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## Summary of the 1983-84 Wisconsin Legislative Session (Preliminary Edition)

### 1983 WISCONSIN ACTS 1 to 537

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#### INTRODUCTION

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This brief provides an overview of the 1983 legislation enacted through May 15, 1984. 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 biennial budget act (Act 27), which affects many different areas of state law, is described separately under the appropriate subject headings rather than under a heading devoted exclusively to the budget. 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 that were of particular interest to the Legislature. Commonly used abbreviations are listed in section V of the brief.

The 1983 Legislature took its oath of office on January 3, 1983. Its regular session was organized into 5 floorperiods:

- I — February 8 to February 18, 1983
- II — April 12 to June 30, 1983
- III — October 4 to October 28, 1983
- IV — January 31 to April 6, 1984
- V — May 22 to May 24, 1984

In addition to these floorperiods, the Governor called the following special sessions, resulting in the acts indicated:

Special Session	Acts	Subject
January 4-6, 1983	Act 1.....	Special election for the 12th Senate District
	Act 2.....	Cigarette, sales and use tax rates
April 12-14, 1983	Act 8.....	Unemployment compensation
July 11-14, 1983	Act 28.....	Motor fuel tax liability
	Act 29.....	Reapportionment
	Act 30.....	State employes' benefits
	Act 31.....	Tax incremental finance joint review boards

Special Session	Acts	Subject
October 18-28, 1983	Act 82.....	Homeownership mortgage loan program
	Act 83.....	Wisconsin Housing and Economic Development Authority
	Act 84.....	Economic adjustment program
	Act 85.....	Exemption from state approval for innovative medical technology
	Act 86.....	Promotion of foreign investment
	Act 87.....	Exemptions from and fees for securities registration
	Act 88.....	Personal property tax exemption for logging equipment
	Act 89.....	Jurisdiction to tax foreign corporations
	Act 90.....	Consideration for small businesses in rule making
	Act 91.....	Permit information center
	Act 92.....	Agricultural products
Feb. 2-Mar. 22, 1984	None	

The 1983 Legislature enacted 537 acts through May 15, 1984, compared to 394 acts enacted by the 1981 Legislature. Acts ranged in length from only a few words to over 326,300 words estimated for Act 27 (the biennial budget act). The number of bills introduced decreased to 1,921, compared to 2,010 in the previous session. Of the bills introduced, 1,192 originated in the Assembly and 729 originated in the Senate. The 1983 Legislature enacted 27.9% of the bills introduced, compared to 19.6% enacted by the 1981 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. The Legislative Reference Bureau received 14,152 drafting requests during the 1983 session compared to 14,487 drafting requests received during the 1981 session.

Governor Anthony Earl vetoed 3 bills in their entirety during the 1983 session, down from 11 totally vetoed bills in the 1981 session. The Governor vetoed parts of 11 appropriation bills, identical to the number of bills partially vetoed in the prior session. As of May 15, 1984, the Legislature has overridden several of the partial vetoes in Act 27. The Legislature will consider the remaining 10 partially vetoed acts and the 3 totally vetoed bills during Floorperiod V.

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**HIGHLIGHTS**

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**Agriculture**

Act 261 (AB-399) grants to DATCP general rule-making authority over all phases of food production, handling and sales. The act clarifies and broadens the food law enforcement authority of DATCP as follows:

1. An agent of DATCP may inspect any facility, vehicle or room holding or transporting foods for sale, secure food samples and examine evidence.
2. DATCP may hold food believed to be misbranded or adulterated under an extended 14-day holding order in addition to the 14-day holding order previously permissible. If this food is found dangerous to public health, DATCP may order it disposed of, following 30 days' notice.

3. DATCP may order the correction of a piece of equipment, a facility or a practice violating the food laws.

4. DATCP may suspend certain food production licenses or permits without prior notice or hearing if the production requirements are violated and a serious danger to public health exists.

The act also requires any person operating an establishment that reconditions or salvages distressed food for sale or use as food to obtain a food processing plant license from DATCP, with certain exceptions. Distressed food is food that has been damaged or may have been made unsafe during handling or shipping or label of which has been lost or defaced.

**Act 451 (SB-391)** provides that a person may kill a dog only after other restraining actions have failed or if immediate action is necessary and if the dog threatens serious bodily harm to either a person or livestock, dogs or cats belonging to the person, on the person's property. A conservation warden or other officer may kill a dog if immediate action is necessary to protect deer or game birds from injury or death. Under the act, a dog's owner is liable for damage caused by a dog. The act creates standards under which the state or a municipality may obtain a court order to kill a dog. A person unlawfully killing a dog is liable to the dog's owner for double damages, is subject to penalties, and may be prosecuted for mistreatment.

The act requires a municipality's board or council to prescribe humane officers' duties in enforcing the rabies control program and dog laws.

The act changes several requirements concerning rabies vaccination ordinances, requires that surplus funds in excess of \$1,000 from the dog license tax be paid to the county humane society or organization providing a pound, if such exist in the county, and directs a county board to allow from the dog license tax fund fair market value as the award amount of a successful claim for damages brought by the owner of any livestock or ranch mink injured by a dog.

### **Beverages**

**Act 74 (AB-260)** makes a number of changes in the laws relating to the use of alcohol beverages, including:

1. The act raises from 18 to 19 the age at which a person may legally purchase, procure, possess or consume alcohol beverages or obtain an alcohol beverage license or permit.

2. The act changes the penalties applicable to underage persons (those under 19 years of age) for violating any law relating to alcohol beverages or the use of false identification to include increased civil forfeitures, suspension or revocation of the person's motor vehicle operating privilege and participation in a supervised work program.

3. The act prohibits an underage person with any level of blood alcohol concentration from operating a motor vehicle and provides a 3-month suspension of the person's operating privilege for a violation.

4. The act prohibits the possession or consumption of alcohol beverages by underage persons. Former law prohibited possession or consumption in public. The act provides exceptions for certain employes and retains the existing exception permitting consumption of fermented malt beverages by underage persons accompanied by a parent, spouse or guardian.

5. The act provides for the confidentiality of records relating to the revocation or suspension of an underage person's motor vehicle operating privilege as a penalty for a violation of the alcohol beverage laws.

6. The act permits a district attorney to prosecute an alleged violation of the alcohol beverage laws by a minor in a court of civil and criminal jurisdiction after the action is dismissed by a court exercising jurisdiction under the children's code.

The provisions of the act do not apply to any person who has attained the age of 18 years on July 1, 1984.

**Act 472 (AB-169)** prohibits an adult from knowingly permitting or failing to take action to prevent the illegal consumption of alcohol beverages by persons under the legal drinking age on premises owned by the adult or under his or her control. The act also prohibits adults from intentionally encouraging an underage person to violate any law regulating the possession and consumption of alcohol beverages by underage persons, the presence of underage persons on licensed premises or proof of age for obtaining alcohol beverages.

### **Business and Consumer Law**

**Act 48 (AB-16)**, the "lemon law," permits a consumer to obtain a replacement or a refund for a defective motor vehicle under certain circumstances. The act applies only to new motor vehicles sold in Wisconsin on or after November 3, 1983.

The act applies only if the defect in the motor vehicle is covered by express warranty and only if the defect substantially impairs the use, value or safety of the motor vehicle and is not the result of abuse, neglect or unauthorized modification by the consumer. The consumer must report the defect to the manufacturer or one of its dealers and must make the motor vehicle available for repair within one year after the consumer first receives the motor vehicle or before the expiration of the express warranty, whichever is sooner. If within the same time period the defect is reported and the motor vehicle is made available for repair 4 times or the motor vehicle is out of service for a total of 30 days because of any defects covered by express warranty, the manufacturer must, at the option of the consumer, provide a replacement or a refund for the motor vehicle.

A consumer may not obtain a replacement or refund unless the consumer first resorts to a dispute settlement procedure, if a procedure is available to the consumer and if the procedure complies with certain federal regulations or is at least as consumer protective as a procedure that complies with the federal regulations.

**Acts 81 and 83 (AB-451 and Oct. 1983 Spec. Sess. AB-6)** authorize WHEDA (formerly the Wisconsin Housing Finance Authority) to issue bonds and notes to fund export and economic development loans. WHEDA may issue \$50,000,000 in bonds and notes for export loans and \$95,000,000 in bonds and notes for economic development loans. WHEDA may not issue bonds or notes after June 30, 1986, except to refund outstanding bonds and notes.

*Act 81* authorizes WHEDA to lend bond proceeds to export trade companies and financial institutions which must use the funds to make loans to finance the sale of Wisconsin exports. These exports must be producer or consumer goods, commodities or services having a majority of their export value produced in Wisconsin. WHEDA may fund export loans only if the export trade companies and financial institutions assume full responsibility for repayment of loans and obtain insurance against default and only if similar financing for the export sales is not available from other sources.

DOD must certify compliance with certain other conditions and must consult DATCP prior to certifying compliance if a loan will finance the sale of agricultural commodities. These conditions include requirements that the export sales will serve to maintain or increase employment in this state, that preference has been given to smaller exporters and that limits on the amounts and terms of loans have been complied with.

*Act 83* authorizes WHEDA to lend bond proceeds to financial institutions which must use the funds to make loans to finance economic development projects. Economic development projects

include the purchase of land, plants and equipment for certain facilities used for manufacturing, headquarters, storage or distribution, retail sales, research and development, recreation and tourism and production of raw agricultural commodities. Economic development projects also include research and development activities performed by manufacturing firms.

WHEDA may fund economic development loans only if preference is given to businesses primarily owned or controlled by women or minorities and to small businesses and certain new businesses, limits on the amounts of loans are complied with and the loans will not refinance loans to businesses that have participated in tax incremental financing districts. WHEDA must also consider the extent to which the economic development projects will maintain or increase employment in this state, will contribute to Wisconsin's economic growth and the well-being of its residents, whether the projects will be located in areas of high unemployment or low average income, the number of participating financial institutions and whether the projects would not otherwise occur.

DOD must certify compliance with certain conditions, including requirements that the projects maintain or expand employment, that the projects be located in Wisconsin, that similar financing is not available from other sources, that the authority will not assume primary risk for the loans, that the loans will not refinance existing debt except to finance business expansion or job creation and that the businesses receiving the loans have gross annual sales of \$35,000,000 or less.

**Act 86** (*Oct. 1983 Spec. Sess. SB-4*) directs DOD, in consultation with DATCP, to develop and implement a plan to promote Wisconsin exports and foreign investment in Wisconsin. The plan may provide for establishment of foreign trade offices, participation in trade fairs and preparation of market research. DOD must submit the plan to JCF for approval. The committee may amend the plan prior to approving it.

**Act 91** (*Oct. 1983 Spec. Sess. AB-5*) creates a Permit Information Center in DOD. The center provides information to businesses on permits required in Wisconsin, criteria applied in approving permit applications and the time periods within which determinations on permit applications will be made. The center may also provide permit applications and arrange meetings with agencies that issue permits. Upon request, the center must check and report back on the status of submitted permit applications and must attempt to resolve misunderstandings and mitigate delays in the permit application process. The act also directs the center to monitor the permit application process to ensure that permits are granted as quickly as possible.

The act requires that every rule promulgated by an agency which includes a requirement for a business to obtain a permit specify the number of business days within which the agency will review and make determinations on permit applications and requires agencies to submit reports to the Permit Information Center on every occasion the agencies fail to make their determinations within the time periods specified.

### **Domestic Relations**

**Act 27** (*SB-83*) substantially changes the laws governing child and spousal support collection. The act authorizes DHSS to contract with up to 10 counties in this state to require immediately effective wage assignments for support obligations, unless payers show extraordinary circumstances preventing payment or provide security for payment. This automatic wage assignment pilot program lasts until June 30, 1987, or the effective date of the 1987-89 biennial budget act, whichever is later. In all other counties, until June 30, 1987, or the 1987-89 budget effective date, wage assignment may take effect following a hearing held after a payment becomes 10 days late. After June 30, 1987, or the 1987-89 biennial budget act effective date, whichever is later, automatic wage assignments are instituted in all counties unless payers show extraordinary circumstances or pay security.

The act directs DHSS to adopt a standard for determining a child support obligation based on a percentage of the gross income of either or both parents. A court may order child support in an amount determined using the percentage standard, instead of ordering a fixed sum. The act directs payment of interest at 1.5% per month on unpaid support, and clarifies the mechanisms available to enforce payment of child support obligations.

The act permits DHSS and counties, in administering support collection programs, to contract with attorneys, collection agencies or other persons to enforce and collect support obligations. It changes the laws relating to the tax intercept and unemployment compensation programs used to collect unpaid support obligations (see also *Act 384*). It also permits the state or its designee to recover from the support obligor for support collection services provided to the obligee.

**Act 186** (*AB-200*), the "marital property reform" law, creates a new system of property rights applicable to property owned by spouses during a marriage. The new system is based upon community property principles, whereas previous law embodied the common law property approach. Under the new system, much of the property of one or both spouses is "marital property" and is subject to the property interests and control rights of both husband and wife.

The act describes the classification, management and control of spousal property, the satisfaction of spousal debts and the treatment of credit transactions with married persons. It permits spouses to enter into marital property agreements with one another, and provides interspousal remedies for a spouse's injury to or misuse of certain spousal property. It also changes laws relating to dissolution of marriage, taxation and probate to reflect the new property system. The act takes effect on January 1, 1986.

### Education

**Act 411** (*SB-600*) establishes high school graduation requirements. The act provides that beginning September 1, 1988, a school board may not grant a high school diploma to any pupil unless the pupil has earned, in grades 9 to 12, at least 4 credits of English, 3 credits of social studies, 2 credits of mathematics, 2 credits of science, 0.5 credit of computer science, 1.5 credits of physical education and 0.5 credit of health education. The act requires the State Superintendent of Public Instruction to adopt policies to accommodate pupils with exceptional educational interests, needs or requirements.

**Act 412** (*AB-1018*) abolishes school curriculum requirements and substitutes various educational goals and expectations relating to academic skills and knowledge, vocational skills, citizenship and personal development.

**Act 512** (*AB-887*) establishes criteria for defining private schools and home-based private educational programs for the purposes of the compulsory school attendance law. The act provides that an institution is a private school if the primary purpose of its educational program is to provide private or religious-based education and if its educational program is privately controlled, provides at least 875 hours of instruction each school year, provides a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science and health, is not operated to avoid the compulsory school attendance law and if the pupils in the program return annually to the homes of their parents or guardians for 2 months of summer vacation or the institution is licensed as a child caring institution by DHSS. Instruction in a home-based private educational program may be substituted for attendance at a public or private school only if the program meets all of the above criteria.

### Elections

**Act 51** (*AB-40*) permits candidates in special elections to receive state grants from the Wisconsin election campaign fund. The fund is comprised of general tax revenues derived from taxpayer

designations on income tax returns. Grants may be obtained to finance campaigns for Representative to the Assembly, state Senator, Secretary of State, State Treasurer, Attorney General and State Superintendent of Public Instruction. Qualification procedure and funding are similar to that previously provided for spring and general elections. Under the act, a candidate of a recognized political party may qualify for a preelection grant if the candidate of that party for the same office received at least 6% of the total vote cast at the preceding general election; any other candidate for a partisan office may qualify for a postelection grant if he or she receives at least 6% of the total vote cast at the special election.

**Act 183 (AB-694)** makes a variety of changes in canvassing and recount procedures. The act provides for the separation of absentee ballots from other ballots when ballots are counted or recounted and ballots must be drawn out because the number of ballots exceeds the number of voters. It specifies procedures which local boards of canvassers must follow in making original canvasses and recounts. It permits recount petitions to be amended under certain conditions, increases recount fees and redefines the circumstances under which the fees apply, permits adjustment of vote totals during recounts under certain circumstances and clarifies the standard for review of court appeals of recounts. It provides that the recount appeal procedure is the exclusive judicial remedy for testing the right to hold an elective office due to an alleged irregularity, defect or mistake committed during the voting or canvassing process. It permits the employment of tabulators to assist in recounts and also permits 2 sets of election officials to be employed to work at different times on election day. In addition, the act changes the campaign finance law to provide that no contribution utilized for the payment of expenses incident to a recount is subject to contribution limitations.

**Act 484 (AB-540)** makes numerous changes in election laws. The act:

1. Creates a procedure for administrative review by the Elections Board of certain decisions, acts or failures to act on the part of local election officials.

2. Changes voter registration list purging (updating) procedure from a procedure in which the assent of the voter is required to remove the voter's name from the list to a procedure in which a voter's name is removed if no response is received when the voter is contacted by mail.

3. Makes changes in qualification requirements and in the procedure for minor parties to obtain a separate ballot or column on the ballot.

4. Permits the presidential preference ballot nominating committee to place on the primary ballot the names of candidates whose candidacy is not generally advocated or recognized on a national basis.

5. Reorganizes statutory political parties and gives them all of the statutory functions of political parties. Formerly, the "voluntary" parties performed some of these functions.

6. Precludes write-in candidates from winning election to a nonpartisan state office if no other candidates' names appear on the official ballot.

7. Makes it a misdemeanor for any person to intimidate or coerce an employe or person receiving payments under a state or local government program for the purpose of obtaining a political contribution or service.

8. Requires school board members in unified school districts that encompass a city having a population of at least 150,000 but not more than 500,000 (Madison) to be elected at large to numbered seats.

9. Abolishes, combines and redesignates certain election official (poll worker) positions.

10. Requires the UW Board of Regents to adopt uniform rules prescribing the times, places and manner in which political campaigning may be conducted in state-owned residence halls.

**Act 491 (AB-612)** changes the requirement for a petition seeking the recall of a city, village, town or school district official to state "good and sufficient reason" for recall to a requirement to state

“cause” for recall. Under the former standard, a petition could be based on an issue of public policy; under the new standard, it is limited to an issue of inefficiency, neglect of duties, official misconduct or malfeasance in office. The act requires that the circulator of a recall petition preregister and file campaign finance reports for the circulation period in addition to the election campaign period as formerly required. It requires a statement of the source to appear on advertisements in recall campaigns and provides standards for determining the validity of recall petitions and signatures thereon. The act also changes the formula for determining the number of signatures required on recall petitions.

### Employment

**Act 8** (*Apr. 1983 Spec. Sess. AB-1*) makes various changes in the unemployment compensation (U.C.) law. Under the law, all private employers except nonprofit employers must pay contributions (taxes) on employment covered by the law to support the financing of U.C. benefits and administration of the U.C. program. The act increases the amount of annual wages of each employe that are subject to such taxation. The act also increases tax rates and adjusts tax rates in accordance with the solvency of the reserve fund from which benefits are paid. The act places limitations upon the ability of some employers to shift the costs of benefits for their employes to all employers who pay taxes. The act also makes changes in eligibility for benefits. The act makes it more difficult for employes who voluntarily quit their jobs or who refuse to apply for or accept suitable work or to accept recall by a former employer to regain eligibility for benefits (see also *Act 99*). It increases the number of weeks of qualifying employment that an employe must have to be eligible for benefits. It decreases the maximum number of weeks of regular state benefits, but provides for extra state benefits during periods of high unemployment. The act indefinitely discontinues the indexing of maximum and minimum benefit rates in accordance with the cost of living and changes benefit eligibility and amounts for employes who are partially unemployed or who are receiving earnings from self-employment (see also *Act 168*). The act excludes certain direct sellers and service providers from eligibility for U.C. benefits. In addition, the act tightens requirements that claimants be available for and able to work and that claimants register and search for work in order to remain eligible for benefits, and increases penalties for fraudulent claims.

**Act 392** (*SB-118*) makes various changes in the “employes’ right-to-know” law, which gives public and private sector employes and employe representatives the right to know about toxic substances, infectious agents and pesticides present in the workplace.

The act requires employers to retain for 30 years a material safety data sheet describing, or a list identifying, any toxic substance present in the workplace, with certain exceptions. An employer who ceases business in this state must provide toxic substance and infectious agent information to DILHR, to be maintained and provided to employes upon request.

The act permits DILHR to receive and investigate complaints from employes and employe representatives, hold hearings and issue orders concerning violations of the right-to-know law. It also extends certain information responsibilities to agricultural employers and creates certain information requirements regarding pesticides.

### Environment

**Act 410** (*AB-595*) creates a comprehensive groundwater protection program. Some of the most important features of the act include the following:

1. The act provides a mechanism for the establishment of enforcement standards and preventive action limits to define when groundwater is being polluted or is threatened with pollution. These standards are established by DNR in cooperation with other state agencies whose regulatory roles

include supervision of products or activities which may affect groundwater quality. Provision for the enforcement of these standards and for groundwater monitoring are also included.

2. The act creates a compensation program for persons whose wells are contaminated. This program may provide compensation for 80% of eligible costs up to a maximum of \$9,600.

3. The act creates a laboratory certification program for laboratories which submit certain tests and evaluations to DNR.

4. The act creates a groundwater fund to finance the establishment of groundwater standards, monitoring and certain clean-up activities and creates an environmental repair fund to provide for remedial action at various waste facilities, for hazardous substances spill sites and for the abandoned container program.

5. The act creates several new regulatory programs to control substances and activities which may contaminate groundwater, such as fertilizers, pesticides, highway salt, flammable and combustible liquids, septage and petroleum tanks.

6. The act creates a Fox River Management Commission and a scenic urban waterways program.

### Health

**Act 27 (SB-83)** creates a 3-member Hospital Rate-Setting Commission to replace the voluntary Wisconsin hospital rate review program. An 11-member advisory council is attached to the commission. The act authorizes the commission to establish and enforce maximum rates that a hospital can charge on a prospective basis. The act allows each hospital to request rate changes annually and requires each hospital to submit its proposed financial requirements and any requested information at that time. The act requires the commission to review and evaluate each hospital's proposed financial requirements and rate request in light of a variety of standards, including comparisons with prudently administered hospitals of similar size or providing similar services, the special circumstances of rural hospitals and teaching hospitals, and the past budget and rate experience of the hospital that submits the rate request. The commission may disallow elements of a hospital's proposed financial requirements and must establish maximum rates for the hospital.

The act requires hospitals to charge no more than the maximum rates established by the previous voluntary program beginning July 2, 1983, and to charge no more than the maximum rates established by the commission beginning January 1, 1985.

**Act 202 (AB-513)** enables an adult person to execute a declaration authorizing the withholding or withdrawal of life-sustaining procedures when the person is in a terminal condition. Life-sustaining procedures do not include medical procedures to alleviate pain or provide nutritional support. A terminal condition is an incurable condition that reasonable medical judgment finds would cause death within 30 days, regardless of the application of life-sustaining procedures. A declaration takes effect on the date of execution and expires 5 years later. A declaration is not valid during the period of a diagnosed pregnancy and may be revoked by the declarant at any time.

The act relieves health care professionals from civil and criminal liability and from charges of unprofessional conduct for actions taken in accordance with the provisions of a declaration. The act provides that the execution or implementation of a declaration does not constitute suicide and that the execution or implementation may not be used to affect the terms or procurement of any life or health insurance policy. The act does not impair or supersede any other legal right or responsibility a person has to withhold or withdraw life-sustaining procedures.

The act makes it a misdemeanor to conceal or damage a person's declaration and a felony to intentionally falsify or forge the declaration of another or to withhold knowledge of a revocation if the action causes life-sustaining procedures to be withheld or withdrawn.

**Act 211 (SB-80)** prohibits smoking in public conveyances, educational facilities, inpatient health care facilities, indoor movie theaters, public offices, passenger elevators, restaurants with a seating

capacity of more than 50 persons, retail establishments, public waiting rooms and any state, county, city, village or town building, with certain exceptions. The exceptions include offices occupied exclusively by smokers, entire rooms or halls used for private functions, prisons, jails and designated smoking areas. The person in charge of an area may designate a smoking area by posting a sign identifying the area as a smoking area. Entire rooms and buildings may be designated smoking areas.

### Insurance

**Act 27 (SB-83)** defines preferred provider plans (PPPs) and health maintenance organizations (HMOs) and regulates the operations of PPPs and HMO plans. PPPs are health care plans that select participating health care providers and provide coverage only for medical, hospital, podiatric and chiropractic care. PPPs may require enrollees to designate primary providers to be used when possible, and may require enrollees to make certain copayments if they obtain care from nonparticipating providers.

HMOs are organizations that select participating providers and provide comprehensive health care services to enrollees. See also *Act 321*, which modifies the definition of HMOs to include federally qualified HMOs and cooperative associations offering sickness care plans. Enrollees pay periodic predetermined amounts for services provided by participating providers under an HMO plan.

Employers offering a PPP or HMO plan must also offer a substantially equivalent plan that does not select participating providers. The act also required employers with more than 250 employees in Wisconsin to offer at least 2 substantially equivalent health care plans, including a PPP or HMO plan if available in the area of employment ("dual choice" requirement). However, *Act 212* repeals this requirement.

### Local Law

**Act 31 (July 1983 Spec. Sess. SB-1)** creates tax incremental finance joint review boards to review proposals by cities or villages for the creation of tax incremental districts. The act requires any city or village seeking to create a tax incremental district or to amend its project plan for an existing district to convene a joint review board. The board consists of representatives chosen by the school district, vocational, technical and adult education district, county and city or village, plus one public member chosen by a majority of the other representatives.

Under the act, no tax incremental district may be created and no project plan may be amended unless the joint review board approves the proposal by a majority vote within 30 days after the resolution authorizing the proposal is adopted. If the joint review board rejects the proposal, it must explain, in writing, why the rejected proposal fails to meet specified criteria.

**Act 179 (SB-56)** authorizes the Milwaukee Board of Police and Fire Commissioners to prescribe rules for the Milwaukee police and fire departments. The department chiefs may not prescribe rules unless authorized by the board. The board may review the conduct of the departments and give the chiefs written orders for changes, which the mayor may overrule in writing.

**Act 207 (AB-1010)** permits municipalities greater flexibility in issuing bonds and imposes increased uniformity among different units of local government as to the types of indebtedness issued and the manner of issuance.

The act repeals former law listing specific purposes for which each municipality may issue general obligation bonds and substitutes provisions which permit all municipalities to issue bonds for any project undertaken for a purpose for which the municipality is authorized to act. Municipalities are permitted by the act to treat the refunding of bonds or notes as if it occurs simultaneously with payment of municipal obligations so refunded. In addition, issuance of refunding notes is not

subject to referendum requirements and may be for a purpose other than the original issuance. The act repeals former law requiring municipalities to show on each bond issued the full value of the municipality's taxable property and total amount of debt and unifies at 20 years the date by which most long-term municipal obligations must mature. The act deletes the two-thirds and three-fourths vote requirements for adoption of resolutions authorizing bond issuance, modifies notice requirements and simplifies the processes for municipal obligation sale and redemption.

The act changes refunding restrictions on promissory notes to permit refunding without limit if the refunding notes are paid within 20 years after the original promissory note issuance.

The act authorizes a municipality to borrow funds if the bond resolution specifies revenues to be pledged for repayment, total temporary borrowing does not exceed 60% of receipts for that year and the funds are repaid within 18 months. The act permits repeated issuance of refunding notes if repaid within 20 years after the original note issuance.

Under former law, a municipality was required to back a revenue bond with both a pledge of specific revenues and a mortgage lien placed on the public utility. The act makes optional the use of a mortgage lien as security. The act permits a municipality to refund bond anticipation notes with new notes if paid within 10 years after the original note and to issue refunding B bonds, secured by special assessments levied to pay for public improvements, to refund any outstanding issue of special assessment B bonds.

**Act 532 (AB-1094)** substantially revises town laws. The act reorganizes town meeting powers and authorizes the town meeting to delegate to the town board its general tax levy power, its authority to fix town officer salaries (except board member salaries) and its power to purchase land in the town for town purposes.

The act changes the date of the annual town meeting from the first Tuesday in April to the 2nd Tuesday in April and makes other changes in town meeting procedure.

The act requires town boards to determine the jurisdiction and duties of the town constable and permits town boards to create the position of town administrator. The act gives town boards the authority and duty to prepare and adopt a town budget and also specifies various general executive powers and duties of the town board chairperson.

The act authorizes an alternative claims procedure and the establishment of a board of police and fire commissioners and makes competitive bidding procedures and special assessment laws applicable to town public works. The act makes various changes in town zoning procedures, repeals a requirement that town sanitary district commissioners own property in the district and clarifies town publication and posting requirements.

### **Military Law**

**Act 430 (SB-500)** extends veterans' benefits to veterans of the recent United States military actions in Lebanon and Grenada.

### **Public Utilities**

**Act 27 (SB-83)** authorizes the PSC to pay the costs of a nonutility intervenor in a PSC proceeding if the intervenor's participation is important and financially burdensome for the intervenor.

**Act 401 (AB-826)** prohibits PSC approval of construction of any new nuclear power plant unless the PSC finds that there is an acceptable place to put nuclear waste from the plant and that the plant is economically more advantageous to ratepayers than other forms of electric power generation.

### **Retirement**

**Act 141 (SB-568)** revises retirement benefits for employers and employees who participate in the WRS administered by DETF. The act:

1. Increases the formula factor used in calculating retirement benefits by 0.2% for protective occupation employes, state executives and elected officials, and by 0.3% for all other employes. For police and fire fighters covered under old municipal pension plans, the retirement benefit increases to 55% of final salary.

2. Changes former law which limited the initial monthly payment of retirement benefits to 85% of final salary, plus social security benefits, to a calculation of 65% of final salary, disregarding social security benefits. For fire fighters who do not receive social security, the limitation is 85% of final salary.

3. Modifies the actuarial discount by which benefits are reduced for early retirement to 4.8% for each year the annuity is paid before the normal retirement date.

4. Permits general employes who are at least 62 years of age and have at least 30 years service to retire with full benefits.

