

Summary of the 2005-2006 Wisconsin Legislative Session

Wisconsin Legislative Reference Bureau

2005 Wisconsin Acts 1 to 491 Table of Contents

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Abbreviations

AB	Assembly Bill	DOR.....	Department of Revenue
DATCP	Department of Agriculture, Trade and Consumer Protection	DOT	Department of Transportation
DER	Department of Employment Relations	DPI.....	Department of Public Instruction
DETF	Department of Employee Trust Funds	DRL	Department of Regulation and Licensing
DFI	Department of Financial Institutions	DVA.....	Department of Veterans Affairs
DHFS	Department of Health and Family Services	DWD	Department of Workforce Development
DMA	Department of Military Affairs	JCF	Joint Committee on Finance
DNR	Department of Natural Resources	PSC	Public Service Commission
DOA	Department of Administration	SB	Senate Bill
DOC	Department of Corrections	UW	University of Wisconsin
DOJ	Department of Justice	WHEDA	Wisconsin Housing and Economic Development Authority
		WRS	Wisconsin Retirement System

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Introduction

This bulletin provides an overview of the acts and joint resolutions of the 2005-2006 Wisconsin Legislature. Legislation is organized by topic with acts described under the appropriate subject heading or headings. Significant acts and joint resolutions are highlighted by shading. The bulletin also includes summaries of enrolled joint resolutions that propose amendments to the Wisconsin Constitution under the heading “Constitutional Amendments.”

Administrative Law

Act 249 (SB-150) makes technical, minor changes in the administrative rule-making process, including correcting references to agency names and reports and making changes in the timing of certain notices for consistency.

Agriculture

Act 25 (AB-100) authorizes DATCP to award grants to increase the use of agricultural products and wastes as energy sources, to reduce the generation or increase the beneficial use of agricultural wastes, and to encourage the creation of chemicals from agricultural products. The act also requires DATCP to reimburse a farmer ordered to destroy an animal that is suspected to have chronic wasting disease or mad cow disease for the costs of properly disposing of the animal.

Act 80 (AB-635) authorizes certain businesses that buy potatoes from farmers for use in food processing to opt out of the Agricultural Producer Security Program, under which businesses that buy vegetables, grain, and dairy products contribute to a fund to reimburse farmers for a portion of their losses when the businesses default on payments to farmers.

Act 240 (AB-527) authorizes a city, village, or town to exempt the owner of a dog from the requirement to have the dog vaccinated against rabies if a veterinarian determines that vaccination is inadvisable for reasons related to the dog's health.

Act 359 (AB-345) authorizes a deer farm owner to transfer his or her ownership interest in the deer farm to a member of his or her immediate family. The act also creates an exemption to the acreage requirement for certain deer farms where hunting is allowed.

Act 409 (AB-1209) requires DATCP to register an existing deer farm that straddles the bor-

der between this state and an adjoining state if the entire farm is enclosed by a fence that meets the requirements of the state with the more stringent requirements and if certain requirements relating to the prevention of disease in the deer are met.

Beverages

Act 25 (AB-100) requires any intoxicating liquor sold by a wholesaler to be unloaded at the wholesaler's warehouse. The act also requires that each intoxicating liquor wholesaler annually must sell intoxicating liquor to at least 10 unaffiliated retailers. The act also increases, from 9 liters to 27 liters, the maximum amount of wine that may be shipped to individuals in this state from out-of-state wineries shipping under reciprocal agreements.

Act 50 (SB-266) allows an underage person to attend a brewery tour at a brewery's banquet or hospitality room that is a licensed retail premises and also allows an underage person to be in a banquet or hospitality room attached to a licensed retail premises to attend a banquet or similar event.

Act 103 (AB-787) requires beer sold, transported, or delivered to a retailer to be first unloaded at a wholesaler's warehouse for which a wholesaler's license and a warehouse permit have been issued. The warehouse must be in this state and must, with certain exceptions, be a physically separate location from any retail premises or brewery premises. The act requires deliveries of beer to retailers to be made only by wholesalers and only at retail premises. The act generally prohibits retailers from transporting beer from one retail premises to another retail premises for purposes of sale. The act also requires that, to sell, transport, or deliver any brand of beer, a wholesaler must obtain exclusive brand distribution rights for a designated sales territory from the brewer or out-of-state shipper supplying the brand. With limited exceptions, a wholesaler may not sell, transport, or deliver any brand of beer outside the wholesaler's designated sales territory. The act specifies that a brewer or out-of-state shipper acting as a wholesaler

must comply with the requirements under the act. Also, a brewer that holds an out-of-state shipper's permit may ship beer from a brewery in another state to a brewery in this state.

Act 115 (AB-775) allows a municipality to issue a beer wholesaler's license for a warehouse in an adjoining state if the wholesaler does not maintain a warehouse in this state and is licensed in the adjoining state and the adjoining state has similar, reciprocal beer distribution laws. The act generally allows the wholesaler to distribute beer in this state from the warehouse in the adjoining state. See also *Act 103*.

Act 268 (AB-619) allows restaurants holding licenses authorizing the sale of wine to sell to customers purchasing food no more than one open bottle of wine per person to be partially consumed with the meal and, after the restaurant recorks the bottle, to be removed by the customer from the restaurant.

Act 307 (AB-739) creates an exception to the quota imposed on municipalities' issuance of certain intoxicating liquor retail licenses for nonprofit opera houses or theaters for the performing arts, but a license issued under this exception authorizes sales only for on-premises consumption in connection with ticketed performances. See also *Transportation — Other Transportation, Act 332*.

Buildings and Safety

Act 45 (AB-39) eliminates the requirement that the Department of Commerce administer rules for the safe and sanitary design and construction of manufactured homes manufactured or sold in Wisconsin, review certain construction plans and specifications for manufactured homes, and inspect manufactured homes manufactured in other states and sold in Wisconsin. The act makes additional changes, including the following:

1. Requires, with certain exceptions, all manufactured home installations to be performed by, or under the supervision of, an individual licensed by the department.

2. Requires the department to establish fees for certain services relating to manufactured homes.

3. Requires the department to establish a grant program to promote the proper disposal of abandoned manufactured homes and to promote the rehabilitation and use of manufactured homes that need repair.

4. Requires the department to establish an alternative dispute resolution program to resolve certain disputes concerning manufactured homes and their installation.

Act 78 (AB-544) expands the requirement that certain UW System residence halls and dormitories be fitted with automatic fire sprinkler systems so that it applies also to certain residence halls and dormitories of other institutions of higher education and to other student residential facilities such as those operated by fraternities and sororities. The act requires that sprinkler systems be installed in all new construction and specifies the date by which existing buildings must have the system.

Act 83 (SB-41) prohibits the sale of fuel as biodiesel fuel unless the fuel contains no other petroleum product and prohibits the sale of fuel as biodiesel blend unless the fuel contains at least 2 percent pure biodiesel fuel.

Act 169 (AB-748) prohibits, with limited exceptions, a person from intentionally shooting a firearm at an electrical or communications transmission tower or other facility. The act requires a court to revoke a violator's hunting licenses for one year and to impose a forfeiture if the shooting resulted in damage to the tower or facility.

Act 182 (AB-750) authorizes the Department of Commerce to assess a forfeiture against any person who violates a requirement for applying for, obtaining, renewing, or operating under the authority of certain licenses issued by the department.

Act 200 (SB-516) creates a contractor certification council in the Department of Commerce and establishes continuing education requirements for certain building contractors.

Act 251 (SB-601) requires that every standard building permit form that the Department of Commerce requires indicate whether insulating concrete forms are being used in the construction.

Act 345 (AB-864) allows a person to possess or transport an unloaded and unencased firearm on a golfcart-like vehicle at a sport shooting event on private land.

Act 456 (AB-447) establishes a permitting procedure for the installation and operation of elevators and other similar conveyances, requires the Department of Commerce to promulgate a safety code for installing and operating these conveyances, and requires that contractors and mechanics installing these conveyances, and inspectors of these conveyances, obtain a license from the department to do so.

Act 457 (SB-524) creates a Building Inspector Review Board to review complaints concerning possible incompetent, negligent, or unethical conduct by building inspectors.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 15 would have required that most automotive gasoline contain not less than 9.2 percent nor more than 10 percent ethanol.

Assembly Bill 414 and *Senate Bill 202* would have prohibited the designation of smoking areas in most restaurants, regulated smoking in bowling centers, and required that local ordinances that regulate smoking strictly conform with state law.

Business and Consumer Law

ECONOMIC DEVELOPMENT AND INVESTMENT

Act 25 (AB-100) increases the number of enterprise development zones that the Department of Commerce may establish and requires that at least 35 percent of Wisconsin Development Fund grants and loans be directed to businesses in distressed areas.

Act 75 (AB-593) generally expands eligibility for several loan programs and loan guarantee programs administered by WHEDA. The act

also increases WHEDA's authority to issue bonds for programs that benefit low-income and moderate-income families from \$325,000,000 in total outstanding principal to \$600,000,000. The act prohibits WHEDA from making, buying, or assuming a home ownership mortgage loan for an individual who does not have a social security number.

Act 180 (SB-183) allocates additional funds for grants to support a manufacturing extension center.

Act 358 (SB-515) requires the Department of Commerce to implement a program for certifying businesses owned by women and to maintain a list of such businesses.

Act 361 (AB-208) authorizes the Department of Commerce to designate 10 enterprise zones and to certify a business in a zone to receive tax benefits if the business begins or expands operations in the zone. See also *Taxation*.

Act 480 (AB-1003) expands eligibility for the Farm Assets Reinvestment Management Loan Guarantee Program administered by WHEDA to include persons who intend to operate a farm and who have at least three years of farming experience.

OTHER BUSINESS AND CONSUMER LAW

Act 58 (AB-113) extends the duration and scope of preexisting record-keeping requirements applicable to secondhand dealers and pawnbrokers and extends the time during which a felon is ineligible for licensure as a secondhand dealer or pawnbroker.

Act 61 (AB-103) prohibits a facsimile solicitor from disclosing the facsimile number of a person who has notified the solicitor that the person does not wish to receive further solicitations.

Act 84 (SB-180) prohibits a credit card issuer from barring a merchant from offering a discount to a customer paying with cash, check, or similar means, rather than with a credit card.

Act 110 (AB-496) provides that, with respect to a motor vehicle consumer lease or consumer credit sale of a motor vehicle, the making of a material false statement in a customer's credit application constitutes a "default" under the consumer credit transaction that the customer has no right to cure.

Act 124 (SB-1) increased funding for low-income energy assistance and, for fiscal year 2005-06, expanded eligibility for such assistance.

Act 138 (SB-164) requires an entity that possesses certain personal information about an individual to notify the individual if the information is acquired by a third party without authorization. If an entity must notify 1,000 or more individuals as the result of a single incident, the entity must also notify all major credit reporting agencies of the incident.

Act 140 (AB-912) allows a consumer to require a credit reporting agency to restrict access to his or her credit report. With certain exceptions, if a consumer requests restricted access, referred to as a "security freeze," a credit reporting agency may release the consumer's credit report for purposes of extensions of credit only as authorized by the consumer.

Act 204 (SB-450) makes various changes to construction liens, including clarifying the activities for which a lien may be claimed, changing certain requirements for providing notice of a lien or releasing a lien, and specifying that, if a business entity violates certain trust requirements, the individuals who represent the entity may be liable for the violations.

Act 213 (AB-1036) adopts revised Article V of the Uniform Commercial Code, which governs letters of credit. A "letter of credit" is a promise to pay certain amounts to a third-party beneficiary upon presentation of certain documents required by the letter of credit. The revisions reflect changes in customs and practices for letters of credit and also resolve conflicting court decisions.

Act 255 (AB-594) creates a procedure under which a merchant may repossess a leased motor vehicle from a consumer without undertaking a judicial proceeding.

Act 261 (AB-1014) prohibits obtaining or soliciting a telephone record that pertains to another person without the person's consent.

Act 336 (SB-375) creates requirements for creating and enforcing a lien on a special tool and for destroying a special tool. A "special tool" is a tool, die, jig, gauge, gauging fixture, metal casting, pattern, forging, machinery, ferrous or nonferrous machined part, or intellectual

property, used for the purpose of designing, developing, manufacturing, assembling, or fabricating a metal part.

Act 396 (AB-1044) changes the qualifications for one member of the Kickapoo Reserve Management Board appointed by the governor.

Act 441 (AB-1186) authorizes the formation of a new form of business organization, the unincorporated cooperative association, which may be organized in this state for any lawful purpose, except to furnish natural gas, heat, light, power, or water.

Act 450 (SB-358) prohibits sales of consumer goods or services at unreasonably excessive prices if the governor certifies that the state or a part of the state is in a period of abnormal economic disruption.

Act 458 (AB-574) prohibits billing for goods or services that a consumer has not agreed to purchase or lease, billing at a price higher than the agreed upon price, or misrepresenting the consequences of a failure to reject or return a delivery that was not authorized by the consumer.

Act 474 (AB-1163) eliminates the law that imposed personal liability upon corporate shareholders for wages owed by the corporation.

Act 476 (SB-619) makes numerous changes to laws regarding governance and mergers and conversions of business corporations and limited partnerships.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Senate Bill 55 would have increased the number of economic development zones the Department of Commerce may designate without the approval of JCF.

Children

ADOPTION

Act 25 (AB-100) permits a child to be placed in the home of a guardian under a termina-

tion of parental rights (TPR) dispositional order. See also *Children — Child Welfare*.

Act 232 (SB-284) makes the following changes relating to TPR and adoption:

1. With certain exceptions, provides that a TPR order severs the legal relationship between the child and all persons whose relationship to the child was derived through the parent whose rights were terminated.

2. Permits a juvenile court, following a TPR, to transfer guardianship and custody of a child to a county other than Milwaukee County for placement of the child for adoption by the child's foster parent only if the county and foster parent so agree. Prior law did not condition such a transfer on the agreement of the county and foster parent.

Act 293 (AB-521) makes the following changes relating to TPR and adoption:

1. Subject to certain exceptions, requires a man who claims to be the father of a nonmarital child to file a declaration of paternal interest with DHFS in order to receive notice of and have standing to appear at a TPR proceeding.

2. Makes it a crime to make a false statement in a TPR proceeding with the intent of preventing a person from receiving notice of the proceeding.

3. Permits TPR, based on prior involuntary TPR to another child, to a child who was born after the filing of a petition seeking TPR to a sibling of that child based on that ground.

4. Permits TPR, based on the continuing need for protection or services, to a child who has been placed outside the home for six months or longer by the juvenile court if the parent is substantially likely not to meet the conditions established for the safe return of the child to the home within nine months, rather than 12 months, following the TPR fact-finding hearing.

5. Prohibits a person from collaterally attacking a TPR judgment more than one year after the time limit for filing an appeal has expired or all appeals have been decided, whichever is later, requires the juvenile court to provide written notice of the time limits for appealing a TPR judgment to all parents who are present when their parental rights are terminated, and makes other changes relating to appeals in TPR proceedings.

6. Permits a parent having custody of a child and a proposed adoptive parent who resides out of state to petition the juvenile court for the preadoptive placement of the child in the home of the proposed adoptive parent, requires a first-time adoptive parent to receive preadoptive training, changes the amounts of certain payments that a proposed adoptive parent may make to the child's birth parents, and, subject to certain exceptions, makes it a crime to publish in a public medium an advertisement to find a child to adopt or to offer adoption services.

Act 296 (AB-660) prohibits DHFS from petitioning the juvenile court for a transfer from DHFS to a county of legal custody of a child for whom DHFS is responsible for securing a permanent adoptive placement if the child was relinquished by his or her parent when the child was no more than 72 hours old. Generally, DHFS may petition for such a transfer when a permanent adoptive placement is not in progress two years after TPR to the child.

Act 343 (AB-688) lowers the age at which an adoptee may obtain from DHFS identifying information about his or her birth parents from 21 to 18.

Act 448 (SB-606) requires DHFS, a county, or a child welfare agency, in placing a child for adoption, to consider placing the child with the adoptive parent or proposed adoptive parent of a sibling who has been adopted or placed for adoption.

CHILD WELFARE

Act 25 (AB-100) makes the following changes to the laws relating to child welfare:

1. Permits any person, not just a relative as under preexisting law, to be appointed as the guardian of a child in need of protection or services (CHIPS); permits a child to be placed in the home of a guardian under a CHIPS dispositional order; and permits monthly subsidized guardianship payments to a guardian of a child who was the child's foster parent before the guardianship appointment. See also *Children — Adoption*.

2. Permits DHFS, DOC, a county, or an organization approved by DHFS to have access to confidential information concerning a client that is maintained on the Statewide Automated Child Welfare Information System if

necessary to perform its duties or to coordinate the delivery of services to a client. See also *Act 406*.

3. Increases the monthly age-related basic maintenance rates paid to foster parents by 5 percent.

4. Permits DHFS or a county to recover a foster care, treatment foster care, kinship care, or adoption assistance overpayment by reducing future payments or by other methods promulgated by rule. See also *Health and Social Services — Public Assistance*.

5. Eliminates grants for children's community programs to the Career Youth Development Center in Milwaukee, the Milwaukee Police Athletic League, court-appointed special advocate programs, and the Children's Safe House Child Care Program in Kenosha County.

Act 113 (AB-213) defines the manufacturing of methamphetamine in the presence of a child as "child abuse," requires such child abuse to be reported and investigated under the child abuse reporting law, and grants to the juvenile court CHIPS jurisdiction over a child who is a victim or is at substantial risk of becoming a victim of such child abuse.

Act 165 (SB-221) requires hospitals to provide information relating to shaken baby syndrome to the parents of a newborn infant, requires day care providers to receive training relating to shaken baby syndrome, and requires school boards to provide instruction relating to shaken baby syndrome to pupils. The act also requires counties and tribes providing home visitation services under the Child Abuse and Neglect Prevention Program and providers of prenatal, postpartum, and young child care coordination services under the Medical Assistance Program to provide information relating to shaken baby syndrome to recipients of those services. In addition, the act requires DHFS to identify children who are victims of shaken baby syndrome and to document certain information concerning those children and their perpetrators that is relevant to the prevention of shaken baby syndrome.

Act 184 (AB-826) makes it a crime for a person responsible for a child's welfare while the child is being transported in a child care vehicle to leave the child unattended.

Act 232 (SB-284) makes the following changes to the Children's Code:

1. Eliminates the requirement that a sheriff or police department refer to a county, a child welfare agency, or, in Milwaukee County, DHFS a case of child abuse in which a person who is not a caregiver of the child is suspected of the abuse, and eliminates the requirement that the agency to which the child is referred initiate an investigation.

2. Permits a child to be held in custody for an additional 72 hours beyond the time of the child's custody hearing if additional time is required to determine whether a petition initiating proceedings under the Children's Code is necessary. Prior law permitted a child to be held for that additional period only if the child was an imminent danger to himself, herself, or others or if the child's parent or another responsible adult was not available to care for the child.

3. Requires a relative with whom a child is placed to be provided with certain medical and other information concerning the child. Prior law limited the provision of that information to a child's foster parent or the operator of a facility in which a child was placed. See also *Children — Juvenile Justice*.

