued

5. Provides for a “self-proving” feature for wills, under which the person making the will (testator) and the witnesses to the will’s signing may sign an affidavit in front of a notary public, at the same time that the will is signed, that declares that the testator is of sound mind and is signing the will voluntarily.
6. Gives effect to instructions in a document that is referred to in a will.
7. Provides uniform rules of construction that are applicable to both documents that effect probate transfers, such as a will, and documents that effect nonprobate transfers, such as a deed.
8. Provides one uniform rule for election of property by a surviving spouse that applies to both probate and nonprobate deferred marital property (property acquired during a marriage before the effective date of Wisconsin’s Marital Property Act).
9. Provides for a procedure for limiting claims that may be made against trust property.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Beverages

Assembly Bills 614, 703 and 718 and Senate Bill 408 would have reversed changes made by *Act 27* to “Class B” intoxicating liquor licenses.

Domestic Relations

Assembly Bill 104 would have specifically prohibited marriage between persons of the same sex.

Education

Assembly Bill 603 would have closed the Wisconsin School for the Visually Handicapped.

Special Session Senate Bill 2 would have abolished the school board of the Milwaukee Public Schools (MPS) and created a three-member commission to operate MPS if the school district failed to meet certain educational achievement objectives.

Elections

Assembly Bills 829 and 950, Senate Bills 7 and 463 and April 1998 Special Session Senate Bill 1 would have substantially revised the state campaign finance law.

Environment

Senate Bill 8 would have restored the office of Public Intervenor to DOJ (see also *Environment, Act 27*).

Health and Social Services

Assembly Bill 32 and Senate Bill 27 would have permitted persons under specified circumstances to make written requests of attending physicians for medication to end their lives.

Insurance

Senate Bill 332 would have required DETF to design and administer a health care coverage plan for private employers.

SUMMARY OF PROPOSALS ENACTED BY THE 1997 LEGISLATURE

Agriculture

Act 27 (AB-100) makes various changes in the laws related to agriculture. The act:

1. Authorizes local governmental units to enact regulations for livestock operations that are consistent with standards, prohibitions and practices established by DATCP and DNR for agricultural sources of nonpoint (diffuse) water pollution. The act authorizes a local governmental unit to enact regulations of livestock operations that exceed the standards, prohibitions and practices established by DATCP and DNR only if the local governmental unit demonstrates to DATCP's or DNR's satisfaction that the regulations are necessary to achieve water quality standards established by DNR (see also *Environment*).

2. Requires DATCP to promulgate rules to improve the management of nutrients used by agricultural operations.

3. Requires county land conservation committees to prepare land and water resource management plans and submit those plans to DATCP for its approval or disapproval. The plans must describe all proposed county activities related to nonpoint source water pollution.

4. Adds one member, with an agricultural background, to the Board of Agriculture, Trade and Consumer Protection.

5. Requires a person who operates a fish farm to register with DATCP annually and requires a person who brings fish or fish eggs into the state for introduction into the waters of the state, for use as bait or for rearing in a fish farm, to obtain an annual permit from DATCP (see also *Natural Resources – Wild Animals and Plants*).

6. Makes changes in the Agricultural Chemical Cleanup Program, under which this state provides reimbursement for a portion of the costs of cleaning up a discharge of an agricultural chemical, including generally increasing the amount of reimbursement payable to a person who incurs costs to clean up a discharge of an agricultural chemical.

7. Reduces for two years certain fees related to pesticides, fertilizer and soil and plant additives and suspends for two years surcharges used to fund the Agricultural Chemical Cleanup Program.

8. Restores funding for grants for sustainable agriculture demonstration projects. ("Sustainable agriculture" means an agricultural practice that uses local, renewable resources and minimizes the use of purchased, nonrenewable resources.)

Act 111 (SB-400) makes minor changes in the laws related to agriculture, trade and consumer protection, including changing the description of qualifications of advisory members of the Land and Water Conservation Board to reflect organizational changes at the U.S. Department of Agriculture.

Act 178 (AB-256) requires that a person be at least 12 years of age to obtain training and certification in the safe operation of tractors and other machinery under a program

Agriculture – continued

coordinated by DATCP. The training and certification are required before a person under 16 years of age may operate a tractor or other self-propelled farm equipment on a road.

Act 192 (AB-585) makes numerous changes in the laws relating to humane officers, taking animals into custody and the disposition of animals taken into custody. The act:

1. Generally requires persons appointed as humane officers to complete training approved by DATCP and to be certified by DATCP.

2. Authorizes a humane officer or law enforcement officer to order a person to stop violating a law if the violation is causing or has the potential to cause injury to an animal.

3. Specifies the situations in which a humane officer or law enforcement officer may take custody of an animal, including situations in which the animal is a stray, the animal is not licensed if it is required to be licensed, the animal has caused damage to persons or property or the animal has been mistreated in violation of the laws requiring humane treatment of animals.

4. Authorizes a political subdivision (city, village, town or county) to provide for the care, custody, treatment or disposal of animals taken into custody by a humane officer or law enforcement officer. The political subdivision may provide these services directly or through a contract.

5. Specifies the situations in which a political subdivision or person contracting with a political subdivision must release an animal taken into custody to its owner, the situations in which an animal taken into custody may be released to a person other than its owner and the situations in which an animal taken into custody may be euthanized.

6. Prohibits a humane officer from selling or otherwise disposing of any animal that came into the humane officer's custody in the course of his or her duties.

Act 217 (AB-232) requires the owner of a dog to have the dog vaccinated against rabies at no later than five months of age.

Act 264 (AB-392) requires DATCP to administer a program to assist in the transfer of dairy farms to persons wishing to enter the dairy industry. The act expands eligibility for the Farm Mediation and Arbitration Program, under which DATCP provides mediation and arbitration services for disputes between farmers and creditors or others. The act also provides for the confidentiality of specified information obtained under programs in which DATCP provides assistance to farmers.

Act 278 (AB-364) prohibits any person from changing, with the intent to defraud, the number of hours of operation indicated on the hour meter on a piece of farm equipment.

Act 324 (SB-275) makes several changes in the laws regulating grain dealers (persons who buy grain from and sell grain for growers). The changes include limiting the applicability of the requirement to file audited financial statements with DATCP and expanding the applicability of the requirement to file monthly reports with DATCP.

Beverages

Act 27 (AB-100) makes various changes to the laws related to beverages. The act:

1. Makes numerous changes to “Class B” licenses (see *HIGHLIGHTS*).
2. Makes establishments that are licensed to sell alcohol beverages immune from civil liability for temporarily withholding a document presented as proof of age by a person suspected of being an underage person.
3. Increases the fines and forfeitures (civil monetary penalties) related to the production, use and possession of documents that show that an underage person is of legal drinking age.

Act 98 (AB-72) creates an exception to allow underage persons who are not accompanied by their parent, legal guardian or spouse of legal drinking age (unaccompanied underage persons) to be present on an indoor volleyball court located on premises where alcohol beverages are sold and consumed.

Act 100 (SB-396) expands an exception to allow unaccompanied underage persons to be present at certain billiards centers where alcohol beverages are sold and consumed.

Act 132 (AB-567) creates an exception to allow brewers and alcohol beverage wholesalers to have representatives present at certain beer tasting events held on Class “B” premises (premises where beer may be sold and consumed).

Act 166 (AB-444) prohibits alcohol beverage wholesalers who also sell alcohol beverages at retail from selling a brand of fermented malt beverages to another retailer unless the seller is an authorized wholesaler of that brand. The act also allows any wholesaler aggrieved by a violation of this prohibition to sue for damages resulting from the violation and allows the municipality that licensed the violating wholesaler to revoke or suspend the violating wholesaler’s retail license.

Act 259 (AB-470) allows wine of any alcohol content to be sold under a temporary “Class B” liquor license, sets the license fee at \$10 and limits applicants to two such licenses in any year.

Act 291 (AB-963) authorizes DOR to donate seized alcohol beverages to law enforcement agencies for use in criminal investigations.

Act 337 (AB-482) prohibits the imposition of more than one penalty for each underage person to whom alcohol beverages are unlawfully provided.

Buildings and Safety

Act 27 (AB-100) makes a number of changes in the law relating to buildings and safety. The act:

1. Makes purchasers of aviation fuel on which the petroleum inspection fee has been imposed eligible for an allowance (payment) of 2¢ for each gallon of aviation fuel purchased in excess of one million gallons per month.
2. Makes certain changes to the labeling of devices that dispense, for sale at retail, reformulated gasoline.
3. Eliminates the Fire Prevention Council, which consulted with fire departments to provide fire education services and training programs.

Act 237 (AB-768) eliminates multilevel multifamily housing without elevators (townhouses) from the coverage of the Multifamily Housing Accessibility Law and transfers from DWD to the Department of Commerce the administration of the design and construction requirements of that law, including setting accessibility standards, reviewing plans and specifications and granting variances. Under the act, DWD continues to investigate and hear complaints.

Act 288 (AB-668) changes rental unit energy efficiency requirements and creates a procedure for issuing citations for failure to comply with stipulations of compliance relating to those requirements.

Business and Consumer Law

BUSINESS ASSOCIATIONS

Act 27 (AB-100) modifies certain anti-takeover provisions of Wisconsin's business corporation law, so that the applicability of these provisions depends on the percentage ownership of a corporation's securities by Wisconsin residents rather than on the absolute number of Wisconsin residents who own securities of a corporation. The act also repeals a two-year limit on the reinstatement of stock and nonstock corporations that have been administratively dissolved. The act raises the fees applicable to such reinstatements from \$10 to \$35 for nonstock corporations and to \$90 for stock corporations.

Act 79 (SB-423) rewrites the state's law governing nonstock corporations. Among other things, the act:

1. Reorganizes and modernizes the law governing nonstock corporations.
2. Permits "for-profit" nonstock corporations.
3. Requires foreign nonstock corporations (corporations not organized under the laws of this state) to obtain a certificate of authority to do business in this state.
4. Allows foreign nonstock corporations to domesticate in this state.
5. Provides for derivative actions in the right of nonstock corporations. A derivative action is an action that is based upon a right of the corporation, but is asserted on behalf of the corporation by its stockholders, because of the failure of the corporation to act upon this right.
6. Eliminates the role of the county registers of deeds in recording documents relating to nonstock corporations, and instead provides for recording these documents solely with DFI.

Act 140 (AB-553) adopts the Uniform Unincorporated Nonprofit Association Act in this state. The act allows a nonprofit unincorporated association to acquire, hold and transfer property in its own name, be a beneficiary of a trust or contract, and to sue and be sued. Under the act, a nonprofit unincorporated association is treated as a legal entity separate from its members for purposes of determining and enforcing rights, duties and liabilities in contract and tort.

Act 9 (AB-152) authorizes the Department of Commerce to make an interest-free loan to a minority group member or a business that is primarily owned, controlled and managed by one or more minority group members for economic development, employment, tourism, international trade or cultural exchange opportunities for minority group members or businesses that are primarily owned, controlled and managed by one or more minority group members.

Act 27 (AB-100) makes a number of changes in the laws that affect economic development. The act:

1. Creates a Brownfields Grant Program under which the Department of Commerce may award a grant of up to \$1,250,000 to an individual, partnership, corporation, limited liability company, city, village, town, county or nonprofit local development corporation for the redevelopment of brownfields and related environmental pollution investigation, analysis and monitoring activities. Brownfields are abandoned, idle or underused industrial or commercial facilities or sites that are adversely affected, with respect to expansion or redevelopment, by actual or perceived environmental contamination.

2. Creates a Brownfields Remediation Loan Guarantee Program under which WHEDA may guarantee repayment of up to 80% of a loan of up to \$500,000 made by a private lender to a business in this state for the purpose of paying expenses associated with the remediation of contamination at a brownfields site.

3. Provides that priority must be given to projects related to brownfields redevelopment when grants and loans are awarded under various programs administered by the Department of Commerce.

4. Combines six loan guarantee programs administered by WHEDA into one loan guarantee program, called the Small Business Development Loan Guarantee Program. Under the new loan guarantee program, WHEDA may guarantee repayment of up to 80% of the principal of a loan or \$200,000, whichever is less. The borrower must be the owner of a business that employs 50 or fewer employees on a full-time basis or the governing body of a federally recognized American Indian tribe. The loan proceeds must be used for expenses related to the expansion or acquisition of a business or for the start-up of a day care business.

5. Removes authority from WHEDA to issue bonds and notes for projects involving sports and entertainment home stadiums and raises the limit on bonds and notes that WHEDA may issue for its Beginning Farmer Program, which assists beginning farmers in purchasing agricultural land and improvements.

6. Creates a Mining Economic Development Grant Program under which the Department of Commerce makes grants and loans to businesses, community-based organizations, local development corporations, cities, villages, towns and counties located in areas affected by mining. Grant or loan proceeds may be used for financing the start-up, maintenance or expansion of a business in an area affected by mining, developing an economic diversification plan, conducting a project that will create long-term employment opportunities or obtaining professional services related to the start-up, maintenance or expansion of a business.

7. Makes various changes to the Community-Based Economic Development Programs, which are administered by the Department of Commerce and under which grants are awarded to political subdivisions and community-based organizations for various purposes related to promoting economic development at the local level. The act, under one of the programs, increases the grant amount from \$20,000 to \$30,000, authorizes the department to award grants to community-based organizations, as well as to political subdivisions, for the purpose of developing a plan for diversifying the local or regional economy and expands the purpose of such plans to include attracting new businesses and jobs and promoting economic development. The act also creates three other community-based economic development programs. Under one program, grants may be made to community-based organizations and private nonprofit organizations for venture capital development projects to assist entrepreneurs or businesses in obtaining funding for the start-up or development of businesses. Under a second program, grants may be made to community-based organizations for creating revolving loan funds for making loans to businesses with fewer than 100 full-time employees. Under a third program, grants may be made to private, nonprofit foundations or organizations that teach business skills to economically disadvantaged or socially at-risk children for costs associated with teaching the skills and developing the knowledge necessary to start and maintain a business enterprise.

8. Changes the Employee Ownership Assistance Program from a loan program to a grant program. Under the program, the Department of Commerce may make grants to current or former employees of a business that is considering or that has experienced layoffs or a closing for a feasibility study to investigate the reorganization or new incorporation of the business as an employee-owned business.

9. Makes a number of changes to the Rural Economic Development Program, which is administered by the Department of Commerce and under which grants and loans are awarded to businesses that are located in rural areas, including: increasing the population limit for a city, village or town in which an eligible business may be located from 4,000 to 6,000; increasing the number of employees that an eligible business may have from fewer than 25 to fewer than 50; changing various grant or loan amounts that may be awarded under the program; requiring that a certain percentage of the total amount awarded under two subprograms must be awarded for purposes related to an agricultural business; adding another subprogram under which a grant may be awarded to a person or business proposing to start up, modernize or expand a dairy farm or other agricultural business in the state; requiring a 25% match by any person or business receiving a grant or loan under the program; and requiring the Department of Commerce and DATCP to designate staff to evaluate applications for grants or loans for purposes related to agricultural businesses and to make recommendations on those applications.

10. Modifies the Minority Business Early Planning and Development Projects Program, which is administered by the Department of Commerce and under which grants and loans are awarded for the planning stages, start-up, expansion or acquisition of a business that is or will be primarily owned and controlled by one or more minority group members (minority

business). The act increases the amount of funding under the program for early planning projects. The act authorizes awarding grants or loans to local development corporations for the purpose of creating, expanding or continuing revolving loan funds that will benefit minority businesses or minority group members. The act authorizes awarding grants to nonprofit organizations or private financial institutions for making loans for working capital to minority group members or minority businesses and awarding grants to nonprofit organizations that are minority businesses for business and education training programs for minority group members and minority businesses that received loans for working capital.

11. Makes various changes to the Physician and Health Care Provider Loan Assistance Programs, under which the Department of Commerce repays medical education loans on behalf of physicians and other health care providers who practice in areas of the state that have a shortage of health care professionals. The act limits physicians who are eligible to participate to those who specialize in family practice, general internal medicine, general pediatrics, obstetrics and gynecology, or psychology. The act changes the eligible practice areas by eliminating state and federal prisons and area health education center programs established under federal law and changes the practice requirement from primarily in an eligible practice area to at least 32 hours per week for three years in one or more eligible practice areas. The act changes the manner in which loan repayments are made. Instead of being spread out over five years with larger payments at the end, the repayments are made over three years with larger payments at the beginning. The act provides for penalties to be assessed against a physician or other health care provider for breaching a practice agreement. The act also authorizes the Department of Commerce to agree to repay medical education loans under an expanded health care provider loan assistance program funded with state and federal funds if a provider agrees to accept medicare assignment as payment in full, to use a sliding fee scale for patients who are unable to pay the customary fee but who are not eligible for medicare or medical assistance and to practice at a nonprofit entity in an area with a shortage of health care professionals.

12. Changes the name of the Permit Information and Regulatory Assistance Bureau, which is administered by the Department of Commerce and which attempts, through various means, to expedite the application and issuing processes for permits issued by a state agency as a condition of operating a business in the state, to the Business Development Assistance Center. The act also provides for the center to assist the department in administering the Brownfields Grant Program and act as an ombudsman for brownfields redevelopment projects by promoting such projects and related educational efforts and by coordinating interagency activities and responsibilities related to such projects.

13. Creates a new program under which the Development Finance Board may award, and the Department of Commerce may make, a grant for a management assessment and plan to a business that operates for profit and that has 500 or fewer employees. The management assessment and plan must be likely to assist the business in adopting and implementing new manufacturing processes and technologies and in becoming more competitive (see also *Act 237*).

14. Makes various changes to the Development Zone Program, which is administered by the Department of Commerce and under which a person engaging in economic activity in a development zone, a development opportunity zone or an enterprise development zone, each of which is an area designated by the Department of Commerce due to various depressed economic factors, may receive certain tax benefits, including: increasing the total amount that may be claimed in tax benefits; defining "full-time job" for eligibility and other criteria related to creating or maintaining full-time jobs; increasing the number of development zones that may be designated; increasing the number of times that a 12-month extension may be requested for an area's designation as a development zone; authorizing the Department of Commerce to increase a tax benefit limit previously established for a development zone; requiring the Department of Commerce to promulgate rules for development zones and enterprise development zones, in accordance with certain specified parameters related to full-time job creation and retention within a zone, that further define a person's eligibility to claim tax benefits (see also *Taxation and Acts 41 and 103*).

15. Authorizes the Department of Commerce to make a grant of not more than \$100,000 to a nonprofit organization that owns and operates a business incubator which provides services primarily to minority group members or businesses that are primarily owned, controlled and managed by one or more minority group members.

16. Authorizes the Department of Commerce to award grants to nonprofit organizations to develop forestry educational programs and instructional materials for use in the public schools. The programs and materials must be approved by the department and the director of the timber management program at the University of Wisconsin-Stevens Point College of Natural Resources.

17. Increases the total amount in grants that may be awarded by the Department of Commerce to the Women's Business Initiative Corporation for its operating costs.

18. Removes the executive director of the Recycling Market Development Board, which provides financial and other assistance to improve the marketing of, and to develop markets for, certain materials recovered from solid waste, and provides for the secretary of commerce or his or her designated representative to serve as chairperson. In addition, the act provides for the Department of Commerce to provide staff for the board and to process all payments for all financial assistance awarded by the board.

19. Authorizes the Department of Commerce to make a grant to the Private Industry Council serving Ozaukee County to provide employees laid off from Garden Way, Inc., in Port Washington with job training and related employment services.

20. Requires the Department of Commerce to conduct a study on barriers to starting and operating home-based businesses and on encouraging further development of home-based businesses.

21. Authorizes the Department of Commerce to make a loan to a person for a project that includes a pedestrian bridge.

22. Requires the department of tourism to make a grant for the production of a film documenting the construction of the Frank Lloyd Wright Monona Terrace Convention Center.

23. Requires the department of tourism to develop a plan for marketing tourism opportunities in the state to residents of Canada.

24. Requires the department of tourism to make a grant to Ten Chimney Foundation, Inc., in an amount that must be matched by the foundation, to develop and facilitate a fund-raising effort by the foundation.

25. Abolishes the Hazardous Pollution Prevention Council, in the Department of Commerce, which advised and made recommendations to the Department of Commerce, DNR and UW-Extension with respect to the program administered by each agency related to reducing or eliminating the use or production of hazardous substances or pollutants through changes in processes or raw materials.

Act 41 (SB-362) provides that rules required to be promulgated by the Department of Commerce that further define a person's eligibility to claim tax benefits under the development zones program and that relate to the creation or retention of full-time jobs shall give credit only for jobs filled by Wisconsin residents.

Act 103 (AB-948) makes changes in the application process for the Development Zone Program. The act provides that a governing body of a city, village, town, county or American Indian tribe or band may nominate an area for designation as a development zone only if the Department of Commerce first invites the governing body to do so after the Department of Commerce has determined that the area has experienced or is about to experience economic distress. If the Department of Commerce approves an application, the area that is the subject of the application is designated as a development zone.

Act 215 (SB-333) creates a Certified Capital Company Program. Under the program, insurance companies that make a certified capital investment in a certified capital company are eligible for a credit against their gross receipts fee. In order to become certified as a certified capital company, the company must apply to the Department of Commerce and must be primarily engaged in investing cash in certain types of small businesses that cannot obtain conventional financing. Certified capital companies are subject to a range of reporting and disclosure requirements. The act permits a total of \$50 million in certified capital investments under the program (see also *Taxation*).

Act 237 (AB-768) makes changes in the laws that affect economic development. The act:

1. Expands the program under which the Development Finance Board may award and the Department of Commerce may make a grant to a business for a management assessment and plan by permitting the board to award and the department to make grants to businesses that manufacture original equipment for the purpose of providing customized training for the employees of their supplier businesses and to make grants to nonprofit organizations for costs related to technology transfer activities between businesses and the nonprofit organizations.

2. Authorizes the Department of Commerce to make a grant to a technical college for the construction of a business conference center for instruction in advanced technology and customized training.

Act 310 (SB-473) authorizes the Department of Commerce to make a low-interest loan to a nonprofit organization located in the city of Milwaukee for the construction of an adult day care services facility in that city.

SECURITIES

Act 316 (AB-831) makes changes to the Wisconsin Uniform Securities Law, principally to conform to changes required under the federal National Securities Markets Improvement Act of 1996 (NSMIA). The act:

1. Generally exempts “covered securities” from state registration requirements and from requirements that advertising be filed prior to use. “Covered securities” include securities listed on certain securities exchanges, securities of investment companies registered under the federal Investment Company Act of 1940 and securities offered or sold only to certain qualified purchasers. The act grants the Division of Securities in DFI the authority to impose, by rule or order, certain filing requirements with respect to covered securities. These requirements vary but are generally limited to the payment of a fee and submission of a copy of materials submitted to the federal Securities and Exchange Commission.

2. Generally exempts “federal covered advisers” from state investment adviser licensing requirements. Federal covered advisers are defined as investment advisers who are registered under the federal Investment Advisers Act of 1940. The act requires certain federal covered advisers to file a notice with the Division of Securities before doing business in this state.

3. Creates licensing requirements for “investment adviser representatives”, which, subject to certain exceptions, include persons supervised by an investment adviser or federal covered adviser.

4. Exempts, from the Wisconsin agent registration requirements, certain persons effecting transactions on behalf of a broker-dealer, if those transactions are “described transactions” under the NSMIA. These “described transactions” are generally limited to transactions between the agent and preexisting clients of the agent, if the preexisting client was a resident, for at least 30 days in the previous one-year period, of a state where the agent was registered.

5. Provides that licenses and notice filings for broker-dealers, agents, investment advisers and investment adviser representatives expire on December 31 of each year unless renewed or unless provided otherwise by rule or order. A failure to apply for a renewal of a license or a notice filing constitutes an application for withdrawal. Formerly, the licenses generally expired one year from the date they became effective unless renewed, although the Division of Securities had some flexibility to adjust renewal days by rule or order in order to stagger license renewals by calendar months.

6. Makes the authority of the Division of Securities to promulgate rules regarding minimum capital requirements and posting surety bonds for broker-dealers and agents subject to the limitations under the NSMIA.

7. Allows certain transfers of trust business by bank holding companies (see also *Financial Institutions*).

OTHER BUSINESS AND CONSUMER LAW

Act 27 (AB-100) increases penalties for filing false financing statements and certain other instruments under the UCC and increases penalties for the failure of a formerly secured party to file a termination statement under the UCC. A termination statement indicates that the filing party no longer claims an interest in the secured property (for example, because the debt secured by the security interest has been paid). The act also provides that a formerly secured party who fails to file a termination statement is liable for the debtor's reasonable attorney fees and court costs incurred as a result of the failure. The act abolishes the UCC Statewide Lien System Council, which was responsible for advising DFI on the statewide computer system used to maintain all information required to be filed or indexed under the UCC, such as financing and termination statements.

Act 48 (AB-433) conforms state law regarding motor vehicle consumer leases to certain changes to "Regulation M", promulgated by the Federal Reserve Board under the federal Consumer Leasing Act. The act also repeals certain state law disclosure requirements that, while not directly in conflict with the federal disclosure requirements, overlap with them. The act expands the coverage of state law to include sales finance companies that are engaged in renegotiating consumer leases previously purchased or acquired by them. The act also modifies provisions limiting liability for persons complying with certain motor vehicle insurance requirements to clarify that the provisions apply only to motor vehicle rental companies and lessors of motor vehicles.

Act 55 (AB-283) changes the minimum markup requirements for retail and wholesale sellers of motor vehicle fuel. Preexisting law required a wholesaler of tobacco products, alcohol and motor vehicle fuel to sell that merchandise for at least 3% more than the cost of the merchandise to the wholesaler and required a retailer of these products to sell them for at least 6% more than the cost of the merchandise to the retailer. The act creates different minimum markup requirements for sellers of motor vehicle fuel which vary depending on various factors, including whether a retail seller is owned or operated by a refiner or wholesaler of motor vehicle fuel.

Act 76 (SB-35) regulates antique dealers and recyclers, other than nonprofit organizations, by requiring them to record certain identifying information about persons from whom they purchase used home furnishings, such as molding, book cases and light fixtures.

Act 120 (AB-513) increases the penalties for failing to obtain a sales finance company license or a motor vehicle dealer, salesperson or salvage dealer license.

Act 201 (AB-327) makes the use of the name or description of a community or region by a business in its corporate or trade name a deceptive and misleading representation under the

Fraudulent Representation Law if the use of the name or description creates a misrepresentation that the business is located in the community or region.

Act 214 (SB-313) prohibits the placement of cigarette or tobacco product vending machines and the giving away of cigarettes or tobacco products for free or for a nominal charge in any place where a person under the age of 18 is permitted to enter without a parent, a guardian or an adult spouse. The act also allows municipalities that issue cigarette retailer licenses to set the annual license fee between \$5 and \$100. Prior law set the fee at \$5.

Act 229 (SB-147) prohibits DATCP from regulating the provision of water or sewer service to the occupants of mobile home parks (see also *Public Utilities*).

Act 260 (SB-527) regulates the manufacture, sale and distribution of any mattress, upholstered spring, comforter, pad, cushion or pillow designed and manufactured for the purpose of sleeping or reclining. Under the act, all items of bedding must be labeled to indicate if they contain material that was previously used in other items of bedding. In addition, the act prohibits the sale of any item of bedding that contains any material that has been used in any hospital or that has been used by or about any person having an infectious or contagious disease.

Act 265 (AB-843) modifies requirements for perfecting a security interest in growing crops to eliminate the requirement that a security agreement or a financing statement include a description of the land on which the crops are growing.

Act 279 (AB-361) modifies the provisions of the UCC governing consignment sales to provide that, if a person delivers or consigns personal, family or household goods for sale, those goods do not become the property of the deliverer or consignee until the deliverer or consignee fully pays for the goods. The act further provides that any payment received by the deliverer or consignee for these goods, less any amount that the deliverer or consignor has expressly agreed may be deducted in payment for commissions, fees or expenses, is the property of the deliverer or consignor and is not subject to the claims of the deliverer's or consignee's creditors. Formerly, these goods were generally considered the property of the deliverer or consignee upon delivery and were subject to claims of the creditors of the deliverer or consignee.

Act 297 (SB-308) significantly revises the portion of Wisconsin's UCC that governs investment securities, often referred to as "Article 8", in order to conform it to the Revised Article 8 of the UCC, promulgated in 1994 by the National Conference of Commissioners on Uniform State Laws and the American Law Institute. Article 8 governs how changes in ownership of securities are effected. Under preexisting law, Article 8 had been based primarily on a "direct securities holding system", under which the owner of securities had a direct relationship with the issuer of the security. This relationship was reflected either by the issuance of physical certificates by the issuer to the owner (certificated securities) or by an entry in an electronic system for recording ownership of securities maintained by the issuer (uncertificated securities). Currently, the vast majority of securities transactions that take place in the U.S. securities markets are effected through what has been described as an "indirect securities holding system", in which both the securities issuer and the beneficial

owner have relationships with securities intermediaries, but do not have a direct relationship with each other. This act substantially revises Article 8 to, among other things, add provisions that govern the rights of persons who hold securities indirectly through a securities intermediary. Other changes made by the act include: a) revising provisions dealing with clearing corporations that act as intermediaries; b) simplifying provisions in preexisting law that govern uncertificated securities; and c) repealing Wisconsin's Uniform Act for the Simplification of Fiduciary Securities Transfers.

Act 302 (*April 1998 Special Session AB-3*) excludes agricultural transactions from the provisions of the Wisconsin Consumer Act, except for provisions governing debt collection practices and a provision requiring written disclosure of finance charges and fees on agricultural credit transactions. The Wisconsin Consumer Act provides a range of consumer protections (including disclosure requirements and prohibitions on certain unfair or deceptive practices) for persons who seek or acquire real or personal property, services, money or credit for personal, family, household or agricultural purposes.

Act 309 (*SB-369*) creates commercial real estate broker's commission liens. Under the act, a licensed real estate broker has a lien against commercial real estate for services provided by the broker, including commissions earned under written listing contracts, commissions earned under written buyer agency agreements and compensation due under written agreements for the lease or management of commercial real estate.

Act 331 (*AB-265*) amends the UCC to provide that a person who issues a worthless check is liable for all reasonable costs and expenses in connection with the collection of the amount for which the check was written.

Children

Act 10 (*AB-268*) extends from July 1, 1997, to January 1, 1998, the date by which DOC must submit to the Legislative Council Staff proposed rules to administer the laws relating to juvenile corrections and requires DOC to administer those laws according to policies and procedures established by DOC, but not promulgated as rules, until the date on which those proposed rules are finally promulgated.

Act 27 (*AB-100*) makes various changes relating to children. The act:

1. Transfers the duty and authority to provide child welfare services in Milwaukee County from Milwaukee County to DHFS (see *HIGHLIGHTS*).

2. Prohibits certain persons from being licensed to operate, employed or contracted by, or permitted to reside at, certain facilities that provide care for children (see *HIGHLIGHTS, Health and Social Services – Other Health and Social Services*; see also *Acts 237 and 281*).

3. Requires juvenile courts to impose, in addition to any other disposition imposed, a delinquency victim and witness assistance surcharge of \$20 on a juvenile who is adjudicated delinquent and requires those moneys to be used to reimburse counties for crime victim and witness services provided by the counties.

4. Permits a law enforcement agency, on its own initiative, to provide to a school district information relating to drugs or alcohol, dangerous weapons and delinquent acts and requires

a school district to disclose that information to teachers, other school officials who have legitimate educational interests in the information and school district employees who have been designated to receive that information for the purpose of providing treatment programs. The act also prohibits a school district from using such law enforcement information as the sole basis for taking any disciplinary action against a pupil (see also *Act 205*).

5. Permits DOC to transfer from a secured juvenile correctional facility to the Racine Youthful Offender Correctional Facility a juvenile whose conduct in the juvenile facility presents a serious problem to the juvenile or others (see also *Correctional System*).