5. Changes the former calculation of the amount of additional service credit participants could receive for military service to provide credit of one year of military service, up to a maximum of 4 years, for each 5 years of regular creditable service.

6. Provides employers with a 40-year amortization period during which the benefit increases created by this act are funded.

7. Affects the actuarial assumptions by setting fixed rates upon which the benefits and costs of the system are projected.

8. Gradually reduces, after 1985, the higher formula multiplier for retirement benefits for protective occupation participants who remain in service after age 55.

9. Sets at 5% per year, after 1985, the amount of interest that may be credited to an employe's account.

10. Changes the former normal form of an annuity, for life with a guarantee of 60 payments, to an annuity for life with no guarantee and provides the guaranteed annuity as an option.

11. Requires general employes and protective occupation participants to pay, or have paid for them by their employer, a nonrefundable benefit adjustment contribution of one percent of their earnings.

### Shared Revenue

**Act 2** (*Jan. 1983 Spec. Sess. SB-1*) eliminates, for the distribution of the WSPTR credit program in 1984 and thereafter, the supplement to the program created under former law from revenues generated by one cent of the sales tax in the prior fiscal year. The act does not affect the \$75 million supplement for 1983, nor does it affect the base appropriation for the WSPTR credit program.

**Act 27** (*SB-83*) suspends the automatic growth provisions for determining 1984 and 1985 WSPTR credit payments and sets the 1984 payment at \$281 million and the 1985 payment at \$289.6 million.

The act revises the WSPTR payment schedule so as to distribute all WSPTR funds on the 4th Monday in July.

The act also revises the WSPTR distribution formula. For 1984, \$186 million is distributed according to the proportion which a municipality's school levies are of levies statewide; the remaining \$95 million WSPTR funds are distributed through additions to the general equalization formula of state aids. For 1985, \$229.1 million is distributed according to the proportion of total levies and \$60.5 million according to additions to the school aid formula. For 1986 and thereafter, all funds are distributed according to the proportion of total levies.

The act also extends minimum guarantee provisions under which, in 1984, each municipality is guaranteed a tax credit payment equal to at least 75% of its 1983 payment. For 1985 and thereafter, municipalities are guaranteed a current year payment equal to at least 90% of the previous year's

payment. The act establishes a maximum growth limit on a municipality's payments, to be set each year at a "floating" level sufficient to generate revenue equal to the sum of minimum guarantee payments.

The act suspends the shared revenue automatic growth provisions and sets the 1983 appropriation at \$714.6 million. For 1984, an additional minimum guarantee of \$8.6 million is provided, under which each municipality and county is guaranteed the lesser of either 100% of its 1983 payment or the amount which the municipality or county would have received in 1984 if \$750.3 million had been distributed. The act also provides that the \$8.6 million appropriated for the additional minimum guarantee payments be included in the base for growth in the shared revenue account in the future.

### State Employment

**Act 409 (AB-240)**, known as the "whistle-blower law," deals with state employe disclosure of information about improper activities in governmental units. The act tells how a state employe should disclose information about a violation of the law, mismanagement or abuse of authority, substantial waste of public funds or a danger to public health and safety. It tells how a unit of state government should process this information. It prohibits employer retaliation for disclosing information and provides for the Personnel Commission to investigate complaints, hold hearings and issue orders concerning retaliatory disciplinary actions. The act provides a similar cause of action in court for retaliatory discipline of a state employe who exercises the constitutional right to free speech by lawfully disclosing information about improper activities. Neither the administrative nor the court remedy, however, protects persons employed by the Governor, the courts, the Legislature or the legislative service agencies or protects persons in certain administrative or managerial positions and their immediate subordinates.

### State Government

**Act 3 (AB-104)** authorizes the state to issue "operating notes" for financial obligations incurred to meet short-term state operating deficits, with the obligations to be repaid prior to the end of the fiscal year following the one in which the obligations are incurred. The authorization expires on the effective date of the 1985-87 biennial budget act. The act increases, for the period prior to the effective date of the 1985-87 biennial budget act, the total amount of outstanding reallocations which may be effected between state funds and accounts and liberalizes the conditions under which reallocations must be reversed. The act changes the interest rate paid to local governments on delayed state payments. The act also grants, prior to the effective date of the 1985-87 biennial budget act, increased flexibility to the Secretary of DOA to prorate and establish priority payment schedules for state payments. In addition, the act requires the secretary to submit cash flow plans and reports to JCF under certain conditions.

**Act 29 (July 1983 Spec. Sess. AB-1)** reapportions the Senate and Assembly districts in accordance with the 1980 federal decennial census of population as required by Article IV, Section 3 of the Wisconsin Constitution. The act replaces an apportionment plan placed in effect by order of a federal district court after the Legislature failed to adopt a reapportionment plan during the 1981-82 legislative session. See *Wisconsin State AFL-CIO et al. v. Elections Board et al.*, 543 F. Supp. 630 (E.D., Wis., 1982). The act also provides for preparation, maintenance and distribution of legislative district maps and makes minor changes in county and municipal ward division and districting requirements and effective dates of certain municipal annexations and detachments.

### Taxation

**Act 2** (*Jan. 1983 Spec. Sess. SB-1*) makes the sales tax increase to 5% and the increase in the cigarette tax permanent. Under former law the sales tax was scheduled to revert to 4% on June 30, 1983.

**Act 27** (*SB-83*) imposes a surtax of 10% on individual incomes for 1983 and 1984 and extends the 10% corporate income surtax, originally imposed for 1982 and 1983, to 1984 (see also *Act 212*).

The act suspends the indexing of the brackets for the individual income tax for 1983 to 1985, provides that when indexing resumes 3% of the increase in the consumer price index will be ignored and provides that beginning in 1985 the standard deduction will be indexed.

The act reduces the property tax and rent credit, which is subtracted from income tax liability, from 12% to 10% and makes that percentage apply only to taxes and rent paid on principal dwellings.

The act disallows accelerated depreciation on property located outside this state.

The act replaces the tax on the value of the property of light, heat and power companies with a tax on their gross revenues, and the act changes the payment schedule for the tax on certain utilities.

The act increases the rates for the motor fuel and special fuel taxes from 13 cents per gallon to 15 cents per gallon on August 1, 1983, and to 16 cents per gallon on July 1, 1984. The act also provides that annually on April 1, beginning in 1985, those rates will be indexed.

**Act 194** (*AB-1152*) increases the gift tax and inheritance tax exemptions for children, grandchildren, parents, grandparents, sons-in-law and daughters-in-law from \$10,000 to \$25,000 immediately and to \$50,000 on July 1, 1985, and increases the annual gift tax exemption from \$3,000 to \$10,000.

**Act 212** (*SB-663*) provides that the individual and corporate surtaxes imposed in *Act 27* will not be imposed for 1984 or thereafter. The act also makes various changes in the homestead credit program that increase payments to claimants, including a one-time payment equal to 25% of the 1984 credit.

### Transportation

**Act 27** (*SB-83*) establishes a 9-member Transportation Projects Commission to review major highway development projects proposed by DOT prior to construction. The commission consists of the Governor, 2 citizen members, 3 Senators and 3 Representatives to the Assembly. The 2 major political parties in each house must be represented in the membership. The commission reports its recommendations on projects to the Governor and the Legislature early in the biennial budget process. The act also directs the commission to develop a new major highway projects definition for use in future planning; the current definition covers the continuous relocation of a highway segment 2.5 miles or more in length, addition of traffic lanes 2.5 miles or more in length, or unusually high cost. The act permits DOT to proceed with construction of 12 major highway projects during the 1983-85 biennium and requires that all future major highway projects be submitted to the commission for its report and recommendations and enumerated in the statutes prior to construction.

**Act 78** (*SB-321*) brings Wisconsin law into compliance with provisions of the federal Surface Transportation Assistance Act of 1982 and the U.S. Department of Transportation appropriations bill on state regulation of truck size. The act increases the maximum vehicle width limit from 8 feet to 8 feet 6 inches unless the Secretary of DOT posts other width restrictions on particular highways or bridges for safety reasons. The act also makes the following changes in vehicle length limits:

1. Removes overall length limits on tractor-semitrailer combinations, including auto-carriers and double bottoms (combinations of a tractor and 2 semitrailers or a tractor, semitrailer and trailer)

operated on the interstate or other highways designated by the U.S. Secretary of Transportation. The act establishes a 66-foot length limit for auto-carriers and a 60-foot overall length limit for other combinations of 2 vehicles on other highways.

2. Eliminates Wisconsin's previous 40-foot length limit for truck tractors or road tractors operated in combination with a semitrailer or as part of a double bottom on designated highways and establishes a maximum length of 28 feet 6 inches for trailers or semitrailers operated as part of a double bottom on designated highways.

3. Allows double bottom vehicles to operate without a permit and with no overall length limits on designated highways. Double bottom milk trucks up to 60 feet long may be operated on other highways.

### **Trusts and Estates; Probate**

**Act 376 (AB-893)** creates and provides forms for 2 types of wills: the Wisconsin basic will and the Wisconsin basic will with trust. A person may execute a will by filling in the applicable blanks, boxes or lines in the basic will or the basic will with trust, signing the will and having it properly witnessed.

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## **MAJOR PROPOSALS THAT FAILED TO PASS**

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### **Beverages**

*Senate Bill 2 and Assembly Bill 875* would have raised the legal drinking age for a resident of a state bordering Wisconsin to the legal drinking age in the person's state of residence.

### **Business and Consumer Law**

*Assembly Bill 951* would have extended the limits on interest rates applicable to consumer loans. Under existing law, most interest rates will be deregulated from November 1, 1984, through October 31, 1987.

*Assembly Bill 1086 and Senate Bill 610* would have revised the laws regulating the organization and operations of cooperative associations.

### **Correctional System**

*Assembly Bill 320* would have created a separate Department of Corrections.

### **Crimes**

*Senate Bills 114 and 256* would have revised the state's obscenity law that was held invalid by the Wisconsin Supreme Court.

### **Domestic Relations**

*Senate Bill 353* would have changed the child custody and visitation laws to make joint custody more common.

### **Education**

*Assembly Bills 62, 208 and 361 and Senate Bill 653* would have prohibited the UW System, the VTAE schools or the public elementary and secondary schools from beginning the fall semester until after Labor Day.

### **Elections**

*Assembly Bill 69 and Senate Bill 681* proposed to make numerous changes in the campaign finance law.

*Assembly Bill 360 and Senate Bill 201* proposed to permit political parties to request a separate presidential primary for delegate selection purposes.

*Assembly Bill 868* proposed to create a fund to provide state grants for congressional campaigns.

### **Employment**

*Assembly Bill 76 and Senate Bill 55* proposed to cover UW graduate student assistants under the state employment labor relations act.

*Assembly Bill 282 and Senate Bill 174* proposed to cover UW faculty and academic staff under the state employment labor relations act.

### **Environment**

*Assembly Bill 706* proposed revisions to the septic tank replacement and rehabilitation program, including replacing the priority system for allocating grants with an allocation system.

*Assembly Bill 840* would have required a deposit on beverage containers for beer and soda sold in this state in glass, plastic and metal containers.

### **Financial Institutions**

*Assembly Bill 800 and Senate Bill 534* would have authorized certain interstate acquisitions of banks and bank holding companies.

### **Health**

*Assembly Bill 148* would have prohibited abortions in hospitals or other facilities owned by any governmental unit unless it was the only means available to prevent the death of the pregnant woman and if every reasonable effort was made to preserve the life and health of both the pregnant woman and the fetus.

### **Insurance**

*Assembly Bill 815 and Senate Bills 471 and 634* would have required health insurance plans, including health maintenance and preferred provider plans, to permit dentists, optometrists, pharmacists and podiatrists to participate in the plans under certain circumstances.

*Assembly Bill 824 and Senate Bill 415* would have required health insurance plans, including health maintenance and preferred provider plans, to permit chiropractors to participate in the plans under certain circumstances.

*Assembly Bill 903 and Senate Bill 507* would have imposed regulation by the Commissioner of Insurance on health care coverage plan administrators and principals.

### **Local law**

*Senate Bill 462* would have created a state Boundary Review Board in DOD and a boundary review board in each county and would have made various changes in annexation and incorporation procedures.

*Assembly Bill 577* would have prohibited counties, cities, villages, towns and public school districts from requiring their employes to be residents.

### Natural Resources

*Senate Bill 546* would have revised laws related to commercial fishing and fish dealers.

*Assembly Bill 545* proposed a comprehensive system for the registration and regulation of all-terrain vehicles.

### Public Utilities

*Oct. 1983 Spec. Sess. Senate Bill 5* would have substantially affected PSC authority to regulate the formation and operation of public utility holding companies.

### Shared Revenue

*Assembly Bill 1160* would have established a fund to supplement the WSPTR program from the cash balance of general revenues at the end of each biennium, less a one percent contingency reserve amount.

### State Government

*Assembly Bill 837 and Senate Bill 487* proposed to make numerous changes in the law regulating the practice of lobbying.

*Assembly Bill 980* proposed to create a state economic stabilization fund with moneys reserved for use during periods of reduced state revenues.

*Assembly Bill 1146* would have substantially rewritten state vital statistics laws.

### Taxation

*Senate Bills 664, 674, 702 and 710* would have revised the rates and brackets for the income and franchise taxes.

*Assembly Bills 11, 684, 763 and 1021 and Senate Bills 64, 186, 469 and 674* would have discontinued the inheritance and gift taxes.

### Transportation

*Senate Bill 180* would have required a reduction in the amount of salt applied to highways during the winter driving period.

*Senate Bill 327* would have required resident owners and operators of motor vehicles to either carry motor vehicle liability insurance or provide a bond to assure financial responsibility for the operation of a motor vehicle.

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## SUMMARY OF PROPOSALS PASSED BY THE 1983 LEGISLATURE

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### Agriculture

**Act 14** (*SB-102*) permits the manufacture or sale of bread for persons requiring special breads due to a medical condition to be excepted from the requirement that the weight of a loaf of bread manufactured or sold in Wisconsin be one-half pound, one pound, 1-1/2 pounds or multiples of one pound. See *Act 329*, which changes the standard weights for loaves of bread.

**Act 27** (*SB-83*) requires DATCP to develop and submit to the Governor and JCF an erosion control cost-share allocation plan prior to the release of cost-share funding.

The act enables state aids to be paid to counties for costs incurred in revising their farmland preservation plans. The act permits existing tax credit liens to be discharged for land after the expiration of a farmland preservation agreement if the land is zoned for exclusive agricultural use before January 1, 1983 (see also *Act 311*). Under the act, counties and municipalities may require persons claiming farmland preservation tax credit for land under exclusive agricultural use zoning to operate the farm in accordance with soil and water conservation standards established by the county board conservation committee.

The act establishes a program regulating cultivated ginseng. The act requires annual registration by growers and dealers and specifies that all sales of cultivated ginseng and purchases of ginseng grown outside of Wisconsin, with certain exceptions, require a shipment certificate (see also *Act 462*).

The act creates an animal waste water pollution grant program in DATCP, under which grant funds are allocated by a participating county to fund up to 70% of the animal waste treatment storage facilities or runoff control structures. To participate, a county must adopt an ordinance requiring standards for earthen manure storage facilities and submit a plan to DATCP identifying waste water pollution problems in the county.

**Act 62 (AB-162)** permits a wholesaler of dairy products to give or make available to a retailer anything which may encourage the retailer to purchase, sell or promote the wholesaler's products, as long as the wholesaler acts similarly toward all other retailers.

The act provides that if a dairy products wholesaler offers or makes available services and facilities to a retailer, a competing wholesaler may engage in "good faith meeting of competition" by offering similar services and facilities.

The act enables DATCP to issue rules to administer and enforce laws governing unfair dairy industry trade practices. The act also enables DATCP to set standards for nondiscriminatory promotional assistance and for the good faith meeting of competition.

**Act 92 (Oct. 1983 Spec. Sess. AB-7)** changes several laws relating to agricultural products, as follows:

1. The act creates an exemption from garnishment if the debt a first party is seeking to recover is in turn owed to a 2nd party by a 3rd and constitutes proceeds from the sale of agricultural products. The act exempts 60% of the amount and requires that up to \$500, plus an additional \$50 for each dependent, must be paid to the 2nd party as a subsistence allowance for each 30-day period of payment.

2. The act requires DOD to distribute, without charge, donated cheese in packages of one ounce or less at the tourist information centers operated by DOD, except the center located in Madison.

3. The act requires DOT to place signs in prominent locations near highways displaying a slogan or logo developed by DATCP to promote Wisconsin agricultural products.

4. The act requires DATCP to permit all products and commodities produced or manufactured in Wisconsin and meeting grade or quality standards established by DATCP to be included in DATCP's "Something Special from Wisconsin" promotional campaign.

5. The act requires DOA to write specifications to permit purchase of farm products from institutions of this state which produce them.

**Act 111 (AB-261)** increases the penalties for violating the animal health laws and subjects livestock dealers, truckers, markets and livestock slaughterers to these penalties.

**Act 115 (AB-459)** increases DATCP's regulation and licensing authority to include grease processors, establishes fees for annual licensing and inspection of grease processors, sets requirements for locating a grease processing plant and requires annual plant inspection.

**Act 127 (AB-268)** revises laws restricting the sale or movement of bovine animals which test positive for brucellosis to cover cattle or American bison born after July 1, 1984, and expands the conditions under which animals are excepted from these restrictions. The act repeals laws prohibiting a person leasing a farm to another from commingling his or her bovine animals with those of the tenant.

**Act 131 (AB-398)** authorizes DATCP to license persons who grade butter and cheese, to establish standards of competence and requirements for actions by persons so licensed, and to deny, suspend or revoke such licenses. The act requires DATCP to set forth standards for grades of cheese manufactured in Wisconsin. Graded cheese must be labeled to indicate the grade of the cheese and the license number of the cheese grader. The act establishes other labeling requirements for cheese to indicate the type of cheese it is and where and when it was manufactured.

**Act 132 (AB-453)** creates a control and indemnification program for swine pseudorabies, under which DATCP must obtain and test swine to detect pseudorabies. DATCP may order infected or exposed swine to be quarantined or destroyed and must pay the owner a set amount for swine which are destroyed.

**Act 261 (AB-399)** changes several laws governing the handling and sale of food and adds significantly to the authority of DATCP for enforcement of those laws (see *HIGHLIGHTS*).

**Act 284 (AB-721)** permits a person who produces and sells grain or buys grain for his or her use to register as a grain dealer.

**Act 311 (AB-1130)** modifies several laws relating to farmland preservation agreements and exclusive agricultural use zoning. The act:

1. Specifies that a unit of government which initiates rezoning of land formerly zoned for exclusive agricultural use is liable for a lien of the tax credits paid.
2. Exempts from special assessments land zoned for exclusive agricultural use and also exempts dwellings and nonfarm structures on zoned land or land under an agreement.
3. Permits existing tax credit liens to be discharged when farmland under an agreement is zoned for exclusive agricultural use. (*Act 27* permits tax credit lien discharge for land formerly under a farmland preservation agreement and zoned for exclusive agricultural use before January 1, 1983.)
4. Permits a structure or improvement made as part of a lease for oil or natural gas exploration to be allowable within the standard for agricultural use for agreements and zoning.
5. Expands the power of an incorporated municipality to review applications for agreements and relinquishments of land under agreement within its boundaries.
6. Permits both the seller and buyer of land under an agreement or zoned to claim a share of the tax credit based on the period of ownership in the sale year.

**Act 318 (SB-275)** increases to 1-1/4 cent per ton the tonnage fee on liming materials sold in Wisconsin. The fees, paid to DATCP, are used to fund research on liming materials and crop response to the materials.

**Act 329 (AB-212)** changes the standard weights for loaves of bread to require that the weight of a loaf of bread manufactured or sold in Wisconsin be a multiple of 4 ounces, and at least one-half pound (see also *Act 14*, which expands the exceptions to this requirement).

**Act 361 (AB-776)** increases to \$600 the total amount of indemnity which may be paid to the owner of an animal condemned and slaughtered under the tuberculosis control program.

**Act 367 (AB-1058)** expands former limitations on container sizes for ice cream, ice milk, water ices and other frozen desserts.

**Act 451 (SB-391)** changes several of the laws governing dogs (see *HIGHLIGHTS*).

**Act 462 (SB-639)** changes laws created in *Act 27* regulating commerce in cultivated ginseng. The act requires that the shipment certificate or written record kept for sales or shipments of cultivated ginseng or the certificate accompanying imported ginseng specify the year of the ginseng harvest.

**Act 500 (AB-727)** changes the basis for determining license fees for cold storage warehouses, increases the license fee and doubles the bonding requirements for public storage warehouse keepers and increases forfeitures for warehouse law violations. A public warehouse keeper must disclose limitations of bonding or insurance coverage to a property owner executing a contract for storage. The act requires DATCP to review license applications, enforce the disclosures on liability limitations and perform inspections of warehouses.

**Act 536 (AB-391)** expands the content requirements for milk sold in final package form and specifies requirements for the amounts of milk fat and milk solids that are not fat which lowfat milk and skim milk must contain. The act takes effect on the first day of the 3rd month following certification by the Governor that all states bordering Wisconsin have identical milk content requirements in effect.

### **Beverages**

**Act 26 (SB-81)** permits a beer or liquor wholesaler, despite the restrictions on dealings between wholesalers and retailers, to have an interest in a corporation that owns and operates a golf course and leases premises on the golf course to a retailer, if both the wholesale and retail licenses were issued before June 1, 1981.

**Act 27 (SB-83)** revises the residency requirement for obtaining an alcohol beverage manager's license. It provides that a license may be issued only to an applicant who is a state resident at the time of issuance.

The act permits the issuance of a retail Class "B" (beer bar) license to a restaurant whether or not the restaurant is part of or located in a mercantile establishment.

The act authorizes 2 additional above-quota "Class B" (intoxicating liquor bar) licenses, permitting a town to issue licenses to an outdoor theater operated by a professional repertory theater company and to a conference center and restaurant used by the staff and patrons of a professional repertory theater company.

The act raises the annual fee for an out-of-state shipper's permit from \$50 to \$250.

**Act 65 (AB-210)** allows county registers of deeds to issue official identification cards with either a black and white or a colored photograph of the holder.

**Act 67 (AB-246)** establishes the conditions under which a brewer or beer wholesaler may sell dispensing equipment and maintenance services to fermented malt beverage retailers.

**Act 68 (AB-247)** provides that a brewer or beer wholesaler may give a retailer signs, clocks and menu boards for placement inside the retail premises, if the aggregate value does not exceed \$150 per year. The act also permits brewers and wholesalers to give or sell certain other specified items to retailers.

**Act 69 (AB-286)** permits an intoxicating liquor manufacturer, rectifier or wholesaler to provide wine lists or wine menus to retailers.

**Act 72 (AB-355)** repeals the requirement that an applicant for an alcohol beverage license or permit must present proof of application for a federal special tax stamp before DOR or a municipality may issue the license or permit.

**Act 74 (AB-260)** raises the legal drinking age in Wisconsin from 18 to 19 and makes various other changes in the laws relating to the use of alcohol beverages by underage persons (see *HIGHLIGHTS*).

**Act 182 (AB-521)** permits brewers, wholesalers, manufacturers and rectifiers to purchase advertising for a fair consideration from a national or statewide trade association deriving its principal income from membership dues of retail licensees.

**Act 250 (AB-172)** authorizes the use of the results of either the federal decennial census or any special census conducted under contract with the U.S. Bureau of the Census in establishing a municipality's population for the purpose of determining its liquor license quota.

**Act 263 (AB-416)** permits a municipality to provide by ordinance for the issuance of a temporary provisional operator's (bartender's) license to any person who has applied for, but has not yet received, a regular operator's license.

**Act 349 (AB-565)** permits the issuance of a retail liquor license or permit to a restaurant within 300 feet of a church or school if the sale of alcohol beverages accounts for less than 50% of the restaurant's gross receipts. The act also provides that the general prohibition on issuing a license or permit to premises within 300 feet of a school, church or hospital may be waived by a majority vote of the municipal governing body.

**Act 360 (AB-766)** permits an auction house to sell a collection of sealed bottles of intoxicating liquor or unopened beer cans without obtaining a license or permit, if the sale is for the purpose of settling an estate or disposing of the collection.

**Act 452 (SB-414)** permits the retail sale of coins and stamps at a market conducted on premises licensed for the sale and on-premises consumption of beer, despite the general prohibition on the transaction of other business on licensed premises.

**Act 472 (AB-169)** creates penalties for adults who permit or encourage underage persons to violate the laws relating to alcohol beverages (see *HIGHLIGHTS*).

**Act 493 (AB-632)** permits the issuance of retail beer and liquor bar licenses and permits to persons who have been state residents for 90 days, rather than one year, prior to the date of application.

**Act 494 (AB-633)** repeals the prohibition on the issuance of any alcohol beverage license or permit to a corporation organized under the laws of Wisconsin unless the officers and directors of the corporation are Wisconsin residents.

**Act 516 (AB-896)** repeals the requirement that a city council must hold a hearing prior to the suspension or revocation of an alcohol beverage license and permits a city council to authorize a committee of the council to hold the hearing and to recommend what action should be taken by the council. If the licensee objects to the recommendation of the committee, he or she is entitled to a review by the entire council.

The act also provides that the governing body of a 1st class city may issue retail licenses and permits at any time during the year that are valid for a period of one year. Under prior law, all retail licenses in any municipality expired on June 30.

**Act 521 (AB-949)** establishes the applicability of the blood alcohol concentration provision of Act 74 (see *HIGHLIGHTS*).

### **Buildings and Safety**

**Act 94 (SB-17)** directs DILHR to prescribe and collect fees for the required inspection of amusement and thrill rides, but not of amusement attractions. Under the act, an "amusement or thrill ride" is any device that carries frequenters in an unusual, entertaining or thrilling mode of motion or any vehicle providing entertainment or transportation to, from or within an amusement area, and an "amusement attraction" is any game of skill, show or exhibition that does not

constitute an amusement or thrill ride. Under previous law, it was unclear whether DILHR had the authority to fix and collect fees for inspecting amusement attractions.

**Act 295 (AB-827)** affects the law requiring DILHR to make rules on fire detection, prevention and suppression in places of employment and public buildings. As under previous law, the rules must require places and buildings over 60 feet tall built after July 3, 1974, to contain automatic sprinkler systems. The rules governing places and buildings under 60 feet tall must be based upon but may vary from provisions in the Building Officials and Code Administrators International, Inc., building code (BOCA code) which relate to fire detection, prevention and suppression. Previous law required substantial conformity with a specified article and edition of the BOCA code.

## **Business and Consumer Law**

### **BUSINESS ASSOCIATIONS**

**Act 27 (SB-83)** imposes a one-time surcharge on the filing fee for annual reports of corporations and cooperatives, and increases filing fees for nonstock corporations to equal those for stock corporations.

**Act 134 (AB-524)** exempts corporations and cooperatives from filing and recording fees for a change of address if the change is the result of a reassignment by the U.S. postal service.

**Act 173 (AB-338)** revises the uniform limited partnership act. The act permits a limited partner's contribution to the partnership to consist of services. The consent of all partners is required for admission of new limited partners, unless the partnership agreement provides otherwise. Personal liability attaches to a limited partner who participates in the control of the business, but only as to persons who have actual knowledge of the limited partner's participation in control. Profits, losses and assets are allocated among partners on the basis of the value of each partner's contributions to the partnership, unless the partnership agreement provides otherwise. The act also authorizes limited partners to bring derivative actions on behalf of a limited partnership under certain circumstances. A limited partnership must maintain an agent in Wisconsin for service of process and an office where business records are available for inspection and copying by any partner.

The act requires limited partnership documents to be filed with the Secretary of State. The act requires that the name of a limited partnership include the phrase "limited partnership" and prohibits use of a name that is the same as, or deceptively similar to, the name of an existing corporation or limited partnership.

The act establishes time periods within which amendments to the certificate of limited partnership must be filed. A restated certificate, which incorporates previous amendments and may incorporate additional amendments, may be filed to supersede the original certificate as amended. A limited partnership must file a certificate of cancellation upon commencement of winding up the partnership.

The act requires foreign limited partnerships to register with the Secretary of State. The laws of the state where the partnership was organized govern its organization and internal affairs and the liability of its limited partners.

**Act 200 (SB-301)** expands the scope of the corporate take-over law to include banks, savings and loan associations, trust companies, credit unions and other savings institutions. The act requires registration of a take-over offer if a target company is not subject to federal take-over regulation under the federal Securities Exchange Act, has at least 51% of certain securities held by Wisconsin residents, or has at least 33% of certain securities held by Wisconsin residents if the company has its principal office in Wisconsin and if its business has a substantial economic impact in Wisconsin. The act eliminates the prohibition against making a take-over offer outside of Wisconsin without also making the offer to security holders in Wisconsin. The act applies minimum terms and

conditions of take-over offers dealing with offeree withdrawal and proration rights only to take-over offers that are subject to registration in Wisconsin.

The act prohibits a person who makes an offer to purchase or purchases more than 10% of any outstanding securities of an issuer from making false or misleading statements and from engaging in fraudulent or manipulative practices.

The act establishes procedures regulating control share acquisitions (acquisitions of shares resulting in substantially greater control of voting power in the election of directors of certain Wisconsin corporations).

The act also establishes special voting requirements for shareholder approval of business combinations (mergers, consolidations or sales, leases, exchanges or dispositions of all or substantially all of the assets of a corporation) and exceptions to these requirements.

The act exempts shares quoted on the National Association of Securities Dealers, Inc., Automated Quotations Systems from provisions requiring a corporation to purchase at fair market value the shares of a shareholder who objects to certain transactions (other than business combinations) affecting all or substantially all of the property and assets of the corporation.

**Act 242 (SB-587)** permits fire fighters' associations to establish in their bylaws the length of the terms of their officers. If they do not do so, the terms are one year. Former law provided that all terms were one year.