Act 319 (AB-262) changes the membership of the Child Abuse and Neglect Prevention Board and of the board of directors of a nonprofit corporation organized by the board for the purpose of soliciting contributions to the Children's Trust Fund, which finances child abuse and neglect prevention programs. The act also permits the board to contract with that corporation to administer child abuse and neglect prevention programs and requires an organization applying for a grant from the board to demonstrate that it can provide services to persons of various cultures.

Act 406 (SB-651) permits DHFS, a county, or an organization approved by DHFS to have access to confidential information maintained on the Statewide Automated Child Welfare Information System regardless of whether the information concerns a client and eliminates a requirement to notify an individual before information about the individual is entered into the system.

JUVENILE JUSTICE

Act 25 (AB-100) transfers the Youth Diversion from Gang Activities Program from the Office of Justice Assistance in DOA to DOC; requires DOC to submit to JCF a plan to close a juvenile correctional facility or to otherwise achieve savings in the cost of operating those facilities; and sets the per person daily rates that are assessed on counties for state-provided juvenile correctional services.

Act 60 (AB-648) requires a law enforcement agency, subject to certain exceptions, to record a custodial interrogation of a juvenile who is suspected of committing a delinquent act and provides that a statement made by a juvenile during a custodial interrogation is not admissible in evidence against the juvenile unless recorded as required under the act. See also *Crime and Criminal Procedure — Criminal Procedure*.

Act 156 (SB-493) requires a permanency plan, which is a plan designed to ensure that a juvenile who is placed outside the home is reunited with his or her family or attains a placement providing long-term stability, to be reviewed every six months.

Act 190 (AB-89) grants a municipal court exclusive jurisdiction over a juvenile 12 to 16 years of age for a municipal traffic ordinance violation. Under former law, municipal courts and juvenile courts had concurrent jurisdiction over such juveniles.

Act 232 (SB-284) requires a relative with whom a juvenile is placed to be provided with certain medical and other information concerning the juvenile. Former law limited the provision of that information to a juvenile's foster parent or the operator of a facility in which a juvenile was placed. See also *Children — Child Welfare*.

Act 234 (AB-41) adopts the Interstate Compact for Juveniles, the purpose of which is to regulate the interstate movement of juveniles; ensure that juveniles are provided with adequate supervision and services; protect public safety; return to the state requesting their return juveniles who have run away, absconded, or escaped; and provide effective tracking and supervision of juveniles.

Act 344 (AB-443) reorganizes, modernizes language in, and makes minor substantive changes to the Juvenile Justice Code.

Constitutional Amendments

Enrolled Joint Resolution 2 (*Senate Joint Resolution 2*), approved by the 2005 legislature on second consideration, increases from two to four years the terms of district attorneys, registers of deeds, county clerks, county treasurers, clerks of circuit court, and coroners and surveyors. This amendment was ratified by the electors on April 5, 2005.

Enrolled Joint Resolution 30 (*Senate Joint Resolution 53*), proposed by the 2005 legislature on second consideration, provides that only a marriage between one man and one woman is a valid marriage and that a legal status identical or substantially similar to that of marriage for unmarried persons is not valid. To become part of the constitution, it must be ratified by the electors.

Enrolled Joint Resolution 39 (*Assembly Joint Resolution 36*), approved by the 2005 legislature on first consideration, requires a photographic identification issued by this state or the federal government in order to vote, or to register to vote, at the polls on election day, except as the legislature otherwise provides by law. To become part of the constitution, it must be concurred in by the 2007 legislature and ratified by the electors.

Enrolled Joint Resolution 40 (*Assembly Joint Resolution 68*), proposed by the 2005 legislature on first consideration, prohibits the governor from using the partial veto authority to reject any individual word in a sentence of an enrolled bill unless the entire sentence is rejected. To become part of the constitution, it must be concurred in by the 2007 legislature and ratified by the electors.

Enrolled Joint Resolution 46 (*Senate Joint Resolution 33*), proposed by the 2005 legislature on first consideration, prohibits the governor from using the partial veto authority to create a new sentence by combining parts of two or more sentences of the enrolled bill. To become part of the constitution, it must be concurred in by the 2007 legislature and ratified by the electors.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Joint Resolution 77 and *Senate Joint Resolution 63* would have limited the amount of revenue that the state and certain local governmental units could collect in any year, required excess revenue to be deposited into an emergency reserve fund or returned to taxpayers, and required the state to reimburse local governmental units for the reasonable costs of complying with state mandates.

Correctional System

Act 5 (AB-99) eliminates certain restrictions on the disclosure of information from the sex offender registry regarding people who are under 18 and regarding juvenile delinquency cases. The act allows a police chief or sheriff to provide registry information to any individual or organization or to the general public if the police chief or sheriff believes that doing so is necessary to protect the public.

Act 15 (AB-438) increased DOC's funding for the 2004-05 fiscal year to pay for utilities and for certain other energy-related projects.

Act 25 (AB-100) does the following with respect to the adult correctional system:

1. Requires DOC to establish an earned release program involving substance abuse treatment at the Robert E. Ellsworth Correctional Center.

2. Permits DOC to charge each registered sex offender who is on probation, parole, or extended supervision an annual fee of up to \$50 to cover costs of supervising persons on probation, parole, or extended supervision.

3. Requires DOC to establish a pilot program under which a private contractor supplies and distributes pharmaceuticals at DOC's adult prisons if the contract reduces DOC's costs.

Act 67 (SB-174) allows members of the clergy to possess two ounces of wine in prisons, jails, and houses of correction and allows them to provide wine to prisoners at religious services.

Act 105 (AB-184) prohibits DOC from using state funds or resources or federal funds for hormonal therapy or sexual reassignment surgery to alter the appearance of a prisoner or forensic patient so that he or she appears more like the opposite sex.

Act 295 (AB-36) requires jails to establish, by January 1, 2008, a prisoner classification system to determine housing assignments, types of supervision, and delivery of services and programs. Before that date, jails may establish that classification system or segregate prisoners by sex, conviction status, and mental illness status, as required under former law.

Act 431 (AB-591) requires DOC to maintain lifetime global positioning system (GPS) tracking on certain persons who commit certain child sex offenses and on sexually violent persons and allows DOC to maintain GPS tracking on other sex offenders. The act requires DOC, if necessary to protect public safety, to create zones in which the person being tracked may not enter or zones in which the person being tracked may not leave.

Courts and Civil Actions

Act 25 (AB-100) increases the penalty surcharge for a violation of a state law or local ordinance to 25 percent of the amount of the fine or forfeiture that a court imposes.

Act 54 (AB-264) increases the maximum filing fee that a municipal court may charge from \$23 to \$28.

Act 59 (AB-211) authorizes a clerk of circuit court to contract with a debt collector for the collection of unpaid fines and forfeitures, to accept credit or debit cards for those payments, and to establish plans for persons to make those payments.

Act 73 (SB-132) requires a city, town, village, school district, technical college district, or county to reimburse a fire fighter, law enforcement or correctional officer, emergency medical technician, or first responder for reasonable attorney fees incurred in connection with a criminal proceeding arising from the performance of his or her official duties.

Act 157 (SB-494) changes the name of the agency that oversees the legal profession from the Board of Attorneys Professional Responsibility to the Office of Lawyer Regulation.

Act 183 (AB-1073) establishes a limit of \$750,000 on noneconomic damages in medical malpractice cases.

Act 191 (AB-90) allows either party to a municipal court judgment that is appealed to circuit court to request a jury trial. Under former law, only the appellant was authorized to make that request.

Act 192 (AB-91) allows a municipal court, when ordering a term of imprisonment for the failure to pay a forfeiture, to make the term either concurrent to or consecutive with any other term of imprisonment that the person is serving.

Act 201 (SB-448) establishes a procedure that a homeowner must follow before the homeowner may file a lawsuit for damages resulting from an alleged defect in the construction or remodeling of a dwelling.

Act 272 (AB-636) allows a person to obtain a harassment injunction against another for engaging in child abuse, sexual assault, or stalking. The act also allows child abuse and vulnerable adult injunction order actions to be initiated without paying a court filing fee.

Act 305 (AB-596) establishes a procedure that a municipal court must follow when it contracts with a collection agency to collect unpaid forfeitures that must be distributed to more than one unit of government.

Act 306 (AB-725) allows a court for certain violations, including underage smoking and drinking, to treat the violator's nonappearance before the court as a plea of no contest and to enter a judgment based on that plea.

Act 325 (SB-161) grants civil immunity to anyone who manufactures, markets, or sells food for any damages resulting from any weight gain or obesity caused by the consumption of the food.

Act 400 (SB-424) provides that stocks and other intangible interests are presumed unclaimed three years after the most recent dividend is unclaimed, the statement of the account is returned undeliverable, the interest payment is unclaimed, or the date of maturity or redemption has occurred.

Act 403 (SB-503) increases the per diem compensation to a temporary reserve judge from \$255.66 to an amount equal to 90 percent of the daily salary of a judge of the court to which the reserve judge is assigned.

Act 439 (AB-432) allows an adult who resides in an adjacent state to serve an authenticated copy of a summons for a court action in this state and allows that person to submit an affidavit proving service.

Act 442 (SB-99) changes the period for service of a responsive pleading in most cases from 45 days to 20 days after the service of the pleading. The major groups that this change does not affect are third-party insurance companies and the state.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Senate Bill 402 would have granted civil immunity to manufacturers, sellers, and others for damages resulting from the design, manufacture, or sale of a product if the injured party could not prove that the manufacturer, seller, or other person manufactured, sold, or distributed the specific product that caused the injury.

Assembly Bill 764 would have required the finder of fact in a trial to consider the injured party's obligation to reimburse another party for the injuries caused by medical malpractice when determining the amount of damages to award to the injured party.

Assembly Bill 766 would have established a limit on noneconomic damages in medical malpractice cases of \$550,000 for a person less than 18 years of age at the time of the injury and \$450,000 for all other persons. See also *Act 183*.

Crime and Criminal Procedure

CRIMES

Act 14 (SB-78) restricts the purchase and sale of pseudoephedrine products and creates new crimes and penalties relating to pseudoephedrine and other materials used to produce the controlled substance methamphetamine. The act:

1. Classifies pseudoephedrine products (which do not include pseudoephedrine liquids and gelcaps) as Schedule V controlled substances.

2. Permits pseudoephedrine products to be sold at retail only by a registered pharmacist or by a person who is working under the direction of a registered pharmacist and only to a purchaser who is 18 or over and who presents a photo ID.

3. Prohibits the purchase of more than 7.5 grams of pseudoephedrine products within any 30-day period without a prescription. See also *Act 262*.

4. Imposes certain record-keeping requirements relating to the sale of pseudoephedrine products.

5. Prohibits purchasing a pseudoephedrine product with the intent to facilitate another person's production of methamphetamine.

6. Prohibits the possession of ephedrine or pseudoephedrine products and certain other methamphetamine precursors with the intent to produce methamphetamine and specifies that the possession of more than nine grams of ephedrine or pseudoephedrine may be used to prove that intent.

7. Increases the penalty for attempting to steal anhydrous ammonia and prohibits the intentional release of anhydrous ammonia belonging to another person into the atmosphere without that person's consent.

8. Prohibits the Pharmacy Examining Board from requiring the storage of pseudoephedrine products in a safe, steel cabinet, vault, or similar place.

Act 44 (AB-214) generally prohibits a person from abusing, or possessing with the intent to abuse, a hazardous substance and generally prohibits a person from distributing, or possessing with the intent to distribute, a hazardous substance if the person knows or should know that the hazardous substance will be abused. "Abuse" is the use of a hazardous substance to induce intoxication or elation, to stupefy the central nervous system, or to change audio, visual, or mental processes.

Act 52 (SB-294) includes in the list of Schedule I drugs 1, 4-butanediol and gamma-butyrolactone if the drugs are packaged, marketed, manufactured, or promoted for human consumption. By including these substances in the list of Schedule I drugs, possession of either one is a felony.

Act 114 (SB-525) increases the penalties for engaging in disorderly conduct within 500 feet of the site of a funeral or memorial service, either during the service or within one hour before or one hour after the service; increases the penalties for engaging in disorderly conduct that interferes with a funeral procession; prohibits intentionally interfering with a funeral procession; and prohibits blocking access to the site of a funeral or memorial service.

Act 205 (AB-127) makes it a misdemeanor to falsify a title insurance commitment, a title insurance policy, or any other written evidence regarding the state of title to real estate.

Act 212 (AB-986) criminalizes certain acts against a financial institution, including bribery or extortion of a financial institution or use of the mail or electronic communications to further another crime against a financial institution.

Act 262 (SB-652) revises the weight-based prohibitions relating to the acquisition of pseudoephedrine so that they apply to the weight of the pseudoephedrine itself instead of to the weight of the product containing the pseudoephedrine. See also *Act 14*.

Act 263 (AB-48) increases the penalty for using or possessing paraphernalia related to methamphetamine if the person is at least 18 years of age and uses or possesses the paraphernalia in the presence of a child who is 14 years of age or younger.

Act 273 (AB-444) broadens the definition of "sexual contact" to include cases in which a

person, for the purpose of sexual humiliation, degradation, arousal, or gratification, intentionally causes someone else to ejaculate or emit urine or feces on any part of the person's body. See also *Act 435*.

Act 274 (SB-349) makes it a felony for a person who works or volunteers in certain positions that require direct interaction with children to have sexual contact or intercourse with a 16-year-old or 17-year-old with whom the person interacts at that position.

Act 277 (AB-511) creates a specific criminal prohibition against a foster parent having sexual contact or intercourse with a child placed in the foster parent's care, and against a manager, employee, or volunteer of a shelter, group home, or residential care center having sexual contact or intercourse with a child placed at a shelter, home, or center. The act also criminalizes as incest sexual contact or intercourse by a stepparent with his or her stepchild who is under 18 years of age.

Act 280 (AB-728) increases the penalty for witness intimidation by a person who is charged with committing a felony.

Act 353 (SB-181) makes it a crime to interfere with, injure, or kill a service animal. The act also requires that a person convicted of committing that crime must pay restitution for certain costs resulting from the crime, such as veterinary expenses, the cost of replacing the animal, or compensation to the animal's user for lost income.

Act 417 (SB-338) creates an exception to the criminal prohibition against a public officer or employee having a private interest in a public contract. The exception covers certain contracts between the UW and a research company in which a UW officer or employee has a private interest. For the exception to apply, a UW employee responsible for evaluating and managing potential conflicts of interest must approve the contract and, if the UW and the research company enter into contracts worth more than \$75,000 over two years, the attorney general must review the contract.

Act 432 (AB-251) makes it a Class I felony for a registered sex offender to intentionally photograph, film, or videotape any person under the age of 17 without written consent from the person's parent, custodian, or guardian.

Act 433 (AB-942) increases the maximum penalties for making child pornography or inducing a child to participate in making child pornography; possessing child pornography; and using a computer to facilitate a child sex crime. The act also directs judges to impose mandatory minimum prison sentences for persons convicted of any these crimes unless the court finds that probation or a lesser sentence is in the best interests of the community. Finally, the act directs courts to impose a child pornography surcharge of \$500 per pornographic image on people convicted of making child pornography or inducing a child to participate in making child pornography or possessing child pornography.

Act 435 (SB-409) broadens the definition of "sexual contact" to include sexual contact involving a victim and a third person if the sexual contact is undertaken at the defendant's instruction. See also *Act 273*.

Act 437 (SB-629) increases the maximum penalty for first degree sexual assault of a child from 60 years to a term of life imprisonment if the sexual assault results in great bodily harm to the victim.

Enrolled Joint Resolution 58 (*Senate Joint Resolution 5*) submits the following question, as an advisory referendum, to the voters at the November 2006 general election, "Should the death penalty be enacted in the State of Wisconsin for cases involving a person who is convicted of first-degree intentional homicide, if the conviction is supported by DNA evidence?"

CRIME VICTIMS

Act 419 (AB-172) grants to an adult child of a crime victim the authority to exercise the rights of the crime victim if the victim is unable to do so.

Act 447 (SB-575) provides that, if a person forfeits bail by not complying with the conditions of bond, the court must determine an amount to be taken from the forfeited bail to be given to the victim of the crime for which the bond conditions were imposed as recompense for that crime.

CRIMINAL PROCEDURE

Act 25 (AB-100) reduces the initial maximum term of probation for most Class A misdemeanors from two years to one year and, for most other misdemeanors, eliminates the six-month minimum term of probation and reduces the initial maximum term of probation from two years to six months.

Act 32 (AB-62) allows a sentencing court to prohibit a defendant from contacting victims of, or coactors in, the felony for which the court is sentencing the defendant during his or her sentence.

Act 42 (AB-261) makes the laws regarding the use of a videotaped recording of a child's testimony in a criminal or juvenile case or in a proceeding to revoke a person's probation, parole, or extended supervision applicable to any type of audiovisual recording.

Act 60 (AB-648) does the following:

1. Provides that the policy of the state is to record custodial interrogations of adults suspected of committing a felony, and provides that under certain circumstances a court may instruct a jury of this policy if a statement made by a defendant during an unrecorded custodial interrogation is admitted into evidence in a felony proceeding. The act also creates a program to support the purchase of digital recording equipment by law enforcement agencies. See also *Correctional System*.

2. Requires law enforcement agencies to adopt written policies governing the use of eyewitnesses to identify people suspected of committing crimes.

3. Requires that law enforcement agencies, courts, district attorneys, and the state crime laboratories retain evidence containing biological material from which a DNA profile may be created only if the material is from a crime victim or may reasonably be used to incriminate or exculpate a person for a crime.

4. Extends the period for commencing prosecution of a crime that is related to certain sexual assaults. Under the act, if DNA evidence is collected before the original period for commencing prosecution of the related crime expires and the evidence is not matched with an identified individual until after the original period expires, the state may commence prosecution within one year after making the match. See also *Act 276*.

5. Makes postconviction DNA testing a priority for the state crime laboratories and allows the state crime laboratories to contract for postconviction DNA testing.

Act 91 (AB-40) allows a law enforcement agency that seizes money forfeited in a case relating to illegal drugs to retain 70 percent of the first \$2,000 and 50 percent of any amount above \$2,000 to cover the costs of its investigation and costs relating to the forfeiture proceeding.

Act 104 (AB-436) requires a law enforcement officer to arrest the predominant aggressor when a crime of domestic abuse has been committed (instead of the primary physical aggressor as previously required); creates a presumption against arresting any other person involved in the domestic abuse incident; and prohibits releasing the predominant aggressor from custody until he or she posts bail at the sheriff's office or police station or appears before a judge.

Act 244 (AB-971) advances the deadline by which a mental health expert for the state or a defendant must file a report with opposing counsel to testify at the defendant's criminal trial.

Act 271 (AB-708) increases the maximum penalty to life imprisonment if a person is convicted of first-degree sexual assault and has one or more prior convictions for first-degree sexual assault.

Act 275 (SB-569) requires that people convicted of fourth-degree sexual assault or various indecent exposure crimes provide a DNA sample to DOJ. The act further requires DOJ to include DNA profiles from these offenders in its database of DNA profiles from felony offenders.

