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Summary of the 1987-88 Wisconsin Legislative Session
1987 WISCONSIN ACTS 1 to 399

INTRODUCTION

This brief provides an overview of the 1987-88 legislative session through May 13, 1988. The main body of the brief is divided according to subject matter; beneath each subject heading the acts of the Legislature are individually described. The significant provisions of any act affecting more than one area of state law (including Acts 27 and 399, the budget acts) are described separately under the appropriate subject headings. The brief also includes summaries of the more important enrolled joint resolutions. Included in the *HIGHLIGHTS* section of this brief are synopses of those acts and joint resolutions that were of particular interest to the Legislature. Commonly used abbreviations are listed in section V of the brief.

The 1987 Legislature took its oath of office on January 5, 1987. Its regular session was organized into 6 floorperiods:

I — January 27 to February 6, 1987
II — March 17 to March 19, 1987
III — April 21 to June 28, 1987
IV — October 6 to October 30, 1987
V — January 26 to March 25, 1988
VI — May 17 to May 19, 1988

In addition to these floorperiods, as of May 13, 1988, the Governor has called 2 special sessions, down from 7 special sessions called during the 1985-86 legislative session. Two acts resulted from the September 1987 Special Session. Act 44 relates to the conditions on stock rights and options; Act 45 prohibits a person who acquires a certain percentage of a corporation's shares from engaging in various transactions with the corporation and requires shareholder approval of certain actions by corporate officers or directors during a take-over offer.

The 1987 Legislature enacted 399 acts through May 13, 1988, compared to 340 acts enacted by the 1985 Legislature. The number of bills introduced decreased to 1,610, compared to 1,721 in the previous session. Of the bills introduced, 1,023 originated in the Assembly and 587 originated in the Senate. The 1987 Legislature enacted 24.8% of the bills introduced, compared to 19.8% enacted by the 1985 Legislature. In addition, the ideas contained in many unenacted bills were, in the legislative process, grafted onto other proposals. These figures do not tell the entire story; many bills were redrafted a number of times prior to introduction and many bills had one or more complete substitute versions. As of May 13, 1988, the Legislative Reference Bureau has received 15,119 drafting requests during the 1987-88 legislative session compared to 15,205 drafting requests received during the 1985-86 legislative session.

Governor Tommy Thompson vetoed 36 bills in their entirety during the 1987-88 legislative session, up from 7 totally vetoed bills in the 1985-86 legislative session. The Governor vetoed parts of 16 appropriation bills, up from 7 partially vetoed in the prior session. As of May 13, 1988, the Legislature has not overriden any of the Governor's vetoes.

Prepared by the Legal Section of the Legislative Reference Bureau.

HIGHLIGHTS

Agriculture

Act 27 *(SB-100)* revises the nonpoint source grant program in DNR and consolidates DATCP's soil and water conservation programs. The act:

1. Gives DATCP responsibility for agricultural-related aspects of the nonpoint project planning process and gives DNR and DATCP specified joint responsibility such as developing a grant application, reporting system and evaluation process.

2. Deletes the farmers fund program, erosion control program and state aids for conservation activities program and creates a new soil and water resource management program.

3. Authorizes DATCP to award grants annually to county land conservation committees that have a workload allocation plan approved by DATCP.

4. Specifies the conditions under which DATCP may make grants for the construction of animal waste management facilities.

Beverages

Act 121 *(AB-132)* establishes statewide mandatory closing hours from 2 a.m. to 6 a.m. for businesses that sell alcohol beverages for consumption on the premises, except on Saturday and Sunday when the closing hours are from 2:30 a.m. to 6 a.m. and except that there are no mandatory closing hours on January 1.

Business and Consumer Law

Act 13 *(AB-301)* grants immunity from personal liability, with some exceptions, to certain corporate directors and officers and to volunteers of nonprofit corporations. Under the act, a director of a for-profit corporation, including a stock insurance corporation, is not personally liable to the corporation, its shareholders or a person asserting rights on behalf of the corporation or its shareholders for acts as director unless an act constitutes self-dealing, wilful misconduct or a knowing violation of criminal law.

For officials of entities other than for-profit corporations (including nonprofit corporations, cooperatives, credit unions, mutual savings and loan associations, medical and dental societies and certain insurers) the immunity is broader. The immunity applies to both directors and officers and includes proceedings brought by creditors and 3rd parties. However, the immunity does not shield the conduct described above and does not apply to actions brought by the government or brought under certain state or federal statutes.

Under the act, a person who volunteers his or her services to a nonprofit corporation is, with certain exceptions, immune from personal liability for his or her acts as a volunteer.

The act also expands the circumstances under which a corporation or other entity must pay for the costs of litigation and personal liability incurred by directors and officers.

Act 27 *(SB-100)* exempts common stock issued by a corporation in a public offering from registration if the offering is firmly underwritten (i.e., underwriters have committed to maintain a market for the stock and, if necessary, buy any shares offered to them) and a final prospectus, accompanied by a $200 fee, is filed with the Commissioner of Securities within 10 business days after the first sale in Wisconsin.

The act also creates a Development Finance Board in DOD. The Development Finance Board may award grants and make loans to businesses, local governing bodies or consortia of businesses

and higher educational institutions, subject to certain limitations. The Development Finance Board may award grants and make loans for business development projects, including technology development, customized labor training and other major economic development projects (see also *Act 399*).

Act 45 *(Sept. 1987 Spec. Sess. AB-2)* limits the ability of a person who acquires 10% or more of the voting power of a corporation to engage in a business combination with the corporation for 3 years after the stock purchase and, to a lesser extent, after the 3-year period. A business combination includes a merger, sale of assets, transfer of stock, liquidation and other specified transactions. This restriction terminates on September 10, 1991.

The act also prohibits directors or officers from taking the following actions during a take-over offer unless shareholders approve the action:

1. Purchasing the corporation's shares at a price above the market value from a person who recently acquired a certain percentage of the corporation's shares (commonly called "greenmail").

2. Selling a certain portion of the corporation's assets (commonly called "selling the crown jewels") unless the corporation has outside directors (directors who are not officers or employes of the corporation) and those directors vote not to be subject to this restriction (see also *Securities, Act 44*).

Act 328 *(SB-265)* creates a development zone program and provides tax credits to certain businesses located in development zones. Under the act, the governing body of a city, village or town may submit an application to DOD nominating an area in the city, village or town as a development zone. DOD may designate an area as a development zone after considering certain criteria. DOD may designate no more than 8 development zones.

After a development zone is designated, DOD must administer the development zone, together with the governing body of the city, village or town in which the development zone is located. DOD, aided by the governing body, must also certify businesses as eligible for the tax credits created under the act (see also *Taxation*).

Children

Act 27 *(SB-100)* permits a juvenile court judge to impose sanctions on a child if the child violates a condition of his or her dispositional order. The sanctions include:

1. Placing the child in secure detention for up to 10 days.
2. Suspending or limiting the child's motor vehicle, hunting or fishing license for up to 90 days.
3. Home detention for up to 20 days.
4. Participation in a supervised work program for up to 25 hours.

Act 285 *(AB-389)* makes various changes relating to court dispositions for juveniles. The act:

1. Creates a definition of "habitual truant" for use in juvenile court procedures and school attendance enforcement procedures. Preexisting law used the term "habitual truant" but lacked a definition.

2. Permits a juvenile court judge to order a child into an educational program, and requires the school district in which the child is enrolled to pay tuition for the pupil.

3. Expands the dispositional alternatives available to a juvenile court judge if he or she finds that a child is in need of protection or services or has adjudicated a child delinquent based on habitual truancy.

4. Expands the dispositional alternatives available to a municipal court judge if the judge finds that a child has violated a municipal truancy ordinance.

5. Creates a penalty for contributing to the truancy of a child (see also *Education*).

Act 336 *(AB-390)* prohibits the sale or distribution of cigarettes and tobacco products to minors, beginning July 1, 1989. The act also:

1. Makes it illegal for a minor to buy or attempt to buy cigarettes or tobacco products or to misrepresent his or her age to receive cigarettes or tobacco products.
2. Prohibits placing cigarette vending machines within 500 feet of a school.
3. Requires retailers of cigarettes and tobacco products to post notices stating that the sale of cigarettes and tobacco products to minors is illegal.

Constitutional Amendments

Enrolled Joint Resolution 3 *(Assembly Joint Resolution 2)*, proposed by the 1987 Legislature on 2nd consideration, excepts on-track pari-mutuel betting from the constitutional prohibition against legislative authorization of lotteries. The state is prohibited from owning or operating any facility or enterprise and from leasing any state-owned land to any other owner or operator for pari-mutuel betting. The proposal was ratified by the electorate on April 7, 1987.

Enrolled Joint Resolution 4 *(Assembly Joint Resolution 3)*, proposed by the 1987 Legislature on 2nd consideration, authorizes the creation of a Wisconsin state lottery to be operated by the state as provided by law. The expenditure of public funds or of revenues from the lottery to engage in promotional advertising of the lottery is prohibited. Any lottery advertising must indicate the odds of winning for each prize amount offered. The net proceeds of the lottery must be used for property tax relief. The proposal was ratified by the electorate on April 7, 1987.

Enrolled Joint Resolution 74 *(Assembly Joint Resolution 117)*, proposed by the 1987 Legislature on first consideration, allows the Legislature to authorize state income tax credits or refunds for property or sales taxes due in this state if the credits or refunds are classified reasonably and based on the ability to pay.

Enrolled Joint Resolution 75 *(Assembly Joint Resolution 118)*, proposed by the 1987 Legislature on first consideration, abolishes, over a 10-year period, the use of the property tax for school operations.

Correctional System

Act 5 *(SB-54)* directs DHSS to establish a state prison in the village of Sturtevant in Racine county. DHSS must also create a procedure to solicit responses from communities interested in having minimum security state prisons.

Crimes

Act 332 *(SB-203)* revises numerous crimes against children. The act broadens the coverage of several crimes, such as incest and sexual assault, to provide penalties for persons who are responsible for children, know of the potential or actual harm and are capable of taking action but fail to act to prevent the harm. The act also creates various new crimes, including prohibitions against causing mental harm to a child, possessing child pornography and possessing a weapon on school premises.

Domestic Relations

Act 355 *(AB-205)* changes the child custody and visitation laws. Under preexisting law a court was permitted to order joint custody only if the parties agreed to joint custody and joint custody was in the child's best interest. This act permits a court to order joint custody if doing so is in the child's best interest and either of the following applies:

1. Both parties agree to joint custody.

2. The parties do not agree to joint custody but one party requests joint custody and the court specifically finds that: (a) both parties are capable of performing parental duties and wish to have an active role in raising the child; (b) there are no conditions that would interfere with the exercise of joint custody; and (c) the parties will be able to cooperate in the future decision making required by an award of joint custody.

The act also requires counties to either establish a family court counseling office to provide mediation, or to contract with one or more public or private entities in the county or a contiguous county to provide mediation. If the family court counseling office option is selected, the county may direct that the office provide legal custody or physical placement studies.

Act 393 *(SB-566)* makes various changes in the laws governing property held by married persons. The act:

1. Creates statutory terminable individual property classification agreements whereby spouses may classify their property as the individual property of the owning spouse or as marital property. If there is no disclosure of assets and liabilities before or contemporaneously with the execution of an agreement, the agreement terminates 3 years after the date both spouses have signed it. Spouses may enter into only one agreement for which disclosure of assets and liabilities is not provided.

2. Provides a new management and control option for a spouse who holds the following types of business property not also held by the other spouse: a) an interest in a partnership held as a general partner or an interest in a joint venture held as a participant; b) an interest in a professional corporation, professional association or similar entity held as a stockholder or member; and c) an interest in a corporation, the stock of which is not publicly traded.

3. Provides that both spouses must be domiciled in this state before the marital property law generally applies to the spouses. The act also provides that the marital property law generally does not apply when one or both spouses are not domiciled in this state.

4. Clarifies payout protections for insurers.

Education

Act 285 *(AB-389)* authorizes a county, city, village or town to enact an ordinance prohibiting a child from habitual truancy. The act specifies the dispositional alternatives that the ordinance may make available to the court: suspending the child's driver's license, ordering the child to participate in counseling, community service or a supervised work program, ordering the child to remain at home or ordering the child to attend one of several specified education programs. The act also requires each school board to adopt a truancy plan based on recommendations made by a county-wide truancy committee, revises the requirements for school district notification of the parent or guardian of a habitual truant and makes it a crime to encourage or contribute to a child's truancy (see also *Children*).

Act 303 *(SB-163)* prohibits an official, employe or agent of a school board from subjecting a pupil enrolled in a school district to corporal punishment, with certain exceptions. The act defines "corporal punishment" as the intentional infliction of physical pain as a means of discipline.

Employment

Act 38 *(AB-483)* makes major structural changes in unemployment compensation financing, taxation, benefits, coverage and administration. Most changes are phased in beginning in April, 1989. The act:

1. Requires all employers whose employes are covered by the unemployment compensation law to file quarterly reports with DILHR showing wages paid to their employes. Formerly, wage reports were only required after a benefit claim was filed.

2. Restructures tax schedules and changes tax rates.

3. Changes the "base period" (work period on which a claim is based) from the 52 weeks preceding the first week of benefits to the 1st 4 of the last 5 most recently completed calendar quarters preceding the start of the employe's "benefit year" (period during which benefits are potentially payable).

4. Changes the method of charging benefits so that all employers during an employe's base period are charged proportionately for benefits. Under former law, the charges were usually sequenced as benefit payments were made, with the most recent employer usually charged first.

5. Changes the method of calculating benefits so that an employe's uniform weekly benefit rate is 4% of the employe's wages during that quarter of an employe's base period in which the employe received the highest wages, but not more than $200. Formerly, an employe received 50% of his or her average weekly wage with the employer being charged in a given week, but not more than $196.

6. Requires an employe to have earned wages equal to at least 40 times his or her weekly benefit rate during his or her base period in employment covered by the unemployment compensation law and to have combined wages outside the quarter during which the employe earns the highest wages of at least 13 times the employe's weekly benefit rate in order to receive benefits. Formerly, an employe was required to have worked in employment covered by the unemployment compensation law for at least 19 weeks and earned wages equal to at least 19 times 30% of the state's average wages per week in order to receive benefits.

7. Changes numerous provisions that disqualify employes or suspend benefit rights under certain circumstances to conform with the revisions in benefit qualifications and computations made by the act.

The act also makes changes in the laws governing coverage of corporate officers, charging of certain benefits, meetings of the Council on Unemployment Compensation, benefit disqualification issues initiated by DILHR, appeals by DILHR of unemployment compensation decisions, suspension of agents who appear before DILHR, write-off of overdrafts in employer accounts, delinquent reporting fees, the term of election for financing benefits on a reimbursement basis and penalties for various acts of concealment.

Act 287 *(SB-235)* requires an employer in this state with more than 50 employes to provide family leave and medical leave to certain employes. The act provides 6 weeks of family leave during a 12-month period for the birth or adoption of the employe's child. The act also provides, within a 12-month period, 2 weeks of family leave to allow an employe to care for a child, spouse or parent with a serious health condition and 2 weeks of medical leave for an employe's serious health condition.

The act does not require an employer to pay an employe who is on family leave or medical leave, but an employe may substitute other types of paid or unpaid leave for portions of family leave or medical leave. The act requires an employer to continue to pay its share of the premium, if any, for an employe's health insurance during family leave or medical leave. However, an employer may require an employe to deposit an amount equal to the health insurance premium into an escrow account. If the employe leaves his or her job during a period of family leave or medical leave or within 30 days after the leave ends, the employer may deduct from the escrow account the amount of premiums it paid.

An employe who believes that his or her rights under the act have been violated may file a complaint with DILHR. DILHR must attempt to resolve the matter and, if necessary, hold a hearing. The act permits an employe to begin a civil action to collect damages for any violation after exhausting administrative review.

Gambling

Act 119 *(SB-336)* creates a state lottery. The act:

1. Establishes an independent, gubernatorily-nominated 5-member Lottery Board to administer the lottery.

2. Requires the governor to nominate an Executive Director, who appoints other Lottery Board employes. The Executive Director, with the assistance of DOJ, must conduct a background investigation of all employes before appointment.

3. Creates a lottery fund consisting of a loan of $5,000,000 in general purpose revenues (payable, with interest, one year from the date of the first ticket sale), lottery ticket sales revenues and nonrefundable fees. The fund must be used to pay prizes equal to at least 50% of lottery ticket sale revenues, administration expenses, loan repayments, payments to contractors and others and property tax relief, although no distribution method for the property tax relief is specified.

4. Requires state income taxes to be withheld from prizes of at least $2,000, and delinquent state taxes, child support or debts owed the state to be withheld from prizes of at least $1,000.

5. Prohibits a private person from contracting for the entire operation or management of the lottery.

6. Provides for the selection and compensation of lottery ticket retailers under criteria developed by the Lottery Board and establishes requirements for lottery retailer contracts.

7. Prohibits the expenditure of public funds or lottery revenues for promotional advertising of the state lottery, but permits such advertising by lottery supplies vendors and lottery ticket retailers using non-public funds.

8. Prohibits lottery ticket purchases by or sales to minors.

9. Requires the Lottery Board to specify the types of games to be played in the state lottery, except that sweepstakes are prohibited. (See also *Act 399*.)

Act 354 *(SB-444)* creates a 5-member Racing Board, provides for gubernatorial appointment of the Director of the Racing Board and regulates horse racing, dog racing, snowmobile racing and on-track pari-mutuel betting. The act:

1. Requires a license for the ownership and operation of a race track where horses or dogs are raced and for the management of the track. The Racing Board issues licenses, subject to a public hearing and specified qualifications. A person is limited to one license to own a track and one license to manage a track.

2. Requires a license for occupations related to racing.

3. Requires that 3 stewards, 2 employed or under contract with the Racing Board and one approved by the Racing Board, preside over races that are not at fairs.

4. Sets the minimum bet at $2.00 and specifies that 83% of the total amount bet goes to winning bets in single pool races and 77% of the total bet amount goes to winning bets in multiple pool races. Eight percent of total bets goes to winning horses and 4.5% of total bets goes to winning dogs.

5. Imposes a state tax ranging from 1% to 8% of total daily bets, depending on whether a race is between horses or dogs and on the size of the total daily amount bet.

6. Earmarks breakage (the odd cents by which the amount payable on each dollar wagered on a race exceeds a multiple of 10 cents) for purse supplements for horses foaled in Wisconsin and 3-year-olds and for Racing Board operations.

7. Requires the Racing Board to promulgate and enforce rules governing the administration of medication to race animals. All horses must be tested for violation of the rules before races and winning horses must be tested after a race.

8. Requires a race track to collect an admissions tax of 50 cents per person and to pay 50% of the amount collected to the county and 50% to the city, village or town in which the track is located.

Act 399 *(AB-850)* authorizes the use of lottery proceeds, under a specified distribution formula, to offset general purpose revenues for state school aids for schools.

Health and Social Services

Act 27 *(SB-100)* reduces AFDC benefits by almost 6%. The act also requires, if federal approval is granted, recipients of AFDC who are 13 to 19 years of age to attend school if they have not graduated from high school or obtained a declaration of equivalency of high school graduation (see also *Act 399*).

The act eliminates the capital expenditure review program, which required DHSS to review and approve certain hospital capital expenditures, purchase of a hospital, additions to a hospital's approved bed capacity, construction or operation of ambulatory surgery centers or home health agencies, addition of psychiatric or chemical dependency beds, implementation of programs for organ transplants, neonatal intensive care and cardiac services, and implementation of burn centers and air transport services.

Act 70 *(AB-678)* changes various laws relating to the testing of persons for the presence of an antibody to the virus that causes AIDS (see also *Act 399*). The act:

1. Expands the list of persons to whom or circumstances under which disclosure of the results of a test for the presence of the AIDS virus may be made. The act restricts health care providers from access, unless the health care provider provides care to the person with a positive AIDS virus test result, and restricts the admissibility of certain AIDS-related evidence in court.

2. Specifies that records made by emergency services personnel are patient health care records and prohibits emergency services personnel from making certain medical and other information available concerning accident and emergency victims.

3. Requires pupil health care records to be treated under records confidentiality restrictions that apply to AIDS virus tests and patient health care records.

4. Requires nonconsensual AIDS virus testing in most circumstances for use of donated body parts or tissues.

5. Permits AIDS virus testing of corpses under certain circumstances.

6. Permits certain nonconsensual AIDS virus testing of residents or patients of a state center for the developmentally disabled or a mental health institute.

7. Permits distribution or use by a donor, without AIDS virus testing, of blood extracted from that donor for self use.

Act 275 *(SB-351)* changes various mental health laws. The act:

1. Expands the 3rd and 4th standards of dangerousness to permit commitment or emergency detention if, regardless of the availability of protection or treatment in the community, a person will not use the community services or if food, shelter and other care received by the person are provided by family members or nonprofessionals.

2. Creates new standards and procedures for guardianship for the purpose of administering psychotropic medications to chronically mentally ill adults.

3. Authorizes the waiver of time limitations on certain commitment hearings in order to permit the subject of a proceeding to become a voluntary patient under a court-approved settlement agreement.

4. Requires that all committed persons be evaluated prior to the expiration of commitments.

Act 339 *(AB-662)* makes various changes relating to alcohol and other drug abuse. The act:

1. Provides funding for a variety of alcohol and other drug abuse programs.

2. Provides screening, assessment and treatment for children with problems related to alcohol or other drugs.

3. Creates a drug abuse program improvement surcharge to be assessed against drug crime offenders. The surcharge is equal to 50% of the fine and penalty assessment imposed; the moneys

must be used by DHSS for programs providing prevention, intervention and treatment for alcohol and other drug abuse problems.

4. Revises penalties for various crimes associated with heroin, phencyclidine (PCP), psilocin, psilocybin, amphetamine, methamphetamine, lysergic acid diethylamide (LSD) and tetrahydrocannabinols (THC — the chemical that is the chief intoxicant in marijuana).

5. Provides that a person is guilty of 2nd-degree murder if he or she illegally manufactures, delivers or administers a dangerous drug and someone dies as a result of using that drug.

Act 399 *(AB-850)* establishes in DHSS an Office of Health Care Information and a Board on Health Care Information to collect, analyze and disseminate certain financial and patient-related health care information on hospitals, ambulatory surgery centers and, beginning April 1, 1992, other health care providers. The act requires health care providers and state agencies to submit information the Office of Health Care Information deems necessary. Further, the act requires that a hospital publish a newspaper notice 10 days before the hospital institutes a rate increase. Funding for the Office of Health Care Information is provided by hospital assessments based proportionately on hospitals' gross private-pay patient revenues. The act also permits assessments of ambulatory surgery centers.

Insurance

Act 27 *(SB-100)* requires health care policies and plans to cover chiropractic treatment of a condition or complaint if the policy or plan covers treatment of that condition or complaint by a physician or osteopath. The requirement applies to individual and group health policies, health maintenance organizations, preferred provider plans, limited service health organizations, cooperative sickness care associations and to health plans offered by the state to its employes.

Occupational Regulation

Act 265 *(SB-481)* abolishes the Barbers Examining Board and the Cosmetology Examining Board and creates the Barbering and Cosmetology Examining Board to provide for the uniform regulation of barbers and cosmetologists and to allow barbers and cosmetologists to perform the same services. The act requires the licensure of persons who care for or beautify the skin, called aestheticians. The act also:

1. Changes the amount of training required to become licensed.

2. Authorizes the Barbering and Cosmetology Examining Board to issue specialized licenses for manicurist, electrologist and aesthetician establishments, in addition to barber or cosmetologist establishment licenses.

3. Requires schools teaching barbering or cosmetology to be licensed by DORL.

Taxation

Act 27 *(SB-100)* exempts 60% of capital gain from the income tax and limits the amount of capital loss that may be offset against ordinary income in calculating the income tax. The act bases the corporate income and franchise taxes on the federal corporate income taxes. Formerly, Wisconsin corporate income and franchise tax law, although borrowing certain elements from federal law, was not based on it.