**Act 340 (AB-433)** creates statutory provisions applicable to close corporations. A close corporation is a business corporation that has 50 or fewer shareholders and that has expressly elected in its articles of incorporation to become a close corporation or has elected by two-thirds vote of each class of shares to amend its articles to become a close corporation. A corporation may terminate its status as a close corporation by a two-thirds vote to amend its articles. The act also requires a two-thirds vote of each class of shares to approve a plan of merger, consolidation or exchange of shares that would result in terminating close corporation status.

The act permits consideration for shares of a close corporation to consist, in whole or in part, of money, property, labor or future obligations. The act establishes restrictions on transfer of shares that apply unless the articles of incorporation provide otherwise.

The act requires notice on each share certificate of restrictions on transfer of shares. In the absence of this notice, the act binds persons having knowledge of documents restricting transfers and binds 3rd parties claiming through persons with knowledge. With certain specified exceptions, transfers in violation of restrictions are void.

The act establishes guaranteed buy-out provisions permitting the personal representative of a deceased shareholder to require the corporation to purchase all shares of the deceased shareholder, or to require the corporation to dissolve, subject to certain conditions.

Shareholders who do not vote in favor of amending the articles to become a close corporation, to terminate close corporation status, to apply buy-out provisions, to approve a plan of merger or consolidation or for disposition of all or substantially all assets of the close corporation are entitled to receive the fair value of their shares.

A close corporation may provide in its articles that any shareholder or group of shareholders may dissolve the corporation upon the occurrence of a specified event. The act authorizes shareholders, beneficial owners of shares held by a nominee and holders of voting trust certificates to seek court relief based upon actions of the directors or a deadlock respecting the management of the corporation or because conditions exist that are grounds for involuntary dissolution of the corporation.

The act authorizes shareholders of a close corporation, by unanimous action, to enter into written agreements to regulate the business of the corporation and their relationships with each other. The

act also authorizes shareholders to execute irrevocable proxies for a specified period of time or until the happening of certain events specified in the proxy agreement or the act.

The act permits a close corporation to elect in its articles to operate without a board of directors or to amend its articles by unanimous vote to so operate. The shareholders then assume the powers and duties of directors. The act provides that close corporations need not hold annual meetings and that failure to observe usual corporate formalities is not grounds for imposing personal liability.

**Act 475 (AB-283)** requires a nonstock corporation to file an annual report together with a \$5 filing fee with the Secretary of State. A corporation that fails to timely file an annual report is not in good standing and must file its report together with late fees in order to be restored to good standing. A corporation failing to file annual reports for 5 consecutive years is subject to involuntary dissolution by the Secretary of State. The Secretary of State must rescind the involuntary dissolution of the corporation if the corporation files affidavits stating it did not receive any notice of its delinquency and pays a \$50 fee. The act also permits the Secretary of State involuntarily to dissolve a nonstock corporation that has never designated a registered agent or that has failed to replace a registered agent.

**Act 505 (AB-825)** requires the Secretary of State to rescind the dissolution of a stock corporation or cooperative involuntarily dissolved for failure to file an annual report for 3 consecutive years if the corporation or cooperative files affidavits stating it did not receive any notice of its delinquency and pays a \$100 fee. The act also authorizes a stock corporation to bring an action against the Secretary of State if the Secretary of State has involuntarily dissolved the corporation.

#### CONSUMER TRANSACTIONS

**Act 48 (AB-16)** permits a consumer to obtain a replacement or a refund for a defective motor vehicle under certain circumstances (see *HIGHLIGHTS*).

**Act 60 (AB-133)** removes the restrictions of former law that prohibited jewelry auction sales between 6 p.m. on any day and 8 a.m. the following day and at any time from December 1 to December 25.

**Act 232 (SB-347)** clarifies the provisions requiring a lender to give notice at least 30 days before a change that increases periodic payments on a variable rate mortgage loan and not later than 15 days after any other change.

**Act 251 (AB-174)** prohibits the sale of motor fuel or fuel oil from a terminal or storage facility on any basis other than gross volume without correction for temperature.

**Act 324 (SB-519)** prohibits the use of the direct molding process to duplicate for sale, and prohibits the sale of, a manufactured vessel hull or component part of a vessel made by another person without the written permission of the other person.

**Act 385 (SB-706)** requires finance companies to obtain licenses from the Commissioner of Banking if they charge a rate of interest on loans greater than 18% per year from November 1, 1984, to October 31, 1987. The act extends the prohibition of current law on the use of the "rule of 78" method to determine the refund of unearned interest upon prepayment of certain finance company loans of 49 months or more during the 3-year period. The act also extends the prohibition on the use of the "rule of 78" to all finance company loans of 49 months or more.

**Act 389 (AB-1084)** authorizes and regulates variable rate consumer credit transactions, extends the limit on finance charges for open end credit and revises collateral, pleading and venue provisions for consumer credit transactions.

The act provides that the rate of finance charge for a consumer credit transaction may be adjusted based upon changes in an independent index approved by the Commissioner of Banking, based

upon changes in another index or based upon an escalator clause. If the variable rate transaction is based upon an approved index, the document evidencing the transaction must specify the method of determining approved index values, the relationship between these values and adjustments in the rate of finance charge and the frequency and method of implementing the adjustments. The document may limit decreases in the rate, but, if it does so, must limit increases at least as much.

If the variable rate transaction is based upon another index or an escalator clause, the document evidencing the transaction must contain similar provisions. However, adjustments for these transactions are prohibited during the first 3 months, and increases for every 12-month period are limited to 2% plus a carry-over from any increase not implemented during a previous 12-month period of not more than one percent.

Maximum rates of finance charge are the same as those for other consumer credit transactions. No maximum rates apply to any closed end consumer credit transactions from November 1, 1984, through October 31, 1987, nor to any open end credit transactions from August 1, 1985, through October 31, 1987. The act generally requires prior notice to a customer of any adjustments. If a customer prepays the unpaid balance of a variable rate transaction, the creditor must rebate any unearned finance charge.

The act extends the limit on the rate of finance charge for all consumer credit transactions under open end credit plans, primarily merchant credit cards, until August 1, 1985, and reimposes the limit again as of November 1, 1987. Former law limited the rate only until November 1, 1984, and also reimposed the limit as of November 1, 1987. This limit is generally 18% per year.

The act establishes a creditor's right, under any consumer credit transaction, to recover expenses for storing and transporting certain forms of collateral, including motor vehicles, boats and mobile homes. The act also establishes the order in which the proceeds of collateral are to be applied to expenses.

The act establishes the requirements for pleadings by a creditor in an action arising from a consumer credit transaction and establishes requirements for the proper place of trial (venue) for all consumer credit transactions.

Finally, the act elects to reject certain provisions of federal law inconsistent with provisions of the Wisconsin consumer act and exempts loans made by mail from provisions regulating consumer approval transactions.

**Act 406 (SB-299)** eliminates the prohibition on redemption of trading stamps on the resale of goods if the sale price minus the redemption value was less than the minimum price established by the producer of the goods. The act also grants the holder of the trading stamps the right to redeem them for cash or merchandise, at the holder's option.

**Act 428 (SB-255)** establishes new protections for consumers of motor vehicle rustproofing services as follows:

1. Rustproofing warranties must be in writing and must state the duration of the warranty and any condition which limits the consumer's rights under the warranty.
2. A rustproofing warranty may not limit the number of claims made under the warranty or limit the liability of the person giving the warranty (warrantor) for misapplying the rustproofing product. The transferability of a warranty may not be limited during the term of the warranty.
3. Untrue, deceptive or misleading warranty advertisements are prohibited.
4. If a claim is filed under a warranty and the consumer makes the vehicle available to the warrantor for inspection, the warrantor must inspect the vehicle within 30 days after receiving the claim and must notify the consumer in writing within 30 business days after inspecting the vehicle whether the claim will be allowed or denied.

5. Warranties must be insured for the full amount of any claim payable under the warranty, and in case of the bankruptcy or insolvency of the warrantor, the consumer may file a claim under the warranty directly with the insurer.

6. A consumer may sue a warrantor or its insurer or both to recover damages if injured by a breach of a rustproofing contract.

**Act 466 (SB-689)** repeals the prohibition of former law against deducting advertising, display or certain promotional allowances from cost for purposes of determining the legal price under the unfair sales act.

#### ECONOMIC DEVELOPMENT AND INVESTMENT

**Act 27 (SB-83)** makes several changes in the laws relating to economic development and investment. The act:

1. Creates a Technology Development Board attached to DOD and provides funds for technology development grants. The board may award grants to consortia of Wisconsin businesses and higher educational institutions to support research for new or improved industrial products or processes. Businesses must contribute 20% to 90% of the budget for a research project awarded a grant. The board may also make grants to the UW System to disseminate information or provide services to businesses.

2. Directs DOD to provide \$25,000 to match private funding for an independent study of Wisconsin's business climate.

3. Establishes a specific standard of responsibility for the Investment Board, based on the following criteria: investment according to a prudent person standard, diversification of investments to minimize risk and administration of trusts and funds solely to fulfill their purposes. The act also authorizes the board to invest in certificates of deposit, of at least \$100,000, issued by solvent financial institutions in Wisconsin.

**Acts 81 and 83 (AB-451 and Oct. 1983 Spec. Sess. AB-6)** authorize WHEDA to issue \$50,000,000 in bonds and notes to fund loans to finance sales of Wisconsin exports and \$95,000,000 in bonds and notes to fund loans to finance economic development projects in Wisconsin (see *HIGHLIGHTS*).

**Act 84 (Oct. 1983 Spec. Sess. SB-2)** creates an economic adjustment program within DOD to provide assistance to businesses or their employees or former employees. This assistance may be for the purpose of avoiding the closing of a business or layoffs, for retraining or skill matching for employees or for purchasing a business which is ceasing operations.

The act also creates a Council for Economic Adjustment within DOD and permits executive officers of municipalities, after consultation with the affected business, to create community response committees. The council and committees advise and assist DOD in administering the program. The council includes representatives from business, labor, the UW System, the VTAE system, GETO, DILHR and DOD. The committees include representatives from educational and governmental agencies in the locality where the business which is closing or laying off employees is located, as well as representatives from the business and its employees or former employees.

**Act 86 (Oct. 1983 Spec. Sess. SB-4)** directs DOD to implement a plan to promote Wisconsin exports and foreign investment in Wisconsin (see *HIGHLIGHTS*).

**Act 142 (SB-160)** requires the Investment Board to include a discussion of the amounts and categories of investments made within Wisconsin in its annual report and to make the report available to the Governor and the Legislature.

**Act 184 (AB-405)** permits cities, villages and towns to create business improvement districts to allow businesses within the districts to develop, manage and promote the districts.

A municipality's planning commission designates the boundaries and adopts an operating plan for a proposed district. The operating plan must include the special assessment method to be applied to commercial property within the district and proposed expenditures and methods of financing expenditures for the district. An owner of real property used for commercial purposes within the proposed district must petition the municipality for creation of the district. The planning commission must hold a public hearing on the proposed district.

A municipality may not create a district if the owners of more than 40% of the property to be specially assessed under the operating plan file a petition with the planning commission within 30 days after the public hearing.

Approval of the operating plan by the municipality's local legislative body is required for creation of a district. If a district is created, the chief executive officer of the municipality appoints a board to implement the operating plan. The board prepares annual reports on the district, which must include independent certified audits of the operating plan.

A municipality may terminate a business improvement district at any time. The act also provides a procedure for termination of a district, no earlier than one year after its creation, if requested by the owners of more than 50% of the property that is specially assessed under the operating plan. Upon termination of the district, the municipality must obtain an independent certified audit, and all remaining moneys collected by special assessment must be returned to the owners of specially assessed property.

**Act 381 (AB-1103)** provides funds to DOD for aids to Forward Wisconsin, Inc., to be used for advertising promotion for economic development in Wisconsin. The funds may not be released until DOD submits a plan to JCF specifying how the funds will be used, and JCF approves the plan. JCF may approve release of funds equal to no more than the amount of private contributions received by Forward Wisconsin prior to submittal of the plan.

DOD must submit to the Legislature an annual report stating the increase in jobs resulting from funding provided Forward Wisconsin under the act. The act also directs the Legislative Audit Bureau to perform audits of all nonprofit corporations specifically funded by state appropriation, including Forward Wisconsin.

**Act 387 (AB-845)** directs the Council on Economic Adjustment in DOD, the UW Small Business Development Center and the state VTAE Board to distribute information about and promote the establishment of employe-owned businesses.

#### OTHER BUSINESS AND CONSUMER LAW

**Act 27 (SB-83)** makes numerous changes relating to business and consumer law. The act:

1. Increases annual license fees for broker-dealers, investment advisers and securities agents, and increases filing fees for the registration of securities. The act imposes an additional annual fee of \$150 to \$1,500 on investment companies offering an indefinite amount of redeemable securities. The act also eliminates the authority of the Commissioner of Securities to prohibit unfair or inequitable sales if all relevant information is disclosed, and the sale is to a person with a gross income of at least \$30,000 and a net worth of at least \$30,000, or to a person with a net worth of at least \$75,000, or to a retirement plan of such persons. (See also *Act 87*.)

2. Requires state agencies utilizing land under the jurisdiction of the Building Commission, as well as DNR and DOT, to submit inventories of surplus land to the commission and JCF every 2 years. The commission must submit annual reports to JCF containing an inventory of the land and whether parcels will be sold or transferred to other state agencies. The act also subjects sales or transfers by the commission of parcels having a fair market value of at least \$20,000 to review and approval by JCF.

3. Authorizes DOA to take bids on nonhighway construction projects on a single or multiple division of work basis. The act also provides that the state is not liable to a prime contractor for delay caused by another prime contractor if the state makes reasonable efforts to enforce contract compliance by the delaying prime contractor.

4. Applies the same prevailing wage rate requirements, based upon estimated cost of project completion, to state building program projects as apply to local government projects.

5. Eliminates state funding for the Community Development Finance Authority.

6. Eliminates the housing development fund which provided funding for grants to local governments and private nonprofit agencies for housing.

**Act 82** (*Oct. 1983 Spec. Sess. SB-1*) extends and increases the bonding authorization to WHEDA for the homeownership mortgage loan program. The act increases the bonding limit for 1983 from \$150,000,000, minus up to \$50,000,000 in bonding for the veterans housing loan program, to \$185,000,000, minus up to \$50,000,000 for the veterans program. The act extends the bonding authorization through the end of 1986 with a bonding limit in each year of the extension of \$190,000,000, minus up to \$20,000,000 in bonding for local government housing programs. The act prohibits issuance of bonds or notes, except to refund outstanding bonds and notes, after December 31, 1986.

**Act 87** (*Oct. 1983 Spec. Sess. AB-1*) exempts offers and sales of securities to 15 or fewer persons from registration if certain conditions are met. The act replaces the provisions created by *Act 27* that exempted an offer or sale to 35 or fewer persons.

The act also creates a new exemption for offers and sales of securities if they are based upon certain exemptions contained in federal law and if certain other conditions are met.

**Act 91** (*Oct. 1983 Spec. Sess. AB-5*) creates a Permit Information Center in DOD to advise and assist businesses in obtaining necessary permits (see *HIGHLIGHTS*).

**Act 196** (*AB-284*) authorizes the Board of Commissioners of Public Lands to lend state trust fund moneys to public inland lake protection and rehabilitation districts. Former law authorized lending only to municipalities, school districts and vocational, technical and adult education districts.

**Act 216** (*SB-121*) makes several changes in securities, corporate take-over and franchise investment laws. The act expands the definition of an investment advisor, subject to regulation by the Commissioner of Securities, to include those who advise others regarding securities by electronic means. The act treats a brokered securities transaction effected by a security broker-dealer or agent as a sale or purchase of a security. The act authorizes the commissioner to extend the duration of securities licenses.

The act permits enforcement action against a securities agent who fails to properly supervise other agents on behalf of a broker-dealer. The act eliminates the alternative time limit for bringing an action arising from an unlawful sale of a security, including a sale resulting from a take-over offer, or of a franchise, of one year from the discovery of the violation. The act retains a 3-year limit, dating from the occurrence of the violation.

The act exempts industrial revenue bonds from registration if the bond issue is subject to an irrevocable letter of credit from a bank or savings and loan association that provides for payment of all principal and interest. The act eliminates the exemption from registration of securities of an issuer that are of senior or equal rank to securities that are listed on a national securities exchange. The act limits the exemption for commodity futures contracts to those traded or executed on a contract market designated by the federal commodity futures trading commission.

**Act 446** (*SB-170*) regulates the sale, use, storage and manufacture of fireworks. The act defines fireworks and prohibits their sale except to municipalities, for purposes in accordance with rules of DILHR or DNR, for use in manufacturing or education, as permitted under federal law and if the

sales are by Wisconsin wholesalers for shipment in sealed opaque containers outside of Wisconsin. Also excepted from the prohibition on the sale of fireworks are sales to persons who obtain permits as provided in the act.

The act prohibits the possession or use of fireworks by any person who has not obtained a permit from the municipality where the fireworks will be used. Permits may be issued only to public authorities, fair associations, amusement parks, park boards, civic organizations, groups of individuals and agricultural producers for crop protection. Permits may not be issued to minors. The act makes parents liable for damages caused by a minor's use of fireworks. The municipality may require the permit holder to obtain a bond or insurance for payment of claims for injuries to persons or damages to property resulting from the use of fireworks.

The act also prohibits storage of fireworks in premises without fire extinguishers and within 50 feet of a dwelling or a place where volatile liquid is sold, and prohibits smoking where fireworks are stored. A person storing fireworks must notify a local fire official of the location of the fireworks.

The act permits a municipality to define fireworks more broadly and regulate their sale or use more restrictively than does the act. The act also permits a municipality to obtain an injunction for violations of the act or of the municipality's fireworks ordinances.

The act also requires that, as of July 1, 1985, a manufacturer of fireworks and certain other devices must obtain a license from DILHR and comply with safety rules promulgated by DILHR. DILHR may inspect premises of licensees and may revoke licenses for refusal to permit inspection or for continuing violation of its rules.

**Act 454 (SB-429)** prohibits the distributor of a motion picture from licensing the motion picture for exhibition without first providing a screening of the motion picture for exhibitors. The act also prohibits a distributor from requiring a guaranteed minimum payment from an exhibitor if the licensing agreement is based upon attendance or box office receipts.

### Children

**Act 27 (SB-83)** creates a Child Abuse and Neglect Prevention Board to award grants to public and private organizations to fund programs for the prevention of child abuse and neglect. The board also monitors the services provided under the grants, recommends changes in legislation and state programs to reduce child abuse and neglect, encourages and coordinates child abuse and neglect prevention programs and provides education and information on child abuse and neglect (see also *Act 109*).

The act revises the method for making indigency determinations and determining the amount of reimbursement owed in cases where a child alleged to be delinquent or in need of protection or services is provided with legal counsel by the state or a county. The act also raises from 10% to 50% the amount of each reimbursement payment for state-provided legal services that may be retained by the county.

The act provides that a court order placing a child outside of his or her home must include a written finding that there have been reasonable efforts to prevent the removal of the child from the home and that reasonable efforts have been made to return the child to the home.

The act provides that if DHSS is appointed guardian and legal custodian of a child whose parents' rights have been terminated and there is no permanent adoptive placement for the child in progress within 2 years, the court may, upon petition by DHSS, transfer the child's custody to a county department of public welfare or social services.

The act requires DHSS to establish an adoption information exchange for the purpose of finding adoptive homes for children with special needs and permits DHSS to contract with individuals and private agencies for adoption exchange services.

The act authorizes DHSS to purchase insurance to cover damages caused by a foster child to a foster parent or a member of the foster parent's family.

The act establishes a limit on the number of children that may be kept in long-term foster care.

The act prohibits DHSS from establishing by administrative rule a limit on the amount that may be billed to a liable party (an institutionalized child or the child's parent, spouse or guardian) for the cost of the child's care and maintenance.

**Act 109 (AB-147)** establishes the membership of the Child Abuse and Neglect Prevention Board created by *Act 27*.

**Act 172 (AB-296)** repeals the requirement that DHSS maintain a central registry of reports of child abuse and neglect and clarifies the responsibilities of DHSS and county agencies for keeping child abuse and neglect records and providing access to them.

The act expands the definition of child abuse to include: 1) the sexual exploitation of a child; 2) permitting or encouraging a child to engage in prostitution; and 3) emotional damage.

The act expands the number of persons who are required to report suspected child abuse and neglect to include day care providers, alcohol and other drug abuse counselors, county agency treatment staff members, physical, occupational and speech therapists, paramedics and ambulance attendants.

The act specifies that the tribal government must be notified when suspected abuse or neglect of an American Indian child is reported.

The act revises and clarifies the procedures for investigating reports of suspected child abuse or neglect.

**Act 190 (AB-304)** provides that when a stepparent files a petition to adopt a stepchild, the court may order DHSS or a county or private child welfare agency to conduct a preliminary screening, which consists of an interview with the stepparent and a check of his or her background through public records. The court may accept the agency's report and act immediately on the adoption petition, or it may order an agency to conduct a full investigation before granting the petition.

**Act 286 (AB-761)** specifies the records that must be furnished by a court to the person or agency given guardianship of a child following a termination of parental rights (TPR) order.

**Act 299 (AB-924)** provides that the immunity from civil and criminal liability applicable to persons who participate in good faith in reporting suspected child abuse or neglect does not apply to liability for abusing or neglecting a child.

**Act 350 (AB-586)** provides that, when practicable and if requested by a child's birth parent, the child's adoptive parents must be of the same religious faith as the birth parents. The act also specifies that no one may be denied the benefits of the adoption laws because of a religious belief in the use of spiritual means for healing through prayer.

**Act 351 (AB-587)** allows a child's parent or guardian or a public or private child welfare agency to place the child in a group home for up to 15 days under a voluntary agreement without a court order. The act also requires a judge who extends an order placing a child adjudged in need of protection or services outside of his or her home to state in the record the reason for the extension.

**Act 352 (AB-613)** permits a birth parent who is a resident of a foreign jurisdiction to consent to the termination of his or her parental rights by filing an affidavit with the court, if the TPR is held prior to an adoption proceeding in which the child's stepparent is the petitioner.

**Act 399 (AB-666)** requires permanency planning for children placed outside of their homes by courts and public and private agencies. The act specifies the contents of permanency plans and requires periodic reviews of each plan.

**Act 471 (AB-150)** requires DHSS and other adoption agencies, upon request, to disclose nonidentifying social history information to adult adoptees and other adults whose parents' rights have been terminated, and to certain specified relatives of those persons, if the agency is prohibited from disclosing identifying information about the person's birth parents. The act also requires a court, at the time it enters an adoption order, to provide the adoptive parents with the child's medical and genetic record without disclosing the identity of the child's birth parents or health care providers. The act also prohibits DHSS from charging a fee for the disclosure of medical and genetic information.

**Act 487 (AB-561)** clarifies that courts exercising jurisdiction under the children's code must make available to representatives of DHSS and the federal government records needed by state and federal agencies for the purpose of monitoring and evaluating certain programs that utilize federal funds.

**Act 488 (AB-589)** provides that a child's continuing need for protection or services as the basis for an involuntary TPR may be shown by the fact that the child has been placed outside of the home for one year or longer under a court order and that the parent has substantially neglected, wilfully refused or been unable to remedy, and is not likely to remedy, the problems in the home that led to the child's removal.

The act also changes one of the standards for involuntary TPR from "repeated abuse" to "child abuse," which may be established by a showing that the parent has exhibited a pattern of behavior which is threatening to the child, and a showing either that the parent has caused death or injury to a child resulting in a felony conviction or that, on more than one occasion, a child has been adjudged to be in need of protection or services and has been removed from the parent's home due to physical or sexual abuse inflicted by the parent.

### Constitutional Amendments

**Joint Resolution 30 (Assembly Joint Resolution 33)**, proposed to the 1983 Legislature on first consideration, removes obsolete provisions of the Wisconsin Constitution regarding elections and suffrage.

**Joint Resolution 40 (Assembly Joint Resolution 9)**, proposed to the 1983 Legislature on first consideration, reinserts into the text of the Wisconsin Constitution the word "secure" in conformity with the 1776 Declaration of Independence. In the most recent amendment of the section, ratified in 1982, "serve" had been unintentionally substituted for "secure" in the phrase "to secure these rights".

**Joint Resolution 44 (Assembly Joint Resolution 61)**, proposed to the 1983 Legislature on first consideration, provides that the existing enumeration of prohibited church-state relations does not bar the administration or implementation of a federally funded education program by a governmental body solely because the program takes place on the premises of a private school. The joint resolution specifies that state law may not require a school district to administer or implement such a program and that all such programs shall be conducted by certified public employes.

### Correctional System

**Act 16 (AB-141)** changes the location for the medium security correctional institution in Milwaukee to the former site of the Trostel Tannery building. The act also requires a special environmental impact analysis for the establishment of the institution.

**Act 27 (SB-83)** makes various changes relating to corrections, including:

1. Authorizing JCF, in addition to the Legislature, to approve the transfer of more than 10 inmates from Wisconsin to any one state in any fiscal year.

2. Authorizing DHSS to enter into contracts with local governments for temporary housing in county jails or facilities of persons sentenced to imprisonment in state prisons.

3. Revising the prison industries program.

4. Revising juvenile correctional institution daily rates and making corresponding increases in funding for the youth aids program for costs counties will be charged.

5. Expanding the prison leave program to cover new reasons for allowing such leaves.

6. Directing DHSS to establish a correctional institution in Milwaukee on land located in the Menominee River Valley. The act also provides a special environmental impact analysis for any new Milwaukee prison designated by statute prior to January 1, 1985.

7. Reimbursing counties for a portion of their costs for a felon held in a county jail because of conduct which violates his or her parole or probation status but does not constitute a crime.

8. Permitting a party to a probation or parole revocation hearing to record the hearing at his or her expense. DHSS is required to make an electronic or stenographic record of each hearing, but must provide a transcript only at the request of a judge who has granted a petition for judicial review of the revocation decision.

9. Establishing a mandatory training program for future jail officers.

**Act 64 (AB-206)** revises the minimum amount of time which a prison inmate must serve before being eligible for parole. Previously, an inmate (other than an inmate serving a life sentence) had to serve one-half of the minimum term for the offense. This generally amounted to 6 months because the place-of-imprisonment statute requires a prison sentence to be for at least one year. Under the act, a prison inmate is not eligible for parole until he or she serves 25% of the actual sentence or 6 months, whichever is greater.

**Act 66 (AB-241)** revises good time formulas for state prisoners. The state's good time system provides that a prisoner earns time off from his or her sentence by conforming to prison rules. The prisoner must be paroled when he or she serves the sentence minus good time earned. Previously, prisoners earned good time at the rate of one month in their first year, 2 months in their 2nd year and so on until they earned 6 months in their 6th and each subsequent year. Under the act, state prisoners earn good time at the rate of one day for each 2 days served. The act also eliminates the procedure for special industrial good time credit.

**Act 97 (SB-395)** authorizes additional general fund supported borrowing authority to fund the construction of a correctional facility at the Menominee River Valley site (see also *Act 27*, item 6).

**Act 104 (AB-66)** expands the authority of courts to place probationers in the county jail for a period of up to one year as a condition of probation. Under the act, the court may allow the person to leave the jail for employment, educational purposes or medical treatment. The sheriff is given additional authority over these probationers to collect their wages and oversee the disbursement of the wages, and to refuse the probationer the right to leave the jail if the probationer violates a jail regulation.

**Act 110 (AB-235)** clarifies that 2 or more counties may cooperatively establish rehabilitation facilities to provide specialized programming for persons sentenced to county jail. The act also eliminates the requirement that county jails be located at the county seat.

**Act 185 (AB-193)** allows jail and prison authorities to permit male and female prisoners to eat together and to participate together in treatment and in educational, vocational, religious or athletic activities.

**Act 254 (AB-253)** authorizes counties to establish, relocate and maintain unlocked facilities for certain jail inmates (commonly referred to as Huber Facilities). In counties having a Huber Facility,

the sheriff determines which persons must be confined in a Huber Facility and which persons shall be confined in jail.

**Act 272 (AB-614)** specifies that there is a 648-bed capacity at the Green Bay Correctional Institution. The act also repeals an obsolete reference to the operation of a binder twine plant at a correctional institution.

**Act 332 (AB-233)** authorizes DHSS and counties to contract for the establishment and joint use of correctional facilities to house offenders sentenced to a prison, jail, county reforestation camp or county house of correction.

**Act 333 (AB-236)** revises purchasing procedures for the prison industries program. The act also mandates the designation of positions in prison industries in DHSS as critical positions requiring expeditious hiring.

**Act 346 (AB-548)** provides that if a court imposes a term of probation in excess of the maximum allowed by law, the excess is void and the term is valid to the maximum amount allowed. No further court proceedings are necessary.

**Act 519 (AB-926)** authorizes an increase of the maximum term of probation if there are multiple convictions at the same time. The act also revises the requirements for probationers who are seeking to have their sentence records expunged.

**Act 528 (AB-1011)** makes additional changes in good time formulas (see also *Act 64*). The act eliminates the good time earnings concept for state prisoners. Instead of earning credit for obeying prison regulations, the act creates a system of mandatory release on parole established at the point the prisoner begins to serve the sentence. A mandatory release date is established at two-thirds of the sentence. The release date may be extended for violations of prison regulations. The act eliminates certain previous distinctions regarding parolees who are revoked and are returned to prison. The act makes various other changes relating to discharge and parole. The act applies to persons who commit crimes after June 1, 1984, but other prisoners may request to be covered under the new law.