Act 276 (AB-47) eliminates all time limits for commencing prosecution for a first-degree sexual assault of a child. The act also provides that, if the state collects DNA evidence in connection with a first-degree sexual assault before the original period for commencing prosecution for the assault expires but does not match the evidence with an identified individual until after the period expires, the state may commence prosecution for the assault anytime after making a match. See also *Act 60*.

Act 279 (AB-727) advances the deadline before a criminal trial by which a defendant must give the state notice of an alibi witness and the deadline by which the state must notify the defense of any witness it intends to use to discredit the defendant's alibi.

Act 310 (AB-970) makes evidence of a person's prior conviction for first-degree sexual assault admissible as character evidence in a criminal proceeding concerning a first-degree sexual assault.

Act 311 (AB-143) allows a district attorney and defendant's attorney to keep a copy of a presentence investigation report, which is a report prepared by DOC at the request of a judge to assist the judge in imposing a sentence for a felony. The act also allows an unrepresented defendant to view the report.

Act 313 (AB-717) adds battery, false imprisonment, and kidnapping to the felonies for which the maximum term of imprisonment may be increased by 15 years if a person dies in the course of the felony.

Act 430 (AB-784) requires a 25-year minimum term of incarceration if a person is convicted of sexual intercourse with a person under the age of 12, or under the age of 16 if force or violence is used or threatened. The act requires a five-year minimum term of incarceration if the person is convicted of sexual contact with a person who is under the age of 16 and if force or violence is used or threatened. The act also narrows the definition of "sexual intercourse" to exclude penetration by digits.

Act 436 (SB-526) makes it second-degree sexual assault to have sexual contact or intercourse with a person who is under the influence of an intoxicant, which includes any alcohol beverage, controlled substance, or other drug, to a degree that renders the person incapable of giving consent if the actor knows that the person is incapable of giving consent and intends to have sexual contact or intercourse with the person while he or she is incapable of giving consent.

OTHER CRIMINAL LAW

Act 25 (AB-100) transfers law enforcement grant programs for tribes and for counties that border reservations from the Office of Justice Assistance in DOA to DOJ.

Act 129 (AB-624) requires the Public Defender Board to establish the period during which an indigent client of the State Public Defender may pay the State Public Defender a discounted fee for representation.

Act 163 (SB-562) clarifies that the general prohibition against possessing a shotgun that has a barrel that is less than 18 inches in length or a rifle that has a barrel that is less than 16 inches in length applies to a person under the age of 18 with a firearm who is complying with hunting laws and applies to adults who sell, loan, or give a firearm to a person under the age of 18 who is complying with hunting laws.

Act 462 (SB-145) authorizes a district attorney to enter into a deferred prosecution agreement with a person accused of issuing a worthless check. Under such an agreement, the district attorney may require the accused to pay the amount of the worthless check, restitution, or a fee for administering the deferred prosecution agreement, as well as a fee for a class or counseling regarding financial management, in return for not prosecuting the worthless check violation. The act also allows a district attorney to contract with a private entity to administer deferred prosecution agreements with worthless check violators.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 499 would have prohibited human cloning and parthenogenesis.

Assembly Bill 763 and *Senate Bill 403* would have permitted persons to be licensed to carry concealed weapons.

Discrimination

Act 25 (AB-100) requires DWD to refer housing discrimination cases to the Attorney General for representation of the complainant in court and administrative proceedings.

Act 354 (SB-157) makes the following changes to the public accommodations law to conform that law to regulations promulgated under the federal Americans with Disabilities Act:

1. With certain exceptions, extends the full and equal enjoyment of a public place of accommodation to a person with a disability or trainer who is accompanied by any service animal, not just a guide dog as under former law.

2. Requires a public place of accommodation to modify its policies to ensure that a person with a disability or trainer and service animal are not separated, that the service animal may accompany the person or trainer to all public areas of the public accommodation, and that the person or trainer is not segregated from other patrons.

3. Eliminates the requirements that a guide dog accompanying a person with a disability wear a harness or a leash and special cape and that a person with a disability present credentials issued by a guide-dog training school.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 207 would have expanded the definition of “employment discrimination based on creed” to include discriminating against an employee for refusing to participate in certain acts, such as sterilizations, abortions, certain procedures involving in vitro human embryos or fetal tissue, causing death by withholding or withdrawing nutrition or hydration, or euthanasia. See also *Occupational Regulation*.

Domestic Relations

Act 101 (AB-522) requires a court to consider, when determining the custody or physical placement of a child, whether a person who resides or will reside in a proposed custodial household, or with whom a parent of the child has a dating relationship, has a criminal record or has abused or neglected the child or any

other child. When modifying custody or physical placement, a court must also consider whether a stepparent of the child has a criminal record or has abused or neglected the child or any other child.

Act 130 (SB-112) standardizes the general procedural and jurisdictional requirements for interstate child custody matters, including legal custody, physical placement, and visitation.

Act 174 (SB-244) specifically authorizes a court in an action affecting the family to grant a parent electronic communication with the parent’s child when the child’s other parent has physical placement with the child. “Electronic communication” is time during which the parent and child communicate by telephone, electronic mail, instant messaging, or video conferencing, or via the Internet.

Act 304 (SB-369) requires a court in a paternity action, or in an action based on a voluntary acknowledgment of paternity, to establish the amount of the father’s obligation for the reasonable expenses of the mother’s pregnancy and the child’s birth and to specify whether periodic payments are due on the obligation, based on the father’s ability to pay; provides that the father’s obligation may not exceed one-half of the total reasonable pregnancy and birth expenses; and provides that the father may request a hearing on his ability to pay in the event that his state income tax refund is intercepted for payment of the pregnancy and birth expenses obligation.

Act 342 (AB-526) requires a court in an action affecting the family to order a parent who is required to provide health insurance coverage for his or her child to provide a health insurance identification card that evidences the child’s health insurance coverage to the child’s other parent.

Act 443 (SB-123) reorganizes the chapter of the statutes relating to actions affecting the family, such as divorce, paternity, child custody, and grandparent visitation actions.

Act 471 (SB-590) prohibits a court from considering, in determining the legal custody of a child whose parent is a service member, whether the service member parent has been or may be called to active duty. The act also requires a court to reinstate a physical placement schedule upon the discharge or release from active duty of a service member parent if the physical placement schedule was modified

because the service member parent was called to active duty.

Education

HIGHER EDUCATION

Act 15 (AB-438) appropriates additional money to the UW System for energy costs. See also *Correctional System* and *Health and Social Services — Medical Assistance and Public Assistance*.

Act 25 (AB-100) makes the following changes to the laws governing higher education:

1. Eliminates the alcohol and other drug abuse grant program administered by the Technical College System (TCS) Board.

2. Requires the TCS Board to allocate funds to the Fox Valley Technical College for a crime prevention center.

3. Eliminates restrictions on additional fees technical colleges may charge for short-term, professional development, vocational-adult seminars or workshops offered to individuals employed in a related field.

4. Requires each technical college to remit 50 percent of tuition and fees for up to 128 credits or eight semesters, whichever is longer, to any student who is an eligible veteran. The act also requires each technical college to grant to any resident student who is the spouse, unremarried surviving spouse, or child of an eligible veteran, full remission of tuition and fees for 128 credits or eight semesters, whichever is longer.

5. Permits the TCS Board to award grants to technical colleges for skills training or other education related to the needs of business.

6. Transfers the Educational Approval Board (EAB), which inspects and approves private trade, correspondence, business, and technical schools, from DVA to the TCS Board; permits the EAB to take possession of the student records of a school, including certain schools

not approved by the EAB, if the school discontinues, proposes to discontinue, or is in imminent danger of discontinuing its operations and if those records are in danger of being destroyed, mislaid, or otherwise made unavailable; and permits the Wisconsin Association of Independent Colleges and Universities to take possession of the student records of a member school under those circumstances.

7. Requires the Higher Educational Aids Board (HEAB) to calculate the amounts to be appropriated for Wisconsin Higher Education Grants for UW System students based on the average percentage increase in undergraduate academic fees among UW System institutions rather than on the highest percentage increase in those fees among those institutions as under preexisting law. See also *Act 367*.

Act 76 (SB-121) adds a second student member to the Board of Regents of the UW System.

Act 77 (AB-27) authorizes the Board of Regents of the UW System to establish a gift certificate program for the payment of tuition.

Act 175 (SB-549) eliminates the obsolete provision that required the UW Medical School to reduce its enrollment during the period from 1984 to 1988.

Act 265 (AB-805) allows the TCS director, during the 2005-06 to 2007-08 academic years, to authorize district boards to remit nonresident fees to needy and worthy students who are victims of Hurricane Katrina.

Act 267 (SB-370) extends eligibility for a scholarship under the Academic Excellence Higher Education Scholarship Program to a high school senior who enrolls in a two-year vocational diploma program at a technical college. Under that program, HEAB awards scholarships to selected high school seniors, based on grade point average, who enroll in postsecondary institutions in Wisconsin.

Act 320 (SB-414) extends the full fee remission granted to certain resident undergraduates at the UW System and at technical colleges who are survivors of workers in certain emergency-related and law-related occupations killed in the line of duty to include workers who develop a permanent work-related disability under one of the three government retirement systems and later died from the qualifying disability.

Act 324 (AB-378) requires a public or private college or university, including a technical college, to reenroll a student who is forced to withdraw from school after September 11, 2001, because he or she is called into active military service.

Act 367 (SB-481) increases the maximum Wisconsin Higher Education Grant that HEAB may award to an undergraduate enrolled at a public postsecondary institution or tribal college in Wisconsin from \$2,500 to \$3,000 per academic year.

Act 368 (AB-387) extends eligibility for a loan under the Nursing Student Loan Program to a person who is enrolled in a program in Wisconsin conferring a master's or doctoral degree in nursing and for loan forgiveness under that program to loan recipients who are employed in Wisconsin as nurse educators. Under that program, HEAB makes educational loans to nursing students and forgives up to 50 percent of a loan if the loan recipient remains employed in Wisconsin as a nurse.

Act 404 (SB-554) substitutes the chancellor of UW-Madison for the president of UW System as a member of the State Laboratory of Hygiene Board.

Act 468 (SB-613) exempts certain veterans from tuition and fees at the UW System and at technical colleges. See also *Veterans and Military Affairs*.

Act 470 (SB-436) requires the UW System and technical colleges to reenroll students who are discharged, demobilized, or deactivated from active duty in the U.S. armed forces.

Act 478 (SB-661) creates separate trust funds for contributions to the College Savings Program in which the investment instrument is an account held by a bank or credit union located in this state. The College Savings Program allows people to invest money on a tax-deferred basis for college education costs.

PRIMARY AND SECONDARY EDUCATION

Act 25 (AB-100) makes the following changes to the laws governing primary and secondary education:

1. Makes the costs of school counselors and school nurses eligible for reimbursement through special education aid.

2. Directs DPI to award a grant to each person employing an initial educator in a position requiring a DPI license in order to pay the cost of providing a mentor for the educator, as required by administrative rule.

3. Directs DPI to award grants to school districts to partially reimburse the costs of offering advanced placement courses in high schools that are not offering such courses, and to award grants to cooperative educational service agencies and Milwaukee Public Schools (MPS) to provide advanced curricula and assessments for gifted and talented middle school pupils.

4. Allocates funds to the Second Chance Partnership, a nonprofit corporation operating a pilot program in which children at risk participate in apprenticeships while earning high school diplomas.

5. Requires that all teachers with primary responsibility for the academic instruction of pupils in the Milwaukee Parental Choice Program (MPCP), which allows certain pupils who reside in the city of Milwaukee to attend a participating private school located in the city at state expense, be high school graduates, or obtain a declaration of equivalency of high school graduation.

6. Eliminates the restrictions on eligibility to attend an independent charter school located in MPS. Under former law, in general a pupil could attend such a charter school only if in the previous school year the pupil was enrolled in MPS, was attending a private school under the MPCP, was enrolled in grades kindergarten to 3 in a private school located in MPS other than one participating in the MPCP, was not enrolled in school, or was enrolled in an independent charter school.

7. Provides that a school board may contract with a noninstrumentality charter school established by the school board to provide special education services to pupils attending the charter school, and that costs of the services are eligible for reimbursement through special education aid.

8. Directs DPI to award grants to nonprofit organizations to support programs that train community-based adult literacy staff and to establish new volunteer-based programs in areas that need adult literacy services.

9. Directs the secretary of administration to transfer \$330,000,000 during the 2005-07 fiscal

biennium from the general fund to any DPI appropriation. In his veto message, the governor requested a transfer of \$155,000,000 in the 2005-06 fiscal year and \$175,000,000 in the 2006-07 fiscal year for general school aid.

10. Provides that, in determining a school district's general aid in the 2006-07 and 2007-08 school years, certain specified costs paid with money drawn from the district's fund balance are excluded from shared costs if the result is an increase in the district's general aid.

11. Permits an elementary school, secondary school, or public library to request DOA to provide data lines, video links, and bandwidth access that is in addition to the single data line or video link that is ordinarily provided under the Educational Telecommunications Access Program.

12. Requires DOA to award grants to consortia of school districts to develop and implement a technology-enhanced high school curriculum.

Act 43 (SB-39) permits DPI to provide school transportation aid to school districts that use bio-diesel fuel for school bus transportation to cover the increased cost of using this fuel compared to the cost of using petroleum-diesel fuel.

Act 62 (AB-425) requires a school board annually to notify the parent of each pupil enrolled in the school district of the right to request a school and school district performance report, to provide the report to the parent upon request, and to post the report on the district's Internet site.

Act 68 (SB-206) allows a school board, under the Open Enrollment Program, to transport a nonresident pupil to or from a location within the boundaries of the school district in which the pupil resides.

Act 99 (AB-167) expands the investment authority of school districts with respect to certain funds that are held in trust to provide post-employment benefits.

Act 111 (AB-698) allows the charter school established by UW-Parkside to accommodate 480 pupils. Former law allowed 400 pupils.

Act 120 (SB-322) revises the mailing requirements for certain school district reorganization orders.

Act 121 (SB-361) allows the use of technologies other than fingerprint cards for fingerprinting certain applicants for a teacher's license.

Act 122 (SB-411) eliminates the duty of a school district attendance officer to determine annually how many pupils enrolled in the school district were absent in the previous year and whether the absences were excused and then notify DPI.

Act 125 (SB-618) makes several changes in the laws governing the MPCP, and the Student Achievement Guarantee in Education (SAGE) program, under which a school district enters into a five-year contract with DPI to reduce class size to 15 in grades kindergarten to 3 in exchange for receiving additional state aid. The changes include:

1. Increasing the number of pupils allowed to participate in the MPCP from approximately 15,000 to 22,500.

2. Allowing a pupil to continue to participate even if his or her family's income increases from 1.75 to up to 2.2 times the federal poverty level.

3. Eliminating the requirements under former law that, in order to participate, a pupil had to be enrolled in MPS, enrolled in grades kindergarten to 3 in a private school located in Milwaukee, or not enrolled in school in the previous school year.

4. Requiring each private school participating in the MPCP to become accredited within three years.

5. Requiring the participating private schools to administer standardized tests in reading, mathematics, and science, and requiring the Legislative Audit Bureau to analyze the test results and report the results to the legislature annually from 2007 to 2011.

6. Increasing the amount paid per pupil in the SAGE program from \$2,000 to \$2,250 beginning in the 2007-08 school year.

Act 218 (AB-308) directs DPI, in cooperation with DWD and DHFS, to establish a clearinghouse for information about the special education transition services and vocational opportunities available in each county.

Act 219 (SB-482) revises the method for calculating special adjustment aid (which guaran-

tees a school district in each school year at least 85 percent of the amount of state aid that it received in the previous school year) and for calculating the revenue limit for a school district from which territory is detached to create a new school district.

Act 220 (SB-259) eliminates a number of DPI and school district requirements, including the requirement that a school board report school bus accidents to DPI. See also *Health and Social Services — Public Health*.

Act 221 (AB-589) requires DPI to make available to public and private schools information about meningococcal disease, and requires the schools, until the 2011-12 school year, to provide parents of children in grades 6 to 12 with the information. After the 2011-12 school year, the schools must provide parents of children enrolled in grade 6 with the information. Under the act, these requirements are eliminated if DHFS requires vaccinations against meningitis.

Act 222 (SB-323) provides that, if two or more school districts consolidate, the amount of state aid paid to the new school district in each of the succeeding five school years may not be less than the sum of the amounts to which the consolidating school districts were eligible (instead of the amounts they actually received, as under former law) in the school year before the consolidation.

Act 223 (SB-324) allows a school board, if it transports a pupil who is not required by law to be transported by the school board, to waive the transportation fee if the person is unable to pay the fee.

Act 224 (SB-382) provides that, if a pupil enrolled in a school district is living outside the school district as the result of a joint custody arrangement, the school district must transport the pupil to and from an agreed-upon location within the school district if the pupil's parent requests.

Act 225 (SB-384) provides that pupils attending the Youth Challenge Academy, a residential program administered by DMA, in the spring semester and in the fall semester are counted for school district revenue limit purposes in the school year beginning that fall. Formerly, such pupils were not counted for revenue limit purposes until the following school year.

Act 226 (SB-273) makes various changes to the laws governing public libraries. For example, the act excludes any amount spent for capital projects from the financial support required for county or municipal library participation in a public library system. The act also allows a municipal, county, or joint public library to provide remote access to a library's electronic database only to its residents.

Act 252 (SB-520) requires a school board to include in its annual report to DPI the number of hours of direct pupil instruction provided in each school in the previous school year.

Act 258 (SB-529) makes various changes to the laws governing special education, including the following:

1. Eliminating the requirement that DPI approve special education plans for local educational agencies (LEAs) and instead requiring DPI to determine an LEA's eligibility for special education funding.

2. Requiring an LEA to seek informed consent from a child's parent before providing special education to the child. If a parent denies consent or does not respond, the LEA is not in violation of the requirement to make a free appropriate public education available to the child.

3. Changing the LEA responsible for serving children with disabilities enrolled in private schools from the LEA where the child resides to the LEA where the private school is located.

4. Eliminating most of the specific components that previously had to be included in the LEA's plan submitted to DPI.

5. Eliminating the requirement that an LEA annually provide a special education performance review to all parents and to DPI.

Act 290 (AB-719) authorizes a school board to allow hunting in its school forest.

Act 324 (AB-378) requires a public or private postsecondary institution to reenroll a student who is called into active military service beginning in the semester following his or her discharge from service or the next succeeding semester, whichever the student prefers.

Act 341 (AB-309) requires a school district that provides instruction in human sexuality, reproduction, family planning, AIDS, prenatal de-

velopment, childbirth, adoption, available prenatal and postnatal support, or male and female responsibility to provide instruction in marriage and family responsibility in the same course. Former law did not require that instruction in marriage and family responsibility be provided in the same course.

Act 346 (AB-114) allows public schools and charter schools to enroll only one sex in a school or course if comparable schools or courses are available to pupils of the opposite sex.

Act 398 (AB-1132) exempts private school and their employees from civil liability for injury to a pupil caused by a private school employee who prohibits a pupil from using an inhaler, or who allows a pupil to use an inhaler, because of the employee's good faith belief that he or she is complying with the law. Former law exempted only public schools and their employees.

Act 420 (SB-272) makes various changes to public library laws, including the following:

1. Providing that if a public library system has fewer than three participating counties and a population of less than 200,000 it must realign with an existing system.

