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Summary of the 1985-86 Wisconsin Legislative Session (Preliminary Edition)

1985 WISCONSIN ACTS 1 to 326

INTRODUCTION

This brief provides an overview of the 1985-86 legislative session through May 9, 1986. The main body of the brief is divided according to subject matter; beneath each subject heading the acts of the Legislature are individually described. The significant provisions of any act affecting more than one area of state law (including Act 29, the biennial budget act) are described separately under the appropriate subject headings. The brief also includes summaries of the more important enrolled joint resolutions. Included in the *HIGHLIGHTS* section of this brief are synopses of those acts and joint resolutions that were of particular interest to the Legislature. Commonly used abbreviations are listed in section V of the brief.

The 1985 Legislature took its oath of office on January 7, 1985. Its regular session was organized into 6 floorperiods:

- I — January 29 to February 8, 1985
- II — March 19 to March 21, 1985
- III — April 23 to June 28, 1985
- IV — September 24 to October 18, 1985
- V — January 28 to March 26, 1986
- VI — May 20 to May 22, 1986

In addition to these floorperiods, as of May 9, 1986, the Governor has called 7 special sessions, thereby setting a new record for the number of special sessions called during a legislative biennium. The old record of 6 special sessions was set during the 1983-84 session. (This is consistent with the general trend toward more frequent special sessions. From 1848 through 1968, only 25 special sessions were called. Since 1969, 33 special sessions have been called.)

In the first 6 special sessions held during the 1985-86 legislative session, 35 acts have resulted as follows:

<u>Dates of Special Session</u>	<u>Number of Bills Enacted</u>	<u>Subject</u>
March 19-21, 1985	3	Agricultural issues
Sept. 24-Oct. 19, 1985	17	Economic development
October 31, 1985	1	Liability for furnishing alcohol beverages
November 20, 1985	12	State employe contracts, benefits and office hours
Jan. 27-Feb. 1, 1986	1	State budget adjustment
March 24-26, 1986	1	Agricultural issues

The Governor has called the 7th special session for May 20, 1986, to consider bills relating to the drinking age, medical malpractice and construction of a UW indoor athletic facility.

The 1985 Legislature enacted 326 acts through May 9, 1986, compared to 550 acts enacted by the 1983 Legislature. Acts ranged in length from only one section and 72 words (Act 44) to 3,313 sections and 369,163 words (Act 29, the biennial budget act). A median act contained about 462 words, making Act 29 the equivalent of 799 acts of median size.

The number of bills introduced decreased to 1,677, compared to 1,935 in the previous session. Of the bills introduced, 998 originated in the Assembly and 679 originated in the Senate. The 1985 Legislature enacted 19.4% of the bills introduced, compared to 28.4% enacted by the 1983 Legislature. In addition, the ideas contained in many unenacted bills were, in the legislative process, grafted onto other proposals. These figures do not tell the entire story; many bills were redrafted a number of times prior to introduction and many bills had one or more complete substitute versions. As of May 9, 1986, the Legislative Reference Bureau has received 14,548 drafting requests during the 1985-86 legislative session compared to 14,229 drafting requests received during the 1983-84 legislative session.

Governor Anthony Earl vetoed 7 bills in their entirety during the 1985-86 legislative session, up from 3 totally vetoed bills in the 1983-84 legislative session. The Governor vetoed parts of 7 appropriation bills, down from 11 partially vetoed in the prior session. As of May 9, 1986, the Legislature has overridden several of the partial vetoes in Act 29. The Legislature will consider the remaining 6 partially vetoed acts and the 7 totally vetoed bills during Floorperiod VI.

HIGHLIGHTS

Agriculture

Act 153 (*Mar. 1985 Spec. Sess. AB-1*) creates a voluntary farm mediation and arbitration program administered by a board attached to DATCP. Secured creditors or judgment creditors of certain farmers may engage in arbitration or mediation to resolve disputes regarding the creditors' interests in the farmers' agricultural property. A court may suspend a pending action, if all parties agree, to permit the parties to engage in arbitration or mediation. Prior to the initiation of a court action, if the parties wish to engage in mediation, they must agree to refrain from initiating any court action for a 60-day mediation period. If the parties choose to engage in mediation, either may withdraw at any time and the parties are responsible for enforcing any agreement reached. If the parties choose to engage in arbitration, the arbitration process is subject to existing laws governing arbitration.