The act phases out the inheritance and gift taxes in 5 annual steps beginning in 1988. The act creates a school property tax credit that is offset against individual income taxes and lowers the individual income tax rates. The act also raises the motor fuel and special fuel tax rates by 2 cents per gallon.

Act 328 *(SB-265)* in regard to economic activity in development zones, creates income tax and franchise tax credits for purchases of tangible personal property; creation of jobs; and acquisition,

construction or repair of real property and payments of sales taxes on construction materials. The act also doubles the existing research credit (see also *Business and Consumer Law*).

Act 378 *(AB-870)* rewrites the laws on property tax collection and settlement to make them more comprehensible, to make minor policy and technical changes that facilitate administration and to make such substantive changes as altering the requirements for property tax payments.

Transportation

Act 3 *(AB-30)* makes various changes relating to operating a motor vehicle while under the influence of alcohol or other drugs (OWI). The act:

1. Creates an administrative procedure for the suspension of operating privileges of persons who operate a motor vehicle while having a blood alcohol concentration of 0.1% or more.
2. Eliminates as a separate crime the offense of operating a motor vehicle while having a blood alcohol concentration of 0.2% or more.
3. Requires the adoption of sentencing guidelines for certain OWI offenses.
4. Provides that an absolute sobriety offense may be tried before a municipal court as a local ordinance violation.

Act 17 *(SB-166)* establishes a speed limit of 65 miles per hour for rural interstate highways. The 65 mile per hour speed limit applies only where posted by DOT; other parts of the interstate system are subject to a speed limit of 55 miles per hour (see also *Act 136*).

Act 132 *(SB-7)* requires most motor vehicle operators and passengers to wear the safety belts installed in a vehicle by its manufacturer. Failure to comply with the safety belt use requirement subjects a person to a penalty. An operator is responsible for the compliance of a passenger 4 to 15 years old. The law includes exceptions for law enforcement officers, persons who cannot wear a safety belt for medical reasons and operators of and passengers in frequently stopping delivery vehicles and taxis.

Act 136 *(SB-476)* extends the 65 mile per hour speed limit established by Act 17 for rural interstate highways to certain other freeways located outside of urbanized areas that are either constructed to interstate highway standards or have 4 or more lanes and full control of access and can safely accommodate a 65 mile per hour limit. The extended limit applies only where posted by DOT (see also *Act 17*).

MAJOR PROPOSALS THAT FAILED ENACTMENT

Crimes

Assembly Bills 175 and 991 and Senate Bills 31 and 558 would have revised obscenity laws.

Assembly Bill 565 and Senate Bill 333 would have revised the district attorney prosecution system.

Domestic Relations

Assembly Bill 827 would have created contract requirements to regulate surrogate motherhood agreements.

Employment

Assembly Bill 160 would have modified the plant closing law.

Assembly Bill 324 would have prohibited employers or employment agencies from engaging in honesty testing.

Assembly Bill 355 and Senate Bills 100 and 484 would have increased the state minimum wage.

Health and Social Services

Nov. 1987 Spec. Sess. Assembly Bill 5 would have expanded employment and training programs for AFDC recipients, provided medical assistance eligibility to additional low-income children and pregnant women and established pilot projects under the state health insurance program.

Assembly Bills 247 and 850 would have established requirements under which nongovernmental employers could test employes' urine for the presence of controlled substances.

Natural Resources

Assembly Bill 499 would have created a Yahara watershed management district to protect, manage and rehabilitate the lakes and rivers in the Yahara River watershed in Dane County.

Occupational Regulation

Senate Bill 465 would have imposed additional regulation on the solicitation of funds for charitable purposes.

Taxation

Assembly Bill 495 would have limited the property tax exemption for manufacturing property.

Assembly Bill 677 and Nov. Spec. Sess. Assembly Bills 1 and 2 would have changed the homestead credit and farmland preservation credit formulas to provide greater benefits.

Transportation

Senate Bill 440 would have prohibited the operation of a motor vehicle unless either the owner or operator had in effect liability insurance or a bond to assure financial responsibility for the operation of the vehicle.

SUMMARY OF PROPOSALS ENACTED BY THE 1987 LEGISLATURE

Agriculture

Act 7 *(SB-73)* extends the agricultural production loan guarantee program administered by WHEDA to December 31, 1988, and reduces the interest rate limits on loans under that program by 1% (see also *Act 178*).

Act 27 *(SB-100)* revises the nonpoint source grant program in DNR and consolidates DATCP's soil and water conservation programs (see *HIGHLIGHTS*).

The act revises DATCP's pesticide regulation and certification program. The act restructures and increases the program's license fees, distributing fees to the groundwater fund, the program and the environmental repair fund, and creates separate licensing procedures for dealers, commercial application businesses and individual commercial applicators.

The act also revises the food inspection law, raises inspection fees by an average of $15 and establishes reinspection fees.

Act 78 *(AB-65)* repeals the law regulating milk container capacity.

Act 80 *(AB-362)* makes various changes in the farm mediation and arbitration program, including expanding the definition of a creditor and expanding the authorized subjects of mediation to include any claim of a creditor.

Act 89 *(AB-323)* specifies terms, damages and remedies for the breach of a contract to market agricultural products between certain marketing cooperatives and producers.

Act 175 *(SB-271)* makes the definition of "farm operation" and the use of that term under the agricultural impact statement program consistent with the definition of "agricultural use" under the farmland preservation program.

Act 178 *(SB-456)* extends the agricultural production loan guarantee program administered by WHEDA to December 31, 1989, and specifically authorizes agricultural production loans to farmers for purchasing animal feed.

Act 250 *(SB-390)* prohibits a person from installing, servicing or testing a weight or measure used in the sale of a commodity or service so as to make the weight or measure incorrect and from misrepresenting that a weight or measure is correct.

Act 273 *(AB-60)* directs DATCP to determine whether interest should accrue and, if so, the interest rate that applies on amounts claimed for violations of the dairy plant security law.

Act 276 *(AB-449)* increases from 18% to 30% the minimum milk fat content of whey cream required to make whey cream butter consumed at cheese factories.

Act 278 *(AB-996)* requires DATCP to establish standards and procedures for labeling organic food.

Act 281 *(SB-464)* creates a 4-member Animal Health and Disease Research Board attached to DATCP to determine priority areas for animal health and disease research, accept donations for research, encourage UW faculty to submit research project applications, award funding for specific projects and monitor their fiscal and scientific progress. The act also creates a 9-member Animal Health and Disease Research Council to review and evaluate problems of animal health and disease currently or potentially present in certain animals in the state and to determine priority areas for research and percentages of research effort necessary to address those problems.

Act 283 *(SB-520)* increases state fair aid from 80% to 90% of the first $5,000 actually paid in net premiums and from 50% to 60% of all net premiums paid in excess of $5,000 at county fairs.

Act 297 *(SB-434)* authorizes DNR to contact any person responsible for significant and reoccurring pollution by a nonpoint source and to furnish the person with a written notice of intent to issue an order to abate the pollution. If the nonpoint source is agricultural, the act requires DATCP to provide the person with a list of management practices that would reduce the pollution and an explanation of the financial and technical assistance available from DATCP for undertaking pollution abatement through grants available under the soil and water resource management program.

Act 357 *(AB-525)* prohibits the distribution, sale or use of any pesticide product containing aldrin, chlordane, dieldrin or heptachlor except under an experimental use permit issued by the federal government or DATCP.

Act 375 *(AB-797)* prohibits labeling paddy-grown rice as wild rice unless the rice is identified as paddy-grown.

Act 399 *(AB-850)* revises the regulation and licensing of persons engaged in the production, processing, storage, and distribution of dairy and other food products, consolidates and simplifies license categories and eliminates certain overlapping license requirements.

The act also extends the application of the farmland preservation tax credit to land enrolled in the federal conservation reserve program and the milk production termination program. The act prohibits recession of agricultural zoning ordinances in suburban counties until June 30, 1991, and makes farmland in suburban counties without an agricultural zoning ordinance eligible for the tax credit until that time.

Beverages

Act 15 *(SB-45)* clarifies that a municipality may issue an alcohol beverages license (for example, a tavern license or manager's license) to a person who attained the age of 19 before September 1, 1986 (see also *Act 35*).

Act 27 *(SB-100)* makes various minor substantive changes in the alcohol beverages laws, including raising the fee for an official identification card issued by a county to $4.

Act 35 *(AB-94)* lowers the minimum age for obtaining an alcohol beverages operator's license, issued to clerks in stores that sell alcohol beverages and to bartenders, to 18.

Act 51 *(AB-640)* allows an underage person unaccompanied by a parent or guardian to be present in a center for the visual or performing arts that has an alcohol beverages license.

Act 84 *(AB-19)* imposes penalties for providing a person under the legal drinking age with an official identification card or other documentation purporting to show that the person has reached the legal drinking age. The act also increases the penalty that may be imposed on an underage person for a violation of the alcohol beverages law related to misrepresentation of age.

Act 91 *(AB-373)* requires DOR to issue permits authorizing the retail sale of alcohol beverages to certain ski jumping clubs.

Act 93 *(SB-208)* requires a municipality that refuses to issue a new alcohol beverages license to notify the applicant of the reason for the refusal.

Act 103 *(AB-167)* authorizes a town with specified characteristics to issue a liquor bar license, notwithstanding the town's quota, for a tavern that already has a beer bar license and is not located within 500 feet of a lake.

Act 121 *(AB-132)* establishes uniform bar closing hours throughout Wisconsin (see *HIGHLIGHTS*).

Act 168 *(AB-262)* provides that a municipality may not prohibit employes, salespersons or service personnel from being in a place of business that sells alcohol beverages at retail when the place is not open for business, if those persons are performing job-related activities.

Act 249 *(SB-322)* allows a hotel that has an alcohol beverages license to provide a guest with a selection of alcohol beverages in a cabinet or refrigerator in a guest room that is not part of the licensed premises.

Act 300 *(AB-558)* requires DOR to prepare a booklet explaining state law relating to retail sale of alcohol beverages and requires municipalities to provide copies of the booklet to persons issued alcohol beverages licenses.

Act 301 *(AB-614)* prohibits a city or village from requiring an applicant for an alcohol beverages license to pay the fee for the license more than 15 days before the license is to be issued and prohibits a town from requiring payment of such a fee more than 30 days before the license is to be issued.

Act 308 *(SB-320)* prohibits a beer wholesaler from selling a brand of beer exclusively to one beer retailer or one group of affiliated beer retailers unless the beer is produced by a small brewer.

Act 335 *(AB-281)* imposes criminal penalties on a person who illegally provides alcohol beverages to a minor if the person knew or should have known that the minor was under the legal drinking age and the minor dies or suffers great bodily harm as a result of consuming the alcohol beverages.

Act 399 *(AB-850)* provides that a municipality's liquor license quota is based on DOA's annual population estimate rather than on the federal census. The act authorizes an organization with a temporary alcohol beverages license, often called a picnic license, to sell wine coolers in addition to fermented malt beverages. The act authorizes a person to ship wine to an individual in this state, from a state with a reciprocal agreement with this state, for the individual's personal use. The shipping container must be labeled to indicate that the package may not be delivered to an underage person or an intoxicated person, and an individual may not receive more than 9 liters of wine annually under this provision. The act also authorizes the sale and consumption of alcohol beverages in a stationary railroad car if a municipality has issued a license for the location in which the railroad car is standing.

Business and Consumer Law

Business Associations

Act 13 *(AB-301)* grants immunity, with some exceptions, to certain corporate directors and officers and to volunteers of nonprofit corporations (see *HIGHLIGHTS*).

Act 20 *(SB-16)* authorizes Red Arrow Clubs to include as members persons who served in the 32nd Division in Federal Service during the Berlin Crisis.

Act 27 *(SB-100)* clarifies the type of information available from the Office of the Secretary of State about limited partnerships, corporations and cooperatives registered with that office. The act also changes the fees charged for providing this information.

Act 45 *(Sept. 1987 Spec. Sess. AB-2)* prohibits a person who acquires a specified percentage of a corporation's shares from engaging in certain transactions involving the corporation and prohibits corporate directors and officers from taking certain actions during a take-over offer (see *HIGHLIGHTS*).

Act 311 *(SB-515)* creates a penalty for a foreign corporation that transacts business in this state without obtaining a certificate of authority.

Act 399 *(AB-850)* allows a for-profit, stock corporation to reorganize to a nonprofit, nonstock corporation. This authorization applies only to a corporation organized before July 1, 1953, whose

only asset since its organization has been real estate used for a country club. The act specifies the procedures a corporation must follow to convert.

The act also permits a nonprofit, nonstock corporation to change the name or address of its registered agent by reporting the change in its annual report. Former law required a corporation to make this change by amending or restating its articles of incorporation or by filing a statement with the Secretary of State.

Consumer Transactions

Act 27 *(SB-100)* extends and modifies the deregulation of interest rates charged on certain consumer transactions. The act:

1. Permanently deregulates the interest rate charged by finance companies on loans of $5,000 or more.

2. Extends until November 1, 1990, the deregulation of finance company loans of less than $5,000. Beginning on that date, the interest rate on these loans may not exceed the greater of 23% or a rate based on the interest rate applicable to U.S. treasury notes or bills.

3. Permanently deregulates the finance charge on motor vehicle loans.

4. Permanently deregulates the finance charge on consumer credit transactions in which the amount financed does not exceed $25,000 and which are made other than pursuant to a credit card or other open-end credit plan.

5. Restricts creditors' use of the sum-of-digits (commonly referred to as the "rule of 78s") method of calculating the amount of unearned interest repaid to a borrower who prepays a loan.

Act 359 *(AB-656)* regulates residential mortgage loans. The act:

1. Specifies disclosures required by a lender who receives a loan application.

2. Specifies certain responsibilities of a person who receives loan or escrow payments (see also *Occupational Regulation*).

3. Includes the same changes made in Act 360.

Act 360 *(AB-705)* regulates escrow accounts required in connection with, and the sale of servicing of, residential mortgage loans. The act:

1. Subject to certain exceptions, requires that amounts held in escrow to pay taxes be paid in a manner and by a date specified by the borrower from 3 options provided in the act.

2. Allows a borrower to establish the escrow account in a financial institution of his or her choice if payment is not made as specified.

3. Requires a lender to notify the borrower if servicing of the loan is sold.

Act 399 *(AB-850)* allows a creditor to charge a customer up to $10 for each of the customer's checks returned due to insufficient funds. The charge may be assessed only for checks presented in connection with a finance company loan or a consumer transaction in which up to $25,000 is financed for noncommercial purposes.

Economic Development and Investment

Act 1 *(AB-50)* changes the composition of the Council on Tourism and requires 5 members of the council to assist the Secretary of Development in creating a statewide marketing strategy. The act also requires the Council on Tourism to adopt a plan to encourage private industries to promote Wisconsin in their advertisements.

Act 27 *(SB-100)* creates a Wisconsin development fund program to provide grants and loans for certain economic development projects (see *HIGHLIGHTS*).

The act provides matching funds for the community development finance authority (see also *Act 399*).

The act extends WHEDA's bonding authority in connection with the economic development loan program to December 31, 1989, and makes energy-conserving improvements to commercial or industrial facilities eligible for a loan under the program.

The act authorizes DOD to make grants and loans to regional planning commissions to match grants from the Federal Economic Development Administration.

The act creates a program in DOD to encourage the production of films that enhance the image of this state.

Act 109 *(AB-427)* creates a main street program to help municipalities revitalize business areas. The act creates a Council on Main Street Programs to advise DOD on program implementation. The act requires DOD to coordinate state and local participation in programs provided by the national Main Street Center. In the first 3 years of the main street program, DOD must select 15 municipalities to participate in the program. After 3 years, the act requires DOD to expand the program to include other interested municipalities.

Act 317 *(AB-610)* requires DOD to help governing bodies of American Indian tribes in connection with targeted state programs that promote economic development and employment among American Indians. The act also provides for a liaison between American Indian tribes and state agencies administering the targeted programs. Costs associated with the liaison are split evenly between the state and the tribes.

Act 318 *(AB-658)* establishes a 3-year export development loan program in DOD. Under the program, DOD may make loans to small businesses in this state to promote the export of goods and services by small businesses to foreign countries.

Act 320 *(AB-738)* requires DOD to arrange programs to assist individuals and organizations that provide certain intermediary services to entrepreneurs who start new businesses. The act also requires DOD to coordinate existing programs that help entrepreneurs and providers of intermediary services.

Act 328 *(SB-265)* establishes a development zone program (see *HIGHLIGHTS*).

Act 399 *(AB-850)* eliminates the Community Development Finance Authority and transfers most of its functions to WHEDA and DOD. The act also modifies the law dealing with corporations involved in community development.

The act authorizes the Development Finance Board attached to DOD to make grants or loans to small businesses to fund research having potential commercial application.

The act provides that members of WHEDA, and WHEDA employes appointed by the Governor, are immune from civil liability for acts or omissions in their official capacity unless wilful misconduct is proven.

The act allows DOD to spend up to $200,000 before July 1, 1989, for a loan to a group established by the employes of a business considering closing or laying off substantial numbers of employes. The act also permits the Milwaukee County Board to make a grant or loan to an employe group before January 1, 1990. Regardless of whether an employe group receives a grant or loan from DOD or from a county board, the employe group must use the proceeds of the loan for specified purposes associated with assuming control of a business and reorganizing it as an employe-owned business.

SECURITIES

Act 27 *(SB-100)* creates an exemption from registration for certain common stock (see *HIGHLIGHTS*).

Act 44 *(Sept. 1987 Spec. Sess. AB-1)* permits a corporation to place conditions on rights or options to purchase the corporation's shares that adjust, or prevent the exercise of, the rights or

options upon the occurrence of certain events. These conditions are commonly called "poison pills." The triggering events may involve the acquisition of a certain percentage of the corporation's shares, the reorganization, merger or consolidation of the corporation, or sale of the corporation's assets.

Act 381 *(AB-957)* makes various changes in the laws regulating securities and investments in franchises. The act:

1. Allows the Commissioner of Securities to impose an administrative assessment as part of an order issued by the Commissioner for certain violations of the securities and franchise investment laws. Moneys collected from the assessment must be used to educate Wisconsin residents about securities and franchise investments.

2. Exempts from registration the offer or sale of a franchise if the purchaser satisfies certain net worth and experience requirements.

3. Provides that in certain circumstances the secondary offering of securities of a foreign issuer is exempt from registration if the foreign issuer's securities are exempt under federal law.

4. Permits a securities agent to represent more than one unaffiliated issuer or broker-dealer, if approved by the Commissioner of Securities.

5. Provides that a securities agent need not be licensed if his or her only activities as an agent consist of making presentations at investment seminars.

Other Business and Consumer Law

Act 95 *(AB-140)* requires motor fuel dealership agreements to contain provisions governing succession to ownership of a motor fuel dealership by a dealer's spouse or child upon the death or legal incapacity of the dealer. Under the required provisions, the grantor of a dealership must honor succession by a spouse or child designated in the agreement as the successor unless the grantor can show good cause for refusing to honor the succession.

Act 105 *(AB-188)* extends coverage of the new motor vehicle warranty law, commonly called the "lemon law," to leased motor vehicles.

Act 169 *(AB-412)* expands coverage of the new motor vehicle warranty law, commonly called the "lemon law," to motor vehicles purchased or transferred in this state but registered in another state. The act also requires a manufacturer to refund collateral costs associated with the repair of a motor vehicle if the consumer elects to have the motor vehicle replaced. Preexisting law permitted recovery of collateral costs only if the consumer elected a refund of the purchase price.

Act 213 *(AB-497)* eliminates the restriction providing that a nonmerchant may foreclose a warehouse keeper's lien only by selling the goods at an advertised auction. Instead, the act allows a nonmerchant, like a merchant, to sell the goods at a public or private sale. However, the act continues to apply more stringent notice requirements to nonmerchants than are applied to merchants.

Act 385 *(SB-290)* requires a fitness center to establish a certain type of financial commitment to ensure at least partial refunds to members of the fitness center if its services become unavailable. The act also requires a fitness center to meet certain staffing requirements with respect to basic first aid and cardiopulmonary resuscitation training. The act excludes from the regulation of fitness centers those establishments that provide primarily weight loss or diet services with no on-premise physical exercise services.

Act 399 *(AB-850)* prohibits grantors of motor fuel dealerships from requiring certain motor fuel dealers to remain open longer than 16 hours per day.

The act sets out the procedure by which a molder may dispose of a form used to make a mold for pouring plastic or casting metal. Under the act, a molder may not dispose of a form without the

customer's permission unless the molder has had possession of the form for at least 3 years and the molder provides the customer with 120 days' notice of the molder's intent to dispose of the form.

The act extends payment bond protection in public works projects to persons who contract with a subcontractor, whether as a subcontractor of the subcontractor or as a supplier. Under former law, payment bond protection extended only to subcontractors and suppliers of the prime contractor. The extension does not apply to DOT highway projects.

The act makes several changes in laws governing the handling and disposition of unclaimed property. The act:

1. Expands the regulation of agreements under which persons assist property owners to recover property reported to the State Treasurer as abandoned and limits the fees collected under these agreements.

2. Prohibits financial institutions from assessing a service charge on unclaimed funds after a specified period.

3. Revises the procedure for reporting and delivering abandoned property to the State Treasurer.

Children

Act 27 *(SB-100)* makes various changes in the laws relating to children. The act:

1. Permits a juvenile court judge to impose sanctions on a child if the child violates a condition of his or her dispositional order (see *HIGHLIGHTS*).

2. Lowers the age at which a juvenile court may waive its jurisdiction for children who are alleged to have committed certain serious crimes.

3. Extends the jurisdiction of the juvenile court over children adjudged delinquent on the basis of certain serious crimes.

4. Permits a juvenile court judge to make a dispositional order apply for up to 2 years for any juvenile placed in a juvenile correctional facility.

5. Modifies the rights of victims of juvenile offenders.

Act 180 *(AB-12)* requires juvenile courts to notify a child's school district of the child's delinquency adjudications.

Act 184 *(AB-446)* makes remedial changes to eliminate one of the revenue sources for operation of the Child Abuse and Neglect Prevention Board.

Act 209 *(AB-315)* requires the county department that receives a child abuse or neglect report involving an American Indian child to notify a tribal agent of the existence of the report.

Act 285 *(AB-389)* makes various changes relating to court dispositions for juveniles (see *HIGHLIGHTS*; see also *Education*).

Act 336 *(AB-390)* prohibits the sale or distribution of cigarettes and tobacco products to minors (see *HIGHLIGHTS*).

Act 383 *(AB-978)* makes various changes relating to adoption and the termination of parental rights.

Constitutional Amendments

Enrolled Joint Resolution 3 *(Assembly Joint Resolution 2)*, proposed by the 1987 Legislature on 2nd consideration, excepts on-track pari-mutuel betting from the constitutional prohibition against legislative authorization of lotteries (see *HIGHLIGHTS*).

Enrolled Joint Resolution 4 *(Assembly Joint Resolution 3)*, proposed by the 1987 Legislature on 2nd consideration, authorizes the creation of a Wisconsin state lottery (see *HIGHLIGHTS*).

Enrolled Joint Resolution 23 *(Assembly Joint Resolution 27)* ratifies an amendment to the U.S. Constitution that prohibits any law varying the pay for U.S. Senators and Representatives from taking effect until an election of Representatives has intervened.

Enrolled Joint Resolution 74 *(Assembly Joint Resolution 117)*, proposed by the 1987 Legislature on first consideration, allows certain state income tax credits for property or sales taxes due in this state (see *HIGHLIGHTS*).

Enrolled Joint Resolution 75 *(Assembly Joint Resolution 118)*, proposed by the 1987 Legislature on first consideration, abolishes, over a 10-year period, the use of the property tax for school operations (see *HIGHLIGHTS*).

Correctional System

Act 5 *(SB-54)* directs DHSS to establish a new state prison (see *HIGHLIGHTS*).