2. Requiring the head librarian of a library system to be present in the library for at least 10 hours each week and requiring a system to spend at least \$2,500 annually on library materials.

3. Prohibiting a system from being established if that would cause the number of systems to exceed the number currently in existence.

4. Authorizing a county library planning committee's plan of library services to require that a municipality in the county that operates a public library compensate another municipality in the county that operates a public library whenever the latter public library provides library services to residents of the municipality that operates the former public library.

Act 445 (SB-286) requires that instruction in public schools related to human sexuality, reproduction, family planning, HIV, prenatal development, childbirth, or adoption must present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried pupils and

must emphasize that abstinence from sexual activity before marriage is the most effective way to prevent pregnancy and sexually transmitted diseases.

Act 453 (SB-685) authorizes MPS to use proceeds from the sale of real property that is located in the city of Milwaukee and used for school purposes to pay the principal on bonds issued by the city's redevelopment authority for the purpose of financing certain school facilities. Formerly, proceeds from such a sale had to be used to purchase real property for school purposes.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 84 would have eliminated the requirement that public school be held for at least 180 days each school year.

Senate Bill 171 would have prohibited a school board from calling a special election for the purpose of obtaining the approval of the electors to borrow money or to exceed its revenue limit except in odd-numbered years on the second Tuesday in September or on the first Tuesday after the first Monday in November.

Assembly Bill 730 would have allowed any four-year UW institution to establish a charter school.

Assembly Bill 1060 would have provided that, in a virtual charter school (a charter school in which instruction is provided primarily through means of the Internet), only the persons who assign grades or credits to pupils need to be licensed as teachers by DPI.

Elections

Act 27 (AB-61) permits certain employees of municipal clerks and boards of election commissioners who do not reside in the municipalities where they work to serve as election officials in those municipalities.

Act 92 (AB-627) requires electronic voting systems to produce a permanent paper record of votes cast by each elector that is verifiable by the elector and requires this record to be used in recounts. The act also permits access to electronic voting system software components under certain conditions.

Act 176 (AB-65) changes the information required to be reported by nonresident registrants under the campaign finance law so that the information is the same as that required of residents, but requires certain information reported by nonresidents to be separately stated.

Act 177 (AB-428) deletes most changes made by 2001 Wisconsin Act 109 to campaign finance and related laws. The changes, which were invalidated in federal court, expanded registration and reporting requirements, provided additional public financing to certain candidates, and changed contribution and spending limits.

Act 178 (AB-429) deletes certain changes made by 2001 Wisconsin Act 109 relating to the Wisconsin Election Campaign Fund (WECF). The changes, which were invalidated in federal court, authorized the Elections Board to allocate a portion of WECF to provide public information about WECF.

Act 248 (SB-34) changes the method of filling vacancies in certain local elective offices.

Act 278 (SB-341) provides additional means by which certain victims of domestic abuse, sexual assault, or stalking may qualify to have their names and addresses for voter registration purposes treated confidentially.

Act 333 (AB-64) provides for uniform statewide polling hours.

Act 451 (SB-612) makes extensive changes to election laws including registration, absentee balloting, voting procedures, canvassing, and recount procedures. The act creates uniform identification requirements for certain voter registrations; changes the deadline for registrations other than in person; changes the deadline for certain electors to request absentee ballots by mail; permits the ballots of military electors to be counted in some cases even if they are received after election day; changes procedures for training of election officials;

changes canvassing and recount procedures when machine-readable ballots are used; establishes procedures for verification of whether electors are ineligible to vote as a result of a felony conviction; and prohibits voter registration deputies from being compensated at a rate that varies with the number of registrations obtained.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 63 and *Senate Bill 42* would have required most voters to present one of three specified forms of identification to vote or to register to vote at the polls on election day.

Assembly Bill 226, *Assembly Bill 392*, and *Senate Bill 46* would have made extensive changes to campaign finance and related laws.

Senate Bill 1 would have merged the Elections Board and the Ethics Board and changed the way that the elections, ethics, and lobbying regulation laws are enforced.

Eminent Domain

Act 233 (AB-657) prohibits most entities with the power of condemnation from acquiring property that is not blighted by condemnation if the entity intends to convey or lease the acquired property to a private entity. If the entity intends to convey or lease the acquired property to a private entity, the entity must make certain written findings, including a finding that the property is blighted and the reasons for that finding, and provide a copy of the findings to the owner of the property.

Employment

CIVIL SERVICE-COLLECTIVE BARGAINING AGREEMENTS

Act 17 (SB-261), **Act 18** (SB-262), **Act 19** (SB-263), **Act 20** (SB-264), **Act 369** (SB-699), **Act 371** (SB-700), **Act 373** (SB-701), **Act 375** (SB-702), **Act 415** (SB-725), **Act 427** (SB-728), and **Act 489** (AB-1228) ratify the collective bargaining agreements for the 2003-05 biennium covering state employees in the following collective bargaining units: administrative support; blue collar and nonbuilding trades; security and public safety; technical; public defenders; professional research, statistics, and analysis; program, project, and teaching assistants of UW-Madison and UW-Extension; professional education; law enforcement; professional engineering; and professional legal.

Act 370 (SB-707), **Act 372** (SB-708), **Act 374** (SB-709), **Act 376** (SB-710), **Act 377** (SB-703), **Act 378** (SB-704), **Act 379** (SB-705), **Act 380** (SB-706), **Act 381** (SB-711), **Act 382** (SB-712), **Act 383** (SB-713), **Act 384** (SB-714), **Act 416** (SB-726), **Act 426** (SB-727), **Act 428** (SB-729), **Act 429** (SB-730), **Act 488** (AB-1227), **Act 490** (AB-1230), and **Act 491** (AB-1229) ratify the collective bargaining agreements for the 2005-07 biennium covering state employees in the following collective bargaining units: public defenders; professional research, statistics, and analysis; program, project, and teaching assistants of UW-Madison and UW-Extension; professional education; administrative support; blue collar and nonbuilding trades; security and public safety; technical; building trades crafts; professional science; professional patient treatment; program, project, and teaching assistants of the UW-Milwaukee; law enforcement; professional patient care; professional engineering; assistant district attorneys; professional legal; professional social services; and professional fiscal and staff services.

CIVIL SERVICE-OTHER

Act 21 (SB-265) increases paid annual leave for nonrepresented state employees who are subject to the minimum wage and overtime

requirements under the federal Fair Labor Standards Act.

Act 145 (SB-359) eliminates obsolete employment rights for certain state employee positions that no longer exist.

Act 350 (AB-383) requires state agencies to conduct a criminal history background check before offering employment to an applicant for a state government position that involves fiduciary responsibility.

Act 393 (AB-579) provide that a minor child of a state resident is considered a resident for the purpose of filling a project or limited-term position in the state civil service. Currently, these positions may be filled only by state residents.

Act 469 (SB-696) authorizes the governor to extend a program for state employees who are activated to serve on military duty in the U.S. armed forces, or who are required to serve in the U.S. public health service and who are on detail with any of the U.S. armed forces, that ensures the employees are paid at least their state salaries and continue to accumulate sick leave and vacation time while away from state employment.

FRINGE BENEFITS OF PUBLIC EMPLOYEES

Act 66 (SB-149) adds to the membership of the Group Insurance Board a person who must be either the chief executive or a member of the governing body of a local unit of government that is included under the WRS.

Act 142 (SB-577) expands a service award program that pays tax-deferred benefits to volunteer fire fighters and emergency medical technicians in cities, villages, and towns, based on their years of service, to include first responders. The act also authorizes counties to participate in the program and permits the purchase of additional years of service at any time.

Act 150 (SB-487) provides that the Deferred Compensation Board serves as trustee of any deferred compensation plan under its management.

Act 151 (SB-488) provides that any waiver of benefits by a beneficiary under the WRS is absolute and without right of reconsideration or recovery.

Act 152 (SB-489) authorizes the release of medical records by DETF upon the order of an administrative hearing examiner.

Act 153 (SB-490) changes the name of the fixed retirement investment trust to the core retirement investment trust.

Act 154 (SB-491) provides that under the WRS the employer is not required to provide matching funds for a retirement annuity or a death benefit for any other governmental service purchased by a WRS participant.

Act 189 (SB-463) requires the city of Milwaukee Employees' Retirement System to invest funds of the system in the manner provided under the Uniform Prudent Investor Act.

Act 402 (SB-486) permits state employees to refile applications for the Income Continuation Coverage Program if they were initially denied coverage under the program because of employer error.

OTHER EMPLOYMENT

Act 12 (AB-49) prohibits a city, village, town, or county from enacting a local minimum wage ordinance.

Act 25 (AB-100) eliminates the Governor's Work-Based Learning Board and transfers administration of the Youth Apprenticeship Program from that board to DWD and administration of the Technical Preparation Program from that board to the Technical College System Board. Under the Youth Apprenticeship Program, grants are awarded to local partnerships for programs providing on-the-job training and related classroom instruction to youth apprentices. Under the Technical Preparation Program, high school pupils take courses to gain advanced standing in associate degree programs.

Act 86 (SB-426) makes numerous changes in unemployment insurance laws. The act increases benefit rates, changes electronic reporting requirements for employers, and changes the treatment of employee absenteeism and tardiness and business transfers.

Act 96 (AB-385) specifies that a person who provides volunteer, unpaid behavioral health services, health care services, pupil services, or substance abuse prevention services for a

health care facility during a public health emergency is an employee of the state for purposes of worker's compensation coverage. See also *Health and Social Services — Public Health*.

Act 172 (SB-474) makes the following changes relating to worker's compensation:

1. Provides that an injured employee is not eligible for temporary disability benefits when he or she is suspended or terminated from employment due to a violation of the employer's drug policy or the alleged commission of a work-related crime.

2. Subject to certain exceptions, requires a pharmacist to substitute a lower-cost equivalent drug for a drug prescribed to treat an injured employee, limits the liability of an employer or insurer for the cost of a prescription drug to the average wholesale price of the drug, plus taxes and a dispensing fee, and prohibits a pharmacist from collecting from an injured employee any charge that is in excess of that liability.

3. Requires an employer or insurer, rather than DWD, to pay benefits becoming due 12 years after the date of a traumatic injury and includes as a "traumatic injury" an injury that causes the need for an artificial spinal disc.

4. Permits certified medical reports, reports concerning loss of earning capacity, and reports of industrial safety specialists to be received into evidence without corroboration by in-person testimony and requires DWD to establish standards for determining necessity of treatment.

5. Requires the Labor and Industry Review Commission (LIRC) to maintain the confidentiality of certain records relating to a worker's compensation claim in the same manner that DWD maintains confidentiality of those records and permits DWD and LIRC to disclose those records to a governmental unit, institution of higher education, or nonprofit agency for research purposes.

6. Requires a professional employer organization or employee leasing organization to report certain information to DWD when it enters into an employee leasing agreement with a client and to notify DWD when it intends to terminate such an agreement and provides that the client's worker's compensation coverage through the organization is not terminated until 30 days after that notice.

7. Provides that moneys collected by DWD for worker's compensation purposes may be expended only for those purposes.

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

Act 181 (AB-736) requires an employer performing work on a state or local public works project, other than a highway project, that is subject to the prevailing wage law, which requires certain employees to be paid the prevailing wage in the area for the employee's trade or occupation, to have in place an employee substance abuse prevention program that prohibits those employees from using or being under the influence of drugs or alcohol while performing work on the project; requires those employees to submit to drug and alcohol testing; and requires that an employee who violates or is reasonably suspected of violating that prohibition, who tests positive for drugs or alcohol, or who refuses to submit to testing be removed from the project until the employee tests negative for drugs, is not under the influence of alcohol, and is approved to return to work in accordance the employer's program.

Act 197 (AB-792) requires an agency that places a worker in the residence of a consumer to provide home care services, such as companionship services, homemaker services, nursing services, or personal care services, to provide the consumer with a notice of his or her duties, responsibilities, and liabilities with respect to the worker, a statement specifying whether the worker is an employee of the agency or of the consumer or is an independent contractor, and a statement of the consumer's responsibilities if the consumer is determined to be the worker's employer. The act also requires the agency to provide the worker with a notice specifying whether the worker is an employee of the agency or of the consumer or is an independent contractor and a statement of the duties, responsibilities, and liabilities of the agency, consumer, and worker if the worker is determined to be an independent contractor.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Senate Bill 440 and *Assembly Bill 860* would have required DHFS to impose on any private-sector employer employing 10,000 or more

employees in this state that does not provide health care coverage for all of its employees an assessment equal to the cost incurred by society as a result of not providing that coverage and to deposit those assessments in the Medical Assistance Trust Fund.

Senate Bill 251 would have required employers of traveling sales crews to register with DWD; imposed certain bonding, disclosure, safety, insurance, and other requirements on those employers; and prohibited certain employment practices by those employers.

Environment

Act 25 (AB-100) exempts owners of some facilities for which air pollution permits are required under state law, but not under federal law, from the requirement to pay a fee when applying for a construction permit and makes other changes in air pollution fees. The act also allows DNR to contract with a nonprofit organization for services to help businesses reduce the amount of solid waste they generate or increase the amount of waste they recycle.

Act 28 (AB-277) makes changes relating to air pollution control permits, including authorizing DNR to allow a facility that is covered by a general operation permit (a permit that covers numerous similar facilities) to be modified without a construction permit.

Act 123 (SB-646) expands the program that provides compensation to help fix or replace contaminated wells so that some individuals whose wells are contaminated by bacteria from livestock waste are eligible.

Act 159 (SB-555) extends by one day the deadline for applying for the Safe Drinking Water Loan Program, which provides loans to local governments for the construction or modification of public water systems.

Act 347 (AB-449) changes the laws related to the management and disposal of septage and sewage sludge. The act limits the fees that a municipal sewage system may charge a septage hauler for disposing of septage and establishes a process for a septage hauler to

challenge the amount of disposal fees. The act expands to all counties the requirement to administer a maintenance program for private sewage systems. The act also prevents local governments from prohibiting the disposal of septage or sewage sludge on land if the disposal complies with rules promulgated by DNR.

Act 360 (SB-467) imposes requirements relating to well drilling and pump installing. The act requires at least two years of experience as a registered drilling rig operator before an individual may become a licensed well driller. The act generally prohibits an individual from filling or sealing a well unless the individual is a licensed well driller or pump installer or is under the supervision of a licensed individual. The act also prohibits an individual who is not a licensed well driller or pump installer from conducting an inspection of a well in connection with the sale of property.

Act 418 (SB-546) makes changes in the laws related to the cleanup of brownfields. The act authorizes a state agency with jurisdiction over the cleanup of a hazardous substance discharge to impose conditions on the approval of the cleanup, such as maintaining a clay cap over contaminated soils or limiting future use of the site, if residual contamination remains on the site. Under the act, DNR must maintain a public database of sites for which a cleanup has been approved but that have residual contamination and include the conditions on approving cleanups in the database. The act also generally exempts a local government from solid waste management requirements for an unlicensed landfill that the local government acquired in a specified way, such as through tax delinquency proceedings or condemnation. See also *Local Law*.

Financial Institutions

Act 128 (AB-456) allows a lender to impose a prepayment penalty on a variable rate residential mortgage loan that uses an approved index if the borrower prepays the loan within three years.

Act 131 (SB-495) repeals a law that allows certain credit unions to establish limited services offices outside this state. The law was inconsistent with the statutes that allow credit unions to establish branch offices in other states.

Act 132 (SB-496) eliminates a deadline for certain administratively dissolved limited liability companies to apply for reinstatement.

Act 133 (SB-497) requires a seller of a motor vehicle under a retail installment contract that provides insurance coverage either to include public liability coverage with the coverage or to notify the buyer that public liability coverage is not included with the coverage.

Act 134 (SB-511) deletes references to the Wisconsin Credit Union Savings Insurance Corporation, which no longer exists.

Act 158 (SB-512) exempts licensed lenders from regulation as pawnbrokers; specifies that the Division of Banking's general authority over banks includes other types of financial institutions; allows state banks and trust company banks to offer trust services at offices outside this state; eliminates an exemption from collection agency regulation for professional men's associations; and allows certain persons who are exempt from banking regulation to pay interest on and commingle deposits that are held pending investment in real estate or securities.

Act 215 (AB-1037) makes changes regarding licensing and disciplining loan and insurance premium finance companies, specifies that certain "high cost" loans secured by a second or subsequent lien are subject to the Wisconsin Consumer Act, and makes changes regarding notices that are required for certain first lien variable rate loans.

Act 217 (SB-584) allows an out-of-state bank to establish a branch in this state without acquiring an existing in-state bank.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Senate Bill 268 would have created requirements for regulating rent-to-own companies that would have applied in lieu of the requirements under the Wisconsin Consumer Act.

Gambling

Act 25 (AB-100) requires retailers who sell lottery tickets to post signs when the top prizes in a scratch-off game have been claimed.

Act 245 (AB-1069) allows the amount wagered at a racetrack on simulcast dog or horse races to exceed the amount wagered on races run at the track.

Act 247 (SB-597) allows “progressive jackpot bingo,” a form of bingo in which prize money rolls over to a game played on a later day if no player wins within a specified number of calls. The act also increases the maximum prize amounts for bingo, increases the maximum fee to play a bingo game, and eliminates restrictions on using disposable bingo cards.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 461 would have required legislative approval to locate an Indian gaming establishment on off-reservation land that the federal government places in trust for an American Indian tribe after 1988.

Health and Social Services

HEALTH

Act 16 (AB-197) permits persons to donate certain drugs or supplies that treat chronic disease or the side effects of drugs that treat chronic disease.

Act 25 (AB-100) makes the following changes to the health laws:

1. Authorizes DHFS to create Family Care resource centers, which provide information

and referral and other services related to long-term care, in additional counties in the 2005-07 fiscal biennium and requires that any additional contracts for new resource centers are subject to JCF’s review. The act also eliminates the requirement that a county establish a long-term care council before a Family Care resource center may be established for the county. See also *Act 386*.

2. With respect to Family Care, extends to January 1, 2008, the period in which applicants who meet functional eligibility requirements but are not eligible for Medical Assistance (MA) are entitled to receive the Family Care benefit.

3. Transfers responsibility for the registration and regulation of sanitarians, who apply environmental measures to prevent and control disease, from DHFS to DRL.

4. Eliminates copayments for breast cancer screenings under the Well Woman Program, which supports health screenings for low-income and underinsured women.

Act 56 (AB-270) requires a pregnant woman’s health care provider to offer her information on donating newborn umbilical cord blood.

Act 188 (AB-829) expands the Volunteer Health Care Provider Program, under which health care professionals act as state agents in providing free services to certain low-income individuals, to permit certain services to be provided to pupils in four-year-old kindergarten to grade 6 in public schools, charter schools, and private schools that participate in the Milwaukee Parental Choice Program.

Act 228 (AB-907) requires that DHFS and DETF contract with a data organization to collect, analyze, and disseminate health care claims information provided by insurers and employee benefit plan administrators, in lieu of collection by DHFS of health care information. The act eliminates the Board on Health Care Information, the Interagency Coordinating Council, and the Independent Review Board.