Beverages

Act 47 (*Oct. 1985 Spec. Sess. SB-1*) provides, subject to certain exceptions, that no civil liability may be imposed on a person because he or she furnished alcohol beverages to another person. The act does not grant immunity from civil liability to a person who furnishes alcohol beverages to an underage person in violation of the law if the provider of the beverages knew or should have known that the underage person was under the legal drinking age.

The act provides that a municipality may not be held civilly liable for damages caused by the consumption of alcohol beverages on the grounds that the municipality issued a license to sell alcohol beverages, permitted a licensee to furnish alcohol beverages on municipal property or failed to supervise a licensee.

The act also prohibits an underage person from intentionally carrying false identification showing that he or she has reached the legal drinking age.

Business and Consumer Law

Act 38 (*Sept. 1985 Spec. Sess. SB-15*) creates an exemption from registration, upon filing specified documents and paying a \$500 fee, for offers and sales of securities meeting certain standards, net worth, net income and underwriting standards and federal registration of the securities for at least 36 months. If the offering is common stock, additional standards must be met, including a minimum price per share of \$5 and a minimum number of publicly held shares of 500,000. If the offering is preferred stock, an additional standard must be met requiring that the issuer's net income equal at least 125% of its interest and dividend expenses.

Act 120 (*Jan. 1986 Spec. Sess. SB-1*) eliminates, as of July 1, 1986, the renewable energy resource refund program in DOA, which provided a refund for the installation of certain residential and commercial solar and wind energy systems.

Act 244 (*SB-409*) requires applications or notices regarding open-end credit plans (primarily credit cards) to disclose information, including the interest rate, when charges are posted and the amount of any annual fee or other charges. The Commissioner of Banking must publish annual reports listing creditors who violate the act's provisions for any reason other than as the result of unintentional error.

Act 313 (*AB-219*) makes various changes in the unfair sales law, also known as the minimum mark-up law. The act requires sellers to add a specified mark-up only to cigarettes or other tobacco

products, fermented malt beverages, intoxicating liquor or wine, or motor vehicle fuel; modifies the remedies for violation; and creates certain other requirements applicable only to cigarette sales. The act also increases the petroleum inspection fee to fund administration and enforcement of the unfair sales law.

Children

Act 311 (AB-12) raises from \$1,000 to \$2,500 the potential liability of a custodial parent for property damage or personal injury caused by a wilful, malicious or wanton act of an unemancipated child. The act also provides that a parent may be liable to a 3rd party for up to \$2,500 of the value of unrecovered property stolen by a child. The act establishes guidelines for courts to use in determining which parent is liable.

The act establishes a procedure by which a victim of a child's act may have access to the child's police records and other information for use in a civil action for damages.

The act applies the rights and services available to victims and witnesses of crimes to victims and witnesses of delinquent acts committed by children and specifies certain information that courts and intake workers must provide to victims of children's acts. Victims may recover reasonable attorney fees as well as costs and damages in a civil action against a child's parent.

The act reduces from 12 months to 10 months the amount of time a child is allowed to pay restitution under a court order and requires courts to consider the well-being and needs of the victim in deciding whether to order restitution.

(See also *Health and Insurance*.)

Act 321 (AB-682) establishes a procedure applicable to a child who is determined by a juvenile court not to be responsible for an illegal act because of mental disease or defect. Former law permitted a court to order an involuntary mental health commitment proceeding for such a child. Under this act, if a child enters a plea of not responsible, the court must obtain an expert opinion as to whether the child was suffering from a mental disease or defect at the time the act was committed and, if so, whether this caused the child to lack substantial capacity to appreciate the wrongfulness of the conduct or to conform the conduct to the requirements of the law. If the court finds that the child was not responsible and believes that the standards for an involuntary commitment will be met, the court must order the filing of an involuntary commitment petition. If the court does not believe that those standards can be met, the court must order the filing of a petition alleging that the child is in need of protection or services.

Constitutional Amendments

Enrolled Joint Resolution 35 (Senate Joint Resolution 1), proposed by the 1985 Legislature on first consideration, authorizes the creation of a Wisconsin state lottery to be operated by the state as provided by law. The expenditure of public funds or of revenues from the lottery to engage in promotional advertising of the lottery is prohibited. Any advertising of the lottery must indicate the odds of winning for each prize amount offered. The net proceeds of the lottery must be used for property tax relief.