6. Permits private entities to operate secure detention facilities for holding juveniles in temporary, secure custody and permits counties to contract for the use of such a private secure detention facility if certain conditions are met.

7. Permits counties to contract with DOC for the use of secured juvenile correctional facilities to hold juveniles in temporary, secure custody if certain conditions are met.

8. Expands the average daily population of the Corrective Sanctions Program, under which juveniles who have been placed in a secured correctional facility are placed in the community under intensive surveillance, from 105 juveniles to 136 juveniles, or to more than 136 juveniles if funding and positions to serve more juveniles are available.

9. Extends the Youth Diversion from Gang Activities Program into Brown County and ward 1 in the city of Racine and increases funding for preexisting youth diversion programs in Milwaukee, Racine and Kenosha counties.

10. Makes a relative who is providing care for a child ineligible for kinship care payments if the child is receiving federal Supplemental Security Income (SSI) payments or state supplemental payments to those SSI payments; provides a process for the review of a determination to deny or discontinue kinship care payments and extends from July 1, 1997, to December 31, 1997, the deadline by which counties must end all AFDC income maintenance payments to nonlegally responsible relatives who are providing care for a child and begin making kinship care or foster care payments to those relatives if they are eligible (see also *Act 105*).

11. Provides for the continuing validity, subject to biennial review, of a license to operate a child welfare agency, group home, day care center or shelter care facility. Under preexisting law, such licenses were valid for two years. The act also increases the biennial license fees charged to those facilities.

12. Permits DHFS to expend federal Foster Care and Adoption Assistance, Medicare and Medical Assistance (MA) moneys received as a result of income augmentation activities for which the state has contracted to support costs that are exclusively related to those activities or, if approved by the secretary of administration, for other purposes.

13. Increases the monthly age-related basic maintenance rates paid to foster parents.

14. Requires DHFS to distribute at least 50% of each year's unencumbered federal Foster Care and Adoption Assistance moneys to counties other than Milwaukee County for services

and projects to assist children and families and requires a county receiving those moneys to spend at least 50% of the moneys received for child abuse and neglect prevention.

Act 41 (SB-362) eliminates a requirement that a person who is the subject of a kinship care background investigation be photographed.

Act 78 (AB-279) authorizes the Child Abuse and Neglect Prevention Board to form a nonstock, nonprofit corporation for the exclusive purpose of soliciting and accepting contributions, grants, gifts and bequests for the children's trust fund, which finances child abuse and neglect prevention programs and the operating costs of the board.

Act 80 (AB-266) makes various changes relating to termination of parental rights (TPR) and other matters relating to children. The act:

1. Permits a TPR based on continuing need of protection or services for a child who has been placed outside the home for at least six months and whose parent has failed to meet (rather than 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.

2. Extends the applicability of homicide of the child's other parent, as grounds for TPR, to include not only first-degree intentional or reckless homicide or second-degree intentional homicide of a parent under the law of this state, but also homicide under federal law or the law of another state that is comparable to such a homicide under the law of this state.

3. Specifies that an order prohibiting visitation between the parent and child during the pendency of a TPR proceeding suspends any other juvenile court order relating to parental visitation.

4. Requires a child's foster parent to be notified of all hearings on a TPR petition involving the child, eliminates the right of a foster parent to make a statement at a TPR fact-finding hearing, permits a foster parent who is not provided notice of a TPR dispositional hearing to request a rehearing and requires any statement made by a foster parent at a hearing under the children's code (which governs child in need of protection or services (CHIPS) and TPR proceedings) or the juvenile justice code (which governs delinquency, civil law or ordinance violations and certain other proceedings) to be made under oath or affirmation.

5. Requires a juvenile's test results for human immunodeficiency virus (HIV) (the virus that causes acquired immunodeficiency syndrome (AIDS)) to be disclosed to a secured correctional facility in which the juvenile is placed. Preexisting law required these test results to be disclosed to other substitute care providers, but not to a secured correctional facility.

6. Permits the exchange, between the juvenile court and the family court, of records relating to the paternity of a juvenile who is the subject of a proceeding under the juvenile justice code in juvenile court or a paternity proceeding in family court. Preexisting law permitted such an exchange concerning a juvenile who was the subject of a proceeding under the children's code, but not under the juvenile justice code.

Act 95 (SB-123) requires a school district that has been notified that a petition has been filed with the juvenile court alleging that a juvenile enrolled in the school district has

committed what would be a felony if committed by an adult to be notified if later the petition is dismissed without a finding that the juvenile has committed a delinquent act.

Act 104 (AB-600) makes various changes relating to adoption. The act:

1. Permits the proposed adoptive parents of a child to pay certain expenses of the child's birth parents, including the cost of counseling, maternity clothes, local transportation, living expenses of up to \$1,000, birthing classes, a gift of up to \$50 and, if a birth parent is in another state, any expense permitted under the law of that state.

2. Requires an adoption agency to disclose identifying information about a birth parent of an adopted child to the child's adoptive parents and vice versa if the subject of the information has authorized that disclosure in writing. Under preexisting law, an adoption agency was prohibited from disclosing such identifying information after the adoption was finalized.

3. Prohibits any person, subject to certain exceptions, from advertising for the purpose of finding a child to adopt or advertising that the person will find an adoptive home for a child, assist in the adoption of a child or place a child for adoption. This prohibition does not apply to DHFS, a county, an adoption agency, the State Adoption Information Exchange, the State Adoption Center, an individual who has received a favorable home study or who is seeking to place his or her own child for adoption or an attorney licensed in this state who is advertising his or her availability to provide services relating to adoption.

4. Requires a school-age parent program established by a school board to provide instruction on adoption and adoption services, rather than information on adoption services only.

5. Requires a petition for the rehearing of an involuntary and contested termination of parental rights (TPR) or paternity order based on newly-discovered evidence to be filed within one year after the date of the order, unless within that one-year period an order granting adoption of the child has been entered, in which case the petition must be filed before the date of the adoption order or within 30 days after the date of the TPR or paternity order, whichever is later. Preexisting law permitted such a petition to be filed within that one-year period, notwithstanding that an adoption was granted in the interim.

6. Requires a hearing on a petition for the placement of a child with a nonrelative for adoption to be held within 30 days, rather than scheduled within 60 days, after the filing of the petition.

7. Permits a child to be placed more than 60 miles from his or her home if the placement is in the child's best interests and provides that such a placement is presumed to be in the child's best interests if it is voluntary and made to facilitate the child's adoption. Under preexisting law, a child was permitted to be placed more than 60 miles from his or her home only if a placement within 60 miles of his or her home was unavailable or inappropriate.

8. Eliminates a requirement that a child who has been living in an out-of-home placement for six months or more not be removed from the placement until 30 days after notice of the removal or after any hearing is held, whichever is later, if the removal is for the purpose

of placing the child for adoption and all persons who have the right to request a hearing have waived their objections to the removal.

9. Gives relatives by adoption the same rights under the children's code as blood relatives.

Act 105 (AB-602) requires counties or, in Milwaukee County, DHFS to make long-term kinship care payments to a relative of a child who is providing care for the child if certain conditions are met. The Long-Term Kinship Care Program is similar to the Kinship Care Program, under which monthly payments are made, if certain conditions are met, to a relative of a child who is providing care for the child. The Long-Term Kinship Care Program differs from the Kinship Care Program in that under the Long-Term Program a relative must have been appointed as the child's guardian and agree to provide care for the child until the child reaches 18 years of age unless the guardianship ends or the child ceases to reside with the relative in this state before then. Under the Long-Term Kinship Care Program, a relative who has been arrested for or convicted of certain offenses is not automatically excluded as under the Kinship Care Program. Rather, such a relative may be excluded only if the county or DHFS determines that the arrest or conviction is likely to adversely affect the child or the relative's ability to care for the child.

Act 114 (SB-495) makes several remedial changes relating to children, including eliminating a requirement that a person investigating a report of suspected or threatened emotional abuse of a child determine that the person responsible for the emotional damage is neglecting, refusing or unable for reasons other than poverty to remedy the harm and prohibiting an adoptive parent from requesting relief from the order granting adoption or petitioning for a rehearing of such an order.

Act 183 (AB-300) permits a juvenile court to require a juvenile who has caused damage to property or physical injury to make restitution to the victim in the form of services to the victim (see also *Act 205*).

Act 205 (AB-410) makes various changes relating to juvenile justice. The act:

1. Subjects a juvenile who has violated a condition of his or her dispositional order under a municipal habitual truancy ordinance to the same sanctions as a juvenile who has violated a condition of his or her dispositional order under a juvenile in need of protection or services (JIPS) order based on habitual truancy. Those sanctions include suspension or limitation of the juvenile's privilege to possess or obtain a driver's license (operating privilege) or hunting or fishing license, not more than 25 hours of community service and not more than 30 hours of home detention (see also *Act 239*).

2. Subjects a juvenile who has previously been sanctioned for a violation of a dispositional order based on habitual truancy and who commits a subsequent violation to the juvenile contempt of court procedure under which a delinquency disposition may be imposed.

3. Specifies that juvenile sanctions and contempt of court procedures do not preclude a person who is aggrieved by a juvenile's violation of a dispositional order from proceeding against the juvenile under general civil contempt of court procedures.

4. Permits any person authorized to provide juvenile intake or dispositional services to take into custody for not more than 72 hours a juvenile who has violated a condition of his or her delinquency or JIPS order or of county-administered aftercare or intensive supervision while the appropriateness of a sanction, revocation of the juvenile's aftercare status or a change in the conditions of the juvenile's intensive supervision are being investigated or as a consequence of the violation. Under preexisting law, only the juvenile's case worker was authorized to take the juvenile into short-term detention and only while the alleged violation was being investigated. Preexisting law also did not permit short-term detention for a juvenile on county aftercare.

5. Grants to an adult court original jurisdiction over a juvenile who is alleged to have committed a violation that can be joined with a violation over which the adult court has original jurisdiction (certain assaults, batteries and homicides). Two violations may be joined into one proceeding if they are of similar character or based on the same act or transaction or connected acts or transactions.

6. Prohibits an adult court from transferring to a juvenile court its jurisdiction over a juvenile who has previously been convicted in adult court or who has criminal proceedings for a previous violation still pending.

7. Requires an adult court which finds that a juvenile has committed a lesser or a joined offense, rather than the offense on which the adult court's jurisdiction is based, to adjudge the juvenile delinquent, rather than convict the juvenile, and to impose a juvenile disposition, rather than a criminal penalty, if the lesser or joined offense is not an offense for which the juvenile court may waive its jurisdiction or for which the adult court has original jurisdiction or if the lesser or joined offense is a waivable offense or an original adult jurisdiction offense and the juvenile proves by clear and convincing evidence that a juvenile disposition is in the best interests of the juvenile and the public.

8. Permits a juvenile court to order a parent who has custody of a juvenile to pay restitution for any property damage or physical injury caused by the juvenile or to pay any forfeiture (civil monetary penalty) imposed on the juvenile.

9. Provides that the rules of evidence are not binding at any postdispositional hearing under the juvenile justice code. Those hearings include a sanctions hearing and a hearing on the imposition of a stayed dispositional order.

10. Requires a juvenile court to open its records for purposes of a presentence investigation, setting bail, impeaching a witness, proceedings in other juvenile courts, custody proceedings in family court and proceedings in probate court to determine whether a juvenile is prevented from inheriting based on the unlawful and intentional killing of the decedent.

11. Permits a fire investigator to have access to the juvenile court, law enforcement, school attendance and social services records of a juvenile for purposes of an arson investigation.

12. Permits a private school to have access to juvenile court, law enforcement and social services records in the same manner and subject to the same confidentiality and redisclosure limitations as a public school.

13. Permits the victim-witness coordinator, who is the person employed by a county board to enforce the rights of, and provide services to, victims and witnesses of crime, to disclose to a victim of a juvenile's act the name and address of the juvenile and his or her parents without a court order.

14. Permits a school attendance officer to refer a habitual truant to a teen court program in lieu of the juvenile court. Under a teen court program, a juvenile is given a disposition by a jury of his or her peers (other teens).

15. Excuses from school attendance a person 17 years of age or over who has begun a high school equivalency course in a secure detention facility.

Act 207 (AB-113) requires the victim of a juvenile who has committed a crime against life and bodily security or one of certain crimes against children and who has been placed in a nonsecured child caring institution (CCI) and any witness who testified against the juvenile to be notified of the juvenile's release, escape or failure to return from a leave from the nonsecured CCI if the victim or witness so wishes. The act also requires the victim of a juvenile who has been determined to be not responsible for a delinquent act by reason of mental disease or defect or to be not competent to proceed and who has been placed in a nonsecured CCI or an inpatient facility and any witness who testified against the juvenile to be notified of the juvenile's release, escape or failure to return from a leave from the nonsecured CCI or inpatient facility if the victim or witness so wishes. In addition, the act permits the release to the public of the name of any juvenile who has escaped or failed to return from a leave from a nonsecured CCI or an inpatient facility and any information about the juvenile that is necessary to protect the public and to secure the juvenile's return.

Act 237 (AB-768) makes various changes relating to children. The act:

1. Makes various changes relating to children in out-of-home care, termination of parental rights (TPR) and adoption to conform Wisconsin law to the federal Adoption and Safe Families Act of 1997, including:

a. Requiring the agency that is primarily responsible for providing services under a juvenile court order to ensure that the health and safety of a child are the paramount concerns in making reasonable efforts to prevent the removal of a child from his or her home or in enabling the child to return to his or her home.

b. Exempting the agency from making those reasonable efforts if a child's parent has subjected the child to abandonment, torture, chronic abuse, sexual abuse or other aggravated circumstances, has committed homicide of another child of the parent, has committed battery or sexual assault resulting in great or substantial bodily harm to another child of the parent or has had his or her parental rights to another child terminated involuntarily.

c. Permitting a TPR based on abandonment for a child who when under one year of age was left without provision for his or her support.

d. Permitting a TPR based on the commission of a serious felony against a child for a child whose parent committed battery causing great or substantial bodily harm to a child of the parent.

e. Requiring a person responsible for filing TPR petitions, for example, a district attorney or corporation counsel, to file or join in a TPR petition for a child who has been placed out-of-home for 15 of the last 22 months, who was abandoned when under one year of age or whose parent has committed a serious felony against a child of the parent, unless the child is being cared for by a relative, unless a TPR would not be in the child's best interests or unless the agency primarily responsible for providing services to the child and the family has not been providing those services as required.

2. Prohibits a person who has been convicted of, or who has pending against him or her a charge for, a serious crime, as defined by DHFS by rule, who has abused or neglected a client or child or who has misappropriated the property of a client from being licensed to operate, employed or contracted by, or permitted to reside at, a foster home or treatment foster home, including a preadoptive placement of a child for whom adoption assistance will be provided, unless the person demonstrates that he or she has been rehabilitated. The act also specifies that a person who has committed a crime against children that is a felony, felony spousal abuse, one of certain violent felonies or, within the last five years, a battery or a drug-related offense may not demonstrate that he or she has been rehabilitated. In addition, the act transfers from the licensed entity to the licensing agency the responsibility for conducting criminal history, abuse record and credential status searches of nonclient residents of the entity.

3. Requires DHFS to promulgate rules to provide assessment criteria for determining whether a relative who is providing care for a child is eligible to receive kinship care payments.

4. Decreases the amount that Milwaukee County is required to contribute for child welfare services in Milwaukee County and increases the amount of federal Substance Abuse Prevention and Treatment funds that DHFS is required to distribute to Milwaukee County.

5. Creates a child's first book initiative under which the governor may contract with a state agency to send children's books to the parents of newborn children.

Act 239 (AB-686) makes various changes relating to truancy (see *HIGHLIGHTS*).

Act 256 (SB-521) provides that a parent of a child who is in a day care center having four to eight children (family day care center) has the right to know certain information that would aid in assessing the quality of care provided by the center and requires a family day care center to post and make available to parents the results of DHFS' most recent inspection of the center, an annual report prepared by DHFS of violations by the center and any notices received from DHFS relating to a violation identified in the report. Under preexisting law, the parents' right to know and the requirements imposed upon day care centers applied only to day care centers having nine or more children (group day care centers).

Act 272 (AB-275) requires an agency that places a child out of his or her home or that is responsible for providing services for the child to provide the child's foster parent or the operator of any other facility in which the child is placed with any medical information concerning the child that is necessary for the care of the child, together with information about the child's religious affiliation and any involvement of the child in a gang or in any other group in which a child was traumatized as a result of his or her association with the group, in any activities that are harmful to the child's physical, mental or moral well-being or in any

unlawful sexual activity, whether as victim or perpetrator. Preexisting law limited that required disclosure to information about a child's test results for HIV and hepatitis, type B, and any disabilities of the child.

Act 280 (AB-876) creates a statutory rape prosecution pilot program under which a county that is selected by DHFS to administer the program is assigned an assistant district attorney and is required to use moneys distributed to the county by DHFS to hire an investigator to assist the assistant district attorney in developing new methods for investigating, prosecuting and increasing the number of convictions for sexual assaults of children by adults or by minors more than four years older than their victims.

Act 281 (AB-886) prohibits a person who has been adjudicated delinquent on or after his or her 12th birthday for committing a serious crime from being licensed to operate, employed or contracted by, or permitted to reside at, a day care center unless the person demonstrates that he or she has been rehabilitated.

Act 292 (AB-463) permits an expectant mother to be taken into custody for treatment if there is a substantial risk that the physical health of her child will be seriously affected by her habitual lack of self-control in the use of drugs or alcohol, exhibited to a severe degree (see *HIGHLIGHTS*).

Act 293 (SB-378) creates a Child Abuse and Neglect Prevention Program, under which DHFS may award grants to not more than nine counties and two Indian tribes in the 1997-99 state fiscal biennium to establish and maintain flexible funds for the payment of appropriate, authorized expenses of families that are receiving home visitation services under the program and of families that are at substantial risk of perpetrating abuse or neglect if assistance is not provided, to reimburse case management providers for the nonfederal portion of allowable charges under the Medical Assistance (MA) program for case management services provided for a child MA beneficiary whose family is receiving home visitation services under the program and to pay for training and start-up costs relating to the program. A county or tribe that receives a grant must provide home visitation services for first-time parents who are eligible for MA, who are at risk of perpetrating abuse or neglect and who consent to receiving those services until the child is three years of age or, if those risk factors continue, until the child is five years of age.

Act 294 (SB-173) permits a termination of parental rights based on continuing need of protection or services for a child who on three or more occasions has been adjudged to be in need of protection or services on the grounds of abuse or neglect and placed outside his or her home due to conditions caused by the child's parents.

Act 296 (AB-486) permits a juvenile who is alleged to have committed a delinquent act to be held for investigative purposes in a municipal lockup facility for not more than six hours while awaiting his or her initial court appearance if DOC has approved the facility as a suitable place for holding juveniles and if there is sight and sound separation between the juvenile and any adult who is held in the facility.

Act 308 (AB-601) makes certain changes to the Adoption Assistance Program, under which DHFS provides reimbursement for nonrecurring adoption expenses, Medical

Assistance (MA) and monthly maintenance payments to the adoptive parents of a child with special needs, including a child who exhibits moderate to intensive difficulty-of-care problems, to assure the child's adoption. The act permits DHFS to provide adoption assistance under a deferred adoption assistance agreement for a child who at the time of placement for adoption is at high risk of later developing moderate to intensive difficulty-of-care problems; permits DHFS to increase the monthly maintenance payments for a child if there has been a substantial change in circumstances and there has been no substantiated report of abuse or neglect by the adoptive parents; and permits DHFS to enter into an adoption assistance agreement after the adoption under extenuating circumstances.

Act 334 (AB-713) provides for two new procedures for the appointment of a standby guardian to assume the duty and authority of guardianship of a child upon the physical debilitation and consent, mental incapacity or death of a parent of the child. Under the first procedure, a parent may file a petition with the juvenile court stating that there is a significant risk that the parent will become physically debilitated, mentally incapacitated or die within two years after the filing of the petition and that the child has no other parent who is willing and able to exercise the duty and authority of guardianship. Under the second procedure, a parent may, without first petitioning the juvenile court, designate in writing a standby guardian who must petition the juvenile court for appointment as guardian within 180 days after the standby guardianship takes effect. A standby guardianship under either procedure is suspended if the parent recovers or is in remission and begins again if the parent's debilitation or incapacity recurs. Preexisting law permitted a parent to nominate by will or to petition the juvenile court to appoint a standby guardian for his or her child. The act retains the nomination by will procedure, but replaces the appointment by petition procedure with the procedures created by the act.

Constitutional Amendments

Enrolled Joint Resolution 18 (Senate Joint Resolution 43), proposed by the 1997 Legislature on second consideration, extends the terms of office of sheriffs from two years to four years, removes the prohibition on the holding of nonpartisan offices by sheriffs and changes the method of filling vacancies in the office of sheriff (see *HIGHLIGHTS*).

Enrolled Joint Resolution 19 (Assembly Joint Resolution 80), proposed by the 1997 Legislature on first consideration, provides that the net proceeds of the state lottery and certain moneys received by the state that are attributable to bingo and pari-mutuel on-track betting must be used for property tax relief for residents of this state. Currently, only the net proceeds of the state lottery must be used for property tax relief. The resolution also provides that the distribution of these moneys may not vary based on the income or age of the person who is provided the property tax relief. Finally, the resolution provides that the distribution of these moneys for property tax relief is not subject to the requirement in the state constitution that taxation be uniform.

Enrolled Joint Resolution 20 (*Assembly Joint Resolution 43*), proposed by the 1997 Legislature on first consideration, extends the terms of office of district attorneys from two years to four years, beginning with district attorneys who take office in January 2001.

Enrolled Joint Resolution 21 (*Assembly Joint Resolution 11*) creates a constitutional right to keep and bear arms (see *HIGHLIGHTS*).

Correctional System

Act 4 (*SB-113*) authorizes DOC from July 1, 1997, until July 1, 1998, to operate the secured juvenile correctional facility at Prairie du Chien as a state prison for young adult prisoners (see also *Act 27*).

Act 27 (*AB-100*) makes various changes relating to the correctional system. The act:

1. Allows DOC to contract with a private corporation for the placement of prisoners in a prison facility operated by the private corporation and located in another state.

2. Allows DOC to lease space within state correctional institutions to not more than six private businesses that will employ inmates to manufacture products or provide services for sale on the open market. Former law allowed DOC to lease space to no more than three private businesses.

3. Requires DOC to notify certain local officials and the local newspaper of record that DOC plans to locate transitional housing for probationers and parolees in the community, and requires the local officials to notify the general public of the proposed contract in a manner and to the extent that they determine is appropriate.

4. Requires DOC to notify persons on probation and parole that they owe supervision fees and allows DOC to bring a civil lawsuit to recover unpaid probation or parole supervision fees.

5. Extends from July 1, 1998, to July 1, 1999, the authority of DOC to operate the secured juvenile correctional facility at Prairie du Chien as a state prison and specifies that the facility may only be used for the placement of nonviolent offenders under 21 years of age.

6. Requires DOC to establish a medium security correctional institution, known as the Racine Youthful Offender Correctional Facility, for persons 15 to 21 years of age (see also *Children*).

Act 237 (*AB-768*) makes various changes relating to the correctional system. The act:

1. Allows victims to attend and make statements at parole interviews or hearings.

2. Transfers \$409,800 from the recycling fund to DOC to refurbish and resell donated, used computers.

Act 275 (*AB-660*) prohibits DOC from paroling a serious sex offender to a county where there is a prison that has a specialized sex offender treatment program unless that county is the offender's county of residence.

Act 289 (*AB-747*) eliminates the steward of each correctional institution under the control of DOC. Formerly, the stewards were to perform business and financial functions at the correctional institutions.

Courts and Civil Actions

Act 27 (AB-100) makes various changes regarding courts and civil actions. The act:

1. Creates an additional circuit court branch in Oconto County effective August 1, 1998.
2. Creates an office of municipal court commissioner and establishes the qualifications, duties and powers of municipal court commissioners.
3. Increases the justice information fee paid when commencing most civil lawsuits from \$5 to \$7.
4. Allows municipal courts to charge up to \$5 more for commencing a lawsuit in those courts. The previous filing fee was \$15.
5. Allows county boards to establish a fee of not more than \$150 for the sheriff's services related to the sale of real estate. The previous fee was \$50.
6. Provides that a person loses his or her right to bring a lawsuit on a mortgage foreclosure deficiency judgment on property devoted primarily to agricultural use if the lawsuit is not commenced within 10 years after the court enters the deficiency judgment. (A deficiency judgment is entered when the proceeds from the sale of mortgaged property are insufficient to satisfy the mortgaged amount.)
7. Raises the application fees for notaries public from \$15 to \$20 for annual commissions and to \$50 for permanent commissions.

Act 89 (SB-148) increases the amount of damages recoverable for the loss of society and companionship in wrongful death actions (see *HIGHLIGHTS*).

Act 108 (SB-124) prohibits anyone from obtaining title by adverse possession to property belonging to the state or a city, village, town, county or other unit of government unless the adverse possession has been uninterrupted for at least 20 years and is based on a continuously maintained fence line. Formerly, if a person took possession of property belonging to a unit of government and maintained that possession adverse to the interests of the unit of government for at least 20 years, the person became the owner of the property.

Act 133 (AB-688) places certain limits on prisoner litigation (see *HIGHLIGHTS*).

Act 141 (AB-611) exempts the owner or keeper of a police dog that causes injury to a crime suspect from liability under the law that generally makes the owner or keeper of a dog liable for damages caused by the dog to persons, domestic animals and property.

Act 148 (SB-78) allows a court to issue a judgment for the amount of a forfeiture (civil monetary penalty), costs, assessments, surcharges or restitution that a defendant has failed to pay and to issue an order assigning not more than 25% of money due to the defendant, such as for wages, for the payment of that judgment. The act sets out a procedure for notifying the defendant of the assignment and for collecting the amount assigned from a person who owes the defendant money. Formerly, the court was required to collect the judgment by the methods available to all others, such as the garnishment of wages or the attachment of property.

Act 187 (AB-671) increases from 20 to 45 days the period allowed for response to most court pleadings, including a summons, a complaint, a cross-claim, a counterclaim, a third party levy in a worker's compensation or unemployment compensation case and a petition

filed asking a court to declare a building a nuisance. The act increases from 60 to 90 days the period allowed after filing a lawsuit to serve a copy of a summons and complaint. The changes in the time periods do not apply to garnishment actions.

Act 203 (SB-321) creates an additional circuit court branch in Fond du Lac, Jefferson, La Crosse, Lincoln, Marathon and Milwaukee counties effective August 1, 1999.

Act 233 (SB-254) changes the name of and the powers granted under the statutory power of attorney form, which may be used by a person to grant powers to an agent to handle the person's financial affairs. The act changes the name of the form to the power of attorney for finances and property form. The act removes the list of specific powers given to the agent and instead gives the agent general power to engage in actions related to specific areas. The act allows interested parties to petition a court to review an agent's performance and rescind an agent's power to act and removes the use of a power of attorney in cases involving an incompetent person.

Act 237 (AB-768) makes a number of changes regarding courts and civil actions. The act:

1. Revises the formula for determining the amount of state funds each county receives for the costs of providing guardians ad litem (a guardian appointed to represent an individual in specific litigation) to prevent any county from receiving more than the costs the county actually incurred in providing guardians ad litem. The act authorizes the director of state courts to distribute any state money remaining after the initial payment is made. The remaining money is paid to those counties whose costs incurred in providing guardians ad litem exceed the amount provided in the initial state payment.

2. Permits the juvenile court to order a child's parents, rather than the county of the juvenile court, to pay reasonable compensation to the child's guardian ad litem, unless the parents are indigent or it would be unfair to require the parents to pay. If a parent is indigent, the juvenile court may order the county to pay and either or both of the parents to reimburse the county, in whole or in part.

3. Increases the per diem paid to temporary reserve judges from \$205 to \$255.66 and authorizes an increase in that amount each subsequent year that is equal to the same percentage increase as is authorized for the salaries of circuit judges in that year.

Act 242 (AB-308) provides civil immunity to owners and operators of sport shooting ranges for any damages for noise resulting from the operation of a sport shooting range. The act allows sport shooting ranges that are currently operating legally to continue to operate notwithstanding any changes in zoning ordinances or resolutions.

Act 317 (AB-872) allows a landlord in counties other than Milwaukee County to remove and store or dispose of the personal property that is found in the landlord's premises when the sheriff is removing a tenant under a court order. The sheriff is required to supervise the removal of the property and the landlord is required to exercise care in removing the property, obtain insurance or a bond for any damage done to the property and notify the former tenant of the location of the stored property, of any charges imposed for the storage and of any documents needed to obtain possession of that property.

Act 291 (AB-963) requires a creditor to amend the forms used in a garnishment lawsuit if the debtor is not entitled to the income exemptions that usually apply in such a lawsuit and to notify the debtor that those exemptions do not apply, such as when the debt is for child support or for unpaid taxes.

Crime and Criminal Procedure

Act 6 (AB-186) provides that a local law enforcement agency may release to the general public any information that it has received from state agencies concerning registered sex offenders if the local law enforcement agency believes that release of the information is necessary to protect the public. Former law allowed a local law enforcement officer to release limited information concerning registered sex offenders only to individual members of the public who specifically requested information.

Act 27 (AB-100) makes various changes relating to crime and criminal procedure. The act:

1. Creates a crime laboratory and drug law enforcement assessment of \$4 that a court must collect whenever the court sentences a person for a crime, places a person on probation or imposes a forfeiture (civil monetary penalty) for a violation of state law or a municipal or county ordinance.

2. Increases penalties for the crimes of simulating legal process, slandering title to property by filing or recording a false or frivolous legal instrument and falsely assuming to act as a public officer, public employe or utility employe. The act also broadens the crime against simulating legal process to include sending or delivering a document that simulates any legal process. Under former law, a person committed the crime of simulating legal process only if the legal process simulated a summons, complaint or court process and was sent or delivered with the intent to induce payment of a claim.

3. Makes it a crime to harass any animal used by a fire department to perform fire department functions or duties.

4. Allows a court to extend a probationer's period of probation, modify the conditions of probation or revoke probation if the probationer fails to pay probation supervision fees assessed by DOC (see also *Act 41*).

5. Provides that a special prosecutor may be appointed only if the district attorney is physically unable to attend to his or her duties or has a mental incapacity that impairs his or her ability to substantially perform his or her duties. Former law allowed appointment of a special prosecutor whenever the district attorney was unable to attend to his or her duties for any reason.

Act 41 (SB-362) provides that a court may not revoke probation if a probationer fails to pay probation supervision fees assessed by DOC but may only extend the probationer's period of probation or modify the conditions of probation.

Act 73 (SB-399) makes several technical changes relating to the disclosure of juvenile adjudications in criminal sentencing proceedings and the performance of the duties of a district attorney.

Act 82 (AB-189) broadens the crime of exposing a child to harmful material to include exposing a child to harmful descriptions or narrations.

Act 101 (AB-724) provides penalties for misappropriation of personal identifying information (such as a social security number) and personal identification documents (such as a birth certificate).

Act 130 (AB-431) allows a judge to exempt certain persons who have committed a sex offense from the sex offender notification requirements and from the prohibition on sex offenders working with children.

Act 143 (AB-742) provides penalties for threatening to cause bodily harm to a witness or damage to the property of a witness.

Act 176 (AB-208) provides penalties for knowingly making false complaints regarding the conduct of a law enforcement officer.

Act 180 (AB-93) broadens and increases penalties for crimes relating to the abuse of certain disabled or elderly persons or residents or patients of certain facilities.

Act 181 (AB-342) makes various changes relating to the rights of victims of crime (see *HIGHLIGHTS*).

Act 182 (AB-284) allows testing for the presence of the human immunodeficiency virus (HIV) (the virus that causes acquired immunodeficiency syndrome (AIDS)) and sexually transmitted diseases in persons alleged to have committed a crime who are found either not competent to be tried for the crime or not guilty by reason of mental disease or defect.