Act 229 (AB-659) requires that forms for donating all or a part of a decedent’s body inform the donor that the donated bones or tissues may have numerous uses and may be recovered, processed, or distributed by nonprofit and for-profit organizations. The forms must permit the donor to limit the use of the dona-

tion or the types of organizations that may recover, process, or distribute it.

Act 230 (AB-830) requires that a coroner or medical examiner who has jurisdiction over a decedent be given notice of and an opportunity to be present for the removal of certain organs from the decedent for use in transplantation. The act also specifies requirements for the release of donated tissues of certain decedents.

Act 315 (SB-457) prohibits the disclosure and the use in a civil action, except with regard to an individual patient's care, information about a hospital's participation in the statewide trauma care system, including the hospital's performance improvement activities, certified level of trauma care services, and documentation for the certification.

Act 386 (SB-653) requires DHFS to obtain the approval of JCF before increasing the number of payments on behalf of individuals enrolled in managed care programs of long-term care services and before contracting, under the Family Care program, with certain entities and care management organizations in geographical areas where more than 29 percent but less than 50 percent of the state population that is eligible for Family Care resides. The act requires that a care manager under any managed care program for long-term care services offer each enrollee, beneficiary, or recipient the opportunity to arrange for, manage, and monitor his or her benefit directly or with another person of his or her choice. See also *Act 25*.

Act 482 (AB-290) prohibits requiring an individual to undergo the implanting of a microchip.

Act 486 (SB-186) permits the use of automated external defibrillators, eliminates certain training requirements in the use of defibrillators by laypersons, and conditions immunity from civil liability for a person who in good faith renders emergency care using an automated external defibrillator on maintenance and testing of the defibrillator.

MEDICAL ASSISTANCE

Act 2 (AB-102) deposits into the general fund gaming payments from the Ho-Chunk Nation received in fiscal year 2004-05, and transfers

the amount of those payments, plus \$50,000,000, from the general fund to the MA Trust Fund. Also for fiscal year 2004-05, the act decreases general purpose revenue funding for BadgerCare (the program of health care coverage for certain low-income families) and increases general purpose revenue funding for Senior Care (the program of prescription drug assistance for the elderly) and MA.

Act 15 (AB-438) transfers \$75,000,000 from the general fund to the MA Trust Fund and from that trust fund supplements MA payments to reduce the operating deficits of municipally owned nursing homes. See also *Correctional System, Health and Social Services – Public Assistance*, and *Higher Education*.

Act 25 (AB-100) makes the following changes to the MA laws:

1. Authorizes DHFS to seek federal approval to use Medicaid funds to provide community-based services to MA recipients who have a serious mental illness and are eligible for nursing home care.

2. Eliminates authorization for DHFS to make supplementary MA payments to school districts or cooperative educational service agencies to provide MA school medical services.

3. Revises the formula for MA reimbursement of nursing home care to require an acuity-based payment rate system that classifies care for each nursing home resident and adjusts payment for complex medical conditions.

4. Authorizes a higher MA payment to counties for services to nursing home residents relocated to communities under a community integration program if the number of residents relocated does not exceed the number of delicensed nursing home beds. See also *Act 355*.

5. Expands the use of funding under the community integration programs for services in community-based residential facilities or group homes that have up to eight, rather than only four, beds.

6. Eliminates the requirement that a patient obtain a second opinion for elective surgery to be covered under MA.

7. Makes an unborn child eligible for coverage of prenatal care under the BadgerCare if the unborn child's mother and her family satisfy the program's eligibility requirements, ex-

cept that the unborn child's mother need not be a U.S. citizen or an alien qualifying for Medicaid; she may be an inmate in a public institution; and, if she is not a U.S. citizen or an alien qualifying for Medicaid, she need not provide a social security number.

8. Authorizes DHFS to recover incorrect payments made under BadgerCare resulting from an applicant's misstatement or omission of fact or from a failure to report income or assets that would have affected eligibility for benefits. Former law authorized DHFS to recover incorrect payments made as a result of those actions only under MA. The act adds, as another basis for DHFS to recover incorrect payments made under BadgerCare or MA, a failure to report any change in a recipient's situation that would have affected the recipient's eligibility for benefits or cost-sharing requirements.

9. Requires DHFS to mail forms to employers to verify earnings and health care coverage information of employed BadgerCare recipients.

10. Requires DHFS to substantiate any reduction in the duration of physical or occupational therapy services that it authorizes for MA coverage from that requested by the provider of the services if the provider requests additional authorizations.

11. Requires DHFS to request federal approval to implement various cost-saving measures under BadgerCare.

Act 107 (AB-802) provides that, if the state receives more federal funds, based on county and municipal nursing home operating deficits, than were budgeted in the biennial budget act, the state must pay the additional money to county and municipal nursing homes.

Act 211 (AB-981) increases the reimbursement rate for care provided in nursing homes to MA recipients and provides a one-time supplement to MA reimbursement for nursing homes.

Act 301 (SB-547) requires DHFS to treat Dane, Iowa, Columbia, and Sauk counties as a single labor region for purposes of MA nursing home care reimbursement.

Act 340 (AB-122) specifies the number of wheelchair-accessible vehicles, as well as the number of vehicles that may be made wheelchair-accessible, that a person must have to be

certified as a provider of specialized medical vehicle transportation services under the MA Program. The act also requires DHFS to reimburse MA certified providers of specialized medical vehicle transportation services at the the same rate regardless of whether the vehicle used to transport a person is wheelchair-accessible.

Act 355 (SB-312) authorizes a higher reimbursement rate for long-term care and support services provided under a community integration program to up to 150 MA-eligible persons who are diverted from imminent entry into nursing homes, and permits the higher rate for more than 150 such persons if approved by JCF. See also *Act 25*.

MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE

Act 25 (AB-100) makes the following changes to the laws relating to mental health, developmental disabilities, and substance abuse:

1. Transfers to DRL the certification of substance abuse counselors, clinical supervisors, and prevention specialists, all of whom DHFS previously certified as alcohol and other drug abuse counselors. See also *Occupational Regulation, Act 407*.

2. Eliminates provisions of the Guardianship Grant Program (which recruits and trains guardians for individuals adjudicated incompetent) that required grantees to recruit and monitor the performance of guardians, and instead requires that grantees provide technical assistance. The act also eliminates application and award dates and eliminates a criterion for grants.

3. Eliminates requirements that DHFS annually reduce the amount by which expenses of providing care in state mental health institutes exceed accumulated revenues and that DHFS implement a plan to ensure sufficient revenues.

Act 47 (AB-296) modifies prohibitions on the placement of an individual with a developmental disability in an intermediate care facility for the mentally retarded or in a nursing home if the person's county of residence is not reasonably able to provide community-based care for the individual.

Act 264 (AB-785) recodifies the statutes concerning protective placements and protective services for individuals who are adjudicated incompetent or for minors aged 14 or older who are alleged to be developmentally disabled. The act:

1. Prohibits the involuntary transfer of protectively placed persons to a mental health treatment facility unless certain standards and procedures are applied.

2. Authorizes the admission of a ward to a nursing home or other facility by the ward's guardian, including under a guardianship imposed in another state, and creates a procedure for an incapacitated person who has been admitted to a nursing home from a hospital to contest the admission.

3. Specifies the responsibility for the payment of attorney fees and costs for petitioning for protective services or protective placement.

4. For hearings on protective services or protective placement, provides for the attendance of the individual sought to be placed or to receive services, specifies the duties of a guardian ad litem, clarifies procedural rights of the individual, clarifies the effect of any power of attorney for health care held by the individual, and expands participation by interested persons.

5. Establishes procedures for obtaining emergency protective services and modifies the standard for providing emergency protective placement.

6. Establishes procedures and standards for the involuntary administration of psychotropic medication as a protective service, including required reporting by a guardian ad litem, appointment of legal counsel, the right to an independent evaluation, and annual review of the authorizing order.

7. Specifies the requirements and procedures for modifying or terminating an order for protective placement or court-ordered protective services and for the annual review of protective placements.

Act 387 (SB-391) modifies the standards and procedures for court appointments of guardians or conservators for individuals alleged to be incompetent, spendthrifts, or minors. The act:

1. Changes the standard for a finding of incompetence and appointment of a guardian of

the person or of the estate; clarifies the grounds on which a court may dismiss a guardianship petition; and requires a court to consider numerous matters in appointing certain guardians, in limiting the exercise of rights of individuals found incompetent, and in determining powers appropriate for a guardian.

2. Specifies the requirements for all hearings under the guardianship laws and specifies the duties and powers of a guardian, guardian of the estate, and guardian of the person.

3. Expands the rights of wards and proposed wards concerning presence at hearings regarding guardianship and clarifies the order of payment, by a ward, of expenses incurred in contesting appointment of a guardian.

4. Expands the circumstances under which a court must appoint a guardian ad litem, expands prohibitions on the appointment of certain persons as guardians ad litem, and expands the duties of a guardian ad litem.

5. With exceptions, requires that a court appoint as guardian of the estate the agent under a proposed ward's financial power of attorney and as guardian of the person the agent under a proposed ward's power of attorney for health care, and limits the number of adult wards for whom an individual may have guardianship.

6. Establishes special standards and procedures for a guardian to give consent to the ward's receipt of psychotropic medication.

7. Clarifies the circumstances under which a court must determine venue and under which a court may find a county to be an individual's county of residence and therefore responsible for paying for protective placements, protective services, and other services.

8. Establishes standards for the appointment of a temporary guardian, standby guardian, or a limited guardian of property, and for receipt and acceptance of a foreign guardianship.

9. Establishes requirements for postappointment matters, including inventories, accounts, reviews of incompetency, termination of guardianship, review of a guardian's conduct, and guardian compensation and reimbursement.

Act 388 (AB-539), with regard to the elder abuse reporting system, requires certain persons to file with a county agency reports of suspected abuse or neglect in situations of se-

rious risk of harm, death, sexual assault, or significant property loss; specifies requirements for investigations; authorizes the transport of an elder adult at risk for a medical examination in certain circumstances; provides immunity from liability for responding to a report or investigating in good faith; and authorizes a county agency to act with respect to an elder adult at risk whom the agency believes has been the subject of abuse, financial exploitation, neglect, or self-neglect. With regard to the county protective services system for vulnerable adults, the act expands to all counties the authority to investigate suspected abuse, neglect, self-neglect, or misappropriation of property and generally makes changes that are substantially similar to those made under the act to the elder abuse reporting system.

Act 431 (AB-591) requires that, with limited exceptions, if DHFS places a person committed as a sexually violent person on supervised release in the county of his or her residence and that county contains a first class city, DHFS must place the person in his or her city, village, or town of residence. Also, if a person is placed on supervised release, the person may not leave his or her home for the first year except for outings that are for employment, religious, or basic living needs and that are under the direct supervision of DOC.

Act 434 (SB-318) makes changes to the laws governing sexually violent persons, including changes to the commitment and discharge procedures and changes to the supervised release procedures. For instance, a court may not authorize supervised release unless certain requirements are met including the following: the sexually violent person has made significant progress in treatment, which can be sustained while on supervised release; it is much more likely than not the person will not engage in an act of sexual violence; treatment is reasonably available; and the person can be reasonably expected to comply with treatment requirements and conditions of supervised release. The act also adds third-degree sexual assault to the list of sexually violent offenses that may lead to commitment as a sexually violent person.

Act 444 (SB-226) continues to authorize a minor aged at least 14 years to consent to receive outpatient treatment for mental illness or a developmental disability, to apply for admission to an inpatient facility, or to transfer from a secured juvenile facility to an inpatient treat-

ment facility, but the act provides that, if the minor refuses, the consent of his or her parent overrides the refusal. Regarding the ability to request discharge from inpatient treatment or transfer back from an inpatient treatment facility to the secured juvenile facility, discharge may be made for most minors under the act only if the minor and his or her parent or guardian request it.

Act 449 (SB-650) permits the release of registration and treatment records of persons receiving services for mental illness, developmental disability, alcoholism, or drug dependence to a health care provider in a medical emergency involving an individual who is unable to give informed consent and to certain health care providers under a health care system or in a clinical care setting.

Act 485 (AB-33) permits the disclosure, without consent, of very limited information in an individual's treatment records for mental illness, developmental disability, alcoholism, or drug dependence, to the individual's sibling. Former law allowed disclosure only to the individual's parent, child, or spouse and certain others. However, the act prohibits disclosure if there is reasonable cause to believe that disclosure would result in danger to the individual or if the individual has requested that the information be withheld from the requesting parent, child, sibling, or spouse.

PUBLIC ASSISTANCE

Act 15 (AB-438) increases funding for the Senior Care Program, under which DHFS reimburses pharmacists and pharmacies for prescription drugs purchased at low rates by persons enrolled in the program. See also *Medical Assistance*.

Act 25 (AB-100) makes the following changes in the laws relating to public assistance:

1. Requires certain persons who submit a bid to administer Wisconsin Works (W-2) or a W-2 agency that enters into a succeeding contract to administer W-2 to pay a \$50 fee and to submit a statement of economic interests. In addition, certain persons administering W-2 must pay a \$50 fee and submit an updated statement of economic interests one year after entering in a contract to administer W-2.

2. Requires a W-2 agency to provide to a W-2 participant written notice, and thereafter

an oral explanation, of any proposed action that would result in a 20 percent or more reduction in the participant's benefits. The participant must be given a reasonable time to rectify the deficiency or failure that led to the proposal of the action.

3. Requires a child, rather than the child's parent, to be a U.S. citizen or qualifying alien for the parent to receive a child care subsidy under W-2.

4. Increases the frequency with which emergency assistance may be provided to a needy person who is homeless or about to become homeless from no more than once every three years to no more than once per year.

5. Requires DWD and DHFS each to conduct activities to reduce payment errors in the various public assistance programs administered by them, and to investigate fraudulent activity on the part of recipients under the programs, or to contract with the other agency to do so.

6. Provides that DHFS, a county social or human services department, or a tribal governing body may request from any person information that is appropriate and necessary for determining or verifying eligibility or benefits under an income maintenance program and that the person must make a good faith effort to provide the information within seven days. "Income maintenance programs" are MA; BadgerCare; the food stamp program; and the cemetery, funeral, and burial expenses program.

7. Provides that DHFS, a county social or human services department, or a tribal governing body may recover incorrectly paid benefits, including by reducing the benefit amount of a recipient, under certain public assistance programs, such as MA; BadgerCare; SeniorCare; the cemetery, funeral, and burial expenses program; and the programs that pay medical treatment costs for persons with cystic fibrosis, hemophilia, or kidney disease.

PUBLIC HEALTH

Act 25 (AB-100) provides that, if DHFS determines that a lead paint hazard is present in any dwelling or premises, the local health department must order the owner to eliminate the hazard. The act also eliminates the require-

ment that the owner of a dwelling unit obtain a certificate of lead-free or lead-safe status for the dwelling if DHFS receives notice that a child under six years of age who lives in the dwelling has an elevated blood lead level.

Act 96 (AB-385) designates as a state agent of DHFS a health care provider, behavioral health provider, pupil services provider, or substance abuse prevention provider who provides voluntary, unpaid services for a health care facility during a state of emergency related to public health. The provider must meet certain licensure and experience requirements. Status as a state agent entitles the provider to be defended by the attorney general in a civil action, limits amounts recoverable to \$250,000, and requires payments of judgments to be made by the state. See also *Employment — Other Employment*.

Act 198 (AB-881) requires DHFS to promote collaborative public health agreements among the state, local health departments, federally recognized American Indian tribes or bands, and the federal Indian Health Service and to perform numerous health services and functions. The act also requires coroners, medical examiners, and laboratories to report communicable diseases.

Act 220 (SB-259) provides that a city health department that withdraws from a joint health department arrangement with another city or with a county does not lose its status as a local health department. See also *Education — Primary and Secondary Education*.

Act 348 (AB-454) exempts potluck events from the public health regulation of restaurants.

Act 460 (AB-1087) appropriates all moneys received from the creation of an individual income tax checkoff for prostate cancer research to the Medical College of Wisconsin, Inc., and the UW Comprehensive Cancer Center, for prostate cancer research projects. See also *Taxation*.

OTHER HEALTH AND SOCIAL SERVICES

Act 69 (AB-501) provides for the creation of a new marriage certificate if a court determines that the original marriage certificate included incorrect information regarding the parents of one of the married persons.

Act 74 (AB-844) makes the following changes to the Health Insurance Risk-Sharing Plan (HIRSP), which generally provides health care coverage for persons who have been refused private health insurance coverage and persons who are covered under Medicare because they are disabled:

1. Creates the HIRSP Authority, a public body with a 14-member board of directors, and transfers administration of HIRSP from DHFS to the HIRSP Authority.

2. Makes certain changes in the eligibility requirements for HIRSP, such as requiring longer residency in the state and rejection of coverage by two insurers, instead of one.

3. Authorizes the HIRSP Authority, beginning on January 1, 2007, to make changes to the deductible subsidies and to the benefit design of HIRSP, including deductibles, copayments and coinsurance, exclusions, limitations, and benefit levels, without eliminating any benefits or any subsidies.

4. Simplifies the calculation of how HIRSP costs and subsidies are paid, but generally retains the same proportion of responsibility among insurer assessments (20 percent for costs, 50 percent for subsidies), provider payment rate discounts (20 percent for costs, 50 percent for subsidies), and participant premiums (60 percent for costs). See also *Taxation*.

Act 302 (AB-742) allows a person who holds a permit to operate a hotel, restaurant, bed and breakfast, rooming house, vending machine, swimming pool, campground, camping resort, or camp and who reorganizes the structure of his or her business — for example, from a sole proprietorship to a corporation to transfer the permit to the new business structure as long as the business remains in the same location and at least one of the original owners continues as an owner.

Act 351 (SB-579) exempts health care entities, such as hospitals, from requiring its caregiver employees to complete the DHFS background information disclosure form if the health care entity requires its caregiver employees to disclose the information requested on the form by other means.

Insurance

Act 30 (AB-5) removes both the limit on the number of health benefit purchasing cooperatives that may be organized in Wisconsin to purchase health care insurance for the members of a cooperative as a single pool and the time by which the cooperatives must be organized. Under former law, five cooperatives could be organized before January 1, 2008.

Act 36 (AB-259) subjects to the health care liability laws any organization or enterprise that is organized and operated in Wisconsin for the primary purpose of providing the medical services of physicians or nurse anesthetists. Any provider subject to the health care liability laws must carry medical malpractice insurance with specified limits and pay assessments to the injured patients and families compensation fund in return for coverage by that fund of damages for which the provider is liable that exceed the limits of its medical malpractice insurance. Under former law, corporations and partnerships were the only organizations subject to the requirements.

Act 51 (AB-765) authorizes a program that provides medical education and training for medical school graduates to elect to be subject to the health care liability laws, under which the provider must carry medical malpractice insurance. If a graduate medical education program elects to be subject to the laws, medical residents employed by the program have health care liability coverage under the injured patients and families compensation fund.

Act 194 (AB-617) prohibits a health care plan from excluding coverage for routine patient care administered in a cancer clinical trial that meets certain requirements if the care would have been covered had it not been administered in a clinical trial.