Enrolled Joint Resolution 36 (Assembly Joint Resolution 45), proposed by the 1985 Legislature on first consideration, excepts on-track pari-mutuel betting from the constitutional prohibition against legislative authorization of lotteries. The state is prohibited from owning or operating any facility or enterprise and from leasing any state-owned land to any other owner or operator for pari-mutuel betting.

Crimes

Act 242 (SB-356) makes various revisions relating to awards, eligibility and procedures for the crime victim compensation program. The act increases the maximum award from \$10,000 to \$40,000 and makes other increases or provisions for replacement of property and securing and cleaning up crime scenes. The award increases are applicable only to the extent of available federal funding. The act allows DOJ to withhold an award if a person does not cooperate with DOJ in the administration of the program, transfers authority for appointing hearing examiners from DOJ to the Division of Hearings and Appeals in DOA and reduces from 2 years to one year the time limit for filing claims.

Domestic Relations

Act 29 (AB-85) directs a court, after June 30, 1987, to determine child support payments by using the percentage standard established by DHSS unless, upon a party's request, the court finds that doing so is unfair to the child or any party. In that case, the court determines support after considering certain factors, including several factors added by the act.

The act permits DHSS to initiate a child support supplement program under which, in certain counties, a minor child's custodian may receive payments from state funds, according to a formula established by DHSS, to supplement inadequate child support. This program lasts from October 1, 1986, to September 30, 1994. The act also requires a child support order to direct a minor's custodian who receives child support supplement payments to contribute an amount, determined by DHSS, to the child's support.

Act 37 (SB-150), the "marital property trailer act," makes various technical and substantive changes in the laws governing property held by married persons, including the following:

1. The act creates a statutory individual property classification agreement which may govern spousal property until December 31, 1986.
2. The act authorizes a spouse to unilaterally execute a statement classifying income from that spouse's property other than marital property as individual property.
3. The act clarifies the application of the marital property system to creditors and credit transactions.
4. The act changes the laws governing disposition of a married person's estate.

Education

Act 29 (AB-85) expands the state standards required of all school districts. Effective September 1, 1988, each school board must annually develop a staff development plan; annually schedule a specified number of hours of direct pupil instruction; develop a written, sequential curriculum plan in specified subject areas; provide access to an education for employment program; develop a plan for children at risk; annually publish a performance disclosure report; annually administer a standardized reading test and certain achievement tests; and provide access to a program for gifted and talented pupils. The act directs the State Superintendent of Public Instruction to withhold up to 25% of state aid from any school district failing to comply with the standards.

Acts 62 and 120 (AB-413 and Jan. 1985 Spec. Sess. SB-1) direct the Board of Regents of the UW System to ensure that no fall semester classes at any center or institution within the system, except Medical School classes and 4th year classes at the School of Veterinary Medicine, commence until after September 1.

Act 85 (AB-53) adds a student member to the Board of Regents of the UW System. The student must be at least 18 years old, a resident of this state and enrolled at least half-time and in good academic standing in the UW System.

Act 282 (SB-312) adds 3 student members to HEAB. The students must be at least 18 years old and residents of this state. One must be enrolled at least half-time and in good academic standing in the UW System; one must be enrolled at least half-time and in good academic standing at a private institution of higher education located in this state; and one must be enrolled at least half-time and in good academic standing at a VTAE district school.

Elections

Act 303 (SB-120) makes numerous changes in the campaign finance law. The act:

1. Requires conduits (individuals or organizations receiving contributions and transferring them to other individuals or organizations without exercising discretion concerning the amount of the transfer or the recipient of the transfer) to register and report contributions received and transferred in a manner similar to that required of other political committees. Contributions received from individuals through a conduit may continue to be counted as individual contributions for purposes of contribution limitations and qualification for a grant from the Wisconsin election campaign fund (WECF).

2. Creates a uniform reporting exemption for all individuals, committees and groups whose contributions received, expenditures made and obligations incurred do not exceed \$1,000 per year. The exemption does not apply if contributions of more than \$100 (excluding a candidate's contributions to his or her own campaign) are received from a single source. The exemption also does not apply to individuals and committees making expenditures independently of a candidate.

3. Permits personal campaign, political party and legislative campaign committees to conduct joint fund-raisers for 2 or more candidates.