Act 219 (AB-220) makes it a crime to perform an abortion procedure often referred to as “partial birth abortion” except in certain cases in which the procedure is necessary to save the life of the mother. The act also imposes civil liability on persons who perform the procedure.

Act 220 (AB-564) provides penalties for sexually assaulting a person who is under the influence of certain intoxicants and classifies certain drugs as controlled substances (dangerous drugs).

Act 232 (AB-163) provides that if a person is convicted of a misdemeanor and sentenced to imprisonment and the person appeals the conviction or sentence, a court may in its discretion release the person from imprisonment while the appeal is pending. Formerly, the court was required to release the person while the appeal was pending.

Act 237 (AB-768) extends the time limit for commencing a prosecution for certain serious crimes against children by providing that the prosecution must be commenced before the victim turns 31 years of age. Former law generally required such prosecutions to be commenced before the victim turned 26 years of age.

Act 262 (AB-493) expands the crime of retail theft to include intentionally removing a theft detection device from merchandise while in a merchant’s store, using or possessing with intent to use a theft detection device remover and using or possessing with intent to use a theft detection shielding device to shield merchandise from being detected by an alarm or sensor.

Act 266 (AB-278) increases penalties for committing certain violent felonies against a person aged 62 years or older.

Act 271 (AB-276) makes it a crime to install or use a surveillance device with the intent to observe any nude or partially nude person without the person's consent.

Act 275 (AB-660) allows a court to place a person who commits a serious sex offense on lifetime supervision by DOC, if the court determines that lifetime supervision is necessary to protect the public. The period of lifetime supervision begins after the person completes the sentence imposed for the serious sex offense. If a person has been on lifetime supervision for at least 15 years and has not committed another offense while on lifetime supervision, the person may petition the court to terminate the lifetime supervision. The act also provides criminal penalties for persons on lifetime supervision who knowingly violate a rule or condition of lifetime supervision established by the court or DOC.

Act 276 (AB-866) increases penalties for persons who commit certain sex crimes knowing that they are infected with a sexually transmitted disease or HIV or knowing that they have AIDS.

Act 283 (AB-351) makes changes in the structure of felony sentences and increases felony penalties (see *HIGHLIGHTS*).

Act 284 (AB-577) allows the Parole Commission or DOC to require a serious child sex offender who is on parole to undergo pharmacological treatment to reduce the production and effects of testosterone, treatment sometimes referred to as "chemical castration". The act also allows DHFS to require a person found to be a sexually violent person who is on supervised release to the community to undergo such pharmacological treatment.

Act 285 (AB-74) allows for the forfeiture of property that is used to commit the crime of stalking or a violation of certain temporary restraining orders or injunctions. The act also provides that a district attorney who begins a court proceeding for the forfeiture of property connected to criminal activity does not have to pay the filing and other court fees usually required to begin a court proceeding.

Act 289 (AB-747) makes changes to the procedures for discharge of probationers from probation and to the procedure by which DOC issues certificates and notifications of discharge from probation.

Act 290 (AB-785) provides penalties for withholding a nonmarital child from his or her father or causing a nonmarital child to leave his or her father, if the father has legal custody of the child. Former law provided penalties only for withholding a nonmarital child from his or her mother or causing a nonmarital child to leave his or her mother.

Act 295 (AB-221) provides penalties for causing harm or death to an unborn child.

Act 319 (AB-621) allows a judge to order that the testimony of a child witness be taken in a room other than the courtroom and simultaneously televised in the courtroom by means of closed-circuit audiovisual equipment if the court finds that the presence of the defendant in the courtroom during the taking of the child's testimony will result in the child suffering serious emotional distress such that the child cannot reasonably communicate and that testimony by means of closed-circuit audiovisual equipment is necessary to minimize the trauma to the child of testifying in the courtroom setting and to provide a setting more amenable to securing the child witness's uninhibited, truthful testimony.

Act 326 (AB-505) provides that certain persons who are persistent child sex offenders must be sentenced to life imprisonment without the possibility of parole. Under this so-called “two strikes and you’re out” act, a person is subject to the mandatory life sentence if he or she is being sentenced for a serious child sex offense and he or she had been convicted of a serious child sex offense at any time before committing the offense for which he or she is being sentenced. The serious child sex offenses covered by the act include sexual assault of a child, sexual exploitation of a child, incest with a child, child enticement, soliciting a child for prostitution, causing a child to view or listen to sexual activity and abduction of the child of another.

Act 327 (AB-589) increases penalties for violations of laws relating to controlled substances (dangerous drugs) if the violations occur on or near the premises of certain drug treatment facilities.

Act 328 (AB-658) provides a penalty for failure by a juvenile to comply with conditions of a placement in nonsecure custody if the juvenile was placed in nonsecure custody for an alleged violation of a criminal law.

Act 336 (AB-215) places restrictions on the sale, possession and use of nitrous oxide.

Act 338 (SB-96) increases the penalty for the crime of homicide by intoxicated use of a vehicle.

Discrimination

Act 237 (AB-768) provides an exception to the Public Accommodations Law to permit a domestic abuse services organization to provide separate services for persons of different sexes and to provide for separate treatment of persons based on sex with regard to the provision of those services.

Act 312 (AB-46) modifies the exemption from the Fair Housing Law for housing for older persons (age 55 or over) by eliminating a requirement that, in order to qualify for the exemption, the housing provide significant facilities and services specifically designed to meet the physical or social needs of older persons, by permitting the owner or manager of the housing to document compliance with the requirements for the exemption by maintaining written records verifying the ages of the occupants of the housing and by providing that a person is not liable for monetary damages under the Fair Housing Law if the person reasonably relied, in good faith, on the applicability of the exemption for housing for older persons.

Domestic Relations

Act 27 (AB-100) makes various changes related to DWD’s child support enforcement responsibilities. The act:

1. Requires DWD to establish a system under which employers must report to DWD information required by DWD about each newly hired employe. The information reported to DWD is to be used in the administration of DWD’s Child and Spousal Support and Establishment of Paternity and Medical Liability Support Program.

Domestic Relations - continued

2. Prohibits DWD or a county child support agency from releasing information about a person to another person if: a) the person seeking the information is subject to an abuse restraining order with respect to the person about whom the information is sought and DWD or the child support agency has notice of the restraining order; or b) DWD or the child support agency has reason to believe that releasing the information may result in harm to the person about whom the information is sought.

3. Transfers from county clerks of court to DWD, by no later than October 1, 1999, all responsibilities related to receipt and disbursement of child support and related payments.

4. Makes various changes to the Uniform Interstate Family Support Act, which provides for procedural uniformity among states that have adopted it with respect to actions related to support in which the parties do not reside in the same state. The act specifies the types of payments that must be distributed by an employer that receives an income-withholding order from another state and provides that the employer must comply with the law of the state from which the order is sent with respect to the employer's processing fee, the maximum amount that may be withheld and the time period within which the order must be implemented. The act provides an employer with immunity from civil liability for compliance with an income-withholding order sent from another state. The act also requires that a payer who contests the validity or enforcement of an income-withholding order provide notice to an employer that has received the income-withholding order.

Act 45 (AB-270) authorizes a court or family court commissioner, in a paternity action, to order the parties to attend an educational program that provides training in parenting or coparenting skills.

Act 191 (SB-494) strengthens and expands DWD's power and authority to enforce support obligations (see *HIGHLIGHTS*).

Act 273 (AB-191) allows a court, under certain circumstances, to grant a payer of child or family support credit for support that was paid in a manner other than in the manner required by the support order or judgment. To obtain credit, the payer must prove that the payments were made directly to the payee by check or money order and were intended as support, that the payee agreed in writing to accept the payments as child or family support, that the child lived with the payer for more than 60 days beyond a court-ordered period of physical placement, or that the payer and the payee resumed living together with the child and the payer supported the family during the period for which the credit is sought.

Education

PRIMARY AND SECONDARY EDUCATION

Act 27 (AB-100) makes various changes in the laws relating to public instruction. The act:

1. Establishes a full-time open enrollment program and a part-time open enrollment program (see *HIGHLIGHTS*; see also *Act 41*).

2. Requires each school board to adopt pupil academic standards and requires DPI to develop a high school graduation examination designed to measure whether pupils meet the standards (see *HIGHLIGHTS*).

3. Delays the payment of \$75 million of equalization aid in 1997-98 and \$100 million in 1998-99 until the fourth Monday of July in the following fiscal year and creates a transfer and payment mechanism to reduce the amount of these payment delays if additional revenues accrue to the state beyond those estimated under the act.

4. Provides, for the 1998-99 school year only, that if a school district's three-year average pupil enrollment declines by more than 2% compared to the previous year's three-year average, then its allowable maximum revenues for the 1997-98 school year are calculated as if the decrease had been 2%. The act also provides, for 1998-99 only, that a school district that loses enrollment receives an adjustment to its revenue limit equal to the allowable revenues that 75% of the decline in enrollment would have generated.

5. Beginning in the 1998-99 school year, provides an annual inflation adjustment to a school district's per pupil revenue limit.

6. Increases the revenue ceiling to \$5,900 per pupil in the 1997-98 school year and \$6,100 per pupil in each subsequent school year. If a school district's base revenue per pupil is less than the revenue ceiling, it is exempt from the revenue limit requirements and may increase its per pupil revenue to this ceiling without holding a referendum.

7. Allows school districts to count 20% of their full-time equivalent summer school enrollment as part of the three-year average enrollment for revenue limit purposes.

8. Provides that the revenue limit of a school district (the total amount of revenue that a school district may receive from general school aids and property taxes in a school year) that assumes responsibility for providing services to a special education or limited-English speaking child is increased by the estimated cost of the services less the categorical (special purpose) aid it will receive for the child in the following school year. Any increase to the revenue limit associated with the transfer of service for these children is not considered part of school revenues for purposes of calculating state funding of two-thirds of those revenues.

9. Expands the Student Achievement Guarantee in Education (SAGE) Program, under which additional state aid is provided to certain school districts that agree to reduce class size and provide certain specified services, to permit 39 additional schools to initiate the SAGE Program in grades kindergarten through one.

10. Authorizes the city of Milwaukee, the University of Wisconsin-Milwaukee and the Milwaukee Area Technical College to establish and operate, or contract for the operation of, charter schools for pupils residing within the Milwaukee Public Schools (MPS) school district. The act also provides that these charter schools (except for charter schools authorized by the city of Milwaukee that are operated by for-profit entities) are not instrumentalities of MPS, and MPS may not hire any personnel for the charter schools.

11. Provides that a private school converted to a charter school in MPS is not an instrumentality of MPS, and MPS may not hire any personnel for the charter school; that a MPS

charter school established by petition is an instrumentality of MPS, and MPS must employ all personnel for the charter school; and that the MPS board determines whether a MPS board-initiated charter school is an instrumentality of MPS.

12. Allows a pupil enrolled in a private school in grades 9 to 12 and a similar pupil who is taught at home to enroll in one or two courses per semester offered by a school district if the pupil resides in the school district and there is space available in the course or the courses. These pupils are counted in enrollment for the purpose of computing equalization aid but not for the purposes of the state revenue limits.

13. Renames the Postsecondary Enrollment Options Program, under which pupils in grades 11 or 12 are allowed to take one or two courses at a technical college or other institution of higher education, the Youth Options Program. The act also includes tribally controlled colleges in the program; eliminates a school board's duty to offer comparable courses in certain circumstances; modifies payment provisions; and allows a technical college to reject an applicant who meets the requirements for the course only if he or she has a record of disciplinary problems.

14. Transfers the Environmental Education Board from DPI to the UW System. The Environmental Education Board awards grants to corporations and public agencies for the development, discrimination and presentation of environmental education programs.

15. Authorizes DPI to provide a grant to the Milwaukee Public Museum to develop a curriculum and exhibits relating to African-American history.

16. Funds the Wisconsin Elks/Easter Seal Center for Respite and Recreation, a year-round program for children and adults with physical, cognitive and multiple disabilities and their families.

17. Eliminates the American Indian Language and Culture Education Board, the Council on Business and Education Partnerships, the Council on Instructional Telecommunications, and the Council on Suicide Prevention, all of which advised the state superintendent of public instruction.

18. Authorizes Cooperative Educational Service Agencies (CESAs) (regional educational agencies that perform services for school districts) to lease equipment for the purpose of assisting pupils with a visual handicap to read.

Act 41 (SB-362) changes from December 1997 to February 1, 1998, the date by which school boards are required to adopt resolutions specifying various criteria and policies relating to the full-time and part-time open enrollment programs.

Act 59 (SB-272) directs DPI to establish a program for the voluntary mediation of disputes relating to a child's special education program between the agency responsible for providing the child's program and the child's parents.

Act 77 (AB-783) allows pupils to possess and use asthma inhalers at school.

Act 86 (SB-335) requires the state superintendent of public instruction to annually submit to JCF a plan for adjusting the appropriations of DPI if the amount of federal aid anticipated to be received by DPI differs by more than 5% from the amount of federal aid estimated in the

latest state budget and requires the implementation of that adjustment plan as submitted or, if modified by JCF, as modified.

Act 87 (AB-20) permits a school board to estimate the number of persons between ages four and 20 residing in a school district by using a method that has been approved by the school board.

Act 113 (SB-468) eliminates obsolete language and provisions from the statutes governing the operation, programs and funding of the public schools and DPI. The act also eliminates the authority of DPI, when conducting a background investigation of a licensee or an applicant for a license, to require the person to be photographed.

Act 128 (AB-227) prohibits a school board or a private school from assigning to any pupil an identification number that is identical to or that incorporates the pupil's social security number.

Act 129 (AB-261) provides that a written request for a hearing to challenge a school board's proposal or refusal to initiate or change an individualized education program, an educational placement or the provision of an appropriate special education program for a child with a disability must be filed with DPI within one year after the proposal or refusal.

Act 150 (SB-269) revises the statutes relating to public libraries, including the library system aid formula, county payment for library services and requirements for withdrawal from and participation in public library systems.

Act 160 (SB-102) eliminates a requirement for a school board to grant the use of a school building, at no charge, to any nonpartisan, nonsectarian association organized for the discussion of public questions or for the promotion of public health.

Act 164 (SB-384) reconciles the reauthorization of the federal special education law (the Individuals with Disabilities Education Act amendments of 1997) and Wisconsin's special education law, as embodied in the statutes and the administrative code.

Act 228 (SB-25) allows a school district to receive state aid in 10 equal instalment payments from September to June instead of receiving 15% in September, 25% in December and in March and 35% in June. If a school district chooses this optional schedule, it must pay to DPI an amount equal to the earnings that would have accrued to the school district's aid entitlement had the school district's aid been distributed under the other schedule.

Act 237 (AB-768) makes several changes relating to primary and secondary education. The act:

1. Prohibits a school board from promoting a pupil from 4th to 5th grade, or from 8th to 9th grade, unless the pupil passes an examination (see *HIGHLIGHTS*).
2. Directs DPI to award a \$2,000 grant in the 1999–2000 school year and a \$2,500 grant in the 2000–01 school year to any teacher who is certified by the National Board for Professional Teaching Standards.
3. Requires a school board, within 15 days of adopting a resolution to incur a debt or to exceed a school district's revenue limit, to report to DPI the date of the referendum on the debt issue or the excess revenue.

4. Expands the subjects covered by the Alternative Teacher Training Program, which is an alternative method for individuals to become public school teachers, to include music, art, foreign language and computer science, deletes a requirement that the program be conducted in the summer and allows a permit granted to an individual who completes the program to be renewable for five-year periods instead of two-year periods.

5. Directs the Joint Legislative Council to study the mission of the Wisconsin School for the Visually Handicapped and the impact that closing the school would have on the lives of blind and visually impaired citizens.

6. Modifies the definition of "local educational agency" to specify that it means DHFS, if the child with a disability resides in an institution or facility operated by DHFS, and that it means DOC, if the child with a disability resides in a correctional facility or prison. The local educational agency is responsible for ensuring that children with disabilities are provided with a free, appropriate public education.

7. Provides that if an adult correctional institution, mental health institute or center for the developmentally disabled provides an educational program for its residents, it must transfer pupil records to the school district to which a resident pupil has transferred within five working days of the transfer.

8. Authorizes DPI to award a grant to a CESA or a consortium consisting of two or more school districts or CESAs, or a combination thereof, to provide technical assistance and training for teachers to implement peer review and mentoring programs.

Act 238 (AB-631) makes changes to the charter school law relating to contracting, converting private schools to charter schools and determining whether a charter school is an instrumentality of the school district in which it is located (see *HIGHLIGHTS*).

Act 239 (AB-686) makes various changes relating to truancy (see *HIGHLIGHTS*).

Act 240 (SB-357) eliminates some school district and CESA reporting requirements to DPI.

Act 244 (AB-883) requires the annual school and school district performance report, which is prepared by each school district to indicate the performance of pupils on the statewide pupil assessments, to specify such performance by subject area.

Act 245 (SB-462) requires that driver education courses approved by the State Superintendent of Public Instruction acquaint each pupil with the hazards posed by railroad grade crossings.

Act 286 (AB-304) creates procedures under which a new school district may be created out of the territory of one or more existing school districts (see *HIGHLIGHTS*).

Act 298 (SB-364) creates a Professional Standards Council for Teachers in DPI to advise the state superintendent of public instruction on teacher licensure.

Act 310 (SB-473) directs the State Superintendent of Public Instruction to study the physical condition and capacity of the public schools and to report the results of the study to the appropriate standing committees of the legislature.

Act 329 (AB-715) authorizes an official, employe or agent of a school or school district to search a pupil's locker without the pupil's consent and without obtaining a search warrant under certain circumstances.

Act 335 (SB-274) allows a teacher to remove an unruly, dangerous or disruptive pupil from the classroom (see *HIGHLIGHTS*).

TECHNICAL COLLEGE SYSTEM

Act 27 (AB-100) makes several changes in the laws relating to the technical college system. The act:

1. Directs the Technical College System Board to award grants to technical college district boards to establish faculty development programs under which instructor awareness of and expertise in a variety of newly emerging technologies is promoted.

2. Provides that if a district board contracts with a school board to provide youth apprenticeship instruction to pupils enrolled in the school district, the district board may not charge the school board an amount that is greater than the district board's direct instructional costs associated with providing the instruction.

3. Allows a district board to charge an additional fee for a short-term, professional development, vocational-adult seminar or workshop offered to individuals employed in a related field or for a vocational-adult course intended to improve an individual's skills beyond the entry level if such courses are required by state or federal law, rule or regulation or by a professional organization, to maintain licensure or certification in the individual's field of employment. The act also allows a district board, with the approval of the technical college system director, to set tuition for nonresidents enrolled in a course provided through the use of distance education, which is education that takes place by means of telecommunications, at an amount that is equal to or greater than the resident tuition charge but less than the full per-student cost of the course.

4. Authorizes the Technical College System Board to award grants to district boards to create or expand vocational and technical programming at secured juvenile correctional facilities.

5. Eliminates the Council on Fire Service Training Programs, which advised the state board on the establishment and maintenance of training programs for fire fighters.

Act 85 (AB-753) authorizes a district board to lease facilities to others for school purposes. No lease may be entered into after June 30, 1999.

Act 128 (AB-227) prohibits a technical college from assigning to any student an identification number that is identical to or that incorporates the student's social security number.

Act 161 (SB-107) provides that the student member of the Technical College System Board does not cease to be a member of the board if he or she graduates during his or her term.

Act 163 (SB-271) exempts from tuition at the technical college system any resident student who is the child of a slain correctional officer who was killed in the line of duty or who is the surviving spouse of a slain correctional officer, fire fighter or law enforcement officer who was

killed in the line of duty. Formerly, only a child of a slain fire fighter or law enforcement officer who was killed in the line of duty was exempt from tuition at the technical college system (see also *University of Wisconsin System*).

UNIVERSITY OF WISCONSIN SYSTEM

Act 27 (AB-100) makes various changes relating to the UW System. The act:

1. Authorizes the UW Board of Regents to spend more than the amount appropriated from tuition and special fee revenue if the additional revenue is available. The board may spend up to 104% of the amount appropriated in the first year of a fiscal biennium and up to 107% of the amount appropriated in the second year of a fiscal biennium.

2. Establishes an Institute for Excellence in Urban Education at the UW-Milwaukee to engage in research, public service and educational activities pertaining to urban public education issues.

3. Increases the fees for applications for admission to UW System undergraduate, graduate and professional programs by \$7.

4. Modifies the membership of the State Laboratory of Hygiene Board by eliminating the chancellor of the UW-Madison and employees of DNR and DHFS and by adding four board members appointed by the governor.

5. Requires the UW Board of Regents to waive nonresident tuition and academic fees for each resident and nonresident graduate student who is a fellow or who is employed within the UW System as faculty, instructional academic staff or an assistant with an appointment equal to at least 33% of a full-time equivalent position.

6. Allows the UW Board of Regents to transfer surplus revenue from an existing program revenue appropriation for auxiliary enterprises (such as student housing, dining halls, parking and bookstores) to a continuing appropriation for the one-time, fixed-duration costs of any student-related activity. The act also prohibits the board from accumulating any amount of auxiliary reserve funds from student fees for any institution that exceeds 15% of the previous fiscal year's total revenues from student segregated fees and auxiliary operations funded from student fees for that institution unless the reserve funds are approved by the secretary of administration and JCF.

7. Extends the expiration date for the Tuition Award Program until the end of the 1998-99 academic year. Under the Tuition Award Program, a limited number of nonresident students at UW-Parkside and UW-Superior are exempt from nonresident tuition if they are enrolled in programs identified as having excess capacity. The act also eliminates a requirement that a student who participates in such a program pay the higher of the institution's resident tuition or the resident tuition charged by the public university system in the student's home state.

8. Requires the UW Board of Regents to ensure that every UW student's tuition bill specify the average amount that the state subsidizes each student's education.

9. Directs the UW Board of Regents to establish a distinguished chair of military history at the UW-Madison.

10. Eliminates the Pharmacy Internship Program and the Pharmacy Internship Board. The Pharmacy Internship Board supervised the internship program, completion of which was a requirement for licensure as a pharmacist.

Act 128 (AB-227) prohibits the UW Board of Regents from assigning to any student an identification number that is identical to or that incorporates the student's social security number.

Act 163 (SB-271) exempts from tuition at the UW System any resident undergraduate who is the surviving spouse of a slain correctional officer, fire fighter or law enforcement officer who was killed in the line of duty. Formerly, only a child of a slain correctional officer, fire fighter or law enforcement officer who was killed in the line of duty was exempt from tuition at the UW System (see also *Technical College System*).

Act 226 (SB-490) adds 2.6287 acres to the area located on the campus of the UW-Milwaukee known as Downer Woods. The additional acreage is designated as a park and woodland area. The act also allows 0.75 acres of that portion of Downer Woods designated as permanently reserved woodland to be used for constructing an addition and providing service to Sandburg Hall.

Act 237 (AB-768) makes changes relating to the UW System. The act:

1. Creates a compensation plan consisting of six senior executive salary groups for certain UW System administrative positions. The positions are the chancellors of the 11 comprehensive campuses, the chancellor of the UW Colleges, the chancellor of the UW-Extension, the vice-president who is serving as deputy at the UW-Milwaukee, the vice-chancellor who is serving as deputy at the UW-Madison, the chancellor of the UW-Milwaukee, the chancellor of the UW-Madison and the president of the UW System.

2. Changes the name of the two-year campuses in the UW System from centers to college campuses.

3. Allows the Environmental Education Board, which is attached to the UW System, to use up to 5% of the amount appropriated for environmental grants related to forestry for administering the grant program.

4. Appropriates funds for the Wisconsin Humanities Council, which awards grants to nonprofit organizations and community groups in Wisconsin for humanities programs and projects.

OTHER EDUCATION

Act 27 (AB-100) makes a number of other changes related to education. The act:

1. Creates the Technology for Educational Achievement in Wisconsin (TEACH) Board (see *HIGHLIGHTS*; see also *Acts 41* and *237*).

2. Recreates the Higher Educational Aids Board as it existed prior to July 1, 1996, except that its membership is reduced from 19 to 11 members. The Higher Educational Aids Board is responsible for the management and oversight of the state's financial aid system for Wisconsin residents attending institutions of higher education.

Education - continued

3. Recreates the Educational Approval Board as it existed prior to July 1, 1996, but attaches it to the Higher Educational Aids Board instead of the Technical College System Board. The Educational Approval Board inspects and approves private for-profit postsecondary schools in this state, and approves all postsecondary schools and courses of instruction in this state that educate certain armed forces veterans and war orphans.

4. Requires the Educational Communications Board to operate an emergency weather warning system. The act also eliminates the functions and responsibilities of the Educational Communications Board relating to distance education projects and regional educational telecommunications networks.

5. Creates a Teacher Education Loan Program administered by the Higher Educational Aids Board to defray the cost of tuition for persons enrolled in a teacher education program offered by the Milwaukee Teacher Education Center. The act also extends the Tuition Grant Program administered by the Higher Educational Aids Board to students enrolled at tribally-controlled colleges in Wisconsin.

6. Creates a Historical Legacy Program administered by the State Historical Society and funded from a newly-created historical legacy endowment fund. The act also creates a historical legacy trust fund, which is designated to receive certain revenues from the issuance of Wisconsin Sesquicentennial license plates and from the Wisconsin Sesquicentennial Commission, to match monies and pledges raised by the State Historical Society and deposited in the historical legacy endowment fund.

7. Requires the State Historical Society to charge a fee to nonresidents who visit historic sites or museums or receive research services provided by the State Historical Society.

Act 41 (SB-362) provides that the terms of the subsidized loans made to school districts and public library boards by the TEACH Board may not exceed 10 years. The act removes a 10-year limitation on the term of public debt used to fund such loans.

Act 109 (AB-860) makes various changes to the Academic Excellence Higher Education Scholarship Program, under which scholarships are awarded to high school seniors with high grade point averages who enroll at participating higher education institutions in this state. The changes include eliminating a requirement that participating institutions annually notify the Higher Educational Aids Board of their participation in the program.

Act 158 (AB-595) makes a number of changes in the laws governing the College Tuition Prepayment Program, under which individuals may purchase tuition units from DOA on behalf of a named beneficiary. Under the program, when the beneficiary enrolls in an institution of higher education located 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 weighted average tuition of bachelor's degree-granting institutions within the UW System in that academic year. The act:

1. Allows an individual to purchase tuition units on his or her own behalf; allows a legal guardian to purchase on behalf of a child under his or her guardianship; allows a trust to purchase on behalf of the beneficiary of the trust; and allows an individual to purchase on

behalf of his or her niece or nephew. Formerly, only an individual was permitted to purchase units, and only on behalf of his or her child or grandchild.

2. Allows a purchaser to purchase a sufficient number of tuition units to cover the cost of mandatory student fees in addition to the cost of tuition.

3. Allows DOA to adjust the value of a tuition unit based on actual earnings of the moneys used to purchase the tuition unit, less expenses, if the beneficiary wishes to use the unit in a year other than the year specified in the purchase contract.

4. Allows DOA to enter into more than one purchase contract on behalf of the same beneficiary.

Act 200 (SB-346) modifies the reciprocal fee structure under the Minnesota–Wisconsin student reciprocity agreement to provide that the reciprocal fee for students enrolled at higher education institutions other than vocational schools may not exceed the higher of the resident fee charged at the institution in which the student is enrolled or the resident fee charged at a comparable institution in the student’s home state.

Act 222 (AB-776) increases the maximum grant awarded under the Tuition Grant Program, under which tuition grants are awarded to resident under graduate students who are enrolled in accredited, nonprofit higher education institutions, or tribally controlled colleges, in this state, by \$128 to \$2,300 per academic year.

Act 237 (AB-768) requires the Arts Board to award a grant to a nonprofit organization for the facade restoration and exterior stabilization of a historic theatre and allows CESAs to participate in the Educational Telecommunications Access Program administered by the TEACH Board (see *HIGHLIGHTS*).

Elections

Act 27 (AB-100) makes two changes relating to campaign finance and elections. The act:

1. Requires each individual, committee, group or corporation who or which is required to register with the Elections Board under the campaign finance law to pay a filing fee of \$100 to the board each year if the individual, committee, group or corporation makes expenditures of more than \$2,500 in that year. The requirement does not apply to a candidate or candidate’s personal campaign committee. The act also appropriates the revenue received from the fees for the operation of the Elections Board.

2. Eliminates the Board of State Canvassers, which was responsible for certifying and determining the results of state and national elections in this state. Under the act, these responsibilities are vested in the chairperson of the Elections Board.

3. Eliminates the Elections Advisory Council, which advised the Elections Board concerning the board’s functions.

Act 119 (AB-396) directs municipalities that agree to create joint municipal courts to notify the Elections Board whenever they create or abolish these courts. (The Elections Board serves as filing officer for candidates for the office of municipal judge whenever such an agreement is in effect.)

Act 127 (AB-142) permits municipalities to appoint election inspectors (poll workers) and special voting deputies (who supervise absentee balloting at nursing homes and certain retirement homes and community-based residential facilities) without regard to party affiliation whenever the appropriate party committeemen or committeewomen fail to submit a sufficient number of nominees for inspector or deputy positions. Formerly, all inspectors and deputies were required to be affiliated with one of the two major political parties in the area in which they served.

Act 230 (AB-150) directs the Elections Board to require each registrant for whom the board serves as filing officer under the campaign finance law to file campaign finance reports with the board electronically if the registrant accepts contributions in a total amount or value of \$20,000 or more during a campaign (or during a biennial period if the registrant does not support or oppose a particular candidate). The requirement applies to reports that are required to be filed after June 30, 1999. The act also prescribes revised civil penalties for solicitation of individuals who are identified in campaign finance reports and statements.

Employment

CIVIL SERVICE

Act 2 (AB-145) removes the research director of the Joint Survey Committee on Retirement Systems from executive salary group one of the civil service executive salary groups and, instead, provides that the annual salary of the research director must be established by the secretary of employment relations in the state compensation plan in accordance with the secretary's duty to assign pay ranges to classifications.

Act 7 (SB-183) ratifies the collective bargaining agreement for the 1995-97 biennium between the state and the Wisconsin State Attorneys Association, Inc., as representative of the employes in the professional legal collective bargaining unit.

Act 8 (SB-184) ratifies the collective bargaining agreement for the 1997-99 biennium between the state and the Wisconsin State Attorneys Association, Inc., as representative of the employes in the professional legal collective bargaining unit.

Act 14 (AB-520) eliminates exceptional performance awards for state employes whose positions are covered under the state compensation plan. Formerly, the statutes required the state compensation plan to include provision for exceptional performance awards to be awarded to employes in accordance with eligibility determinations established by the secretary of employment relations.

Act 15 (AB-521) ratifies the collective bargaining agreement for the 1997-99 biennium between the state and the Wisconsin Education Association Council, as representative of the employes in the professional education collective bargaining unit.

Act 16 (AB-522) ratifies the collective bargaining agreement for the 1997-99 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.

Employment - continued

Act 17 (AB-523) ratifies the collective bargaining agreement for the 1997-99 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 18 (AB-524) ratifies the collective bargaining agreement for the 1997-99 biennium between the state and the State Engineering Association, as representative of the employees in the professional engineering collective bargaining unit.

Act 19 (AB-525) ratifies the collective bargaining agreement for the 1997-99 biennium between the state and the Wisconsin Science Professionals, AFT, Local 3732, as representative of the employees in the professional science collective bargaining unit.

Act 20 (AB-526) ratifies the collective bargaining agreement for the 1997-99 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 21 (AB-527) ratifies the collective bargaining agreement for the 1997-99 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 law enforcement collective bargaining unit.

Act 22 (AB-528) ratifies the collective bargaining agreement for the 1997-99 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 23 (AB-529) ratifies the collective bargaining agreement for the 1997-99 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 24 (AB-530) ratifies the collective bargaining agreement for the 1997-99 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 administrative support collective bargaining unit.