### Courts and Procedure

**Act 6 (AB-36)** makes the mandatory payment-of-judgments law applicable to sheriffs, their deputies and other subordinates.

**Act 27 (SB-83)** establishes the compensation for reserve judges at a rate of \$150 per day, reduces aid to counties for criminal trials of indigents and increases court filing fees in civil actions.

The act revises provisions relating to claims against state employes. Under the act, lawsuits commenced by counterclaim, cross-claim or 3rd-party complaint are subject to the existing 120-day notice provision. The act also specifies that the existing \$250,000 recovery limit for actions against state employes applies to lawsuits based on contribution or indemnification.

The act provides that an appellant need not file a post-conviction motion in trial court prior to an appeal if the grounds are sufficiency of the evidence or relate to issues previously raised.

The act mandates judicial training for municipal judges and makes municipal judges and municipal judge candidates subject to the code of ethics for public officials and employes.

The act provided for the attachment, effective July 1, 1984, of the Judicial Commission to the Ethics Board. The act also removed the authority for the separate executive director of the commission. *Act 378*, however, eliminates both of these changes.

**Act 107 (AB-124)** provides that municipal costs for service of process are recoverable as costs in municipal court actions. Under prior law, these costs were recoverable only if there was a direct charge for the service.

**Act 165 (SB-319)** authorizes service of process on Sundays. Previous law appeared to prohibit the issuance of citations for local ordinance and state civil forfeiture violations on Sundays.

**Act 197 (AB-115)** encourages counties to provide additional services on behalf of children who are involved in criminal proceedings as victims or witnesses. The act also authorizes courts to order the taking of a videotaped deposition of the child victim or witness if there is a substantial likelihood that the child will otherwise suffer severe emotional or mental strain. The court may allow the use of the deposition in lieu of or in addition to the direct testimony of the child.

**Act 218 (SB-148)** revises the substitution-of-judge procedure in traffic regulation cases.

**Act 219 (SB-151)** revises time limits for commencing appeals, eliminating many exceptions to the general time limit for appeals.

**Act 226 (SB-320)** replaces the former alternate-juror procedure with an additional-juror procedure. Under the act, if a judge orders that additional jurors be selected for a trial, all jurors participate until the case is submitted to the jury. At that point, if the number of jurors remains above the number needed, the judge determines by lot which jurors are to be discharged.

**Act 228 (SB-324)** revises the method for determining the proper place of trial (venue) for a lawsuit. The act also changes the procedure for changing venue and challenging improper venue.

**Act 231 (SB-331)** authorizes courts to enter a default judgment against an alleged traffic offender who fails to appear at trial after pleading not guilty. The alleged offender has 20 days to move for opening of the judgment.

**Act 256 (AB-293)** revises the method for assessing costs regarding videotape expenses in court actions.

**Act 257 (AB-295)** increases the disbursement limit to \$40 for plaintiffs in garnishment actions.

**Act 279 (AB-664)** changes the procedures for inquests and investigations of deaths. The most significant change is that inquests must be conducted by a circuit judge or a court commissioner.

**Act 302 (AB-1005)** makes various changes in court record-keeping requirements.

**Act 303 (AB-1006)** eliminates the requirement of listing a judgment debtor's occupation on the judgment docket.

**Act 304 (AB-1007)** directs the clerk or judge to record the judgment and deposit the money when a stipulation is received in certain traffic offenses. The act also lengthens certain traffic offense reporting requirements.

**Act 315 (SB-138)** raises the statutory limitation on recovery for loss of society and companionship in wrongful death actions from \$25,000 to \$50,000.

**Act 323 (SB-514)** provides 4 forms of summonses for use in civil actions.

**Act 371 (AB-173)** authorizes the Wisconsin Supreme Court to promulgate rules providing guidelines for use by judges for sentencing defendants convicted of felonies. If the Supreme Court does not progress toward promulgating these rules, the act transfers the authority to create the guidelines to a newly created Sentencing Commission.

**Act 378 (AB-975)** eliminates the attachment of the Judicial Commission to the Ethics Board and reinstates the authority for a separate executive director of the commission (see *Act 27* which revised the status of the Judicial Commission).

**Act 400 (AB-671)** makes confidential communications between a patient and a registered nurse privileged. The patient has the right to refuse to disclose and to prevent the nurse from disclosing any confidential communication between them.

**Act 418 (SB-586)** provides that a public or private property owner has no duty to inspect his or her property, to keep it safe for recreational activities or to give warning of an unsafe condition, use or activity on the property, and is not liable for injuries to or caused by a person on the property for a recreational activity. The act contains exceptions for injuries caused by a malicious act or a malicious failure to warn, for injuries occurring on property belonging to an owner who collects payments for the use of the property, for injuries to certain social guests and for injuries to employees acting within the scope of their duties.

The act also decriminalizes trespass to land, provides a civil forfeiture as a penalty for a violation and creates a citation procedure for the recovery of forfeitures.

**Act 443 (SB-37)** creates a procedure to allow a judge to give authorization for a search by telephone or similar means.

**Act 492 (AB-629)** adopts the uniform law on notarial acts. A "notarial act" is any act which a notary public is authorized to perform, such as witnessing a signature.

**Act 506 (AB-829)** adds one circuit judge in each of 6 counties, adds 2 circuit judges in Dane County and eliminates one circuit judge in Clark County. The current circuit judge of branch 1 of Circuit Court for Clark County continues to serve for the remainder of his term or until the office becomes vacant.

### Crimes

**Act 17 (AB-250)** legalizes various types of adult consensual sexual acts. Previously, homosexual and other acts of consensual sexual gratification between adults who were not married to each other were punishable as crimes. *Act 17* removes most of those restrictions but leaves intact prohibitions relating to adultery and prostitution.

**Act 27 (SB-83)** makes several changes, including:

1. Decreasing the penalty for having sexual intercourse in public or with a minor who is 16 or 17 years old.
2. Prohibiting police officers from intentionally failing to render or make arrangements for necessary first aid for any person who is in his or her custody.
3. Increasing the penalty assessment surcharge, which is assessed on all fines and forfeitures imposed for violations of state law or municipal or county ordinances, from 12% to 15%. The act also makes various changes in the law enforcement training program.
4. Creating a crime victim and witness surcharge at a rate of \$20 per misdemeanor and \$30 per felony. The moneys from surcharge payments fund crime victim and witness services.

**Act 95 (SB-91)** revises penalties for persons who commit crimes against animals, particularly crimes relating to animal fighting. Persons who instigate or promote animal fights or who train or keep animals for that purpose are prohibited from owning or training any animal for a 5-year period.

**Act 102 (AB-25)** adds requirements concerning reports to be used when sentencing certain juvenile or criminal offenders. Under the act, preparers of these reports must attempt to determine the effect of the offense on the victim.

**Act 198 (AB-515)** creates a duty to aid an endangered crime victim. If a person knows that a crime is being committed and that a victim is in great danger, the person must summon police officers or provide help. The duty does not apply if compliance would put the person in danger or would interfere with other duties of the person or if the victim is already being helped.

**Act 199 (AB-977)** adds 2 crimes relating to causing injury or great bodily harm to the list of crimes covered under the crime victim compensation program.

**Act 262 (AB-407)** prohibits persons from intentionally disarming police officers.

**Act 269 (AB-581)** prohibits persons who have been found not guilty of a felony by reason of mental disease or defect from possessing firearms. An exception is provided if a court subsequently determines that the person no longer has a mental disease or defect and that the person is not likely to be dangerous.

**Act 278 (AB-661)** revises the treatment of seized firearms or ammunition. If a person commits a crime with a firearm or ammunition, the firearm or ammunition may not be returned to the person.

**Act 336 (AB-353)** creates the crime of harassment. The act prohibits such things as striking, shoving or kicking a person with the intent to harass or intimidate that person.

**Act 356 (AB-690)** revises the crime of hazing and specifies what kind of conduct is prohibited.

**Act 359 (AB-759)** requires DHSS to notify local law enforcement officials when releasing a person who has been found not guilty of a crime by reason of mental disease or defect.

**Act 364 (AB-860)** provides that the Governor must notify victims when an offender applies for a pardon. The victim may provide the Governor with written statements regarding the application.

**Act 433 (AB-305)** authorizes the issuance of citations for misdemeanor offenses. The act prescribes criteria for a law enforcement officer to use to determine whether to arrest a person or to issue a citation.

**Act 434 (AB-321)** prohibits a therapist from intentionally having sexual contact with a patient or client.

**Act 438 (AB-695)** revises the computer crimes law by providing increased penalties for life-threatening offenses, prohibiting the wilful and unauthorized disclosure of restricted access codes to unauthorized persons, authorizing a judge to restrict an offender's subsequent use of computers and adding computer crime felonies to the list of crimes for which wiretaps may be authorized.

**Act 449 (SB-362)** limits admissibility of evidence in a sexual assault case. Previously, the statutes provided 3 exceptions to the general rule prohibiting admissibility of evidence of prior sexual conduct of an alleged sexual assault victim. The Wisconsin Supreme Court, in a 1983 case, authorized the admission of evidence beyond that authorized in the statute. The act prohibits courts from allowing exceptions to the general rule except as recognized by the statute.

**Act 467 (AB-24)** requires persons contracting with a person accused or convicted of a serious crime with respect to the reenactment or description of the crime (by movie, book or other means) to pay moneys due the accused or convicted person to DOJ to establish an escrow account. DOJ must publish a legal notice in certain newspapers advising victims of these escrow accounts, which are available to satisfy money judgments against the accused or convicted person.

**Act 478 (AB-406)** increases the penalty for committing a felony while wearing a bulletproof garment.

**Act 489 (AB-590)** prohibits strip searches of pupils by school officials or employees.

**Act 515 (AB-895)** prohibits persons from knowingly obstructing emergency medical personnel in the performance of their duties.

### Domestic Relations

**Act 27 (SB-83)** changes the laws governing child and spousal support collection (see *HIGHLIGHTS*).

**Act 186 (AB-200)**, the "marital property reform" law, changes the system of property rights applicable to married persons (see *HIGHLIGHTS*).

**Act 204 (AB-698)** expands and clarifies previous law permitting a temporary restraining order (TRO) or an injunction against domestic abuse. It expands the class of persons who may obtain these remedies and changes the definition of domestic abuse. The act sets forth the procedure for commencing and conducting an action for a TRO or an injunction and specifies methods of enforcing an order.

The act expands the varieties of services for which an organization may receive a state domestic abuse grant, but prohibits awarding a domestic abuse grant to fund services for child or elderly abuse. It affects the distribution of grants and the local contributions required or permitted to match state funds.

**Act 221 (SB-169)** removes the requirement that the city health officer collect and file certificates of marriages occurring in the city. Under the act, the county register of deeds collects and files all marriage certificates and transmits copies to the state registrar but not to the city health officer, unless the city health officer annually requests to receive copies from the register of deeds.

**Act 326 (AB-59)** substitutes the term "action affecting the family" for the obsolete term "action affecting marriage" in several provisions.

**Act 436 (AB-440)** permits family court commissioners to preside over divorce hearings if both parties state that the marriage is irretrievably broken and all material issues are resolved, or if one party does not participate in the action. The family court commissioner may enter judgment unless the judgment modifies the parties' agreement on material issues. If the family court commissioner does not approve the agreement, the action must be certified to the court for trial.

**Act 447 (SB-244)** makes miscellaneous changes in the laws governing the court procedure for determining paternity. The act changes the statutory presumption of paternity. It clarifies that the statutory procedure for commencing and conducting an action to determine paternity is the exclusive means to establish child support obligations, child custody or visitation rights for a man who is neither statutorily presumed nor adjudicated the child's father. It divides the paternity trial into 2 parts, the first to determine paternity and child support and the 2nd to determine custody, visitation and related matters.

The act changes the laws relating to evidence, including blood tests, admissible at a paternity proceeding, extends the period within which a party other than the child may bring a paternity action and permits default judgments under certain circumstances. The act also substitutes the terms "marital" and "nonmarital" child for the terms "legitimate" and "illegitimate" or "out of wedlock" child.

**Act 450 (SB-369)** permits any person with visitation or custodial rights to notify the family court commissioner of any problem relating to visitation or custody. The family court commissioner must refer the matter for investigation by a county department of family conciliation or another appropriate social services agency. Previously, only a person whose visitation rights were violated or interfered with was permitted to notify the family court commissioner for investigation.

## **Education**

### **PRIMARY AND SECONDARY EDUCATION**

**Act 22 (AB-101)** authorizes a school board to establish and collect reasonable fees for any driver education program or part of a program which is neither required for nor credited toward graduation.

**Act 27 (SB-83)** makes numerous changes in the statutes relating to public instruction, including:

1. Eliminating school district cost controls.

2. Modifying the pupil count for establishing school district membership for purposes of computing state aid.

3. Requiring the State Superintendent of Public Instruction annually to require at least 25% of all school boards to audit the number of pupils reported for membership purposes.

4. Modifying the eligibility requirements for state supplemental aid to certain school districts in which tax incremental districts are created by specifying that a city or village located within the school district must verify to DOR that it has adopted a resolution creating a tax incremental district before January 1, 1983.

5. Reducing the reimbursement rate under the handicapped education aid formula for transportation, education and health treatment costs from 68% to 63% and for psychologists' and social workers' salaries from 55% to 51%.

6. Reorganizing the 19 cooperative educational service agencies (CESAs) into 12 CESAs and modifying the governing structure and funding of CESAs.

7. Eliminating agency school committees and the State Appeal Board as part of a revision of school district reorganization procedures. The act creates a School District Boundary Appeal Board (SDBAB) and transfers responsibility for school district reorganization to school boards and the SDBAB.

8. Permitting a county handicapped childrens' education board (CHCEB) to modify the financing of its special education program upon majority vote of the school boards participating in the program. Under the modified financing proposal, school boards in the county contract with the CHCEB and finance the cost of the contract with general state aid and property tax receipts.

9. Eliminating the payment of school taxes by the state and county on tax-exempt land and excluding the value of the property from the equalized valuation of school districts.

10. Authorizing the State Superintendent of Public Instruction to establish a professional school personnel information service to match qualified job seekers with available teaching positions.

11. Eliminating the county library tax exemption for municipalities that do not maintain their own public libraries.

12. Permitting pupils with exceptional educational needs who turn 21 during a school term to continue their eligibility for special education programs for the duration of the school term.

13. Authorizing the Milwaukee Board of School Directors to retain legal counsel other than the city attorney under certain circumstances.

14. Permitting the publication of the proceedings of a school board meeting to list all receipts and expenditures in the aggregate.

15. Specifying that, beginning in the 1985-86 school year and thereafter, the percentage of total state school aid represented by equalization aid shall not be less than that of the 1984-85 school year.

**Act 105 (AB-90)** specifies the combinations of aldermanic districts from which the 8 members of the Milwaukee Board of School Directors are to be elected.

**Act 143 (SB-264)** requires the Milwaukee Board of School Directors to advertise for bids for construction work involving the expenditure of \$5,000 or more and for the purchase of materials, supplies and equipment not to be used for new construction work if the estimated cost is \$10,000 or more. Under former law, the minimums were \$2,000 and \$5,000, respectively.

**Act 212 (SB-663)** increases the primary guaranteed valuation per pupil for computing state aid to school districts, increases state aid to school districts and eliminates the authority of JCF to adjust the primary guarantee.

**Act 214 (SB-75)** increases from 7 to 9 the number of members of a library board in a school district authorized to maintain public library facilities.

**Act 224 (SB-265)** authorizes the Milwaukee Board of School Directors to retain a real estate agent under specified circumstances.

**Act 264 (AB-504)** eliminates the 3-year limitation on the maximum term of contracts entered into by school boards to provide pupil transportation.

**Act 301 (AB-971)** provides that a county handicapped children's education board shall consist of 3 or more members, as determined by the county board of supervisors.

**Act 317 (SB-241)** requires, with certain specified exceptions, that after 3 years of continuous employment as a school district administrator a contract for the same position must be for a term of at least 2 years.

**Act 334 (AB-281)** authorizes certain school personnel to administer drugs to pupils under specified conditions and immunizes the personnel from civil liability for the administration.

**Act 339 (AB-370)** makes various changes in the statutes pertaining to the powers and duties of school boards, including changes related to the granting of school property for temporary use by others, acquiring property for ecological, agricultural or vocational instruction and establishing community programs and services.

**Act 372 (AB-454)** provides for an adjustment in state aid to a school district if the Tax Appeals Commission or a court makes a final redetermination on the assessment of property subject to taxation that is different than the previous assessment and DOR recertifies the equalized value of the school district based on such redetermination.

**Act 373 (AB-582)** provides that school administrators, principals and teachers are not liable for referring a pupil to the police for suspicion of possession, distribution or consumption of a controlled substance.

**Act 374 (AB-812)** authorizes school boards to establish programs for school-age mothers to provide services and instruction to meet their needs.

**Act 375 (AB-885)** directs each school board annually to report to community services boards the names of children who may require services.

**Act 411 (SB-600)** establishes high school graduation standards and minimum credit requirements (see *HIGHLIGHTS*).

**Act 412 (AB-1018)** abolishes school curriculum requirements (see *HIGHLIGHTS*).

**Act 479 (AB-414)** modifies the method of approval of orders of school district reorganization upon the holding of a referendum.

**Act 509 (AB-859)** provides that pupils enrolled in a nonsectarian private school or program, for whom the school board must pay tuition, are to be counted as pupils enrolled in the school district for state aid purposes.

**Act 512 (AB-887)** establishes criteria for defining private schools and home-based private educational programs (see *HIGHLIGHTS*).

**Act 518 (AB-914)** authorizes a school board to provide transportation to and from school for indigent pupils who are not required to be transported.

#### UNIVERSITY OF WISCONSIN SYSTEM

**Act 27 (SB-83)** makes numerous changes in the statutes relating to the UW System, including:

1. Providing \$500,000 for the purpose of supplementing faculty salaries in order to recognize special accomplishments, outstanding achievements, other meritorious performance, problems of retention and recruitment or promotions in rank.

2. Increasing the percentage of faculty eligible for sabbatical leaves during any academic year to 3% and broadening the range of activities for which sabbatical leaves may be granted (see also *Act 366*).
3. Permitting the transfer of 26.4 custodial positions from county to state employment.
4. Eliminating the provision that established the salary of the Governor as the ceiling on executive group salaries to exempt the President of the UW System and the chancellors of the Madison and Milwaukee campuses.
5. Establishing a Robert M. La Follette Institute of Public Affairs at the UW-Madison.
6. Prohibiting the acquisition of a golf course by the Board of Regents.
7. Directing the Board of Regents to establish a phased enrollment reduction at the UW Medical School and to make every effort to avoid reducing the number of minority students as a result of reduced class size.
8. Directing the Board of Regents to use at least 10% of its student employment funds, that are unrelated to the college work-study program or to research and instruction, for distribution on the basis of need.
9. Directing the Board of Regents to adopt criteria for researchers to follow regarding the humane treatment of animals for scientific research purposes.

**Act 237 (SB-457)** allows the Board of Regents to use balances in its program revenue appropriations as contingent funds for payment of miscellaneous expenses if immediate payment is deemed necessary, but not to exceed \$3,000,000 in total.

**Act 366 (AB-1039)** authorizes the Board of Regents to increase the pay of specified employes for the purpose of promotions and abolishes the limitation on the number of sabbatical leaves that may be granted.

**Act 407 (SB-317)** exempts migrant workers enrolled in the UW System from nonresident tuition.

#### VOCATIONAL, TECHNICAL AND ADULT EDUCATION

**Act 27 (SB-83)** makes numerous changes in the statutes relating to the VTAE System, including:

1. Eliminating VTAE district budget limitations, commonly referred to as cost controls.
2. Authorizing VTAE district boards to enter into interdistrict contractual agreements to waive, or establish interdistrict payments for, nonresident tuition charges to Wisconsin residents who are enrolled in jointly offered postsecondary programs or who meet the hardship criteria established by the State VTAE Board. The act also specifies that receipts for interdistrict nonresident tuition and contracts for services are to be deducted from aidable costs.
3. Extending the time period for the repayment of temporary loans until November 1 of the following fiscal year.
4. Allowing a VTAE district board's publication of its proceedings to list all receipts and expenditures in the aggregate.
5. Providing that fees for college parallel programs be based on not less than 27.5% of the statewide average operational cost of these programs and that fees for postsecondary and vocational-adult programs be established at not less than 12% of the combined estimated statewide operational costs of these programs.

**Act 370 (SB-549)** establishes a vocational education instructor occupational competency program administered jointly by the State VTAE Board and DPI. The program is designed to provide vocational education instructors in VTAE district schools and public high schools with temporary work experiences in business and industry in order to improve their knowledge and skills in the subjects they teach.

**Act 379 (AB-1012)** creates a mission and purpose statement for the VTAE system. The act states that the principal purposes of the system are to provide occupational education and training programs for residents and to provide customized training and technical assistance to business and industry to foster economic development.

**Act 380 (AB-1102)** excludes moneys received by a VTAE district board from gifts, grants and federal funds when determining whether a referendum regarding a capital expenditure in excess of \$500,000 is required.

#### OTHER EDUCATIONAL AGENCIES

**Act 27 (SB-83)** makes several changes in the statutes relating to the State Historical Society of Wisconsin, including:

1. Restructuring the Board of Curators to include gubernatorial appointees and members of the Legislature and to reduce the size of the Board of Curators to 30 members.
2. Creating a Division of Historic Sites attached to the historical society, specifying that no historic site may be closed without specific authorization from the Legislature and the Governor and requiring each historic site to establish an endowment trust fund.
3. Transferring the Governor's portrait program from the historical society to the Arts Board.
4. Eliminating the requirement that the historical society operate the Stonefield Village historic site.

The act also makes changes in the statutes relating to HEAB, including:

1. Establishing a minimum award of \$200 for the Wisconsin higher education grant program.
2. Increasing the student revenue bond authorization by \$55,000,000 to provide funds for the state direct loan program, establishing federal-needs criteria for student borrowers and permitting HEAB to certify to DOA to deduct up to 25% of a state employe's salary if the employe is in default on a guaranteed student loan.
3. Increasing the Wisconsin health assistance loan program's revenue bond authorization by \$55,000,000.
4. Modifying the Minnesota-Wisconsin student reciprocity agreement by authorizing each state to establish a reciprocal fee structure to be applied to its residents who are enrolled in public institutions of higher education located in the other state. The fee must be the average academic fee that the student would be charged at a comparable public institution of higher education located in the student's state of residence.
5. Eliminating the Wisconsin health education assistance loan forgiveness program and creating a medical education loan repayment grant program to be administered by DHSS.
6. Providing that the Executive Secretary of HEAB serves at the pleasure of the Governor instead of by appointment of HEAB.

The act authorizes the Educational Communications Board to create a nonstock, nonprofit corporation to raise funds for the board to support the Wisconsin educational radio and television networks.

The act extends the authority of the Educational Approval Board to approve proprietary school teaching locations and establishes a fee schedule for such approvals and approvals of schools, courses of instruction and changes of school ownership.

Finally, the act specifies the conditions under which students enrolled in the Medical College of Wisconsin are certified as eligible under the capitation program and the time at which payments are to be made to the college.

**Act 383** (*AB-1131*) clarifies that the amount of authorized revenue obligations issued to fund student health education loans administered by HEAB does not include obligations issued to refund outstanding revenue obligation bonds and notes.

### **Elections**

**Act 1** (*Jan. 1983 Spec. Sess. SB-2*) permitted a special election to be called to fill a vacancy in the 12th Senate District at the 1983 spring primary and election.

**Act 27** (*SB-83*) prohibits candidates for local government office from using public funds for the cost of materials or distribution of 50 or more pieces of substantially identical material during campaign periods; eliminates filing of campaign finance reports of candidates for state office in counties; and permits campaign moneys raised in connection with state or local office contests to be utilized in a campaign for national office.

**Act 51** (*AB-40*) makes candidates for state office at special elections eligible to receive grants from the Wisconsin election campaign fund (see *HIGHLIGHTS*).

**Act 183** (*AB-694*) makes various changes in canvassing and recount procedures (see *HIGHLIGHTS*).

**Act 442** (*SB-11*) permits municipalities having a population of at least 87,000 but not more than 150,000 (Green Bay) to compile and report voting statistics in combined groups of 2 wards for elections held prior to 1992. Under the act, all other cities having a population of 35,000 or more must continue to compile and report voting statistics for each ward.

**Act 484** (*AB-540*) makes numerous changes in election laws. (see *HIGHLIGHTS*).

**Act 491** (*AB-612*) makes various changes in recall petition and election requirements and procedures (see *HIGHLIGHTS*).

### **Eminent Domain**

**Act 27** (*SB-83*) makes various changes in the relocation benefits program administered by DILHR. The act provides that no person occupying real property may be required to move from a dwelling or move his or her business or farm without at least 90 days' written notice from the condemnor and until a comparable replacement property is made available. The act increases the maximum relocation housing payments made to displaced owners and renters, provides that reasonable net rental loss payments are to be treated as taxable income (under former law, all relocation payments were nontaxable income) and allows owner-occupants to waive relocation payments or services under certain conditions.

**Act 236** (*SB-439*) codifies the Kline Law, concerning condemnation procedures for 1st class cities.

**Act 249** (*AB-168*) provides that relocation orders in condemnation proceedings are unnecessary if the estimated compensation will be less than \$1,000.

### **Employment**

**Act 8** (*Apr. 1983 Spec. Sess. AB-1*) makes various changes in unemployment compensation contributions, benefit eligibility and payments, coverage and administration (see *HIGHLIGHTS*).

**Act 27** (*SB-83*) makes several changes relating to employment. The act:

1. Extends from 10 months to 2 years the length of a full-time course in vocational training which an individual may attend without being denied unemployment compensation benefits, for courses in which students enroll prior to July 1, 1985.

2. Creates a labor training program, administered by DOD with the assistance of the State VTAE Board, to provide job training to Wisconsin residents to meet critical manpower needs of businesses.

Businesses must apply to DOD for funding for a labor training program. The application must describe the program and costs in detail and must include a statement guaranteeing employment in Wisconsin of trainees. Funding for a program may not exceed 50% of certain eligible costs of the program. Training may be provided by the business, private consultants, or educational institutions.

3. Transfers GETO from DILHR to the Office of the Governor. The act directs GETO to develop a comprehensive employment, education and training system to meet the needs of persons who are unemployable because of lack of skills or education. The act also directs GETO to administer grant funds, coordinate educational, employment and training activities and providers and provide technical and management assistance to these providers.

**Act 98 (SB-423)** makes miscellaneous changes in the worker's compensation law, including the following:

1. Extending coverage of the worker's compensation laws to the following persons: certain VTAE district students; sole proprietors and partners electing to be covered employees and procuring worker's compensation insurance; until December 31, 1985, children performing uncompensated community service work as a result of certain dispositions, decrees or orders under the children's code; and, until December 31, 1985, adults performing uncompensated community service as a condition of a deferred prosecution program.

2. Removing the law's coverage of an injury incurred while going to or from employment using a voluntary ride-sharing program.

3. Making various changes regarding examinations and testimony by physicians, chiropractors and podiatrists.

4. Increasing the average weekly earnings rate for permanent partial disability for injuries occurring on or after January 1, 1985.

5. Providing that, for death benefits, dependent status is determined as of the date of the employe's death rather than the date of injury.

6. Raising from \$10,000 to \$15,000 the maximum amount by which a compensation award may be increased or decreased if injury is caused by employer noncompliance with a statute or order or by certain employe behavior.

**Act 99 (SB-460)** changes the requirements to requalify for unemployment compensation benefits after being discharged for misconduct, voluntarily terminating employment, failing to apply for or accept suitable work or failing to accept recall to work. For discharges, an employe is ineligible for benefits based on employment with the discharging employer and must work for at least 7 weeks in employment covered by an unemployment compensation law and earn at least 14 times the employe's applicable benefit rate with a subsequent employer in order to requalify for benefits. For voluntary terminations, failures to apply for or accept suitable work and failures to accept recall to work, an employe may qualify for benefits based on employment with any employer, but must meet similar requalification requirements and, in addition, is penalized by a 50% reduction in benefits from the applicable employer, except that not less than one week of benefits may be paid. The act also increases charges to the accounts of employers whose employes claim benefits for partial unemployment under certain conditions.

**Act 149 (AB-315)** requires an employer who employs 100 or more persons in this state and who decides upon a merger, liquidation, disposition or relocation resulting in a cessation of business affecting 10 or more employes to notify DILHR, any affected employe, any collective bargaining representative of any affected employe and the clerk of any town, village, city or county in which the affected place of employment is located. Previously the law required the employer to notify only DILHR, but the law applied even if the business cessation affected less than 10 employes.

**Act 168 (SB-555)** directs DILHR to define the terms "income" and "self-employment" for purposes of determining the required offset of self-employment income against unemployment compensation benefit amounts and for purposes of determining eligibility of self-employed individuals for benefits. Formerly, the law defined "income" to mean "gross income" and defined "self-employment" to exclude a source of insubstantial income.

**Act 337 (AB-359)** provides that if an individual receives more than 7 weeks of temporary, total disability benefits under the federal Longshoreman's and Harbor Workers' Compensation Act or a similar federal program (unless precluded by federal law), those weeks are excluded in determining the individual's base period (recent work period) from which unemployment compensation benefit eligibility and credits are determined. The act also provides that individuals who receive such payments for a whole week are ineligible for unemployment compensation benefits for that week and individuals who receive such payments for part of a week have the payments treated as wages for purposes of determining eligibility for partial unemployment benefits.