Act 12 *(AB-26)* eliminates restrictions on locating jails near schools.

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

1. Requires that each person required to pay a fine or forfeiture must also pay a jail assessment surcharge equal to 1% of the fine or forfeiture, or $10, whichever is greater. The proceeds go to counties to use for the construction, remodeling, repair or improvement of county jails.
2. Allocates funds available under the federal Anti-Drug Abuse Act.
3. Requires DHSS to provide written notice to the family of a deceased prison inmate of the family's right to receive information regarding the inmate's death.
4. Extends by 2 years the applicability of a separate standard for the involuntary commitment of mentally ill state prison inmates.
5. Increases the limit on funds available to reimburse counties for persons held in county jails pending probation or parole revocation proceedings.
6. Limits the liability of a governmental unit responsible for jail or house of correction prisoners' medical care to no more than any applicable medical assistance rate for the service provided.

Act 226 *(AB-856)* requires DHSS to give persons, when they have served out their prison sentences, a list of those civil rights that are restored to them and of those civil rights that are not restored.

Act 227 *(AB-908)* authorizes DHSS to use presentence investigation reports for purposes relating to correctional programming, parole consideration, care and treatment, or research. DHSS may also make the report available to other agencies or persons for these purposes.

Act 244 *(SB-4)* requires DHSS to notify victims and certain family members of victims when an inmate of a state prison applies for parole. The victims and family members may provide written statements that must be considered in the determination of whether to grant parole (see also *Act 399)*.

Act 269 *(AB-769)* provides immunity from civil liability for jailers and arresting officers who follow specified procedures when a prisoner refuses to accept appropriate medical treatment.

Courts and Procedure

Act 14 *(SB-22)* grants immunity from civil liability to certain persons who provide assistance or advice in handling problems in emergency or potential emergency situations regarding the discharge of hazardous substances.

Act 27 *(SB-100)* makes various changes relating to courts and procedure. The act:

1. Eliminates the Council on Criminal Justice and transfers its functions to an Office of Justice Administration in DOA.

2. Increases the penalty assessment whenever a court imposes a fine or forfeiture for a violation of state law or local ordinances, except non-moving traffic ordinance violations, from 15% to 19% of the fine or forfeiture imposed.

3. Modifies the rights of victims of juvenile offenders, including permitting victims to attend relevant portions of juvenile hearings, requiring judges to have policies and rules regarding victim notification, assigning the juvenile court jurisdiction over disclosure of a child's record, and establishing a process for a victim to request disclosure of a juvenile record.

4. Establishes a court automation fee of $1 in most civil actions, including municipal court appeals, small claims cases and forfeiture actions.

5. Authorizes full-time court commissioners to hold preliminary hearings and requires the substitution of judge process to apply to those hearings.

6. Raises reserve judge compensation from $150 to $175 per day.

7. Requires courts to request an advisory opinion from the appropriate federal agency if the case before the court involves a claim for freight charges by a common motor carrier in interstate commerce.

8. Expands the Crime Victims Council from 9 to 15 members by changing the citizen membership from 4 to 10.

Act 68 *(AB-401)* provides for review of the determination that a request for the substitution of a judge was not timely and in proper form (see also *Act 151*).

Act 71 *(AB-72)* allows a court commissioner who conducts a hearing on the financial status of a judgment debtor to appoint a receiver in aid of execution, apply nonexempt assets to satisfy the judgment, and allow fees, costs and disbursements to the judgment creditor.

Act 72 *(AB-95)* makes various changes in the law relating to the Judicial Commission. The act:

1. Makes the executive director and all members of the Judicial Commission subject to the state code of ethics.

2. Provides that the waiver of confidentiality by a judge who is the subject of an investigation does not affect the confidentiality of the identity of the person who provided information to the Judicial Commission.

3. Allows the Judicial Commission to issue statements correcting public misinformation prior to the filing of a formal complaint if an investigation becomes known to the public.

Act 73 *(AB-268)* allows judges in criminal cases to decide whether jurors should be kept together or allowed to separate. Previously, in criminal cases in which the defendant could receive life imprisonment, juries were not allowed to separate after having been sworn.

Act 74 *(AB-276)* permits arraignments in felony cases to be held in the trial court or the court that conducts the preliminary examination or accepts the defendant's waiver of preliminary examination. The act also permits arraignments in misdemeanor cases to be held in the trial court or the court that conducts the initial appearance.

Act 75 *(AB-469)* adds 11 circuit judges in various counties beginning on August 1, 1988, and adds 1 additional circuit judge in Milwaukee County beginning on August 1, 1989.

Act 85 *(AB-71)* revises the burden of persuasion at competency hearings in criminal cases. If the state and the defendant disagree as to whether the defendant is competent, the state has the burden of persuasion. The state must prove competency by the greater weight of the credible evidence and must prove incompetency by clear and convincing evidence.

Act 86 *(AB-73)* provides procedures for trials in which a defendant combines a plea of not guilty with a plea of not guilty by reason of mental disease or defect. The act also authorizes a five-sixths verdict on a plea of not guilty by reason of mental disease or defect.

Act 143 *(AB-444)* deletes a requirement that compensation to some reserve judges be reduced due to their receipt of social security benefits.

Act 144 *(AB-453)* allows the Clerk of Courts to apply to the court for an assignment if the payment of the annual fee for receiving and disbursing maintenance or child support payments is not paid when due.

Act 151 *(SB-273)* makes various changes in court procedures. The act:

1. Removes obsolete jury selection language and replaces it with language allowing the Clerk of Circuit Courts to draw names for a jury list at least once a year.

2. Gives the chief judge of a judicial administrative district the authority to appoint another municipal judge to temporarily perform the duties of a municipal judge in certain situations (see also *Act 389*).

3. Extends the procedures regarding review of judge substitutions to juvenile, traffic and municipal court proceedings (see also *Act 68*).

4. Makes several changes regarding the ability of the chief judge to delegate authority.

Act 155 *(AB-242)* revises the subpoena forms to include a provision specifying that the failure to appear may result in punishment for contempt, including monetary penalties and imprisonment. The act also raises the maximum contempt of court fine for the failure of a witness to appear from $20 to $200.

Act 191 *(SB-113)* adopts the uniform transfers to minors act to replace the uniform gifts to minors act. The new act:

1. Applies to transfers to a person under the age of 21 of any kind of real or personal property.

2. Permits transfers by gift, by power of appointment, by a personal representative or trustee under a will or trust, or by a person who holds property of or owes a debt to a minor.

3. Applies to transfers in this state if the person making the transfer, the minor or the custodian is a resident of this state or if the property is located in this state.

4. Provides that a custodianship created under the act remains subject to the act even if the minor, the custodian or the person making the transfer moves out of this state, or if the property transferred is removed from this state.

Act 192 *(SB-115)* adopts the uniform fraudulent transfer act to replace the uniform fraudulent conveyance act. The new act:

1. Creates a class of transfers of property by debtors that is fraudulent to creditors, including transfers made intentionally to hinder or defraud a creditor and transfers made without receiving a reasonable value for the property.

2. Provides creditors with remedies in the case of fraudulent transfers, including the avoidance of the transfer, attachments, injunctions and the appointment of a receiver.

Act 201 *(AB-692)* provides, with certain exceptions, that no person is required to appear as a witness in a civil action unless the person is paid for one day's attendance and travel.

Act 202 *(AB-693)* allows a judgment to be satisfied by an instrument signed and acknowledged by the owner's attorney of record at any time after its rendition.

Act 203 *(SB-219)* requires all local units of government to dispose of seized or abandoned firearms by returning them to the owner if that person had no knowledge and gave no consent to the commission of the crime, or by sending the firearms to the state crime laboratory.

Act 208 *(AB-309)* makes various changes in small claims procedure and in venue for consumer credit transactions. The act:

1. Provides identical venue provisions for consumer transactions and consumer credit transactions, except that the court must order the dismissal of an action based on a consumer credit transaction if venue is improper unless the defendant appears and waives the improper venue.

2. Raises the small claims procedure jurisdictional limit from $1,000 to $2,000.

3. Allows more extensive use of service by substitution and by mail, including mail service on persons outside the state.

4. Allows answering of a summons and complaint by mail or telephone if the circuit court adopts a rule allowing the defendant to plead without appearing.

5. Requires a judgment debtor, if money damages are awarded, to mail to the plaintiff a statement disclosing the debtor's employers and the location and types of assets held by the debtor.

Act 214 *(AB-505)* allows a county to determine the amount to be paid jurors for the first day's attendance and travel if the county has established a system that requires jurors to serve only one day or one trial in any 2-year period.

Act 220 *(AB-728)* makes changes in the law relating to disclaimers and accounting by trustees, including allowing guardians to disclaim the rights of their wards to property of a decedant and permitting corporate trustees who agree to provide annual accounts upon request to be exempt from filing these accounts with the court.

Act 221 *(AB-736)* changes the garnishment summons form to clarify that the $40 maximum referred to in that form applies to the plaintiff's disbursements only.

Act 256 *(SB-550)* prohibits the inclusion of a specific money request in a demand for judgment in tort cases. The act also requires every attorney or unrepresented party to sign every pleading, motion or other paper involved in a civil action. The signature certifies that the signer has read the document, determined that the document's content is grounded in fact and follows existing law or a good faith extension of existing law, and determined that the document is not being used to harass or cause delay in the litigation. The act provides sanctions for violating these signing requirements, including the payment of attorney fees.

Act 267 *(AB-336)* makes the procedure for defaults in traffic regulation cases uniform, whether tried in municipal or circuit court. The act allows the court to enter a judgment against an alleged traffic violator who fails to appear in court at the time stated on the citation.

Act 389 *(SB-379)* allows local units of government to adopt and use a citation for ordinance violations, including those ordinances that have a statutory counterpart. The act also makes various changes in municipal court procedures. The act:

1. Allows the defendant, in actions commenced by a citation, to make a deposit and be released on his or her own recognizance.

2. Authorizes the court, if the defendant fails to appear at the initial appearance, to enter a default judgment or issue a warrant to bring the defendant before the court. If a warrant is issued, the defendant may be detained in jail prior to an initial appearance.

3. Requires the court to inform the defendant, orally and in writing, of the amount of the forfeiture, the date due, and the consequences of not paying.

4. Authorizes the court to order the defendant to perform community service in lieu of paying the judgment if the defendant agrees to perform that service.

5. Directs the court to bring the defendant before the court for a postjudgment hearing if the defendant fails to follow the court order to determine the reason for the failure. After the hearing, the court may modify the order, order the defendant imprisoned or suspend the defendant's driver's license.

6. Provides that actions commenced in municipal court are conducted without a jury and that only a defendant charged with operating a vehicle while intoxicated may remove the case to circuit

court for a jury trial. A request for a new trial on appeal may include a jury. Juries in those appeals consist of 6 persons.

7. Authorizes the chief judge in the judicial district to appoint temporary reserve municipal judges to perform municipal court duties on a day-to-day basis. The act establishes eligibility criteria and compensation for those judges (see also *Act 151*).

Act 399 *(AB-850)* increases the court fees charged for various activities, including filing fees related to the commencement of an action, jury fees, fees in garnishment and forfeiture actions, municipal court fees and appeal fees.

Crimes

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

1. Authorizes a court to impose a sentence of detention, monitored by electronic surveillance, at a person's home or some other designated location. This sentence would be in lieu of a jail sentence.

2. Increases the crime victim and witness assistance surcharge to $50 for each felony offense or count and $30 for each misdemeanor offense or count.

3. Sets the domestic abuse assessment at $50 for each offense involving domestic abuse and authorizes a court to waive part or all of the assessment if a full assessment would adversely affect the offender's family.

4. Revises posting requirements regarding the offense of trespass to land, allowing the use of blaze orange markings.

Act 90 *(AB-340)* provides penalties for persons who tamper with a household product. The act also provides penalties for hoaxes where a person conveys information that tampering has occurred, knowing that the information is false.

Act 101 *(AB-136)* specifies that a prosecutor may not place in a deferred prosecution program any person accused of or charged with an offense relating to operating a vehicle while under the influence of alcohol or other drugs.

Act 171 *(SB-37)* prohibits the intentional refusal to pay for a bus ride and requires violators to pay a civil forfeiture.

Act 231 *(SB-453)* provides that a police officer who is outside his or her territorial jurisdiction is still acting in an official capacity under certain specified circumstances.

Act 233 *(AB-108)* requires health care providers to report to a local law enforcement agency any gunshot wound or other wound that appears to have occurred as a result of a crime.

Act 234 *(AB-607)* prohibits persons from making, transferring, possessing or using a pipe bomb or other improvised explosive device.

Act 236 *(AB-747)* increases penalties for public officers or employes who permit or assist a prisoner's escape.

Act 238 *(AB-782)* revises the penalties for escape from custody, eliminating some of the distinctions in the previous law and providing one misdemeanor escape offense and one felony escape offense.

Act 245 *(SB-79)* creates a new type of 2nd degree sexual assault covering situations in which the offender is aided and abetted by one or more other persons. This is the same offense as a type of first degree sexual assault, except no proof of the use or threat of force or violence is required.

Act 248 *(SB-291)* prohibits the cruel treatment of amphibians and reptiles. Previously, the law applied only to warm-blooded animals. Also, the act provides additional sentencing options that judges may impose on persons who commit crimes against animals, including the payment of restitution.

Act 266 *(AB-201)* authorizes the use of photographs of merchandise, in lieu of the actual merchandise, in criminal prosecutions for theft or receiving stolen property. Previously, this authorization applied only in retail theft prosecutions.

Act 326 *(SB-220)* provides aid to county-tribal law enforcement programs. A county and a tribe may enter into an agreement and submit a program plan to DOJ, describing the types of law enforcement services needed on a reservation and other pertinent information. DOJ provides eligible programs with up to $20,000 in a fiscal year. The act provides a 1% increase in the penalty assistance surcharge to partially fund the aid payments.

Act 332 *(SB-203)* revises and reorganizes various crimes against children (see *HIGHLIGHTS*).

Act 334 *(AB-273)* prohibits persons from forcing children to watch sexually explicit conduct.

Act 344 *(AB-903)* adds several exceptions to the law prohibiting public employes and officers from having a private interest in a public contract.

Act 345 *(AB-176)* provides penalties for persons who obtain cable television services without authorization from a cable television company and for persons who decode satellite cable programming without authorization.

Act 346 *(AB-224)* requires peace officers to make arrests in domestic abuse incidents if there is reason to believe there will be continued violence or if there is evidence of physical injury to the victim. The act also requires law enforcement agencies and prosecutors to establish policies regarding domestic abuse offenses.

Act 347 *(AB-577)* authorizes courts to require a convicted criminal defendant to make a reasonable contribution to a crime prevention organization.

Act 348 *(AB-599)* allows a court to impose an increased fine or period of imprisonment or both if a person commits a crime and intentionally selects the victim on the basis of the victim's race, religion, color, disability, sexual orientation, national origin or ancestry. The act also increases penalties for causing property damage to places of worship, cemetaries and property associated with a group of persons of a particular race, religion, color, disability, sexual orientation, national origin or ancestry. Victims of these crimes may bring civil actions in which they are specifically authorized to recover punitive damages and damages for emotional distress, as well as ordinary damages and all investigation and litigation costs.

Act 352 *(SB-543)* creates a new type of 2nd degree sexual assault to cover sexual assaults by employes of inpatient and state treatment facilities, increases penalties for certain persons committed to DHSS and authorizes release of identifying information from mental health records to law enforcement agencies under specified circumstances.

Act 388 *(SB-356)* reduces the maximum term of imprisonment for a felony offender at the Milwaukee County House of Correction from 2 years to 1 year.

Act 398 *(AB-190)* allows a sentencing court to order that a convicted defendant make restitution to a victim whether or not the offender is placed on probation, and revises procedures for ordering restitution.

Act 399 *(AB-850)* changes elements, penalties and definitions for homicides and related crimes to provide consistency and to conform the crimes to recent court decisions. The act also revises the state wiretap law in accordance with recent federal wiretap law changes. The act makes electronic communications subject to the state wiretap law and regulates the use of pen registers and trap and trace devices. Pen registers record the numbers dialed from a particular telephone; trap and trace devices identify the number regarding incoming calls to a particular telephone.

Domestic Relations

Act 27 *(SB-100)* makes various changes relating to child support and establishment of paternity. The act:

1. Requires the state or a county to bring an action for support of a minor child, and a paternity action if necessary, if the child's right to support is assigned to the state under AFDC, the child has been deprived of parental support by reason of the continued absence of a parent from the home and there is no court order for child support.

2. Requires the court, in an action to compel support, to order an unemployed noncustodial parent to register for work at a public employment office or to register and participate in employment and training programs available in the parent's county of residence if child support is assigned to the state under AFDC.

3. Provides a long-arm statute for actions to establish paternity or to establish or enforce a child support obligation.

4. Provides new procedures for summons, notice, first appearance, blood tests, trial and default judgments in actions to establish paternity.

5. Requires counties, on behalf of the state, to commence paternity actions in every situation, except in cases of artificial insemination or surrogate motherhood, in which a birth certificate has been filed and no father is named on the birth certificate or the mother is not married and paternity has not been adjudicated.

6. Requires DHSS to identify and certify child support or maintenance arrearages to the state agencies that administer state assistance programs, for the purpose of denying state assistance to persons who are delinquent in their child support or maintenance payments.

Act 37 *(AB-193)* changes the standard of proof that must be met in modifications of child support payment determinations.

Act 355 *(AB-205)* changes the child custody and visitation laws, including requiring counties to provide mediation in child custody actions (see *HIGHLIGHTS*).

Act 364 *(AB-985)* clarifies the initial applicability of *Act 355* (see *HIGHLIGHTS*).

Act 393 *(SB-566)* makes various technical and substantive changes in the laws governing property held by married persons (see *HIGHLIGHTS*).

Act 399 *(AB-850)* changes the law relating to the liability of a person for the maintenance of his or her dependent minor's child (grandparent liability). The act clarifies that a court order is unnecessary to establish a grandparent's liability, creates a private right of action allowing a grandparent to compel another grandparent to provide maintenance and permits this action to be joined with a paternity or child support action. The act authorizes a grandparent who is liable or potentially liable for providing maintenance to bring a paternity action and provides that, although grandparent liability may not extend beyond a dependent minor's 18th birthday, the liability attaches regardless of whether a paternity determination was made after a dependent male attained age 18. The act gives a grandparent the right to obtain restitution of maintenance from the parent of the grandchild after the parent attains age 18. The act exempts from liability the grandparent of a child born as the result of rape, unless the grandparent is the parent of a dependent minor convicted of the rape. Lastly, the act permits proration of tax exemptions for maintenance provided under grandparent liability requirements.

Education

Primary and Secondary Education

Act 11 *(SB-28)* designates March 4 a special observance day in schools for Casimir Pulaski.

Act 16 *(SB-57)* designates September 17, U.S. Constitution Day, a special observance day in schools.

Act 27 *(SB-100)* makes numerous changes in the laws relating to public instruction. The act:

1. Modifies the determination of the primary cost ceiling, which determines the state level of support for most school costs, by setting it at a specific amount rather than a percentage of state shared cost, and clarifies that the primary guaranteed valuation is the amount that fully distributes the funds available for school aids distributed under the aid formula.

2. Provides that prior year, rather than current year, equalized property valuations be used to calculate general school aid for aids initially paid in the 1989-90 school year.

3. Deletes specific reimbursement percentages for handicapped education costs and instead provides a formula for reimbursement of handicapped education costs (see *Act 338*).

4. Retains the property tax levy limit placed on the city of Milwaukee for school construction, which was scheduled to be eliminated on July 1, 1987. In addition, the act authorizes the Milwaukee school board to exceed the property tax levy limit for school construction if a resolution to exceed the limit is approved at a referendum.

5. Modifies the eligibility criteria for special adjustment aids (aids paid to school districts that would otherwise experience significant aid reductions) by increasing the equalized valuation threshold from 125% to 135% of the state average per enrolled pupil.

6. Creates a morning milk program for public and private schools.

7. Modifies the method of determining general aid payments for pupils enrolled solely in programs operated by county handicapped children's education boards.

8. Authorizes the State Superintendent of Public Instruction to charge school districts that place pupils in the residential schools for the visually handicapped or deaf for the costs of transporting the pupils to and from their homes on weekends.

9. Extends the teaching incentives program until July 1, 1988.

10. Creates an administrative leadership academy.

11. Creates a teacher improvement program.

12. Provides for audits of school district compliance with school standards.

13. Repeals a provision that authorized the State Superintendent of Public Instruction to place children who are both deaf and blind in a special school in another state.

14. Reduces the number of hours of required instruction in kindergarten from 525 to 437.

Act 36 *(AB-116)* requires that an excuse from school attendance must comply with the school district's written attendance policy and may not be based on truancy, discipline, school achievement problems or exceptional educational needs.

Act 46 *(SB-178)* allows a school board to designate any name for the school district if the name contains the words "school district." Under former law, a school district that did not operate a high school had to be known by number and by the names of the underlying municipalities.

Act 88 *(AB-121)* allows a school board to authorize an independent hearing panel or an independent hearing officer to determine pupil expulsion from school. The act also requires the State Superintendent of Public Instruction to issue a decision on an expulsion appeal within 60 days of receipt of the appeal.

Act 158 *(AB-513)* clarifies that the annual report to DPI relating to a school district's school age parent program must specify the school district of residence of the pupils instructed under the program.

Act 159 *(AB-529)* clarifies that a school district must establish a required bilingual-bicultural education program in the appropriate grade levels for limited-English-speaking pupils. The act also

allows a program to be taught by a certified teacher of English as a 2nd language, instead of a certified bilingual teacher, under certain conditions.

Act 170 *(AB-530)* provides that a school counselor, social worker, psychologist or nurse is not liable for referring a pupil to law enforcement authorities or for removing a pupil from school premises or from participation in a school-sponsored activity for suspicion of possession, distribution or consumption of an alcoholic beverage or a controlled substance.

Act 176 *(AB-11)* eliminates a provision that prohibited a person from serving on the Milwaukee school board if he or she held an office in any political organization or a lucrative city, county or state office.

Act 188 *(AB-690)* provides that any teacher or administrator designated by a school board to engage in alcohol or drug abuse program activities must keep confidential any information received from a pupil that the pupil or another pupil is using or experiencing problems resulting from using alcohol or other drugs. Formerly, the law applied only to school psychologists, counselors and social workers.

Act 206 *(AB-11)* authorizes a school board to disclose personally identifiable information from an adult pupil's records to the pupil's parents or guardian, without the pupil's written consent, if the pupil is a dependent of his or her parents or guardian for federal income tax purposes.

Act 241 *(AB-830)* provides that if a private school establishes a food services plan for elderly persons that meets requirements applicable to public school plans and that is approved by the State Superintendent of Public Instruction, the private school is eligible for reimbursement from the state for up to 20 cents per meal served.

Act 285 *(AB-389)* makes various changes in the truancy laws and authorizes a municipality to enact an ordinance relating to habitual truancy (see *HIGHLIGHTS*; see also *Children*).

Act 303 *(SB-163)* prohibits corporal punishment in public schools (see *HIGHLIGHTS*).

Act 333 *(AB-115)* requires the Milwaukee school board to include certain specified information in its annual report to DPI.

Act 337 *(AB-528)* requires a school board, upon request, to provide DPI with any information contained in a pupil record that relates to an audit or evaluation of a federal or state-supported program or that is required to determine compliance with state law.

Act 338 *(AB-654)* specifies the reimbursement percentages for school district, county and cooperative educational service agency handicapped education costs.

Act 339 *(AB-662)* directs DPI to award grants to alcohol and other drug abuse prevention, intervention, assessment or treatment programs. The act also provides that any teacher or administrator designated by a school board to engage in alcohol or drug abuse program activities must keep confidential any information received from a pupil that the pupil or another pupil is using, or experiencing problems resulting from using, alcohol or other drugs (see also *Act 188*).