Act 25 (AB-531) ratifies the collective bargaining agreement for the 1997-99 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 27 (AB-100) expands the definition of "veteran," for the purpose of providing preference points on competitive examinations for the state classified civil service, to include any person who served on active duty under honorable conditions in the U.S. armed forces for two consecutive years or more, or the full period of the person's initial service obligation, whichever is less; any person discharged from the U.S. armed forces for reasons of hardship or a service-related disability; or any person released from the U.S. armed forces due to a reduction in the U.S. armed forces prior to the completion of the required period of service,

regardless of the actual time served. Formerly, the definition only included veterans who had honorably served in the U.S. armed forces during certain periods of time or who were entitled to receive certain medals awarded by the U.S. armed forces.

Act 28 (SB-343) ratifies the collective bargaining agreement for the 1997-99 biennium between the state and District 1199W/United Professionals for Quality Health Care, SEIU, AFL-CIO, as representative of the employes in the professional patient care collective bargaining unit.

Act 29 (AB-532) reassigns the positions of executive director of the Elections Board and executive director of the Ethics Board from executive salary group two (\$50,951 to \$76,625 in 1998-99) to executive salary group four (\$59,059 to \$90,130 in 1998-99). Under the act, the Elections Board and the Ethics Board are permitted to make a one-time adjustment to the salary of the incumbent in each of the positions, notwithstanding provisions of the state compensation plan to the contrary, if the secretary of employment relations approves the adjustment.

Act 40 (SB-344) ratifies an amendment to the collective bargaining agreement for the 1997-99 biennium between the state and the Wisconsin State Attorneys Association, Inc., as representative of the employes in the professional legal collective bargaining unit. The amendment provides for additional sick leave days for the employes in that collective bargaining unit.

Act 50 (SB-359) ratifies the collective bargaining agreement for the 1997-99 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 64 (AB-730) ratifies the collective bargaining agreement for the 1997-99 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 65 (AB-951) ratifies the collective bargaining agreement for the 1997-99 biennium between the state and the Association of State Prosecutors, as representative of the employes in the assistant district attorneys collective bargaining unit.

Act 66 (AB-952) ratifies the collective bargaining agreement for the 1997-99 biennium between the state and the Wisconsin Physicians and Dentists Association, as representative of the employes in the professional patient treatment collective bargaining unit.

Act 118 (AB-319) allows a state employe to be granted a leave of absence in order to provide disaster relief services through the American Red Cross. Under the act, an employe who is granted a leave of absence to provide disaster relief services is entitled to his or her base rate of pay during the leave of absence.

Act 216 (SB-397) delineates the Personnel Commission's authority to hear appeals of certain decisions made by or delegated by the administrator of the Division of Merit Recruitment and Selection in the DER and to process complaints relating to family or medical leave by state employes.

Act 234 (AB-972) ratifies the collective bargaining agreement for the 1997-99 biennium between the state and the Wisconsin Professional Employees Council, WFT/AFT, AFL-CIO, as representative of the employes in the professional fiscal and staff services collective bargaining unit.

Act 237 (AB-768) transfers employes at the Legislative Reference Bureau from the classified to the unclassified service of the state civil service system.

Act 307 (AB-790) makes various changes to the state civil service system. The act:

1. Authorizes DER to certify for vacant classified civil service positions any number of names from the register of eligible applicants. Previously, DER was required to certify the top five names from the register of eligible applicants if the register had fewer than 50 names or the top 10% of names if the register had more than 50 names.

2. Eliminates the general residency requirement for taking a competitive examination for a position in the classified service of the state and the prohibition restricting the administrator of the Division of Merit Recruitment and Selection in DER from recruiting outside of the state. Previously, the administrator was permitted to open examinations to nonresidents only if there was a critical need for employes in the specific classifications or positions and was permitted to recruit outside of the state only if there was a critical shortage of residents of this state who possessed the skills or qualifications necessary for the positions.

3. Creates a noncompetitive appointment process for certain disabled veterans for vacant nonprofessional and entry professional positions in the classified service of the state. Under the act, a disabled veteran who has a disability rating of at least 30% or a compensable service-connected disability of at least 30% may be appointed to one of these vacant positions without having to take an examination for the position or without being certified for appointment to the position if the appointing authority elects to fill the vacancy with a disabled veteran. For this to occur, the appointing authority must determine that the disabled veteran is qualified to perform the duties and responsibilities of the position and the disabled veteran must not hold a permanent appointment in state civil service or have mandatory restoration rights to a permanent appointment.

4. Provides that any person who has held a position in the state classified service and has obtained permanent status in class and who has separated from the classified service is eligible for reinstatement to the classified service for a period of five years following separation from the classified service. In addition, the act provides that any person who holds a position in the classified service and who is appointed to a position in the unclassified service by the governor or by an elected officer, judicial body or legislative body or committee, or by any other appointing authority when both the classified and unclassified positions are within his or her agency, has the right of reinstatement to the classified service for a period of five years following appointment to the unclassified position. Previously, the period for reinstatement in both instances was three years.

5. Eliminates the requirement that the Board of Regents of the UW System establish pay ranges for academic staff using the job evaluation system developed by the secretary of employment relations and the requirement that the board submit the job categories and pay

Employment - continued

ranges to the secretary of employment relations for review and approval. Instead, the act authorizes the board to use any job evaluation system. Previously, the job categories were required to be described in such detail as to enable the board to correct pay inequities based on gender or race.

6. Requires that DER conduct an evaluation of the certification procedures for filling positions in the classified service with respect to the impact of the certification procedures on the state's affirmative action policy and the affirmative action plans of state agencies.

7. Provides that the administrator of the Division of Merit Recruitment and Selection in DER may allow original entrance and promotional registers of applicants for positions in the classified service to expire after three months, but only after considering the impact of such an action on the policy of the state to provide for equal employment opportunity and to take affirmative action. Previously, such registers expired after six months.

OTHER EMPLOYMENT

Act 27 (AB-100) makes various changes relating to employment. The act:

1. Permits DWD to award a youth apprenticeship training grant directly to an employer, rather than through a public agency or nonprofit organization; permits DWD to award a training grant for each youth apprentice who receives at least 180 hours of training from an employer during a school year; limits the amount of a training grant to \$500 per youth apprentice per school year; and limits a training grant for any specific youth apprentice to two years.

2. Requires DWD to develop, rather than contract for the development of, youth apprenticeship curricula.

3. Permits the state superintendent of public instruction, based on the recommendations of the Governor's Council on Workforce Excellence, to award a grant to a nonprofit organization that provides an innovative school-to-work program in Milwaukee County for children at risk (children who are behind their age group in basic skill levels and who are dropouts, habitual truants, parents or delinquents) to assist those children in acquiring employability skills and occupational-specific competencies before leaving high school.

4. Requires DWD to allocate moneys received from unemployment compensation interest and penalty payments for grants to career counseling centers.

5. Changes the name of the Division of Workforce Excellence in DWD to the Division of Connecting Education and Work.

6. Includes as projects that may be funded under the Employment Transit Assistance Program projects designed to improve access to Wisconsin Works (W-2) employment positions in outlying suburban and sparsely populated areas. W-2 is this state's welfare replacement program, under which work is emphasized and jobs are subsidized instead of cash benefits being paid.

7. Requires DWD to distribute certain federal Job Training Partnership Act moneys to the Northwest Wisconsin Concentrated Employment Program, Inc.

Employment - continued

8. Permits DWD to make a grant to the Private Industry Council serving Juneau County to fund job training and related employment services for the employees of Best Power Company who are being laid off from the company's facility in Necedah.

9. Adds to the Labor and Management Council one additional representative of the labor community and one additional representative of the management community.

10. Adds to the Governor's Council on Workforce Excellence the state superintendent of public instruction or his or designee, a minority party assembly representative, a minority party senator and an elected county official.

11. Eliminates the Equal Rights Council, which was responsible for advising DWD, disseminating information and educating the people of this state to a greater understanding, appreciation and practice of human rights for all people, considering the practical operation and application of the state's equal rights laws and reporting to the legislature its views on any pending bills relating to equal rights.

12. Eliminates the Council on Child Labor, which was responsible for reviewing the hours of employment for minors and the minimum ages for hazardous employment determined by DWD and making recommendations to DWD to protect the life, health, safety and welfare of minors.

13. Eliminates the Construction Wage Rate Council, which was responsible for advising DWD on the prevailing wage rates for public works projects.

14. Eliminates the Labor Standards Council, which was responsible for advising DWD on minimum wage, overtime pay and other labor standards issues.

Act 38 (SB-323) makes various changes relating to worker's compensation. The act:

1. Specifies that a temporary help agency that places an employe with another employer for compensation is liable for all worker's compensation payable to the employe and may not seek reimbursement from the other employer for any payments made as a result of that liability.

2. Clarifies that an officer of a corporation that has not more than 10 stockholders and that has been issued a policy of worker's compensation coverage may elect not to be subject to the worker's compensation law and not to be covered under the policy at any time during the period of the policy and may not reverse that election during that period. Preexisting law did not specify when such an election was permitted to be made or reversed.

3. Eliminates a requirement that a religious sect that opposes accepting insurance benefits and that provides assistance to injured employes who belong to the sect must establish proof of its ability to provide that assistance in order for the employers of those employes to be exempt from paying worker's compensation to those employes.

4. Provides that an independent contractor is not an employe of an employer for whom he or she is providing services if, among other conditions, the independent contractor has filed business or self-employment income tax returns with the federal Internal Revenue Service based on those services in the previous year.

Employment - continued

5. Provides that a recipient of food stamps who is required to participate in the Food Stamps Employment and Training Program is an employe of DWD or the W-2 agency administering the program for purposes of worker's compensation coverage, except to the extent that the person for whom the participant is providing services provides that coverage.

6. Extends from December 31, 1997, to December 31, 1999, the provision that a student participating in an unpaid work experience program is an employe of his or her school for purposes of worker's compensation coverage, if the school names the student as an employe for purposes of that coverage.

7. Includes dentists in the provisions of the worker's compensation law that require an injured employe to submit to reasonable examinations by a practitioner and that permit the employe to have his or her choice of practitioner for treatment. Under preexisting law, only physicians, chiropractors, psychologists and podiatrists were included in those provisions.

8. Requires an injured employe who is examined by a practitioner to be provided with a copy of all reports of the examination, without request, immediately on receipt of those reports by the employer or insurer.

9. Specifies that, before January 1, 2000, an employer or insurer is not liable for treatment provided by an out-of-state practitioner on referral from an in-state practitioner, unless the employer or insurer agrees to be so liable.

10. Permits DWD to determine the reasonableness of any fee charged for health services, and the necessity of any treatment, provided to an injured employe in an order resolving a disputed claim for worker's compensation. Under preexisting law, DWD was permitted to resolve a fee dispute or a necessity of treatment dispute only through a separate procedure specific to those types of disputes.

11. Permits DWD to retain jurisdiction for 30 days after a determination under the fee dispute or necessity of treatment dispute procedure is made to set aside, reverse or modify that determination.

12. Requires an uninsured employer to reimburse DWD for any benefits paid from the Uninsured Employers Fund to an employe of the uninsured employer within 30 days after receiving notice from DWD and assesses interest on amounts not paid when due at the rate of 1% per month. Preexisting law did not specify a deadline for such reimbursement or provide for interest on amounts not paid when due.

13. Permits a member or manager of a limited liability company (LLC) to be found personally liable for amounts owed to the uninsured employers fund by the LLC that the LLC is unable to pay.

14. Increases the amount of disability benefits payable under the worker's compensation law.

Act 39 (SB-327) makes various changes in the unemployment compensation law and related provisions. The act:

1. Changes the name of the unemployment compensation law to the "unemployment insurance" law.

Employment - continued

2. Increases weekly unemployment insurance benefit rates in January, 1998 and again in January, 1999.

3. Reduces restrictions on the times during which qualifying wages (or certain other amounts treated as wages) must be received by or attributed to an employe, and requires an employe to perform certain services (in addition to earning wages) in order to establish a new benefit claim.

4. Creates a new contribution (tax) rate schedule which decreases contribution rates that employers must pay for any year whenever the state unemployment reserve fund has a cash balance of at least \$1,200,000,000 on June 30 of the preceding year.

5. Levies an assessment against employers in 1998 and 1999 for the purpose of financing unemployment insurance information technology systems, but decreases solvency contribution rates payable by employers for any year by the assessment rate payable by the employers for that year. (Solvency contributions are assessed against certain employers for the purpose of maintaining the solvency of the balancing account of the unemployment reserve fund, which finances the payment of unemployment insurance benefits that are not chargeable to particular employers.)

6. Changes rules for determining personal liability of certain business owners for the unemployment insurance obligations of their businesses.

7. Changes standards for determining when an employe service company is the employer of an individual who is engaged in employment by such a company, for unemployment insurance purposes.

8. Changes requirements and procedures for reversing, setting aside, modifying or amending determinations and decisions concerning benefit eligibility.

Act 71 (SB-226) requires a business entity that contracts with an independent sales representative to solicit wholesale orders for the entity's product and that compensates the representative by commission to provide the representative with at least 90 days' prior written notice of any termination, cancellation, nonrenewal or substantial change in competitive circumstances of the representative's contract with the entity, unless otherwise provided in a written contract. Such a business entity must pay all commissions that are due to the independent sales representative as provided in the contract, according to the past practices of the entity and the representative or according to the custom and usage prevalent in this state for the particular industry of the entity and the representative, in that order of priority.

Act 112 (SB-447) updates obsolete terminology in the fair employment, vocational rehabilitation, worker's compensation, minimum wage and fair housing laws.

Act 235 (SB-474) reduces the unemployment insurance solvency contribution rate for calendar year 1998 for certain employers whose solvency contribution rates were increased in 1997.

Act 237 (AB-768) makes various changes affecting employment in this state. The act:

Employment – continued

1. Authorizes DER to provide any personnel services to any local governmental units. Previously, DER was permitted only to provide personnel *testing* services to these governmental units.

2. Revises the qualified economic offer (QEO) provisions in local government employment with respect to disputes over economic issues involving a collective bargaining unit consisting of school district professional employees. Under existing law, an employer may avoid arbitration of certain issues in such a collective bargaining unit by submitting a QEO. The act provides that a QEO consists of a proposal to maintain the percentage contribution by the employer to the employees' existing fringe benefit costs and the employees' existing fringe benefits and to provide for an annual average salary increase having a cost to the employer at least equal to 2.1% of the existing total compensation and fringe benefit costs for the employees in the collective bargaining unit *plus any fringe benefit savings*. "Fringe benefit savings" is defined as that amount, if any, by which 1.7% of the total compensation and fringe benefit costs for all employees in a collective bargaining unit for any 12-month period covered by a proposed collective bargaining agreement exceeds the increased cost required to maintain the percentage contribution by the employer to the employees' existing fringe benefit costs and to maintain all fringe benefits provided to the employees. Previously, fringe benefit savings were not considered in calculating the QEO.

3. Requires, subject to certain exceptions, an employer employing 50 or more persons in this state that decides to cease providing health care benefits to provide 60 days' notice of that action to all employees, retirees and surviving dependents who will lose those benefits because of that action.

4. Makes certain changes to the wage claim law, under which DWD collects unpaid wages owed to employees by their employers. The act limits the priority of a wage claim lien to priority only over other liens that originate after the wage claim lien takes effect, rather than over all other liens, whether originating before or after the wage claim lien takes effect, and excludes from coverage under the wage claim law officers, directors, members, managers, partners and owners of a business.

Environment

Act 27 (AB-100) makes numerous changes in the laws related to the environment. The act:

1. Requires DNR to promulgate rules establishing performance standards and prohibitions for agricultural sources of nonpoint (diffuse) water pollution. The rules must be designed to achieve water quality standards established by DNR and must, among other things, prohibit direct runoff from feedlots into the waters of the state. The act requires DATCP to promulgate rules establishing conservation practices to implement DNR's performance standards and prohibitions. The act provides funding to DNR for cost-sharing grants to assist agricultural facilities in complying with the performance standards, prohibitions and conservation practices. An agricultural facility that is in existence when the act takes effect may not be required to comply with the performance standards, prohibitions or conservation

practices unless cost-sharing is available from the state or some other source (see also *Agriculture*).

2. Requires DNR to promulgate rules setting performance standards for nonagricultural sources of nonpoint water pollution. The rules must be designed to achieve water quality standards established by DNR. The act requires DNR to specify a process for the development of technical standards to implement the performance standards.

3. Establishes a Safe Drinking Water Loan Program, under which this state provides loans at below-market interest rates to local governmental units for projects to protect or improve drinking water quality.

4. Establishes a Land Recycling Loan Program, under which this state provides loans at below-market interest rates to cities, villages, towns and counties for projects to remedy environmental contamination at sites where environmental contamination has affected, or threatens to affect, groundwater or surface water. To be covered by the program, a site must be owned by the city, village, town or county applying for the loan.

5. Extends exemptions from liability for property contaminated with hazardous substances to “voluntary parties” (persons who did not intentionally or recklessly cause the initial release of a hazardous substance on the contaminated property and who take certain steps to remediate contamination of the property in a manner satisfactory to DNR). The act also authorizes DNR to approve a partial remediation of contaminated property and to grant certain immunities with respect to the remediated portion.

6. Makes changes in the Hazardous Substances Spills Law, under which a person who possesses a hazardous substance that is discharged (including the owner of the contaminated property) or who causes the discharge of a hazardous substance is generally required to clean up, or reimburse DNR for the cost of cleaning up, the discharge. The changes include:

a. Generally exempting from the Hazardous Substances Spills Law a person who owns property contaminated by a hazardous substance if the discharge of the hazardous substance originated on someone else’s property.

b. Expanding the types of property for which a local governmental unit is exempt from the Hazardous Substances Spills Law to include property obtained through condemnation or for blight elimination if the local governmental unit takes actions that DNR determines are necessary to reduce threats to public health to acceptable levels.

c. Generally allowing a tax exempt economic development corporation to delay the cleanup of hazardous substances present on property owned by the corporation.

d. Providing that the Hazardous Substances Spills Law generally does not apply to a person who investigates a discharge of a hazardous substance on someone else’s property.

7. Authorizes DNR to issue assurance letters to prospective purchasers of contaminated property stating that the purchasers would be entitled to certain immunities from liability for hazardous substances contaminating the property, if acquired.

8. Allows redevelopment authorities and certain public bodies designated by a municipality to participate in the Local Governmental Unit Negotiation and Cost Recovery

Program, under which authorized public bodies may negotiate and agree with liable parties to limit and share liability for restoring property that is contaminated with a hazardous substance.

9. Allows lenders to rely on certain pre-acquisition environmental assessments when asserting their exemption from liability for property contaminated with a hazardous substance.

10. Allows counties and the city of Milwaukee to cancel delinquent property taxes owed on property contaminated by a hazardous substance.

11. Eliminates the scheduled reduction of expenses eligible for state financial aid payable for establishing and operating local recycling programs, increases the amount of moneys available for such aid by 41% in 1999 and 2000, to \$24,000,000 annually, and expresses the legislature's intent to continue to provide such aid at least through the year 2004.

12. Requires DNR to administer an environmental cooperation pilot program to evaluate innovative environmental regulatory methods. Under the program, DNR may enter into not more than 10 cooperative agreements with persons who own facilities that are required to be covered by licenses or permits issued by DNR. A cooperative agreement may replace one or more licenses or permits. DNR may grant a variance from compliance with an environmental law to a participant in the pilot program if the variance promotes the reduction in overall levels of pollution. Under the act, this state may not collect forfeitures (civil monetary penalties) for certain violations of environmental requirements that are reported to DNR by a participant in the program.

13. Eliminates the Office of Public Intervenor and its advisory board. The Public Intervenor, with the approval of the board, intervened in and commenced administrative actions affecting natural resources, consistent with its duty to protect public rights in water and other natural resources.

14. Establishes a program under which DNR reimburses persons for a portion of the costs of cleaning up environmental contamination at current and former dry cleaning sites. Deductibles range from \$10,000 to \$36,000, depending on the cost of the cleanup, and the maximum amount of reimbursement is \$500,000 for a single facility. Applications may not be submitted after August 30, 2003. The program is funded by licensing fees on dry cleaning establishments and fees on sales of dry cleaning solvents (see also *Taxation*).

15. Makes several changes in the Petroleum Storage Remedial Action Program (commonly called 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 delaying the date after which maximum PECFA awards are reduced from July 1, 1998, to December 22, 2001, requiring the Department of Commerce to reduce the amount of a PECFA award paid to a person who submits a claim that includes certain ineligible costs and authorizing the Department of Commerce to require PECFA claimants to use service providers selected by the department in conducting cleanups.

16. Makes several changes in the Nonpoint Source Water Pollution Abatement Program, under which this state provides financial assistance for measures that reduce water pollution from nonpoint sources. The changes include requiring the Land and Water Conservation Board to identify priority watersheds based on the level of impairment of water in each watershed from nonpoint sources and on recommendations from DNR and DATCP. The act requires the board to terminate the priority watershed status of any watershed that was identified as a priority watershed under former law but that is not identified under this process. The act also establishes an annual process for local governmental units to apply for initial nonpoint source program funding for priority watershed projects and projects that are not in priority watersheds and for awarding funding based on a project scoring system approved by the Land and Water Conservation Board.

17. Requires DNR to administer at least one pilot project to evaluate the trading of water pollution credits. Under the program, DNR authorizes a person to discharge more water pollution than would otherwise be allowed if the person reaches an agreement with another person under which the other person agrees to reduce the amount of water pollution that the other person causes.

18. Authorizes DNR to impose administrative forfeitures (civil monetary penalties) for violations of safe drinking water rules.

19. Creates a permit guarantee program which requires DNR to establish time limits for making determinations on applications for solid waste facility licenses, hazardous waste facility licenses and high capacity well approvals. The act requires DNR to refund fees paid by an applicant if DNR does not make a determination within the time limits (see also *Act April 1998 Spec. Sess. AB-4*).

20. Makes changes in the law related to the reclamation of nonmetallic mining sites. Nonmetallic mining is the extraction of nonmetallic substances such as stone or gravel. The changes include providing that nonmetallic mining reclamation requirements only apply to areas that are used for nonmetallic mining, or for purposes related to nonmetallic mining, after the date on which the act takes effect.

21. Regulates the disposal in this state of solid waste generated outside this state by requiring the waste, rather than the municipality in which the waste is generated, to meet certain requirements.

Act 60 (SB-355) retroactively delays the requirement that each city, village, town, county or other governmental unit responsible for a region's solid waste management ("responsible unit") implement a system of volume-based solid waste fees unless it achieves a 25% recycling rate. Beginning January 1, 2000, only a responsible unit that achieves a 25% recycling rate, or that implements a system of volume-based solid waste fees equal to the responsible unit's unreimbursed solid waste management costs, is exempt from the prohibition against landfill disposal of specified recyclable material and is entitled to state financial assistance for solid waste management. The act also:

1. Allows waste reduction and recycling demonstration grants to be awarded for community-wide waste reduction projects.

2. Provides immunity from civil liability, except liability for injury or death caused by wanton or willful acts or omissions, for materials sold without profit or donated to a materials reuse program operated by a charitable organization, municipality or responsible unit.

3. Requires DNR to maintain current estimates of the amount of materials recovered from solid waste for reuse or recycling, as a measure of the effectiveness of the state recycling program, and requires materials recovery facilities to provide materials recovery data to be used in DNR's estimates.

Act 122 (AB-1) prohibits a person from installing a pitless adapter in a well unless the person is a registered well driller or pump installer. A pitless adapter is a device that attaches a well casing pipe to an underground pipe that conveys water from a well. The act also prohibits the use of a pitless adapter that extends into the inside of a well casing pipe, except in specified circumstances.

Act 165 (SB-496) makes minor changes in the law related to mobile air conditioners (air conditioners in cars and trucks) containing refrigerants that may deplete stratospheric ozone, including authorizing a business that removes ozone-depleting refrigerant from a mobile air conditioner to have the refrigerant recycled by another business.

Act 169 (AB-488) requires DNR to annually compare the costs that DNR has incurred in connection with a proposed metallic mining operation with the fees that have been paid by the person seeking approval of the mining operation. If the costs incurred exceed the fees paid, the person must pay the difference. The act specifies that a person must pay fees equal to the costs that DNR incurs in connection with a proposed mining operation even if the person ceases to seek approval of the proposed mining operation.

Act 171 (SB-3) prohibits DNR from issuing a permit for the mining of a sulfide ore body until certain conditions are met (see *HIGHLIGHTS*).

Act 193 (AB-447) eliminates a 30-day time limit, thereby allowing DOJ time, within applicable statutes of limitations, to commence a lawsuit to enforce certain laws regulating mining and water pollution.

Act 209 (AB-727) identifies the Root River watershed as a priority watershed for the Nonpoint Source Water Pollution Abatement Program, under which this state provides financial assistance for measures that reduce water pollution from nonpoint sources, including measures to control storm water discharges in watersheds that are identified as priority watersheds.

Act 241 (AB-402) provides that counties and municipalities within 1,500 feet of the proposed disposal area of an existing or proposed landfill or hazardous waste facility may appoint members of a committee to negotiate with the person who wishes to construct or expand the landfill or hazardous waste facility, rather than those within 1,200 feet as under former law. The act also increases the number of members of such a committee that may be appointed by the municipality in which the landfill or hazardous waste facility is, or would be, located.

Act 243 (AB-701) requires the Council on Recycling to develop recommendations to promote the voluntary recycling of oil filters used in automobiles and other machinery, to advise and assist county and municipal officials and the automotive service industry in implementing those recommendations, and to report to the legislature on the effectiveness of these voluntary recycling measures.

Act 270 (AB-548) requires DNR to provide notice to the legislature and the public when DNR receives notice that an American Indian tribal governing body proposes to redesignate an area under the federal Clean Air Act. Redesignating an area changes the restrictions on new sources of air pollution that are in, or that may affect the air quality in, the area.

Act 274 (AB-516) reduces the minimum percentage of postconsumer fiber required to be contained in newspapers. Under prior law, newspapers had to contain at least 40% postconsumer fiber, increasing to at least 45% postconsumer fiber in the year 2001. The act reduces the required minimum percentage to 35% through the year 2000, and increases the required minimum percentage to 37% through the years 2001 and 2002, and to 40% beginning in the year 2003. The act also allows the secretary of natural resources to waive through the year 2000 the newspaper recycling fee (a fee paid to DNR by newspaper publishers based on the volume of newsprint used and the deviation from the specified minimum percentages of postconsumer fiber) for all publishers of newspapers that contain at least 30% postconsumer fiber.

Act 301 (April 1998 Spec. Sess. AB-4) expands the Permit Guarantee Program, under which DNR is required to refund fees paid by an applicant for a license or other approval if DNR does not make a decision on the application within a time specified by DNR by rule. The act adds approvals relating to navigable waters, water pollution discharge permits and air pollution control permits to the program and authorizes DNR to add other approvals related to water, air, solid waste and hazardous waste.

Financial Institutions

Act 27 (AB-100) allows a pawnbroker to make a loan in excess of \$150, if the pawnbroker is licensed by the Division of Banking in DFI. The act authorizes the Division of Banking to promulgate rules governing the conduct of licensed pawnbroking. The act also eliminates the Consumer Credit Review Board, which was responsible for advising the Division of Banking, and for reviewing the division's acts and decisions, that relate to licensed lenders, pawnbrokers, sellers of checks, collection agencies, adjustment service companies, insurance premium finance companies and community currency exchanges.

Act 142 (AB-669) repeals the state's rejection of federal preemption over state interest rate provisions. Under preexisting law, the state had exercised its option under the federal Depository Institutions Deregulation and Monetary Control Act of 1980 not to be subject to ("opt out" of) federal preemption of state interest rate regulation.

Act 144 (AB-797) makes a number of changes relating to savings institutions, including increasing the percentage of a savings bank's assets that may be used for secured and unsecured loans, granting authority for savings banks and savings and loan associations to

Financial Institutions – continued

make certain nonconforming loans and modifying the process for obtaining approval to relocate a home or branch office of a savings bank or a savings and loan association.

Act 145 (AB-830) modifies the registration requirements for loan originators, mortgage bankers and mortgage brokers (previously referred to as loan solicitors). The act adds bonding and net worth requirements for registration as a mortgage broker. These requirements, and the registration requirements for mortgage bankers, vary depending on whether the mortgage banker or mortgage broker maintains a bona fide office in this state.

Act 146 (AB-832) regulates in-state branches of banks chartered by another state. In addition, the act makes certain changes relating to banks chartered by this state, including requiring less frequent examinations by the Division of Banking in DFI, allowing state bank boards to take action by unanimous consent without a meeting, and requiring notification to the Division of Banking of certain mergers and other transactions authorized under federal law.

Act 152 (SB-407) makes certain changes relating to credit unions, including extending the time that the Credit Union Review Board has to dispose of certain review applications, allowing the removal of a director to be appealed to the Office of Credit Unions in DFI and modifying credit union confidentiality requirements to allow disclosure when permitted by federal law. The act also changes the provisions requiring that “good funds” (such as cashier’s checks and wire transfers) be presented at certain loan closings. The act modifies the definition of “good funds” to include teller’s checks and checks on which the lender or an affiliate is the drawer of the check (the person who is identified on a check as the person ordering payment).

Act 316 (AB-831) allows a bank holding company to transfer trust business among certain subsidiaries of the bank holding company without additional authorization, if the board of directors of the bank holding company passes a resolution directing the transfer (see also *Business and Consumer Law – Securities*).

Fringe Benefits of Public Employees

Act 26 (AB-534) restores supplemental benefits paid to certain annuitants in the WRS that were eliminated in 1987 and replaced with a “Special Investment Performance Dividend” (SIPD), which substituted for general purpose revenue payments dividends paid from earnings of the fixed retirement investment fund of the employe trust fund. In 1997, the Wisconsin Supreme Court, in *Retired Teachers Ass’n v. Employe Trust Funds Bd.*, 207 Wis. 2d 1 (1997), ruled unconstitutional the SIPD legislation. The act also authorizes the payment of an additional supplemental benefit to be paid to WRS annuitants who had annuity effective dates before October 1, 1974, and who were receiving the SIPD.

Act 27 (AB-100) changes the definition of “earnings” and the calculation of “final average earnings” under the WRS with respect to the compensation received by state senators. Under the state constitution, state senators are prohibited from receiving salary increases during certain parts of their terms in office. The act provides that the earnings of a state senator for

WRS purposes are the salary that they would have received had they been eligible to receive a salary increase during those parts of their terms in office.

Act 30 (AB-10) provides that certain participants in the WRS may receive a social security integrated annuity that is payable on a monthly basis if the amount of the annuity that they receive after attaining the age of 62 would be greater than \$41 monthly. All other participants in the WRS may receive an annuity that is payable monthly only if the amount of the annuity that they would receive after attaining the age of 62 is equal to or greater than \$100 monthly, adjusted annually to reflect any increase in the cost of living. A social security integrated annuity allows a participant to receive an accelerated WRS annuity in the form of a higher annuity before the age of 62 than he or she would ordinarily receive and an annuity amount after the age of 62 that is reduced to an amount less than he or she would ordinarily receive.

Act 58 (SB-31) reduces the minimum age at which participating employes in the WRS are eligible for joint survivor death benefits to age 50 for a participating employe in a protective occupation and to age 55 for other participating employes. Previously, an automatic joint survivor death benefit was payable to a beneficiary of a WRS participating employe if the participating employe had reached a minimum age of 55 for protective occupations or 60 for other occupations. Under a joint survivor death benefit, a beneficiary may elect to receive an annuity, rather than a lump sum payment, upon the death of the participating employe at or over the minimum specified age.

Act 69 (SB-32) eliminates a five-year vesting requirement for participating employes in the WRS to receive an annuity.

Act 110 (AB-914) makes various remedial changes affecting the WRS. The act:

1. Provides for an exception to the general requirement that if an employe's employment with a participating employer in the WRS terminates after a period of service of fewer than 30 calendar days, the employe is not eligible for WRS coverage for that period of service.