Act 231 (AB-926) clarifies that health care benefits provided to members of a health benefit purchasing cooperative are provided in a single group health care policy or plan covering all members, rather than in a separate policy or plan for each member; provides that the contract for health care benefits is between

an insurer and the health benefit purchasing cooperative; and provides that, if a health benefit purchasing cooperative provides health care benefits for more than 50 individuals who are members of the cooperative or employees of members of the cooperative, the health benefit purchasing cooperative is not a small employer for purposes of the health care benefits. Under former law, a group health benefit plan sold to or through a small employer (generally, an employer with fewer than 50 employees) was subject to rate restrictions and certain marketing standards.

Local Law

Act 3 (AB-94) allows villages to create combined protective services departments.

Act 6 (SB-83) makes a number of technical changes to the tax incremental financing (TIF) law and changes how to calculate the maximum amount of a city's or village's territory that may be part of a TIF district.

Act 13 (SB-124) authorizes a town that has entered into a cooperative boundary agreement with a city or village to use the TIF law.

Act 25 (AB-100) creates levy limits that generally prohibit a political subdivision (any city, village, town, or county) from increasing its levy by a percentage that exceeds its "valuation factor," which is the percentage change in the political subdivision's equalized value due to new construction, less improvements removed, but not less than 2 percent. The levy limits expire on January 1, 2007.

Act 25 also creates an alternate incorporation procedure for the town of Caledonia in Racine County to become a city or village.

Act 26 (AB-399) requires the zoning body in a political subdivision to consider the comments of military base or installation commanders when offered at, or submitted to, a public hearing on certain zoning or land use issues. The act also requires the body to include, as a non-voting member, a representative from a military base or installation. See also *Veterans and Military Affairs*.

Act 34 (AB-24) changes the quorum requirement of a political subdivision's zoning board of appeals or adjustment and requires a political subdivision to appoint alternate members to the board.

Act 39 (AB-46) removes the limit on the number of deputy coroners that may be appointed by a coroner and requires that the coroner appoint a chief deputy coroner.

Act 40 (AB-79) authorizes a city or village to abolish its police department and contract for law enforcement services with a county.

Act 41 (AB-107) authorizes a county board to provide that the deadline for a register of deeds to receive documents for filing and recording is one hour before the close of an official business day, and makes technical changes to the recording of certain real estate, tax lien, probate, highway register, and cemetery plat documents.

Act 46 (AB-193) changes the expenditure periods and allowable project costs for certain TIF districts in the city of Kenosha.

Act 81 (AB-155) prohibits a political subdivision from requiring, by an amortization ordinance, the removal of a nonconforming building or structure that may be lawfully used. An "amortization ordinance" is an ordinance that allows the continuance of the lawful use of a nonconforming building or structure for a specified period, after which the use must be discontinued without the payment of just compensation.

Act 90 (SB-21) permits any county (not only Milwaukee County as under former law) to enact an ordinance prohibiting the possession, manufacture, or delivery of drug paraphernalia, and it specifies that an ordinance prohibiting the possession of 25 grams or less of marijuana applies in every city, village, or town (municipality) within the county, regardless of whether the municipality has a comparable ordinance.

Act 98 (SB-146) authorizes a county to participate in a revenue sharing agreement with another county, a municipality, or a federally recognized American Indian tribe or band.

Act 100 (SB-4) permits intradecade reductions in the size of county boards in certain counties and common councils in certain cities. Former

law generally allowed such reductions only once every 10 years.

Act 112 (SB-253) authorizes the restoration of a nonconforming structure that is destroyed by vandalism, ice, snow, mold, or infestation.

Act 116 (AB-307) permits a municipality to enact an ordinance that prohibits the possession of drug paraphernalia if the ordinance prohibits the same conduct that state law prohibits. A person prosecuted for violating an ordinance is subject to a forfeiture, not the criminal penalties provided under state law.

Act 127 (AB-201) specifies who acts as a coroner or medical examiner in a particular case in which a conflict of interest arises between a person's duties as a coroner or medical examiner and his or her duties as an emergency services person.

Act 135 (AB-298) creates a definition for "tourism promotion and development" under the room tax relating to the use of marketing projects, informational services, and municipal development to generate paid overnight stays at hotels and motels.

Act 139 (AB-536) generally prohibits a register of deeds from recording certain instruments that contain a social security number.

Act 164 (SB-510) eliminates a number of items that a municipality formerly was required to include in its annual report to DOR relating to area cooperation compacts.

Act 171 (SB-283) limits the reasons for which a political subdivision's zoning entity may condition or withhold approval of a permit under its zoning authority.

Act 186 (AB-366) authorizes a municipality to create a neighborhood improvement district (NID) upon being petitioned by owners of real property in the proposed NID. A "NID" is an area in a municipality that is at least partly residential. The municipality creating the NID may impose special assessments on the real property in the NID to benefit the NID.

Act 202 (AB-146) increases from \$15,000 to \$25,000 the amount at which a public construction contract let by a municipality, technical college district, town sanitary district, or federated public library system must be let to the lowest responsible bidder.

Act 203 (AB-1077) changes the period during which impact fees must be used by a political

subdivision from a "reasonable period" to seven years after the fees are collected.

Act 207 (AB-904) changes the method by which members of a town plan commission are appointed.

Act 208 (AB-620) provides that, if a political subdivision's proposed zoning ordinance or proposed comprehensive planning (Smart Growth) ordinance has the effect of changing the allowable use of property located within the political subdivision's boundaries, the political subdivision must notify the owner of the property.

Act 227 (AB-116) expands the types of industrial projects that a county industrial agency or county-supported agency may fund by including commercial, retail, agribusiness, or service enterprises, and limits a county's ability to acquire or develop certain real property related to an industrial development project.

Act 235 (AB-154) eliminates a provision specifying that territory within county supervisory districts is contiguous if it is connected only from corner to corner.

Act 246 (SB-637) authorizes the town of Madison to reduce the territory of an environmental remediation TIF district.

Act 312 (AB-295) changes the requirements as to where a town meeting may be held.

Act 321 (AB-849) expands membership eligibility on the board of trustees of a police relief association and a fire fighters relief association.

Act 328 (SB-596) authorizes a city or village to simultaneously create a new TIF district and subtract territory from an existing TIF district.

Act 330 (AB-973) expands the purposes for which a town may create a TIF district.

Act 331 (AB-1008) authorizes the city of Monroe to allocate positive tax increments from its TIF districts to another district created by the city.

Act 357 (AB-156) authorizes a county in which no cities or villages are located to create a TIF district under certain conditions.

Act 385 (SB-677) requires DOR to treat the TIF district that the village of Kimberly attempted to create as if it were created on January 1, 2005.

Act 401 (SB-473) changes the term of office and the method of filling vacancies in the Office of County Highway Commissioner.

Act 414 (SB-641) allows a law enforcement officer to make arrests or provide aid or assistance while off duty or outside his or her territorial jurisdiction if in response to an emergency that poses a significant threat of death or bodily harm and if authorized by his or her department.

Act 418 (SB-546) allows DOR to charge a \$1,000 fee to determine or redetermine the tax incremental base of an environmental remediation tax incremental district. See also *Environment*.

Act 440 (AB-856) authorizes the villages of Sister Bay and Ephraim to become premier resort areas, which allows the villages to impose premier resort area taxes on certain goods and services that are sold, leased, or rented by tourism-related retailers.

Act 477 (SB-681) prohibits counties from imposing impact fees and requires that a municipality's annual budget summary include revenue and expenditure information for each impact fee that the municipality imposes.

Act 484 (SB-680) creates an exception to the local levy limits for amounts assessed by a joint fire department.

3. Increases the fee for a pheasant stamp, increases the fees for annual fishing licenses and certain other fishing licenses, and increases the fees for resident sports and conservation licenses; and minimally adjusts the total amount paid for all other combination fish and game licenses.

4. Creates a new two-day inland lake trout license for residents and increases the amount for an inland waters trout stamp.

5. Authorizes DNR to issue tags for hunting wild turkeys outside the zone or season for which the tags were originally established if there are more tags than applicants for the tags and imposes a fee for the tags.

6. Creates a tag that must be attached to lake sturgeon taken by hook and line, instead of by spearing, and imposes a fee for this tag.

7. Requires DNR to charge a fee for its hunter education courses. Former law prohibited DNR from charging a fee.

Act 35 (AB-179) prohibits a person from shooting at deer on deer farms or at other captive wild animals unless he or she is in physical possession of his or her weapon. The act also prohibits any person from providing a facility that allows a person to hunt deer or wild animals without being in physical possession of his or her weapon.

Act 53 (AB-178) allows a person to defer the right to certain fishing, hunting, or trapping licenses until he or she can use the license if the person is serving in the national guard or in the U.S. armed forces; the person has been selected under a random or preference selection system to receive the fishing, hunting, or trapping license; and the person cannot use that license due to his or her service duty.

Act 55 (AB-410) allows a 12-year-old to 17-year-old nonresident whose parent is a resident to pay the same fees for hunting and fishing licenses as a resident.

Act 57 (AB-93) allows a person to use a flashlight at the point of kill while hunting coyotes.

Act 82 (AB-166) allows a person to withhold his or her land from public hunting even if the person receives a permit to shoot deer that are causing damage if the person waives the right to receive a wildlife damage claim payment.

Natural Resources

FISH AND GAME

Act 25 (AB-100) makes the following changes in the laws relating to fish and game:

1. Increases the wildlife damage surcharge, which is a surcharge on the issuance of hunting licenses and is used to prevent wildlife damage to crops.

2. Decreases hunting license fees, but with the increase in the wildlife damage surcharge the total amount paid for most hunting licenses remains the same.

Act 88 (AB-384) allows the transfer of the decedent's preference rights to certain fishing, hunting, or trapping licenses to an eligible person under the age of 18.

Act 108 (AB-229) allows a qualified resident landowner to assign his or her eligibility for a wild turkey hunting license to a minor if the landowner does not receive any consideration for the assignment.

Act 117 (AB-117) allows persons who are hunting in the evening during the deer hunting season for other authorized game to hunt without wearing blaze orange clothing.

Act 161 (SB-557) clarifies that boats, with tackle and equipment, are public nuisances that may be seized and confiscated only if they are used in violation of the state's fish and game laws.

Act 162 (SB-560) corrects a statutory reference that specifies the limited circumstances under which a person may intentionally kill a dog.

Act 243 (AB-905) allows nonresident students attending colleges offering associate degrees to be issued certain resident hunting and fishing licenses. Former law limited the issuing of resident licenses only to nonresident students attending colleges that offered bachelor's degrees.

Act 282 (AB-26) adopts the wildlife violator compact, which establishes a procedure to have member states notify the other member states of persons convicted of wildlife violations. The act establishes procedures to be used when issuing a wildlife violation citation to a nonresident and when suspending the wildlife license of a resident as the result of that person having a wildlife license suspended in another member state.

Act 283 (AB-523) allows DNR to treat an active member of the armed forces stationed in Wisconsin as a resident for purposes of eligibility for and costs of a hunting, trapping, or fishing license.

Act 284 (AB-131) authorizes the issuance of trapping licenses to certain nonresidents.

Act 285 (AB-286) allows persons with certain disabilities to hunt with compound bows equipped with a device that holds the bow at full draw and that is designed to be shot from the shoulder with one hand.

Act 286 (AB-609) permits DNR to regulate the transportation, possession, and disposal of the carcass of a deer to control chronic wasting disease. The act also allows DNR and DATCP to enter into agreements with operators of landfills, meat-processing facilities, and wastewater-treatment facilities to indemnify those operators for damages resulting from the processing or disposal of deer with chronic wasting disease if the facilities meet certain requirements.

Act 287 (AB-486) requires DNR to administer a federally sanctioned program to manage and control double-crested cormorants to reduce other wildlife damage.

Act 288 (AB-581) makes numerous changes to the laws regulating commercial fishing. The changes include eliminating the requirement to provide certain monthly reports to DNR basis, establishing an annual inventory requirement, prohibiting DNR from issuing a license to a wholesale fish dealer for one year following a conviction for failure to produce certain records, and requiring certain building owners who store wild animals to permit DNR to enter and examine the building. The act also creates three surcharges that apply to the violation of certain laws regulating commercial fishers and wholesale fish dealers.

Act 289 (AB-800) specifies that a person who holds a certificate of accomplishment from a hunter education program issued by another state, country, or province is exempt from this state's certificate of accomplishment requirement. Certain persons are required to complete a hunter education course before obtaining a hunting license.

Act 290 (AB-719) allows hunting on land in a school forest if the school board allows hunting during the open season and if DNR establishes seasons for game located in the school forest that are consistent with seasons on land adjacent to the school forest.

Act 291 (SB-158) specifies conditions under which a person may fish for certain fish, known as rough fish, with a bow and arrow. The act also specifies that, if DNR establishes an open season for taking rough fish with a bow and arrow on a particular body of water, it must allow the taking of those fish on that body of water from sunset to sunrise.

FORESTRY

Act 25 (AB-100) creates several new forestry education and training programs and changes the laws relating to the preparation of forestry management plans under the Managed Forest Land Program.

Act 48 (AB-316) extends the period for comprehensive county forest land use plans from 10 years to 15 years and specifies that a plan that is not revised at the conclusion of the 15-year period remains in effect until it is revised. The act also prohibits DNR from awarding a grant under several forestry grant programs to a county that is more than one year delinquent in approving a comprehensive county forest land use plan.

Act 64 (AB-679) makes changes in the Managed Forest Land Program, which allows the owner of forest land that meets certain requirements to place the land under a managed forest land order and then make payments for the land that are lower than the property taxes that otherwise would be imposed. The act expands an exemption from the yield tax that is charged on timber cut from managed forest land. The act also changes how the withdrawal tax, which is imposed when the land is withdrawn from the program before the applicable order expires, is calculated for certain land added to an original area of managed forest land. Orders are for either 25 years or 50 years.

Act 79 (AB-59) prohibits a local unit of government from prohibiting forestry operations that conform to generally accepted forestry management practices. The act also provides that a forestry operation that conforms to generally accepted forestry management practices cannot be considered a nuisance.

Act 166 (AB-254) requires the chief state forester to manage emergencies that threaten state forest lands, and requires DNR to establish allowable timber harvests for specified parcels of forest land owned or managed by DNR, to maintain an inventory of certain forest lands, and to establish a program that allows private cooperating foresters to assist the state in harvesting and selling timber.

Act 168 (AB-810) adds an employee of the federal Department of Agriculture, Forestry Service, to the Council on Forestry as a nonvoting member.

Act 299 (AB-7) provides that a parcel of land does not need to be located in a single town, village, or city to qualify for more favorable tax treatment under the Managed Forest Land Program.

Act 352 (AB-1012) requires DNR to set aside \$2,000,000 in each fiscal year from 2006-07 to 2009-10 under the Warren Knowles-Gaylord Nelson Stewardship 2000 Program to acquire certain land from the Board of Commissioners of Public Lands.

Act 423 (SB-683) exempts certain entities, including public utilities and railroads, from the prohibition against the harvesting of raw forest products from tax-delinquent lands if the purpose of the harvesting is to establish or maintain a railroad track or structure, a pipeline, or a utility right-of-way.

NAVIGABLE WATERS AND BOATING

Act 25 (AB-100) increases from \$1 to \$3 the amount that an applicant for a boat certificate of number or registration may contribute for lake research. The act also increases the expedited service fee from \$3 to \$5 for registering a boat.

Act 308 (AB-934) exempts the operator of a patrol boat who is responding to an emergency or pursuing a person suspected of violating the law from certain boating laws and ordinances when a siren or emergency light is activated. The act also requires emergency lights used by patrol boats to meet certain design standards.

Act 356 (AB-248) requires a person who is 16 or older and who is born after January 1, 1989, to complete a boating safety course to operate a motorboat or a personal watercraft. Under former law, any person who was 16 or older was exempt from this requirement.

Act 390 (AB-868) grants to Brown County the rights and title to, and interest in, certain submerged land under the waters of Green Bay and certain dry land within that area to restore a chain of islands known as the "Cat Island Chain."

Act 481 (AB-875) requires DNR to issue a certificate of number at no cost for a boat that is subject to state registration requirements and used in an advertisement being made for the boat's manufacturer.

PARKS AND RECREATION

Act 25 (AB-100) makes the following changes in the laws related to outdoor recreation:

1. Increases the fees imposed on vehicles entering state parks and certain other state recreational areas and increases camping fees for state campgrounds.

2. Limits free entry to state trails only to adult holders of conservation patron licenses. Former law granted free entry to minors holding these licenses.

3. Increases the expedited service fee for registering a snowmobile or an all-terrain vehicle (ATV).

4. Eliminates funding for the off-the-road Type 1 motorcycle recreational aid program.

5. Increases the amount the state spends per mile for the maintenance of state and county snowmobile trails.

Act 94 (AB-684) requires DNR, before altering any entrance to Perrot State Park, to obtain approval from the town that has jurisdiction over the road on which the entrance is located.

Act 209 (AB-840) imposes a speed limit of 55 miles per hour on the nighttime operation of snowmobiles for the winter of 2006-07.

Act 210 (AB-566) changes the maximum noise level standards for snowmobiles.

Act 481 (AB-875) exempts an ATV or a snowmobile from the state's registration requirement and from the requirement to display a trail-use sticker for up to 15 days if the ATV or snowmobile is used in an advertisement being made for the vehicle's manufacturer.

OTHER NATURAL RESOURCES

Act 160 (SB-556) corrects terminology used in the statutes that relates to the state's classification of invasive species.

Act 394 (AB-842) expands the scope of DNR's law enforcement authority to seize, confiscate, resell, and use items such as firearms and carcasses and skins of wild animals.

Act 395 (AB-923) authorizes additional methods to warn persons of openings in the ice on frozen lakes and streams.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 586 would have made various changes to the laws regulating hunting and firearm possession by persons under the age of 16, including reducing, under certain circumstances, the minimum hunting age from 12 years of age to 10 years of age.

Assembly Bill 850 would have granted the owners of certain structures placed in navigable waters, including piers set in place before a specified date, an exemption from the general requirement to obtain a permit from DNR authorizing the placement of those structures.

Occupational Regulation

Act 25 (AB-100) requires a chiropractor to complete 48 hours of postgraduate study in nutrition before he or she is allowed to provide guidance or recommendations regarding vitamins, herbs, or nutritional supplements. The act also creates a cemetery board to license and regulate cemetery authorities, cemetery salespersons, and cemetery preneed sellers. The act exempts from regulation cemetery authorities and cemetery salespersons that are operated or employed by a municipality or a religious, fraternal, or benevolent society.

Act 31 (AB-75) creates licensure requirements for persons who cremate human remains and regulates the disposal of such remains.

Act 87 (AB-783) permits a real estate broker to provide brokerage services, other than negotiation services, without an agency agreement, and establishes requirements for brokers who are acting as subagents for other brokers.

Act 187 (AB-683) authorizes advanced practice nurse prescribers to perform certain medically related actions that only physicians were formerly allowed to perform.

Act 195 (AB-258) authorizes a pharmacist who dispenses a drug product equivalent to include on the label the generic name of the drug product and the brand name specified in the prescription order, unless the prescriber requests that the information not be included.

Act 196 (AB-269) requires that a prescription drug label include the symptom or purpose for which a drug is prescribed if the patient so requests.