Act 386 *(SB-332)* requires a school board to permit a day care provider to administer a before- and after-school day care program in any elementary school in the school district if certain specified conditions apply.

Act 399 *(AB-850)* makes numerous changes in the laws relating to public instruction. The act:

1. Directs the Milwaukee school district to expand its half-day 5-year-old kindergarten program to a full-day program, to contract with day care centers to provide early childhood education to certain 4-year-old and 5-year-old children who reside in the city and to contract with a private, nonprofit organization to provide mentors for economically or educationally disadvantaged 6th and 7th grade pupils.

2. Provides that a 16-year-old may be excused from regular school attendance if the child's parents approve and the child agrees to participate in a program leading to high school graduation. A 17-year-old may be excused if the child's parents approve and the child agrees to participate in a program leading to high school graduation or a high school equivalency diploma. Formerly, only parental and school board approval were required for a 16-year-old or 17-year-old to be excused from school attendance.

3. Directs DOA, upon the approval of JCF, to reimburse the school districts that were defendants in the Milwaukee school district desegregation lawsuit, settled in 1987, an amount equal to the expert witness fees and the expenses of the expert witnesses that were related to the state's defense of the lawsuit.

4. Allows a school district to count a pupil who is enrolled in the Wisconsin School for the Visually Handicapped or the Wisconsin School for the Deaf and attends a local public school, for purposes of state aid, only for the time the pupil is actually attending the local public school.

5. Declares that it is the Legislature's intent that state aid for elementary and secondary education be increased for the 1989-90 fiscal year by at least $90,000,000 over the 1988-89 fiscal year.

6. Modifies the requirements for establishing a public library system.

University of Wisconsin System

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

1. Directs the UW Board of Regents to award industrial and economic grants to fund industrial and economic development research projects and outreach activities.

2. Authorizes the Board of Regents to establish distinguished professorships.

3. Establishes a minority teacher loan program to provide loans to juniors and seniors who are working toward a teaching license, a minority doctoral student loan program to provide loans to minority doctoral students who are interested in teaching in the UW system, and a minority and disadvantaged student recruitment program.

4. Authorizes the UW-Superior to waive nonresident tuition for up to 150 nonresidents enrolling in programs identified as having surplus capacity.

5. Authorizes the Board of Regents to procure insurance to cover injuries sustained by students as a result of their participation in intercollegiate athletics.

6. Eliminates the prohibition against creating or discontinuing any university or center without legislative authorization.

7. Authorizes the Board of Regents to accept a gift of a golf course for the UW-Madison if no general purpose revenue is used in its acquisition, development or operation.

8. Directs the Board of Regents to establish a computer-based credit transfer system.

Act 341 *(AB-867)* directs the UW Board of Regents and the state VTAE Board to jointly appoint a committee to study a system of orderly transfer of academic credit for an individual transferring from an associate degree in nursing program or from a registered nurse diploma program to a bachelor's degree in nursing program.

Act 399 *(AB-850)* exempts from nonresident tuition the dependent of any person employed by a private business in this state who was relocated to this state by his or her employer or who moved to this state for business purposes.

The act authorizes the UW Board of Regents to exempt from nonresident tuition, in the 1988-89 academic year, up to 200 students enrolled at the UW-Parkside as juniors or seniors in programs identified by the UW-Parkside as haveing surplus capacity.

The act prohibits the UW Board of Regents from spending any funds in the 1988-89 fiscal year to support the professional theater training program at the UW-Milwaukee unless it receives a

specified amount in gifts and grants for the program and approves the program as a center of excellence.

The act authorizes a UW center to establish a day care center.

Vocational, Technical and Adult Education

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

1. Establishes a one-time supplemental aid payment for each VTAE district that levied a tax in 1986 at the maximum rate allowed.

2. Directs the Legislative Council to develop legislation implementing a fully state-financed VTAE system in the 1990-91 fiscal year.

3. Allows a VTAE district board to make a capital expenditure without a referendum if the total project cost does not exceed $1,000,000 and the amount of the total cost funded through property tax revenues and state aid does not exceed $500,000.

4. Increases collegiate transfer program fees from 28.6% of operational costs to 29.3% of operational costs.

5. Allows a VTAE district board, under certain conditions, to contract with a foreign government or a business not operating in this state.

Act 94 *(SB-38)* specifies that 2 members of each VTAE District Board must be elected officials who hold a state or local office and that such a member ceases to be a member upon vacating his or her office as an elected official.

Act 399 *(AB-850)* makes various changes relating to the VTAE system. The act:

1. Directs each VTAE district to make a fire fighter training program available to members of fire departments located in the district. The district board may not charge a fee for such training.

2. Makes an educational program that would not otherwise be established or maintained because of limitations in district fiscal capacity eligible for an incentive grant.

3. Directs the state to pay each VTAE district an amount equal to the fees the district would charge to train ambulance attendants and ambulance service providers if the district were authorized to charge these students.

Other Educational Agencies

Act 27 *(SB-100)* creates an arts challenge initiative program, administered by the Arts Board, to award grants to arts organizations and local arts agencies.

The act authorizes the Educational Approval Board to establish fees for examining and approving proprietary schools.

The act increases the minimum tuition grant and Wisconsin higher education grant, administered by HEAB, to $250, and specifies that child care costs be included when calculating need under state student financial aid programs.

The act authorizes the Board of Curators of the Historical Society to spend the principal in the society's trust fund. Formerly, only income from the trust fund could be spent. The act also eliminates the requirement that each historic site maintain a trust fund.

The act decreases the maximum number of residents enrolled in Marquette Dental School for whom the state provides funds.

The act allows the Health and Educational Facilities Authority (formerly, the Health Facilities Authority) to issue federal tax-exempt revenue bonds to finance or refinance certain projects involving private, nonprofit, post-secondary educational facilities and projects involving certain private, nonprofit continuing care retirement communities.

Act 66 *(SB-376)* authorizes the Educational Communications Board to purchase a public television translator station upon the receipt of a lesser amount of federal matching funds than was formerly required.

Act 399 *(AB-850)* directs HEAB to establish a stipend loan program for resident students enrolled in a nursing program in a VTAE school or in a program leading to a diploma in nursing or a bachelor's degree in nursing.

The act directs the Educational Communications Board to use certain funds to contract with Milwaukee Area Technical College for television facilities access or programs of statewide interest produced by the college.

The act directs the Arts Board to set aside 20% of funds available for grants to arts organizations and local arts agencies under the arts challenge initiative program for grants to groups with operating budgets of less than $100,000.

The act directs the Arts Board to make a cultural excellence award to American Players Theater in Spring Green, Wisconsin.

Elections

Act 370 *(AB-299)* makes various changes in the campaign finance law. The act deletes separate spending limits for primary and election campaigns by candidates for statewide office who accept a grant from the Wisconsin Election Campaign Fund. The act deletes biennial cost-of-living adjustments to spending limits for candidates who accept a Wisconsin Election Campaign Fund grant and makes the present limits permanent. The act precludes candidates for state office from using contributions in a form other than money to meet the matching requirement that is a prerequisite to qualification for a Wisconsin Election Campaign Fund grant. The act deletes certain state filing requirements for state and national party committees that are registered with the Federal Elections Commission. The act also changes an overall limitation on receipt of committee contributions by political party and legislative campaign committees from an annual to a biennial limitation, beginning in 1989. In addition, the act clarifies that when a loan is guaranteed, the guarantor makes a contribution for purposes of reporting and contribution limits while the guaranteed loan is outstanding.

Act 391 *(SB-441)* makes numerous changes in election laws. The act:

1. Requires every person who circulates a recall petition to file a campaign finance registration before beginning circulation. The act also lengthens the examination period for recall petitions and creates a challenge procedure.

2. Changes the period during which contributions may be raised to meet the matching requirement which is a prerequisite to qualify for a Wisconsin Election Campaign Fund grant at a special election.

3. Permits certain U.S. citizens residing outside the United States to cast a blank write-in absentee ballot for national offices at a general election, or to vote for all candidates of a political party for national offices without listing the names of the candidates on the ballot.

4. Requires every request for an absentee ballot to be made in writing and prohibits any absentee ballot from being counted if it is not applied for in writing.

5. Clarifies and standardizes procedures for conducting referenda.

The act also makes changes in election notice format, partisan primary nomination determinations, town and village caucus procedure, the procedure for filling certain judicial vacancies and acceptable forms of identification for registration and voting.

Eminent Domain

Act 27 *(SB-100)* specifies that a corporation licensed to do business in this state that transmits gas or oil in pipelines in interstate commerce may exercise condemnation authority only if the PSC has prepared an environmental impact statement on the instate portion of the project and has approved the portion of the project being undertaken by a Wisconsin corporation.

Act 399 *(AB-850)* makes various changes in the statutes pertaining to relocation benefits available to persons displaced from their homes, businesses or farms by condemnation or other displacing activity. The changes bring state law into conformity with federal law, as affected by the Uniform Relocation Act Amendments of 1987.

Employment

Act 27 *(SB-100)* expands the dislocated workers assistance program by including farmers who do not own the farm that they operate. Preexisting law included only farmers who owned and operated a farm.

The act creates a Labor and Management Council, attached to DILHR, to advise DILHR on promoting positive relations between labor and management.

The act authorizes DILHR to fund grants for planning and starting Job Center pilot projects. The authorization does not apply after June 30, 1989.

The act permits DILHR to utilize moneys received from interest on late unemployment compensation taxes and penalties for late filing of reports and fraudulent acts to finance administration of the federal and state unemployment compensation programs and state employment security programs, to make payments to the state's benefit reserve fund in order to obtain a lower interest rate or deferral of interest payments on federal loans to the fund and to make payments to satisfy federal audit exceptions and federal aid disallowances involving the unemployment compensation program.

Act 38 *(AB-483)* makes major changes in unemployment compensation financing, taxation, benefits, coverage and administration (see *HIGHLIGHTS*).

Act 111 *(AB-557)* provides that a nonrepresented state employe who serves as an election official will continue to be paid a state salary for the hours he or she works an an election official, minus the compensation received by the employe for service as an election official. The act also requires every employer to permit its employes to serve as an election official without loss of fringe benefits, seniority privileges or other penalties except a wage deduction for time not worked.

Act 115 *(AB-724)* deletes a December 31, 1987, expiration date of a provision allowing not more than 2 officers of certain closely held corporations to elect not to be covered by the worker's compensation laws (see also *Act 179*).

Act 149 *(AB-916)* permits a religious association that operates under a creed to give preference in an employment decision to an applicant or employe of the same or similar religious denomination. The act also permits a religious association to give preference to an applicant or employe who adheres to the religious association's creed, if the position involved is clearly related to the religious teachings and beliefs of the association.

Act 153 *(AB-492)* provides that a 1st class city or a county having a population of 500,000 or more may enter into a collective bargaining agreement which supercedes state civil service law concerning the method of handling certain disciplinary matters.

Act 179 *(SB-457)* makes various changes in the worker's compensation laws. The act:

1. Excludes mental harm or emotional stress or strain arising from conditions beyond those common in or outside of occupational life as a compensable injury. As changed by the act, the

definition of a compensable injury is identical to the definition in effect at the time the Wisconsin Supreme Court decided that mental harm or emotional stress or strain caused by exposure to uncommon conditions at the workplace is compensable under the worker's compensation laws.

2. Makes miscellaneous changes relating to the eligibility for and amount of death and disability benefits.

3. Makes changes in the obligation of employers to obtain worker's compensation insurance, or an exemption from DILHR, and DILHR's duty to enforce the obligation.

4. Changes the procedures related to worker's compensation hearings and awards.

5. Allows a worker's compensation insurer to require an injured employe to submit to a medical examination.

6. Extends the expiration date of a provision related to medical examinations by a DILHR-appointed health care professional to December 31, 1989, and provides a December 31, 1989, expiration date for a provision related to coverage of officers of certain closely held corporations.

Act 187 *(AB-668)* requires DILHR to designate school boards as permit officers to allow them to issue permits authorizing the employment of minors. A school board may refuse the designation.

Act 255 *(SB-544)* makes various changes in the unemployment compensation law. The act makes an employe leasing company or temporary help service responsible for payment of unemployment compensation taxes on services performed for customers of the company or service if the company or service is taxed under the Federal Unemployment Tax Act on the basis of those services. The act permits DILHR to prescribe conditions under which liability for unemployment compensation taxes incurred as a result of payments made on account of sickness or accident disability may be transferred from an employer to a 3rd party which makes the payments. The act also changes provisions relating to taxation of certain fringe benefits; accuracy and timeliness of administration; eligibility of certain educational employes for benefits, various benefit disqualifications, suspensions and limitations; elections of unemployment compensation coverage, the penalty for concealments and state taxation of work that is not covered under state law but is covered under the Federal Unemployment Tax Act.

Act 287 *(SB-235)* requires certain employers in this state to provide family leave and medical leave to their employes (see *HIGHLIGHTS*).

Act 399 *(AB-850)* establishes a pilot Wisconsin job opportunity business subsidy program, administered by DILHR, to subsidize the wages paid by certain businesses to qualified new employes. After considering various economic factors, DILHR must designate 3 counties where the pilot program will operate. DILHR must also choose local service agencies to coordinate the program and to determine which individuals and businesses are qualified to participate.

Environment

Act 27 *(SB-100)* makes various changes in environmental law. The act:

1. Provides an additional $63,300,000 from bond revenues to continue the point source pollution abatement grant program, which assists municipalities in the design and construction of wastewater treatment plants. The act also makes 2 additional types of projects eligible for funding.

2. Creates procedures for the use and replenishment of growth accommodation of volatile organic compound emission credits in southeast Wisconsin to comply with federal air pollution regulations.

3. Establishes procedures, conditions and a timetable under which Wisconsin pollution discharge elimination system permit holders may request a variance from the water quality standard when DNR issues, reissues or modifies a water quality based effluent limitation.

Act 41 *(AB-141)* directs DNR to make a reasonable effort to develop a statewide program to control purple loosestrife on public and private lands, using the least environmentally harmful methods. Purple loosestrife is a marsh herb. The act also prohibits a person from selling or planting any nuisance weed.

Act 60 *(AB-418)* revises the procedures, conditions and timetable under which Wisconsin pollution discharge elimination system permit holders may request a variance from the water quality standards when DNR issues, reissues or modifies a water-quality-based effluent limitation. The act also revises the procedure by which DNR adopts or revises water quality criteria.

Act 108 *(AB-243)* prohibits the retail sale of containers of certain beverages if the container is opened by detaching a metal ring or if the container is connected to another container by a device that is not biodegradable or photodegradable. The act takes effect on January 1, 1990.

Act 110 *(AB-481)* establishes a tire recovery fee of $2 per tire for each new tire sold with a new vehicle. The money from the fee is used to abate nuisances caused by tire dumps and to provide grants to reduce the number or volume of waste tires, recycle waste tires or recover energy from waste tires. The act also directs DOT to use or encourage the use of the maximum possible amount of rubber recovered from waste tires as surfacing material, structural material and fill for highway improvements.

Act 113 *(AB-646)* appropriates $100,000 to DNR to provide grants to assist municipalities in the collection and disposal of household hazardous waste.

Act 157 *(AB-416)* revises the penalties for violations of the Wisconsin pollution discharge elimination system.

Act 160 *(AB-532)* permits DILHR to exempt a governmental unit from obtaining DILHR's approval before issuing a sanitary permit for a specific type of private sewage system.

Act 204 *(SB-272)* changes the title of the administrator of the Waste Facility Siting Board and permits negotiations regarding siting of solid or hazardous waste facilities to begin upon notice from the board.

Act 282 *(SB-517)* requires DNR to authorize the connection of a sanitary sewer line from the sewerage treatment plant in the city of Prairie du Chien and the connection of the public water supply of that city to the railroad depot and the Dousman hotel on St. Feriole island and to authorize the use of the Dousman hotel as a hotel under certain conditions. DNR may revoke the authorization if the conditions are not complied with. The act exempts those authorizations from state laws regulating floodplain zoning.

Act 293 *(AB-650)* prohibits any person from selling a plastic container or a product in a plastic container in this state unless it complies with labeling requirements established by DATCP rule. The labels must be designed to provide information needed by material recovery program operators for the recycling, reclamation or reuse of plastic containers. The act takes effect on January 1, 1990.

Act 296 *(SB-406)* prohibits, effective January 1, 1993, any person from disposing of yard waste in a solid waste disposal facility.

Act 342 *(AB-99)* creates a statutory State Emergency Response Commission. The initial members are the members of the State Emergency Response Commission created by order of the Governor acting under federal law. The act directs each county to create a local emergency planning committee. The act sets out the duties of the Commission, local committees, county boards, DNR and DOJ in administering the hazardous substances information and emergency planning program required under federal law. Under the program, facilities using hazardous chemicals must comply with the emergency planning and notification requirements of federal law and pay a fee to the commission. The fees generated are used by the Commission to pay emergency planning grants to

local committees. The local committee uses the grant to develop emergency response plans to deal with releases of hazardous chemicals, to implement the plans and to carry out its duties.

The act permits DILHR to exempt a governmental unit from obtaining DILHR's approval before issuing a sanitary permit for a specific type of private sewage system.

Act 373 *(AB-730)* provides additional funding and positions for the pollutant and river clean-up program for the Milwaukee, Sheboygan, Menominee and Fox rivers, the Duluth Harbor and Green Bay.

Act 384 *(SB-124)* implements certain provisions of the 1984 Hazardous and Solid Waste Amendments to the federal Resource Conservation and Recovery Act which are required as a condition of retaining the authority of DNR to administer the act in this state.

Act 399 *(AB-850)* makes various changes in environmental law. The act:

1. Creates a clean water fund program to provide financial assistance to municipalities for the planning, design and construction of wastewater treatment facilities and nonpoint source pollution abatement projects. The program replaces the existing point source grant program, which is phased out.

2. Includes Walworth County in the volatile organic compound accommodation area under the volatile organic compound program. The act also prohibits Chrysler Corporation from selling volatile organic compound emission credits to another firm.

3. Creates a petroleum storage remedial action program in DILHR. The program provides financial assistance to clean up petroleum product discharges from petroleum product storage systems and home oil tanks. Fees are charged to owners of the systems to provide funding for the financial assistance.

4. Authorizes a county, town, village, city or tribal government that requires a mining generator to obtain an approval or permit under a zoning or land use ordinance to enter into an agreement with the operator for the development of the mining operation.

Financial Institutions

Act 27 *(SB-100)* modifies provisions requiring state-chartered credit unions to obtain federal insurance for their deposits or be liquidated. The act:

1. Extends the deadline for obtaining federal insurance.

2. Prohibits the Commissioner of Credit Unions from using the Wisconsin Credit Union Savings Insurance Corporation's funds to assist credit unions to obtain federal insurance unless the Commissioner makes certain specified determinations. The Wisconsin Credit Union Savings Insurance Corporation is a nonprofit corporation under the supervision of the Commissioner of Credit Unions that protects the deposits of member credit unions.

3. Allows the consolidation of credit unions, as an alternative to liquidation, for those unable to obtain federal insurance.

Act 120 *(SB-355)* allows the Wisconsin Credit Union Savings Insurance Corporation to pay dividends to its member credit unions.

Act 124 *(AB-328)* allows a bank to establish a branch bank in a specified part of the city of Milwaukee, notwithstanding certain restrictions on the location of branch banks.

Act 165 *(SB-114)* revises the Uniform Commercial Code to explicitly permit a bank to return an unpaid check directly to the bank in which the check was first deposited.

Act 189 *(AB-861)* eliminates certain limits on the amount of deposits received by a mutual savings bank.

Act 223 *(AB-752)* requires only credit unions with a certain amount of assets or with a certain membership to publish their annual reports. Formerly, the requirement applied to all credit unions.

Act 252 *(SB-522)* makes numerous substantive and technical changes to the banking laws. The act:

1. Eliminates the requirement that banks close on Sundays and holidays and remain open on election days.

2. Authorizes the Commissioner of Banking to issue cease and desist orders and to assess penalties if a bank, bank director or bank officer violates the banking laws or if a bank is being operated in an unsafe manner or is likely to become insolvent.

3. Permits the Commissioner of Banking to bring an action to enjoin conduct in violation of the banking laws.

4. Authorizes banks and the State Investment Board to invest in bonds and securities of the African Development Bank.

5. Increases and creates certain fees for incorporating and reorganizing banks and for certain bank acquisitions and mergers.

6. Beginning in 1990, requires banks to provide shareholders with certain financial information before each annual meeting.

Act 322 *(AB-846)* specifies the method for computing a credit union's share of the assets of the Wisconsin Credit Union Savings Insurance Corporation upon liquidation, if 2 member credit unions have consolidated. The Wisconsin Credit Union Savings Insurance Corporation will be liquidated when all of its members have obtained federal insurance or have been consolidated or liquidated.

The act also provides that a credit union surviving after a consolidation is entitled to a refund of membership fees paid by the absorbed credit union.

Act 399 *(AB-850)* allows a charitable trust that owns a bank holding company and one or more banks in Wisconsin to sell, merge or transfer the stock of the bank holding company, including indirect interest in the Wisconsin subsidiaries, to a bank or bank holding company that is not located in a reciprocal state (one of 8 regional states, if the laws of that state reciprocally permit interstate activities between Wisconsin banks and banks within that state). The regional, interstate banking laws generally prohibit an interstate acquisition or merger involving a Wisconsin bank unless the other bank is located in a reciprocal state. The act specifies the conditions a charitable trust must satisfy before disposing of the bank holding company, allows the Commissioner of Banking to disapprove the transaction and restricts certain transactions by the acquiring bank or bank holding company.

The act allows a bank to purchase up to 5% of its capital stock, notes or debentures. Former law allowed a bank to acquire its own stock, notes or debentures only to prevent loss on a previously contracted debt.

The act also provides that if a bank transfers real estate to certain related entities, any liability of the entity to the bank that arises from the transfer is not subject to provisions that limit the total liabilities that any person or entity may owe to a bank.

Gambling

Act 119 *(SB-336)* creates a state lottery (see *HIGHLIGHTS*).

Act 354 *(SB-444)* creates a Racing Board and provides for the regulation of horse racing, dog racing, snowmobile racing and on-track pari-mutuel betting (see *HIGHLIGHTS*).

Act 399 *(AB-850)* authorizes the use of lottery proceeds for general equalization aids for schools (see *HIGHLIGHTS*). The act permits the lottery's Executive Director to enter into lottery retailer

contracts for periods of less or more than one year if the Executive Director finds the volume of concurrent contract expirations creates an administrative burden for the Lottery Board. The act also authorizes the Lottery Board to enter into a vendor contract before performing a required background investigation of the vendor, voids a contract if subsequent background investigation disqualifies the vendor and requires that the Lottery Board obtain payment for the background investigation from the vendor (see also *Act 119*).

Health and Social Services

HEALTH

Act 27 *(SB-100)* makes numerous changes in the health laws. The act:

1. Eliminates the hospital capital expenditure review program (see *HIGHLIGHTS*).

2. Modifies the eligibility criteria and the extent of benefits for recipients under the medical assistance program. Among other changes, the act requires DHSS to provide, if federal approval is obtained, medical assistance benefits for 12 months, rather than 4 months, after a family becomes ineligible for AFDC because of income from employment. The act extends medical assistance eligibility to all pregnant women who meet AFDC or medical assistance medically needy income and resource limits and creates presumptive medical assistance eligibility for a pregnant woman preliminarily determined to meet the medical assistance income limit from the day of the preliminary determination until the county determines whether the woman is eligible for regular medical assistance. The act also requires DHSS to make incentive payments to counties to encourage counties to determine which medical assistance beneficiaries have other health care coverage. The act requires medical assistance beneficiaries to pay a portion of the cost of all physician services and of laboratory and x-ray services.