2. Provides that any application for a WRS benefit, any designation by a participant of a beneficiary or any other document which has a long-term effect on a participant's rights and benefits under the WRS and which requires a signature may be signed and filed by the guardian of the estate of a participant when accompanied by a photocopy or facsimile of a guardianship order issued by a circuit court judge or a register in probate or a probate court commissioner. Formerly, the document was permitted to be signed only by an individual who serves as guardian of both the estate and the person of a participant.

3. Substitutes the term "named survivor" for "beneficiary" as the survivor under a joint and survivor annuity under the WRS.

Act 125 (AB-118) provides that a participant in the WRS whose marriage was terminated between January 1, 1982, and April 27, 1990, may have his or her WRS benefits divided pursuant to a qualified domestic relations order. A qualified domestic relations order is a judgment, decree or order that is issued by a court under the domestic relations law of any state or territory of the United States and that meets certain criteria. Formerly, only a participant whose marriage was terminated by a court on or after April 28, 1990, was permitted to have his or her benefits divided pursuant to a qualified domestic relations order.

Fringe Benefits of Public Employes – continued

Act 149 (SB-144) requires that supplemental compensation paid to state employes who are classified as teachers, teacher supervisors or education directors for completing certain educational courses be included as part of the employes' basic pay rates for the purpose of valuating unused sick leave credits under a WRS program that permits state employes to use the credits to pay health insurance premiums. This change increases an employe's basic pay rate by the amount of any supplemental compensation, thereby increasing the valuation of the employe's sick leave credits.

Act 162 (SB-257) changes the annual earnings period used for calculating a WRS annuity for technical college educational support personnel employes from the calendar year to the school year.

Act 173 (SB-329) creates a presumption for municipal fire fighters who contract cancer that the cancer was caused by their employment as municipal fire fighters. The presumption may be used in qualifying for disability or death benefits under any pension or retirement system applicable to fire fighters.

Act 202 (AB-117) provides an additional enrollment period for health care coverage for limited term and part-time state employes who are participating employes in the WRS.

Act 237 (AB-768) makes various changes affecting the fringe benefits of public employes. The act:

1. Authorizes DOR to attach benefit payments to participants in the WRS to satisfy delinquent tax obligations.
2. Makes probation and parole officers protective occupation participants under the WRS. As protective occupation participants, probation and parole officers are entitled to increased retirement benefits and participation in a duty disability insurance program for protective occupation participants.
3. Modifies the maximum annual benefit and contribution limits under the WRS to conform to those limits specified in the federal Internal Revenue Code, without respect to the year. Previously, the limits were those specified in the Internal Revenue Code for 1996.

Gambling

Act 27 (AB-100) makes certain changes affecting gambling. The act:

1. Eliminates the Gaming Board and creates a Division of Gaming in DOA. The act transfers all of the Gaming Board's duties and powers with respect to pari-mutuel wagering, bingo, raffles, crane games and Indian gaming to DOA and transfers its rule-making and oversight duties and powers with respect to the state lottery to DOR.
2. Increases the compensation paid to lottery retailers for instant ticket sales from 5.5% of sales to 6.25% of sales.
3. Reduces the expense limitation for the operation and administration of the state lottery from 15% of the gross lottery revenues for each year to 10% of the gross lottery revenues for each year. However, the act excludes from the calculation of the expense limitation the commission paid to lottery retailers for the sale of lottery tickets. Formerly, the commission

Gambling – continued

paid to lottery retailers for the sale of lottery tickets was included in the calculation of the expense limitation.

4. Expands the lottery games in which the state may participate to include those of any other state, the District of Columbia, the Commonwealth of Puerto Rico or any territory or possession of the United States or the government of Canada or any Canadian province.

5. Creates a compulsive gambling awareness program in DHFS.

6. Clarifies the authority of DOA to promulgate rules relating to the regulation of pari-mutuel wagering on snowmobile racing.

Health and Social Services

HEALTH

Act 27 (AB-100) makes various changes to the health laws. The act:

1. Prohibits state agencies and local governmental units from authorizing payment of state or local funds or federal funds passing through the state treasury that are used to finance pregnancy programs, projects or services, if the persons conducting or providing the programs, projects or service engage in abortion-related activities using those funds or those persons receive funding from another source that requires performance of abortion-related activities. A “pregnancy program, project or service” is defined as a program, project or service of an organization that provides services for pregnancy prevention, family planning, pregnancy testing, pregnancy counseling, prenatal care, pregnancy services or reproductive health care services that are related to pregnancy. The prohibited activities are providing abortions, promoting, encouraging or counseling in favor of abortions or making abortion referrals directly or through an intermediary, although the act permits provision of nondirective information explaining prenatal care and delivery; infant care, foster care or adoption; and pregnancy termination. Violation of the prohibitions requires termination of state, local or federal funding, return of any money received and ineligibility to receive any state, local or federal moneys for two years (see also *Act 237*).

2. Creates the following programs in DHFS relating to issues of women’s health:

a. Grant programs for the award of funds, on a 25% matching basis, to provide health care screening, referral, follow-up and patient education to low-income, underinsured and uninsured women and to conduct projects to enhance community activities for the purpose of establishing and maintaining a comprehensive women’s health program for chronic disease in middle-aged and older women.

b. A women’s health campaign to increase awareness of health issues and reduce the prevalence of chronic and debilitating health conditions affecting women.

c. A program to raise public awareness concerning the causes, nature, risk factors, prevention, detection and options for diagnosis and treatment of osteoporosis.

d. A grant for the performance of breast cancer screening activities with the use of a mobile mammography van (see also *Act 237*).

Health and Social Services – continued

3. Authorizes DHFS to continue, rather than renew, certifications for adult family homes and licenses for community-based residential facilities, adult family homes, home health agencies, rural medical centers and hospices and makes these licenses and certifications valid until revoked or suspended, rather than time-limited in validity. However, the act requires nursing homes, certified adult family homes, hospitals and home health agencies to report to DHFS every 12 months and community-based residential facilities, licensed adult family homes and rural medical centers to report every 24 months. DHFS is required to issue a warning to a facility for failure to timely file a report and is authorized to revoke licensure or certification for failure to timely and completely report within 60 days after the required reporting date.

4. Requires hospitals, clinics and other facilities in which abortions are performed to report the method used to perform each abortion, including whether an abortion was chemically induced.

5. Eliminates the Primary Health Care Services Grants Program, under which DHFS provided grants, on a 25% matching basis, to public health departments for primary health care services to low-income persons.

6. Eliminates a requirement that DHFS and county social services departments and human services departments charge a fee to a person for providing information that a physician must make available to a woman at least 24 hours before performance of an abortion and makes minor changes in the requirements for the information to be provided.

7. Eliminates the Pesticide Review Board in DHFS, which DNR and DATCP were required to consult before promulgating rules relating to pesticides. The act transfers to DATCP the board's authority to authorize the use of dichlorodiphenyltrichloroethane (DDT) for epidemics and research and eliminates the Pesticide Review Council, which assisted the board in obtaining data and coordinating state functions related to pesticides.

8. Provides funding for the Milwaukee Healthy Women and Infants Project.

9. Provides funding for lead screening and outreach activities in Milwaukee.

10. Creates the Thomas T. Melvin Youth Tobacco Prevention and Education Program to provide education and research to discourage tobacco use.

11. Authorizes a guardian or health care agent of an incapacitated qualified patient (a patient who has a terminal illness or a very severe medical condition) to request and consent to a do-not-resuscitate order on behalf of the patient.

12. Excludes from the definition of "restaurant" concession stands at locally sponsored sporting events, such as Little League games, so that those concession stands are not subject to the same health standards as restaurants.

13. Modifies community-based residential facility license fees to make the \$22 fee per resident biennial, rather than annual.

14. Requires DHFS to provide information on the prevention, detection, diagnosis and treatment of blastomycosis in areas of the state with high incidence.

Act 43 (AB-73) specifies conditions under which DHFS may waive, for up to two years, the requirement that the holder of a bed and breakfast establishment permit provide breakfast only to renters in the establishment.

Act 52 (AB-179) authorizes trained or approved technicians to remove or process donated tissue or bone of deceased persons, under physician supervision or direction.

Act 54 (AB-280) permits the physician of a person who has tested positive for the human immunodeficiency virus (HIV) (the virus that causes acquired immunodeficiency syndrome (AIDS)) to report to the state epidemiologist the name of any person known to the physician to have been exposed to the test subject in such a manner that there is the potential for HIV transmission from the test subject to that person. The act requires the physician, prior to releasing the name, to counsel the test subject to inform any person who has been significantly exposed to the test subject and to notify the test subject that the names of those known to the physician to have been significantly exposed will be reported to the state epidemiologist.

Act 57 (AB-385) permits dentists to perform simple tooth extractions under the Volunteer Health Provider Program, under which certain health professionals provide basic health care services for free to underserved populations.

Act 114 (SB-495) makes numerous remedial changes to health laws, including the following:

1. The act authorizes access by coroners and medical examiners to the health care records of deceased persons to investigate the deaths or to complete death certificates and authorizes a patient's health care provider to contact a coroner or medical examiner to release unrequested information.

2. The act requires that a hospital or funeral director file a fetal death report directly with the state registrar, rather than with the county register of deeds or the city registrar.

3. The act clarifies that nursing homes and community-based residential facilities must make available a copy of resident rights and responsibilities to applicants for admission and their legal representatives, to staff members and to all residents. Formerly, a copy was required to be provided to guardians and residents as of December 12, 1975.

4. The act requires that a nursing home or community-based residential facility license state the number of beds of the home or facility that are licensed by DHFS. Formerly, the licenses were required to state the maximum bed capacity of the nursing home or community-based residential facility.

5. The act eliminates a requirement that DHFS annually provide nursing homes with individualized reports concerning staffing ratios, staff replacement rates and violations of statutes or rules, but maintains a requirement that DHFS provide the reports (see also *Act 237*).

Act 131 (AB-500) prohibits a person from discharging, discriminating or retaliating against any person who reports in good faith to any state official abuse or neglect of an elderly person.

Act 153 (AB-397) permits an adult patient at an inpatient health care facility to identify the persons with whom the patient wishes to visit during the patient's stay at the health care

facility. The act prohibits, with certain exceptions, an inpatient health care facility from denying to any person so designated visitation rights with the patient during the facility's regular visitation hours.

Act 154 (AB-638) creates a Trauma Advisory Council to advise DHFS concerning the development and implementation of a statewide trauma care system and requires DHFS to develop and implement such a system by July 1, 2001.

Act 157 (SB-319) requires that a patient's health care records be provided to the patient's health care provider upon request and with the written consent of the patient.

Act 179 (AB-756) creates an additional unclassified division administrator position in DHFS.

Act 206 (AB-582) allows a power of attorney for health care form to be used to make, revoke or refuse to make an anatomical gift.

Act 231 (SB-315) makes various changes to the laws governing the collection and dissemination by DHFS of health care information (see *HIGHLIGHTS*; see also *Insurance*).

Act 237 (AB-768) makes several changes to health care law. The act:

1. Modifies preexisting definitions for nursing homes, community-based residential facilities and adult family homes and for certain types of nursing services so as to change limitations on types of care provided and numbers of residents that may be served. The act authorizes the provision of care in these facilities as follows:

a. A nursing home may serve five or more adults who are not related to the facility operator or administrator and who, because of their mental or physical condition, require access to 24-hour limited nursing care, intermediate level nursing care or skilled nursing services.

b. A community-based residential facility may provide five or more adults who are not related to the facility operator or administrator with care, treatment or services that are above the level of room and board, which may include up to three hours per week of nursing care per resident, except that more than three hours per week of care above intermediary level nursing care may be provided to a certain number or percentage of residents with specified conditions if a waiver of the requirements is pending or obtained from DHFS.

c. An adult family home may provide three or four adults who are not related to the home operator or administrator with care, treatment or services that are above the level of room and board, which may include up to seven hours per week of nursing care per resident.

2. Raises the minimum staffing requirements that preexisted in rules of DHFS for nursing homes that do not primarily serve persons with developmental disabilities, as follows:

a. Each resident in need of intensive skilled nursing care must receive 3.25 hours of such care per day, 20% of which must be provided by registered nurses or licensed practical nurses.

b. Each resident in need of skilled nursing care must receive 2.50, rather than 2.25, hours of such care per day, 20% of which must be provided by registered nurses or licensed practical nurses.

c. Each resident in need of limited nursing care must receive 2.00, rather than 1.25, hours of such care per day, 20% of which must be provided by registered nurses or licensed practical nurses.

3. Restores a former requirement, eliminated by Act 114, that DHFS annually prepare and provide nursing homes with individualized reports, requires nursing homes to post the reports in conspicuous locations and requires that DHFS provide a report copy to the Board on Aging and Long-Term Care. The act requires DHFS to prepare a simplified one-page summary of each nursing home report, which nursing homes must distribute to every nursing home resident and his or her guardian, if any, and to every prospective resident and his or her representative, if any. The act also modifies former requirements for contents of reports on nursing homes that DHFS was required to prepare and distribute, to require inclusion of the following:

a. Averages for all similar nursing homes in the same geographical area where the nursing home is located, as determined by DHFS, of staff replacement rates and statute and rule violations.

b. The ratio of nursing staff available to residents per shift at each skill level for the previous year for the nursing home.

4. Changes laws prohibiting governmental funding for abortion-related activities by limiting the funding to that received under specified programs or a federal maternal and child health block grant. The act also expands the prohibition by applying it to any pregnancy programs, projects or services under which governmental funds are used, rather than limiting it to use of the funds by persons conducting or providing pregnancy programs, projects or services to perform the prohibited activities.

5. Defines a “critical access hospital” under federal standards, which require that a hospital be nonprofit and rural, provide 24-hour emergency care services and meet certain staffing requirements; eliminates rural primary care hospitals from the specified types of health facilities that may be organized and licensed as rural medical centers; and authorizes critical access hospitals to be so organized and licensed. The act also requires DHFS to apply to the federal government to establish a Medicare Rural Hospital Flexibility Program, for receipt of specialized Medicare care reimbursement.

6. Establishes a program of grants, until July 1, 2000, for training medical personnel of hospital intensive care units in the principles of developmentally supportive and family-centered care for high-risk infants and their families and for on-site consultation and support.

7. Authorizes, on July 1, 1998, an increase of six beds in the preexisting statewide nursing home bed limit to permit the partial conversion to a nursing home of a hospital that is permanently and completely closing and that had, on January 1, 1998, an approved bed capacity of 50 or fewer beds, that is located north of USH 8 and that ceased to be an acute care hospital on July 1, 1998.

8. Requires DHFS to suspend new admissions to a nursing home for certain serious violations. The act also modifies the forfeitures (civil monetary penalties) prescribed for violations and repeat violations.

9. Provides that the grant created in Act 27 for breast cancer screening activities, which was to be used for mobile mammography vans, may be used for any breast cancer screening activities.

10. Provides that a person who obtains coverage under the state Health Insurance Risk-Sharing Plan (HIRSP), under which health care coverage is provided for certain specified persons, may not be subject to a preexisting condition exclusion, even if he or she is eligible for Medicare, if he or she is in all other respects an "eligible individual". An "eligible individual" is a person who, among other things, is currently without health care coverage, was previously covered for at least 18 months in the aggregate and is not eligible for Medicare.

Act 305 (*April 1998 Special Session AB-2*) requires that human organs that are obtained as anatomical gifts by a federally-designated organ procurement organization with a service area primarily in Wisconsin be used only in that area unless no suitable potential recipient is on a waiting list for the area. In such a case, the organ procurement organization must first offer the organ to any other organ procurement organization with a service area primarily in Wisconsin and then either to an organ procurement organization with a service area primarily outside Wisconsin under a reciprocal sharing agreement or to an entity that distributes organs on a regional or national basis under a federal contract. The act requires a hospital, as an alternative to contacting a relative of a potential organ donor directly, to contact an organ procurement organization, which must determine with the potential donor's attending physician the medical suitability for donation and, if suitable, directly contact the potential donor's relatives to discuss the options to make or refuse to make an anatomical gift. The act also requires coroners or medical examiners to contact organ procurement organizations concerning a decedent for whom there is no evidence of making or refusing to make an anatomical gift.

MEDICAL ASSISTANCE

Act 27 (*AB-100*) makes various changes related to the Medical Assistance (MA) program, under which certain low-income persons receive various federally and state subsidized health services. The act:

1. Repeals the Wisconsin Works health plan and replaces it with a program entitled BadgerCare (see *HIGHLIGHTS*).

2. Expands MA eligibility to any child who has not attained the age of 19 and whose family income is at or below 100% of the federal poverty line, upon implementation of the BadgerCare Program.

3. Extends eligibility for case management services under the MA program to any woman who is aged 45 to 64 and who is not a resident of a nursing home or otherwise receiving case management services under the MA program.

4. Provides that DHFS and counties may not be held liable for the costs of litigation incurred by a successful defendant in a personal injury case in which the interests of DHFS or the county were affected because of the provision of MA benefits to the plaintiff, but in which DHFS or the county did not participate.

5. Allows DHFS to recover funds spent on MA benefits from a deceased recipient's joint bank account or payable-on-death account.

6. Requires DHFS to develop a pilot project for the provision of dental services under a managed care system under the MA program in Ashland, Douglas, Bayfield and Iron counties.

7. Requires DHFS to develop a proposal to expand access to family planning services under the MA program to women ages 15 to 44 who live in families with an income at or below 185% of the federal poverty line.

8. Modifies the formula for MA reimbursement of nursing home services to increase the rate of payment by 5% in fiscal year 1997-98 and an additional 3.5% in fiscal year 1998-99 and to decrease the standard for payment of allowable direct care costs to 103%, rather than 110%, of the median of direct care costs for a sample of nursing homes in the state. The act consolidates two preexisting programs that funded operating deficits of nursing homes operated by counties, cities, villages and towns that serve MA recipients and limits payments under the consolidated program to \$38,000,000 in each fiscal year (matched by county, city, village or town funds), plus unanticipated federal MA moneys that were not used to fund the nursing home payment rate increases. The moneys may be expended only for care that is not otherwise reimbursed.

9. Authorizes DHFS to approve a nursing home's request to delicense any of the nursing home's beds if the nursing home's bed occupancy is below the minimum occupancy standard of 91% and thus subject to reduced MA reimbursement. If DHFS approves the request, the delicensed beds are not included under the minimum occupancy standard, the nursing home may not sell a delicensed bed and DHFS must, every 12 months, reduce the nursing home's licensed bed capacity, other than for nursing homes with contracts entered into before January 1, 1997, that prohibit reduction of licensed bed capacity, by 10% of the delicensed beds or by 25% of one bed, whichever is greater. Under the act, the nursing home may resume licensure of delicensed beds that are not a fraction of a bed and for which the nursing home has licensed bed capacity 18 months after notification to DHFS of the nursing home's intent to resume licensure.

10. Eliminates a requirement for annual reviews of MA recipients with mental illness or developmental disability who reside in nursing homes and, instead, requires review when a significant change occurs in the resident's condition.

11. Eliminates restrictions that limit MA reimbursement for home health care, personal care, respiratory care and private-duty nursing services to 120% of the average monthly cost of nursing home care, as determined by DHFS.

Health and Social Services – continued

12. Authorizes in-home and community alcohol and other drug abuse and mental health services, including psychiatric services, as a MA benefit for recipients who are at least 22 years old. A county, city, town or village that elects to provide these services must pay the state share of the MA cost.

13. Requires DHFS annually to submit to JCF a report on the utilization of nursing home beds by MA recipients and, if the utilization has decreased, to include in the report a proposal to transfer MA funding to the Community Options Program, under which care in their homes or in certain community facilities is provided to persons who are elderly, physically or developmentally disabled, chronically mentally ill or chemically dependent. The secretary of health and family services is required to transfer the amount of funding identified in the proposal.

14. Authorizes a community-based psychosocial benefit for MA recipients whose mental health needs are not met by outpatient counseling but are less severe than those requiring community support programs. DHFS must establish the scope of the services for this benefit, recipient eligibility criteria and provider certification, and counties that elect to provide the benefit must pay the state share of the MA cost.

15. Requires a county that owns a facility from which a person with developmental disability is relocated to the community for care under the Community Integrated Program for Developmentally Disabled Individuals (commonly known as "CIP IB") to submit to and have approved by DHFS a plan for delicensing a bed of the facility in order to receive payment under the program.

Act 237 (AB-768) makes various changes related to the MA program. The act:

1. Eliminates restrictions that, for a person who receives Community Options Program services under a waiver of federal MA laws, limit reimbursement to the average monthly cost of nursing home care, as determined by DHFS.

2. Repeals a provision that prohibits DHFS from requiring MA recipients to pay copayments for specialized medical vehicle services.

3. Increases funding for MA outreach activities conducted as part of the state immunization program.

4. Directs DHFS to work with hospitals, health maintenance organizations, county departments of social or human services and other interested parties to develop a process for expediting MA eligibility determinations in urgent medical situations.

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

Act 27 (AB-100) makes various changes to the laws related to mental health and developmental disabilities. The act:

1. Extends limitations on county liability for the costs of protective placements and protective services to persons who were first protectively placed before December 15, 1995, but who seek a change in services after that date. Former law provided county liability limitations to causes of action for protective placement that arose on or after December 15, 1995.

2. Eliminates requirements that DHFS increase rates at the mental health institutes at least 10% each year until revenues of the institutes are in balance with expenses and that DHFS implement a plan to assure sufficient revenues for the mental health institutes to cover anticipated expenses by July 1, 1999. Instead, the act requires DHFS annually to reduce by \$500,000 the amount by which revenues of mental health institutes exceed expenses and to identify annually in a report to JFC, the changes in the unsupported estimated expenses and the actions that DHFS has taken and intends to take in the next fiscal year to further reduce unsupported expenses.

3. Expands the authority of the Winnebago Mental Health Institute to provide outpatient services by including services to pupils of school districts that contract with DHFS, rather than only to patients of county departments of community programs or developmental disabilities services. The act requires payment by school districts of the full and actual service costs within 60 days after the billing date.

4. Requires that a sexually violent person committed to institutional care be placed in the Wisconsin Resource Center or other mental health unit or facility. Former law allowed a court to place a sexually violent person in other types of facilities.

Act 47 (AB-403) establishes Prader-Willi syndrome (a congenital disorder) as a developmental disability for purposes of the receipt by persons afflicted with the syndrome of various state- and locally-funded services for developmental disabilities.

Act 114 (SB-495) makes numerous remedial changes to laws relating to mental health, including the following:

1. The act changes the matching fund requirement for participants in integrated services projects (also known as “Children Come First” projects), for care for children with severe disabilities and their families, to 20% of the proposed total program budget, rather than 20% of the proposed funding for the participant.

2. The act eliminates a requirement that DHFS and DPI prepare a plan about school-community alcohol and drug abuse prevention, intervention, treatment and rehabilitation services and biennially submit a report to the legislature on plan implementation.

Act 268 (AB-741) authorizes certain county community programs boards and certain directors of county departments of community programs, together with a private or public organization or affiliation, to organize, establish and participate in the governance and financing of an entity to operate a mental health-related service.

Act 275 (AB-660) prohibits DHFS from placing a person found to be a sexually violent person on supervised release in any county where there is a facility in which sexually violent persons are detained, evaluated or committed for treatment unless that county is the person’s county of residence.

PUBLIC ASSISTANCE

Act 27 (AB-100) makes various changes to the public assistance laws. The act:

Health and Social Services – continued

1. Prohibits discrimination against religious organizations for the purpose of awarding contracts or grants for the provision of services to beneficiaries of certain programs administered by DWD or DHFS.
2. Increases the grant amounts for community service jobs and transitional placements, and for custodial parents of infants less than 12 weeks old, under the Wisconsin Works (W-2) program. W-2 is this state's welfare replacement program, under which work is emphasized and jobs are subsidized instead of cash benefits being paid.
3. Creates a demonstration project under which persons placed in certain community service jobs receive wages paid by employers instead of grants paid by DWD or W-2 agencies (public or private agencies that administer W-2).
4. Imposes a work requirement on the second parent of a two-parent family if the family receives federally funded child care assistance unless the second parent is disabled or is caring for a severely disabled child.
5. Modifies the 60-month time limit for receipt of W-2 benefits by:
 - a. Calculating the number of months that a person participates in W-2 or certain other public assistance programs, for purposes of determining whether the 60-month limit has been reached, in part by attributing to that person all months during which the person was an adult member of a W-2 group, which is a household in which at least one member is a W-2 participant.
 - b. Specifying that a W-2 agency must disregard, to the extent permitted by federal law, time during which a beneficiary was living on an Indian reservation or in an Alaskan Native Village or time living in Indian country, as specified under federal law, occupied by a tribe.
 - c. Specifying that participation in the Job Opportunities and Basic Skills Program (a precursor to W-2) counts toward the 60-month limit beginning October 1, 1996, rather than July 1, 1996.
6. Modifies the W-2 dispute resolution process by expanding the types of grievances for which a person may petition for review.
7. Expands child care assistance eligibility to those whose incomes are at or below 200% of the federal poverty line and who were eligible for and receiving child care assistance on September 30, 1997, but who lost it solely because of the discontinuance of the low-income child care provisions, under which persons with incomes below 75% of the state median income received subsidies for child care costs.
8. Expands child care assistance eligibility for minor parents, foster parents and persons engaged in certain job search, education and training and work activities.
9. Eliminates the Aid to 18-year-old Students Program, under which 18-year-olds who lost eligibility for Aid to Families with Dependent Children (AFDC) because of their age received a benefit equal to their most recent AFDC benefit.
10. Denies eligibility for food stamps and W-2 to fugitive felons and to persons convicted of drug-related offenses or who fail to cooperate with child support collection efforts.
11. Establishes new or increased penalties for certain food stamp offenses.

12. Requires DWD to develop and implement a simplified food stamp program for food stamp recipients who are W-2 participants.

Act 41 (SB-362) removes a requirement that 18 and 19 year olds who need W-2 child care assistance in order to obtain a high school diploma or its equivalent reside with at least one of their parents or a guardian. The act maintains that requirement for persons who are under the age of 18.

Act 236 (April 1998 Special Session AB-6) provides food stamp benefits for legal immigrants and permits W-2 agencies to establish a nutrition outreach program with local food pantries, food banks and other interested parties to increase food supplies.

Act 237 (AB-768) makes changes to the public assistance laws. The act:

1. Provides that DWD may require an individual who has applied for Supplemental Security Income (SSI) to authorize the federal Social Security Administration to reimburse DWD for benefits paid to the individual while the individual was a participant in a W-2 employment position.

2. Specifies that DWD may request from any person information it deems appropriate and necessary for the administration of the W-2 program.

Act 318 (SB-425) requires W-2 agencies to provide or contract with another person to provide credit repair and credit assistance services. The act requires DWD to allocate up to \$3 million annually for the provision of those services.

OTHER HEALTH AND SOCIAL SERVICES

Act 13 (SB-153) changes the term “assisted living facility” to “residential care apartment complex” and defines the term “stove” for purposes of regulating facilities as residential care apartment complexes.

Act 27 (AB-100) changes various laws related to other health and social services. The act:

1. Modifies requirements for prior review and approval by DHFS of capital expenditures by nursing homes to require review and approval for the construction of a new nursing home or capital expenditures other than for renovation or replacement that exceed \$1,000,000 or that exceed \$600,000 for clinical equipment. (Preexisting law subjected to DHFS review and approval nursing home expenditures that totally replaced a nursing home, that exceeded \$1,000,000 or that exceeded \$600,000 for clinical equipment.) The act also requires DHFS to use an expedited review process for all reviewable capital expenditures other than for a new nursing home or for clinical equipment; preexisting law required expedited review for nursing home renovations with capital expenditures that did not exceed \$1,500,000.

2. Modifies the definition of “family planning” and “family planning services” for purposes of all social services, public assistance, maternal and child health and public instruction programs, but not for purposes of child abuse and neglect reporting. The modified definitions restrict family planning services from performing, promoting, encouraging or counseling in favor of abortion or about abortion referral, directly or indirectly, but permits nondirective information to be provided concerning prenatal care and delivery; infant care, foster care or adoption; and pregnancy termination.

3. Authorizes DHFS to establish in certain geographic areas a pilot program, funded by moneys unexpended from the Community Options Program for the previous year, under which DHFS may contract with a public or private entity to serve as a clearinghouse of information for persons who are interested in home or community-based long-term support services or institutional long-term care. In counties in which the pilot program is established, the contracted entity must perform assessments required under the Community Options Program, and nursing homes and community-based residential facilities that are located in the pilot project area may not admit a patient or resident unless that person has received such an assessment.

4. Eliminates restrictions that, for a person who receives Community Options Program services that are funded solely by general purpose revenues, limit reimbursement to the average monthly cost of nursing home care, as determined by DHFS.

5. Eliminates a restriction on county use, for care in community-based residential facilities, of more than 25% of the funds of the Community Integration Programs, under which home or community-based care is provided to developmentally disabled persons who are relocated from institutions or meet certain standards for care, and the Community Options Program. Instead, the act authorizes a county to expend these funds for the following care that is alternative to that in one's home or under more restrictive conditions if approved by DHFS:

a. Placement in an independent apartment community-based residential facility, residential care apartment complex (except Community Options Program funds that are wholly general purpose revenue) or adult family home.

b. Placement in a community-based residential facility if a county determines that specified conditions are met, unless DHFS determines that there is a pattern of inappropriate use of the funds for alternate care.

c. Placement of an individual with Alzheimer's disease or related dementia in a community-based residential facility with a dementia care program.

6. Requires distribution of general purpose revenues to ARC Community Services, Inc., for a program to provide substance abuse day treatment services for pregnant and postpartum women and their infants.

7. Requires DHFS, in consultation with DWD, to develop a plan specifying activities that the state will conduct to reduce out-of-wedlock births.

8. Creates a supplemental payment for dependent children of recipients of SSI or of state supplemental payments.

9. Modifies funding provided for financial assistance to counties for human services (community aids).

10. Provides funding for grants for local domestic violence programs and for programs that provide services to children from violent homes.

11. Directs DHFS, in conjunction with DOR, to develop legislation by January 1, 1998, that would create a tax credit for individuals who provide care for persons over the age of 65.

12. Requires DHFS to request federal approval to conduct a pilot project under which income and asset limits for recipients of SSI or social security disability income (SSDI) are waived in order to permit the recipients to work without losing SSI, SSDI, MA or Medicare benefits.

13. Increases the caretaker supplement for the children of custodial parents who receive SSI or the state supplement to SSI to \$100 and prohibits use of general purpose revenue funds for this purpose unless DHFS demonstrates that the federal government will permit the use of those funds to count towards the federally required state's contribution toward SSI payments (commonly referred to as the state's maintenance-of-effort requirement) and will not count the payment against the recipient.

14. Allows DHFS to contract with or award grants to religious organizations on the same basis as any other nongovernmental provider as long the programs under which the contracts or awards are made are implemented consistently with the U.S. Constitution and the Wisconsin Constitution.

15. Creates regulations for vendors and food distribution centers that are authorized to accept drafts under the Special Supplemental Food Program for Women, Infants and Children and for recipients under the program. The act also provides penalties for violations of the regulations.

16. Expands the requirements for background checks that must be conducted on employes, contractors and non-client residents of certain health care facilities (see *HIGHLIGHTS, Health and Social Services – Other Health and Social Services*).

Act 93 (SB-365) prohibits most sales or long-term leases of nonprofit or governmental hospitals, including a hospital owned by the UW Hospitals and Clinics Authority, unless the sale or lease is first reviewed and approved under specified procedures and standards by the attorney general, DHFS and OCI. If a hospital is sold or leased without this review and approval, or after the sale or lease is reviewed but disapproved, DHFS must deny an application for or suspend or revoke the hospital's certificate of approval for operation. The act applies to offers to purchase or lease hospitals that were made before the act's effective date but that were not accepted or rejected or have not expired before that date.

Act 210 (AB-709) permits entities other than the state registrar or local registrars (such as the State Historical Society) to issue uncertified photocopies of vital records for events that occurred before October 1, 1907. The uncertified photocopies may not be made available to the public in electronic format and must indicate that they are uncertified.