**Act 384 (SB-649)** changes the procedure for assignment of unemployment compensation benefits in satisfaction of child support obligations to exempt such assignments from the \$1 interception fee otherwise applicable to assignments for child support, and requires each child support enforcement agency to reimburse DILHR for all costs associated with the enforcement of child support obligations. The act also extends the 1983 exemption of certain small employers from annual assessments for the payment of interest on federal loans to apply to any calendar year. In addition, the act limits the denial of benefits to employees performing services to or on behalf of an educational institution between terms or during vacation periods only to employees of governmental units or nonprofit organizations.

**Act 388 (AB-930)** restructures the Council on Unemployment Compensation, which advises DILHR concerning unemployment compensation policies. Under the act, the number and qualifications of members are fixed by law and the members are appointed for staggered 6-year terms. The council continues to have an equal number of employer and employee representatives, but the act requires one of the employer representatives to be an owner of a small business or a representative of an organization composed primarily of small businesses. The act provides for appointments to the council to be made by the Secretary of DILHR instead of by the Labor and Industry Review Commission, formalizes a process for regular biennial reports and recommendations by the Governor to the Legislature concerning the administration of the unemployment compensation program and permits input into such recommendations by the council and the legislative leadership.

**Act 391 (SB-116)** expands the prohibition on employment discrimination based on age by prohibiting such discrimination against any individual who is age 40 or older. Previously, the law prohibited age discrimination against any individual between the ages of 40 and 70. The act removes statutory provisions authorizing or requiring mandatory retirement because of age for certain state employees. It also affects certain exceptions to the fair employment law's age discrimination prohibition.

**Act 392 (SB-118)** changes the "employees' right-to-know" law (see *HIGHLIGHTS*).

**Act 458 (SB-525)** exempts from the coverage of the state minimum wage laws any individual engaged in performing services for a person as a real estate agent or salesperson, if all of those services are performed for remuneration solely by commission.

**Act 468 (AB-58)** permits employees who lose their work as a result of a lockout to claim unemployment compensation benefits during that lockout.

**Act 477 (AB-322)** excludes certain individuals who lease motor vehicles used for taxicab purposes and other taxi equipment from eligibility for unemployment compensation benefits.

## Environment

**Joint Resolution 5** (*Assembly Joint Resolution 5*) provided for an advisory referendum concerning the location of a high-level nuclear waste site in Wisconsin. Wisconsin voters overwhelmingly refused to support the construction of this type of site in the April 5, 1983, election.

**Act 27** (*SB-83*) revises the hazardous substances spills program. The act expands the purposes for which spills appropriations may be used, requires DNR to establish locating and monitoring procedures as a part of the contingency plan for spills, authorizes DNR to take action to identify, locate and monitor hazardous substances where the person responsible for the discharge is not taking the required action or is unknown and eliminates certain restrictions on when DNR may require preventive measures to be taken by a person possessing hazardous substances.

The act revises the waste management fund. The act specifies that forfeited bonds obtained to ensure payment of closure and long-term care costs for waste facilities and similar financial guarantees and recoveries are to be paid into the waste management fund. The act also permits the payment of closure and long-term care costs including costs in imminent hazard situations from the waste management fund.

The act abolishes the solid waste recycling authority. Many of the policies of this authority are adopted as the state solid waste resource recovery policies. In addition, the act authorizes DNR to provide assistance for low-technology recycling.

The act grants waste flow control powers to counties, cities, villages and, in certain situations, towns. Waste flow control power enables a municipality to require a generator of solid waste to use a municipal recycling facility. The procedures for exercising these powers, exemptions, requirements for compensation and other provisions are specified.

The act authorizes DNR to expend money received from air pollution control permit fees. Under prior law, the portion of fees related to air quality analysis assessed by DNR under the Wisconsin Environmental Policy Act (EIS fees) could be credited towards the payment of air pollution control implementation and enforcement fees. Conversely, the annual operating plant discharge environmental fees (NR 101 fees) imposed on discharges of air contaminants, hazardous substances and elemental discharges such as mercury or cadmium into the air, ground or water were reduced by the amount of air pollution control application fees and implementation and enforcement fees. Under this act, only that portion of NR 101 fees resulting from the reporting of the discharge of air contaminants may be reduced by air pollution control fees.

The act revises funding for the point source water pollution abatement grant program and permits DNR to exempt a municipality from the requirement that it develop a user charge system in order to be eligible to receive grant money if that municipality is served by the Milwaukee Metropolitan Sewerage District and if certain other criteria are satisfied.

The act also increases well driller and pump installer fees and provides for increased license and review fees for the solid and hazardous waste management program.

**Act 73** (*AB-138*) restricts the sale of cleaning agents and water conditioners containing phosphorus. This act is based on a similar law which expired on July 1, 1982.

**Act 75** (*AB-703*) provides for a municipal well replacement grant program for the 1983-84 fiscal year.

**Act 93** (*SB-410*) revises the waste facility siting process to include an analysis of the need for a solid waste disposal facility or a hazardous waste treatment, storage or disposal facility as one of the decision-making factors.

**Act 128** (*AB-301*) revises the waste facility siting process to allow for an extension if there is an inadvertent failure by a municipality to submit a proper siting resolution and if the granting of the extension will not create a significant hardship to other parties to the negotiation and arbitration

process. This act also provides a mechanism for the approval of a negotiated agreement in situations where no host municipality participates in the negotiation process.

**Act 176 (AB-520)** authorizes the governing body of a county, city, village or town to adopt by ordinance regulations for the reclamation of nonmetallic mining sites.

**Act 282 (AB-681)** makes technical and minor substantive changes to the waste facility siting process. Included in the act are revisions to the requirements concerning the provision of notice to parties who may participate in the negotiation and arbitration process, distribution of feasibility reports, time limits and disclosure of certain private interests. The act also provides a mechanism for the approval of a negotiated agreement in situations where no host municipality participates in the negotiation process.

**Act 298 (AB-922)** makes various changes in the law governing hazardous waste facilities relating to time periods, long-term care responsibility for the facilities, tonnage fees for and disposal of hazardous wastes, coordinated submittal of reports, notices of issuance of licenses, and standards for denial, suspension and revocation of hazardous waste licenses.

**Act 353 (AB-630)** prohibits the use of any pesticide except naphthalene to control bats. Certain exceptions are provided.

**Act 393 (SB-202)** ratifies the Midwest Interstate Low-Level Radioactive Waste Compact. The stated policy of this compact includes a recognition that each state is responsible for providing for the disposal of low-level radioactive waste generated within its borders, except for radioactive waste resulting from defense and certain federal research activities, and a recognition that the management of low-level radioactive waste is handled most efficiently on a regional basis.

The act also provides for the appointment of a commissioner to represent this state on the Midwest Low-Level Radioactive Waste Commission and creates a Low-Level Radioactive Waste Council.

**Act 397 (AB-245)** prohibits the sale, distribution and use of 2,4,5-T and silvex. DNR is authorized to establish facilities for the collection and disposal of these pesticides.

**Act 410 (AB-595)** creates a comprehensive groundwater protection program (see *HIGHLIGHTS*).

**Act 413 (SB-354)** provides for a DNR study of the cost of reducing sulfur dioxide emissions and related subjects.

**Act 414 (SB-398)** limits total annual emissions of sulfur dioxide by all major utilities to 500,000 tons beginning in 1985. The act requires the submission of a joint annual operation plan by major utilities with individual operation plans specifying the anticipated sulfur dioxide from each unit. Individual limitations are applicable only if the total limitation is exceeded.

**Act 416 (SB-548)** provides for optional municipal construction site erosion control and storm water management zoning, provides for a state construction site erosion control and storm water management plan which is applicable to construction activities by state agencies and provides that areas within the Milwaukee River basin are to be considered priority watershed areas under the nonpoint source water pollution abatement grant program.

**Act 421 (AB-844)** authorizes a lake acidification experiment in Little Rock Lake in Vilas County in order to study the impact, methods of detection and possible treatment of lakes which suffer from increasing acidity due to a phenomenon commonly referred to as acid rain.

**Act 425 (AB-1034)** revises and refines waste flow control procedures and powers granted to municipalities under *Act 27*.

The act revises the requirements for the compensation of owners and operators of solid waste facilities and services which are affected by a municipality which exercises waste flow control powers.

The act also revises the definition of "solid waste disposal," increases a municipality's authority to contract with private businesses, changes exemptions and eliminates the role of the PSC.

**Act 426 (AB-1035)** includes various measures designed to promote the recycling and reuse of solid waste. Some of the major features of this act include:

1. Creating a sales tax exemption for certain recycling machinery and equipment.
2. Revising the solid waste management grant program to provide for waste reduction and recycling planning grants, to change limitations and to reorder priorities.
3. Requiring DNR to provide waste reduction and recycling assistance.
4. Requiring certain solid waste disposal facilities which are open to the public to provide waste separation and recycling collection bins and, similarly, requiring municipalities and counties which meet certain population criteria to provide adequate waste separation and recycling collection bins if these bins do not exist.
5. Creating a waste reduction and recycling demonstration grant program.

**Act 517 (AB-900)** revises the method for determining when the abandonment of mining occurs.

### **Financial Institutions**

**Act 27 (SB-83)** extends confidentiality to all reports filed by banks with the Commissioner of Banking other than reports that banks are required to publish. The act specifies that examination reports in the possession of banks remain confidential and remain the property of the office of the commissioner and are returnable to the office on request. The act also makes it a misdemeanor for bank officers and employees to redisclose information contained in examination reports.

**Act 119 (SB-372)** makes numerous changes in laws regulating banking. The act increases and imposes certain fees, modifies or eliminates certain certification, filing and approval requirements and increases the limit on unsecured loans to bank directors.

**Act 167 (SB-434)** provides that savings and loan associations may permit savers to make withdrawals by any means, may require notice prior to withdrawals, may charge fees for any savings account transactions, may issue a summary or a receipt rather than a passbook, may limit or prohibit the transfer of savings accounts, may close accounts by notifying the owners and may insure savings accounts with any insurer approved by the Commissioner of Savings and Loan. Subject to rule of the commissioner, associations may determine the rates of earnings on savings accounts and when to credit them. The act also regulates the issuance of negotiable certificates of deposit by mutual savings and loan associations.

The act provides that persons who borrow from a mutual savings and loan association and persons owning negotiable certificates of deposit that may be transferred without the knowledge or consent of the mutual association are not members of the association and have no voting rights. The act revises the method and date of calculating the number of votes to which members of a mutual association are entitled and the method for calculating the vote required for conversion from a mutual association to a stock savings and loan association and permits a stock association to require more than a majority vote for amendment of its articles of incorporation.

The act prohibits merger of associations into a consolidated association, permits a state mutual association to absorb any state or federal association, permits compensation of stockholders in a stock association absorbed by another stock association by cash or other means and revises requirements for conversion of a mutual association to a stock association. The act also permits the commissioner to waive restrictions on absorption or conversion under certain circumstances.

The act revises the procedures for the commissioner taking possession of an association and removes the authority of the commissioner to depreciate savings accounts for losses in lieu of liquidation. Upon liquidation, savers and creditors are to receive payment on an equal priority. All involuntary liquidation proceedings are to be held in Dane County Circuit Court.

The act defines the general powers of an association, authorizes the establishment of limited offices to provide lending services, removes the borrowing cap of 50% of assets and authorizes the issuance of debt securities that are subordinated to other claims. The act revises the method of calculating net income and net worth and replaces the reserve requirement with a minimum net worth requirement. The act revises procedures for removal of officers, directors and employees and eliminates the requirement that directors maintain accounts in associations. The act also revises laws regulating incorporation, examination, maximum rates on loans, pension and deferred compensation plans, sales of judgments and selection of appraisers for mortgage loans.

**Act 268 (AB-567)** requires a savings and loan association to disclose the account numbers and current balances of a decedent's savings accounts to a person who submits an affidavit stating that the person has standing to petition for summary settlement or assignment of the decedent's estate or that the person is an heir authorized to obtain transfer of the decedent's property by affidavit. The person must also submit a certified copy of the decedent's death certificate if the association does not already have one.

**Act 319 (SB-318)** permits establishment of a branch bank at an airport operated by a county having a population of at least 500,000, if the branch is approved by the Commissioner of Banking and the Banking Review Board.

**Act 368 (SB-281)** authorizes the deposit of state and local public funds in credit unions approved as qualified by the Commissioner of Credit Unions. The act authorizes state chartered credit unions to act as federal depositories and fiscal agents on request of, and subject to regulations prescribed by, the federal Secretary of the Treasury. The act includes the Wisconsin Higher Education Corporation under the laws governing public depositors.

The act also makes taxable the income of a credit union that is derived from public deposits. The act deletes the restriction that limited the income tax exemption to those credit unions with memberships limited to groups with a common bond, such as occupation, or within a well-defined geographic region.

**Act 369 (SB-401)** specifies that a plurality of credit union members present may fill a vacancy caused by removal of an officer, member of a credit committee, loan officer or member of the board of directors. The act authorizes the president to appoint vice presidents and provides that appointments by the board of directors to fill a vacancy in the board are effective only until the next annual meeting of members.

The act specifies that credit unions may charge the rate of interest allowed by law on its loans. The act authorizes credit unions to make loans that are guaranteed or insured by the state or federal government in accordance with the conditions required by the guarantee or insurance. The act repeals the provision that permitted credit unions to lend surplus funds to other credit unions.

The act authorizes credit unions to purchase, hold and dispose of property, subject to statutory investment limits. The act permits a credit union to invest up to 10% of its regular reserve in a credit union service corporation. The act eliminates the requirement that the service corporation be wholly owned by credit unions it services and eliminates the prohibition against officers, directors, committee members and employees of credit unions holding a pecuniary interest in the corporation. The act also eliminates the regulatory duties of the Commissioner of Credit Unions regarding credit union service corporations.

The act authorizes the credit union finance corporation to designate a credit union as a depository for its funds, authorizes a court to order deposits of funds of a minor or incompetent person in an insured credit union account and authorizes the commissioner to deposit moneys collected after the commissioner takes possession of a credit union in a central credit union. Former law authorized the above deposits only in certain other financial institutions.

The act permits trustees of the Wisconsin Credit Union Savings Insurance Corporation to require certain disclosures and corrective actions by a credit union if the corporation determines that the activities of the credit union jeopardize the corporation's assets. The trustees may recommend to the commissioner consolidation or liquidation of a credit union that fails to take corrective action.

The act expands the authorization to establish limited-service out-of-state credit union offices to include offices serving employes of an employer having any office or other facility in Wisconsin. The act permits credit unions to maintain share deposits in trust for minors. The act also permits credit unions to pay for health and accident insurance for credit union board members.

**Act 440 (AB-934)** changes the limit on the amount of a personal obligation loan not supported by collateral that a mutual savings bank may make from \$25,000 per loan to 5% of the bank's guaranty fund per loan. The act also revises the limit on the amount of a loan for a mobile home. The limit under former law was the lesser of 80% of the price or market value, or \$10,000. The act eliminates the \$10,000 limit and retains the 80% of price or value limit.

The act also revises the reserves requirement for mutual savings banks. The act substitutes the reserves requirement currently applicable to state banks for the requirement of former law requiring an amount equal to 5% of time deposits and 10% of demand deposits.

## Health and Social Services

### HEALTH

**Act 21 (SB-63)** enables any person 17 years of age or older to donate blood in any voluntary and noncompensatory blood program. Previously, persons 18 years of age or older were permitted to donate blood.

**Act 27 (SB-83)** creates a Hospital Rate-setting Commission (see *HIGHLIGHTS*).

The act creates a community integration program to relocate into the community medical assistance recipients who reside in state centers for the developmentally disabled and in medical assistance certified facilities. Counties may elect to participate in the program and either DHSS or a county provides home and community-based services to the relocated individuals with medical assistance funds. The act requires DHSS to attempt to obtain a waiver from the U.S. Department of Health and Human Services to allow the use of medical assistance funds in community settings. The program may not begin until the waiver is obtained. Beds left vacant by a resident relocated under the program are required to remain vacant unless the resident returns within 90 days of relocation.

The act makes various changes in the community options program, including requiring DHSS to evaluate the reasons presented by a county as to why a community arrangement is not feasible for an individual. The act requires a county that has implemented the program for 12 months or after January 1, 1984, whichever is later, to provide community arrangements for a significant number of persons from each of 5 specified groups.

The act repeals the certificate of need program and replaces it with new programs for the approval of nursing home and hospital projects. The act redefines the range of projects subject to review and approval, strengthens the review procedures and imposes a limit on the statewide number of nursing home and hospital beds. The act authorized DHSS to decertify cardiac surgery services; *Act 206*, however, repeals this authority.

The act requires AFDC recipients in selected communities to enroll in health maintenance organizations, limits the eligibility of developmentally disabled or chronically mentally ill persons for medical assistance, limits medical assistance certification of community-based residential facilities, conforms state law to federal changes which clarify and expand the prohibitions against the divestment of resources to establish eligibility for medical assistance, specifies the services to which the recipient copayment requirements do not apply and provides a new system under which a hospital's medical assistance reimbursement rate would be limited to that provided to an economically and efficiently operated hospital.

The act repeals the public patient program which previously paid for medical treatment provided at the UW Hospital and Clinics for persons unable to pay for care who were certified for care by their county social welfare director.

The act directs DHSS to develop and implement a sliding scale of patient financial liability for treatment of kidney disease, cystic fibrosis and hemophilia.

**Act 85** (*Oct. 1983 Spec. Sess. SB-3*) enables DHSS to exempt from the approval requirements of the capital expenditure review program proposals of health care providers for the research, development and evaluation of innovative medical technology, the development of the clinical applications of this technology or the research, development and evaluation of a major enhancement to existing medical technology if specific conditions are met.

**Act 113** (*AB-402*) increases the number of members on the Council on Blindness from 5 to 9 and requires that 7 of the members be visually handicapped. Previously, all of the members were required to be visually handicapped.

**Act 157** (*AB-550*) requires DHSS to contract with the State Laboratory of Hygiene to conduct tests for certain metabolic disorders on each newborn infant. The act requires DHSS to provide a special diet for each patient diagnosed as suffering from a metabolic disorder who is in need of special dietary treatment and to provide additional services to families of children who suffer from metabolic disorders. Fees may be charged for these services.

**Act 158** (*SB-512*) revises the structure of the patients compensation fund by creating a separate patients compensation panels fund for operational expenses. The Director of State Courts administers this operational fund and a Board of Governors establishes the amounts to be assessed health care providers for the operational fund.

The act increases the required amount of liability insurance for health care providers from \$100,000 to \$200,000 per claim and from \$300,000 to \$600,000 per year. The act changes the filing requirements for showing proof of liability insurance coverage and allows health care providers to obtain insurance from certain nondomestic insurers. The act also makes changes in the operations of the health care liability risk sharing plan.

The act prohibits courts from requiring the patients compensation fund to post a bond in any judicial action affecting the fund. The act also makes changes in the procedures for claims made for care received outside of Wisconsin and eliminates the requirement that the fund provide coverage on a fiscal year basis.

**Act 163** (*SB-10*) enables a person to operate a bed and breakfast establishment for 10 or fewer nights in a year without having to obtain a hotel or tourist rooming house permit from DHSS. The act exempts bed and breakfast establishments that offer meals only to its lodgers from the restaurant licensing requirements. A "bed and breakfast establishment" is a place of lodging that provides 4 or fewer rooms for rent, is the owner's personal residence and is occupied by the owner at the time of rental.

**Act 202** (*AB-513*) authorizes adult patients to direct the withholding or withdrawal of life-sustaining procedures if the patient becomes terminally ill (see *HIGHLIGHTS*).

**Act 203 (AB-604)** deals with regulation of certain establishments including hotels, restaurants, campgrounds, public swimming pools, retail food processors, bakeries and confectionaries. The act authorizes DHSS and DATCP to designate cities and counties as agents to inspect and issue permits to regulated establishments. The act also authorizes DHSS to inspect regulated establishments and to issue temporary orders and final decisions and orders regarding immediate health dangers.

**Act 206 (AB-823)** repeals the authority of DHSS to revoke its approval of cardiac surgery services under the capital expenditure review program which regulates the provision of health care services (see *Act 27*).

**Act 211 (SB-80)** regulates smoking in public conveyances and specified places (see *HIGHLIGHTS*).

**Act 253 (AB-217)** makes various changes in the laws governing patients compensation panels including changes regarding the choosing of formal and informal panel members, the composition of the panels and the compensation paid to panel members. The act also makes changes in the procedures for the hearings held by the compensation panels and to the statute of limitations for commencing an action in circuit court after the panel issues an order on the controversy. The act also creates a limit on the recovery available to a party who commences an action in circuit court under certain conditions.

**Act 271 (AB-611)** grants DHSS inspection authority to protect the public from drugs that may constitute an immediate danger. The act authorizes DHSS to enter premises where drugs are manufactured, processed, packaged or held for sale and vehicles being used to transport or hold drugs, to inspect the premises or vehicle and to secure samples, specimens or other evidence. DHSS may issue temporary orders to prohibit the sale or movement of drugs that may constitute an immediate danger.

**Act 363 (AB-831)** requires employes of each community-based residential facility (CBRF) to be trained in first aid, fire prevention and control and evacuation techniques, and it requires CBRFs to install smoke detection systems in specified locations in the facility. The act also establishes various requirements for Class A, B and C CBRFs regarding having the manager or an agent present in the facility at specified times. The act authorizes DHSS to waive some of the requirements created in the act under specified conditions.

**Act 398 (AB-571)** creates a county system for reporting and investigating abuse, material abuse, neglect and self-neglect of elder persons. The act directs each county board to designate a county agency responsible for receiving reports of abuse or neglect and for either investigating the reports or referring the reports to another agency for investigation.

**Act 527 (AB-1009)** exempts from the recipient cost-sharing provisions of the medical assistance program office visits made to the same physician that exceed 6 visits per recipient per year and transportation services that are provided by a common carrier or private motor vehicle, if the county department of public welfare or social services authorizes the transportation service. Formerly, services provided by a primary provider physician during the first 2 visits of any month and transportation services provided by a specialized medical vehicle were exempt from the cost-sharing provisions.

#### MENTAL HEALTH

**Act 27 (SB-83)** lowers the standard of proof required to obtain an involuntary commitment for alcohol abuse from "beyond a reasonable doubt" to "clear and convincing evidence" and modifies some of the involuntary commitment procedures. The act also changes the lengths of the commitment period and recommitment period under the alcohol abuse commitment procedures and

enables an individual to be physically detained as part of his or her treatment during an involuntary commitment period.

The act enables DHSS to release information which would assist in the apprehension of a forensic mental health patient who is on unauthorized absence from a treatment facility. The act prohibits DHSS from admitting to and retaining in a state treatment facility any patient transferred from a county jail without the approval of the appropriate community mental hygiene board.

The act authorizes multicounty community mental hygiene boards to contract for legal services if the corporation counsel of each county of the multicounty board has notified the board that he or she is unable to provide these services in a timely manner.

**Act 292 (AB-798)** allows a facility treating a forensic patient for alcoholism, drug dependency, mental illness or a developmental disability to release specific information to a law enforcement agency about the patient if the Secretary of DHSS authorizes the release.

**Act 293 (AB-799)** designates Goodland Hall at the Mendota Mental Health Institute as the maximum security facility at the institute and sets forth the reasons for and conditions under which the patients in the facility may be locked in their rooms. The act also permits the institute to restrain, during transport to or from treatment facilities, forensic patients and patients who have a recent history of physical aggression.

**Act 357 (AB-730)** allows patients receiving services for mental illness, a developmental disability, alcoholism or drug dependency in Goodland Hall at the Mendota Mental Health Institute to be filmed or taped for security purposes without the patients' consent.

**Act 365 (AB-870)** authorizes community mental hygiene boards to contract with public or private agencies in states bordering on Wisconsin for the purchase or provision of mental health services. A contract must meet specific requirements and be approved by DHSS.

**Act 439 (AB-901)** creates the Council on Mental Health to advise the Legislature, the Governor and DHSS on matters relating to persons who are mentally ill or who have other mental health problems.

**Act 441 (AB-955)** requires each community mental hygiene board to provide a community support program for the provision of services in the community to persons with chronic mental illness. Each community support program is required to provide a range of services which include assessment, diagnosis, identification of persons in need of services, case management, crisis intervention, psychiatric treatment and psychosocial rehabilitation.

**Act 474 (AB-234)** creates a new mental health commitment standard which enables an inmate of a state prison to be involuntarily committed if it is found that the inmate is mentally ill, is a proper subject for treatment and is in need of treatment. A commitment ordered under that standard may not exceed 180 days in any 365-day period. Petitions for commitment alleging that standard may not be filed on or after July 1, 1987, or the effective date of the 1987-89 biennial budget act, whichever is later.

#### WELFARE

**Act 27 (SB-83)** makes a number of changes in the general relief program. The act requires local relief agencies to establish written standards to be used in determining need and the amount of assistance to be provided. The act codifies the procedural rights of applicants for and recipients of general relief. The act provides state funds to pay for part of the costs of assistance provided, but local relief agencies must meet specific requirements to receive state funds. The act creates additional requirements that a hospital must meet before it may be reimbursed for the costs of emergency medical care provided, including requirements that specific notices be provided to the local relief agency. *Act 205* modifies these notice requirements.

The act establishes eligibility requirements for the relief of needy Indian persons program, specifies the method for determining the amounts that will be paid to recipients and provides the procedures applicable to agencies that administer the program.

The act makes various changes in the AFDC program, including changes related to retrospective budgeting, payment periods, replacement of checks, recovery of overpayments and payments to pregnant women. The act enabled DHSS to reduce the amount of aid paid for shelter costs to recipients of AFDC who live as a household with persons not receiving AFDC; *Act 310*, however, repeals this authority.

The act authorizes counties to develop a community work experience program (CWEP) for AFDC recipients. Under CWEP, AFDC recipients are required to work in public or nonprofit organizations and continue to receive their regular AFDC benefits.

The act provides funds for social services and mental health community programs. DHSS is required to carry forward all unspent day care funds from one calendar year to the next, and funds allocated for day care may not be spent for any other purpose.

The act codifies Community Action Agencies (CAAs) and requires DHSS to allocate 90% of the federal community services block grant to CAAs and organizations.

The act required that an attorney representing a public assistance recipient in a claim against a 3rd party provide timely notice to public assistance agencies from which the recipient received aid of the existence of the claim prior to its settlement. Failure to provide such notice would have made the attorney personally liable to the agency for the amount of aid provided. *Act 465*, however, repeals this provision.

The act requires DHSS to submit its federal block grant applications for federal fiscal years 1984 and 1985 to JCF and to the presiding officer of each house of the Legislature for approval, eliminates employment grants for the developmentally disabled and authorizes DHSS to contract with up to 5 counties to establish a pilot program to test an outcome-oriented monitoring system for social and mental hygiene services.

**Act 161 (AB-380)** allows the use of AFDC funds for a child placed in a foster home located within the boundaries of a federally recognized American Indian reservation and licensed by its governing body under certain conditions. The act also allows AFDC payments to be made to a foster home or child-caring institution for a child who is a ward of a tribal court if the child has been placed under an agreement with DHSS. The use of AFDC funds is prohibited, however, if the tribal governing body is receiving or is eligible to receive funds from the federal government for that type of placement.

**Act 193 (AB-434)** creates a child care program to be administered by the counties beginning January 1, 1985. Under the program, DHSS is required to distribute the funds available for day care services to counties based on a formula which is to be developed annually according to a procedure set by rule. A county may provide child care services directly or it may purchase services from a child care provider that is licensed by DHSS, certified by the county or established or contracted for by a school board. DHSS is responsible for monitoring the administration of the program and for establishing standards to be used by counties in certifying child care providers.

The act establishes eligibility standards for the child care program and authorizes counties to give priority to a specified group of parents. The act requires each county to offer a portion of its day care funds for payment of vouchers and to set annually a maximum rate that it will pay for day care services which must be approved by DHSS.

The act also authorizes school boards to establish or provide for day care programs that meet the standards for day care centers licensed by DHSS. In addition, the act prohibits municipalities from preventing a family day care home from being located in a zoned district in which a single-family

residence is a permitted use. A family day care home is a day care center licensed by DHSS that provides care for 8 or fewer children.

**Act 205 (AB-773)** modifies the notice requirements created in *Act 27* that a hospital must fulfill to be reimbursed under the general relief program for emergency medical care and creates 2 additional requirements. The liability for the costs of emergency medical care and care provided as a result of the injury or illness for which emergency care was provided is revised and a new procedure for determining liability for those costs is established.

**Act 208 (AB-1056)** requires DHSS to submit the state plan for the spending of federal social services block grant funds to each house of the Legislature and to JCF for review, public hearings and approval before it may use such federal funds and it requires the Governor to submit a proposal for use of oil overcharge funds received from the federal government to JCF for approval or modification. The act also increases the amounts of funds provided under *Act 27* for day care services, supportive home care and basic county allocations for social service programs for 1984 and the first 6 months of 1985.

**Act 239 (SB-520)** authorizes the county board in a populous county to approve or disapprove most contracts and purchases for \$50,000 or more entered into or made by the director of the department that administers the health and human services programs.

**Act 310 (AB-1124)** repeals a provision enacted in *Act 27* that enabled DHSS to reduce the amount of aid paid for shelter costs to recipients of AFDC who are living as a household with persons not receiving AFDC.

**Act 386 (AB-466)** authorizes municipalities and counties to purchase health or dental insurance for unemployed persons residing in the municipality or county who are not eligible for medical assistance.

**Act 404 (AB-1017)** removes the restriction that students who are enrolled in a postsecondary school may not receive relief to needy Indian persons and prohibits DHSS from exempting a person from the work experience requirement under the program because he or she is a student.

**Act 427 (SB-92)** creates a program to provide telecommunication devices to eligible deaf and severely hearing-impaired persons. Under the program, DHSS purchases or provides funds for the purchase of telecommunication devices capable of serving the needs of deaf and severely hearing-impaired persons.