3. Changes various laws relating to nursing homes, including decreasing the statewide maximum nursing home bed limit, modifying criteria for licensure, establishing the right of nursing home residents and prospective residents to know certain information about nursing homes (see also *Act 127*), permitting nursing homes to discharge certain residents for failure to pay and establishing residency criteria to determine county responsibility for funding services for adult developmentally disabled or chronically mentally ill persons. The act also authorizes DHSS to approve for up to 4 years the operation of a distinct part of a nursing home as a facility primarily serving the developmentally disabled (see also *Act 399*).

4. Authorizes DHSS to fund until June 30, 1989, in nursing homes that, between July 1, 1987 and June 30, 1989, are found to be institutions for mental diseases, 60% of the costs of care for medical assistance recipients whose costs are not federally funded by Medicaid and who continue to receive care in the nursing home. The act also authorizes community aids funding for relocation community services for chronically mentally ill persons aged 22 to 64, at 60% of the nursing home's medical assistance reimbursement rate. The act makes nursing homes that are found to be institutions for mental diseases liable for any federal Medicaid funding disallowances for services the nursing home provides after the finding. The act requires, except in an emergency, that boards of county departments of community programs approve or disapprove all nursing home admissions of mentally ill county residents under age 65.

5. Directs DHSS to provide services relating to AIDS, including training and education, or to make grants to organizations to provide such services (see also *Act 399*).

6. Modifies the long-term support community options program, which assesses persons seeking placement in nursing homes or centers for the developmentally disabled and provides home or community-based services as an alternative to the placement. The act authorizes DHSS to carry forward to the next calendar year up to 10% of a county's unencumbered balance for the previous calendar year. The act modifies prohibitions on the use of community options program funds in lieu

of long-term community support services funded from other sources so that a county may use the funds after 3 years of participation in the community options program. The act modifies the law relating to assessment of nursing home residents, eliminates a limitation on the number of persons to be served under the waiver of federal Medicaid requirements and establishes county fiscal management procedures for program administration (see also *Act 399*).

7. Modifies various laws relating to medical assistance payment for nursing home services. The act permits a prospective payment increase of up to 2% in 1987-88 and in 1988-89, eliminates required annual approval by JCF of nursing home payment methods, revises standards for capital payment and requires DHSS to submit an annual report to JCF comparing amounts budgeted to amounts expended for medical assistance and analyzing the effect on nursing home utilization of available community-based long-term support services (see also *Act 399*).

8. Creates a community integration program to provide medical assistance services in community-based settings to developmentally disabled persons who are diverted or relocated from certain nursing homes for the mentally retarded and are ineligible for other community integration programs.

9. Permits a health care provider to delete or destroy part or all of a patient's fetal monitor tracing 35 days after the provider has notified the patient if the patient has not requested the tracing (see also *Act 399*).

10. Requires that blood tests for congenital diseases in infants include testing for sickle cell anemia and increases the fee for the testing. The act also requires DHSS to provide certain services, counseling and evaluations.

11. Modifies the Alzheimer's disease family and caregiver support program to base financial eligibility requirements for households on rules adopted by DHSS, to require county boards to notify DHSS if certain changes in the program occur, and to expand eligible uses of funds under the program.

12. Establishes a pilot program to test the feasibility of reimbursing providers of home health care and personal care medical assistance services on a competitive bidding basis.

13. Permits DHSS to implement a prospective payment system for services provided by hospitals under the medical assistance program.

14. Establishes a certification program for persons performing asbestos abatement activity.

Act 70 *(AB-678)* changes laws relating to testing for the presence of an antibody to the virus that causes AIDS (see *HIGHLIGHTS*).

Act 81 *(AB-450)* allows a restaurant permittee to transfer the permit to operate the restaurant to an immediate family member, without an inspection, if the permittee is also transferring operation of the restaurant to the immediate family member.

Act 97 *(AB-23)* prohibits the knowing transfer of a human organ, for use in human organ transplantation, for valuable consideration other than reasonable payment for certain services and donor expenses. The act does not apply to transfer of human blood and blood plasma, certain human blood products and human semen.

Act 127 *(AB-636)* revises laws governing the operation of nursing homes. The act:

1. Requires DHSS to conduct both announced and unannounced inspections of nursing homes.

2. Restricts a nursing home private-pay patient from denying access to his or her medical records to a federal or state agency requesting the records.

3. Requires DHSS to enforce minimum staffing requirements for nursing homes based on daily staffing levels, unless the Secretary of Health and Social Services determines that the nursing home is unable to comply because of certain specified reasons.

4. Permits DHSS to impose treble forfeitures on a nursing home for violation of a law if, within a prior 2-year period, the nursing home received a notice of violation of any law.

5. Authorizes DHSS to request from nursing homes information concerning staff ratios, certain staff replacement rates and law violations. The act directs DHSS to annually report such information to each nursing home and requires the nursing home to make the report available to persons on request.

6. Deletes the requirement that a nursing home provide certain information to residents and prospective residents (see also *Act 27*).

Act 128 *(AB-660)* prohibits a hospital or nursing home from employing a person as a nurse's assistant, and a home health agency from employing a person as a home health aide, unless the person has fulfilled certain practice or instructional requirements. The act requires DHSS to specify other states or states' programs that satisfy the requirements, to certify instructional programs for nursing assistants and home health aides in Wisconsin and to review the curriculum every 36 months after certification. Under the act, a certified instructional program must notify DHSS annually of the number of persons who successfully completed instruction the previous year.

Act 161 *(AB-828)* prohibits any person from operating an adult family home unless the adult family home is certified by the county in which the home is located or by DHSS. An adult family home provides for the care and maintenance of 3 or 4 developmentally disabled adults, or more developmentally disabled adults if all of the adults are siblings. The adult family home must be a private residence and the primary domicile of the care provider and must have been licensed as a foster home for the care of the developmentally disabled adults at least 12 months before any of the adults attained 18 years of age. Formerly, a facility of this type for 3 or more adults had to be licensed as a community-based residential facility.

Act 199 *(AB-563)* permits the appointing authority for a county community programs board (formerly known as a "51.42 board") to remove from office a member of the board who was a member of the county board of supervisors when he or she was appointed but was not subsequently reelected.

Act 339 *(AB-662)* makes various changes relating to alcohol and other drug abuse (see *HIGHLIGHTS*).

Act 371 *(AB-531)* requires physicians and nurses to report to DHSS any suspected or confirmed diagnosis for a child up to the age of 6 years of a condition resulting from an adverse neonatal outcome, a birth defect or a developmental or other severe disability. The act prohibits DHSS from releasing information that identifies the child, except to certain persons under certain circumstances, and requires DHSS to delete from its files the name of the child within 10 years after receipt of a report. The act also directs DHSS to develop and implement a system for collection, updating, analysis and dissemination of the report information.

Act 399 *(AB-850)* makes various changes in the health laws. The act:

1. Establishes in DHSS an Office of Health Care Information and a Board on Health Care Information (see *HIGHLIGHTS*).

2. Changes the eligibility criteria and the extent of benefits for recipients under the medical assistance program. Among other changes, the act prohibits DHSS from paying for inpatient hospital psychiatric care under the medical assistance program unless a medical peer review organization determines the care to be medically necessary.

The act also requires DHSS to conduct an outreach program to provide information and referral services to low-income pregnant women.

3. Expands state medical assistance coverage to include certain chronically mentally ill persons who reenter an institution for mental diseases within 6 months after relocation from it, increases

community aids funding for facility service from 60% to 90% of the daily medical assistance reimbursement rate, places a cap on the number of state-funded beds in institutions for mental diseases, requires counties to develop plans determining the level of need for the services of institutions for mental diseases and enter into contracts with facilities for service provision, and requires a facility to receive separate licensure as an institution for mental diseases as a prerequisite to receipt of funding.

4. Establishes an administrative hearing right for an individual denied eligibility for the community options program or who has had services under the program reduced or terminated and permits DHSS to contract directly with certain private nonprofit agencies to provide services.

5. Directs DHSS to award grants to individuals, organizations and institutions for projects on cancer control and prevention.

6. Permits a health care provider to delete or destroy a microfilm copy of a patient's fetal monitor tracing only after providing the patient with a written notice that explains the patient's opportunity to obtain the copy (see also *Act 27*).

7. Requires DHSS to contract with organizations to provide, at alternative testing sites, anonymous counseling and laboratory testing services for the presence of the virus that causes AIDS (see also *Act 27*).

Mental Health

Act 27 *(SB-100)* eliminates the moratorium on the certification of facilities for outpatient mental health services and specifies that a facility's receipt of certain accreditation may be accepted as equivalent to DHSS' certification standards. The act also eliminates the statewide mental health gatekeeper program, under which federal Medicaid and state medical assistance funds were transferred to community aids to provide mental health services.

Act 96 *(SB-350)* directs DHSS to establish at the Winnebago Mental Health Institute an inpatient assessment and treatment program for certain drug-dependent adolescents.

Act 362 *(AB-954)* permits access by specified members of a person's family, under certain conditions, to limited portions of the person's treatment records for mental illness or developmental disability.

Act 366 *(SB-351)* makes various changes in mental health laws (see *HIGHLIGHTS*).

Act 367 *(SB-352)* creates a procedure and standards for the review by a mental health review officer appointed by juvenile court of a refusal by a minor aged 14 or older or his or her parent or guardian to provide informed consent for the minor's outpatient mental health treatment, other than treatment with psychotropic medications.

Act 368 *(SB-353)* directs DHSS to award grants to public or private nonprofit organizations for the purpose of recruiting, training and assisting guardians for persons who are incompetent.

Act 394 *(AB-680)* makes various changes in laws concerning mental health, jails and mentally ill inmates. The act:

1. Requires DHSS to establish program standards for jails and houses of correction.

2. Establishes a temporary standard for the commitment of mentally ill inmates of county jails and houses of correction. The standard is an alternative to commitment standards that apply to mentally ill persons generally and is identical to the alternative standard for the commitment of state prison inmates. The standard expires July 1, 1990.

3. Eliminates the expiration date for the commitment standard for mentally ill state prison inmates.

4. Requires sheriffs or other keepers of county jails or houses of correction to file with DHSS annual reports on the treatment of mentally ill inmates on a voluntary or committed basis, including treatment with psychotropic drugs.

5. Requires DHSS to promulgate rules establishing standards for the use of psychotropic drugs in jails and houses of correction on inmates who have been committed to treatment.

6. Increases the number of hours for jail officer preparatory training from 80 to 120 and specifies that at least 16 hours be devoted to the supervision of mentally ill, suicidal and other inmates with special needs.

WELFARE

Act 18 *(SB-116)* makes a person's county of residence liable for the cost of general relief emergency medical treatment if the health care provider gives the county information about the person and the medical treatment within specified time limits.

Act 27 *(SB-100)* makes a number of changes related to the AFDC program. The act:

1. Reduces AFDC benefits and requires certain AFDC recipients to attend school (see *HIGHLIGHTS*).

2. Authorizes DHSS, if federal approval is granted, to require an AFDC recipient who is the caretaker of a child from 3 months to 5 years of age to participate in an AFDC employment and training program.

3. Changes, if federal approval is granted, the amount of earned income disregarded in determining continuing eligibility for AFDC and the period for which that income is disregarded.

4. Allows a landlord to garnish the AFDC check of a current or former tenant who failed to pay rent or damaged the landlord's property (see also *Act 399*). The act also requires DHSS, if an AFDC recipient fails to pay rent, to issue part of the AFDC grant as a 2-party check in the name of the recipient and the recipient's landlord.

5. Imposes various requirements on a county establishing a community work experience program under which an AFDC recipient is required to work, without pay, in a community service job; provides funding to pay child care costs for individuals who get jobs and lose AFDC eligibility after participating in a community work experience program; and requires DHSS to pay 90% of the costs of a community work experience program that are not reimbursed by the federal government.

6. Eliminates the prohibition, under the work experience and job training program, against requiring an AFDC recipient to participate in a community work experience program until the recipient has completed the rest of the work experience and job training program; eliminates the requirement that DHSS give priority for work experience and job training program participation in one county to AFDC recipients who volunteer to participate; and authorizes a limited number of general relief recipients to participate in the work experience and job training program.

7. Requires DHSS to conduct a pilot project under which local governments or nonprofit organizations establish day care centers which provide community work experience program jobs for AFDC recipients and attempt to provide regular jobs for AFDC recipients.

8. Requires DHSS to conduct a case management pilot project under which AFDC recipients agree to a plan to eliminate their welfare dependency.

The act also contains provisions relating to overpayments, fraud and payment errors in public assistance programs. The act:

1. Imposes penalties for violations of the food stamp program.

2. Requires DHSS to conduct periodic checks of various records, such as records of other states' public assistance programs, in order to determine whether recipients of AFDC, medical assistance or food stamps may be ineligible or committing fraud.

3. Directs DHSS to establish standards of competency, including training and examination requirements for county employes administering public assistance programs, and requires those employes to complete that training and pass the examination established by DHSS (see also *Act 399*).

4. Provides that the state's share of funds recovered in cases in which an individual committed an intentional violation of the AFDC, medical assistance or food stamp program is used for welfare fraud investigation and that the state's share of other overpayment recoveries is divided 50% for state activities to reduce payment errors in public assistance programs and 50% for county and tribal activities to reduce payment errors.

5. Makes counties and tribes administering the food stamp program liable for certain losses of food stamps.

6. Authorizes counties and tribes to retain 15% of certain recoveries of medical assistance and food stamp overpayments.

The act requires DHSS to conduct an employment and training program for food stamp recipients.

The act makes several changes in the general relief program. The act:

1. Prohibits a person from receiving general relief in a month in which the person has received, or may immediately receive, AFDC or supplementary security income (SSI) or in a month in which the person is sanctioned for noncompliance with employment or training requirements of the AFDC or food stamp programs (see also *Act 399*).

2. Narrows the exceptions to the requirement that a person reside in this state for at least 60 days before becoming eligible for general relief.

3. Reduces the percentage of county general relief expenditures reimbursed by the state.

The act changes the eligibility criteria for a larger payment under the state supplement to SSI for individuals who need special services to live outside of an institution.

The act makes various changes in the low income energy assistance program. The changes include requiring DHSS to establish a 4-tier low income energy assistance program payment system and making recipients of AFDC or food stamps categorically eligible for payments.

The act reduces benefits under the relief of needy Indian persons program by 1%. The act authorizes the establishment of grant diversion programs under which all or part of any grant under the relief of needy Indian persons program is used to subsidize the wages of a grant recipient. The act also authorizes DHSS to fund tribal economic development projects from funds provided for the relief of needy Indian persons work experience program.

Act 399 *(AB-850)* establishes several exceptions to the requirement that recipients of AFDC who are 13 to 19 years of age attend school. The act authorizes DHSS to require a person to consent to the release of school attendance records as a condition of receiving AFDC.

The act requires DHSS to seek federal approval of a food stamp demonstration project under which recipients of SSI receive food stamp program benefits as cash rather than as food stamps. If federal approval is received, DHSS must conduct the demonstration project. The act also requires DHSS, after receiving federal approval of the demonstration project, to inform the federal government that state supplemental payments to SSI do not include an amount in lieu of food stamps so that SSI recipients in this state become eligible for food stamp program benefits.

The act eliminates the requirement that county income maintenance workers pass an examination given by DHSS.

The act eliminates the authority for a landlord to garnish the AFDC check of a current or former tenant.

The act authorizes a county, in a case of unusual misfortune or hardship, to waive the prohibition on a person receiving general relief in a month in which the person also receives AFDC or SSI.

Other Health and Social Services

Act 27 *(SB-100)* requires DHSS to allocate funds for benefit specialist programs. Benefit specialists provide information and assistance to persons age 60 or over relating to public benefits, health care financing and other financial and consumer concerns.

The act requires DHSS to develop performance standards for mental health and juvenile justice services provided with community aids funding.

The act requires a county to give 2nd priority for day care funding provided under community aids to teen parents who need child care in order to complete high school. (First priority is given to parents in crisis situations.) The act also clarifies that a county may not use day care funds to pay the costs of administering the day care program.

The act changes various miscellaneous health and social services laws. The act:

1. Increases the permit fees for hotels, motels, inns, tourist rooming houses, restaurants, temporary restaurants, bed and breakfast establishments, vending machine operations, campgrounds, camping resorts, mobile home parks, recreational and educational camps and public swimming pools and specifies that a permit may be issued only after the fee has been paid. The act allows DHSS to designate villages with a population greater than 5,000 as agents for the state for permit issuance and prohibits a city or village in a county designated a state agent from acting as a state agent.

2. Prohibits the Adolescent Pregnancy Prevention and Pregnancy Services Board from denying a grant solely because the applicant has a religious affiliation or from awarding a grant to an applicant that performs certain religious activities.

3. Directs DHSS to award grants to counties to provide self-sufficiency and pregnancy prevention services to certain adolescents at risk of becoming unmarried parents.

4. Modifies the laws relating to interpreter services for hearing-impaired persons, including eligibility requirements, priorities for service provision, billing and qualifications of interpreters.

5. Changes public health laws concerning sanitarians employed by or under contract to state agencies or municipalities.

6. Permits DHSS to require monthly reporting of milk volume by individual dairy plants and to establish fees chargeable to dairy plants to fund DHSS monitoring of milk volume.

Act 307 *(SB-270)* makes various technical and minor substantive changes in the laws relating to health and social services.

Act 399 *(AB-850)* requires DHSS to allocate community aids funding to the following:

1. Private nonprofit organizations or counties to provide services to persons with epilepsy and their families.

2. Counties for supported employment programs serving persons with severe disabilities.

The act makes numerous changes in miscellaneous laws relating to health and social services. The act:

1. Expands the radiation protection activities of DHSS and DILHR to include development and dissemination of radon information, coordination of testing for and measuring of radon gas accumulation, coordination of certain radon mitigation strategies with local public health departments, training of certain groups in radon diagnosis and mitigation, maintaining the radon cannister counting system and training of DHSS and DILHR staff to assist in radon measurements. The act establishes radon protection information centers in Marathon and Waukesha counties.

2. Permits licensed paramedics and ambulance service providers to make available to requesters information on the reason for an ambulance dispatch and the patient's name, age and gender (see also *Act 70*).

3. Eliminates the Health Policy Council.

Insurance

Act 27 *(SB-100)* makes various changes in the insurance laws. The act:

1. Requires health care coverage of chiropractic treatments (see *HIGHLIGHTS*).

2. Revises the health insurance risk sharing plan (HIRSP), which makes health insurance coverage available to high-risk persons who are unable to obtain coverage in the private market, by establishing a deductible subsidy for low-income participants and expanding the premium subsidy, increasing the maximum lifetime coverage and reducing the number of insurer rejections required for eligibility. The act also requires the Commissioner of Insurance to establish cost containment measures for HIRSP and provides for a study of health policies for disabled persons.

3. Requires insurers offering commercial liability insurance to file an annual report with the Commissioner of Insurance that includes information about claims, premiums and reserves for certain categories of commercial liability insurance.

4. Extends provisions governing medical malpractice and participation in the health care liability insurance plan and the patients compensation fund to include certain physicians and nurse anesthetists practicing in Michigan. To be included, the physician or nurse anesthetist must be licensed in and a resident of Wisconsin, must be practicing at a Michigan hospital that is affiliated with a Wisconsin hospital and must meet certain other conditions.

5. Extends to the effective date of the 1989-91 budget act the time during which health maintenance organizations and cooperative sickness care plans must permit pharmacists to participate in the HMOs and cooperative plans, subject to certain conditions.

6. Imposes a fee for obtaining an insurance agent's letter of certification or clearance (required for agents to do business in another state).

Act 118 *(SB-246)* clarifies that discovery from patients compensation panel proceedings, subject to the rules of evidence, and certain findings and orders from panel proceedings must be admitted in circuit court proceedings. The act also clarifies that opinions from panel proceedings may not be admitted in circuit court.

Act 156 *(AB-387)* requires an insurer offering a medicare supplement policy, medicare replacement policy or nursing home insurance policy to establish an internal procedure by which the policyholder and the insured may appeal the denial of any benefits under the policy.

Act 166 *(SB-150)* makes changes in the fees charged to insurance agents and brokers, changes the penalties for insurers that fail to make timely payment of fire department dues (a portion of fire insurance premiums distributed to local fire departments) and eliminates the licensing requirement for motor club agents.

Act 167 *(SB-201)* makes numerous changes in the laws governing insurance holding companies, including the applicability of reporting requirements to an out-of-state insurer and to a person attempting to acquire an out-of-state insurer, conditions that must be met for an insurer and affiliate to enter into a transaction and advance reporting of certain transactions and the consequences of unreported or disapproved transactions.

The act also requires insurance corporations to establish segregated accounts for financial guaranty insurance (insurance that guarantees the financial performance of a 3rd party).

Act 177 *(SB-443)* requires the Commissioner of Insurance to prepare a report on each bill that requires health insurance coverage of a particular condition or treatment, for particular persons or of services by a particular type of health care provider. The report must assess the social and financial impact of the requirement.

Act 182 *(AB-365)* applies laws regulating medical malpractice and the patients compensation fund to ambulatory surgery centers.

Act 195 *(SB-337)* clarifies that provisions requiring coverage of mental disorders and alcohol and other drug problems apply only to group, not individual, health policies. The act also clarifies that provisions requiring coverage of equipment and services used in the treatment of diabetes include coverage of insulin.

Act 225 *(AB-811)* provides that if a person is in the business of renting aircraft to others, he or she must notify the renter of whether the renter is covered by an insurance policy held by the person offering the aircraft for rental.

Act 239 *(AB-802)* revises the eligibility criteria for the health insurance risk sharing plan (HIRSP) to allow persons who receive medical assistance to begin HIRSP's waiting period for coverage of preexisting conditions before the person's medical assistance benefits terminate.

Act 247 *(SB-149)* makes a number of changes to the insurance laws. The act:

1. Regulates risk retention groups and risk purchasing groups in light of the federal Liability Risk Retention Act of 1986.

2. Permits the Commissioner of Insurance to require by rule that an individual practice association provide information about its financial condition.

3. Establishes procedures by which an insurer may transfer its place of domicile from Wisconsin to another state or from another state to Wisconsin.

4. Requires the Commissioner of Insurance to regulate by rule life insurance that guarantees acceptance of applicants and provides no benefits or reduced benefits for a specified period.

5. Makes various changes to the laws governing the state life insurance fund.

Act 325 *(SB-214)* revises the laws governing the insurance security fund, which pays claims and, with certain types of insurance, provides continuing coverage to policyholders of insolvent insurers. Among other changes, the act:

1. Includes in the fund all health maintenance organizations, not only those organized as insurance corporations, beginning on July 1, 1989.

2. Limits recovery of claims by an insured whose net worth exceeds $10,000,000.

3. Allows the fund, in certain circumstances, to recover from a person the amount of a claim paid on behalf of that person to a 3rd party.

4. Excludes from coverage warranties, municipal bond insurance and transfers of investment or credit risks.

The act also provides that an insurance agent or broker is not liable to the liquidator of an insurer for uncollected, unearned premiums.

Act 327 *(SB-233)* extends until December 31, 1992, provisions requiring health insurance policies, including the standard health care plan offered to state employes, to cover equipment and services used in the treatment of diabetes.

Act 361 *(AB-923)* requires the Commissioner of Insurance, under certain circumstances, to exempt variable life insurance and annuity contracts issued by fraternal benefit societies from several provisions. These provisions require membership assessments if a fraternal benefit society becomes financially impaired and govern the effect of changes in a fraternal benefit society's laws on existing insurance contracts.

Act 366 *(SB-351)* provides that if a person treated for a mental disorder pursuant to an emergency detention, a commitment or a court order in certain proceedings is an enrolled participant of a health maintenance organization, limited service health organization or preferred provider plan, the organization or plan must provide coverage of that treatment, subject to certain restrictions, regardless of whether there is a referral from the person's primary provider with the organization or plan (see *Mental Health*).

Act 399 *(AB-850)* modifies one of the limits on fees assessed against health care providers for operation of the patients compensation fund.