Act 214 (SB-313) increases from \$5 to \$100 the maximum fee that a municipality may charge for a cigarette retailer's license and expands the list of persons who are prohibited from selling or providing, for nominal or no charge, cigarettes to persons who are under the age of 18. The act also prohibits the distribution of cigarettes for nominal or no charge and the selling of cigarettes from a vending machine in any place where a person younger than 18 is present or permitted to enter unless that person is accompanied by his or her parent or guardian or spouse who is over the age of 18.

Act 221 (AB-743) requires DHFS to provide funding for the Marquette University School of Dentistry to provide dental services in Waushara and Monroe counties. Under former law, DHFS was required to provide funding only for the school to provide dental services in correctional centers in Milwaukee County and in clinics in the city of Milwaukee.

Act 237 (AB-768) requires DHFS, by July 31, 1998, to submit final drafting instructions to the Legislative Reference Bureau for proposed legislation to initiate establishing, on July 1, 2000, a new long-term care system for services to elderly and adult disabled individuals. The system would include establishment of a single consumer entry point for long-term care services for a county or tribal area; a needs-oriented, individualized long-term care benefit that covers a full array of services and support items; simplified and uniform eligibility for a long-term care, publicly funded subsidy based on ability to pay; and a care management organization for service provision. The act also creates a pilot project in DHFS to demonstrate the ability of counties and tribes to manage all long-term care programs under a long-term care management organization.

Insurance

Act 11 (AB-248) raises the statutorily required limits for medical malpractice insurance and specifies what those limits are for both occurrence coverage, which is coverage for acts that occur while the coverage is in effect, and claims-made coverage, which is coverage for claims that are made while the coverage is in effect.

Act 27 (AB-100) makes a number of changes in the insurance laws. The act:

1. Transfers responsibility from OCI to DHFS for administration of the state Health Insurance Risk-Sharing Plan (HIRSP), which provides health insurance coverage for persons who are covered under medicare because of disability, persons who have tested positive for human immunodeficiency virus (HIV) (the virus that causes acquired immunodeficiency syndrome (AIDS)) and persons who have been refused coverage or offered coverage at very high premium rates in the private health insurance market. The act sets out a specific formula for the payment of HIRSP costs that is a combination of general purpose revenue, premiums paid by covered persons, insurer assessments and health care provider discounts to charges. The act expands eligibility for coverage under HIRSP to “eligible individuals”, defined generally as persons currently without health care coverage who were previously covered for at least 18 months in the aggregate. The act also requires HIRSP to establish and offer a choice of coverage and to allow all eligible persons to elect among the coverages available under HIRSP once each year (see also *Health and Social Services – Health, Act 237*).

2. Confirms state law to the federal Health Insurance Portability and Accountability Act of 1996, which imposes various requirements for group health insurance plans, including requirements related to portability; preexisting conditions; contract termination and renewability and guaranteed acceptance, as well as requirements related to contract termination and renewability for individual health insurance plans.

3. Abolishes the Office of Health Care Information and transfers from OCI to DHFS the functions of the former Office to analyze and disseminate information from certain health care

providers. The act also transfers from OCI to DHFS the administration of requirements for publication, content of notices and conduct of public hearings on hospital rate increases (see also *Health and Social Services – Health, Act 231*).

4. Eliminates the Small Employer Health Insurance Plan, which was a basic benefits health insurance plan available to employers with two to 25 employes, as well as the Small Employer Insurance Board, which designed, supervised and modified the plan.

5. Requires a health insurance policy, or a self-insured health plan of the state or a county, city, village or school district, that covers any diagnostic or surgical procedure involving a bone, joint, muscle or tissue to cover diagnostic procedures and medically necessary surgical or nonsurgical treatment for the correction of temporomandibular disorders (see also *Act 237*).

6. Requires a health insurance policy, or a self-insured health plan of the state or a county, city, village or school district, to cover hospital or ambulatory surgery center charges, including anesthesia charges, that are incurred when dental care is provided in a hospital or ambulatory surgery center to a covered individual who is under the age of five years, who has a chronic disability or who has a medical condition that requires hospitalization or general anesthesia for dental care (see also *Act 237*).

7. Requires a health insurance policy, or a self-insured health plan of the state or a county, city, village or school district, that covers a mastectomy to cover reconstruction of the affected tissue incident to a mastectomy.

8. Allows a group health insurance policy to apply to its coverage for treatment of alcoholism and other drug abuse problems and nervous and mental disorders any deductible that applies to other coverage under the policy.

9. Eliminates provisions under state law for establishing tax-exempt individual employe medical savings accounts. The provisions under federal law for such accounts now apply for tax state purposes.

Act 51 (AB-11) requires the Commissioner of Insurance to provide information and technical assistance regarding health insurance plans to employes who lose health care coverage under group health insurance plans.

Act 74 (AB-157) prohibits an insurer and, with respect to a self-insured health plan, the state, a county, a city, a village and a school district from asking a health care provider about genetic tests or genetic test results relating to an individual to whom the health care provider has or may have provided health care services.

Act 155 (AB-675) requires a health insurance policy that covers emergency medical services or a self-insured health plan that covers emergency services and that is provided by the state, a county, a city, a village or a school district to cover emergency medical services that are provided in a hospital emergency facility and that are needed to evaluate or stabilize an emergency medical condition. The policy or plan may not require prior authorization for the treatment. The act defines an emergency medical condition as a medical condition that manifests itself by acute symptoms of sufficient severity to lead a prudent layperson to

reasonably conclude that immediate medical attention is needed to avoid serious jeopardy to health or serious impairment to bodily function. Thus, emergency services for a condition that did not actually require emergency treatment must be covered if one could reasonably believe that the condition did require emergency treatment.

Act 177 (AB-918) authorizes a fraternal, which is a corporation with a lodge system that operates for social, intellectual, educational, charitable, benevolent, patriotic or religious purposes for the benefit of its members, to provide insurance benefits to the spouse or dependent child of an employe of the fraternal. The act defines employe, for purposes of providing insurance benefits, to include former employes who are classified as retired under a retirement plan or other written policy of the fraternal.

Act 223 (AB-465) makes a number of changes related to police relief associations, including: changing their purpose to that of providing death benefits to the beneficiaries of association members; allowing an individual who is no longer in the active employment of a police department to continue to receive the benefits of an association if the individual served at least five years in a police department and is currently serving as a liaison between the department and the city in which the department is located; allowing an individual who is currently serving as such a liaison to be elected to the board of trustees of an association; and changing the terms of the members of the board of trustees from annual to what is specified in the bylaws of the association.

Act 227 (AB-773) authorizes and specifies procedures for a mutual insurance company, which is a nonstock corporation that is not permitted to issue stock, to restructure by forming a mutual insurance holding company and converting into a stock insurance company that is wholly owned by the mutual insurance holding company. The act specifies various requirements related to the structure and operation of such a mutual insurance holding company, such as member rights, record-keeping requirements, compensation to directors and officers, subsequent restructuring, conversion into a stock corporation and voluntary and involuntary dissolution. The act also provides procedures for certain variations on the mutual insurance company restructuring process, such as the conversion of a service insurance corporation into a mutual insurance company, followed by the formation of a mutual insurance holding company and conversion into a stock insurance company; and the acquisition of, or merger or consolidation with, one or more insurers as part of a mutual insurance company's restructuring.

Act 231 (SB-315) prescribes various rules related to disclosure by an insurer of personal medical information that the insurer possesses about an individual. The act specifies requirements for forms used in insurance transactions (such as determining eligibility for coverage, benefits or payments) to authorize disclosure of personal medical information to an insurer. The act specifies what an insurer must do if an individual requests access to his or her own personal medical information that is in the insurer's possession, or if an individual attempts to correct, amend or delete recorded personal medical information that is in the insurer's possession. The act specifies the circumstances under which an insurer may disclose to others an individual's personal medical information that is in the insurer's possession. The

act also provides immunity from liability for actions that are in compliance with the disclosure rules, and provides a penalty for knowingly and wilfully obtaining information about an individual from an insurer under false pretenses (see also *Health and Social Services – Health*).

Act 237 (AB-768) makes a number of changes in the laws related to insurance. The act:

1. Establishes various requirements for managed care plans related to such issues as sufficiency and accessibility of providers, selection of a primary provider, coverage of emergency care without prior authorization, coverage of second opinions, continuity of care through coverage of the services of a provider outside the network under certain circumstances, selection and evaluation of providers and not penalizing or terminating the contract of a provider for making certain disclosures to an enrollee. A managed care plan is a health care plan under which enrollees in the plan receive health care services from health care providers who have contracted with the plan to provide services to the plan's enrollees.

2. Provides that an insurance policy that covers diagnostic procedures and medically necessary surgical or nonsurgical treatment for the correction of temporomandibular disorders may not provide more than \$1,250 of coverage annually for the diagnostic procedures or medically necessary nonsurgical treatment and may require prior authorization for any of the medically necessary surgical or nonsurgical treatment. The act also excludes policies that cover only dental care and medicare supplement policies from the requirement to cover the diagnostic procedures and medically necessary surgical or nonsurgical treatment for the correction of temporomandibular disorders.

3. Requires insurance policies that cover only certain prescription drugs or devices to incorporate a process through which a physician may present medical evidence to obtain coverage for a patient of a prescription drug or device not normally covered under the policy.

4. Requires an insurance policy that limits coverage of experimental treatment to provide certain disclosures regarding those limits. The act requires such a policy to issue a coverage decision within five days after receiving a request for prior authorization for an experimental procedure and, if coverage is denied, to issue a denial letter that specifies the reason for the denial and that provides notice of the appeal procedure.

5. Excludes insurance policies that cover only dental care from the requirement to cover, for certain insureds, hospital or ambulatory surgery center charges incurred, and anesthetics provided, in conjunction with dental care that is provided in a hospital or ambulatory surgery center.

Local Law

Act 27 (AB-100) makes various changes in the area of local law. The act:

1. Authorizes a city, village, town or county (political subdivision) to pay for the eligible costs of remediating environmental pollution on land owned by the political subdivision by using environmental remediation tax incremental financing, under which the costs incurred by the political subdivision are recouped from property tax increases generated by the land.

2. Authorizes one or more cities, villages, towns or counties in the Wisconsin Dells area to create a premier resort area that may impose a tax at the rate of 0.5% on the sale, lease or

rental of certain goods by tourism-related retailers. The proceeds from the tax may be used only for infrastructure expenses within the jurisdiction of the premier resort area (see also *Taxation*).

3. Extends to the city of Oshkosh a tax incremental financing provision that allows the sharing of tax increments between certain tax incremental districts within Oshkosh for the cleanup of environmental pollution. Under preexisting law, the provision applied only in the city of Kenosha.

4. Authorizes a town to operate with a five-member town plan commission instead of a seven-member commission if the town has a population of less than 2,500 and the town board has been granted authority to exercise village powers.

5. Allows a person up to four months to pay an assessment for costs made by a drainage district.

6. Eliminates highways, other transportation facilities and traffic control devices from the list of public facilities for which public costs may be recovered by counties by imposing an impact fee on developers, and prohibits counties from imposing an impact fee to recover costs related to transportation projects.

7. Transfers plat review and municipal boundary review from the Department of Commerce to DOA.

8. Decreases from \$10 to \$4 the amount of the fee for filing and recording the first page of a document with a register of deeds, effective on September 1, 2003, but provides that a county may collect a fee of \$8 for this purpose if it uses the additional \$4 to maintain a land information office (see also *State Government - Other State Government*).

9. Allows a waiver of payment and performance bonding requirements for public works projects, if the projects meet written standards established by the public board or body authorized to enter into the contracts (see also *State Government - State Finance*).

10. Modifies the performance and payment assurance provisions for public contracts to impose different requirements depending on the contract amounts. Under the act, contracts between \$10,000 and \$50,000 must meet written standards established by the local unit of government regarding payment or performance assurances and, subject to certain exceptions, must allow the unit of government to make payment directly to the subcontractor or jointly to the subcontractor and contractor. For contracts between \$50,000 and \$100,000, the contract must have a bond, irrevocable letter of credit or escrow account to provide payment and performance assurance and, subject to certain exceptions, must allow the unit of government to make payments directly to the subcontractor or jointly to the subcontractor and contractor. For contracts above \$100,000, a payment and performance bond is required (see also *State Government - State Finance*).

Act 53 (AB-187) specifically authorizes a city, village, town or metropolitan sewerage district to impose service charges for a storm and surface water sewerage system. The act also provides that provisions under preexisting law for the imposition of sewerage service charges for storm and surface water sewerage systems apply to sanitary sewerage systems, and that

provisions under preexisting law for the imposition of sewerage system service charges for sanitary sewerage systems apply to storm and surface water sewerage systems.

Act 56 (AB-305) authorizes a first class city (presently only Milwaukee) to operate a city parking lot.

Act 123 (AB-12) specifically provides that public notice of a meeting of a local governmental body may include a period of public comment, during which the body may receive information relating to any subject from members of the public (see also *State Government - Other State Government*).

Act 156 (AB-44) authorizes a city, village, town or metropolitan sewerage district (municipality) to recoup from a developer costs that the municipality incurs from the extension of a sewer line or water main into a new subdivision or commercial development and requires a person whose property is outside of the development for which a developer is paying or has paid and who connects to such an extension to pay the developer an amount established, by rule, by the PSC. The act also modifies the authority of towns and town sanitary districts to levy special assessments for water and sewage systems on certain farmland.

Act 211 (AB-156) requires a county treasurer to appoint one deputy to aid the treasurer in the discharge of his or her duties. Such a deputy may be removed only for just cause. Formerly, a county treasurer had the option of appointing one or more deputies.

Act 237 (AB-768) makes various changes in the area of local government. The act:

1. Authorizes a town sanitary district, in conjunction with a city or village to which it annexed or into which it is incorporated in part, to divide the assets and liabilities of the district by entering into an intergovernmental cooperation agreement.

2. Applies the "just cause" standard for disciplinary procedures to city of Milwaukee law enforcement officers. The "just cause" standard requires the board of fire and police commissioners to determine whether a number of statutorily specified conditions exist before an officer may be disciplined.

3. Makes minor changes in the statutes governing tax incremental districts created by the cities of Oconomowoc and Oshkosh.

Act 246 (SB-40) specifies that the alderperson member of a city plan commission shall be elected by a majority vote of the common council. Formerly, a two-thirds vote was required.

Act 257 (AB-40) specifies that if a village trustee or city alderperson is temporarily incapacitated because of physical or mental disability, the village board or common council may appoint a person to discharge the individual's duties until the disability is removed. The act also specifies that, if any village or city officer, other than a village trustee or city alderperson, is absent or temporarily incapacitated from any cause, the village board or common council may appoint some person to discharge the officer's duties until the disability is removed. Formerly, this provision applied only to village trustees and city alderpersons.

Act 287 (AB-453) authorizes a city mayor or manager, village president or town chairperson to decide whether to annually publish a notice that every person is required to

destroy noxious weeds on lands in the city, village or town which the person owns, occupies or controls.

Act 303 (AB-158) increases to a flat fee of \$50 the fee charged by a register of deeds for recording a cemetery plat, a subdivision plat or a condominium plat. Formerly, the fee charged for subdivision or condominium plats containing one to 50 lots was \$25, and 10¢ for each additional lot, and the fee charged for cemetery plats containing approximately one to 200 lots was \$25, and \$5 for each additional 200 lots or fraction thereof.

Act 304 (AB-510) requires a copy of a petition and order for hearing for guardianship to be certified in order to be filed in the office of the register of deeds. The act requires a document to be legible and clear enough for reproduction by a copy machine or microfilm camera in order to be recorded with a register of deeds. Formerly, only the names of the grantor and grantee, the return address and the legal descriptions had to be legible and clear enough for reproduction. The act also eliminates a prohibition against a register of deeds from charging a fee to a county or local historical society to record its articles of incorporation.

Act 318 (SB-425) provides that any unused funds of the Milwaukee Public Schools (MPS) system that are held in trust for certain pension plans, other than the state public employe trust fund, may be invested in accordance with the "prudent person rule." The statutory "prudent person" rule requires an investment manager to exercise the judgment and care that persons of discretion and intelligence exercise in managing their own affairs. Also, the investment authority over such funds may be delegated by MPS to an investment manager who meets certain standards and who is registered as an investment adviser under the federal Investment Advisers Act of 1940.

Act 320 (AB-874) permits a for-profit entity that provides medical care or services and which develops residential facilities for the elderly, the chronically disabled, children with long-term care needs, homeless individuals and victims of domestic abuse to qualify for financing of the facilities through the use of revenue bonds issued by WHEDA.

Natural Resources

NAVIGABLE WATERS AND BOATING

Act 27 (AB-100) makes various changes in the navigable waters and boating laws. The act:

1. Creates a Southeastern Wisconsin Fox River Commission. The commission engages in various activities to assist in improving the water quality and the use of the surface waters and groundwaters that are located in a portion of the Illinois Fox River basin. Most of the members of the commission represent the local governments located in that portion of the river basin.
2. Allows DNR to establish an additional fee for various permits or approvals that affect wetlands or navigable waters that applicants may pay in order to receive the permits or approvals in a shorter time period than the period that is normally applicable.
3. Prohibits county shoreland zoning ordinances from banning the repair, reconstruction or improvement of any structure that is damaged or destroyed by wind, flood,

vandalism or fire if the structure will be repaired, reconstructed or improved to the same size, location or use that it had immediately before it was damaged or destroyed.

4. Prohibits counties and DNR from bringing an enforcement action against the owner of the property upon which a nonconforming structure is located for a violation of a county shoreland zoning ordinance if the structure has been in existence for more than 10 years.

Act 70 (SB-457) confirms Milwaukee County's title to the submerged lands upon which the McKinley Marina is located. The act also exempts Milwaukee County from the prohibition against creating a board of harbor commissioners by authorizing the county to act as a board of harbor commissioners for the McKinley Marina.

Act 174 (AB-755) establishes a five-year project for the Wolf River and Fox River basin area under which DNR may issue a general permit to engage in any activity in a navigable water that would require an individual permit from DNR. DNR must issue the general permit if it determines that the environmental impact of the activity is insignificant and that the issuance of the permit will not cause pollution or injure the rights of the public or riparian property owners. Under current law, DNR issues general permits only for a limited number of activities. These activities include placing certain structures, such as fish cribs or bird nesting platforms, placing gravel and riprap and enlarging certain artificial waterways. Once a general permit is issued under this five-year project, a person notifies DNR in writing that the person wishes to proceed to conduct an activity covered by the general permit. DNR may prohibit the person from proceeding with the activity if the activity would cause an adverse environmental impact, cause pollution or injure public rights and interests.

Act 198 (SB-285) makes various changes in the laws governing boat registration and titling and boating safety. The act:

1. Expands the areas where a person may not operate a personal watercraft in excess of slow-no-wake speed to include areas within 200 feet of a lake shoreline.
2. Imposes an absolute-sobriety requirement on a person under 19 years old who is operating a motorboat and increases the penalties for persons who have three or more previous convictions within five years under the intoxicated boating law.
3. Specifically authorizes courts to revoke a person's boating safety certificate for violating certain boating laws, including the intoxicated boating law.
4. Increases the time period during which a boat that is owned by a resident of another state is exempt from state registration from 15 to 60 days.
5. Authorizes DNR to set the fee for the boating safety course by rule. Formerly, the fee was set by statute at \$2.

Act 237 (AB-768) allows a town sanitary district to identify the ordinary high-water mark of a lake that lies totally within the district. The high-water mark is used to determine riparian rights and the scope of shoreland zoning ordinances.

Act 330 (SB-34) requires establishments that provide berths or moorings to five or more boats to provide onshore disposal facilities for boat toilet wastes.

Act 1 (AB-61) makes various changes to the fish and game laws. The act:

1. Raises the fees for most fish and game licenses.
2. Prohibits making payments from the conservation fund to persons holding commercial fishing licenses in exchange for the retirement of those licenses.
3. Allows DNR to issue second bonus deer hunting permits to certain resident farmers who have already been issued and paid for their first bonus deer hunting permits.
4. Establishes a reduced fee for annual fishing licenses issued to resident disabled veterans and requires the issuance of such licenses to person who are residents of the Wisconsin Veterans Home at King (see also *Act 322*).
5. Changes the bear hunting approval system by renaming the two bear hunting approvals, one of which authorizes the pursuit and killing of bear and the other of which authorizes only the pursuit of bear. Under the act, both approvals allow the baiting of bear and the use of dogs to hunt bear.
6. Requires DNR to use a cumulative preference system for issuing approvals that authorize the killing of bear instead of a continuous preference system. Under a preference system, an applicant for a fish or game approval receives a preference point for each time that he or she applies but does not receive an approval because DNR has restricted the number of approvals to be issued. Under the cumulative system, applicants do not lose their preference points unless they do not submit an application for three consecutive years. Under the continuous system, applicants lose their preference points if they fail to apply each year.
7. Exempts a child under the age of 12 who is engaged in bear hunting activities from having a license authorizing the pursuit of bear. (Such a child is not eligible for a license authorizing the killing of bear.)
8. Eliminates the privilege under the conservation patron license to pursue bear.
9. Requires a dog owner to keep on his or her person the dog's licensing and rabies vaccination tags while using or training the dog to hunt bear.

Act 12 (AB-79) authorizes DNR to allow a person to use the certificate he or she receives for completing the hunter education and firearm safety program to kill one antlerless deer during the deer season following the issuance of the certificate.

Act 27 (AB-100) makes various changes in the laws related to wild animals and plants. The act:

1. Allows, instead of requires as under prior law, county clerks to issue fish and game licenses and provides funding to implement an automated licensing system under which clerks and other agents would be able to immediately print licenses and issue all types of licenses.
2. Allows the Lac du Flambeau band of the Lake Superior Chippewa, in exchange for limiting its treaty-based right to fish outside its reservation, to issue certain fishing approvals, to register snowmobiles and all-terrain vehicles and to retain fees paid for these licenses and registrations.

3. Eliminates the DNR private fish hatchery license issued to fish farm operations and, with limited exceptions, exempts fish kept on a fish farm for propagation or rearing from the statutes administered by DNR that regulate wild fish. The act requires persons who are bringing into the state nonnative species of fish for stocking, using as bait or rearing in fish farms to have a DNR permit but prohibits DNR from requiring any inspection or testing for issuing the permit in addition to that required by DATCP. The act prohibits the use of a natural body of water as a fish farm unless the body of water is surrounded by land owned by the fish farm, the body of water was a licensed fish hatchery under prior law or the the body of water is a self-contained body of water that cannot sustain a natural fish population at least two years out of every five due to freezing conditions or a lack of oxygen in the water. The act allows a person to register a natural, self-contained navigable body of water as a private fishing preserve if the registrant owns or leases all of the land surrounding the body of water. No fishing license or stamp is required and no fee may be charged for fishing in such a preserve (see also *Agriculture* and *Act 237*).

4. Makes various changes to the wildlife damage claim and abatement program, including the following:

a. Increases the maximum amount payable to a landowner for wildlife damage that has occurred on the owner's land.

b. Increases the amount payable by DNR for an approved abatement measure under the program from 50% to 75%.

c. Adds damage caused by wild turkey to the types of wildlife damage that are eligible under the program.

5. Requires DNR to use a cumulative preference system for wild turkey, deer hunters choice, bobcat hunting and trapping, otter trapping, fisher trapping, Canada goose hunting, sharp-tailed grouse hunting and sturgeon permits instead of a continuous preference system. Under the cumulative system, applicants do not lose their preference points unless they do not submit an application for three consecutive years. Under the continuous system, applicants lose their preference points if they fail to apply each year.

Act 151 (SB-394) specifically defines the types of schools that are covered by the provision under current law that prohibits hunting within 1700 feet of schools. The schools covered are public and private elementary and secondary schools and technical colleges.

Act 168 (AB-299) allows a hunter who is issued a disabled hunting permit because he or she is visually handicapped to hunt with a crossbow whenever the hunter is allowed to hunt with a bow and arrow.

Act 170 (AB-646) specifically prohibits a local unit of government (city, village, town, county or special purpose district) from enacting a local ordinance that regulates hunting, fishing, trapping or the management of wild animals unless the ordinance is authorized under the statewide fish and game laws, unless the purpose of the ordinance is to restrict access for hunting, fishing or trapping on lands the local unit of government owns or leases, or unless the ordinance has only an incidental effect on hunting, fishing or trapping and its primary purpose is to further public health or safety.

Act 189 (SB-181) requires that DNR, instead of the Lake Michigan and Lake Superior commercial fishing boards as under prior law, establish formulas to be used for allotting to individual commercial fishers annual catch quotas for certain species.

Act 195 (AB-737) allows DNR to exempt participants in an event or program that provides education in, or increases the appreciation of, trapping from having to pay applicable trapping license fees. Under prior law, DNR was permitted to exercise this authority only for these types of events or programs that involved hunting or fishing.

Act 196 (SB-235) subjects a person who has his or her privilege to hunt, fish or trap suspended, and who is cited or arrested for failing to have the required license or other approval to engage in the suspended activity, to a separate monetary penalty in addition to any other penalty imposed for failing to have the required license or other approval.

Act 197 (SB-263) divides the Hunter Education Safety Program into two programs: the Hunter Education Program, under which safety principles in handling firearms and in bow hunting are taught, and the Bow Hunter Education Program, under which instruction in only bow hunting is provided. Prior law did not offer the option of taking instruction in only bow hunting.

Act 237 (AB-768) makes various changes to the laws relating to wild animals and plants. The act:

1. Changes the hunter access provisions of the wildlife damage claims and abatement program by requiring hunters to notify the landlords prior to entering their land, requiring express permission from landlords to bring motor vehicles or to use hunting stands on their land and specifying grounds upon which landowners may refuse hunting access. These grounds include a situation where there are already at least two persons per 40 acres hunting on the land and a situation where a hunter is causing property damage.

2. Expands the types of wild animals that may be hunted in state parks to include small game if authorized by DNR rule. Under prior law, only deer and wild turkey were permitted to be hunted.

3. Makes changes to the laws regulating fish farms and private fishing preserves by prohibiting the use of any body of water in a fish farm unless it is equipped with barriers that prevent the passage of fish between the body of water and other natural waters and by limiting the permits issued for private fishing preserves to those operations that were licensed as private fish hatcheries.

Act 248 (AB-864) reorganizes the fish and game statutes into 13 subchapters and makes minor substantive changes that appear to be consistent with legislative intent or DNR policies.

Act 249 (AB-736) makes minor substantive changes to the fish and game laws. Most of these changes relate to permits and regulations that affect disabled hunters and fishers.

Act 321 (AB-873) allows DNR to distribute for free fish or game seized due to violations of the fish and game laws to persons who offer programs that provide food to low-income persons or the elderly. The act establishes a specific court procedure for DNR to recover from the person from whom the fish or game was seized any costs incurred by DNR in processing the fish or game before distributing it.

Act 322 (SB-352) further reduces the fee established by Act 1 for annual fishing licenses issued to resident disabled veterans, subject to the fee being adequate to allow the state to receive matching federal funding for fish restoration and management projects.

OTHER NATURAL RESOURCES

Act 27 (AB-100) makes various changes in other natural resources laws. The act:

1. Requires that a person operating a snowmobile that is registered in another state purchase a \$10 annual trail use sticker (see also *Act 237*).
2. Increases the payments made in lieu of property taxes by DNR to cities, villages and towns for certain state lands from 80¢ to 88¢ per acre.
3. Creates a program to provide a matching grant to a forest landowner who owns less than 500 acres of nonindustrial private forest land for practices that emphasize the protection of the natural resources on the forest land.
4. Authorizes DNR to appoint agents to collect fees, including issuing fees, for vehicle admissions into state parks, state forests and other state recreational properties and allows the agents to retain the issuing fees for providing the service.

Act 34 (AB-127) requires, with limited exceptions, a person operating a snowmobile to comply with all stop, yield or other regulatory signs on snowmobile routes and trails and other public corridors open to snowmobiles. **Act 86 (SB-335)** requires DNR to study the feasibility of paving state bicycle trails.

Act 86 (SB-335) requires DNR to study the feasibility of paving state bicycle trails.

Act 167 (AB-132) allows reflectorized devices, in addition to reflectorized ribbon or tape, to be attached to rope or cords that are required to barricade ice holes that are created by aeration.

Act 194 (AB-770) increases by two members the Kickapoo Reserve Management Board, which manages the Kickapoo Valley Reserve, and provides that the board may assume interim management of the Kickapoo Valley Reserve before the land is actually acquired by the state from the federal government. The act provides specific penalties for intentionally damaging or attempting to damage an archaeological feature on land in the Kickapoo Valley Reserve. The act also provides that any physical act that destroys, molests, defaces or removes a natural resource or archaeological feature, regardless of where located in the state, is not prohibited unless the act is unreasonable.

Act 237 (AB-768) increases the fee for an annual trail use sticker for a snowmobile registered in another state from \$10 to \$13.

Act 267 (AB-436) exempts an operator of a snowmobile from the statutory speed limit of 10 miles per hour that applies when operating a snowmobile within 100 feet of a person not on a snowmobile if the snowmobile is on a privately owned raceway facility or if it is in a race or derby where the race or derby route is marked to warn spectators from entering the route.

Act 313 (AB-858) authorizes friends groups to receive grants from DNR to match the funds that they raise for any DNR properties in addition to state parks and forests, for which matching funds were authorized under preexisting law. The act also increases the total

amount that may be awarded annually for these grants and the total amount that may be awarded annually for a particular DNR property.

Occupational Regulation

Act 27 (AB-100) makes various changes to the regulation of professions and occupations by DORL. The act:

1. Allows DORL and boards in DORL to collect interest on the costs of disciplinary proceedings that are assessed against credential holders.
2. Allows DORL to investigate the eligibility of applicants for credentials issued by DORL or boards in DORL and to charge applicants for the cost of such investigations.
3. Allows DORL to allow applicants for initial issuance and renewal of credentials to submit applications by electronic transmission and to make the registry of credential holders available to the public by electronic transmission.
4. Eliminates the specified number of continuing education hours that are required for renewal of a real estate broker or salesperson license and requires instead that DORL establish such requirements by rule.
5. Allows a practitioner who is authorized to prescribe drugs to electronically transmit prescription orders to a pharmacist upon the approval of a patient. The act also prohibits pharmacists and other persons from compensating a practitioner for receiving electronically transmitted prescription orders.

Act 49 (SB-324) allows a licensed audiologist to sell or fit hearing aids without having to first obtain a hearing instrument specialist license. The act also requires a person to complete continuing education in order to renew a hearing instrument specialist, audiologist or speech-language pathologist license.

Act 62 (SB-331) allows persons who are licensed as practical or professional nurses to act under the direction of licensed optometrists in addition to under the direction of other health care professionals specified under preexisting law.

Act 67 (SB-156) makes a number of changes to the regulation of physician assistants (see *HIGHLIGHTS*).

Act 68 (SB-361) allows pharmacists to administer vaccines and prescribed drug products and devices and requires pharmacists to complete continuing education requirements (see *HIGHLIGHTS*).

Act 75 (SB-322) repeals the expiration date under former law that applied to the certification and regulation of dietitians by the Dietitians Affiliated Credentialing Board.

Act 81 (AB-334) establishes regulation of home inspectors by DORL, requires home inspectors to register with DORL, establishes registration requirements for home inspectors and gives DORL the authority to reprimand a home inspector or limit, suspend or revoke his or her certificate of registration. The act also requires that any lawsuit to recover damages for an act or omission of a home inspector relating to a home inspection be brought within two years after the home inspection is completed.

Act 96 (AB-273) allows a dental hygienist who complies with certain requirements to administer oral systemic premedications, subgingival release chemotherapeutic agents and local anesthesia in accordance with a treatment plan approved by a dentist who remains on the premises during the administration. The act also increases, until December 31, 2002, the number of dentist members on the Dentistry Examining Board from five to six and the number of dental hygienist members from one to three.

Act 97 (AB-696) allows a dentist to send a patient or certain information about a patient to a dental laboratory for purposes of shade verification without the written work authorization that was required under former law.