**Act 465 (SB-687)** repeals a provision created in *Act 27* that required an attorney representing a public assistance recipient, in a claim in which a governmental unit has an interest due to assistance provided, to notify the governmental unit of the claim prior to its settlement. Previously, the attorney was personally liable to the governmental unit if he or she failed to provide the notice in a timely manner.

#### MISCELLANEOUS

**Act 27 (SB-83)** does the following:

1. Transfers the bonding authority for the community housing alternative program (CHAP) from the Health Facilities Authority (HFA) to the Wisconsin Housing Finance Authority (renamed WHEDA by *Acts 81 and 83*). Under CHAP, bonding authority is available to finance residential facilities for the elderly and the disabled. The act exempts CHAP projects from the general program requirement under WHEDA that its bonding authority be used for housing for low- and moderate-income persons.

2. Prohibits health facilities that are subject to the capital expenditure review program from obtaining tax-exempt financing through industrial revenue bonds. The act enables HFA to issue

bonds to finance any project that has received approval from DHSS under the capital expenditure review program and to issue bonds to refinance outstanding debt of any health facility if that refinancing will result in a reduction in the health facility's rates.

3. Requires DHSS to investigate potential savings from the use of foster homes rather than institutional placements.

4. Authorizes subunits of county human services departments to exchange confidential information about a client without the informed consent of the client.

**Act 116 (AB-556)** requires DHSS to establish a simplified double-entry bookkeeping system for use by family-operated group homes and enables a public purchaser of services from a family-operated group home to waive the requirement that the group home provide the purchaser with a certified annual financial and compliance audit report. A family-operated group home is a licensed public or private facility providing residential care for 5 to 8 children which is operated by one or more individuals who operate only one group home.

**Act 117 (AB-655)** authorizes boards of health to determine the salaries of employes in multiple county health departments and city-county health departments. Formerly, the county board of supervisors determined the salaries of all health department employes.

**Act 245 (SB-673)** makes technical and minor substantive changes in various programs administered by DHSS.

**Act 435 (AB-401)** revises and updates the laws governing the provision of vocational rehabilitation services to handicapped persons to reflect changes in state and federal law during the past 4 decades. Some of the substantive changes include expanding the scope of the program to include any person who is visually impaired, whereas formerly it included only the blind, prohibiting a residency requirement from being imposed and requiring DHSS to prepare a written individual rehabilitation plan for each handicapped person who seeks aid.

### Insurance

**Act 27 (SB-83)** makes numerous changes in insurance law. The act:

1. Defines preferred provider plans (PPPs) and health maintenance organizations (HMOs) and regulates the operations of PPPs and HMO plans (see *HIGHLIGHTS*).

2. Directs that, until July 1, 1985, DHSS must give special consideration, in contracting with HMOs under the medical assistance program, to those HMOs that provide certain services to pregnant teenagers.

3. Requires employers with 150 or more insured employes residing in Wisconsin to provide health care coverage continuation and conversion rights to laid-off employes and certain dependents. The act extends the required continuation of coverage period from 12 months to 18 months. The act also applied tax penalties to employers, and state-aid penalties to local units of government, for failure to comply with continuation and conversion requirements. However, *Act 212* repeals these penalties.

4. Makes several modifications to the structure and operations of the health insurance risk sharing plan, including increasing the maximum premiums from 130% to 150% of standard risk charges, increasing maximum annual deductibles from \$1,500 to \$2,000 for individuals and \$3,000 to \$4,000 for families, extending the waiting period for preexisting conditions from 30 days to 6 months and excluding from eligibility certain persons for whom premium, deductible or coinsurance amounts are paid by federal, state or local agencies (see also *Act 215*).

**Act 120 (SB-120)** makes several changes in the laws governing the insurance security fund. The act revises the maximum claim limit to a total of \$300,000 rather than \$300,000 per claim. The act also revises permissible rate increases, creates an administrative assessment, permits abatement of assessments and permits the temporary transfer of assets from one account to another in the fund.

The act regulates the payment of extraordinary dividends (dividends exceeding 10% of an insurer's surplus) and liquidates the temporary workers' compensation insurance security fund.

**Act 212 (SB-663)** repeals the tax penalties on employers and state-aid penalties on local units of government for failure to comply with continuation and conversion requirements that were enacted in *Act 27*. The act also repeals the "dual choice" provisions of *Act 27* that required certain employers to offer a traditional insurance plan and a PPP or HMO plan.

**Act 215 (SB-119)** exempts insurers from the trade practices law which prohibits practices that are currently regulated under the insurance code. The act revises the method of determining special assessments of insurers by eliminating the deduction of one percent of taxes and fees paid and clarifying the deduction of returned premiums. The act establishes a new formula for valuation of a policyholder's interest upon conversion from a mutual life insurance company to a stock company.

The act raises from 12% to 18% the maximum interest rate on an extension of credit to an insured upon a premium. The act establishes a maximum interest rate on variable rate policy loans equal to the greater of the rate used to compute the cash surrender values under the policy plus one percent per year or Moody's monthly corporate bond yield average (the sole maximum rate established under former law).

The act also revises the exclusion from coverage under the health insurance risk sharing plan, created by *Act 27*, of persons for whom a governmental agency pays a premium, deductible or coinsurance amount. The act clarifies when ineligibility commences and restores eligibility to persons receiving payments from certain state programs for vocational rehabilitation, renal disease, hemophilia, cystic fibrosis and special education.

**Act 274 (AB-616)** corrects cross-references to school benefit insurance plans and eliminates duplicative provisions regulating coverage of children under health insurance policies.

**Act 321 (SB-485)** modifies former law, including provisions created by *Act 27*, to include federally qualified HMOs and cooperative association sickness care plans in the statutory definition of HMOs. The act clarifies that payments made to HMOs by enrollees are of predetermined amounts. The act eliminates the restriction of former law prohibiting HMOs operated by domestic stock insurance corporations or service insurance corporations from entering into management contracts.

The act also eliminates the restriction of former law prohibiting insurers from retaining a portion of a health care provider's fee when payment is made on a fee-for-service basis.

**Act 348 (AB-563)** directs the Secretary of DHSS, in cooperation with the Commissioner of Insurance, to prepare private sector and public sector versions of a health insurance plan for providing coverage to low-income persons and to prepare a report on promoting the inclusion of nursing home care and other long-term care in private sector health insurance plans. The model health insurance plan and long-term care report are to be submitted to the Legislature by January 1, 1985.

**Act 358 (AB-756)** authorizes the Commissioner of Insurance to regulate persons who provide services under a continuing care contract. A continuing care contract is a contract entered into on or after January 1, 1985, to provide nursing, medical and personal care services for the duration of a person's life or for a term in excess of one year which is conditioned upon receipt of a payment in excess of \$10,000 or 50% of the person's estate. A provider of services may not enter into continuing care contracts until he or she obtains a permit from the commissioner. A provider must comply with continuing requirements to retain his or her permit and may only use continuing care contracts that meet specified requirements.

**Act 396 (SB-609)** requires HMOs, including cooperative associations, to permit any licensed pharmacist to participate in their health care plans under certain circumstances. The requirements

of the act apply only to plans that provide coverage of pharmaceutical services provided by nonemployee pharmacists. The requirements of the act do not apply to HMOs that entered into exclusive contracts with pharmacists prior to May 10, 1984, until after the expiration of the contracts. The requirements of the act generally do not apply to HMOs after June 30, 1986.

**Act 429 (SB-478)** requires coverage of diabetic self-management education programs under health insurance policies covering diabetes treatment, and under the state employe standard health insurance plan, until December 31, 1988. The act also revises the required coverage for equipment used in the treatment of diabetes under current law by eliminating the required coverage after December 31, 1988.

**Act 537 (AB-749)** requires a 1st class city to provide uninsured motorist liability insurance for motor vehicles owned by the city and operated by city employes in the course of employment. The coverage must have limits of at least \$25,000 per person and \$50,000 per accident.

### Local Law

**Act 24 (SB-259)** expands the authority of municipalities issuing and registering bonds to permit a private fiscal agent to register bonds as an alternative to bond registration by a municipality acting as the municipality's registrar. The act also standardizes the method of execution of municipal bonds and obligations for every municipality as to signing by a qualified officer of the issuing municipality and sealing.

**Act 27 (SB-83)** increases the state registrar's fee for processing various birth, death, marriage and divorce records.

The act authorizes a county, city, village, town, vocational, technical and adult education district or school district to build and maintain a civic center with a nonprofit civic organization.

The act deleted an appropriation to defray expenses incurred by a county in providing law enforcement services on an Indian reservation within the county's boundaries. *Act 523* reinstates the appropriation and provides for an annual certification process by DOJ.

**Act 31 (July 1983 Spec. Sess. SB-1)** creates tax incremental finance joint review boards to review proposals by cities and villages for the creation of tax incremental districts (see *HIGHLIGHTS*).

**Act 49 (AB-22)** allows cities to place waterways on the official city map.

**Act 58 (AB-130)** requires that the wages of the Milwaukee Police and Fire Commission staff be set by the Milwaukee Common Council.

**Act 106 (AB-98)** revises several laws relating to the Community Development Finance Authority. The act revises the membership of the authority's board of directors, deletes requirements related to duties of the authority, changes several of the basic organizational requirements for community development corporations organized before 1982, permits authority employes to participate in the Wisconsin retirement system and receive state employe benefits, permits the authority to use state printing facilities and vehicles and to purchase state store goods and certain stock or interests and changes requirements concerning public hearings prior to initiating a project.

**Act 108 (AB-128)** authorizes a circuit court, in an action to declare a deteriorated building a public nuisance and as an alternative to razing the building, to appoint a receiver to repair and sell the building or to sell the building to someone who will repair the building within a time period set by the court.

**Act 112 (AB-272)** permits a municipality which has designated as its official newspaper or which uses the same newspaper as another municipality to combine its notice with the notice of the other municipality.

**Act 135 (AB-658)** restates the law concerning passage of a city from one class to another in response to a 1983 Wisconsin Supreme Court decision which created an exception to the law.

**Act 145 (SB-378)** permits a municipality to use various money transfer techniques to make periodic payments if the municipality keeps specified records.

**Act 146 (SB-387)** authorizes a county board to set reasonable fees for certain county services, including provision of county clerk and county treasurer records and morgue and coroner or medical examiner services. The act also permits medical examiners to perform autopsies and toxicological services unrelated to examinations required by law and to charge a fee set by the county board for the autopsies and toxicological services.

**Act 148 (AB-306)** changes from 3 to 5 the minimum number of names on eligible lists for county civil service vacancies, adds fair employment provisions for the handicapped in county employment and makes various other changes in the county civil service system law.

**Act 150 (AB-316)** changes from 6% to 15% the amount of interest a city may charge when collecting instalments for sewer hookups.

**Act 179 (SB-56)** authorizes the Milwaukee Board of Police and Fire Commissioners to prescribe rules for the Milwaukee police and fire departments (see *HIGHLIGHTS*).

**Act 207 (AB-1010)** substantially revises the laws relating to the issuance of indebtedness by local units of government (see *HIGHLIGHTS*).

**Act 210 (AB-1139)** repeals the police powers of city alderman.

**Act 230 (SB-330)** permits cities and villages with a population of more than 5,000 to assess fees for the cost of enforcing their weights and measures programs.

**Act 233 (SB-348)** requires a county register of deeds to record a certificate of compliance with state rental unit energy efficiency standards which accompanies the deed at the time the unit changes owners.

**Act 234 (SB-385)** authorizes the mayor of a 1st class city to omit from his or her proposed budget to the common council the bonds issued for the purpose of refunding prior indebtedness of the city. (*Act 207* also authorized this omission and in addition deleted the requirement that bonds included in the proposed budget specify mortgage certificates required for them.)

**Act 260 (AB-396)** permits a county board to let contracts for public works projects costing between \$5,000 and \$20,000 without a formal bidding procedure if the board publishes a notice of the proposed project.

**Act 280 (AB-675)** permits a county board to delegate its investment authority to any bonded officer or employe.

**Act 281 (AB-680)** requires a 2.5 inch by 2.5 inch space on any document submitted for recording to the county register of deeds.

**Act 294 (AB-804)** modifies the tax levy which a metropolitan sewerage district, other than that of Milwaukee, may issue for operation and maintenance, to be at the rate of one mill per dollar on the equalized valuation of property. The act also allows the district to collect taxes to pay for principal and interest on promissory notes, as well as bonds. (*Act 27* provides that the equalized valuation shall be determined by DOR.)

**Act 296 (AB-878)** requires a public utility to pay the costs of temporary protection or change of a utility structure required by street and highway work of a town sanitary district.

**Act 320 (SB-384)** permits property within the abandoned Park East and Park West freeway corridors in Milwaukee County to be exempt from the definition of vacant property under tax

incremental finance law, which permits vacant property to comprise no more than 25% of the total tax incremental district area.

**Act 444 (SB-84)** increases from \$3,000 to \$10,000 the amount of a contract for which a city housing authority does not have to require bidding and permits an authority to use a federal procedure instead of the state procedure.

**Act 513 (AB-891)** gives enforcement authority regarding county fair-housing ordinance cases in Milwaukee County to the district attorney.

**Act 523 (AB-986)** reinstates an appropriation to defray expenses incurred within a county for providing law enforcement services on an Indian reservation within the county's boundaries (see also *Act 27*, which deleted the appropriation).

**Act 532 (AB-1094)** substantially revises town laws (see *HIGHLIGHTS*).

**Act 533 (AB-362)** raises from \$100 to \$200 the amount the county and state pay for a town fire call on a county or state highway.

### Military Law

**Act 27 (SB-83)** requires DVA to contract with DHSS for a study, to be completed by June 30, 1985, of the effects of the chemical agent orange on Wisconsin Vietnam era veterans.

The act requires that any person admitted to the Veterans Home be eligible for medical assistance.

The act requires county veterans service officers to assist any veteran, not just veterans who are county residents.

The act increases the bonding limit for the veterans primary mortgage loan program by \$100,000,000.

**Act 306 (AB-1029)** grants money to Madison's Vets House to pay new social security costs.

**Act 309 (AB-1115)** authorizes the refinancing of a home, the purchase or construction of which a veteran financed elsewhere when DVA did not process the veteran's loan application due to a temporary state hold on loans.

**Act 430 (SB-500)** extends veterans benefits to certain new veterans (see *HIGHLIGHTS*).

**Act 437 (AB-682)** adds representatives from an ex-prisoners of war organization and 2 Vietnam veterans organizations to the Council on Veterans Programs in DVA.

**Act 481 (AB-462)** permits veterans to receive part-time study benefits for summer school study.

**Act 503 (AB-788)** sets a 60-day deadline for submitting applications for veterans' benefits for part-time study.

### Natural Resources

#### BOATING AND NAVIGABLE WATERS

**Act 27 (SB-83)** eliminates all state funding for the inland lake protection and rehabilitation districts.

The act also revises the dam inspection program. The act requires the inspection of certain large dams at least once every 10 years. Previous inspection fees are replaced with new dam inspection fees.

The act increases boat certification fees. The previous fee for a 2-year certification period was \$5. This fee is replaced by a fee ranging from \$6.50 to \$12.50 depending upon the size of the boat. In addition, the act clarifies that federally documented boats are required to be registered; an exception is provided for federally documented commercial fishing boats.

**Act 100 (AB-9)** prohibits fishing rafts which are normally permanent or semipermanent from use on any navigable water except the Mississippi River and the Wolf River. Fishing rafts on the Wolf River are subject to a variety of regulations and are required to be registered. Municipalities along the Wolf River administer and enforce this program.

**Act 316 (SB-176)** establishes motorboat noise levels.

**Act 507 (AB-833)** requires DNR or the court to provide an opportunity for a public informational hearing prior to seeking or causing the removal of a dam. This procedure is not required in an emergency situation or when there is a provision for another hearing.

#### HUNTING AND FISHING

**Act 25 (SB-69)** provides a limited exception to the law which prohibits DNR from issuing nonresident commercial fishing licenses to residents of a particular state in a number which exceeds the number of commercial fishing licenses that that particular state issues to residents of Wisconsin.

**Act 27 (SB-83)** increases fees for hunting and fishing licenses and related permits. Examples of license fee increases include changing the resident small game hunting license from \$6 to \$7, the resident deer hunting license from \$10.50 to \$11.50, the nonresident deer hunting license from \$80 to \$85, the resident annual fishing license from \$6 to \$7 and the nonresident annual fishing license from \$16 to \$18. Various other licenses and stamps are revised, created or abolished.

The act also requires artists who provide artwork for hunting and fishing stamps to agree to donate 50% of the sales revenue to the conservation fund as a condition for submitting the artwork.

**Act 80 (AB-470)** directs DNR to consider a muzzle-loading firearm to be unloaded if the cap is removed from a caplock muzzle-loading firearm or if the flashpan is cleaned on a flintlock muzzle-loading firearm.

**Act 114 (AB-404)** authorizes the transportation and use of net guns and tranquilizer guns by a person with a scientific collector permit.

**Act 209 (AB-1107)** raises the penalty for illegally taking or possessing lake sturgeon to a fine of \$1,500 or imprisonment for not more than 90 days or both, and a mandatory 3-year revocation of all hunting, fishing and trapping approvals issued to the person convicted of the offense.

**Act 415 (SB-504)** allows DNR to limit the number of trappers and the maximum harvest of wild fisher in any area.

**Act 419 (AB-400)** revises the penalty for the violation of statutes relating to the hunting of deer by lengthening the term for which a person may be imprisoned to not more than 6 months.

**Act 420 (AB-403)** revises the hunter education and firearm safety program and requires the satisfactory completion of this program before a person born after January 1, 1973, may be issued a hunting license. No person under 12 years of age may hunt or use a firearm. Exceptions are specified in the act.

**Act 456 (SB-505)** provides for a deposit procedure in a natural resources forfeiture action.

**Act 520 (AB-935)** creates as the penalty for illegally hunting a moose a forfeiture of not less than \$1,000 nor more than \$2,000, and the mandatory revocation of all hunting approvals issued to the person convicted of the offense.

#### PARKS AND CAMPING

**Act 19 (SB-222)** eliminates the provision which allowed residents to apply for campground reservations earlier than nonresidents.

**Act 27 (SB-83)** increases vehicle admission fees for state parks and recreation areas. Annual resident fees are increased from \$10 to \$12 and nonresident fees are increased from \$15 to \$20.

The act directs DNR to convey Thunder Mountain State Park to Marinette County.

The act creates statutory camping fees in place of previous camping fees established by DNR rules. These fees are also increased. For example, the previous fee for a type "A" campground was \$4 regardless of residency; under this act the fee is \$4.50 for resident camping parties and \$5 for nonresidents.

**Act 79 (SB-459)** revises the state building program for DNR projects to add the Military Ridge state trail development.

**Act 325 (SB-640)** revises the campground reservation system in order to allow DNR either to disregard early applications or to consider those applications along with later applications.

#### OTHER NATURAL RESOURCES

**Act 27 (SB-83)** makes revisions to the snowmobile aids program, the cooperative sign program and the accident reporting program.

The act creates a wildlife damage program to provide assistance to landowners whose agricultural crops, orchard trees, apiaries and livestock are damaged by deer, bear or geese. Counties administer this program with DNR promulgating rules for specific eligibility and funding requirements.

The act creates a Wisconsin Conservation Corps program. This program is to provide employment for young adults, to accomplish conservation work with long-term benefits and to encourage the development of work skills and educational opportunities.

Finally, the act revises regulations relating to the trade and shipment of wild ginseng.

**Act 181 (SB-611)** revises the Wisconsin Conservation Corps program by restricting the role of DNR, changing certain appropriations and providing for a study.

**Act 422 (AB-855)** authorizes DNR to direct certain forest fire suppression efforts outside of cities and villages, permits DNR to sell nursery stock to or purchase nursery stock from other governmental units, revises the penalties for offenses relating to forest fires and removes certain obsolete provisions relating to removal of forest products debris and fire protection devices.

**Act 424 (AB-1016)** permits county boards to establish energy conservation projects permitting individuals to remove wood for home heating purposes from county forest land and makes minor changes relating to the notice required prior to cutting forest products.

**Act 483 (AB-500)** changes the requirements for the dissolution of a drainage district. Under prior law, the owners of land representing the majority of the confirmed benefits of a drainage district were permitted to file a petition for dissolution. Under the act, the owners of land representing 90% or more of the confirmed benefits of a district may file the petition for dissolution during the first 2 years of the district's existence and the owners representing 67% or more of those benefits may file a petition after the first 2 years.

#### Occupational Regulation

**Act 27 (SB-83)** increases the fee for renewal of licenses issued by the examining boards in DORL to \$35.

The act eliminates the requirement that real estate branch offices be licensed, eliminates the requirement that a real estate broker obtain a salesperson's license before working for another broker, eliminates the requirement that an officer of a licensed real estate corporation or partnership who wishes to act as a broker on behalf of the corporation or partnership obtain a license in addition to his or her individual broker's license, prohibits nonresident brokers from employing brokers in this state, provides that a broker is responsible for the acts of any broker he or she employs and

prohibits a broker or salesperson from being employed by a broker whose license has been suspended or revoked.

The act eliminates the provision that authorized the payment of salaries to the secretaries of the Medical, Dentistry, Optometry, Chiropractic, Nursing Home Administrator and Veterinary examining boards.

The act eliminates the statutory authority for the Accounting Examining Board's report and practice review program.

**Act 35 (SB-38)** allows a member of the parent organization of an organization licensed to conduct bingo to participate in the management and organization of a bingo game. The act also allows a member of the auxiliary of the licensed organization, or the parent organization, or a member of the local unit of the religious organization of which the licensed organization is a member, to act as a caller in a bingo game.

**Act 70 (AB-292)** provides that if DILHR suspends a plumber's or utility contractor's license or temporary permit, DILHR must make its findings and determination within 90 days after the date that it concludes the required hearing.

**Act 125 (AB-170)** restricts advertising as a plumber to any person who is a licensed master plumber or employs a licensed master plumber. The act also requires those who advertise to include in the advertisement the number of his or her license.

**Act 129 (AB-311)** authorizes designers of engineering systems to incorporate.

**Act 164 (SB-79)** directs DILHR to establish a uniform examination for the statewide certification of master electricians.

**Act 171 (AB-153)** prohibits the Bingo Control Board from promulgating any rule which limits the expenditure of bingo funds for installing, maintaining or improving the heating, plumbing, air conditioning or electrical systems of an existing building used in whole or in part for the purposes allowed by statute, except for that portion of the building consisting of a bar or restaurant.

**Act 188 (SB-365)** eliminates the requirement that DHSS prepare and distribute to pharmacists a formulary listing commonly prescribed drug products together with their drug product equivalents. The act requires any person who trades in drugs for resale to purchasers in this state to offer drugs from the list of therapeutically equivalent drugs published by the federal Food and Drug Administration instead of from the formulary.

**Act 222 (SB-243)** makes various changes in the statutes pertaining to bingo and raffle control, including authorizing the awarding of alcohol beverages as a prize in a raffle, creating a monthly raffle and increasing licensure fees for various types of raffles.

**Act 229 (SB-325)** restructures and clarifies the various grounds for disciplinary action by the Hearing Aid Dealers and Fitters Examining Board and provides for investigations of allegations that a person is practicing without a license.

**Act 265 (AB-512)** revises educational requirements for barber apprentices. The act directs the Barbers Examining Board to formulate the required course of instruction jointly with representatives of barber schools and colleges.

**Act 273 (AB-615)** authorizes the Board of Nursing to issue temporary permits to nurse-midwife candidates and eliminates the requirement that an applicant for a license as a real estate broker or salesperson submit the affidavits of 2 residents of the applicant's county of residence, certifying that the applicant is competent.

**Act 289 (AB-775)** allows DORL examining boards to send required notices by registered or certified mail.

**Act 328 (AB-144)** revises the registration requirements for professional engineers, providing that an applicant who receives a diploma from an engineering school and has 8 years of experience in engineering work is exempt from the examination.

**Act 354 (AB-641)** permits the Real Estate Board to discipline a real estate broker or salesperson who intentionally encourages or discourages a person from purchasing or renting real estate in a particular area on the basis of race.

**Act 403 (AB-850)** revises the membership and length of terms of members of DORL boards and examining boards.

**Act 448 (SB-315)** revises the provisions governing burial trust agreements and the sale of funeral merchandise.

**Act 464 (SB-686)** prohibits licensed real estate brokers and registered cemetery salesmen from paying any kind of referral or finder's fee to a person who is not so licensed or registered in Wisconsin or who is not engaged in real estate brokerage or cemetery sales business in another state.

**Act 485 (AB-543)** creates a single funeral director's license to replace the former separate licenses for funeral directors and embalmers and establishes a continuing education requirement for license renewal.

**Act 496 (AB-693)** specifies that pharmacy internships are conducted under the supervision of the Pharmacy Internship Board and consist of practical experience in the responsibilities of a pharmacist under the supervision of a pharmacist approved by the board.

### **Public Utilities and Energy**

**Act 27 (SB-83)** authorizes the PSC to pay the costs of certain intervenors in commission proceedings (see *HIGHLIGHTS*).

The act prohibits a public utility from charging customers for advertising unless the advertising benefits the customers. The act also requires large gas and electric utilities to spend 0.5% of their yearly income on energy conservation under PSC direction.

The act transfers the renewable energy resource system refund program from DILHR to DOA.

The act also requires DILHR to adopt a rule which requires the superinsulation of new homes.

The act required a public utility to include with its advertising a notice that the advertising was being charged to customers; *Act 235*, however, repeals this provision.

**Act 53 (AB-65)** revises the law on public utility regulation.

**Act 76 (SB-218)** extends public utility regulation to any business which supplies sewerage system services.

**Act 144 (SB-344)** permits the PSC to correct errors in orders by modification without a public hearing.

**Act 235 (AB-999)** repeals a provision created by *Act 27* which required a public utility to include with its advertising a notice that the advertising was being charged to customers.

**Act 238 (SB-497)** permits the PSC to require warning signs on electrical lines with 2,000 to 6,000 volts if necessary for public safety.

**Act 338 (AB-367)** provides a court procedure by which owners of property condemned by a public utility may recover the property if the utility abandons the project for which the property was condemned.

**Act 401 (AB-826)** limits PSC approval of construction of new nuclear power plants (see *HIGHLIGHTS*).

**Act 461** (*SB-620*) permits any large electric utility which buys the greater part of its electricity from another electric utility to apply an automatic increase to its rates when the cost of its electricity increases.

**Act 502** (*AB-742*) modifies the PSC procedure for small telephone company rate increases by qualifying the hearing requirement and by setting a 120- or 180-day deadline for issuing the commission's final order on a rate increase application.

**Act 522** (*AB-953*) requires DHSS to establish and study the impact of a warm room program under which certain welfare recipients could volunteer to use radiator covers and portable remote control thermostats to conserve heat in unoccupied living spaces.

### **Real Estate**

**Act 92** (*Oct. 1983 Spec. Sess. AB-7*) repeals laws permitting foreclosure of real estate mortgages by advertisement. The act applies to those foreclosures of mortgages for which a foreclosure sale has not taken place prior to November 17, 1983.

**Act 297** (*AB-890*) authorizes the transfer of property and operations from one cemetery association to another if a majority of the members of each association who are present at a meeting of the association favor the transfer. Prior law provided only for a transfer from an association to a municipality.

**Act 331** (*AB-228*) requires the state to relinquish its right to the title to certain land under the jurisdiction of DNR to the holder of the record title of the abutting property if the property taxes on the land have been paid for 20 years. Between 1911 and 1951, sales of public lands bordering a stream, river, pond or lake were subject to the state's reservation of the title.

**Act 335** (*AB-298*) prohibits nonresident aliens, foreign corporations and corporations, partnerships or associations which are more than 20% foreign-owned from owning more than 640 acres of land in Wisconsin for purposes of agricultural or forest production. The act creates exceptions to the 640-acre limitation for manufacturing and mercantile activities, leases for mining or energy exploration, land used for mining or for energy exploration or production, and land rights secured by treaty. The act also requires divestiture of holdings in excess of 640 acres under certain circumstances.

**Act 362** (*AB-830*) permits a prime contractor who pays his or her obligations to subcontractors and material suppliers within a certain period of time to claim a construction lien despite failing to give the owner a required notice of lien rights within 10 days after the first labor or materials for an improvement are furnished.

**Act 455** (*SB-480*) provides that an interest in minerals which is separate from the surface of the land and which is not used within the previous 20 years may lapse. "Use of an interest in minerals" occurs if the minerals subject to the interest are mined, if a conveyance relating to the interest is recorded, if the owner of the interest pays property taxes on the interest or if the owner of the interest records a statement of claim concerning the interest. The owner of land under which a lapsed interest in minerals exists may claim the interest by recording a statement of claim with the register of deeds in the county where the land is located.

**Act 473** (*AB-197*) permits an assessor's plat to deviate from scale if DOD waives the scale requirement in writing. Prior law required plats to be scaled at not more than 100 feet per inch. The act also requires cemeteries to be surveyed and platted by a land surveyor registered in Wisconsin.

**Act 497** (*AB-702*) requires that each sheet of a condominium plat bear the condominium and county name. If more than one sheet is used, each must be consecutively numbered. The act also

specifies that the plat must include a survey complying with certain standards and showing the location of any condominium unit or building.

### Retirement

**Act 9 (AB-15)** revises the duty disability and death benefit program for protective occupation participants, other than county employes, under the WRS. The changes include the following:

1. The right of a protective occupation participant to receive a determination of his or her eligibility for disability benefits is not affected if the participant continues the employment under which he or she received a disabling injury or contracted disease.

2. The annual date for indexing to the salary of the previous year, plus certain other income, the salary of a participant receiving benefits is changed to January 1.