Local Law

Act 27 *(SB-100)* makes various changes in local law. The act:

1. Revises the law related to due process procedures for law enforcement officers in cities, villages and towns. The act makes a due process review, which was required under former law prior to certain disciplinary actions, applicable to all villages, repeals the Division of Hearings and Appeals' duty to provide hearing examiners for the procedure and authorizes the use of a single individual instead of a board of police commissioners or a review committee.

2. Authorizes the condemnation of individual properties unattached to a large blighted area and expands the City Redevelopment Authorities' bonding and securities investment powers.

3. Authorizes counties to establish a user charge for the cost of the "911" emergency telephone system.

Act 48 *(AB-74)* provides that the Milwaukee County law librarian be appointed by the county executive in the unclassified service. Under former law, the county board determined how the law librarian was appointed.

Act 67 *(AB-118)* authorizes a municipality to provide that retail cigarette licenses issued by the municipality expire one year from the date of issuance.

Act 77 *(AB-15)* provides for removal of territory from a town sanitary district that does not meet the standards used to form a district and repeals the requirement that a representative of DNR attend hearings on the formation of a district.

Act 79 *(AB-280)* permits school districts to apply for short-term state trust fund loans without the approval of the voters and changes the required vote of the school board in a unified school district from two-thirds to a majority for approval of any application for a long-term state trust fund loan.

Act 104 *(AB-180)* permits an attorney to represent both a city and a common motor carrier. Former law prohibited that practice.

Act 130 *(AB-702)* permits the Milwaukee Metropolitan Sewerage Commission to spend up to $2,500,000 to construct shoreline protection or erosion control projects requested by counties, cities, village and towns in the service area of the Milwaukee Metropolitan Sewerage District.

Act 131 *(AB-150)* requires the head of every law enforcement agency to make available to the public a written standard on the use of force in that agency and a procedure for citizen complaints about the conduct of the agency's law enforcement officers.

Act 146 *(AB-517)* provides for all counties to pay specified court costs such as fees for jurors, witnesses and transcripts under the procedure used only by Milwaukee County under former law.

Act 150 *(SB-90)* authorizes the destruction of obsolete district attorney records after a specified period of time and under specified conditions.

Act 152 *(SB-327)* repeals a requirement that the city of Milwaukee lease to private persons any commercial and attended parking system or parking lot and requires that the system or lot be operated under contract with private persons.

Act 162 *(SB-67)* doubles the upper limit on the amount of a claim which a county board may refer to a standing committee and permits referral to the chairperson of a standing committee by resolution of the county board.

Act 163 *(SB-68)* authorizes cities to pay housing commissioners a per diem.

Act 173 *(SB-211)* creates penalties for fraud against city, village and county housing authorities.

Act 181 *(AB-154)* requires a county board to set a sheriff's compensation as a straight salary, not based on fees as authorized under former law. The act also provides for increases in fees related to sheriff's services.

Act 185 *(AB-612)* changes the Board of Commissioners of Public Lands deadline for submitting statements on trust fund loans from August 1 to October 1.

Act 197 *(AB-263)* makes various remedial and minor substantive changes in the laws governing municipal borrowing.

Act 237 *(AB-766)* requires the Law Enforcement Standards Board in DOJ to establish a training program for constables.

Act 272 *(SB-292)* authorizes counties to use a computerized tract index.

Act 275 *(AB-351)* increases the amount drainage districts may borrow from $3,000 to $8,000 and the amount above which drainage districts are required to advertise for bids from $2,000 to $5,000.

Act 284 *(AB-43)* authorizes the Milwaukee County Board to transfer unencumbered appropriation balances from one department to another under limited conditions.

Act 286 *(AB-759)* increases the number of public members on the Milwaukee City Library Board from 4 to 6, 5 to be appointed by the Mayor and one to be appointed by the President of the Common Council.

Act 288 *(SB-349)* authorizes the Milwaukee City Fire Chief to establish the schedule of fire inspections in Milwaukee.

Act 289 *(SB-387)* makes various changes related to the powers of the Mayor of Milwaukee including authorizing the Mayor to appoint to vacant positions various department heads, including the City Engineer, the Commissioners of Building Inspection, Health and Public Works and the Directors of Budget and Management, the Community Development Agency and Safety. The Mayor's appointees serve at the pleasure of the Mayor.

Act 310 *(SB-500)* authorizes local governments to issue obligations with variable rates and put options, subject to specified limits.

Act 314 *(AB-78)* prescribes the content of the budget summary of all local governments with a property tax levy except the city of Milwaukee.

Act 324 *(AB-994)* authorizes a 2nd class city on Lake Michigan located in a county with a population of less than 110,000 to acquire land outside the city by gift for industrial sites.

Act 350 *(AB-843)* provides that no law enforcement officer who is employed by a city, village, town or county, except a 1st class city or a county having a population of 500,000 or more, may be prohibited from being a candidate for elective public office, if otherwise qualified to be a candidate. The act also provides that such an officer may not be required to take a leave of absence during his or her candidacy.

Act 377 *(AB-858)* makes various changes in local government liability law.

Act 382 *(SB-587)* authorizes the Mayor of Milwaukee to appoint various department heads, whether or not the position is vacant, as required under former law (see *Act 289*), and adds other department heads subject to appointment by the Mayor, including Director of Liaison and of Personnel, Tax Commissioner, Librarian and the Executive Secretary of the Board of Fire and Police Commissioners.

Act 399 *(AB-850)* authorizes villages with a population of less than 20,000 to assign police and fire protection duties to the same officer. The act also:

1. Creates a procedure for incorporation by referendum for a town that has a population exceeding 10,000 and is contiguous to a 2nd class city.

2. Exempts fire departments from the fire inspection law subject to new requirements, including public fire education.

3. Specifies the requirements for a fire department to receive fire dues.

Military Law

Act 9 *(AB-28)* raises the annual income limitations for applicants for veterans primary and secondary mortgage loans from $27,000 to $34,000 (see also *Acts 27 and 319*).

Act 27 *(SB-100)* makes various changes relating to military law and veterans. The act:

1. Establishes a centralized armory store at Camp Williams to provide bulk purchasing for military installations and armories.

2. Requires that eligibility for the National Guard tuition grant program be based on the dates applications are received if funds are not available to meet all requests.

3. Allows the Department of Veterans Affairs (DVA) to admit chronic alcoholics, drug addicts, psychotics and active tuberculosis cases to the Veterans Home at King if DVA determines that the home can provide satisfactory care.

4. Increases the income limit for the DVA economic assistance loan program to $23,000 (see also *Act 399*).

5. Allows veterans with a primary DVA mortgage to obtain a secondary mortgage loan, and allows secondary mortgage loans for water supply system improvements (see also *Acts 9 and 319*).

6. Specifies situations in which a veteran may receive reimbursement under the part-time study grant program for courses taken outside the state.

Act 63 *(SB-83)* makes various changes relating to military affairs. The act:

1. Requires the removal from the Governor's staff of any military officer whose federal recognition is withdrawn.

2. Extends the leave of absence allowed for state employes who are members of the national or state guard or other reserve force from 15 days to 30 days.

3. Adds National Guard, state guard and other reserve force members to the list of groups protected from employment discrimination.

Act 242 *(AB-854)* adds to the list of types of part-time courses eligible for reimbursement from the DVA those courses taken by a graduate student veteran that fulfill the minimum semester, trimester or quarter credit requirements of the program or school.

Act 243 *(AB-898)* adds a representative of the United Women Veterans to the Council on Veterans Programs.

Act 319 *(AB-663)* makes various changes in the eligibility requirements for veterans primary and secondary mortgage loans. The act:

1. Eliminates the liquid asset requirement and the 20% downpayment limit for primary mortgage loans.

2. Prohibits DVA from denying a primary mortgage loan if the previous mortgage loan from DVA was repaid from proceeds from the sale of the residence that secured the previous loan.

3. Establishes an eligibility exception to allow a mortgage loan if the previous DVA mortgage loan was assumed by another eligible person with the approval of DVA (see also *Acts 9 and 27*).

Act 399 *(AB-850)* makes various changes relating to military law and veterans. The act:

1. Adds those who served in the armed forces during a defined Middle East crisis to the list of veterans who are eligible for various veterans programs.

2. Establishes a grant program to build two veterans memorials, one to honor Korean conflict veterans and one to honor Vietnam era veterans. The grant program is administered by DVA and may not exceed $300,000 per memorial.

3. Requires the disregard of any payment received from the Agent Orange litigation when determining eligibility for various veterans programs.

4. Raises the veteran's maximum annual income for an economic assistance loan from $23,000 to $25,000.

5. Raises the veteran's maximum annual income for a secondary mortgage loan from $27,000 to $34,000 and increases the maximum loan under that program to $8,000.

Natural Resources

Boating and Navigable Waters

Act 99 *(AB-37)* authorizes a local government to adopt certain boating regulations applicable on any waters of this state that are within its jurisdiction if the regulations are in the interest of public health, safety or welfare.

Act 290 *(AB-33)* allows an applicant for a fishing license or a certificate of number or registration for a boat to make a $1 contribution for research to determine methods of improving the quality of lakes in the state.

Act 291 *(AB-589)* authorizes the town of Delavan, subject to certain conditions, to create artificial barriers in Delavan Lake for the purpose of improving the fish and wildlife habitat, recreational use and water quality of the lake.

Act 294 *(SB-345)* authorizes DNR to engage in the following activities on public lands and waters if DNR finds that the activity will not adversely affect public or private rights or interests in fish and wildlife populations, navigation or waterway flood flow capacity and will not result in environmental pollution:

1. Cutting aquatic vegetation without removing the vegetation from the water, for the purpose of improving waterfowl nesting, brood and migration habitat.

2. Developing nesting islands for the purpose of increasing waterfowl production.

Act 374 *(AB-788)* restructures and revises the statutes governing the regulation of navigable waters by DNR. The act:

1. Revises various permit and contract procedures and requirements, including procedures and requirements relating to the construction, maintenance or placement of bridges, wharfs, piers, swimming rafts, and boat shelters in navigable waters, the diversion of water from lakes and streams and the enlargement of waterways.

2. Revises notice and hearing requirements for permit applications.

3. In most cases, requires the district attorney of the appropriate county, rather than the attorney general, to institute proceedings to recover civil monetary forfeitures or to abate nuisances.

4. Specifies requirements for municipalities that propose to establish or reestablish bulkhead lines.

5. Authorizes DNR to issue a general permit to allow a certain class of activities if the adverse environmental impact of the class of activities is insignificant and the public interest and the rights of any riparian owner will not be injured.

Act 397 *(AB-195)* requires the owner of a boat subject to registration in this state to apply for a certificate of title before the boat may be registered. The act also establishes restrictions on the sale and transfer of certain boats and penalties for falsifying title information.

HUNTING AND FISHING

Act 27 *(SB-100)* makes various changes related to hunting and fishing. The act:

1. Raises resident and nonresident hunting and fishing fees.

2. Creates a beaver damage control program under which DNR pays a subsidy for each beaver removed from a beaver control area, authorizes DNR, local governments and landowners to remove beaver where damage results and makes landowners liable for beaver damage if they do not consent to a beaver removal request (see also *Act 224*).

3. Permitted a taxidermist to handle transactions involving a wild animal or fish during a prohibited season if the taxidermist was using the animal or fish for instructional purposes at a taxidermy school. However, *Act 114* repealed this provision effective December 8, 1987.

4. Provides funds to local governments for law enforcement costs related to American Indian tribe spearfishing.

5. Provides landowners with the option of posting their lands to prevent trespassing by placing large blaze orange markings with the phrase "private land" and the name of the owner in 2 conspicuous places for every 40 acres.

Act 42 *(AB-264)* specifies that the prohibitions against selling, buying, bartering or trading of wild animals apply at all times to deer, bear, squirrel, game birds or game fish. The prohibitions apply to other wild animals only during the closed season for that wild animal.

Act 49 *(AB-159)* provides that a fish that is subject to a minimum size limit and caught by hook and line may be transported with the head or tail, or both, removed and allows the fish to be filleted before being transported, but only if the dressed or filleted fish still meets the minimum size limit. The act also requires that a dressed or filleted fish remain in one piece with the skin and scales intact if so transported.

Act 114 *(AB-655)* repeals the authority of a taxidermist to be involved in a transaction involving a wild animal or fish during the prohibited season if the taxidermist was using the animal or fish for instructional purposes at a taxidermy school (see also *Act 27*).

Act 183 *(AB-419)* increases the penalties for taking, transporting, possessing, processing or selling endangered species of wild animals. The act also requires a court to revoke all hunting approvals issued to the person and to prohibit the issuance of any new hunting approvals to the person for one year if the violation was unintentional and 3 years if the violation was intentional.

Act 224 *(AB-773)* provides that if an owner or lessee of land on which beaver or beaver structures are located does not consent to destruction of the beaver or beaver structure after receiving written notice from DNR, the owner or lessee is liable for damages to another person's land caused by the beaver or beaver structures (see also *Act 27*).

Act 274 *(AB-189)* authorizes the issuance of a special deer hunting permit to a person who is a state resident, owns at least 50 acres of land located in whole or in part in the deer management area for which the special permit is valid and lives in the county where the land is located or in an adjacent county.

Act 280 *(SB-372)* changes the deductible amount for a wildlife damage claim under the wildlife damage abatement and claims program from $500 to $250. If wildlife damage occurs on land located in more than one participating county, the act requires that the deductible amount be prorated among participating counties based on the amount of damage occurring in each county.

Act 353 *(AB-278)* permits a physically disabled or visually impaired individual to obtain a deer hunting license. The visually impaired individual must be assisted in sighting the firearm or bow by a person who is not disabled or visually impaired. Under the act, DNR may issue permits to

disabled persons to hunt from a stationary vehicle, and must grant special permits to certain disabled persons to hunt with a crossbow or to fish using an electric trolling motor.

The act prohibits persons under the age of 12 from operating an all-terrain vehicle on a roadway and prohibits individuals 12 to 15 years of age from operating an all-terrain vehicle on a roadway unless that person holds an all-terrain vehicle safety certificate.

Act 379 *(AB-922)* applies the penalty for illegally hunting deer to a person who hunts deer without the required approval during the closed season or with the aid of artificial light or with the aid of an aircraft.

Other Natural Resources

Act 27 *(SB-100)* makes various changes regarding natural resources provisions. The act:

1. Allows DNR to accept gifts of land for any purpose DNR determines suitable.

2. Increases vehicle admission and camping fees at state parks, forests and recreation areas and allows DNR to charge alternative fees in some circumstances.

3. Creates 3 categories of campgrounds, with different fees for each category.

4. Eliminates the requirement that at least 25% of campsites at each campground be excluded from the campground reservation system.

5. Increases the payment made by DNR to cities, villages and towns for DNR lands located in the municipalities from 50 cents to 80 cents per acre.

Act 31 *(SB-128)* allows Milwaukee County to lease certain lands submerged in Lake Michigan for use as a public park, parkway or highway or development of a marina and related facilities necessary for the operation of the marina.

Act 98 *(AB-34)* designates the Ice Age National Scenic Trail as the state Ice Age Trail. The act:

1. Requires DNR to encourage others to participate in development of the Ice Age Trail by providing information about the trail, working with municipalities to establish rights-of-way and preparing a trail management plan.

2. Requires DNR to identify portions of the Ice Age Trail that are proposed to be located on state-owned property and to contact the state agencies administering the property to make plans for the location of the trail on that property.

3. Provides that if certain conditions are met, a state agency must permit construction of a part of the Ice Age Trail on property administered by that agency.

4. Allows a portion of the trail to be incorporated into a highway right-of-way and provides that facilities for safe crossing of the highway may be constructed as part of any highway improvement or as a separate project (see also *Act 399*).

The act also extends certain provisions of pre-existing law relating to recreational facilities to hiking trails, trail-site campsites and shelters, and cross country ski trails.

Act 129 *(AB-697)* specifies display requirements for snowmobile registration decals.

Act 200 *(AB-635)* authorizes any county, town, city or village to enact an ordinance that is in strict conformity with statutes governing all-terrain vehicles and authorizes state traffic patrol officers and inspectors, conservation wardens, county sheriffs and municipal peace officers to enforce the statutes and ordinances.

Act 277 *(AB-507)* creates an exemption from the state park vehicle admission sticker requirement for vehicles operated for the purpose of transporting pupils to or from activities of a public or private school or home-based private educational program.

Act 295 *(SB-364)* provides additional funding for parks and recreation areas in this state. Under the act, DNR is authorized to spend specified amounts during the next 5 years for:

1. The development and maintenance of state parks, recreation areas in state forests and other recreational lands administered by DNR.

2. The maintenance of roads in state parks and recreation areas in state forests.

3. The development or improvement of state recreational facilities.

4. The maintenance and development of trails in state parks located substantially on abandoned railroad rights-of-way and trails connecting to those state park trails.

The act also creates a program for the acquisition and development of local parks. Any city, village, town or county may apply for aid under the program. State aid is limited to 50% of the costs of acquiring and developing recreational lands and other outdoor recreational facilities. Costs associated with the operation or maintenance of parks or administrative costs of acquiring lands are not eligible for aid.

Act 298 *(SB-563)* increases DNR bonding authority to acquire 6,855 acres of the Chippewa Flowage and allows DNR to designate lands and waters as state recreation areas that are for preservation, are environmentally adaptable to multiple recreational uses, or are located so as to provide regional or urban recreational activities.

Act 305 *(SB-459)* authorizes DNR to lease the Olympic Ice Rink or land or facilities related to its operation for terms up to 30 years. The act prohibits spending money for the repair, maintenance or improvement of the Olympic Ice Rink after June 30, 1990, if any lessee of the rink expands the rink into a complete multipurpose ice sports facility and operates the complete facility for at least 3 months.

The act also subjects any nonprofit corporation that operates an ice rink owned by the state to public records and open meetings laws and exempts certain financial information of the corporation from public disclosure requirements.

Act 399 *(AB-850)* makes various changes in the natural resources laws. The act:

1. Grants to the city of Port Washington a parcel of land in Lake Michigan for wastewater treatment plant functions.

2. Authorizes Kimberly-Clark Corporation to place an addition to its paper mill, in the village of Whiting, on the bed of the Wisconsin River.

3. Creates a Milwaukee River Revitalization Council in DNR.

4. Changes the muffler requirements for the manufacture, operation and sale of motorboat engines. Noise level requirements are changed and additional exemptions from the requirements are provided.

5. Creates a state Ice Age Trail area dedication program in DNR. The act directs DNR to encourage the voluntary dedication of lands for the state Ice Age Trail, which will be matched on a 1 for 2 basis with state money. The act permits a state agency to dedicate state lands under its control for the trail (see also *Act 98*).

6. Authorizes an owner or lessee of land upon which deer are causing damage to request DNR to issue a permit to destroy the deer. If DNR determines that the damage exceeds or is likely to exceed $1,000 a year, DNR must issue the permit.

7. Prohibits the intoxicated operation of an all-terrain vehicle and establishes a procedure for testing for intoxication.

Occupational Regulation

Act 21 *(SB-9)* authorizes an organization licensed to conduct bingo to use up to 15% of the profits of any bingo game for the advancement, improvement or benefit of that organization.

Act 27 *(SB-100)* makes various changes in laws administered by DORL. The act:

1. Authorizes DORL and each examining board attached to DORL to use examinations prepared, administered and graded by test service providers and requires that all examinations administered or used by DORL or an examining board reasonably relate to the skills likely to be needed for an applicant to practice in Wisconsin and seek to determine the applicant's preparedness to exercise those skills.

2. Establishes a uniform requirement for reporting a name or address change for all occupations regulated by DORL.

3. Authorizes DORL and each examining board to assess the costs of prosecuting a holder of a license, certificate, permit or registration against the holder if discipline is imposed, and prohibits the restoration, renewal or issuance of the license, certificate, permit or registration to the holder until the holder pays all of the assessed costs.

4. Requires DORL to mail a notice of renewal to each holder of a license, certificate or permit issued by DORL or an examining board at least 30 days before the expiration date of the license, certificate or permit.

5. Requires the Medical Examining Board to investigate reports received from health maintenance organizations and medical malpractice insurers relating to unprofessional conduct or negligent treatment by licensees or disciplinary actions against licensees and reports received from DHSS regarding sanctions imposed against licensees by the U.S. Department of Health and Human Services, resulting from violations in providing health care services under the federal Medicare program.

Act 39 *(SB-82)* makes various changes in the laws pertaining to the regulation of veterinarians and animal technicians by the Veterinary Examining Board. The act:

1. Directs the examining board to adopt rules establishing the scope of practice permitted for veterinarians and animal technicians and to review the rules at least once every 5 years.

2. Makes various changes relating to license exemptions and to educational, training and examination requirements and qualifications for licensure and temporary consulting permits.

3. Authorizes an owner of an animal patient, or any other person who submits a statement of informed consent signed by the owner, to receive a copy of the animal's health care records or to have the animal's X-rays referred to another veterinarian upon the payment of reasonable costs.

4. Makes various changes relating to grounds for disciplinary action, investigating allegations of practicing without a license and bringing actions to enjoin persons from practicing without a license.

Act 65 *(SB-296)* authorizes a pharmacist to make therapeutic alternate drug selections for a patient in accordance with written guidelines or procedures previously established by a pharmacy and therapeutics committee of a hospital and approved by the hospital's medical staff and the patient's physician for the period of the patient's stay within the hospital.

Act 240 *(AB-829)* provides that a labor organization whose jurisdiction is limited to a specific in-state geographic area and a political party that is a county, congressional, legislative, local or other affiliated committee authorized to operate under the name of a state political committee may be issued a license to conduct a raffle.

Act 263 *(AB-604)* eliminates the requirements that a barber shop be separable from other commercial places of business and that a barber shop's interior doors leading to another place of business be capable of being closed.

Act 264 *(AB-606)* modifies the listings of renewal fees for occupations and other entities regulated by DORL, eliminates requirements to biennially report listings of persons licensed by the Dentistry or Medical examining boards, changes requirements for temporary permits for practical nurses, eliminates certain requirements for office signs of licensed chiropractors and eliminates the

requirement that the Real Estate Board provide a free copy of the real estate study manual to each new applicant for licensure as a real estate salesperson.

Act 265 *(SB-481)* restructures and revises laws relating to, and provides for uniform regulation of, barbers and cosmetologists (see *HIGHLIGHTS*).

Act 299 *(SB-192)* authorizes a person who is not a licensed cosmetologist to perform beautifying work on part or all of the face of a customer or potential customer for purposes of demonstrating a product if no compensation for the work, other than the sale of the product, is received or expected.

Act 316 *(AB-292)* authorizes a dental hygienist to perform patient services or procedures in accordance with a dentist's written prescription following examination, diagnosis and development of a treatment plan by the dentist, and specifies conditions under which a dental hygienist may practice as an employe or independent contractor.

Act 329 *(SB-493)* exempts the ownership and operation of crane games from the gambling laws. A crane game is an amusement device involving skill that may reward the player with merchandise contained within the device. The merchandise must be limited to prizes, toys and novelties, each having a wholesale value of not more than 7 times the cost charged to play the game once or $5, whichever is less. The act prohibits a person from owning a crane game if the person sets up or permits the set-up of the game for the purposes of play or collects the game's proceeds unless the person is registered with DORL and an identification number issued by DORL is affixed to the game. A registrant must pay a one-time, nonrefundable fee of $120 for each crane game. The act also authorizes DOJ to enforce the law.

Act 359 *(AB-656)* makes numerous changes in the laws regulating mortgage bankers, loan originators and loan solicitors. In general terms, a loan originator finds or negotiates a loan on behalf of a mortgage banker; a loan solicitor finds or negotiates a loan on behalf of a loan applicant or investor. With respect to mortgage bankers, loan originators and loan solicitors, the act:

1. Requires mortgage bankers, loan originators and loan solicitors to register with DORL.
2. Requires mortgage bankers and loan solicitors to maintain certain records.
3. Requires funds received by mortgage bankers, loan originators and loan solicitors to be deposited in trust accounts.
4. Specifies general standards of conduct and allows DORL to revoke, suspend or limit registration for violations of these standards (see also *Consumer Transactions*).