4. Changes filing and reporting requirements for candidates for nonpartisan state office who are opposed at a primary election, committees or groups making or accepting contributions at a special election, persons making expenditures independently of a candidate, nonresident registrants and political party committees.

5. Provides that private contributions received by a candidate who accepts a grant from WECF which are unspent and unencumbered after an election need no longer be returned to the state unless the contributions exceed the amount of the grant.

6. Allows a candidate who does not accept a grant from WECF to file an affidavit of voluntary compliance with spending and self-contribution limitations. When such an affidavit is filed, the candidate is treated as having accepted a grant for purposes of binding his or her opponent to spending and self-contribution limits. (A candidate who accepts a grant from WECF but who is opposed by a candidate who declines a grant was formerly not subject to spending and self-contribution limitations.)

Employment

Act 17 (SB-76) makes various changes in unemployment compensation (UC) taxes, benefits, administration and benefit charges. The act:

1. Increases the amount of wages per employe (taxable payroll) that are subject to UC taxes and increases UC tax rates for employers.

2. Permits certain new employers to pay taxes at a reduced rate for their first 5 years of operation under certain conditions (see also *Act 40*).

3. Restricts the amount by which taxes of certain employers may be increased in any single year.

4. Changes the formula governing payment of UC benefits to partially unemployed individuals.

5. Changes the treatment of payments other than regular wages received from an employer for purposes of UC benefit qualification and requalification and calculation of benefit amounts.

6. Changes the method of charging of UC benefits to employers when employees quit their jobs or work for more than one employer.

Act 42 (*AB-55*) extends the state employment labor relations act to cover graduate assistants (teaching assistants, project assistants and program assistants) employed by the UW System, except managerial, supervisory and confidential employees. Under the act, collective bargaining is required with respect to wages, fringe benefits, hours and conditions of employment. The act creates 3 bargaining units: one for the UW-Madison and UW-Extension, one for the UW-Milwaukee and one for all other UW campuses combined, except the UW-Center System. In the multicampus unit, graduate assistants at each campus may decide individually whether to participate in collective bargaining. The act authorizes mediation, fact-finding and arbitration of grievances, but does not provide compulsory means of dispute settlement. The act also authorizes "fair-share" or "maintenance of membership" agreements whereby the employer deducts the cost of collective bargaining and contract administration from the paychecks of employees. The act appoints DER to represent the interests of the employer under the act. The act also requires agreements between the employer and labor organizations representing graduate assistants to be submitted to JCOER and the Legislature for approval.

Environment

Act 60 (*Sept. 1985 Spec. Sess. SB-12*) requires DNR to regulate major transfers of water from basins within the state and major consumptive uses that result in a loss of water. Any person who withdraws water in excess of 100,000 gallons per day must register the withdrawal with DNR and any person who proposes to withdraw more than 2,000,000 gallons per day must first obtain approval from DNR. The act establishes criteria for determining whether to grant an approval. DNR must consult with the governors and premiers of the other Great Lakes states and provinces before approving a withdrawal that will affect the Great Lakes basin.

Act 206 (*AB-436*) requires DATCP to extend the boundaries of certain areas where use of the pesticide aldicarb is prohibited and also establishes conditions under which DATCP may allow application of aldicarb in areas where its use was banned because of its presence in groundwater.

Act 295 (*SB-546*) imposes on the state's 5 major electric utilities a corporate sulfur dioxide emission rate for the purpose of reducing acid deposition. Beginning in 1993, a major utility's average emissions may not exceed 1.20 pounds of sulfur dioxide per million British thermal units of heat input. The major utilities may trade emissions to achieve compliance with the emission rate. Under specified conditions, DNR may grant a variance from the emission rate if the major utility presents an adequate compliance plan. The PSC levies an annual assessment on the major utilities to provide funds for acid deposition activities. The act also establishes future goals for sulfur dioxide and nitrogen oxide emissions and creates an Acid Deposition Research Council to advise state agencies concerning acid deposition research.

Financial Institutions

Act 325 (*SB-642*) authorizes regional reciprocal acquisitions and mergers between banks and bank holding companies; between credit unions; and between savings and loan associations and savings and loan holding companies.

The act also authorizes Wisconsin banks, credit unions and savings and loan associations to provide new financial services and products and exercise new powers and imposes new regulatory requirements on financial institutions.