3. Benefit eligibility for a deceased participant's child is limited to a child who is living, unmarried and under 18 years of age.

**Act 27 (SB-83)** modifies former law to specify that a new school district created from territory of a city school district or joint city school district is liable for its proportionate share of the city's liability for contributions to the WRS on behalf of employes with prior outstanding creditable service contributions.

**Act 141 (SB-568)** revises retirement benefits for employers and employes who participate in the WRS (see *HIGHLIGHTS*).

**Act 191 (AB-537)** repeals disability benefits for county employe protective occupation participants which provide 50% of salary payable at the time of disability and provides, instead, that county undersheriffs, deputy sheriffs and county traffic police officers and any person determined by the employer to be a protective occupation participant are included with other protective occupation participants in the WRS disability program, providing more comprehensive disability benefits.

**Act 247 (AB-32)** permits assets from any retirement system separate from the WRS to be sent to DETF which, if it accepts delivery, must include those funds for investment in the fixed retirement investment trust or the variable retirement investment trust, of the public employe trust fund, or both. The act requires DETF to establish procedures to govern the timing of delivery and withdrawal, accounting and valuation of separate retirement plan assets.

**Act 255 (AB-254)** modifies laws governing the earnings of retired WRS participants. Formerly, the annuity of a WRS retiree who returned to work for a WRS participating employer was terminated when the retiree earned more than one-half his or her final average salary, indexed to reflect salary increases since retirement; the act changes the limitations to 60% of final average salary, subject to indexing. The act repeals laws regulating employes who are receiving retirement benefits from the state public pension system at the same time they are employed by a state public employer.

**Act 267 (AB-544)** permits part-time elected officials (working fewer than 1,044 hours per year) covered under the WRS for both part-time elective service and other employment to receive an annuity after terminating only the other employment. The member must irrevocably waive fund participation for the elected part-time service. Earnings received by the member for part-time elective service after the waiver may not, under the act, count toward the earnings limitation for an annuitant.

**Act 283 (AB-707)** permits the retirement system board of a 1st class city to invest retirement funds in shares of authorized investments of retirement funds.

**Act 290 (AB-794)** makes several technical and minor substantive changes to the WRS. The act:

1. Permits DETF to modify annuity forms by rule to conform them to federal law.
2. Deletes the requirement that there be a 3-month interval after the DETF Board sets the fixed annuity dividend distribution before distribution may be made.
3. Permits the employer of a retired employe to pay life insurance premiums directly to the life insurance company, rather than through DETF.
4. Permits the reestablishment of the accumulation account of an employe reinstated by court order, whether or not the benefit paid the employe before reinstatement was a lump-sum payment of an annuity.
5. Clarifies appeal rights of an employe seeking a determination of status as a protective occupation participant or teacher participant.
6. Increases the amount of the WRS death benefit, if taken by the beneficiary as a single sum, to include interest which would otherwise have accrued between the time of approval of the single sum payment and the termination of the guaranteed number of monthly payments.
7. Modifies laws concerning minor overpayments and underpayments of lump-sum retirement annuities and death benefits and the writing off of uncollectible overpayments.
8. Permits public employers other than the state who provide deferred compensation plans to use the procedures and deferred compensation providers established by the state plan. Local employer access to the state deferred compensation plan is accomplished by amendment to the contracts entered into by the DETF Board.
9. Provides that annuitants currently restricted from election to the Teachers Retirement Board are additionally restricted from being appointed as or voting as certain members of the board.
10. Modifies laws concerning contributions made by employers in addition to required employer contributions to state that neither an annuity certain nor a lump-sum payment in lieu of an annuity may be made from those contributions on behalf of the participant.

**Act 394 (SB-444)** provides a supplemental benefit for all retirees under the WRS who are receiving benefits on the act's effective date on July 1, 1984, and who retired before September, 1974. The supplement, designed to offset part of the inflation that occurred between 1974 and 1980, is calculated as the lesser of 20% of \$200 or of the initial monthly annuity.

**Act 504 (AB-789)** revises the funding basis for the accumulated sick leave conversion credit program administered by DETF for state employes, under which credits established at death or retirement may be used to pay health insurance premiums for retirees or their surviving dependents. The act changes the funding from a "pay-as-you-go" basis whereby state agencies are annually billed by DETF for the year's health insurance premiums, to a prefunded basis, under which each state agency contributes to DETF a percentage of each earnings payment to its insured employes at a rate determined annually by the DETF Board. The act is effective July 1, 1985.

#### **Shared Revenue**

**Act 2 (Jan. 1983 Spec. Sess. SB-1)** eliminates the sales tax supplement to the WSPTR credit program (see *HIGHLIGHTS*).

**Act 27 (SB-83)** substantially revises the WSPTR credit payment program and the shared revenue program (see *HIGHLIGHTS*).

**Act 395 (SB-547)** requires treasurers of towns, villages and cities receiving WSPTR July payments to use those funds to settle with the appropriate county treasurer for distribution not later than August 15 of each year, effective in 1985. The county treasurer, in turn, must settle among the taxing jurisdictions, except for 1st class cities, on or before August 20 of each year.

**State Employment****COLLECTIVE BARGAINING AGREEMENTS**

**Act 38 (SB-445)** ratifies the collective bargaining agreement for the 1983-85 biennium between the state and the Wisconsin State Building Trades Negotiating Committee as representative of the employees of the building trades crafts collective bargaining unit.

**Act 39 (SB-446)** ratifies the collective bargaining agreement for the 1983-85 biennium between the state and the WSEU, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employees of the clerical and related collective bargaining unit.

**Act 40 (SB-447)** ratifies the collective bargaining agreement for the 1983-85 biennium between the state and the WSEU, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employees of the blue collar and nonbuilding trades collective bargaining unit.

**Act 41 (SB-448)** ratifies the collective bargaining agreement for the 1983-85 biennium between the state and the WSEU, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of employees of the security and public safety collective bargaining unit.

**Act 42 (SB-449)** ratifies the collective bargaining agreement for the 1983-85 biennium between the state and the WSEU, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employees of the technical collective bargaining unit.

**Act 43 (SB-450)** ratifies the collective bargaining agreement for the 1983-85 biennium between the state and the WSEU, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employees of the professional research, statistics and analysis collective bargaining unit.

**Act 44 (SB-451)** ratifies the collective bargaining agreement for the 1983-85 biennium between the state and the WSEU, AFSCME Council 24, and its appropriate affiliated locals, as representative of the employees of the professional social services collective bargaining unit.

**Act 45 (SB-452)** ratifies the collective bargaining agreement for the 1983-85 biennium between the state and the State Engineering Association as representative of the employees of the professional engineering collective bargaining unit.

**Act 136 (AB-1041)** ratifies the collective bargaining agreement for the 1983-85 biennium between the state and the State of Wisconsin Education Professionals, AFT, WFT, Local 3271, AFL-CIO, as representative of the employees of the professional education collective bargaining unit.

**Act 137 (AB-1042)** ratifies the collective bargaining agreement for the 1983-85 biennium between the state and the District 1199W/United Professionals for Quality Health Care as representative of the employees of the professional patient care collective bargaining unit.

**Act 138 (AB-1043)** ratifies the collective bargaining agreement for the 1983-85 biennium between the state and the Wisconsin Science Professionals, AFT, Local 3732, as representative of the employees of the professional science collective bargaining unit.

**Act 139 (AB-1044)** ratifies a supplemental collective bargaining agreement for the remainder of the 1983-85 biennium between the state and the WSEU, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employees of the clerical and related collective bargaining unit.

**Act 314 (AB-1173)** ratifies the collective bargaining agreement for the 1983-85 biennium between the state and the Wisconsin State Attorneys Association, Inc., as representative of the employees of the professional legal collective bargaining unit.

OTHER STATE EMPLOYMENT

**Act 27 (SB-83)** clarifies the definition of "resident" in the state civil service laws. Under the act, a resident is a person who has resided within this state for at least 10 days immediately before filing an application for state employment, or is married to such a person. See also *Act 453*, which expands this definition. The act also clarifies the meaning of "project position" and creates exceptions to the prohibitions against hiring nonresidents for limited term or project employment.

The act modifies the statutory formula for determining the state employer contribution for state employe health insurance premiums. Unless otherwise provided under a collective bargaining agreement or the compensation plan for nonrepresented employes, the employer contribution must be the lesser of either 90% of the gross premium for the standard health insurance plan or 105% of the gross premium of the least costly qualifying alternative health insurance plan in the employe's area of residence or employment, but no more than the total premium amount. The employer contribution for insured part-time employes is 50% of this amount (see also *Act 46*).

The act changes the reimbursement rate for state officers and nonrepresented state employes who utilize their personal automobiles on state business when a state automobile is available from a rate equal to the approximate cost of operation of state automobiles to a rate equal to 75% of the rate established for employes who utilize their personal automobiles on state business when a state automobile is not available. *Act 140* reverses this change.

The act abolishes the statutory reserve fund used to finance the unbudgeted costs of increases in compensation and fringe benefits granted to state employes.

The act prohibits payment of any compensation to nonrepresented classified state employes based upon longevity of state service; prohibits use of program supplement appropriations to fund such compensation for any state employe; and directs the Secretary of DER to endeavor to obtain collective bargaining agreements which do not contain provision for any such compensation. The provisions take effect on July 1, 1985.

**Act 30 (July 1983 Spec. Sess. SB-3)** makes various changes in the laws relating to benefits for state employes not covered by collective bargaining agreements. The act expands the rights to obtain temporary lodging allowances and moving expense reimbursement and permits the Secretary of DER to delegate certain expense approval authority. It provides that most of these state employes receive 8.5 paid legal holidays and 2 paid personal holidays instead of 7.5 legal and 3 personal holidays. (*Act 140* raises the number of paid personal holidays back to 3.) It permits employes who are not in the career executive program to receive certain annual vacation options previously available only to those in the program. It also deletes the 4% statutory retirement contribution for state executives, judges, constitutional officers and various unclassified employes and substitutes a requirement that the state contribute an amount equal to 4% of the earnings of these employes unless a different amount is recommended by the Secretary of DER and approved in the same manner that changes in the salaries of nonrepresented classified employes are made.

**Act 46 (SB-453)** provides that the statutory formula for determining the employer contribution for state employe health insurance premiums specified in *Act 27* applies to employes who are not covered by a collective bargaining agreement or the compensation plan for nonrepresented employes, unless a different amount is recommended by the Secretary of DER and approved by JCOER in the same manner that changes in the plan are approved. The act also changes the formula for determining the least costly qualifying health insurance plan, upon which the employer contribution is based under the statutory formula, to provide that the plan is the least costly plan within the county where the plan is located, and employer contributions for employes who select the standard health insurance plan shall be based upon the employe's county of residence. The act also changes the salary-setting procedure for newly created unclassified division administrator positions.

**Act 140 (AB-1046)** makes various changes necessary to implement the nonrepresented classified state employe compensation plan. The act permits most nonrepresented employes to earn annual leave (vacation) while on temporary layoff for up to 20 days, increases from 2 to 3 the number of personal holidays for most nonrepresented state employes (see *Act 30*) and affects eligibility for time and one-half pay for working on Good Friday.

The act permits an insured nonrepresented state employe, except an elected official, who is laid off to request that his or her accumulated sick leave credits be converted to credits for payment of the retired employe contribution for health insurance premiums. The act permits a retiring nonrepresented state employe who is covered by health insurance to delay up to 5 years after retirement converting his or her unused sick leave credits to pay health insurance premiums.

The act provides an exception to the established procedure for making changes in the compensation of nonrepresented state classified employes to correct pay inequities. Under the exception, the Secretary of DER may make compensation changes upon notice to JCOER without a public hearing and without action by JCOER unless JCOER schedules a meeting to review the secretary's proposal.

The act also changes the reimbursement rate (established in *Act 27*) for state officers and nonrepresented state employes who utilize their personal automobiles on state business when a state automobile is available from 75% of the rate established for employes who utilize their personal automobiles on state business when a state automobile is not available to a rate equal to the approximate cost of operation of state automobiles.

**Act 160 (AB-51)** authorizes maintenance of membership agreements under the state employment labor relations act. A maintenance of membership agreement is one in which the employer agrees to deduct dues from the earnings of all employes in a collective bargaining unit who are members of the representative organization on the effective date of the agreement and to deduct dues from the earnings of all employes who are hired after the effective date of the agreement. The agreement may be authorized or abolished by a majority of the employes voting in a referendum conducted by the Employment Relations Commission. (A "fair-share" agreement, permitted under preexisting law, requires the authorization of two-thirds of the employes in a collective bargaining unit voting in a referendum.) The act also provides that under either a fair-share or maintenance of membership agreement, an employe who has religious convictions against dues payments to a labor organization based on the teachings of a church or religious body of which the employe is a member shall, upon request, have his or her dues paid to a charity agreed upon between the employe and the affected labor organization.

**Act 187 (AB-954)** appropriates \$300,000 for the Task Force on Comparable Worth created by executive order number 44, dated January 25, 1984.

**Act 402 (AB-846)** provides certain promotional opportunities to a person with the right of restoration due to layoff from state classified civil service employment. Such a person may compete for certain promotional vacancies previously open only to state classified service employes. Under prior law, the laid-off person was no longer eligible as a state employe.

**Act 407 (AB-317)** permits a state elected officer to take vacation without loss of pay, but prohibits him or her from receiving payment for unused annual leave. Previously, the law on vacation for elected officers was unclear.

**Act 409 (AB-240)**, the "whistle-blower law," protects state employes who disclose information about improper activities in governmental units (see *HIGHLIGHTS*).

**Act 453 (SB-424)** expands the definition of "resident" in the state civil service laws. Under the act, a resident is a person who on the date a state employment application is filed either has

established a residence in this state not less than 10 days earlier, resided in this state for not less than one out of the last 5 years, is eligible to register to vote in this state, or is the spouse of such a person.

**Act 495 (AB-673)** requires state agencies to permit nonrepresented state employes to use personal motorcycles on state business if the employes are permitted to use personal automobiles under similar circumstances. Employes are reimbursed at a rate recommended by the Secretary of DER, subject to disapproval by JCOER in the same manner that automobile reimbursement rates are determined.

### State Government

#### CLAIMS AGAINST THE STATE

**Act 10 (SB-7)** authorizes and directs expenditure of \$1,395.49 from the general fund for payment of a claim made by Alva and Mary Metcalfe, Superior, Wisconsin, to compensate them for uninsured medical expenses incurred by their daughter as the result of a disease contracted after being vaccinated pursuant to an order of DHSS.

**Act 11 (SB-8)** authorizes and directs expenditure of \$9,825.30 from moneys appropriated to DNR for payment of a claim made by the village of St. Cloud to compensate it for 50% of the unreimbursed budgeted cost of improvements made to 2 village parks for which work was not contracted in accordance with state and federal bidding procedures.

**Act 13 (SB-82)** authorizes and directs expenditure of \$3,654.01 from the general fund for payment of a claim made by Gareth Foerster, Stanley, Wisconsin, to compensate him for attorney fees and costs incurred in connection with the defense of charges filed against him for misconduct in public office arising as a result of a theft that occurred at the UW-Eau Claire in 1982. The charges were later dropped.

**Act 15 (AB-21)** authorizes and directs expenditure of \$10,000 from moneys appropriated to DHSS for payment of a claim made by Donald Ledger, Merrill, Wisconsin, to compensate him in part for the value of a disability annuity for which he was eligible but for which he became ineligible as the result of incorrect information provided to him by employes of DHSS.

**Act 18 (SB-9)** authorizes and directs expenditure of a sum sufficient from moneys appropriated or to be appropriated to the UW System for payment of a claim made by John C. Weaver, Rancho Palos Verdes, California, to provide for payment of an annual annuity of \$11,623.12 from the effective date of the act until the date of Mr. Weaver's death, pursuant to a commitment made by the Board of Regents of the UW System at the time he was employed as President of the UW System.

**Act 101 (AB-20)** authorizes and directs expenditure of \$2,399.66 from moneys appropriated to the UW System for payment of a claim made by Helen Yopek, Green Bay, Wisconsin, for unreimbursed medical expenses resulting from a diving accident which occurred at the UW-Green Bay in 1980.

**Act 170 (SB-566)** authorizes and directs expenditure of \$84,886.24 from the general fund for payment of a claim made by Baraboo Sysco Food Services, Inc., Baraboo, Wisconsin, on behalf of its customers. The payment is a refund of sales taxes paid on purchases during the period from 1978 to 1981 which were determined to be nontaxable transactions by the Tax Appeals Commission.

**Act 240 (SB-567)** authorizes and directs expenditure of \$20,607.02 from the general fund for payment of 7 claims made by Robert Cannon, Leander Foley, Jr., Hugh O'Connell, Robert Landry, John Decker, Robert Curley and Christ Seraphim for reimbursement of attorney fees and costs incurred in challenging the constitutionality of section 40.91 of the 1979 statutes, relating to offset of retirement benefits against current salaries.

**Act 312 (AB-1142)** authorizes and directs expenditure of \$85,260.28 from the general fund for payment of a claim made by Francis Hemauer, Conover, Wisconsin, for wrongful imprisonment during the period from September 28, 1972, to April 8, 1981. Mr. Hemauer was imprisoned under a conviction for attempted murder, rape and abduction of which he was shown to be not guilty as a result of laboratory tests.

**Act 313 (AB-1168)** authorizes and directs expenditure of \$10,333.70 from moneys appropriated to DOT for payment of a claim made by Daniel Hannula, Superior, Wisconsin, to compensate him for attorney fees and costs incurred in representing DOT in a condemnation action in which the department's award was appealed by the landowners.

#### LAND EXCHANGES, SALES AND TRANSFERS

**Act 27 (SB-83)** expands the purposes for which the city of Kenosha may use submerged lands previously granted to that city by the state.

**Act 162 (AB-989)** conveys certain submerged land under Lake Michigan to the city of Racine.

**Act 423 (AB-1015)** makes various changes in the requirements and procedures governing the Board of Commissioners of Public Lands in the sale of land and the granting of loans.

**Act 499 (AB-719)** authorizes DNR to exchange certain land owned by the state for other land owned by Kenneth Glembin.

#### PURCHASING

**Act 16 (AB-141)** requires DOA to contract with minority business enterprises and women's business enterprises for specified percentages of the total bid amounts for the construction of the medium security correctional institution to be built in Milwaukee.

**Act 27 (SB-83)** authorizes the Secretary of DOA to solicit competitive sealed proposals if he or she determines that the competitive bid procedure is not practicable or advantageous, and to discuss and negotiate the terms of the proposals to obtain the most advantageous offer.

The act permits the Secretary of DOA to waive the usual bidding requirements when making purchases from other governmental units, and specifies the notice requirements for making purchases from private sources when the bidding requirements are waived.

The act permits DOA to enter into cooperative purchasing agreements with municipalities and permits municipalities to enter into similar agreements with each other. The act also requires DOA to make available to municipalities, upon request, technical purchasing information.

The act requires DOA and DOT to attempt to ensure that 5% of all moneys spent in each fiscal year for purchases and construction are paid to businesses that are at least 51% owned by minority group members.

The act provides that if a licensed sheltered workshop submits a qualified responsible bid or offer that is no more than 2% higher than the lowest responsible bid or offer on any purchase subject to the general bidding requirements, DOA is required to award the order or contract to the sheltered workshop.

**Act 390 (SB-650)** requires DOD and DOT to establish lists of certified minority businesses that qualify for the purchasing preferences created by *Act 27*. The act creates procedures for certifying and decertifying both Wisconsin and out-of-state businesses. DOD's authority to certify out-of-state minority businesses expires on June 30, 1987.

#### STATE BUILDING PROGRAM

**Acts 27, 79, 97 and 195 (SB-83, SB-459, SB-395 and SB-412)** authorize \$194,824,500 in new or expanded state building projects (excluding highway projects). This compares with \$171,530,500

authorized in the previous biennium. The acts also authorize \$169,650,700 in borrowing to pay for authorized building projects. The authorized building program includes \$51,500,000 for construction of a new correctional institution in the Menomonee River Valley in the city of Milwaukee (authorized by *Act 97*).

#### OTHER STATE GOVERNMENT

**Joint Resolution 46** (*Assembly Joint Resolution 96*) designates the *Milwaukee Sentinel* as the official state newspaper for publication of legal notices, replacing the *Wisconsin State Journal*. The joint resolution also requests DOA to develop guidelines for determining the lowest responsible bidder with respect to services provided by the official state newspaper. It further directs the Joint Committee on Legislative Organization, upon receipt of the guidelines, to review its recommendation of an official state newspaper and to recommend to the Legislature the newspaper which is determined to be the lowest responsible bidder, pursuant to the guidelines, to serve as the official state newspaper.

**Act 3** (*AB-104*) authorizes the issuance of operating notes, makes changes in laws governing reallocation of state moneys, delayed state payments to local governmental units and state claim proration and payment schedules and requires the preparation of plans and reports concerning the state's cash flow situation (see *HIGHLIGHTS*).

**Act 4** (*SB-66*) increases an appropriation for the Public Defender Board for private counsel and investigator services.

**Act 7** (*AB-47*) makes the birthdate of Martin Luther King, Jr. (January 15) a legal holiday.

**Act 27** (*SB-83*) makes numerous changes in the statutes relating to state government, including the following:

1. The act reorganizes DER. The act abolishes the Division of Personnel (DOP) and in its place creates the Division of Merit Recruitment and Selection. Numerous responsibilities previously assigned to the Administrator of DOP are transferred to the Secretary of DER.

2. The act transfers GETO from DILHR to the Office of the Governor and expands GETO's duties.

3. The act creates a 15-member Women's Council attached for administrative purposes to DOA. The council has a variety of designated responsibilities relating to improving the social and economic status of women.

4. The act eliminates the former Council on Criminal Justice, creates a new council and reduces the council's staff and responsibilities.

5. The act transfers the director and staff assistant of the Federal-State Relations Office of DOA from the classified to the unclassified service and makes the Governor the appointing authority for these positions, with appointments subject to the concurrence of the Joint Committee on Legislative Organization.

6. The act extends the authority of the Secretary of DOA to permit direct issuance of checks for not more than \$300 drawn on the state treasury to apply to all state agencies.

7. The act deletes the requirement that each commission, board and council which is attached to a department or independent agency submit an annual report to the head of the department or agency to which it is attached, and substitutes a requirement that each such commission, board and council report on its operations to the department or agency head upon request of that individual, not more often than annually.

8. The act deletes the requirement that changes in the salaries of elected state officials be approved by separate legislation. Instead, the act provides for any changes in these salaries to be made in the same manner as provided for nonrepresented employes in the state classified service.

The act also changes the points within the pay ranges for salary groups to which elected state official positions are assigned and deletes the assignment of legislative positions to any salary group (see also *Act 121*).

9. The act modifies the procedure for determining the allowance for food and lodging provided to members of the Legislature, chief clerks and sergeants at arms during legislative sessions.

10. The act requires state agencies which have appropriations of program revenue or segregated revenue from program receipts to make quarterly reports to DOA upon request, projecting the revenues and expenditures under each such appropriation. DOA is required to report to JCF concerning any projected revenue deficiencies. If a revenue deficiency is projected, the affected agency must submit a plan to assure revenue sufficiency to DOA and the Governor. Upon approval by the Governor, the plan is submitted to JCF, which may disapprove the plan. DOA is directed to monitor compliance with the requirements. Agency officers who fail to submit required reports or plans are subject to a forfeiture.

11. The act requires state agencies that are informed by a federal agency that any use or proposed use of federal moneys has been disallowed to notify DOA and JCF and propose a method to settle the disallowance. Such agencies are required to make reports to DOA concerning the status of efforts to settle the disallowance. Any proposed action to settle a disallowance is subject to the approval of DOA. A statement of each such proposed action must be submitted to JCF, which may disapprove the proposed action.

12. The act repeals certain limits on the amounts a state agency may spend on out-of-state travel, repeals the requirement that each state agency must file an annual mileage reduction and fuel conservation plan with DOA and repeals a requirement that each state agency must report quarterly to DOA on its use of chartered aircraft.

13. The act abolishes the state agency management improvement program.

14. The act specifies that the Executive Director of the Public Records and Forms Board and the Director of the State Records and Forms Center are 2 separate positions, removes from DOA various responsibilities related to forms management and assigns responsibility for the forms management program to the board.

15. The act abolishes the people's escrow fund which provided for the return of excess revenue to individual income taxpayers.

**Act 29** (*July 1983 Spec. Sess. AB-1*) reapportions the Senate and Assembly districts in accordance with the 1980 federal decennial census (see *HIGHLIGHTS*).

**Act 33** (*SB-89*) designates the Antigo silt loam as the state soil of Wisconsin and requires the *Wisconsin Blue Book* to include that information.

**Acts 36 and 192** (*SB-280 and AB-959*) are revisor's correction acts.

**Act 61** (*AB-160*) changes provisions relating to the reporting of honorariums, fees and expenses paid to state public officials. Under the act, reporting of amounts in excess of \$50 per taxable year for publication of works, participation in meetings or presentation of talks is required. The act requires reporting of most "in-kind" compensation in addition to money as formerly provided and also requires identification of the source of the honorarium, fee or reimbursement. Similar reporting requirements are prescribed for certain gifts received by officials. Reporting exemptions are provided.

**Act 90** (*Oct. 1983 Spec. Sess. AB-4*) requires state agencies, when promulgating administrative rules that will affect small businesses, to involve small businesses in the rule-making process and, whenever possible, to establish exemptions or less stringent requirements for small businesses. The act requires agencies to prepare, as part of the legislative review process, regulatory flexibility analyses describing the effect of proposed rules on small businesses.

**Act 96 (SB-103)** changes from an annual to a biennial basis the frequency of required reports by the Legislative Audit Bureau to the Joint Legislative Audit Committee concerning adherence by state agencies to the state's "buy-American" purchasing preference law.

**Act 121 (SB-362)** deletes assignment of state judicial positions to executive salary groups and specific points within the pay ranges assigned to these groups. Instead, the act provides for salaries for the positions to be determined with reference to specific dollar amounts. The act also requires that the salary established for the Chief Justice of the Wisconsin Supreme Court be different from the salaries established for the other justices of the Wisconsin Supreme Court. The procedure for changing the salaries of judicial positions (established in *Act 27*) is unaffected by *Act 121*.

**Act 122 (SB-349)** makes miscellaneous remedial changes in the laws relating to DILHR.

**Act 166 (SB-351)** makes various minor changes in the code of ethics for state public officials and employes. The act clarifies the definition of "income" for reporting purposes, revises and clarifies the method of notification of persons who are under investigation, eliminates the requirement for identification of certain income received from decedents' estates and clarifies the reporting period for statements of economic interests.

**Act 174 (AB-343)** provides 2 exceptions to the requirement under preexisting law that fees be charged for parking at state office buildings located in municipalities that are served by a mass transit system which receives state operating assistance. The act provides that no fees need be charged unless the system serves a street which passes within 500 feet of a state office building. It also provides that no fees need be charged if the cost of fee collection exceeds parking revenues at such a building.

**Act 189 (SB-642)** places lists of definitions in the statutes in alphabetical order.

**Act 308 (AB-1113)** abolishes the Commission on Interstate Cooperation and discontinues or reassigns the commission's functions. The basic functions of the commission were oversight of relations of this state with the federal government, other state governments and units of government in other states and encouragement of intergovernmental cooperation. Under the act, most of the functions of the commission are transferred to the Law Revision Committee of the Legislative Council, the cochairpersons of the Joint Committee on Legislative Organization or the Legislature.

**Act 377 (AB-927)** provides additional funding and authorizes positions for the state public defender program. The act makes various revisions in laws affecting the program, including a requirement for the establishment of a case management system for use by staff attorneys of the Office of the State Public Defender.

**Act 382 (AB-1112)** provides additional funds for the expenses of committees created by law or executive order, particularly the Wisconsin Strategic Development Commission.

**Act 408 (SB-168)** creates the revised uniform unclaimed property act. The act establishes time periods after which property held by a person other than its owner is presumed abandoned. The abandoned property is required to be turned over to the State Treasurer for deposit in the school fund until claimed by its owner or the owner's heirs.

**Act 524 (AB-987)** deletes, creates and changes a number of reporting requirements by state agencies to the Governor or the Legislature or both, eliminates a number of duplicative reports and deletes certain information which was formerly required to be included in other reports, changes and clarifies the dates for submission of certain reports and requires reporting of certain information to the Governor and the Legislature that was formerly reported only internally within a particular agency. The act also limits the distribution of certain reports. In addition, the act creates a uniform reporting procedure for preexisting state agency reports to the Legislature or its officers or committees (except JCF).

## Taxation

**Act 2** (*Jan. 1983 Spec. Sess. SB-1*) makes several temporary tax increases permanent (see *HIGHLIGHTS*).

**Act 23** (*AB-294*) increases from 7 to 9 the maximum number of days on which an organization may make sales in a year without losing its occasional sales exemption for sales and use tax purposes.

**Act 27** (*SB-83*) makes various changes in the tax laws. For more important changes, see *HIGHLIGHTS*. The act also creates an income tax earned income credit for low-income individuals and creates an income and franchise tax research credit and research facilities credit.

The act replaces the itemized deduction for dependent care expenses with an income tax credit. The act converts the tax on cigarettes from an excise tax to an occupational tax, thereby allowing that tax to be collected on sales by Indians to non-Indians, and it provides an administrative system and refunds in respect to the tax on those sales.

The act imposed income and franchise tax penalties on certain employers who do not offer to their employees multiple health insurance plans and health insurance plans that have continuation rights. Those penalties are repealed, however, by *Act 405*.

The act increases from 50% to 75% and then to 100% the amount of dividend income received from a subsidiary that a parent corporation may deduct in computing income or franchise taxes.