Act 380 *(AB-929)* establishes a procedure for a therapist to report an alleged incident of sexual exploitation by another therapist, if the victim consents to the reporting. The act directs the reporting therapist to make the report to DORL if the alleged violator is licensed by the state or to the appropriate district attorney if the alleged violator is not licensed by the state.

Act 399 *(AB-850)* eliminates the bonding requirement for boxing clubs licensed by DORL and the 10% tax on gross receipts from the sale of tickets for boxing exhibitions and reduces the age requirement for amateur boxing from 16 to 14 years, with parental consent.

In addition, the act:

1. Authorizes the Medical Examining Board to certify, examine and regulate occupational therapists and occupational therapy assistants; creates an Occupational Therapy Examining Council; and establishes a biennial certification fee for occupational therapists ($50) and occupational therapy assistants ($35).
2. Increases the maximum allowable price of a raffle ticket from $5 to $10.
3. Requires a person who is employed by a licensed real estate broker to sell interests in time-share property to register with DORL, regulates the activities of a time-share salesperson and provides that a real estate broker is responsible for the acts of a time-share salesperson he or she employs (see also *Real Estate*).

Public Utilities

Act 102 *(AB-163)* prescribes standards for water heater thermostat settings applicable to manufacturers and landlords and requires the PSC to notify customers of the standards.

Act 271 *(SB-197)* subjects certain deregulated telecommunications utilities to regulation by DATCP for fraudulent advertising and unfair trade practices.

Act 399 *(AB-850)* establishes a program in the PSC to assist farmers with stray voltage problems. The program ends on August 31, 1991.

The act also requires that the city, village or town costs of water for fire protection be included in water bills unless the city, village or town elects to collect the costs through the property tax, as under former law.

Real Estate

Act 23 *(SB-27)* creates a statutory lien on property stored in a leased space in a self-service storage facility. The lien is for the amount of rent due under the rental agreement and other related charges, including rent for storing property that is abandoned after the rental agreement terminates. The operator of the facility may satisfy the lien by selling the property in accordance with procedures specified in the act.

Act 27 *(SB-100)* modifies the WHEDA homeownership mortgage loan program. The act extends WHEDA's bonding authority in connection with the program to December 31, 1988, and establishes a calendar year limit on the amount of bonds and notes WHEDA may issue to fund homeownership mortgage loans.

Act 190 *(SB-111)* revises the laws governing the establishment and expansion of cemeteries, including modifying the amount of land certain cemeteries may hold and clarifying which restrictions govern the expansion rather than the establishment of a cemetery.

The act also broadens the application of provisions governing a cemetery association's handling of money received for the perpetual care of cemetery lots.

Act 262 *(SB-486)* expands the housing discrimination laws to include, as prohibited discrimination on the basis of handicap, doing any of the following to an individual because he or she keeps an animal that is specially trained to assist handicapped individuals:

1. Refusing to sell housing to the individual.
2. Evicting the individual from a condominium.
3. Requiring extra compensation from the individual as a condition of residence in a condominium.

Act 330 *(SB-503)* provides that certain provisions restricting the enforcement of interests in real estate do not apply to interests in real estate that are held by a nonprofit electric cooperative.

Act 390 *(SB-431)* allows the use, subject to certain restrictions, of a certified survey to change boundaries within a recorded plat or recorded, certified survey map if the boundary change does not create a subdivision (5 or more parcels of 1.5 acres each or less) and does not violate a local subdivision ordinance. The act also makes several changes in the standards that any certified survey must meet to be recorded.

Act 399 *(AB-850)* contains numerous provisions regulating time-share property, including membership campgrounds (see also *Occupational Regulation*). The act:

1. Requires a developer to disclose certain information about the time-share property in a document recorded when the time shares are created and in a document delivered to prospective purchasers. These documents must include a description of the time-share units, available services, management of the property and the owner's obligations.

2. Regulates the contents of a contract to purchase a time share and allows a purchaser to cancel a contract for a specified period without penalty.

3. Requires a developer to hold 50% of deposits in an escrow account until certain events have occurred, including completion of promised improvements.

4. Prohibits the use of various advertising and sales practices in the sale of time shares and regulates the use of incentives, such as merchandise awards and discounts.

5. Provides that express and implied warranties of quality arise from the sale of time shares.

6. Authorizes an association of owners, rather than the developer, to manage the time-share property once a certain number of units are sold.

7. Specifies the different types of interests in time-share property that may be created.

8. Provides that the right to use recreational facilities and various membership rights conveyed in connection with the sale of time-share property are subject to the sales tax.

Retirement of Public Employes

Act 27 *(SB-100)* provides immediate recognition of $230,000,000 of the current unrecognized gains in WRS. Those gains provide increased benefits to some retirees and increased accumulations to WRS covered employes.

Act 43 *(SB-20)* eliminates the restriction on the distribution of fixed annuity reserve surpluses within the public employe trust fund that prohibited surplus distributions from exceeding the average salary increase for the previous calendar year. In addition, the act requires that the distribution, prior to January 1, 1990, of annuity reserve surpluses in excess of the average salary increase be equitably distributed among those annuitants whose annuities have not kept up with inflation.

Act 62 *(SB-19)* grants to WRS participants creditable military service for active service in the U.S. armed forces as members of the military reserve regardless of whether that service is used to establish entitlement under the nonregular military service retirement program.

Act 107 *(AB-225)* establishes additional group health insurance coverage under a program offered by the Group Insurance Board for any retired public employe, other than a retired employe of the state, who is receiving a benefit from WRS and who is receiving coverage under both Part A (hospital) and Part B (physician) of the federal Medicare program. A retiree who elects coverage under this group plan within 30 days of retirement and who pays the required premiums is not required to furnish evidence of insurability.

Act 138 *(AB-62)* changes the method for calculating the annuity of a WRS annuitant whose annuity is terminated upon reemployment, who receives earnings at or above the specified level for at least 3 continuous years of creditable service and who subsequently retires again and applies for a new annuity.

Act 309 *(SB-362)* makes numerous technical changes in the rights and benefits of participants in the WRS and other benefit programs administered by DETF. The act:

1. Allows guardians to file any document with DETF that has a long-term effect on a person's rights and benefits under the WRS if the document is accompanied by a certified copy of a circuit court order approving the terms of the document.

2. Clarifies the exact percentage of contribution toward the income continuation insurance premium that the employer is required to pay.

3. Provides that an employe who has accumulated sufficient sick leave to be eligible for employer contributions toward premiums remains eligible for the same level of contribution even if a disability subsequently reduces the level of accumulated sick leave.

4. Provides that a state employe may elect income continuation insurance coverage within 30 days after initially becoming eligible for a higher level of employer contributions.

5. Provides that the prohibition on payment of a death benefit as a single cash sum does not apply if the beneficiary is the participant's estate or a trust.

Act 356 *(AB-384)* requires the state to offer long-term care insurance policies to employes, to residents of the state who are WRS annuitants or who were eligible for a WRS annuity but received a lum sum separation payment, and to their spouses and parents.

Act 363 *(AB-975)* makes changes in the WRS disability benefits program, such as requiring certification of disability by 2 physicians and reducing benefit amounts in certain circumstances.

Act 372 *(AB-619)* integrates recent changes in federal law concerning age requirements for annuity benefits for executive participating employes and for certain protective occupation participants in WRS. The act also makes other changes in WRS statutes relating to the redetermination of creditable service for certain executive participating employes and social security coverage for part-time employes (see also *Act 399*).

Shared Revenue

Act 27 *(SB-100)* makes several changes in connection with shared revenue and property tax relief credits. The act:

1. Eliminates the school aid credit. The school aid tax credit was a credit applied against a taxpayer's property tax bill based on the value of the taxpayer's property and the amount of certain school aids received by the school district where the taxpayer resided.

2. Increases the total distributions for general government tax credits and school levy tax credits to $317,305,000 annually, beginning in 1987. The general government tax credit and the school levy tax credit are credits applied against a taxpayer's property tax bill. The 2 credits are based on the value of the taxpayer's property and the amount of property taxes levied by the municipality where the taxpayer resides.

3. Repeals the conversion of certain major state aids to property tax credits applied directly against a taxpayer's property tax bill.

4. Increases the total distribution for shared revenue to counties, cities, villages and towns to $791,360,000 beginning in 1988 (see also *Act 399*).

Act 399 *(AB-850)* increases the total distribution for shared revenue to counties, cities, villages and towns to $807,360,000 beginning in 1989.

State Employment

Collective Bargaining Agreements

Act 52 *(AB-670)* ratifies the collective bargaining agreement for the 1987-89 biennium between the state and the Wisconsin State Building Trades Negotiating Committee as representative of the employes of the building trades crafts collective bargaining unit.

Act 53 *(AB-671)* ratifies the collective bargaining agreement for the 1987-89 biennium between the state and the WSEU, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employes of the clerical and related collective bargaining unit.

Act 54 *(AB-672)* ratifies the collective bargaining agreement for the 1987-89 biennium between the state and the WSEU, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employes of the blue collar and nonbuilding trades collective bargaining unit.

Act 55 *(AB-673)* ratifies the collective bargaining agreement for the 1987-89 biennium between the state and the WSEU, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of employes of the security and public safety collective bargaining unit.

Act 56 *(AB-674)* ratifies the collective bargaining agreement for the 1987-89 biennium between the state and the WSEU, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employes of the technical collective bargaining unit.

Act 57 *(AB-675)* ratifies the collective bargaining agreement for the 1987-89 biennium between the state and the WSEU, AFSCME Council 24, and its appropriate affiliated locals, as representative of the employes of the professional social services collective bargaining unit.

Act 58 *(AB-712)* ratifies the collective bargaining agreement for the 1987-89 biennium between the state and the State of Wisconsin Education Professionals, AFT, WFT, Local 3271, AFL-CIO, as representative of the employes of the professional education collective bargaining unit.

Act 59 *(AB-713)* ratifies the collective bargaining agreement for the 1987-89 biennium between the state and the District 1199W/United Professionals for Quality Health Care as representative of the employes of the professional patient care collective bargaining unit.

Act 133 *(AB-910)* ratifies the collective bargaining agreement for the 1987-89 biennium between the state and the Wisconsin State Attorneys Association, Inc., as representative of the employes of the professional legal collective bargaining unit.

Act 134 *(AB-911)* ratifies the collective bargaining agreement for the 1987-89 biennium between the state and the Wisconsin Science Professionals, AFT, Local 3732, as representative of the employes of the professional science collective bargaining unit.

Act 135 *(AB-913)* ratifies the collective bargaining agreement for the 1987-89 biennium between the state and the WSEU, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employes of the professional research, statistics and analysis collective bargaining unit.

Other State Employment

Act 6 *(AB-16)* changes the points within the salary ranges at which the salaries of certain state elected officials are fixed, in response to changes in the maximums and minimums of these salary ranges that were approved in 1987.

Act 27 *(SB-100)* directs DER to include, in its contracts with providers of day care services for children of state employes, a requirement that the fee charged to an employe by a provider be based on the employe's ability to pay.

The act reduces the amount that a state employe who is unable to work because of an injury suffered in the course of certain types of hazardous employment may receive in lieu of wages to 70% of the employe's base wage (see also *Act 83*).

Act 32 *(SB-279)* makes the purpose of affirmative action plans in state employment consistent with recent federal court decisions. The act removes the requirement that the state maintain a balanced work force, but instead requires the state, through affirmative action, to eliminate from its work force present imbalances caused by past discrimination. The act also allows DER to combine similar civil service classifications to determine whether imbalances exist.

Act 33 *(SB-298)* provides that students and other persons employed by the UW System whose employment is a necessary part of their training are not covered by the state compensation plan, which is recommended by the Secretary of Employment Relations and approved by JCOER. Under the act, the Board of Regents of the UW System determines the salaries of these employes, subject to any applicable collective bargaining agreement.

Act 82 *(AB-711)* reassigns the state Public Defender's position from executive salary group 4 ($45,505 to $67,225 in 1987-88) to executive salary group 6 ($52,740 to $79,112 in 1987-89).

Act 83 *(AB-711)* changes the nonrepresented state employe compensation plan. The act permits state employes who are protective occupation participants or who sustain a work-related injury to convert unused sick leave credits to health insurance premiums in certain cases. The act also increases the percentage of salary paid to a state employe who is unable to work because of an injury that occurred in the performance of certain specified hazardous duties.

Act 140 *(AB-284)* clarifies that the Secretary of Employment Relations must establish a state employe grievance procedure by rule. The act also makes flexible-time scheduling in state employment a permanent, rather than a pilot, program and removes the requirement that state employe performance evaluations be uniform.

Act 306 *(AB-910)* reassigns the position of Secretary of Employe Trust Funds from executive salary group 4 ($45,505 to $67,225 in 1987-88) to executive salary group 5 ($48,990 to $72,923 in 1987-88).

Act 331 *(SB-570)* changes the subjects of bargaining between the state and labor organizations representing state employes to remove the limitation that mandatory bargaining of wage rates be related to general salary scheduled adjustments and to make bargaining of assignment and reassignment of classifications to pay ranges and determination of an incumbent's status resulting from a position reallocation a mandatory subject instead of a prohibited subject. The act also permits, but does not require, bargaining concerning certain types of transfers between positions.

Act 340 *(AB-795)* reassigns the positions of Chancellor of the UW-Madison, currently in executive salary group 9 ($65,807 to $98,712 in 1987-88) and Chancellor of the UW-Milwaukee, currently in executive salary group 8 ($61,128 to $91,690 in 1987-88) to executive salary group 10 ($70,845 to $106,270 in 1987-88). The act also deletes the assignment of the chancellors of the other 4-year UW campuses, the Center System and the Extension to executive salary group 7 ($56,778 to $85,169 in 1987-88) and permits the Board of Regents of the UW System to set the salaries of these positions no lower than the minimum of executive salary group 7 and no higher than the maximum of executive salary group 10. The act also permits the Board of Regents to adjust the salary of any chancellor at any time to correct a salary inequity or to recognize competitive factors.

Act 399 *(AB-850)* directs the Employe Trust Funds Board to contract with 3rd-party providers for the administration of employe-funded reimbursement account plans authorized under the federal internal revenue code. An employe-fund reimbursement account plan allows an employe to use pre-tax dollars to pay certain specified expenses, including dependent care, certain insurance premiums and medical expenses.

State Finance

Act 4 *(SB-26)* requires the Governor to submit an annual state budget bill or bills to the Legislature in 1988 for the 1988-89 fiscal year.

Act 27 *(SB-100)* permits the Investment Board to contract with and delegate to investment advisers the control over assets from any fund or trust for which the board has managing authority. Under the act, the investment advisers may invest the assets in real estate, mortgages, equities, debt of out-of-state corporations and debt of foreign governments. The act permits the board to pay the advisers from the current income of the fund or trust being invested. The act also precludes the board from delegating management authority for more than 10% of the assets of the WRS trusts.

The act changes the funding source for certain payments which the state makes to local governments for providing municipal services to state-owned facilities. Under the act, programs financed by program and segregated revenues, other than UW academic student fees, are charged

for payments allocated to those programs. Formerly, all of these payments were made from general purpose revenues.

The act requires the Investment Board to attempt to assure that 5% of the total funds the board spends for financial and investment analysis and for common stock and convertible bond brokerage commissions in each fiscal year is spent for the services of minority financial advisers or minority investment firms. The act also requires the board, as well as WHEDA, the Building Commission and the Wisconsin Health and Education Facilities Authority to report annually to DOA concerning certain procurements from minority businesses.

The act authorizes the Investment Board to nominate an employe, board member or other representative to serve as a director of a corporation or other legal entity. The act also permits the board to have an employe or another representative represent the board in shareholder meetings. In addition, the act permits the board to have an employe serve as an officer of a corporation in which it owns stock. Under the act, a person who serves as a director, except an employe, may retain compensation received for such service.

Act 399 *(AB-850)* appropriates moneys to make rebate payments to the federal government on interest earned from the proceeds of state obligations, in order to maintain the excludability of the interest from the gross income of the persons to whom the obligations are incurred.

The act places all positions of the Investment Board, except blue collar and clerical positions, in the unclassified service. Formerly, only the Executive Director, Executive Assistant to the Executive Director and 6 Investment Directors served in the unclassified service. The act also grants the board complete discretion to set the salaries of its unclassified employes, subject to budgetary limitations. Formerly, the board could only set initial compensation of unclassified employes within certain ranges, and the amount of annual compensation increases was limited. The act also permits the board to award bonus compensation to unclassified employes, subject to certain limitations. The cost of any increased compensation resulting from the changes is funded from the earnings of the moneys belonging to the state, local governments and annuitants which the board manages.

The act provides that information about an uncashed, canceled state check is not open to the public until the earlier of 6 years after the check was issued or reissuance of the check. The state cancels an uncashed check after one year and will reissue the check for the next 5 years.

The act clarifies that moneys deposited with the local government pooled-investment fund and invested by the Investment Board are protected by a state fund which repays governmental units for losses of moneys deposited with a bank or other public depository.

State Government

Claims Against the State

Act 26 *(SB-299)* directs expenditure of $29,091.70 from moneys appropriated to DHSS for payment of a claim made by Marvin and Carol Wagner of Wautoma, Wisconsin, to compensate them for unreimbursed property damage, cleanup costs and barnyard replacement costs and loss of income incurred as a result of a fire on their farm in 1984 which was allegedly set by a foster child placed with them by Waushara County.

Act 228 *(SB-39)* directs expenditure of $7,247.63 from moneys appropriated to DOR for payment of a claim made by Richard and Susan Stoltz of Superior, Wisconsin, to reimburse them for overpayment of their state income taxes for calendar years 1976 to 1981.

Act 229 *(SB-42)* directs expenditure of $2,202.54 from the general fund for payment of a claim made by A. William Pollman of La Crosse, Wisconsin, to reimburse him for attorney fees and disbursements incurred in connection with a federal criminal investigation of his activities as

director of the Small Business Development Center at the UW-LaCrosse. No charges were filed as a result of the investigation.

Act 230 *(SB-43)* directs expenditure of $33,360 from the general fund for payment of a claim made by Lester Rada of Chippewa Falls, Wisconsin, to reimburse him for attorney fees incurred in the defense of a criminal charge relating to neglect, abuse and ill treatment of persons in mental health facilities, of which he was found not guilty.

STATE BUILDING PROGRAM

Acts 27 and 399 *(SB-100 and AB-850)* authorize $233,463,700 in new or expanded state building projects excluding highway projects. This compares with $197,966,500 authorized in the previous biennium. The acts also authorize $215,749,000 in new general obligation bonding authority for the state building program.

OTHER STATE GOVERNMENT

Act 2 *(AB-22)* provides an additional $5,440,000 to the Public Defender Board to pay for the services of private attorneys and private investigators.

Act 8 *(AB-187)* provides that daylight saving time starts on the first Sunday in April.

Act 22 *(SB-23)* changes the date on which an administrative rule is considered withdrawn from 3 years after submission of the rule to the Legislative Council staff for review to December 31 of the 4th year after the date of submission. The act also prohibits this time period from being extended by the Legislature or by a legislative committee as part of its review process.

Act 27 *(SB-100)* makes various changes relating to the State Public Defender. The act:

1. Provides that 76% of the cases at the trial level must be handled by office attorneys rather than assigned to private attorneys.

2. Requires the Public Defender Board to provide a quarterly report to JCF and DOA regarding private bar caseload and reimbursements to private attorneys.

3. Eliminates state public defender representation in certain contempt of court proceedings.

4. Eliminates the State Public Defender's authority to pay counties to perform indigency determinations.

5. Requires that money spent by a defendant to post bond to obtain release be counted as an asset in an indigency determination for eligibility for state-paid legal representation.

The act also:

1. Centralizes in DOA all responsibility for state aircraft maintenance functions and for providing intercity air transportation for state agencies on state-owned aircraft.

2. Deletes the requirement that the state accord preference to Wisconsin firms in making state purchases. Instead, the act directs DOA to grant a preference to Wisconsin firms in making state purchases when a competing bid is submitted by a firm that is domiciled in a state, nation or subdivision thereof that accords a preference to firms domiciled in that state, nation or subdivision in making governmental purchases.

3. Provides that it is no longer a prohibited practice under the lobbying law for principals and lobbyists to reimburse state officials and employes for actual and reasonable expenses incurred in publishing a work, presenting a talk or participating in a meeting, to the extent permitted under the state code of ethics.

4. Establishes a Columbus Quincentennial Council to advise DOD on ways to celebrate the quincentennial of the voyages of Christopher Columbus.

5. Modifies the law that establishes a preference for minority-owned businesses in state contracting. The act removes a June 30, 1987, expiration date on provisions allowing an out-of-state minority-owned firm to be certified as a minority business.

6. Specifies requirements for instituting a proceeding for judicial review of a decision of the Tax Appeals Commission, the Banking Review Board or Consumer Credit Board, the Credit Union Review Board or the Savings and Loan Review Board.

7. Provides for the Commissioners of Banking, Credit Unions, Insurance, Savings and Loan, and Securities to serve at the pleasure of the Governor. Formerly, the commissioners served for 6-year terms, except the Commissioner of Insurance who served for a 4-year term.

8. Prohibits the Governor from spending oil overcharge funds without the approval of JCF.

Act 47 *(SB-196)* eliminates the separate enumeration of statutory program responsibilities of state departments and agencies.

Act 50 *(AB-283)* makes remedial changes in the statutes by inserting the proper name of the State Law Library.

Act 61 *(SB-5)* requires a person who seeks legal representation by the State Public Defender to certify that he or she did not dispose of assets in order to be eligible to obtain state-paid counsel.

Act 69 *(AB-666)* revises the law governing the allocation of the federal limitation on the total amount of tax-exempt bonds. The act requires DOD to establish and administer a system for that allocation.

Act 76 *(SB-274)* makes minor substantive changes in the laws related to the authority of the Board of Commissioners of Public Lands and the state trust fund loan program.

Act 142 *(AB-442)* makes various minor substantive and technical changes in laws relating to responsibilities of DOA and certain bodies attached to DOA, state finance, small claims garnishment actions against the state and publishing fees for legal notices.

Act 147 *(AB-535)* deletes an expiration date of July 1, 1987, for the state forms management functions of the Public Records and Forms Board and makes the functions permanent. The act requires state agencies to obtain approval of the Public Records and Forms Board for all microfilming of agency records. The act limits public records retention schedules approved by the Public Records and Forms Board to a term of 10 years, unless otherwise specified by the board. The act also prohibits counties from setting a period shorter than 7 years for retention of county records, unless specifically authorized by law or by the Public Records and Forms Board.

Act 148 *(AB-556)* increases the quantities of certain state documents delivered to the Legislative Reference Bureau.

Act 186 *(AB-613)* conforms laws relating to the submission of reports by state agencies to the Legislature, to the presiding officers of each house of the Legislature or to certain standing legislative committees to the procedure specified by 1983 Wisconsin Act 524 under which the reports are submitted to the Chief Clerk of each house of the Legislature for distribution to the Legislature or to appropriate standing legislative committees.

Act 253 *(SB-523)* increases from 10 days to 10 working days the additional time allowed for legislative committee review of a state agency's proposed rule when the agency submits or agrees to make modifications to the rule. A "working day" is any day except Saturdays, Sundays and legal holidays.

Act 279 *(SB-161)* designates milk as the state beverage.

Act 292 *(AB-648)* requires DOA to establish a resource recovery and recycling program to promote the reduction of solid waste, the separation, recovery and disposition of recyclable materials and the procurement of recycled and recovered materials in state government. The act

directs DOA to permit participation of local governments in the program when feasible. The act also directs DOA to establish a program for recycling of state office wastepaper. In addition, the act requires DOA to ensure that specifications for state purchases and state construction projects require the use of recycled and recovered materials to the extent that such use is technically and economically feasible.