Act 139 (AB-547) allows DORL or a board in DORL to close a disciplinary investigation of a credential holder by issuing an administrative warning, rather than taking disciplinary action against the credential holder, if DORL or the board finds evidence of first-time, minor professional misconduct by the credential holder.

Act 156 (SB-262) prohibits, with certain exceptions, a person who has not been issued a license of registration by DORL from using a title that represents that he or she is a massage therapist or bodyworker. However, the act does not prohibit an unlicensed person from practicing massage therapy or bodywork. To qualify for a license, a person must satisfy certain requirements, including education, training and competency requirements established by DORL by rule and the person must have in effect a specified amount of malpractice liability insurance. The act also prohibits a city, village, town or county from regulating the practice of massage therapy or bodywork by a person who has been issued a license.

Act 175 (SB-258) creates a Podiatrists Affiliated Credentialing Board in DORL that is attached to the Medical Examining Board and transfers to that board all authority that the Medical Examining Board had under former law relating to licensing and regulating podiatrists.

Act 225 (SB-467) eliminates specific experience and continuing education requirements for the issuance or renewal of an appraiser certificate or license and requires instead that DORL establish such requirements by rule.

Act 261 (SB-337) requires DORL to administer the exemption from psychologist licensure for music, art and dance therapists, which was administered by the Psychology Examining Board under former law. The act also repeals the October 1, 1999, expiration date that applied to the exemption under former law.

Act 300 (SB-420) establishes requirements and procedures for the licensure of professional geologists, hydrologists and soil scientists by the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, which is created by the act. The act also transfers to the created board the authority to regulate professional geologists that was exercised by the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors under former law. In addition, the act prohibits a person from practicing professional geology, hydrology or soil science, or using a related title,

without being licensed by the created board and allows that board to take disciplinary action against licensees.

Act 311 (AB-549) makes several changes regarding disciplinary actions against physicians (see *HIGHLIGHTS*).

Public Utilities

Act 27 (AB-100) makes various changes to the regulation of public utilities, including the following:

1. Allows the PSC to order a railroad, public utility or telecommunications provider to permit a cable television operator to extend its lines over the railroad's, utility's or provider's right-of-way.

2. Allows the PSC to order a party to an investigation or hearing to pay the cost of producing a transcript, audiotape or videotape related to the investigation or hearing.

3. Exempts a person who is not a public utility or cooperative association from the requirement to file an advance plan or application for a certificate for public convenience and necessity for the construction or operation of electric generating equipment, at least 70% of the output of which is consumed by the person at the site where the equipment is located (see also *Act 204*).

4. Allows telecommunications carriers, telecommunications utilities and alternative telecommunications utilities to follow the same procedures that apply to public service corporations and cooperative associations with respect to obtaining permission for temporary obstructions or excavations in town, village, or city highways.

5. Requires the PSC to promulgate rules regarding the educational telecommunications access program administered by the Technology for Educational Achievement in Wisconsin (TEACH) Board (see *HIGHLIGHTS*).

Act 90 (AB-474) allows the PSC to approve a tariff filed by a gas utility that permits the gas utility to enter into compensatory contracts with individual customers after June 30, 1998, if the PSC makes certain determinations. Under former law, the PSC's authority to approve such a tariff applied only to contracts entered into before that date.

Act 91 (AB-483) allows DOT, under certain circumstances, to contract with a public utility or rural electric cooperative association to jointly acquire, develop and maintain rights-of-way to be used by DOT and the utility or association, except that each party to the contract may exercise only those powers that it would be permitted to exercise if acting alone (see also *Transportation - Other Transportation*).

Act 184 (AB-919) authorizes local governmental units to contract with other local governmental units or federally recognized Indian tribes or bands in this state to establish a separate governmental entity, to be known as a joint local water authority, to jointly produce, treat, store, distribute, buy and sell water, in whole or in part for the benefit of the contracting parties. The act grants joint local water authorities certain powers, including condemnation powers and the power to issue bonds. Under the act, a joint local water authority is prohibited

from issuing bonds for the construction of a project unless the PSC has certified that the project is required by public convenience and necessity.

Act 204 (AB-940) makes a number of changes to the regulation of electric generation and transmission (see *HIGHLIGHTS*).

Act 218 (SB-351) establishes requirements and procedures for the PSC to enforce and interpret “interconnection agreements”, which are agreements that certain telecommunications utilities are required under federal law to enter into with other telecommunications providers and under which the other providers are allowed to connect their telecommunications networks to the utilities’ networks. The act’s requirements and procedures do not apply to interconnection agreements between telecommunications utilities and persons that are authorized under federal law to provide certain types of mobile telecommunications service. The act also establishes forfeitures (civil monetary penalties) that may be assessed against parties who fail to comply with interconnection agreements. In addition, the act requires telecommunications providers that offer local exchange service to provide certain protections to users of such services that, under former law, only telecommunications utilities were required to provide.

Act 229 (SB-147) requires the PSC to promulgate rules establishing standards for the provision of water or sewer service to the occupants of mobile home parks. The act also allows the PSC to enforce the standards and creates a private cause of action for damages that result from violations of the standards (see also *Business and Consumer Law – Other Business and Consumer Law*).

Real Estate

Act 44 (AB-243) provides that an advance of funds that is secured by a recorded mortgage and that was made after the mortgage was recorded has the same lien priority as the mortgage if the advance was made under an agreement to make the advance that was entered into before the mortgagee had actual knowledge of any intervening lien; if the advance was made for the reasonable protection of the mortgagee’s interest; or if the mortgage is a construction mortgage and the advance was made to enable completion of construction.

Act 99 (AB-253) provides that a certified survey map, which is a map of a land parcel that is prepared by a land surveyor on the basis of a survey of the land parcel, may be used to divide land included in an assessor’s plat. An assessor’s plat is a map that is made at the direction of the governing body of a municipality for the purpose, usually, of determining the proper boundaries of parcels of land for accurate tax assessment purposes.

Act 172 (SB-459) provides that, unlike other highways, streets, alleys or rights-of-way, a highway, street, alley or right-of-way that provides public access to a navigable lake or stream does not cease to be a public way after four years if not opened, traveled or worked in that time and is not considered discontinued if no highway funds have been expended on it for five years. The act provides that a public access established in a subdivision that abuts on a navigable lake or stream may not be vacated unless all owners of all land in the part of the subdivision that includes the public access to be vacated and the governing body of the

municipality in which the public way is located join together in applying to the circuit court for vacation. The act also provides for a mechanism under which a municipality that owns a public access established in a subdivision which abuts on a navigable lake or stream may be required to construct shoreline erosion control measures upon the petition of the owners of all land adjacent to the public access.

Act 263 (SB-371) clarifies the role and definition of a real estate broker by requiring, among other things, that any person who promotes the sale, exchange, purchase, option, rental or leasing of real estate in exchange for money is a real estate broker and must be licensed.

Act 332 (AB-659) changes the time for submitting a final plat that substantially conforms to an approved preliminary plat in order for the final plat to be entitled to approval. The act also changes the time within which a final plat must be offered for recording in order for the register of deeds to be required to accept it.

Act 333 (AB-537) makes changes and additions to the recording requirements for condominium instruments.

State Government

JUSTICE

Act 86 (SB-335) requires the attorney general to annually submit to JCF a plan for adjusting the appropriations of DOJ if the amount of federal aid anticipated to be received by DOJ differs by more than 5% from the amount of federal aid estimated in the latest state budget and requires the implementation of that adjustment plan as submitted or, if modified by JCF, as modified.

STATE BUILDING PROGRAM

Act 5 (SB-76) permits the Building Commission to acquire property for green spaces or possible future construction within the 16 city blocks abutting the state capitol building in the city of Madison without specific authorization by the legislature, subject to available funding, if that acquisition is to be used solely to meet the space needs of the State Law Library, the Legislative Reference Bureau Library and the legislative and judicial branch agencies and support staffs.

Act 27 (AB-100) authorizes \$668,189,200 (from all funding sources) in new or expanded state building projects, excluding highway projects, for the 1997-99 authorized state building program. This compares with \$697,272,300 authorized in the previous fiscal biennium. The act authorizes an additional \$60,885,000 in new or expanded state building projects for the 1999-2001 authorized state building program.

Act 27 (AB-100) permits DOA to contract for an energy conservation audit of any state-owned building, structure or facility and, in conjunction with the audit, to contract for construction work to be performed directly by the auditor for the purpose of realizing energy savings identified in the audit. The contract may be made in any amount not exceeding the minimum amount of savings anticipated to be realized under the audit, within the period

specified for realization of those savings under the audit. Under the act, construction projects resulting from an audit are not subject to laws requiring, for contracts of \$30,000 or more, public notice and award to the lowest responsible bidder, nor to laws requiring, for projects costing more than \$250,000, enumeration of the projects by law in the authorized state building program. The act does not affect a preexisting requirement for projects costing more than \$100,000 to be approved by the Building Commission.

STATE FINANCE

Act 27 (AB-100) makes numerous changes relating to state finance. The act:

1. Allows a waiver of payment and performance bonding requirements for state public works projects, if the projects meet written standards established by DOA (see also *Local Law*).
2. Authorizes a total of \$806,020,500 in new general obligation bonding authority, of which \$40,000,000 is authorized for the purpose of refunding existing veterans affairs bonds.
3. Creates a Healthstar funding program for the purpose of providing financial support to attract federal and private funds for the purpose of constructing health science facilities to spur interdisciplinary education and research activities at UW-Madison. The act authorizes a total of \$72,000,000 in general obligation bonding authority for the program, authorized to be incurred in increments through July 1, 2001.
4. Increases the threshold, from \$250,000 to \$500,000, above which a state building project is required to be enumerated in the authorized state building program. The act also exempts certain projects from the enumeration requirement, including certain energy conservation projects and the construction of a harbor of refuge along the Lake Superior shoreline.
5. Attaches the Division of Trust Lands and Investments, which is under the direction and supervision of the Board of Commissioners of Public Lands, to DOA. The act also expands the investment authority of the Board of Commissioners of Public Lands and provides greater direction concerning when the board may exchange public lands held by the board and what expenses may be deducted from the gross proceeds of a sale of public lands.
6. Modifies the procedures for issuing certain short-term debt instruments used to manage fluctuations in state's cashflow. The act modifies the procedures to eliminate the requirement for JCF approval and to instead permit JCF to disapprove a proposed issuance within 14 days of receiving notice of it.
7. Requires that the Building Commission submit its biennial recommendations for the state building program to JCF no later than the first Tuesday in April of each odd-numbered year.
8. Allows a municipality to offer to provide land to the state at no cost as an inducement to locate certain state facilities in the municipality. Preexisting law had prohibited these inducements.
9. Prohibits, for the 1997-99 fiscal biennium, the Investment Board from treating costs relating to the design or installation of computerized information systems as an expense which the board deducts from current income distributed to the funds managed by the board.

10. Authorizes the executive director of the Investment Board to appoint a total of 11 investment directors and to appoint a chief legal counsel, a chief financial officer and a chief risk officer. These appointees are state public officers, who receive enhanced retirement and paid leave benefits and who are required to file annual statements of economic interest with the Ethics Board.

11. Abolishes the Depository Selection Board, which had responsibility for selecting state depositories and allocating interest and bank service costs among state funds. The act transferred many of the duties of the abolished board to the state treasurer.

12. Requires the Legislative Audit Bureau to review certain contracts entered into by the State Fair Park Board for racetrack operation and prohibits the Building Commission from contracting public debt for racetrack improvements until the audit has been completed.

13. Makes numerous changes relating to the recovery of sunken logs on submerged state lands, including:

a. Decreasing the percentage of the value of sunken logs recovered from submerged state lands that is retained by the state from 30% of the appraised market value of the logs to 20% of the stumpage value, as established by DNR rules.

b. Repealing the offset program under which a person who raises sunken logs was permitted to apply to keep all or part of the state share of the value of the raised logs in return for conducting certain projects to increase tourism, employment or economic development.

c. Requiring that the state share of the revenue for submerged logs bearing tribal marks or brands be paid to the appropriate Indian tribe or band.

d. Modifying the application and renewal process for a permit to retrieve sunken logs on submerged state lands, imposing additional duties on permit holders and increasing penalties for violations of these duties.

e. Providing that a specified portion of the state share of revenue from the sunken log program be used by the State Historical Society for grants for maritime-related projects.

Act 61 (AB-744) 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 \$1.74 billion to \$2.125 billion and the authority to refund self-amortizing general obligation debt paid from program revenue or segregated funds from \$180 million to \$275 million. The act also increases, from \$65 million to \$90 million, the Building Commission's bonding authorization for the discount sale of debt, which is used by the commission to pay the difference between the amount of public debt contracted and any lesser amount received upon the sale of the public debt.

Act 237 (AB-768) makes the following changes relating to state finance. The act:

1. Modifies the performance and payment assurance provisions for state contracts to impose different requirements depending on the contract amounts. Under the act, contracts between \$10,000 and \$100,000 must meet written standards established by DOA regarding payment or performance assurances and, subject to certain exceptions, must allow the contracting agency to make payment directly to the subcontractor or jointly to the

State Government - continued

subcontractor and contractor. For contracts between \$100,000 and \$250,000, the contract must have a bond, irrevocable letter of credit or escrow account to provide payment and performance assurance and, subject to certain exceptions, must allow the contracting agency to make payments directly to the subcontractor or jointly to the subcontractor and contractor. For contracts above \$250,000, a payment and performance bond is required (see also *Local Law*).

2. Raises the limit on temporary interfund borrowing by the general fund in any year from \$400,000 to 5% of the total gross general purpose revenue appropriations for that year. (For the 1997-98 fiscal year, DOA estimates that this limit would allow approximately \$487,000,000 in temporary interfund borrowing by the general fund.)

3. Provides \$150,000 funding for expenses related to the 1998 meeting of the National Governors' Association in the city of Milwaukee.

4. Provides a \$100,000 grant from the recycling fund to the Wheelchair Recycling Project.

OTHER STATE GOVERNMENT

Act 3 (SB-68) changes the name of the Department of Industry, Labor and Job Development to the Department of Workforce Development (DWD).

Act 27 (AB-100) makes a number of changes to laws affecting other state government. The act:

1. Abolishes 54 state governmental boards, offices, councils, divisions and bureaus (see *HIGHLIGHTS*).

2. Creates a 16-member Wisconsin Land Council, which is attached to DOA. The council is composed of six cabinet secretaries (or their designees), the state cartographer, and six members appointed by the governor, including four members who represent the interests of various local units of government, one representative of the UW System and one member of the public. The council is required to identify state land use goals and priorities, study state and local land use issues and establish a technical working group to study the development of a computer-based Wisconsin land information system. The act also permits DOA to assess any state agency any amount, and to expend the revenue from the assessments, to support the functions of the council. The council terminates on August 31, 2003.

3. Authorizes the Division of Hearings and Appeals in DOA to contract with other state agencies to provide contested case hearing services to those agencies, unless the agencies are prohibited under preexisting law from contracting for contested case hearing services.

4. Abolishes the Housing Advisory Council in DOA, which advised DOA on such aspects of housing as maximizing the receipt of federal funds for housing purposes and maximizing efforts at the local level to improve housing available to persons with low or moderate incomes.

5. Eliminates the Land Information Board, effective on September 1, 2003. The board makes grants to counties for various land information projects (see also *Local Law*).

6. Permits DOA to develop and maintain geographic information systems relating to land in this state for the use of governmental and nongovernmental units.

7. Appropriates general purpose revenue to the governor for the purpose of making grants to local governments or nonprofit organizations for support of a literacy improvement program. The act also directs DOA, after soliciting proposals, to contract with an organization having the capability to provide free books to educational and social service organizations for the purpose of promoting literacy and, in cooperation with the governor, to seek private donations to be utilized for this purpose.

8. Establishes a new legislative service agency, named the "Integrated Legislative Information System Staff", under the unclassified service. The act provides that the agency shall provide and coordinate information technology support and services to the legislative branch. The act provides for the agency to be headed by a director, who is directed to plan for and execute the electronic information programs and services needed within the legislative branch. The act transfers to the new agency preexisting employes of the legislature whose functions related to information technology services (see also *Act 237*).

9. Prohibits any elective state official from holding any other position or being retained in any other capacity with any state agency or authority, except an unsalaried position or unpaid service that is compatible with the official's duties, the emoluments of which are limited to reimbursement for actual and necessary expenses incurred in the performance of those duties. Formerly, an elective state official was permitted to hold another compatible state position or be retained in another capacity with the state except that, under the state constitution, no member of the legislature may, during the term for which he or she is elected, be appointed or elected to any other civil office which was created or the emoluments of which have been increased during the term for which the member is elected, and under former law, a member of the legislature who accepted another state position was permitted to be paid only that part of the salary for the position which exceeded the salary paid to the member as a legislator.

Act 35 (AB-378), Act 36 (AB-380), Act 250 (AB-966), Act 251 (AB-968), Act 252 (AB-967), Act 253 (AB-970) and Act 254 (AB-971) are revisor's correction acts.

Act 73 (SB-399) deletes a requirement for state agencies to file annual reports with the Public Records Board relating to records and forms management. The act also changes the filing date for, and reduces the required frequency of, reports by DOA to the legislature concerning distribution and usage of gasohol and alternative fuels in this state.

Act 94 (SB-140) provides that a person committed to an inpatient mental health treatment facility does not have the same right as other persons have to inspect and copy public records, except for a record that contains specific references to that person or, in certain cases, to his or her minor children. The act also imposes a 90-day time limit for a committed person to commence a lawsuit to require production of a public record after a request for production has been denied and provides that a committed person is not entitled to the \$100 minimum damage award for prevailing in a lawsuit to require production of a public record.

Act 123 (AB-12) specifically provides that public notice of a meeting of a state governmental body may include a period of public comment, during which the body may receive information relating to any subject from members of the public (see also *Local Law*).

Act 185 (AB-254) authorizes the Joint Committee for Review of Administrative Rules (JCRAR) to extend the effective period of part of an emergency rule, while not extending the effective period of other parts of the rule. An emergency rule may be promulgated without complying with the notice, hearing and publication requirements normally required for rule promulgation if certain conditions occur and remains in effect for 150 days, unless the rule is extended. JCRAR may extend an emergency rule's effective period, but the total period for all extensions may not exceed 120 days. Formerly, JCRAR was only authorized to extend an *entire* emergency rule and not *part* of an emergency rule.

Act 186 (AB-57) deletes a requirement for each principal (person who employs a lobbyist) to report semiannually to the Ethics Board the subject matter and specific issues addressed in each legislative proposal or administrative rule on which the principal has attempted to influence legislative or administrative action, and substitutes a requirement for a principal to report to the board, when the principal registers or within 15 days after making a lobbying communication with respect to any legislative proposal or proposal administrative rule not previously reported, each bill or proposed rule number with respect to which the principal has made or intends to make a lobbying communication. If the bill or proposed rule accounts for 10% or more of its lobbying time during a reporting period, the principal must, on its semiannual report, provide an estimate of the proportion of that time associated with that proposal. With respect to an executive budget bill, the act requires a principal to identify any topic that accounted for 10% or more of its lobbying time during a reporting period, and provide an estimate of lobbying time attributable to that topic. The act also deletes requirements for reporting amounts paid to clerical and certain other employes of a principal who are not lobbyists, time and resources spent on lobbying within each subject area, time spent by clerical and certain other employes of a principal who are not lobbyists and by unpaid volunteers on lobbying and travel and living expenses of unpaid volunteers if the primary purpose of the travel is unrelated to lobbying. Under the act, a principal need only include a daily itemization of time spent on all lobbying activities and identify any employee who is not a lobbyist but whose duties include lobbying. In addition, the act requires a principal to estimate and report the proportion of each employee's compensation and expenses that were attributable to lobbying if at least 85% of the compensation and expenses relate to lobbying.

Act 212 (SB-200) directs DOA to ensure that each state agency includes on all stationery utilized by the agency for outside correspondence at least one telephone number where the agency may be contacted, at least one facsimile transmission number for the agency, if the agency has such a number, and at least one electronic mail address for the agency, if the agency has such an address.

Act 237 (AB-768) renames the Integrated Legislative Information System Staff created by Act 27 to be the "Legislative Technology Services Bureau".

Act 247 (SB-38) changes the membership of the Land Information Board to make the secretary of revenue a voting member instead of an advisory member and to add, as a voting member, a member nominated to the governor by a statewide association whose purposes include support of a network of statewide land information systems. Under the act, the

governor may appoint a nominee of such an association with the advice and consent of the senate.

Act 306 (AB-811) authorizes the use of electronic signatures in this state. An electronic signature is any combination of words, letters, symbols or characters that is attached to or logically associated with an electronic record and used by a person for the purpose of authenticating a document that has been created or transformed into an electronic format. The act provides that any document that is required by law to be submitted in writing to a governmental unit and that requires a written signature may be submitted by transforming the document into electronic format, but only with the consent of the governmental unit that is to receive the document. In addition, the act provides that any document that requires a manual, facsimile or other form of signature or that is given effect with a manual, facsimile or other form of signature may be signed or given legal effect by means of an electronic signature if certain conditions are met. Finally, the act creates a committee to study the use of electronic signatures, consisting of members appointed by the governor. The committee is required to submit recommendations and proposed legislation regarding the use of electronic signatures in this state.

Taxation

Act 27 (AB-100) makes various changes in the area of taxation. The act:

1. Reduces individual income tax rates and makes changes in the standard deduction and individual income tax brackets (see *HIGHLIGHTS*; see also *Act 237*).

2. Modifies the definition of “household income” under the homestead tax credit, which benefits certain lower income individuals who own or rent their homesteads, by specifying that scholarship and fellowship income included in Wisconsin adjusted gross income, but added to household income for homestead credit purposes in a previous year, may be subtracted from income for the current year in determining the credit.

3. Creates an individual income tax credit equal to a taxpayer’s net tax liability for a taxpayer with an adjusted gross income (AGI) up to \$9,000, or up to \$18,000 for married taxpayers who file jointly. The credit phases out over the next \$1,000 of AGI and, in general, may be claimed only by full-year residents of this state.

4. Prorates the individual income tax brackets for nonresident and part-year resident taxpayers based on the ratio of Wisconsin AGI to federal AGI. Formerly, the tax brackets were not prorated and such taxpayers had to apply a number of formulas to federal and Wisconsin AGI and conduct several calculations to determine their tax liability.

5. Increases the married couple tax credit over four years from 2% of the secondary earner’s earned income (up to a maximum of \$15,000) to 3% of that income in taxable years beginning after December 31, 2000. (The secondary earner is the spouse with the lower income.) The maximum credit under the act increases from \$300 to \$420 in taxable year 2001 and thereafter.

6. Completely excludes from income long-term capital gains realized on the sale of business assets and assets used in farming to a family member that were held by the seller for

more than one year. Former law excluded 60% of such gain. Under the act, if the family member who purchased the assets retains ownership for less than two years, he or she is required to pay a penalty equal to the amount of exclusion, prorated based on the length of time the assets were held (see also *Act 237*).

7. Phases out the senior citizen tax credit. The credit was \$25 for each taxpayer over the age of 65. Under the act, the credit phases down from \$25 to zero as AGI rises, for a single taxpayer, from at least \$30,000 to less than \$31,000; for a married couple filing jointly, from at least \$40,000 to less than \$41,000; and for a married couple filing separately, from \$20,000 to less than \$21,000.

8. Creates an individual income tax deduction for premium costs paid by a taxpayer for long-term care insurance.

9. Treats certain distributions from a passive foreign investment company as excess distributions and includes those distributions in the calculation of AGI.

10. Repeals certain limitations on deductions of farm losses for persons who are “actively engaged in farming” under federal law, and increases from \$400,000 to \$600,000 the amount of nonfarm income that persons may have before no loss is allowed if they are not “actively engaged in farming”.

11. Specifies that a qualified real estate agent or a direct seller who is not treated as an employe under the federal Internal Revenue Code is not an employe for state income tax withholding purposes.

12. Replaces the six development zones income tax and franchise tax credits (credits for doing business in economically distressed areas) under prior law with one development zones credit that has a component based on environmental remediation expenditures and another component based on job creation (see also *Business and Consumer Law - Economic Development and Investment*).

13. Imposes the sales and use tax on telecommunications services that terminate in this state and are charged to a service address in this state, except for services that are obtained by using a toll-free number.

14. Imposes the sales and use tax on certain telephone answering services.

15. Adopts for state income tax and franchise tax purposes most of the federal income tax changes that were enacted in 1996 (see also *Act 37*).

16. Authorizes DOR to enter into agreements to collect the sales and use tax on goods that are shipped into this state.

17. Directs DOR to present plans for a tax amnesty program (see also *Act 237*).

18. Creates a premier resort area tax on certain tourism-related businesses that are located in tourist areas. The tax is imposed at the rate of 0.5% of the gross receipts from the businesses' sales that are subject to the sales tax (see also *Local Law*).

19. Creates a state rental car tax at the rate of 3% of the gross receipts on the rental of certain vehicles and at the rate of 5% on the rental of limousines (see also *Act 237*).

20. Creates several dry cleaning fees. One is a license fee of 1.8% of the previous year's receipts from dry cleaning. Another is a fee equal to to \$5 per gallon of perchloroethylene and 75¢ per gallon of hydrocarbon-based solvent sold. The revenue from the fees is deposited in a dry cleaning cleanup fund (see also *Environment*).

21. Imposes a tax at the rate of 5% of gross receipts on products and services, other than magazines and motion pictures, that are harmful to children (see also *Act 237*).

22. Increases the motor vehicle fuel tax rate by 1¢ per gallon, in addition to the increases that occur because of the ongoing indexing of that rate.

23. Provides that motor vehicle fuel purchased for off-highway use is exempt from the motor vehicle tax only if it is diesel fuel that is dyed to indicate that the tax on it has been paid.

24. Distributes the property tax credit to owners of all taxable property in the state, rather than only to owners of principal residences in the state.

Act 37 (SB-316) adopts for state income tax and franchise tax purposes federal income tax changes that were enacted in 1997, except those that apply to taxable years beginning on January 1, 1998, and thereafter (see also *Act 237*).

Act 41 (SB-362) directs DOR to not adjust the individual income taxation withholding tables to reflect the changes made by Act 27 in dollar amounts with respect to bracket indexing and with respect to standard deduction indexing until taxable year 2000.

Act 63 (AB-633) creates a separate nonresident individual income tax reciprocity procedure with the state of Illinois that allows compensation payments to be made from one state to the other, and authorizes the secretary of revenue to enter into agreements with the state of Illinois relating to reciprocity payments and delinquency issues. No compensation payments may be made unless the secretary of revenue enters into a written agreement with the Illinois director of taxation.

Act 72 (AB-478) allows county treasurers and the treasurer of the city of Milwaukee to send notices of the acquisition of a tax deed to the former owner of property by certified mail. Prior law required that the notice be sent by registered mail. The act also requires a person, in order to redeem land on which the taxes are delinquent, to pay the costs incurred by a county or the city of Milwaukee to initiate proceedings to foreclose a tax lien and the person's reasonable share of the costs of publishing the required notice.

Act 134 (SB-18) specifies that the property tax exemption for nonprofit hospitals does not extend to certain kinds of health and fitness centers.

Act 136 (SB-347) lowers the alcohol beverage tax on cider from 6.605¢ per liter to 1.71¢ per liter.

Act 137 (AB-223) provides that a claimant of the farmland preservation tax credit, which may be claimed by owners of farmland that is subject to agricultural use restrictions, need not submit a zoning certificate with each year's claim if the claimant certifies that none of the conditions attested to in the previously submitted certificate have changed and if DOR does not notify the claimant in writing that DOR needs a new certificate to process the claim.

Act 147 (SB-61) creates a property tax exemption for real property that is owned by a nonprofit organization that holds the property in order to rehabilitate a structure or to construct a structure on the property for sale to low-income persons to be used as a personal residence, that offers loans at no interest to purchasers of the property, that requires prospective purchasers to help rehabilitate or construct the property and that acquired the property within three years before the date on which the property is assessed for tax purposes.

Act 215 (SB-333) allows insurers that pay a fee based on their gross receipts, rather than an income tax or a franchise tax, to credit against that fee certain investments in certified capital companies. The insurer may claim, in each of 10 years beginning in the year of the investment, an amount equal to 10% of the amount of the investment (see also *Business and Consumer Law - Economic Development and Investment*).

Act 224 (AB-491) allows counties and the city of Milwaukee to deduct additional expenses from the proceeds of the sale of property on which the property taxes are delinquent, which reduces the portion of the proceeds that are paid to the former owner.

Act 237 (AB-768) makes a number of changes related to taxation. The act:

1. Requires certain state entities to deny, suspend or revoke certain licenses on the basis of liability for delinquent taxes (see *HIGHLIGHTS*).
2. Exempts computers from the property tax and provides state aid to taxing jurisdictions that lose part of their tax base because of that exemption (see *HIGHLIGHTS*).
3. Revises the procedures of boards of review (the first tribunal to decide appeals involving property tax assessments).
4. Adopts for Wisconsin income tax purposes certain federal laws that take effect after January 1, 1998, most notably changes involving individual retirement accounts.
5. Imposes the sales and use tax on telephone calling cards.
6. Exempts several kinds of motor vehicles from the motor vehicle rental fee imposed by Act 27.
7. Replaces the system of refunds for the tax on gasoline purchased for off-highway use with a tax exemption.
8. Directs DOR to establish a tax amnesty program.
9. Extends the income tax and franchise tax credit for sales taxes paid on fuel and electricity used in manufacturing to noncorporate manufacturers.
10. Authorizes DWD to disclose to DOR for tax collection purposes information reported to DWD by employers about newly hired employees.
11. Reduces individual income tax rates (see *HIGHLIGHTS*).
12. Creates an individual income tax college tuition expenses deduction (see *HIGHLIGHTS*).
13. Allows the credit for sales taxes paid on fuel and electricity used in manufacturing to be used to offset alternative minimum tax liability under the individual income tax.
14. Modifies the penalty provision created by Act 27 for capital gains on farm and business assets sold to family members, and resold within two years, to equal the amount of

the income tax that would have been imposed on the capital gains received by the transferor of the assets if the complete exclusion did not apply to the transaction.

15. Imposes the state's individual income tax on the gambling winnings of nonresidents at Native American casinos located in Wisconsin.

16. Increases the school property tax credit on a one-time basis for taxable year 1998, based a proposal to be created by the secretary of revenue to increase the credit percentages or dollar amounts or both.

17. Eliminates the tax created in Act 27 on gross receipts on products and services that are harmful to children.

Act 291 (AB-963) makes minor changes in various tax statutes.

Act 299 (April 1998 Special Session AB-5) allows DOR to authorize a corporation or a subsidiary to use or continue to use an alternative method of determining its income that is taxable by this state if a corporation or subsidiary request to do so on or before January 1, 2000. The alternative method may be used only if a corporate restructuring results in an unfair representation of the degree of business activity in this state, if the state receives no less tax revenue because of its use, if it is done under rules that DOR promulgates and if the Joint Committee for Review of Administrative Rules has an opportunity to review and disapprove the alternative method.

Act 315 (AB-422) requires the clerk of each taxation district to transfer the property tax roll to the treasurer of the taxation district annually by December 8, except that the deadline is the 3rd Monday in December if the taxation district issues checks for the sum by which an amount escrowed by an escrow agent for taxes exceeds the tax liability of a taxpayer within 15 business days after that amount is paid to the taxation district.

Act 323 (AB-881) imposes a penalty of a fine of not less than \$100 nor more than \$500 or of imprisonment for not less than one month nor more than six months, or both, on persons who inspect income tax records unless they are performing the duties of their jobs.

Transportation

DRIVERS' LICENSES

Act 27 (AB-100) extends the renewal cycle for most drivers' licenses from four years to eight years and prorates the fee accordingly. The act establishes a \$5 late fee for any driver's license that is not renewed before its expiration. The act also increases the fee for original and renewal identification cards from \$4 to \$9, and for a duplicate identification card from \$3 to \$6.