The act changes the requirements for paying estimated income and franchise taxes.

The act imposed a sales tax on the proceeds from raffles; *Act 510*, however, discontinues the tax.

The act creates an endangered resources tax check-off. It allows individual income taxpayers to designate and pay any additional amount on their state tax forms which is used for protecting and acquiring endangered resources.

**Act 28** (*July 1983 Spec. Sess. SB-2*) changes the effective date for a previous statutory change made by *Act 27* in regard to the motor fuel tax liability of wholesalers (see also *Act 37*).

**Act 32** (*SB-165*) increases the occupational tax on domestic mink farms from \$5 annually to \$25 annually.

**Act 37** (*SB-418*) specifies when fuel is received by a wholesaler for purposes of the motor fuel tax (see also *Act 28*).

**Act 52** (*AB-53*) allows a county, in certain situations, to foreclose tax liens within a shorter time period than that allowed under prior law.

**Act 63** (*AB-194*) changes the number of cigarettes that pertain to the various penalties for possessing unstamped cigarettes.

**Act 88** (*Oct. 1983 Spec. Sess. AB-2*) creates a personal property tax exemption for logging equipment.

**Act 89** (*Oct. 1983 Spec. Sess. AB-3*) specifies that the storage of certain material and the purchase of printing services by publishers do not in themselves give this state the jurisdiction to impose income and franchise taxes.

**Act 194** (*AB-1152*) increases gift tax and inheritance tax exemptions (see *HIGHLIGHTS*).

**Act 201** (*AB-142*) grants a property tax exemption for perennial plants that produce an annual crop, such as cherries and cranberries.

**Act 212** (*SB-663*) provides income tax relief and expands the homestead credit program (see *HIGHLIGHTS*).

**Act 220 (SB-158)** delays the dates on which the board of assessors and board of review in first class cities (Milwaukee) are required to complete their property tax work.

**Act 225 (SB-273)** defines "unlawful tax" for purposes of allowing persons to receive refunds of property taxes.

**Act 241 (SB-580)** provides that DOR may not consider a petition for reassessment of property for property tax purposes if the petitioner petitioned for a reassessment within 3 years and was denied, unless an owner or owners of at least 5% of the value of the property in the municipality join in the petition, and that if a reassessment is denied under those terms the petitioner shall pay 75% of DOR's costs.

**Act 248 (AB-88)** allows personal property to be used as security to guarantee payment of inheritance taxes in instalments on the transfer of closely held businesses.

**Act 259 (AB-394)** increases from \$500 to \$600 the amount of money paid to individuals for services that requires reporting to DOR.

**Act 275 (AB-617)** is remedial legislation that makes such minor changes as correcting a cross-reference, changing terms and slightly altering administrative details in revenue laws.

**Act 276 (AB-618)** repeals the occupational tax on beekeepers.

**Act 277 (AB-619)** allows the Tax Appeals Commission by rule to set the number of copies of appeals of assessments of manufacturing property that must be filed.

**Act 287 (AB-769)** creates a sales tax exemption for copying public records.

**Act 300 (AB-970)** provides a means for correcting palpable errors in assessments for property tax purposes.

**Act 305 (AB-1014)** specifies that charitable contributions to Wisconsin organizations are irrelevant to the determination of whether or not an individual is a resident of this state for income tax purposes.

**Act 322 (SB-495)** specifies that DOR merely prescribes the notice of possible eligibility for a homestead credit that is to be included with property tax statements rather than providing that notice, as under prior law.

**Act 327 (AB-89)** allows persons to retain property tax exemptions if they lease their property to persons who would be exempt and if the lease income is used for maintenance or debt service and allows certain governmental units to retain property tax exemptions if they lease their property, regardless of their use of the lease income.

**Act 341 (AB-435)** creates a sales tax exemption for lodging furnished in mobile homes.

**Act 342 (AB-436)** changes the tests used to determine whether a mobile home is subject to property taxes or to parking permit fees and provides that mobile home park operators may retain 2% of the parking permit fees they collect.

**Act 344 (AB-457)** reduces the notice requirements applicable to counties that wish to sell property in respect to which property taxes have been delinquent for at least 4 years.

**Act 395 (SB-547)** changes the settlement procedures among taxing jurisdictions in respect to property taxes and Wisconsin state property tax relief payments.

**Act 405 (AB-1027)** makes numerous minor policy changes in regard to several taxes, including deleting sales for resale from gross revenues for the purposes of computing the license fees on utilities.

**Act 417 (SB-557)** provides that any existing woodland tax law contract remains in effect despite the fact that the town in which the land is located incorporates as a city after the contract was entered into, and also permits the renewal of any such contract.

**Act 432 (SB-641)** specifies that, for purposes of the property tax, intangible rights connected to time-sharing rights in real property are not property.

**Act 470 (AB-137)** specifies that towns, cities and villages (not counties, as under prior law) receive federal payments in lieu of taxes on national forest lands.

**Act 476 (AB-302)** creates personal liability for property taxes and certain other costs owed to 1st class cities (Milwaukee).

**Act 490 (AB-606)** changes from \$100 to \$300 the dollar amount of the increase in assessed value for property tax purposes that necessitates notice to the property owner.

**Act 498 (AB-717)** grants a sales and use tax exemption for periodicals sold to publishers for distribution without charge.

**Act 510 (AB-861)** repeals the sales tax on raffles imposed by *Act 27*.

**Act 514 (AB-892)** allows municipalities to impose a forfeiture on persons who fail to pay the correct amount of room taxes.

**Act 530 (AB-1063)** prevents the imposition of interest and penalties in respect to income taxes due for certain years on renewable energy resource system refunds.

## Transportation

### CLASSIFICATION AND REGISTRATION OF MOTOR VEHICLES

**Act 27 (SB-83)** specifies that the definition of "school bus" does not include a motor vehicle used by a day care center to transport fewer than 10 persons, including the operator (see also *Act 175*).

The act also makes several changes in provisions relating to the registration of motor vehicles, including the following:

1. Authorizing the Secretary of DOT, subject to the approval of the Governor and JCF, to withdraw the state from the International Registration Plan (IRP) if necessary and desirable. The IRP is a vehicle registration reciprocity agreement among 28 member states.

2. Modifying prior law on municipal or county vehicle registration fees to include motor trucks weighing 8,000 pounds or less and eliminating the requirement that the local fee be no more than 50% of the state fee. The act provides for DOT to collect the locally imposed fees and remit them to the appropriate local unit of government.

3. Increasing the additional fee for vehicles which are eligible for part-period registration and are registered quarterly and increasing fees for initial certificates of title and for transferring and replacing certificates of title.

4. Requiring DOT to establish the motor vehicle emission inspection and maintenance program by April 1, 1984. Inspection is a prerequisite for renewing the registration of a motor vehicle in several southeastern counties which do not meet certain national air quality standards.

**Act 50 (AB-37)** allows DOT to enter into reciprocal motor vehicle registration exemption agreements with federally recognized Indian tribes or bands. A vehicle bearing a license plate issued by the Indian tribe or band is permitted to operate on Wisconsin highways without a Wisconsin license plate, and a vehicle displaying a Wisconsin license plate is granted similar privileges for operation on highways on Indian land.

**Act 123 (AB-56)** revises the fee structure for quarterly registration of motor vehicles.

**Act 126 (AB-248)** provides for the issuance of personalized motorcycle license plates. The plates may have one to 5 letters or numbers or both.

**Act 152 (AB-409)** permits a vehicle which transports whey and liquid whey sugars to be registered at the reduced fee for vehicles used exclusively for transporting liquid dairy products.

**Act 155 (AB-560)** requires DOT to notify a person with a security interest in a motor vehicle upon request of the person whenever DOT receives information that the vehicle is being titled in another state and the information does not show that the security interest has been satisfied.

**Act 156 (AB-597)** makes savings and loan institutions eligible for special registration plates for use on motor vehicles owned or being repossessed by the institution. Prior law permitted finance companies, banks and credit unions to obtain these plates, but credit unions were not able to obtain additional plates at a reduced fee. The act gives that option to all of these financial institutions.

**Act 175 (AB-480)** revises several provisions of school bus law, including the definition of a school bus, and also affects transportation services for elderly or handicapped persons. The act replaces specific exclusions from the definitions of a school bus, including an exclusion inserted in *Act 27* for certain vehicles used by a day care center, with a more general provision for vehicles operated as an alternative to school bus transportation. The major changes are as follows:

1. Schools may provide transportation for pupils and others to curricular and extracurricular events in a school bus, motor bus or in another motor vehicle under an alternative provision of the new law. The alternative to school buses permits a school to provide pupil transportation in a motor vehicle for the operator and 9 or fewer passengers. The operator must be at least 18 years old and hold a valid Wisconsin operator's license. The vehicle must be inspected annually and is subject to certain insurance requirements.

2. The act distinguishes between school buses and human service vehicles. A human service vehicle (HSV) is a motor vehicle used to transport elderly or handicapped persons under a transportation assistance program, unless the service is performed by a volunteer, taxicab or common carrier service or as part of an urban mass transportation assistance program. An HSV must be inspected annually by DOT and must be insured. A school bus is defined as a motor vehicle transporting 10 or more pupils to or from a public or private school, required VTAE courses or religious instruction when school is in session, transporting children with exceptional needs to educational programs, or any vehicle painted like a school bus and providing that transportation. Alternative vehicles used to transport pupils are not required to be painted and equipped like school buses.

**Act 180 (SB-559)** exempts a motor vehicle which is being operated to or from an emission inspection station from registration. Inspection is a prerequisite for renewing the registration of certain vehicles. The act also authorizes DOT to issue a temporary operation permit or plate upon the request of the owner of a vehicle which is subject to the emission inspection requirement.

**Act 223 (SB-251)** expands the definition of farm trucks and farm trailers to include, in addition to those owned and operated by a farmer for farming operations, trucks and trailers leased by a farmer from a leasing business for a period of one year or more. Farm trucks and trailers are registered at a lower fee than are other trucks and trailers.

**Act 227 (SB-323)** authorizes DOT to issue special license plates for additional types of vehicles owned or used by physically disabled persons. A vehicle displaying the special plates is entitled to certain parking privileges.

**Act 243 (SB-604)** revises definitions for automobiles, motorcycles, mopeds and motor bicycles. Prior law required that a person operating a motorcycle have a valid operator's license specifically endorsed for motorcycle operation. The new law allows a person to obtain an operator's license

which is restricted to motorcycle operation. The act also authorizes DOT to issue an instruction permit for motorcycle operation and to waive the requirement that a person applying for a license to operate a motor bicycle or moped demonstrate the ability to operate the vehicle.

**Act 258 (AB-365)** permits display of a registration plate issued to a municipality on the front of the vehicle if the design or use of the vehicle would make a rear plate difficult to see.

**Act 270 (AB-600)** defines a dual purpose farm truck as a motor truck owned and operated by a farmer and used both in farm-related activities and in furtherance of a nonfarm occupation. The act includes a number of provisions on the transfer of license plates to and from certain types of vehicles.

**Act 469 (AB-75)** permits certain motor trucks and truck tractors to be registered on a consecutive monthly basis instead of on a quarterly basis. The act also authorizes DOT to establish a telephone call-in system to register vehicles under the quarterly or consecutive monthly systems.

**Act 511 (AB-880)** permits a member of the Wisconsin National Guard to obtain a special license plate which indicates the person's membership in the guard for an owned automobile, station wagon or motor truck weighing not more than 6,000 pounds.

#### DRIVERS' LICENSES

**Act 5 (AB-13)** eliminates the requirement that drivers' licenses be issued from a central location. When the provisions for photo licenses are fully implemented DOT will be able to issue most licenses personally instead of mailing licenses from Madison.

**Act 12 (SB-15)** withdraws authority for a DOT administrative rule which prohibited the issuance of a chauffeur's license to a person who has experienced an episode of altered consciousness or loss of body control.

**Act 27 (SB-83)** permits DOT to issue a person a regular occupational license instead of a temporary occupational license as required by a prior provision of the law if a court orders that a regular occupational license be issued to the person.

**Act 355 (AB-648)** prohibits any person from requiring or accepting a driver's license as security, except when that action is authorized by law.

**Act 431 (SB-573)** permits a person who is an epileptic and who has qualified for an operator's license to discontinue filing an annual medical report with DOT after a certain period of time. The person must be free of seizures for a period of 10 years after first being issued an operator's license as an epileptic in order to discontinue the reports.

**Act 480 (AB-425)** exempts a person licensed to operate a school bus from having to obtain a chauffeur's license.

**Act 525 (AB-993)** permits a habitual traffic offender to petition the court which ordered the revocation of the person's license for an occupational license after the first 2 years of the 5-year revocation period have elapsed.

**Act 526 (AB-994)** permits DOT to issue a limited chauffeur's license to a person after the first 15 days of the period of suspension of the license have elapsed.

**Act 534 (AB-976)** revises penalties for operating a motor vehicle without a valid driver's license. The act also requires DOT to provide instruction and test an applicant for a license to operate a motorcycle on proper eye protection to be worn while cycling at night.

FINANCE AND HIGHWAYS

**Act 27 (SB-83)** establishes a Transportation Projects Commission to review major highway projects prior to construction (see *HIGHLIGHTS*).

The act establishes a new authorized bonding authority for highways and DOT administrative facilities and authorizes the Building Commission to issue up to \$187,900,000 in revenue bonds for those purposes. DOT is authorized to deposit most vehicle registration fees in a distinct fund outside the state treasury, in an account maintained by a trustee, and to pledge revenues received or to be received in the fund to secure the revenue bonds. Of the \$187,900,000 in bond authority, \$142,400,000 is for major highway development projects, \$12,800,000 for DOT administrative facilities and \$32,700,000 for the creation of a debt service reserve fund and funding the costs of issuance.

The act affects a number of specific highway projects in addition to the 12 major highway projects approved for construction during the current biennium, making additions and deletions on the state trunk highway system and establishing a pilot program for the construction of noise barriers on the interstate system.

The act also changes the date for counties and municipalities to submit reports of local highway costs to DOR and removes a requirement that DATCP be notified of certain hearings or meetings regarding modifications of town highways or proposed construction of bridges or modifications of the state trunk highway system.

**Act 55 (AB-74)** removes the authority of a county highway commission to regulate the use of a highway designated as a rustic road. That authority is retained by the local unit of government which has jurisdiction over the road.

**Act 118 (AB-738)** clarifies the distribution of transportation aids to municipalities receiving reduced aids for fiscal year 1982-83. A municipality which realizes its full aid reduction in the first 3 quarterly payments of calendar year 1983 does not have its last payment for 1983 reduced.

**Act 130 (AB-342)** permits DOT, with county approval, to use state trunk highway allotments to establish preferential car pool lanes. Prior law permitted local highway authorities to designate mass transit ways and authorize their use by car pool vehicles; the act extends this authority to DOT as well.

**Act 177 (AB-627)** provides for a review and hearing if DOT denies a request for a permit to construct a driveway entrance to a state trunk highway.

**Act 178 (AB-689)** exempts abandoned railroad property acquired by the state and highway property held by the state or a political subdivision for highway purposes from adverse possession claims. Prior law exempted only property held in trust by the state.

**Act 212 (SB-663)** increases cash financing by \$24,500,000 in fiscal year 1984 to offset delays in the receipt of federal highway funds to permit construction on state trunk and connecting highways and the interstate system to proceed on schedule. The act provides \$43,900,000 in cash financing for major development of state trunk and connecting highway projects in fiscal year 1985. General obligation bonding for this purpose is reduced by \$26,000,000. The revenue bonding authority for this purpose established in *Act 27* is reduced by \$21,700,000.

**Act 291 (AB-796)** permits the appointment of a highway safety coordinator in each county and in cities with a population of 150,000 or more. The act also expands the membership of each county traffic safety commission to include the county highway safety coordinator and additional persons appointed to serve on the commission by the county board chairperson, county executive or county administrator.

**Act 463 (SB-655)** permits an advertising sign for an activity conducted on the property on which the sign is located to be placed more than 50 feet from the building in which the advertised activity is conducted even though the sign is within 500 feet of an interchange, intersection or rest area of certain interstate or state highways.

#### MOTOR VEHICLE DEALERS

**Act 147 (AB-273)** provides that the license of a motor vehicle factory branch or distributor to do business in this state may be denied, suspended or revoked if the factory branch or distributor unreasonably withholds approval of a change in ownership or management of a dealership or unreasonably closes a dealer point.

**Act 153 (AB-531)** provides that a motor vehicle manufacturer, factory branch or distributor or their representatives may lose their license to engage in business in Wisconsin if they unfairly, without regard for equity and without provocation, fail to renew the franchise of a motor vehicle dealer.

**Act 154 (AB-532)** provides that a motor vehicle manufacturer, factory branch or distributor who unreasonably refuses to allow a dealership to share its facilities or add another franchise at the same location as its existing franchise may lose its license to engage in business in Wisconsin.

**Act 460 (SB-601)** permits a motor vehicle dealer or an applicant for a dealer license to furnish a bond of \$25,000 instead of filing certain financial statements with the Commissioner of Banking and DOT. Applications for a dealer license and accompanying information, including financial statements, are subject to inspection under the public records law.

#### TRAFFIC AND PARKING REGULATION

**Act 27 (SB-83)** authorizes an increase in the size of the State Traffic Patrol from 375 to 400. Up to 385 traffic officers may be employed by the end of the current biennium.

The act also increases the penalties for certain traffic violations.

**Act 47 (AB-7)** permits 2-way snowmobile traffic at night on certain approved trails located at least 80 feet from a roadway and separated from the roadway by a fence. The act also restricts the operation of snowmobiles upon any part of a freeway to those freeways designated by DOT for snowmobile operations. Snowmobiles may not be operated on any part of a freeway which is part of the interstate system.

**Act 54 (AB-73)** permits trucks to operate at 55 miles per hour on a town road or a county trunk highway unless the speed limit on the road or highway is otherwise restricted.

**Act 56 (AB-119)** allows marked police vehicles to use one blue and one red warning light and permits a fire department vehicle used as a command post at the site of an emergency call to be equipped with a blue warning light. No other vehicles may be equipped with a blue warning light.

**Act 57 (AB-129)** permits a motorcycle to be parked at an angle in a parallel parking space and permits up to 3 motorcycles to be parked in either a parallel or angle parking space. Up to 3 motorcycles may be parked in a space regulated by a meter unless the space is marked for a single motorcycle. The operator of each motorcycle parked in a single space regulated by a meter is subject to a citation for any violation of a time restriction on the space.

**Act 59 (AB-131)** permits a bus to stop in the crosswalk of an uncontrolled intersection when snow accumulation at the usual bus stop presents a hazard to bus passengers.

**Act 77 (SB-305)** requires public parking facilities to reserve a certain number of spaces for use by vehicles used by physically disabled people. Employers maintaining a parking facility restricted to

use by employes are required, at the request of a physically disabled employe, to reserve a parking space for use by the employe (see also *Act 246*).

**Act 103** (*AB-26*) provides that 50% of the forfeiture resulting from a parking ticket for a rented or leased vehicle may be charged to the owner of the vehicle if the person who rented or leased the vehicle fails to respond to the citation (see also *Act 169*).

**Act 124** (*AB-71*) expands the definition of "implement of husbandry" to include trailer-mounted bulk liquid fertilizer containers. The act also requires implements of husbandry manufactured after January 1, 1984, to display 2 white lights on the front and 2 red lights or reflectors on the rear of the vehicle when being operated on a highway after dark.

**Act 133** (*AB-507*) requires the operator of a motorcycle to ensure that a passenger on the motorcycle who is under 18 years of age wears a helmet.

**Act 169** (*SB-560*) authorizes DOT to refuse to register a motor vehicle owned by a person who fails to pay a forfeiture or appear in court in response to a citation issued to the person for a parking violation with a rented or leased car. If following the failure of the renter or lessee to respond to the citation, the owner of the vehicle involved in the parking violation fails to pay 50% of the forfeiture for the violation, the authority which issued the citation may request DOT to suspend the registration of that vehicle (see also *Act 103*).

**Act 244** (*SB-647*) permits a motor vehicle weighing more than 3,000 pounds to be towed on a highway without being equipped with brakes adequate to stop and hold the vehicle while being towed under certain conditions.

**Act 246** (*SB-691*) permits a nonprofit organization, institution of higher education or governmental unit which owns more than one parking facility to reserve a total of 2% of the total number of spaces offered as handicapped parking instead of determining the number of required reserved spaces separately for each facility. At least one space must be reserved for handicapped parking in each facility. If the number of spaces reserved under this option is less than the number of spaces which must be reserved if each facility is considered separately, upon the request of a physically disabled person the institution, governmental unit or organization will reserve an additional handicapped parking space (see also *Act 77*).

**Act 252** (*AB-205*) requires that a school bus operator reporting a motorist's violation of the requirement to stop for a school bus which has stopped on a highway and is displaying its flashing red warning lights file the report with a traffic officer within 24 hours after observing the violation. The officer is to serve a citation for the violation on the owner of the vehicle within 48 hours after receiving the report from the school bus operator.

**Act 285** (*AB-726*) requires a resident transporting a child under 4 years of age to properly restrain the child in a child safety restraint system or safety belt. A child who is under 2 years of age must be restrained in a child safety restraint system. Under the act, if the parent or legal guardian of the child is present in the vehicle, the parent or legal guardian must provide for the proper restraint of the child. In the absence of the child's parent or legal guardian, the person transporting the child is responsible for properly restraining the child.

**Act 288** (*AB-774*) permits a city or village to establish a marked golf cart crossing point on a highway within its limits.

**Act 330** (*AB-219*) permits a local authority, a state agency or a campus of the UW System to use DOT's traffic violation and registration program (TVRP). Under TVRP, DOT may refuse to register a person's vehicle or may suspend the registration until the person clears his or her unpaid parking tickets. Prior law did not provide for UW System or state agency use of TVRP.

**Act 445 (SB-161)** changes the amounts of the priority liens for towing and storage of motor vehicles. The total amount under former law was \$15. The act establishes a towing lien priority of \$50 for automobiles and smaller trucks, and of \$100 for larger trucks. The storage lien priority is \$3 per day but not more than \$180 for automobiles and smaller trucks, and \$6 per day but not more than \$360 for larger trucks. The act provides that liens for towing and storage are void unless the person taking possession of a vehicle makes a reasonable effort to notify the holder of the senior lien on the vehicle within 40 days after taking possession.

The act also raises the value limit on a vehicle from \$100 to \$200 for purposes of determining the applicable foreclosure procedure.

**Act 457 (SB-517)** permits privately owned motor vehicles used by certain paramedics, ambulance attendants or ambulance drivers to be used as emergency vehicles. The vehicles must be authorized for this operation annually in writing by an ambulance service or rescue squad chief. An authorized emergency vehicle, when using a siren and flashing red light, may disregard certain traffic regulations when responding to an emergency call.

**Act 459 (SB-561)** makes various changes relating to driving and other acts while under the influence of an intoxicant or drug or both. The major changes include:

1. Under prior law, people were prohibited from operating motor vehicles, airplanes, boats, snowmobiles and firearms while under the influence of an intoxicant or a controlled substance. The act expands the coverage of the various offenses to include all drugs, thus prohibiting a person from operating a motor vehicle if he or she is under the influence of any drug. If the drug is not a controlled substance the person is considered to be "under the influence" if the drug renders him or her incapable of safely driving the vehicle.

2. The act revises the legal effect of certain blood alcohol concentration levels for situations where the issue is being under the combined influence of alcohol and a controlled substance or other drug.

3. The act exempts sailboats from the prohibitions against operation while the operator is under the influence of alcohol or drugs.

**Act 535 (SB-232)** authorizes local law enforcement officers to enforce drunk driving violations anywhere in the state if the actual violation occurs within their jurisdictions. The act eliminates the requirement that a law enforcement officer issue a citation before requesting a person to take a chemical test for intoxication. The act also authorizes judges to specify geographical enforcement limits for warrants, specifies that chemical tests for intoxication of drivers are not considered health care records and revises the habitual traffic offender law.

#### VEHICLE SIZE AND WEIGHT

**Act 20 (AB-430)** establishes a length limit of 58 feet for a motor bus and trailer combination owned by a nonprofit organization. Under prior law, most vehicle combinations could not exceed 55 feet in length.

**Act 78 (SB-321)** increases various maximum vehicle width and length limits in response to federal requirements (see *HIGHLIGHTS*).

**Act 307 (AB-1080)** permits the authority in charge of the maintenance of a highway to exempt vehicles which are used to perform services such as pumping septic or holding tanks from special weight limitations which are imposed to protect certain highways from damage.

**Act 345 (AB-479)** permits vehicles transporting salt or earth to be used as fill to carry up to 42,000 pounds on 3 consecutive axles 7.5 to 8 feet apart.

**Act 486 (AB-559)** increases the weight that vehicles transporting milk from farm to primary market may carry. Prior law permitted milk trucks to carry 21,000 pounds of weight on any one axle of the vehicle, but these vehicles were required to comply with the same axle group weight limits

applicable to other vehicles. The act permits milk trucks to carry additional weight of up to 3,000 pounds for a 2-axle group and 2,000 pounds for 3 or more axles more than 9 feet apart.

**Act 508 (AB-847)** increases the allowable outside width of a vehicle transporting loads of bales of hay from 10 feet 6 inches to 12 feet. The total outside width of the load and vehicle may not exceed the width of a single traffic lane of the highway over which the load is carried.

**Act 529 (AB-1033)** authorizes DOT to issue permits for motor vehicles which exceed certain weight and length limits while carrying loads of coal or grain within 5 miles of the state's border with any other state. Prior law allowed DOT to issue these permits for vehicles carrying coal within 5 miles of the Michigan-Wisconsin state line.

**Act 531 (AB-1116)** permits vehicles transporting abrasives or salt for highway winter maintenance to operate in excess of certain statutory gross weight limits on particular highways when the officers in charge of maintaining those highways declare the highways frozen.

#### AIR, RAIL AND OTHER TRANSPORTATION

**Act 27 (SB-83)** permits abandoned railroad property to be acquired by the state for the purpose of constructing a correctional institution.

The act also requires counties contracting with DOT under the elderly and handicapped transportation county assistance program to increase their matching contributions from 10% to 20%.

**Act 34 (AB-323)** permits local governments to establish minimum levels of liability insurance for taxicabs. The minimum level per accident may not be less than \$10,000 for property damage, \$25,000 for injury or death of one person and \$50,000 for injury or death of 2 or more persons. These minimum levels apply in the absence of an ordinance. Prior law required taxicabs which carry packages to carry at least \$300,000 in liability insurance under motor carrier regulation.

**Act 151 (AB-350)** defines ultralight aircraft and exempts them from annual registration requirements. Ultralight aircraft are required to display an identification number assigned by an organization approved by DOT for this purpose.

**Act 159 (SB-523)** authorizes the Secretary of DOT to act as the agent for public-use airports in contracting for federal airport improvement funds. Public-use airports include public airports and privately owned airports which are used to relieve congestion at commercial service airports or which enplane a certain number of passengers and receive scheduled passenger service.

**Act 213 (SB-6)** provides for release of personal property, except controlled substances and property derived from criminal activity, to the owner of a towed vehicle upon request. If the owner removes the personal property without signing an agreement to pay towing and storage charges, the vehicle may be subject to disposal as abandoned.

**Act 266 (AB-525)** permits a member of a city or county transit commission to hold other public offices.

**Act 343 (AB-448)** authorizes towns to regulate bicycles and to require bicycle registration by ordinance. Prior law gave this authority only to cities and villages.

**Act 482 (AB-467)** includes railroad track among those landmarks which may not be removed without first notifying the county surveyor or county clerk in the county in which the landmark is located.

**Act 501 (AB-739)** repeals a number of provisions relating to railroads which are obsolete, preempted by federal law or civil matters which do not require enforcement by the Office of the Commissioner of Transportation.

### Trusts and Estates; Probate

**Act 217 (SB-147)** revises the dollar limitations for accepting releases from liability under the motor vehicle financial responsibility law and for determining when a guardianship may be terminated. Both limitations are set at \$5,000 to be consistent with other similar limitations.

**Act 347 (AB-549)** authorizes the register in probate to refuse to file or record a paper until the proper fee is paid.

**Act 376 (AB-893)** creates and provides forms for 2 types of basic wills in Wisconsin (see *HIGHLIGHTS*).

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### ABBREVIATIONS

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AB .....	Assembly Bill	DVA .....	Department of Veterans Affairs
AFDC.....	Aid to Families with Dependent Children	GETO.....	Governor's Employment and Training Office
DATCP .....	Department of Agriculture, Trade and Consumer Protection	HEAB.....	Higher Educational Aids Board
DER .....	Department of Employment Relations	JCF.....	Joint Committee on Finance
DETF .....	Department of Employee Trust Funds	JCOER .....	Joint Committee on Employment Relations
DHSS .....	Department of Health and Social Services	PSC.....	Public Service Commission
DILHR.....	Department of Industry, Labor and Human Relations	SB .....	Senate Bill
DNR.....	Department of Natural Resources	Spec.Sess.....	Special Session
DOA.....	Department of Administration	UW .....	University of Wisconsin
DOD.....	Department of Development	VTAE .....	Vocational, Technical and Adult Education
DOJ.....	Department of Justice	WHEDA .....	Wisconsin Housing and Economic Development Authority
DOR.....	Department of Revenue	WRS .....	Wisconsin Retirement System
DORL .....	Department of Regulation and Licensing	WSEU .....	Wisconsin State Employees Union
DOT .....	Department of Transportation	WSPTR .....	Wisconsin State Property Tax Relief
DPI.....	Department of Public Instruction		

**Summary of the 1983-1984 Wisconsin Legislative Session  
(Preliminary Edition)**

**1983 WISCONSIN ACTS 1 to 537**

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