Act 214 (SB-484) allows a person who is licensed as a certified public accountant in another state to practice in this state without obtaining a license from this state.

Act 236 (AB-217) allows a veterinary technician to administer rabies vaccinations under the supervision of a licensed veterinarian.

Act 237 (AB-218) allows a person who is not a licensed veterinarian to castrate livestock.

Act 242 (AB-722) requires the Pharmacy Examining Board to license out-of-state pharmacies that do business in Wisconsin.

Act 266 (AB-485) changes the way funeral establishments may promote and conduct their businesses and the way funeral directors and other employees of funeral establishments may practice.

Act 270 (SB-405) allows a pharmacist to distribute prescription drugs and devices outside of a pharmacy during periods of disaster or emergency.

Act 292 (SB-477) permits DRL to grant a license as a midwife to a person who is certified by the North American Registry of Midwives or by the American College of Nurse Midwives. The act requires a midwife to obtain informed consent from a client at an initial consultation. The act also requires DRL to promulgate rules, which must allow midwives to administer oxygen, may allow midwives to administer oxytocin (Pitocin), and may not require midwives to practice in collaboration with another health care provider.

Act 297 (SB-429) changes certification requirements for optometrists related to the use of a certain pharmaceutical agent and to the removal of foreign bodies from the eyes. The act also requires the Optometry Examining Board to require by rule that optometrists complete at least 30 hours of continuing education every two years.

Act 314 (SB-380) allows an aesthetician to serve on the Barbering and Cosmetology Examining Board.

Act 318 (SB-95) prohibits the renewal of a dental hygienist's license unless the person is certified in cardiopulmonary resuscitation and

has completed at least 12 hours of continuing education in the two years preceding renewal.

Act 334 (SB-591) defines podiatry to include all conditions affecting the foot and ankle, and requires two years, instead of one year, of post-graduate training to be licensed as a podiatrist.

Act 407 (SB-673) modifies titles of subcategories of clinical supervisors, substance abuse counselors, and prevention specialists; requires DRL to establish standards for the practice of substance abuse counseling, supervision, and prevention; and authorizes DRL to establish continuing education requirements. See also *Health and Social Services — Mental Health, Developmental Disabilities, and Substance Abuse, Act 25*.

Act 422 (SB-502) changes the requirements that apply to training certificates granted to marriage and family therapists and professional counselors, allowing the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board more discretion in granting and renewing certificates.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 207 would have prohibited the Board of Nursing, the Medical Examining Board, and the Pharmacy Examining Board from disciplining health care practitioners for refusing to participate in certain acts, such as sterilizations, abortions, certain procedures involving in vitro human embryos or fetal tissue, causing death by withholding or withdrawing nutrition or hydration, or euthanasia, and would have provided immunity from civil liability for damages caused by such refusals. See also *Discrimination*.

Public Utilities

Act 7 (SB-79) allows a public utility that proposes to purchase or construct an electric generating facility to apply to the PSC for an order that specifies in advance the rate-making

principles that the PSC will apply to facility costs in future rate-making proceedings.

Act 24 (AB-437) provides that, if a public utility or electric cooperative receives a Certificate of Public Convenience and Necessity (CPCN) from the PSC for the construction of a high-voltage transmission line that will be constructed through land owned by a county, city, village, town, public board, or commission, the owner of the land must convey to the utility or cooperative, at fair market value, the interest in the land necessary for the construction, operation, and maintenance of the transmission line.

Act 25 (AB-100) imposes limits on the late payment fees that telecommunications utilities may charge retail customers and requires telecommunications utilities to identify on customer bills the amounts by which local exchange rates are increased for the utilities to make contributions to the Universal Service Fund.

Act 29 (AB-441) specifies the circumstances in which the PSC must determine that an application for a CPCN to construct a large electric generating facility is complete. The date of such determination triggers other requirements in the application process that are not affected by the act. The act also eliminates former law that prohibited the PSC from issuing a CPCN until after the applicant had obtained all construction permits and approvals that were otherwise required for the facility.

Act 141 (SB-459) requires investor-owned electric and natural gas utilities to contract for the administration of statewide energy efficiency and renewable resource programs. Under former law, DOA contracted for the administration of such programs. Under the act, the utilities must spend 1.2 percent of their annual revenues on such programs or, subject to JCF approval, a greater percentage specified by the PSC. Under former law, the programs were funded by fees paid by utility customers. The act also makes changes to the "renewable portfolio standard," which requires electric utilities and cooperatives to ensure that specified percentages of the electricity they sell to customers is derived from renewable resources or to obtain credits from utilities and cooperatives that have complied with the standard. Under the act, with certain exceptions, electric utilities and cooperatives must increase the

amount of renewable energy sold according to a schedule that results in a 6-percent increase over their current sales by 2015. In addition, the act makes changes to the requirements for obtaining credits. The act also does the following:

1. Prohibits the PSC from imposing additional energy efficiency or renewable resource requirements on utilities that satisfy the requirements described above.

2. Requires DOA to set goals for certain state agencies that ensure that, by 2011, 20 percent of the energy used by the agencies is derived from renewable resources.

3. Requires DOA to establish energy standards for state building projects and equipment purchases.

4. Requires the Department of Commerce to review its energy efficiency code every three years, rather than every five years as required under former law.

Act 337 (AB-615) allows a public utility to recover from its customers the amount of mitigation payments it made pursuant to certain agreements that the PSC did not determine unreasonable before November 11, 2003.

Act 425 (SB-498) requires local governments that receive excavation notices to mark the location of water and sewer laterals in the area of the excavation; provide the excavator with information regarding the location of such laterals; or certify to the excavator that no such information is readily available. The act also requires, with certain exceptions, persons who install nonconductive water or sewer laterals to install locating wires.

Real Estate

Act 9 (SB-27) changes the media requirements for recording real estate instruments to facilitate the recording of those instruments.

Act 206 (AB-650) creates a mechanism for transferring real property to a transfer on death beneficiary who is designated on a re-

corded deed that evidences the ownership interest of the property's owner.

Act 281 (AB-291) expands, to any law enforcement agency of the state and any district attorney's office, the authority to notify the owner of a rental unit that the rental unit is a nuisance because it is being used to facilitate the delivery, distribution, or manufacture of a controlled substance or is being used to facilitate the activities of a criminal gang and extends immunity from suit for providing such a notice. A property owner who receives a notice may terminate the tenancy with written notice to the tenant. Under former law, only the law enforcement agency of a city, town, or village could provide the notice to the property owner.

Act 303 (SB-350) provides that a condominium bylaw or rule or a provision in a condominium declaration or deed may not prohibit the display of political signs in a condominium, but may regulate the size and location of political signs.

Act 421 (SB-616) adopts the Uniform Real Property Electronic Recording Act, which generally authorizes a register of deeds to accept for recording a document received in electronic form and specifies that documents received in electronic form and electronic signatures satisfy requirements for paper documents and signatures on documents.

Act 461 (AB-1065) allows the operator of a self-service storage facility to charge a lessee a reasonable late fee for each month for which the lessee is late in paying rent by five weekdays if the rental agreement contains the amount of the late fee.

State Government

STATE BUILDING PROGRAM

Act 25 (AB-100) and **Act 102** (SB-175) authorize \$1,161,617,000 in new or expanded state building projects, excluding highway projects, and authorize \$784,831,600 in new general obligation bonding authority for the State Building Program and capital equipment for buildings.

Act 300 (SB-536) deletes from the 2001-03 authorized State Building Program a project for DHFS identified as "Transitional halfway house" and eliminates the committee that was to assist the state in determining the location of the transitional facility.

Act 391 (SB-478) changes the methods for the approval of state building projects and contracts and the bidding requirements for such contracts.

STATE FINANCE

Act 1 (January 2005 Special Session SB-1) authorizes an additional \$560,000,000 in state public debt for the purpose of refinancing outstanding state public debt.

Act 25 (AB-100) makes the following changes to laws relating to state finance:

1. Authorizes the secretary of administration to transfer money from the general fund to any appropriation account or fund.

2. Authorizes the secretary of administration to lapse or transfer moneys to pay debt service on obligations issued by the state for the payment of certain liabilities under the WRS.

3. Permits the Board of Commissioners of Public Lands (BCPL) to delegate investment authority over funds managed by BCPL to the Investment Board.

4. Increases from 15 percent to 20 percent the percentage of moneys in state retirement funds that may be managed by private investment advisors.

OTHER STATE GOVERNMENT

Act 23 (SB-225) permits a former state legislator to serve on this state's delegation to the National Conference of Commissioners on Uniform State Laws.

Act 25 (AB-100) eliminates the requirement that DETF maintain a Milwaukee office.

Act 89 (AB-105) makes changes in state contractual service information and contracting procedures.

Act 146 (SB-362), **Act 147** (SB-363), **Act 148** (SB-364), **Act 149** (SB-365), **Act 155** (SB-492), **Act 253** (SB-539), and **Act 254** (SB-540) are revisor's correction and revision acts.

Act 316 (SB-527) transfers the functions of the Office of the Retirement Research Director to the Legislative Council Staff and eliminates the Retirement Research Committee.

Act 410 (AB-788) requires state agencies to post on the Internet certain information regarding most procurements for which bids or proposals will not be solicited.

Act 424 (SB-306) designates state aviation facilities at the Dane County Regional Airport as the "Fritz E. Wolf Aviation Center."

Act 463 (AB-639) exempts elective officials of Indian tribes who are engaged in lobbying from the requirement to be licensed as a lobbyist and exempts their principals from requirements for registration and reporting of lobbying activities.

Act 467 (SB-655) creates a special joint legislative committee on strengthening Wisconsin's families.

Taxation

Act 4 (SB-3) exempts from the property tax certain property that is used for the performing arts and as an arts education center.

Act 25 (AB-100) makes the following changes in the laws related to taxation:

1. Generally adopts, for income and franchise tax purposes, the provisions of the Internal Revenue Code in effect on December 31, 2004.

2. Creates an income and franchise tax credit for expenses related to a livestock farm.

3. Requires certain entities that have income that is allocable to nonresident partners, members, shareholders, or beneficiaries to pay state withholding taxes.

4. Modifies the sales factor of the apportionment formula used to determine business income that is subject to taxation to include sales of certain services and computer software.

5. Specifies that a person who sells tangible personal property or services on which the sales tax is imposed is a retailer for sales and

use tax purposes, regardless of whether the sales transaction is mercantile in nature.

6. Modifies the sales tax exemption for occasional sales so that a nonprofit organization does not pay sales tax if the amount it collects from the sale of merchandise during the year is \$25,000 or less, rather than \$15,000 or less; and so that a nonprofit organization does not pay sales tax on admissions to events for which the organization pays no more than \$500 for entertainment, rather than \$300.

7. Modifies the sales and use tax exemption for live game birds and clay pigeons sold to bird hunting preserves so that it also applies to birds and clay pigeons that are sold to trapshooting facilities.

8. Creates a sales and use tax exemption for tangible personal property transferred to the purchaser as a necessary part of performing certain services, if the purchaser and seller are members of the same affiliated group for federal tax purposes.

9. Imposes requirements on persons who sell cigarettes to consumers in this state by direct marketing similar to the requirements imposed on persons who sell cigarettes at retail in this state.

10. Provides that a person who sells cigarettes or tobacco products at wholesale may claim as a deduction against the taxes imposed on the cigarettes or tobacco products the amount of any taxes that are attributable to bad debt.

11. Modifies the tax imposed on a railroad car line company so that, rather than 3 percent of the company's gross earnings, the tax is equal to the company's gross earnings multiplied by the state's average annual net rate of taxation.

12. Allows state agencies to share certain information with DOR for the purpose of administering state taxes.

13. Requires that DOR hold a hearing for a licensed attorney or an applicant for a law license before DOR certifies to the Supreme Court that the person owes delinquent taxes and is, therefore, subject to having the court suspend, revoke, or deny the law license.

14. Provides that a state agency may certify debts to DOR so that DOR can collect the debt from the amount of any refund owed to

the debtor if the agency allows the debtor an opportunity to contest the debt.

15. Allows a regional transit authority to impose a fee on automobile rentals. See also *Transportation — Other Transportation*.

16. Increases the maximum individual income tax deduction for higher education tuition expenses.

17. Expands the individual income tax deductions for medical care insurance premiums.

18. For taxable years beginning after December 31, 2007, fully excludes social security benefits from taxation.

19. Increases the amount of the nonrefundable armed forces member individual income tax credit.

20. Creates a refundable individual income tax credit for property taxes paid on a principal dwelling by certain veterans and unmarried surviving spouses of certain former service members. See also *Act 72*.

21. Creates an individual income tax and corporate income and franchise tax checkoff for donations to the veterans trust fund.

22. Requires DOR to publish on the Internet delinquent taxpayer information for taxpayers who owe in excess of \$25,000 in delinquent taxes, including interest, penalties, fees, and costs. DOR must also publish on the Internet a separate list for the taxpayers with the 100 largest delinquent accounts.

Act 49 (SB-218) makes the following changes in the laws related to taxation:

1. Provides that a property owner may appeal a determination related to the assessment of the person's property by filing a notice of appeal within 15 days from the determination date.

2. Allows DOR to reduce the amount of any taxes owed by a taxpayer, regardless of whether the taxes are delinquent.

3. Modifies the angel investment income tax credit so that nonresidents and part-year residents do not prorate the credit.

4. Modifies the angel and early stage seed investment income and franchise tax credits so that the aggregate amount of the credits that may be claimed under both programs is based on the calendar year rather than the taxable year.

5. Provides that a single-owner entity that is disregarded as a separate entity under the Internal Revenue Code is considered to be an employer for purposes of withholding state income taxes if the entity elects to be an employer for federal withholding tax purposes.

6. Provides that a qualified retirement fund for federal income tax purposes is a qualified retirement fund for state income tax purposes.

7. Requires a seller who receives a refund of sales or use taxes or who collects the taxes erroneously to submit the refund or erroneously collected taxes to the buyer within 90 days of receiving the refund or discovering the error.

8. Allows DOR to waive the interest imposed on any additional estate taxes that arise from discovering property that is not listed on an inventory of the estate's total assets, if the taxpayer was not negligent in determining the assets.

9. Provides that a taxpayer may submit payments and documents to DOR by using any delivery service approved by the Internal Revenue Service for federal tax purposes.

10. Provides that a person may appeal DOR's redetermination of an earned income tax credit without paying the filing fee.

11. Eliminates the requirement that DOR audit the records of persons who perform emissions inspections under a contract with DOT.

Act 70 (AB-498) provides a property tax exemption for property owned by Goodwill Industries.

Act 71 (SB-167) creates an individual income tax checkoff for multiple sclerosis programs.

Act 72 (SB-347) expands eligibility for the veterans and surviving spouses property tax credit. See also *Act 25*.

Act 74 (AB-844) creates an income and franchise tax credit for assessments paid by certain insurers under the Health Insurance Risk-Sharing Plan. See also *Health and Social Services — Other Health and Social Services*.

Act 85 (SB-331) eliminates the annual adjustment of the motor vehicle fuel tax rate based on the change in the annual average U.S. Consumer Price Index. The last annual adjustment of the motor vehicle fuel tax rate occurred on

April 1, 2006. See also *Transportation — Other Transportation*.

Act 93 (AB-464) provides that a county may assign the county's right to foreclose on tax-delinquent property if the property is abandoned, idle, or underused industrial or commercial property or abandoned residential property.

Act 97 (SB-290) makes technical changes related to administering the early stage seed and angel investment income and franchise tax credits.

Act 241 (AB-614) requires taxation districts to pay in full on or before August 20 all personal property taxes on improvements to leased land.

Act 259 (SB-602) creates a development zone credit for license fees paid by certain insurers.

Act 298 (SB-404) modifies the personal property tax exemption for recreational mobile homes so that the exemption applies to steps and a platform leading to a doorway of a recreational mobile home.

Act 323 (SB-453) creates an individual income tax checkoff for donations to the Wisconsin State Firefighters Memorial, Inc.

Act 327 (AB-718) eliminates the sales tax on admissions and memberships sold by a gun club.

Act 349 (AB-129) provides that property tax payments are not late if the taxpayer makes the payment within five working days after the due date.

Act 361 (AB-208) allows the creation of enterprise zones and provides tax credits to certain businesses that operate in those zones. See also *Business and Consumer Law — Economic Development and Investment*.

Act 362 (AB-21) adopts, for income and franchise tax purposes, future changes to federal law related to the depreciation of property used in farming.

Act 366 (AB-646) expands the sales and use tax exemption for equipment used for farming to include most tangible personal property used for farming, including property used in silviculture.

Act 399 (SB-407) eliminates a reference to a repealed provision in the statutes relating to

the calculation of the school levy property tax credit.

Act 405 (SB-639) requires the state to pay 20 percent of the interest on property tax refunds related to manufacturing property; and the municipality in which the property is located pays the balance.

Act 452 (SB-103) increases the income and franchise tax credit for research related to engine manufacturing, energy efficient lighting systems, building automation and control systems, and automotive batteries for use in hybrid-electric vehicles.

Act 454 (AB-538) allows DOR to withhold a person's tax refund to pay the person's delinquent property taxes.

Act 460 (AB-1087) creates an individual income tax checkoff for prostate cancer research programs. See also *Health and Social Services — Public Health*.

Act 479 (SB-483) creates an income and franchise tax credit and a sales and use tax exemption for Internet equipment used to increase broadband availability in the state.

Act 483 (SB-563) creates income and franchise tax credits for expenses related to film production services and for capital investments made by a film production company.

Act 487 (SB-136) creates income and franchise tax credits for businesses located in an airport development zone.

Transportation

DRIVING PRIVILEGES

Act 126 (AB-69) requires a person to submit proof of legal presence in the state before he or she may acquire a driver's license or an identification card.

Act 294 (AB-38) reduces the penalty to a civil forfeiture if a person holding a probationary license or instruction permit violates operating restrictions.

Act 317 (AB-450) allows DOT to assess four demerit points against the driver's license of a person who is younger than the legal drinking age but who operates a motor vehicle with alcohol in his or her blood. The act also increases the forfeiture amount from \$10 to \$200 for a violation.

Act 412 (SB-626) increases the penalties for a person who operates a motor vehicle while his or her driver's license is cancelled, suspended, or revoked and who is involved in an accident that damages property or injures or kills another person.

Act 466 (SB-528) prohibits DOT, in issuing a motorcycle operator's license, from requiring a person who has successfully completed a basic rider course to first hold an instruction permit before the license is issued and from requiring any other person to hold an instruction permit for a minimum period before taking a motorcycle driving skills test. See also *Transportation — Traffic and Parking Regulation*.

HIGHWAYS AND LOCAL ASSISTANCE

Act 25 (AB-100) allows DOT, allowing DOT to contract up to an additional \$213,100,000 in public debt for the purpose of funding the Marquette interchange reconstruction project and up to an additional \$250,000,000 in public debt for the purpose of funding state highway rehabilitation projects. Debt service on debt for state highway rehabilitation projects is paid from the general fund, and debt service on debt for the Marquette interchange reconstruction project is paid from the transportation fund.

Act 25 also requires DOT to erect directional signs for the Shrine of Our Lady of Guadalupe in La Crosse County, for the Wayland Academy in Beaver Dam in Dodge County, and for the Waukesha County Historical Society and Museum in Waukesha County.