Act 84 (SB-470) makes numerous changes to laws relating to the suspension and revocation of operating privileges (see *HIGHLIGHTS*).

Act 135 (SB-39) provides for revocation of a person's operating privilege for six months if the person is convicted of violating certain railroad crossing traffic laws.

DRIVING WHILE INTOXICATED

Act 27 (AB-100) makes various changes in the laws regarding drunk driving. The act:

1. Creates a Pretrial Intoxicated Driver Intervention Grant Program. Under the program, DOT provides grants to local governments or other organizations for programs that monitor and treat a defendant's use of intoxicants. Under any such program, a defendant must be required to pay part of the costs of the program, the entity conducting the program must report to the court on a defendant's participation in the program and the court is allowed to take a defendant's participation in the program into account when sentencing the defendant.

2. Prohibits a driver of a motor vehicle who is under the legal drinking age (currently 21) from having any alcohol in his or her blood. Previously, persons under the age of 19 were subject to this absolute sobriety requirement.

3. Increases the driver improvement surcharge for intoxicated driver convictions from \$300 to \$340, and uses that increase to fund the blood alcohol testing program administered by the state patrol.

Act 107 (AB-467) replaces the information that a law enforcement officer is required to provide to a person who is stopped for allegedly driving a motor vehicle while under the influence of an intoxicant (OWI) with a specific statutory statement that the officer is required to read to the person that informs the person of why he or she is being asked to take a test to determine the amount of alcohol in his or her blood and what will occur based on the test results or if the person refuses to take the test.

Act 198 (SB-285) prohibits a driver of a motorboat who is under the drinking age from having any alcohol in his or her blood.

Act 199 (AB-487) allows DOT to issue a certificate of title transferring ownership of a motor vehicle that is subject to seizure, immobilization or equipping with an ignition interlock device if the person applying for the transfer purchased the motor vehicle in good faith, did not know that the motor vehicle was subject to seizure, immobilization or equipping with an ignition interlock device and submits an affidavit to DOT stating that those conditions are met.

Act 237 (AB-768) changes the period of time that prior suspensions, revocations or convictions related to OWI are counted for purposes of determining the penalty for a current OWI-related offense or refusal. Under the act, if a person has two or more OWI-related suspensions, revocations or convictions within any 10-year period, those suspensions, revocations or convictions are part of the person's permanent driver record and are counted when determining the penalty for any subsequent OWI offense or refusal. If a person has only one OWI-related suspension, revocation or conviction within any 10-year period, that record is maintained only for 10 years and not counted for OWI purposes after that 10-year period is over.

Act 290 (AB-785) requires a law enforcement officer who issues a person a notice of intent to revoke the person's operating privilege for refusing to submit to a blood alcohol test to send a copy of that notice to the circuit court for the county in which the arrest occurred, rather than the county in which the refusal occurred, as former law required.

HIGHWAYS AND LOCAL ASSISTANCE

Act 27 (AB-100) makes numerous changes in state highway and local assistance programs. The act:

1. Increases aid under the Urban Mass Transit Operating Assistance Program by 9.6% in 1998 and 3.5% in 1999.

2. Allocates \$5,000,000 annually under the Local Roads Improvement Program to fund county trunk highway improvements with eligible costs totaling \$250,000 or more. Under the program, DOT reimburses counties and municipalities for certain eligible costs of local road improvement projects.

3. Increases the minimum general transportation aid rate payable to counties and municipalities for improving and maintaining local streets and roads by 11.4%, to \$1,596 per mile for 1998 and thereafter.

4. Increases aid payable to municipalities for maintaining connecting highways by 12%.

5. Increases this state's authority to contract public debt for harbor improvements by 25%, to \$15,000,000, and requires DOT to award a grant of \$227,136 for improvements to Northport Harbor in Door County.

6. Directs DOT to designate and mark STH 160 between STH 29 and STH 32 as the "Polish Veterans Memorial Highway", and to designate and mark STH 66 between Stevens Point and Rosholt as the "Polish Heritage Highway".

7. Provides \$12,000,000 from the transportation fund for this state's share of transportation-related infrastructure costs related to the construction of a new baseball stadium for the Milwaukee Brewers.

8. Requires DOT to consult with county land conservation committees to determine the presence and extent of water and soil conservation practices before commencing construction of a highway.

9. Enumerates six additional major highway construction projects (projects having a total cost of more than \$5,000,000 and involving construction of a new highway 2.5 miles or more in length) that may be undertaken by DOT.

10. Prohibits the Transportation Projects Commission from recommending enumeration of additional major highway projects unless construction will be commenced on all enumerated major highway projects within six fiscal years of their enumeration and certain other conditions are met.

11. Establishes a two-year moratorium on production and installation of informational highway signs.

12. Increases the annual aid rate per mile for improving public roads in county forests from \$300 to \$336.

Act 106 (AB-285) retroactively reduces the penalty applicable to municipalities and counties that file late applications for general transportation aids.

Act 124 (AB-29) authorizes specific information signs to be erected and maintained on a portion of USH 14 in Dane County.

Act 237 (AB-768) makes changes in the state highway and local assistance programs. The act:

1. Allows the expenditure of state and local funds on projects financed through the Transportation Infrastructure Loan Program, under which DOT makes loans and provides other financial assistance for highway projects and transit capital projects that are eligible for federal financial assistance.

2. Requires DOT to establish a maximum amount of state aid available for a project financed through the Transportation Economic Assistance and Development (TEA) Program and allows DOT to exceed that limit if the project will reduce local truck traffic and meet certain other conditions. Under the TEA Program, DOT makes grants for transportation-related improvement projects that are part of an economic development project and that will increase the number of jobs in this state.

3. Requires DOT to undertake minor projects in Weyauwega, Greenfield and Plover.

Act 282 (AB-672) creates an alternate procedure for DOT or municipalities to legally identify private lands the acquisition of which is necessary for public transportation or transportation-related improvement projects.

MOTOR VEHICLES

Act 27 (AB-100) makes numerous changes in motor vehicle laws. The act:

1. Increases the annual registration fee for automobiles from \$40 to \$45 and for most trucks by 7.5%. The biennial registration fee for motorcycles is increased from \$20 to \$23.

2. Increases the filing fee for an initial certificate of title or a certificate of title after a transfer from \$5 to \$8.50.

3. Establishes a fee of \$5 for each transaction relating to a certificate of title or a vehicle registration, or both, that is transmitted electronically to DOT by a financial institution. The act also requires certain insurers to pay a fee of \$1.50 for each certification and recertification of financial responsibility that is not transmitted electronically to DOT.

4. Provides that the lessee of a vehicle that is leased for a period of one year or more is the owner of the vehicle for purposes of vehicle registration and financial responsibility laws.

5. Exempts motor vehicles that weigh 10,000 pounds or more from emission limitations established by DOT. Previously, only motor vehicles exceeding 14,000 pounds qualified for the exemption.

6. Redirects the \$7.50 nonpoint (diffuse) source pollution fee, which is paid to initially title a vehicle in this state, from the environmental fund to the transportation fund.

7. Creates an environmental impact fee of \$5, deposited in the environmental fund, that is charged to initially title a vehicle in this state.

8. Eliminates a requirement that DOT inspect the vehicle identification number of a vehicle last registered in another jurisdiction when first titling the vehicle in this state.

9. Eliminates a requirement that nonresidents file proof of financial responsibility before reinstating an operating privilege revoked by this state.

Transportation - continued

10. Requires the use of a temporary operation plate for any automobile or light truck (motor truck having a gross vehicle weight of not more than 8,000 pounds) until permanent license plates for the vehicle are obtained. The act also requires a motor vehicle dealer to issue a temporary operation plate without charge to any state resident who purchases an automobile or light truck from the dealer.

11. Establishes a \$10 late fee for automobile, light truck, motorcycle and moped registrations that are not renewed before their expiration.

12. Provides for the issuance of special "Children First" license plates upon request of a registrant and establishes an annual registration fee for such plates that includes a tax deductible contribution to fund grants and statewide projects for the prevention of child abuse and neglect.

13. Requires the registration period for an automobile to commence on the date that the first operation of the vehicle makes it subject to registration. Under former law, the registration period commenced on the first day of the month of first operation or the first day of the month following the date of first operation, depending on the date of first operation.

14. Allows DOT to issue annual and consecutive month permits for overweight vehicles and vehicle combinations transporting bulk potatoes from storage facilities to food processing facilities. Previous law only permitted such permits for the transportation of bulk potatoes from storage facilities to rail-loading facilities.

Act 31 (AB-19) permits a flashing strobe light to be used on human services vehicles, which are used to transport elderly or disabled persons.

Act 33 (AB-96) requires law enforcement officers to return a seized motorcycle or motorcycle part to its owner within 30 days after the seizure if the motorcycle or motorcycle part was seized for having an altered or obliterated vehicle identification number and if no forfeiture proceeding is commenced within that period. The act also allows the owner to recover his or her costs to recover a motorcycle or motorcycle part that is unreasonably withheld.

Act 46 (AB-343) prohibits DOT from requiring that a motor vehicle transferred to a surviving spouse undergo an emissions inspection before the vehicle's next regularly-scheduled emission inspection.

Act 102 (AB-136) authorizes the use of tungsten carbide-studded tires on school buses.

Act 117 (AB-180) prohibits the operation of a school bus that is not equipped with a white strobe light, unless the bus was initially registered in this state before October 1, 1998.

Act 126 (AB-131) exempts the weight of any camper, lid or cap, and the weight of any passengers or pets riding within the vehicle's driver compartment, from the 500 pound limit on material that may be hauled by a motor truck registered as a special interest or collector vehicle or as a reconstructed, replica, street-modified or homemade vehicle.

Act 237 (AB-768) requires DOT to redesign certain registration plates for automobiles, light trucks and other vehicles and to issue plates of the new design for those vehicles registered between the years 2000 and 2003.

Act 255 (AB-119) permits DOT to issue special distinguishing registration plates to certain groups and organizations that apply for special plates and include a \$15,500 refundable deposit with their applications.

Act 269 (AB-802) exempts from vehicle registration wood harvesting slashers that are used principally off the highway.

TRAFFIC AND PARKING REGULATION

Act 27 (AB-100) makes numerous changes to traffic and parking regulations. The act:

1. Authorizes motor buses that do not exceed 45 feet in length, rather than 40 feet in length as under previous law, to operate in this state without a permit for excessive length.
2. Authorizes DOT to charge the sponsor of a special public event a fee for security and traffic enforcement services for the event.
3. Authorizes a city, village or town to permit and regulate the operation of a golf cart to and from a golf course upon a highway under its jurisdiction for a distance of not more than one mile. Previous law only permitted golf carts to be operated upon a highway at a golf cart crossing point if authorized by a city, village or town.

Act 32 (AB-87) eliminates a requirement that the driver of a motor vehicle sound the vehicle's horn before attempting to overtake and pass a vehicle on the left.

Act 88 (AB-419) requires the Law Enforcement Standards Board to promulgate model standards on police pursuit (pursuit by a law enforcement officer of a motor vehicle operated by an individual who is disregarding the officer's attempt to stop the vehicle) that could be used by law enforcement agencies to determine whether to initiate or engage in police pursuit, to establish police pursuit driving techniques and to inform law enforcement officers of the agencies' written guidelines on police pursuit. The act requires the 400-hour law enforcement officer training program to include training based upon those model standards and requires at least four hours biennially of refresher training based upon the model standards. The act creates a seven-member Law Enforcement Pursuit Standards Council to assist the board with promulgating model standards relating to police pursuit. The council terminates on June 30, 2001. The act also:

1. Specifies that the model standards established by the board are advisory only and that no law enforcement agency is required to implement the model standards.
2. Requires law enforcement agencies to biennially review their written guidelines on police pursuit.
3. Requires every law enforcement agency to annually report to DOT its police pursuits, including the reasons for and the outcomes of such pursuits.
4. Requires DOT to submit a compiled summary of police pursuits to the legislature.
5. Increases the minimum fines for using a motor vehicle to knowingly and improperly elude a traffic officer to between \$600 and \$1,100. Previously, the minimum fines were between \$300 and \$600.

Act 258 (SB-483) authorizes traffic officers, and others under contract with a local governing body, to remove disabled vehicles from any freeway or expressway. The act

Transportation - continued

provides certain immunities from civil liability to any person who removes a disabled vehicle, accident debris or other object that obstructs a freeway or expressway or who stores such an object. The act also specifies that the stop required after involvement in an accident resulting in injury or death to a person or damage to a vehicle must be made without obstructing traffic more than is necessary.

Act 92 (AB-928) prohibits the parking of vehicles in access aisles adjacent to parking spaces that are reserved for motor vehicles used by physically disabled individuals.

Act 135 (SB-39) provides that a vehicle operator at a railroad crossing may not recklessly endanger the safety of any person. The act also imposes an assessment on any person convicted of certain railroad crossing violations equal to 50% of the amount of the forfeiture (civil monetary penalty imposed for the violation). Moneys collected from the assessment are required to be used for railroad crossing improvements and maintenance (see also *Act 237*).

Act 159 (AB-704) allows authorized persons to park their vehicles during specified hours on highways adjacent to schoolhouses located on property of the UW System.

Act 237 (AB-768) makes changes to the laws relating to traffic and parking regulation. The act:

1. makes the imposition of a forfeiture mandatory (rather than permissive) upon a person's conviction of certain railroad crossing violations (different from the violations affected in Act 135), increases the penalty for these violations and imposes an assessment on any person convicted of these violations equal to 50% of the amount of the forfeiture. Moneys collected from the assessment are required to be used for railroad crossing improvements and maintenance (see also *Act 135*).

2. Establishes an alternative traffic violation and registration pilot program to provide alternative methods of suspending and refusing vehicle registrations for unpaid parking citations.

Act 277 (AB-786) doubles the minimum and maximum fines and forfeitures applicable for specified traffic offenses committed where persons working within a designated utility work area are at risk from traffic.

Act 325 (SB-88) increases minimum and maximum forfeitures for certain speed limit violations committed in school zones if children are present.

OTHER TRANSPORTATION

Act 27 (AB-100) makes numerous changes to other transportation laws. The act:

1. Increases this state's authority to contract public debt for the construction of transportation facilities by 20%, from \$1,123,638,100 to \$1,348,058,900.

2. Substitutes approximately \$14,500,000 of general purpose revenue funding annually for funding from the transportation fund for numerous transportation-related programs administered by agencies other than DOT.

3. Eliminates the scheduled expiration date for a law permitting the contract sale of motor vehicle accident and traffic citation records maintained by DOT and eliminates a requirement that DOT report such contracts to the legislature.

Transportation - continued

4. Delays the expiration date of the Disadvantaged Business Demonstration and Training Program until the program is no longer required as a condition of receiving federal funds. Under the program, attempts are made to develop the capability of businesses that are primarily owned by socially or economically disadvantaged individuals 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.

5. Authorizes DOT to enter into build-operate-lease or transfer agreements with private entities for the construction of transportation projects and for the maintenance and operation of transportation projects. All agreements must contain a provision specifying that the private entity holds title to the project until the title is transferred to DOT by purchase at fair market value or by lease with option to purchase.

6. Makes numerous changes in the laws relating to freight rail assistance and rail passenger service. The act:

a. Authorizes up to \$10,000,000 of existing general obligation bonding authority to be used to fund the establishment of rail passenger service between the city of Milwaukee and Waukesha County, and the improvement of certain rail passenger stations.

b. Increases general obligation bonding authority for certain rail property acquisitions and improvements by \$4,500,000 to \$19,000,000.

c. Authorizes DOT to contract with Amtrak, railroads and other persons to provide equipment, station improvements, parking areas or other support facilities for rail passenger service. The act also allows DOT to acquire equipment for the purpose of providing rail passenger service or support services for passenger rail service and to enter into agreements with other states to assist or promote rail passenger service.

Act 42 (AB-35) requires railroad trains and locomotives operated in this state to be operated by a certified railroad locomotive engineer and manned by a second certified railroad locomotive engineer or by a qualified railroad trainman. The commissioner of railroads may grant exceptions that do not endanger the life or property of any person. The act also provides penalties for violations.

Act 86 (SB-335) requires the secretary of transportation to annually submit to JCF a plan for adjusting the appropriations of DOT if the amount of federal aid anticipated to be received by DOT differs by more than 5% from the amount of federal aid estimated in the latest state budget and requires the implementation of that adjustment plan as submitted or, if modified by JCF, as modified. The act also requires DOT to establish a procedure for numerically evaluating proposed major highway projects before DOT may recommend the projects to the Transportation Projects Commission.

Act 91 (AB-483) allows DOT to contract with a public utility or rural electric cooperative association to jointly acquire, develop and maintain rights-of-ways to be used by DOT and either the utility or association, except that each party to the contract may exercise only those powers that it would be permitted to exercise if acting alone (see also *Public Utilities*).

Transportation – continued

Act 190 (SB-139) authorizes local authorities to enact ordinances that strictly conform with the DOT's administrative rules relating to motor vehicle emission limitations, vehicle equipment standards and vehicle size, weight and load requirements. The act prohibits law enforcement officers from stopping or inspecting a vehicle solely to determine compliance with such an ordinance.

Act 237 (AB-768) requires DOT to propose a reduction in its appropriations to offset any projected deficit in the transportation fund.

Act 237 (AB-768) provides qualified immunity from environmental liability to highway contractors handling petroleum-contaminated soil.

Trusts and Estates; Probate

Act 83 (SB-330) provides that the probate filing fee is based upon the value of property that is subject to administration by the probate court, less the value of encumbrances, liens or other charges. Formerly, the fee was based upon the gross estate or value of the property.

Act 188 (AB-645) updates the probate code (see *HIGHLIGHTS*).

Veterans and Military Affairs

Act 27 (AB-100) makes various changes in the laws regarding veterans and veterans benefits. The act:

1. Increases the reimbursement rate for the National Guard Tuition Grant Program from 50% to 100% of the tuition costs incurred.

2. Adds warrant officers to those national guard members who are eligible to receive national guard tuition grants.

3. Abolishes the State Emergency Response Board and transfers the board's responsibilities to the Division of Emergency Management in the Department of Military Affairs. The board was responsible for overseeing the creation of local emergency planning committees and the implementation of local emergency response plans, for implementing federal emergency response requirements, for setting fees for the storage and use of hazardous substances and for providing emergency planning grants to local agencies.

4. Extends veterans benefits to those veterans who serve during peacetime if the veterans served for two consecutive years of active duty for other than training purposes or for their initial service obligation, whichever is the shorter time period, and who were discharged under honorable conditions or who qualify for federal general veterans benefits.

5. Consolidates the Veterans Economic Assistance Loan Program and Consumer Loan Program by repealing those programs and replacing them with the Veterans Personal Loan Program. Under the Economic Assistance Loan Program and Veterans Personal Loan Program, DVA provided loans for a number of purposes, including business or home improvements or purchases, education, debt consolidation and the purchase of furniture. The new program includes many of the same purposes as the repealed loan programs, plus loans to qualifying veterans' remarried spouses or to parents of deceased veterans' children for the education of the veterans' children.

6. Establishes a veterans assistance center at the Southern Wisconsin Center in Union Grove.

7. Allows a veteran to receive reimbursement from the Veterans Tuition and Fee Reimbursement Program for a course completed within ten years (previously six years) of his or her discharge while limiting the reimbursement to 50% of the cost of an undergraduate course at the UW-Madison. The act provides that a veteran with a federal disability rating of 30% or more is reimbursed at 100% of the cost of an undergraduate course at the UW-Madison.

8. Increases grants provided under the veterans part-time study grant program to 50% of the cost of a three-credit undergraduate course at the UW-Madison campus, instead of the former limit of \$300 per course, and increases grants provided to veterans with a federal disability rating of 30% or more to 100% of that cost.

9. Limits participation in the Veterans Retraining Grant Program to veterans who are not receiving a veterans part-time study grant or a veterans tuition and fee reimbursement and who are enrolled in a technical college, an approved proprietary school or in an on-the-job training program. Under previous law, grants were made to veterans enrolled in any higher education institution or in an on-the-job training program (see also *Act 121*).

10. Limits loans provided under the Veterans Primary Home Loan Program, under which loans are made to veterans for purchasing, constructing, improving or refinancing their principal residences, to loans on those homes that do not exceed 2.5 times the median price of a home in the state. Formerly, there was no limit on the price of a home that a veteran could purchase under the program (see also *Acts 121 and 237*).

11. Changes the maximum county veterans' service office grant, which is paid to a county for the improvement of services to former military personnel through the county veterans' service office, from \$5,000 per county to a grant system based on county population, with the least populous counties receiving up to \$8,500 and the most populous counties receiving up to \$13,000.

12. Modifies the bonding authorization for veteran's home facilities so that the borrowing may be used for construction of housing facilities at the Southern Wisconsin Center in Union Grove in addition to the Wisconsin Veteran's Home at King. The act also authorizes general fund supported borrowing to be used for veteran's cemetery and museum facilities.

Act 115 (AB-139) provides that a veteran who is otherwise ineligible for certain veterans benefits because he or she is delinquent in child support or maintenance or because he or she owes past support, medical expenses or birth expenses may receive those benefits if the veteran provides DVA with a repayment agreement that has been kept current for the previous six-month period or with a statement from the clerk of circuit court that the veteran is not delinquent in child support or maintenance and does not owe past support, medical expenses or birth expenses.

Act 116 (AB-141) removes a requirement that county veterans' service officer, when assuming the cost of the burial of a veteran who dies without sufficient means to pay for the

Veterans and Military Affairs - continued

burial, submit in a report to the county clerk the rank, command and occupation of the deceased veteran. The act also removes the requirement that the public agency caring for the grave of a deceased veteran submit in its annual report to the county clerk the rank and command of the deceased veteran.

Act 121 (AB-735) makes various changes in the laws regarding veterans and veterans benefits. The act:

1. Gives DVA authority, subject to the approval of the Building Commission, to construct or renovate and operate residential, treatment and nursing care facilities in southeastern Wisconsin.

2. Removes proprietary schools from those schools for which a veteran is eligible to receive a veterans retraining grant to attend.

3. Changes a requirement that a veteran may not receive a veteran's home loan if the price of the home being purchased with the loan exceeds 2.5 times the median price of a home in the state to a requirement that the amount of veteran's home loan for any eligible purpose not exceed 2.5 times the median price of a home in this state (see also *Act 237*).

Act 237 (AB-768) makes a number of changes regarding veterans and military affairs, including:

1. Giving the Department of Military Affairs authority to administer the Badger Challenge Program and the Youth Challenge Program, which are summer programs designed to help disadvantaged youth to continue in and graduate from high school.

2. Removing UW college centers from those institutions which a veteran may attend and receive reimbursement under the Veterans Tuition and Fee Reimbursement Program.

3. Prohibiting a veteran from receiving a veteran's home loan for any eligible purpose, which includes the purchase of or improvements to a home, if the amount of the loan exceeds 2.5 times the median price of a home sold in this state.

INDEX BY ACT NUMBER

<i>Act</i>	<i>Page</i>	<i>Act</i>	<i>Page</i>	<i>Act</i>	<i>Page</i>
1	96	35	108	78	33
2	58	36	108	79	22
3	107	37	112	80	33
4	41	38	63-64	81	100
5	104	39	64-65	82	45
6	44	40	60	83	122
7	58	41	27, 33, 44, 50, 56, 85, 112	84	16, 114
8	58	42	121	85	53
9	23	43	77	86	50-51, 99, 104, 121
10	31	44	103	87	51
11	88	45	48	88	119
12	96	46	118	89	6, 42
13	85	47	83	90	102
14	58	48	29	91	102, 121
15	58	49	100	92	120
16	58	50	60	93	87
17	59	51	89	94	108
18	59	52	77	95	33-34
19	59	53	92-93	96	101
20	59	54	77	97	101
21	59	55	29	98	21
22	59	56	93	99	103
23	59	57	77	100	21
24	59	58	73	101	45
25	59	59	50	102	118
26	72	60	69-70	103	27
27	4, 9, 10-14, 15, 19, 20-21, 22, 23-27, 29, 31-33, 41, 42, 44, 47-50, 53, 54-56, 57, 59-60, 62-63, 66-69, 71, 72-73, 74-76, 80-87, 88-89, 91-92, 94-95, 96-97, 99, 100, 102, 104-106, 107-108, 110-112, 114, 115, 116, 117-118, 119, 120-121, 122-123	61	106	104	34-35
		62	100	105	35
		63	112	106	116
		64	60	107	115
		65	60	108	42
		66	60	109	56
		67	13, 100	110	73
		68	13, 100	111	19
		69	73	112	65
		70	95	113	51
		71	65	114	35, 77, 83
		72	112	115	123
		73	44, 108	116	123-124
		74	89	117	118
		75	100	118	60
		76	29	119	57
		77	50	120	29
28	60			121	124
29	60			122	70
30	73				
31	118				
32	119				
33	118				
34	99				

<i>Act</i>	<i>Page</i>	<i>Act</i>	<i>Page</i>	<i>Act</i>	<i>Page</i>
123	93, 108	172	103-104	222	57
124	116	173	74	223	90
125	73	174	95	224	113
126	118	175	101	225	101
127	58	176	45	226	55
128	51, 53, 55	177	90	227	90
129	51	178	19-20	228	51
130	45	179	78	229	30, 103
131	77	180	45	230	14-15, 58
132	21	181	6-7, 45	231	12, 78, 90-91
133	6, 42	182	45	232	45
134	112	183	35	233	43
135	114, 120	184	102-103	234	61
136	112	185	109	235	65
137	112	186	109	236	85
139	101	187	42-43	237	9-10, 15, 22, 27-28, 37-38, 41, 43, 45, 47, 51-52, 55, 57, 61, 65-66, 74, 78-80, 82, 85, 88, 91, 93, 95, 98, 99, 106-107, 109, 113-114, 115, 117, 118, 120, 122, 124
140	22	188	16-19, 122	238	10, 52
141	42	189	98	239	4-5, 10, 38, 52
142	71	190	122	240	52
143	45	191	7-9, 48	241	70
144	71-72	192	20	242	43
145	72	193	70	243	71
146	72	194	99	244	52
147	113	195	98	245	52
148	42	196	98	246	93
149	74	197	98	247	109-110
150	51	198	95, 115	248	98
151	97	199	115	249	98
152	72	200	57	250	108
153	77-78	201	29-30	251	108
154	78	202	74	252	108
155	89-90	203	43	253	108
156	93, 101	204	14, 103	254	108
157	78	205	35-37	255	119
158	56-57	206	78	256	38
159	120	207	37	257	93
160	51	209	70	258	119-120
161	53	210	87	259	21
162	74	211	93	260	30
163	53-54, 55	212	109	261	101
164	51	214	30, 87	262	45
165	70	215	27, 113	263	104
166	21	216	60	264	20
167	99	217	20		
168	97	218	103		
169	70	219	45		
170	97	220	45		
171	11, 70	221	88		

<i>Act</i>	<i>Page</i>	<i>Act</i>	<i>Page</i>	<i>Act</i>	<i>Page</i>
265	30	290	46, 115-116	315	114
266	45	291	21, 44, 114	316	28-29, 72
267	99	292	5-6, 39	317	43
268	83	293	39	318	85, 94
269	119	294	39	319	46
270	71	295	46	320	94
271	46	296	39	321	98
272	38-39	297	30-31	322	99
273	48	298	52	323	114
274	71	299	114	324	20
275	41, 46, 83	300	101-102	325	120
276	46	301	71	326	47
277	120	302	31	327	47
278	20	303	94	328	47
279	30	304	94	329	53
280	39	305	80	330	95
281	39	306	110	331	31
282	117	307	61-62	332	104
283	7, 46	308	39-40	333	104
284	46	309	31	334	40-41
285	46	310	28, 52	335	10, 53
286	10, 52	311	13, 102	336	47
287	93-94	312	47	337	21
288	22	313	99-100	338	47
289	41-42, 46	314	15-16		

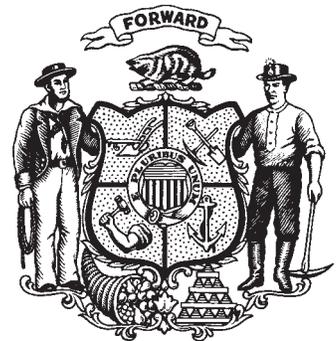
INDEX BY ENROLLED JOINT RESOLUTION NUMBER

<i>EnJR</i>	<i>Page</i>	<i>EnJR</i>	<i>Page</i>	<i>EnJR</i>	<i>Page</i>
18	5-6, 40	20	41	21	5-6, 41
19	40-41				

Summary of the 1997-98 Wisconsin Legislative Session 1997 Wisconsin Acts 1 to 338



State of Wisconsin
Legislative Reference Bureau
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ABBREVIATIONS

AB	Assembly Bill	DOT	Department of Transportation
AFDC	Aid to Families with Dependent Children	DPI	Department of Public Instruction
AFSCME ..	American Federation of State, County and Municipal Employees	DVA	Department of Veterans Affairs
DATCP . . .	Department of Agriculture, Trade and Consumer Protection	DWD	Department of Workforce Development
DER	Department of Employment Relations	JCF	Joint Committee on Finance
DETF	Department of Employe Trust Funds	OCI	Office of the Commissioner of Insurance
DFI	Department of Financial Institutions	PSC	Public Service Commission
DHFS	Department of Health and Family Services	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
DOJ	Department of Justice	WHEFA . . .	Wisconsin Health and Educational Facilities Authority
DOR	Department of Revenue	WRS	Wisconsin Retirement System
DORL	Department of Regulation and Licensing	WSEU	Wisconsin State Employees Union

Table of Contents

	<i>Page</i>		<i>Page</i>
I. Introduction	1	Discrimination	47
II. State Budget Summary	2	Domestic Relations	47
III. Highlights	4	Education	48
Beverages	4	Primary and Secondary	
Children	4	Education	48
Constitutional Amendments	5	Technical College System	53
Courts and Civil Actions	6	University of Wisconsin System ..	54
Crime and Criminal Procedure	6	Other Education	55
Domestic Relations	7	Elections	57
Education	9	Employment	58
Primary and Secondary Education	9	Civil Service	58
Other Education	10	Other Employment	62
Environment	11	Environment	66
Health and Social Services	11	Financial Institutions	71
Health	11	Fringe Benefits of Public Employes .	72
Other health and social services ..	12	Gambling	74
Occupational Regulation	13	Health and Social Services	75
Professional Licensing	13	Health	75
Public Utilities	13	Medical Assistance	80
State Government	14	Mental Health and Developmental	
Taxation	15	Disabilities	82
Transportation	16	Public Assistance	83
Trusts and Estates; Probate	16	Other Health and Social Services .	85
IV. Major Proposals that Failed Enactment		Insurance	88
or Adoption	18	Local Law	91
Beverages	18	Natural Resources	94
Domestic Relations	18	Navigable Waters and Boating ...	94
Education	18	Wild Animals and Plants	95
Elections	18	Other Natural Resources	99
Environment	18	Occupational Regulation	100
Health and Social Services	18	Public Utilities	102
Insurance	18	Real Estate	103
V. Summary of Proposals Enacted by the		State Government	104
1997 Legislature	19	Justice	104
Agriculture	19	State Building Program	104
Beverages	20	State Finance	105
Buildings and Safety	21	Other State Government	107
Business and Consumer Law	22	Taxation	110
Business Associations	22	Transportation	114
Economic Development and		Drivers' Licenses	114
Investment	22	Driving While Intoxicated	114
Securities	28	Highways and Local Assistance .	116
Other Business and Consumer		Motor Vehicles	117
Law	29	Traffic and Parking Regulation ..	119
Children	31	Other Transportation	120
Constitutional Amendments	40	Trusts and Estates; Probate	122
Correctional System	41	Veterans and Military Affairs	122
Courts and Civil Actions	42	VI. Index by Act Number	125
Crime and Criminal Procedure	44	VII. Index by Enrolled Joint Resolution	
		Number	127