The interstate activities authorized by the act are limited to Wisconsin financial institutions and financial institutions of the same type located in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri and Ohio. The act does not authorize interstate activities until January 1,

1987, and until 3 of the other states reciprocally authorize interstate activities between Wisconsin financial institutions and financial institutions of the same type within those states.

Health and Social Services

Act 29 (AB-85) prohibits employers from soliciting or requiring as a condition of employment performance of a test for the presence of AIDS and prohibits an insurer from requiring or requesting anyone to reveal the taking of a test or test results or from considering a test or test results in providing insurance coverage or determining rates. The act permits the test subject and his or her health care provider to receive disclosure of test results without the test subject's consent (see also *Act 73*).

The act also requires all counties to administer general relief by January 1, 1987, and provides funds to counties converting to countywide administration by June 30, 1986. Formerly, municipalities administered general relief in some counties.

Act 56 (AB-510) requires, until January 1, 1990, that a parent of a dependent minor mother or father provide support to the child of that minor mother or father until the minor mother or father reaches age 18. The act imposes on the parents of a minor mother or father who fail to provide support for the minor's child the same criminal penalties as are imposed on persons who fail to provide spousal or child support (see also *Act 311*).

The act makes it a felony to intentionally perform an abortion after the fetus reaches viability, except if the physician determines the abortion is necessary to preserve the life or health of the woman. If a physician performs a lawful abortion after viability, he or she must use the method most likely to preserve the life and health of the unborn child, and must perform the abortion in a hospital. With certain exceptions, the act prohibits the performance of any abortion by a nonphysician. The act also prohibits parental or guardian notification concerning a minor's prospective abortion without the minor's written consent.

The act eliminates prohibitions on the advertising, display or sale of contraceptives, except with regard to vending machines that contain and hold contraceptives (see also *Act 146*).

The act creates an Adolescent Pregnancy Prevention and Pregnancy Services Board attached to DHSS which administers funding for grants to organizations for adolescent pregnancy prevention programs or pregnancy services.

The act requires each school board to appoint an advisory committee to develop a human growth and development curriculum. The act specifies that if an instructional program in human growth and development is provided, no pupil is required to participate in the program.

The act establishes a state adoption center.

Finally, the act prohibits anyone from intentionally entering a medical facility without consent, under circumstances tending to create or provoke a breach of peace.

Act 73 (AB-487) revises laws enacted by *Act 29* regarding the use of a test to screen for the existence of an antibody to the virus causing AIDS. The act:

1. Prohibits an employer from terminating or otherwise adversely affecting the employment of an employe who obtains a test. This prohibition may be lifted if the state epidemiologist and the Secretary of DHSS declare that persons infected by the AIDS virus may present a significant risk of transmitting the virus.

2. Requires health care providers, blood banks, blood centers and plasma centers to report certain information about persons receiving positive, validated tests; they may not, however, include the test subject's sexual orientation or identify persons with whom the test subject may have had sexual contact unless reporting a positive diagnosis of AIDS.

3. Requires health care providers, blood banks, blood centers and plasma centers to obtain informed consent prior to testing or disclosure of tests. Test results may be disclosed without consent only to certain specified persons. A test subject may authorize anyone to receive disclosure.

4. Requires blood banks, blood centers and plasma centers to subject blood to tests approved by the federal Food and Drug Administration and DHSS prior to distribution or use. If a positive test is obtained, use or distribution of that blood is limited to research purposes.

5. Provides an exception to prohibitions concerning insurers' use of tests or test results in providing insurance coverage or determining insurance rates which permits use if the state epidemiologist and Commissioner of Insurance find the tests meet certain standards. Receipt of a rejection notice or cancellation of coverage from one insurer and evidence of a positive test meets eligibility requirements under the health insurance risk-sharing plan.

Act 285 (SB-361) establishes a work experience and job training pilot program to provide additional employment services to AFDC recipients in at least 2 counties. A recipient who has completed the rest of the pilot project without finding a job is required to work in a community work experience program ("workfare"). The act requires DHSS to provide funds to pay child care costs of persons who become ineligible for AFDC because they secure employment through the pilot project. The act makes various changes in existing employment programs for AFDC recipients.

The act requires businesses which receive a state loan or grant and certain persons who benefit from tax incremental financing or industrial revenue bonds to notify DILHR and the private industry council under the federal Job Training Partnership Act of certain job openings. The act also requires state agencies to take steps to employ AFDC recipients.