Act 313 *(SB-554)* authorizes a petitioner to serve a copy of a petition for judicial review of an agency decision upon the attorney of record of a party to the proceeding in which the decision to be reviewed was made, in lieu of serving the party. The act also prohibits a court from dismissing a proceeding for judicial review solely because of a failure to serve a copy of the petition upon a party or the party's attorney of record unless the petitioner fails to serve a person listed as a party for purposes of review in the agency's decision or the person's attorney of record.

Act 321 *(AB-768)* eliminates the requirement that fire chiefs inspect public spectator seating facilities.

Act 343 *(AB-753)* establishes energy efficiency standards for fluorescent lamp ballasts and authorizes DATCP to enforce the standards.

Act 365 *(SB-315)* makes various changes in the code of ethics for state public officials. The act permits the Ethics Board to require violators of provisions of the code other than financial disclosure requirements to forfeit up to $5,000 for each violation, instead of $500 as formerly provided, and to order the accused to forfeit any economic gain realized as a result of the violation. The act changes the standard of proof upon which the Ethics Board may find a violation of the code from "beyond a reasonable doubt" to "clear and convincing." The act broadens coverage of the code to include certain division administrators. The act also prescribes a procedure for the Ethics Board to enter into settlements with accused violators.

Act 376 *(AB-845)* requires the owner of a rental unit, duplex or single-family house to install and maintain functional smoke detectors in specified areas of the dwelling unit. The act also requires an occupant of a dwelling unit to maintain each smoke detector in his or her unit but requires the owner to fix a smoke detector within 5 days after receiving written notice from an occupant that the smoke detector is not functional.

Act 392 *(SB-454)* provides that no appointing authority or individual acting on behalf of an appointing authority may withhold from public inspection or copying any record of the name or address of an applicant for appointment to fill a vacancy in an elective office.

Act 395 *(SB-259)* makes various changes in the laws related to historic preservation. The act:

1. Requires the Building Commission to allocate, from that portion of the state building program funding that is available to all state agencies, funds necessary for the preservation, restoration and maintenance of historic properties that are under the control of the state.

2. Requires the Historical Society to maintain, publish and disseminate the State Register of Historic Places and a list of locally designated historic places.

3. Requires the Historical Society to establish and administer a state archaeology program.

4. Provides that a permit for field archaeology on a site owned by a political subdivision (county, city, village or town) may not be issued without the written approval of the political subdivision that owns the site.

5. Specifies procedures and requirements that apply when a proposed action of a political subdivision involves a historic property.

6. Provides property tax exemptions for certain archaeological sites and historic properties.

7. Provides an historic structure credit for commercial property qualifying for the existing federal tax credit for historic preservation and rehabilitation expenditures.

Act 396 *(SB-432)* requires DHSS to promulgate rules to:

1. Establish building inspection requirements and procedures to protect students and employes from asbestos hazards in schools.
2. Regulate asbestos abatement activities in schools.
3. Establish requirements for maintaining schools with asbestos.
4. Establish priorities for asbestos abatement activities in schools.
5. Require an asbestos management plan for schools with asbestos.

The act also requires the State Laboratory of Hygiene Board to impose a fee sufficient to pay for any asbestos testing services that it provides.

Act 399 *(AB-850)* includes provisions identical to those in *Act 313*.

Taxation

Act 10 *(AB-113)* makes it clear that, with the consent of the U.S. government, federal property is subject to property taxes.

Act 27 *(SB-100)* makes various changes in the tax laws. The act:

1. Makes the law on estimated income taxes and franchise taxes more closely resemble federal law.
2. Changes the calculation of the minimum tax, which under prior law was a percentage of the federal minimum tax.
3. Adjusts the income tax and franchise tax treatment of tax-option (subchapter S) corporations (corporations that are not taxed if they meet certain requirements and their shareholders report all the income they receive from those corporations).
4. Increases the cigarette tax.

Act 29 *(SB-17)* allows spouses who, at the time a home owner enters the property tax deferral program, are either disabled or at least 60 years old to continue in the program after the owner's death.

Act 87 *(AB-117)* makes minor technical changes in regard to the office of the tax commissioner of the city of Milwaukee.

Act 92 *(AB-643)* makes many technical and minor policy changes in regard to income, franchise, sales, use and inheritance taxes.

Act 139 *(AB-232)* advances by one month the beginning of the meetings of boards of review, which hear appeals on property tax assessments in counties that have a county assessment system.

Act 141 *(AB-359)* allows dealers in motor vehicles and other property that is registered or titled to remit county sales taxes to DOR rather than to DOT.

Act 172 *(SB-172)* allows notice of assessor's plats to be given by certified mail rather than registered mail.

Act 194 *(SB-316)* dissolves the liability of the owners of land outside mobile home parks for payments for parking permits for mobile homes located on their land.

Act 196 *(AB-173)* delays the due date for manufacturing property reports from March 15 to April 1.

Act 198 *(AB-447)* clarifies the circumstances under which the Tax Appeals Commission may issue oral decisions.

Act 246 *(SB-148)* allows DOR to reveal certain tax information related to governmental units.

Act 254 *(SB-530)* allows boards of review to meet at any time during the 7-day period beginning on the 2nd Monday in May, rather than on that day.

Act 268 *(AB-742)* exempts boats berthed in boundary waters from the use tax even if they are located in this state for more than 60 consecutive days and are used principally in this state.

Act 312 *(SB-538)* rearranges and clarifies the statutes on income and franchise taxes to make them more comprehensible without making substantive changes.

Act 323 *(AB-909)* allows a person who purchased a motor vehicle during a specified time period ending in 1986 and who later returned it to the manufacturer for a refund to claim a refund of the sales tax paid on the vehicle.

Act 378 *(AB-870)* changes the law on property tax collection and settlement (see *HIGHLIGHTS*).

Act 387 *(SB-335)* creates a property tax exemption for charter fishing boats and equipment used on certain waters.

Act 393 *(SB-566)* facilitates implementation of the marital property system by making the following income tax changes: clarifying the treatment of overpayments by married persons, protecting spouses who are unaware of unreported income, allocating negative income items such as deductions and expenses, and allowing tax-free exchanges of marital property interests upon the death of a spouse (see also *Domestic Relations*).

Act 395 *(SB-259)* creates property tax exemptions for archaeological sites and certain historically significant public buildings and creates an income and franchise tax credit equal to 5% of the costs incurred to rehabilitate historic structures (see also *Municipal Law*).

Act 399 *(AB-850)* makes various changes in the tax laws. For the more important changes, see *HIGHLIGHTS*. In addition, the act:

1. Discontinues DOR's review of assessments and instead requires DOR to conduct a special supervision if for 5 consecutive years a taxation district fails to assess for property tax purposes in such a way that the ratio of assessed value to actual value of each major class of property is within 10% of that ratio of all other major classes.

2. Imposes the income tax or franchise tax on the unrelated business taxable income of organizations that are otherwise exempt from those taxes.

3. Makes a number of technical and minor policy changes in respect to the income and franchise taxation of tax-option (subchapter S) corporations.

4. Narrows the definition of "gross rent" used in calculating the homestead income tax credit.

5. Requires that claimants of the farmland preservation income tax credit certify that they have paid their property taxes for the previous year.

6. Allows DOR to make private letter rulings upon the receipt of requests.

7. Allows telephone companies to deduct 100% of access charges for calls within the same local access and transport area when calculating their gross revenues tax.

8. Expands the definition of "occasional sales," which are exempt from the sales tax.

Transportation

Motor Vehicles

Act 19 *(SB-24)* allows a disabled person who wishes to obtain a special registration plate or identification card entitling the person to certain parking privileges to submit to DOT a statement of his or her disability written by a chiropractor. Under prior law, the statement of disability could be provided only by a physician or by a Christian Science practitioner.

Act 27 *(SB-100)* authorizes DOT to issue annual and consecutive month overweight permits for vehicles that transport raw forest products and to issue annual and consecutive month excess length

and overweight permits for vehicles that transport scrap for recycling. None of these permits authorize operation on interstate highways.

The act also requires that motor vehicle owners maintain air pollution control devices in good working order and expands DOT's inspection and maintenance program to include random inspections for tampering with air pollution control equipment.

Act 30 *(SB-103)* provides that for purposes of determining when a permit for excess length is required for a double bottom vehicle combination, the length of a semitrailer used as the first trailing unit does not include certain frame extensions for drawing the 2nd trailing unit.

Act 64 *(SB-184)* provides for the issuance of special ex-prisoner of war registration plates for motor trucks and dual purpose farm trucks.

Act 106 *(AB-223)* provides reduced registration fees for vehicles used exclusively for the transportation of raw forest products (see also *Act 27*).

Act 112 *(AB-578)* provides for the issuance of distinguishing registration plates for members of certain authorized special groups, including fire fighters, rescue squads and branches of the armed services and related organizations.

Act 116 *(SB-105)* excepts overweight vehicles transporting livestock on highways other than the interstate system from a reloading or unloading requirement if the vehicle is 15 miles or less from its destination when stopped for the weight violation.

Act 123 *(AB-214)* provides that a motor truck or truck tractor used exclusively to transport concrete pipe or block and related materials may be registered on a consecutive month basis instead of annually (see also *Act 207*).

Act 145 *(AB-478)* specifies a red, white and blue color scheme for the special distinguishing registration plates issued by DOT for vehicles owned by physically disabled veterans.

Act 154 *(AB-89)* allows certain school buses to be used for nonpupil transportation without a permit from DOT.

Act 164 *(SB-99)* permits the operator of a motor truck to haul 2 empty trailers used primarily as implements of husbandry in connection with seasonal agricultural activities without a permit issued by DOT.

Act 174 *(SB-243)* permits a vehicle or combination of vehicles used primarily for the transportation of septage to exceed certain weight limitations.

Act 207 *(AB-129)* provides that a motor truck or truck tractor that is owned or leased by a retail lumberyard and used exclusively to transport building construction materials to a construction site may be registered on a consecutive month basis instead of on an annual basis (see also *Act 123*).

Act 210 *(AB-353)* permits the owner of a vehicle registered as an antique to display a historical plate on the vehicle instead of the plate issued for the vehicle by DOT, and eliminates the annual registration option for antique vehicles.

Act 212 *(AB-461)* authorizes a 6-year registration period for rental trailer fleets of 100 or more trailers each weighing 4,500 pounds or less. Prior law required the annual registration of these trailers.

Act 216 *(AB-567)* establishes a $5, 5-year registration for a number of types of vehicles previously registered annually at a fee of $1 each. The act also increases from $3 to $5 the one-time registration fee for publicly owned vehicles.

Act 217 *(AB-583)* permits DOT to compile a list of automobile registrations at intervals selected by DOT instead of monthly. The act also directs DOT to distribute the list to sheriffs and chiefs of police upon request instead of automatically.

Act 218 *(AB-585)* modifies the test procedures for motor vehicle emissions inspections.

Act 235 *(AB-679)* requires motor buses to be inspected annually to ensure passenger safety, and requires motor buses used for the transportation of pupils to or from school to provide a level of safety equivalent to that of school buses.

Act 315 *(AB-282)* permits retired members of the National Guard to obtain special vehicle registration plates that display the words "Wisconsin Guard Member."

Act 349 *(AB-748)* makes various changes relating to junk vehicles and other damaged vehicles and the unauthorized use of vehicles. The act revises procedures relating to titles for junk vehicles, provides for the retitling of salvage vehicles after repair and inspection and regulates the purchase of vehicles from motor vehicle salvage pools.

Act 399 *(AB-850)* provides that a truck tractor that is owned or leased and operated by a farmer and used exclusively for certain farm purposes may be registered at a reduced fee as a farm truck tractor. The act also makes changes in the permitted uses of motor trucks that are registered at reduced fees as farm trucks.

Drivers' Licenses

Act 24 *(SB-86)* eliminates enhanced demerit points for a 2nd or subsequent speeding violation committed within a 3-year period. The act also provides that a person must accumulate 12 demerit points in any 12-month period in order for his or her operating privilege to be suspended or revoked. Under prior law, an operating privilege was also subject to suspension or revocation if a person accumulated 18 demerit points in any 24-month period or 24 demerit points in any 36-month period.

Act 27 *(SB-100)* requires DOT to develop designs for drivers' licenses and identification cards that are resistant to tampering and forgery. The act specifies that identification cards issued by DOT must be readily distinguishable from drivers' licenses.

Act 40 *(SB-213)* permits a physician to report to DOT regarding a patient's physical or mental condition without the patient's informed consent if the condition may affect the patient's driving ability. The physician is not liable for civil damages either for making the report in good faith or for not reporting information about a patient's physical or mental condition that in the physician's judgment does not impair the patient's driving ability. The act also allows a person who suffers from a mental or physical disability or disease or a medical condition that impairs his or her driving ability to voluntarily surrender his or her driver's license, eliminates specific provisions relating to the licensing of persons subject to epileptic seizures and makes several other changes in the issuance of a driver's license to a person who is subject to medical review for licensing (see also *Act 215*).

Act 122 *(AB-213)* permits a person who is 15 years and 6 months of age to take a motorcycle safety course in a VTAE school.

Act 215 *(AB-509)* permits an optometrist to report to DOT regarding a patient's vision without the patient's informed consent if the patient's vision may affect his or her driving ability. The optometrist is not liable for civil damages either for making the report in good faith or for not reporting information about a patient's vision that in the optometrist's judgment does not impair the patient's driving ability (see also *Act 40*).

Act 261 *(SB-422)* permits DOT to issue a driving instructor license, which is restricted to classroom instruction, to a person who does not otherwise qualify as a driving instructor because of certain physical disabilities or because of a vision, hearing or reaction time test result.

Act 304 *(AB-641)* prohibits a person from simultaneously possessing a valid operator's license containing the person's photograph and an identification card issued by DOT.

Act 358 *(AB-634)* permits a school board or the governing body of a private school to waive the requirement that the operator of a vehicle used to provide pupil transportation have the use of both hands if the operator demonstrates sufficient use of one hand to safely operate the vehicle.

Highways and Local Assistance

Act 27 *(SB-100)* makes a number of changes in the state highway and local assistance programs. The act:

1. Enumerates 11 additional major highway construction projects and specifies that a lane addition to an existing highway must be 5 miles or more in length to be classified as a major highway project. Major highway projects, unlike other construction projects undertaken by DOT, must be approved by the Legislature before they may be constructed.

2. Revises the formula for the distribution of highway-related transportation aids. Under the modified formula, a county or municipality receives aid on the basis of either a percentage of its multiyear average highway costs or a minimum payment guarantee per mile, whichever results in a greater payment. The formula includes adjustments to limit the percentage of increases and decreases in aid payments from year to year. The act also eliminates the conversion of general transportation aids to property tax credits.

3. Provides a 4% increase in 1988 connecting highway per mile aids and a 4.7% increase in these aids in 1989.

4. Establishes a transportation facilities economic assistance and development program. Under the program, DOT may improve a highway, airport or harbor or provide other assistance for the improvement of those facilities or certain rail property as part of a major economic development project.

5. Permits privately owned airports that are open for public use to receive state airport development grants. Previously, only publicly owned airports were eligible for this assistance.

6. Provides for grants through the harbor assistance program for 50% of the acquisition costs of a river ferry vessel (see also *Act 399*).

7. Expands the railroad rehabilitation and construction grant program to include grants for the construction of spurs to provide businesses with access to rail lines.

Act 117 *(SB-187)* directs DOT to designate and mark certain highway routes as memorials to Wisconsin veterans (see also *Act 399*).

Act 137 *(AB-61)* establishes a county forest road aid program to assist counties with the costs of improving public roads in county forests.

Act 205 *(SB-471)* permits a town board to authorize a neighborhood watch program and place neighborhood watch signs within the rights-of-way of certain streets and highways in the town.

Act 258 *(SB-137)* permits a vending facility that is licensed by DHSS and operated by blind or visually impaired persons to be located on property associated with a controlled-access highway.

Act 399 *(AB-850)* increases the allowable reimbursement of the costs of acquiring a river ferry vessel for a local unit of government or board of harbor commissioners under the harbor assistance program from 50% to 75% (see also *Act 27*).

The act requires DOT to offer to purchase an entire parcel of residential property if DOT seeks to acquire more than 10% of the land associated with that property in its acquisition of lands for the lake arterial major highway project in Milwaukee County.

The act makes several modifications to the urban mass transit operating assistance program. The act:

1. Includes depreciation on certain facilities and equipment as operating costs for privately owned systems.

2. Provides for the audit by DOT of the performance of privately owned systems and requires local units of government to repay state aids based on differences between projected financial data and contract compliance audits.

3. Allows areas that include a city or village having a population of 2,500 or more to participate in the urban mass transit operating assistance program.

The act designates several additional highway routes as memorials to Wisconsin veterans (see also *Act 117*).

Motor Vehicle Dealers and Motor Carriers

Act 27 *(SB-100)* transfers several functions from DOR to DOT relating to the reporting, collecting and auditing of taxes on motor fuel and special fuel that is imported into the state in motor vehicle tanks. The act authorizes DOT to suspend the Wisconsin vehicle registration of a person who fails to pay motor fuel or special fuel taxes in a timely manner or who is convicted of evading these taxes (see also *Act 369*).

Act 100 *(AB-47)* exempts a motor vehicle dealer who assists a purchaser with vehicle registration from liability for damages caused by operation of the vehicle at a weight in excess of the gross weight rating specified by the vehicle's manufacturer.

Act 251 *(SB-494)* revises laws dealing with franchise agreements between manufacturers, distributors, importers and dealers of motor vehicles. The bill prohibits a franchise agreement from requiring arbitration between the parties to the agreement, except in certain specified cases.

Act 351 *(SB-437)* exempts a scrap metal processor from the financial statement required of other vehicle salvage dealers and permits a scrap metal processor having more than one place of business to submit a single application and fee for licensure.

Act 369 *(SB-469)* makes the following changes in laws relating to motor carriers:

1. Eliminates private motor carrier operating permits and certain nonresident reciprocity permits.

2. Authorizes DOT to specify the dates for instalment payments of apportioned fees by participants in the international registration plan for whom Wisconsin is the base jurisdiction, and to specify fees based on the cost of issuance for international registration plan base plates and other operating authority documents.

3. Authorizes DOT to suspend or refuse a registration, permit or certificate issued by DOT for failure to pay or report certain fuel taxes.

4. Authorizes DOT to issue 72-hour trip permits and to waive the fees for the permits under conditions of special transportation need or certain other circumstances.

Traffic and Parking Regulation

Act 3 *(AB-30)* revises the laws relating to operating a motor vehicle while under the influence of alcohol or other drugs (see *HIGHLIGHTS*).

Act 17 *(SB-166)* establishes a speed limit of 65 miles per hour for rural interstate highways (see also *Act 136* and *HIGHLIGHTS*).

Act 25 *(AB-27)* specifies that the operator of a vehicle approaching a stop sign at an intersection must stop and yield the right-of-way to other vehicles in or approaching the intersection on a highway that is not controlled by a stop sign even if the highway that is not controlled by a stop sign is not designated a through highway by the local authorities.

Act 28 *(SB-15)* provides that at an intersection where traffic is not controlled by a traffic control device, the operator of a vehicle approaching the intersection on a highway that terminates at the intersection must yield the right-of-way to vehicles approaching the intersection on the highway that continues through the intersection.

Act 34 *(AB-44)* authorizes a police officer, sheriff or deputy sheriff employed by a unit of government whose boundary is a highway to enforce traffic regulations on the entire width of that highway and on the entire intersection of that highway and a highway located in an adjacent jurisdiction (see also *Act 399*).

Act 125 *(AB-410)* requires school buses to use flashing red lights when stopped in certain marked school zones on roadways bordering schools unless the school zones are located in business or residence areas having sidewalks and curbs or unless prohibited by local ordinance.

Act 126 *(AB-490)* provides that a law enforcement officer operating a police vehicle may exceed the speed limit without giving audible and visual signals to other vehicles on the highway if the officer is responding to a call that may involve a felony and knowledge of the officer's presence may endanger a person's safety or interfere with the apprehension of a suspect.

Act 132 *(SB-7)* requires most motor vehicle operators and passengers to wear safety belts (see *HIGHLIGHTS*). The law does not apply after June 30, 1989.

Act 136 *(SB-476)* extends the 65 mile per hour speed limit established for rural interstate highways to certain other freeways located outside of urbanized areas (see also *Act 17* and *HIGHLIGHTS*).

Act 211 *(AB-391)* raises from $200 to $500 the minimum damage amount for the required reporting of an accident involving a government-owned vehicle.

Act 219 *(AB-701)* permits a local authority having jurisdiction over a highway designated as a rustic road to reduce the speed limit on that highway, without the consent of DOT, by up to 15 miles per hour.

Act 232 *(SB-468)* allows a snowmobile to be operated directly across a 5-lane roadway at a crossing authorized by DOT after stopping and yielding the right-of-way to other vehicles approaching on the roadway.

Act 257 *(AB-744)* authorizes DHSS, at the request of a hearing-impaired person, to issue a decal that may be displayed on a motor vehicle to apprise law enforcement officers that the vehicle is owned or operated by a hearing-impaired person.

Act 259 *(SB-218)* proves that a person in a wheelchair or a low-powered mechanically propelled vehicle designed specifically for use by a physically disabled person has the same rights and duties as a person on foot for purposes of traffic regulation.

Act 260 *(SB-326)* authorizes cities, villages and counties to establish disabled parking enforcement assistance councils to assist in the enforcement of parking regulations affecting spaces reserved for vehicles used by disabled persons.

Act 270 *(AB-902)* makes state traffic regulations and conforming local ordinances applicable to roads and driveways on public school grounds.

Act 302 *(AB-581)* requires the coroner or medical examiner of the county in which a motor vehicle accident occurs to report the accident to DOT if a death occurs as a result of the accident. Under prior law, that report was the responsibility of the coroner or medical examiner of the county in which the death occurred. The act also lowers from 16 to 14 the age of a pedestrian accident victim from whom a blood specimen for alcohol content must be obtained if the victim dies within 6 hours after the motor vehicle accident.

Act 399 *(AB-850)* authorizes a peace officer whose boundary is a highway to enforce any law or ordinance that he or she is otherwise authorized to enforce by arrest or issuance of a citation on the entire width of a boundary highway or intersection. See also *Act 34*, which provided similar authority for certain traffic regulations.

Act 27 *(SB-100)* establishes a scholarship and incentive grant program in DOT to increase the number of minority civil engineers employed by DOT. Resident minority students enrolled in a civil engineering program offered by an institution of higher education in Wisconsin are eligible for scholarships. Minority civil engineers who are employed by DOT and who have education loans outstanding are eligible for loan repayment grants based on the number of years of their DOT employment.

Act 399 *(AB-850)* creates a program to assist disadvantaged businesses (those that are at least 51% owned and managed by minority group members or women) in obtaining working capital in order to participate in construction contracts with DOT. DOT may make grants to a business development organization in order to provide funding for the guarantee by that organization of a loan to a disadvantaged business certified by DOT.

The act also creates a demonstration and training program for the purpose of developing the capability of disadvantaged businesses to participate in DOT construction projects. Under the program, disadvantaged businesses include those that are at least 51% owned by minority group members, women or other individuals found by DOT to be socially and economically disadvantaged according to certain federal criteria.

The act also directs the Secretary of Transportation to promote air services in the southeastern region of the state.

Trusts and Estates; Probate

Act 193 *(SB-314)* eliminates the requirement that a register in probate keep a record in full of all wills that are admitted to probate and related materials.

Act 222 *(AB-737)* provides that an adjudication that a juvenile is delinquent on the basis of unlawfully and intentionally killing an individual conclusively establishes the fact that the juvenile unlawfully and intentionally killed the individual for the purposes of the rule that a person may not inherit from, or receive proceeds from an insurance policy on the life of, an individual if the person unlawfully killed the individual.

The act also allows a person making a will or holding a life insurance policy on his or her own life to exempt a beneficiary from the rule that if the beneficiary kills that person, the beneficiary may not inherit from that person or receive proceeds from the life insurance policy.

ABBREVIATIONS

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

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