The act increases the authorized limit on revenue bonds that may be issued for major highway projects and other transportation facilities by 10.9 percent, from \$2,095,583,900 to \$2,324,377,900, excluding certain defeased obligations; increases the rate and level of general transportation aids to counties and municipalities by 2 percent in 2006 and 2 percent in 2007; and increases the level of aid for mass transit systems by 2 percent in 2006 and 2 percent in 2007.

The act requires DOT to construct a bridge in the city of Sturgeon Bay that connects upper Door County and lower Door County. DOT may use a design-build procurement process for the project if certain conditions are met.

The act requires DOT to award a grant of \$6,000,000 under its Harbor Assistance Program to a city in northeastern Wisconsin that has a harbor facility for constructing or improving boatlift facilities; to award a grant of \$2,100,000 under its Harbor Assistance Program for a boat slip repair and reconstruction project in northeastern Wisconsin, if certain conditions are met; and to award a grant of \$576,000 under its Transportation Enhancement Activities Program to the village of Weston in Marathon County for a bicycle-pedestrian bridge if the village of Weston contributes its 20 percent share toward the project.

The act allows DOT, in connection with its owner controlled insurance program (OCIP) for the Marquette interchange reconstruction project, to use safety-related penalties paid to DOT by contractors on the project to fund project safety expenditures and OCIP insurance premiums.

Act 63 (AB-664) and **Act 309** (AB-935) allow the erection of specific information signs, such as gas, food, lodging, or camping signs, on additional segments of, respectively, USH 12 and USH 151.

Act 136 (AB-20) allows specific information signs to include the word "attraction" and to identify an attraction.

Act 137 (AB-144) requires DOT to designate and mark a portion of STH 19 as the "Georgia O'Keeffe Memorial Highway."

Act 238 (AB-235) directs DOT to designate and, upon receipt of sufficient contributions, mark the entire route of STH 173 as the "173rd Airborne Brigade Highway."

Act 239 (AB-382) requires, upon receipt of sufficient contributions, DOT to display a POW/MIA flag, or, depending on specified circumstances, a related poster or literature at each DOT rest area along an interstate highway.

Act 338 (AB-755) requires DOT to designate and mark a bridge in Lena, Wisconsin, as the "Nichole M. Frye Memorial Bridge."

Act 438 (AB-426) makes changes related to DOT's administration of the Specialized Transportation Assistance Program.

Act 464 (SB-548) allows certain outdoor advertising signs to contain messages on rotating louvers or formed by digital or light displays if each change of message takes one second or less and each message remains for at least six seconds.

Act 465 (AB-967) authorizes DOT to issue permits to outdoor advertising sign owners for the trimming, removal, or relocation of vegetation that is located in the highway right-of-way and that, under specified criteria, obstructs the view of the sign from the highway. The act also requests the Legislative Audit Bureau to conduct a performance audit of the permit program.

IMPAIRED DRIVING

Act 8 (AB-92) allows a court to consider, in any drunken driving hearing, the fact that a person had a prohibited blood alcohol concentration to be prima facie evidence that the person was under the influence of an intoxicant.

Act 389 (SB-530) creates a pilot program in Winnebago County for sentencing persons convicted of certain offenses involving operating a motor vehicle while intoxicated. The act allows the county to reduce the minimum term of imprisonment for a person who completes a period of probation and undergoes alcohol or other drug counseling.

Act 413 (SB-611) allows a law enforcement officer to request a driver who is involved in an accident that results in death or great bodily harm to take a blood or breath test for the presence or quantity of alcohol, controlled substances, controlled substance analogs, or other drugs, if the officer detects on the driver the presence of any of those substances.

MOTOR VEHICLES

Act 25 (AB-100) does all of the following:

1. Requires motor vehicle dealers to process applications for certificate of title electronically after June 30, 2007.

2. Creates a specialized registration plate to support veterans and deposits the proceeds in the veterans' trust fund.

3. Delays from December 31, 2005, to December 31, 2007, the expiration of the environmental impact fee that is charged when a person registers a new motor vehicle.

4. Increases the fee to obtain a certificate of title for a vehicle from \$18.50 to \$28.50 and increases the fee to obtain a replacement certificate of title from \$8 to \$20.

5. Creates special registration plates for persons who have had an immediate family member die in combat while serving in the armed forces.

Act 38 (AB-18) permits heavy trucks to be equipped with a flashing or rotating amber light that may be used on certain highways when the truck is stopped, backing up, or traveling well below the speed limit.

Act 65 (AB-762) exempts from regulation as a motor carrier, including with respect to vehicle marking requirements, a farm truck or dual purpose farm truck combined with a semi-trailer or farm trailer, or any vehicle combined with a horse trailer, if the vehicle combination does not constitute a commercial motor vehicle and the vehicle combination is operated solely in intrastate commerce.

Act 109 (AB-202) creates several new distinguishing license plates for alumni of various military academies and veterans.

Act 118 (AB-448) allows the operation of a school bus with a trailer or semitrailer attached if the school bus has an emergency side exit or pop-out windows.

Act 119 (SB-45) increases the maximum permissible length of a three-vehicle combination operated on a highway under a DOT permit from 60 feet to 65 feet if the middle vehicle in the three-vehicle combination is equipped with brakes.

Act 143 (AB-29) allows a trailer owned and operated exclusively by an incorporated volunteer fire department to be registered for a five-year period for a \$5 fee.

Act 167 (AB-678) creates a new overweight permit, with increased weight limits, for certain vehicles transporting raw forest products and ends the use of the existing raw forest products permit in 2011. The act requires raw forest products purchasers that generate weight scale records to retain these records for

at least 30 days and to provide them to any traffic officer requesting them. The act also ends, in 2011, the frozen road weight limit exception.

Act 170 (AB-957) expands DOT's single trip permits for oversize vehicles applicable to mobile homes to include manufactured homes and manufactured buildings, but provides certain length limitations for these permits.

Act 199 (SB-282) creates a special vehicle registration plate to support the efforts of the Wisconsin Women's Health Foundation (WWHF). Persons who obtain this plate pay an additional \$25 annual fee that provides funds to WWHF.

Act 250 (SB-480) prohibits a person from operating a vehicle transporting certain buildings on the highway unless the vehicle is a commercial motor vehicle, the person holds a commercial driver license, and the vehicle is operated under a valid motor carrier certificate of authority for which all motor carrier insurance requirements are satisfied. The act creates specific oversize vehicle permits for vehicles transporting buildings and imposes certain requirements before these permits may be issued, including proof of comprehensive general liability insurance.

Act 260 (AB-479) creates a special vehicle registration plate to support the efforts of the WPGA Junior Foundation, Inc. (WPGA), relating to junior golf. Persons who obtain this plate pay an additional \$25 annual fee, 75 percent of which provides funds to the WPGA and 25 percent of which provides funds to the Department of Tourism to promote golf in this state.

Act 329 (AB-851) allows a city, town, or village to authorize the use of certain electric vehicles on its streets.

Act 363 (AB-315) increases the permissible length of tractor-semitrailer combinations and certain semitrailers that may be operated on most state trunk highways without a DOT permit, and increases the distance that certain vehicles may operate on undesignated highways to reach designated highways or services.

Act 364 (AB-510) allows vehicles transporting agricultural crops to exceed weight limits from September 1 to November 30 each year. Former law allowed increased weight limits only upon a declaration by DATCP of an agricultural emergency.

Act 365 (AB-556) allows the operation on a highway of a two-vehicle combination that is designed and primarily used to transport livestock to measure 75 feet if the trailer or semitrailer is not longer than 53 feet and the trailer or semitrailer is equipped with at least two axles.

Act 397 (AB-1078) changes the standards for licensing, testing, and regulating driver education schools and driver education instructors.

Act 408 (SB-61) allows consecutive monthly registrations of certain vehicles used exclusively to transport calcium chloride liquid or weight transfer machines for truck-pulling or tractor-pulling competitions.

Act 455 (AB-715) modifies the criteria for eligibility to obtain from DOT a disabled parking card or special disabled registration plate authorizing certain vehicle parking privileges, modifies certain violation and penalty provisions related to disabled parking cards, and requires a person to whom a disabled parking card is issued to retain the health care provider statement submitted to DOT to obtain the card and to provide it to a traffic officer upon request.

Act 472 (AB-112) allows DOT to determine the design of special vehicle registration plates for disabled veterans after consultation with DVA, which must in turn consult with the state's veterans organizations. The act also requires these plates to be colored red, white, and blue.

MOTOR VEHICLE DEALERS

Act 256 (AB-823) provides that a motor vehicle manufacturer, distributor, or importer has the burden of proving that its actions were reasonable if a dispute arises regarding its contract with a motor vehicle dealership or regarding changes to the contract proposed by the dealership but rejected by the manufacturer, distributor, or importer. See also *Business and Consumer Law — Other Business And Consumer Law, Act 110*.

Act 339 (AB-230) requires a motor vehicle salvage dealer to submit proof that it complies with state and local requirements regarding waste disposal and environmental protection.

TRAFFIC AND PARKING REGULATION

Act 11 (AB-169) allows closed-roof, hard-top, double-decked buses not exceeding 14 feet 5 inches in height to be operated, without a permit for excessive height, on most public highways having a speed limit of 45 miles per hour or less if certain conditions are met.

Act 25 (AB-100) decriminalizes the first offense of operating a vehicle while a person's operating privilege is revoked if the underlying operating privilege revocation did not result from specified alcohol or controlled substance-related traffic violations.

The act also modifies the law related to habitual traffic offenders to define a "habitual traffic offender" as a person who, within five years, has accumulated at least four convictions of specified offenses of a more serious nature or at least 12 convictions of various traffic violations, punishable by either civil or criminal penalty.

Act 95 (AB-512) requires railroad companies to install and maintain yield signs below the railroad crossing (crossbuck) signs at certain crossings where the railroad maintains crossbuck signs. The act also creates a new traffic violation for driving a vehicle on or across a railroad crossing posted with a crossbuck sign if any train occupies or is hazardously near the crossing.

Act 106 (AB-618) requires that children under the age of eight, while being transported in a motor vehicle, be restrained as follows: 1) if the child is less than one year old or weighs less than 20 pounds, the child must be in a rear-facing child safety seat in the back seat; 2) if the child is between one and four years old and weighs between 20 and 40 pounds, the child must be in a forward-facing child safety seat in the back seat; 3) if the child is between four and eight years old, weighs between 40 and 80 pounds, and is four feet nine inches tall or less, the child must be in a child booster seat; and 4) if the child is under the age of eight and exceeds the weight or height limits in item 3) the child must use a seat belt (as under preexisting law). The act removes an exception to the child safety restraint requirement that allowed a person to temporarily remove a child from a child safety seat to attend to the child's personal needs. The act also extends the passenger seat belt requirement to all passengers

in the vehicle age eight or older who are in seating positions with seat belts.

Act 144 (AB-133) prohibits a person from driving a vehicle over an unprotected fire hose laid down at a training exercise or the scene of an emergency.

Act 185 (AB-240), for purposes of a municipality's or county's authority to provide for the immobilization, impoundment, and disposal of unregistered motor vehicles, includes any motor vehicle located on a highway that does not display valid license plates for the vehicle's current registration period or a registration period that expired the preceding month, and allows enforcement by parking enforcers employed by the municipality or county.

Act 193 (AB-365) generally prohibits a person from operating a motor vehicle, other than an emergency vehicle, with a traffic control signal emergency preemption transmitter. The act also prohibits the use of such a transmitter in an emergency vehicle except under emergency circumstances and prohibits a person from selling such a transmitter except for use for authorized purposes.

Act 326 (SB-329) authorizes a first class city to create 721 parking spaces for residents who live adjacent to a university campus if the university creates that number of parking spaces on campus.

Act 411 (AB-966) allows the imposition of liability upon the owner of a vehicle operated in the commission of a hit-and-run violation.

Act 466 (SB-528) allows a person operating a motorcycle, moped, motor bicycle, or bicycle facing a red traffic signal at an intersection, after stopping for at least 45 seconds, to proceed through the intersection before the signal turns green under certain circumstances. The act increases the penalty for a failure to yield the right-of-way violation that causes bodily harm or death to another by increasing the forfeiture, suspending the violator's operating privilege, and requiring the violator to attend traffic safety school. The act requires driver education courses to include information on motorcycle, pedestrian, and bicycle awareness.

OTHER TRANSPORTATION

Act 25 (AB-100) requires DOT to transfer \$427,000,000 from the transportation fund to the general fund in the 2005-07 fiscal biennium.

Act 25 also makes a number of other changes to the transportation laws, including:

1. Authorizes DOT to sell real estate upon which a park-and-ride facility is or may be located.

2. Eliminates a \$550,000 reduction in the annual transfer from the general fund to the environmental fund related to collection of the supplemental vehicle and manufactured home title fees.

3. Allows DOT to certify driver records electronically as public records qualifying for self-authentication in court, so driver records may be self-authenticating based upon a certification generated by a DOT computer system rather than a DOT employee.

4. Provides transportation fund moneys for the federal Soo Locks project.

5. Requires the counties of Kenosha, Milwaukee, and Racine to create a Regional Transit Authority (RTA), which is responsible for the coordination of transit and commuter rail programs in the three-county region. The RTA may impose a local vehicle rental fee in the region, hire staff, conduct studies, and expend funds essential to the preparation of the report. See also *Taxation*.

6. Awards a \$30,000 grant in each year of the biennium to operate the Cassville Mississippi River Ferry.

Act 85 (SB-331), beginning on July 1, 2007, prohibits moneys deposited into the transportation fund from being transferred to another fund or appropriated for other than specified purposes. See also *Taxation*.

Act 173 (SB-623) makes various changes to the charges and damages that a vehicle rental agency may recoup from renters and to the procedures for assessing and collecting those charges and damages.

Act 179 (AB-588) repeals many provisions of state law relating to railroad regulation that may be inconsistent with federal law and modernizes certain provisions of state law. The act

repeals provisions related to economic regulation of railroads, railroad construction and facilities, and railroad safety.

Act 322 (SB-386), with exceptions, provides immunity from civil liability to technicians who inspect, install, fit, or adjust child safety seats in vehicles, or who provide related safety assistance or advice, and to certain organizations that participate in related safety programs.

Act 332 (SB-592) bars discovery in cases involving underage drinking or involving a person's refusal to have his or her blood, breath, or urine tested for the presence of alcohol or another drug, except that a defendant may be allowed to inspect documents, including witness lists, and to perform tests of any devices used to determine whether a violation occurred.

Act 335 (SB-352) creates the Wisconsin Aerospace Authority (WAA), which is authorized to design, develop, and operate spaceports, aerospace facilities, and spacecraft, as well as develop and operate or provide related programs, projects, and services. The WAA must promote the aerospace industry in this state, provide aerospace services, information, and business opportunities in this state, and coordinate public and private efforts to promote space-related industry.

Act 392 (AB-534) requires DOT to sell surplus property that it obtained for the purposes of a transportation project within 24 months after the project is completed. The act requires DOT to offer to sell the property first to the county, municipality, or school district where the property is located.

Act 446 (SB-499) modifies the requirements for a plat that is used by DOT or a municipality to describe a parcel of land that is either acquired or disposed of for a public project.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Senate Bill 390 would have granted moneys for the construction of a dockwall in the city of Marinette, Wisconsin.

Assembly Bill 509 would have eliminated the immunity exception under which villages, cities, towns, or counties may be held liable for damages caused by an insufficiency or lack of repairs on a highway.

Trusts and Estates; Probate

Act 10 (AB-140) is the Revised Uniform Principal and Income Act of 1997. The act provides rules for allocating receipts and disbursements between trust income and principal if the will or trust does not contain provisions for allocation. The act also authorizes a trustee to make certain transfers and adjustments between principal and income and to convert a trust into a unitrust.

Act 216 (AB-1038) corrects technical errors and clarifies various provisions in 1997 Wisconsin Act 188, which modernized the Wisconsin Probate Code.

Veterans and Military Affairs

Act 22 (AB-210) reorganizes the statutes dealing with veterans issues. The act modernizes language, clarifies some of the terminology, removes redundant and unrelated material, and makes minor substantive changes, including expanding the definition of “veteran” for the purpose of various veterans benefit programs to include persons who are missing in action, persons who died as a result of a service-connected disability, and persons who died while on training duty.

Act 25 (AB-100) makes a number of changes in the laws regarding veterans, including:

1. Allows spouses, surviving spouses, and children of veterans to receive full academic fee remission at the UW System and the Technical College System if the veteran was a resident at the time of entry into the armed forces

and died in service or incurred a service-connected disability of 30 percent or more.

2. Provides a remission equal to 100 percent of nonresident tuition and 50 percent of academic fees at the UW System and a 50 percent fee remission at the Technical College System to a veteran who was a resident at the time of entry into the armed forces and who served on active duty during certain wars or crises who was discharged due to a service-connected disability or a reduction in forces.

3. Provides tuition reimbursement for classes at a college or university or at an approved school, proprietary school, or high school to veterans with incomes under \$50,000 who were residents at the time of entry into the armed forces and for at least 12 months before applying for the reimbursement.

4. Establishes maximum payment for subsistence aid, dental care, vision care, and hearing care for needy veterans during any 12-month period.

5. Allows spouses, surviving spouses, and parents of eligible veterans admission to a veteran home if the home has vacancies.

Act 26 (AB-399) creates a council on military and state relations to advise the governor and state agencies regarding the location and enhancement of military installations. See also *Local Law*.

Act 33 (SB-2) requires members of emergency response teams to meet the highest standards for a hazardous responder as required by federal law and the National Fire Protection Association (NFPA) and to have at least one member who is trained in each of the specialty areas required under NFPA standard 472.

Act 37 (SB-193) requires the governor annually to proclaim January 17 as “Gulf War Illness Recognition Day” to honor veterans who suffer illnesses as the result of service in the Gulf War.

Act 257 (SB-642) requires that local emergency planning program standards for fire, rescue, and emergency medical services include the adoption of the intergovernmental cooperation Mutual Aid Box Alarm System.

Act 269 (AB-1028) requires DMA to provide payments to local governmental units for 70 percent of damages and costs incurred as the

result of a major catastrophe if federal disaster assistance is not available because the catastrophe was not declared a federal major disaster or because the disaster does not meet the per capita impact indicator issued by the Federal Emergency Management Agency.

Act 459 (AB-958) grants civil liability immunity to persons who provide equipment, services, and other assistance under the direction of certain public officials, in response to a disaster, federally declared emergency, or emergency declared by the governor.

Act 468 (SB-613) requires the Board of Regents of the UW System and technical college district boards to grant full remission of academic fees, segregated fees, and nonresident tuition, to certain veterans, including persons who served on active duty, were residents at the time of entry into service, and who were declared to have at least a 30 percent service-connected disability and persons who, while residing in this state, died as the result of a service-connected disability. See also *Education — Higher Education*.

Act 473 (AB-1174) allows a person who is on active military duty to suspend or terminate his or her mobile telephone contract without penalties or additional fees.

Act 475 (SB-406) requires DMA to notify the school district in which a student resides that the student is attending the Youth Challenge Program.

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