Local Law

Act 315 (AB-427) recodifies and revises the law on the collection and use statewide of vital statistics (information from vital records on birth, marriage, divorce and death). The act also revises procedures which were already in use by the state registrar and local registrars. Major changes made by the act include requiring any facility performing an induced abortion to file with DHSS an annual report giving specified information on each patient such as patient number, marital status and education, but not the patient's name. DHSS collects the information, publishes annual demographic summaries of the information and destroys the reports.

Act 316 (AB-507) creates a Burial Sites Preservation Board in the State Historical Society, provides for the cataloging of burial sites throughout the state and prohibits the destruction of cataloged burial sites without a permit issued under specified procedures.

The act makes land with burial sites eligible for the same property tax exemption as cemeteries.

Military Law

Act 6 (AB-93) authorizes the Building Commission to issue \$300,000,000 of public debt to refund or acquire outstanding veterans' housing loan bonds and to acquire other general obligation bonds as an investment for the veterans housing program. The act establishes a new system of accounts for the deposit, maintenance, investment and expenditure of the proceeds of public debt issued for these new purposes as well as public debt issued for the purpose of funding veterans' housing loans.

The act also makes related changes in the laws governing the issuance of public debt for any purpose and the issuance of public debt for the purpose of funding veterans' housing loans.

Natural Resources

Act 29 (AB-85) creates a managed forest land program to replace the forest croplands program and the woodland tax law. A parcel of land is eligible for designation as managed forest land if it consists of 10 or more contiguous acres in a single town or village and if at least 80% of the land is

capable of producing at least 20 cubic feet of merchantable timber per acre per year. The owner may set aside such land for the purpose of raising forest crops for 25 or 50 years. In lieu of property taxes, the owner makes an acreage share payment to the treasurer of the municipality in which the land is located. The owner must agree to permit public access to the land for hunting, fishing, hiking, sight-seeing and cross-country skiing, with limited exceptions. DNR must approve or disapprove an owner's plan for managing each parcel of managed forest land based on specified criteria and may withdraw land from the program for any of several specified reasons. The act allows existing contracts under the forest croplands program and the woodland tax law to continue for their full terms.

Act 155 (SB-141) establishes a statewide ban, effective September 1, 1987, on the use of lead shotshell or toxic shotshell for hunting waterfowl and coots. The act also directs DNR to distribute an educational pamphlet on steel shotshell to persons who are issued waterfowl hunting stamps during 1986 and 1987.

Act 270 (AB-694) makes various changes relating to bear hunting. The act:

1. Requires a bear harvest permit to shoot, shoot at, kill, take, catch or possess a bear. A bear hunting license authorizes a person to pursue bear only while assisting a person who holds a bear harvest permit.
2. Provides that neither the archer license nor the deer hunting license confer bear hunting privileges and that holders of a conservation patron license are limited to pursuing bear.
3. Authorizes DNR to regulate and limit the number of bear harvested and the number of bear hunters in the state.
4. Establishes a continuous preference system to select applicants to receive bear harvest permits if the number of qualified applicants exceeds the number of available permits.
5. Creates new penalties for illegally hunting bear.

Occupational Regulation

Act 146 (SB-285) restructures, revises and clarifies laws relating to the licensure of pharmacists and the practice of pharmacy, including:

1. Abolishing restrictions on the manufacture, purchase, rental, possession or control of vending machines that dispense contraceptive articles and replacing the restrictions with prohibitions against exhibition, display or advertisement of these vending machines by use of material which is harmful to minors and against locating the vending machines in public schools.
2. Requiring every pharmacy to be under the control of a managing pharmacist and to maintain a medication profile system of all drug products dispensed for a particular patient.
3. Permitting the Pharmacy Examining Board to reprimand licensees, assess forfeitures and deny, revoke, suspend or limit the license of a licensee who has engaged in certain specified acts.
4. Prohibiting dispensing prescription drugs without the prescription order of a person licensed to prescribe and administer drugs. The act restores the requirement, eliminated by *Act 128*, that prescription orders must contain certain specified information. A record of renewal dispensing showing the date and amount must be kept. With certain exceptions, only pharmacists and practitioners may prepare, compound or dispense prescription drugs or prepare them for delivering.
5. Providing immunity from civil and criminal liability for the good-faith reporting by one health care professional to another of information on unprofessional conduct or a pharmacy laws violation.

Public Utilities

Act 79 (SB-14) creates a procedure under which the PSC may approve the formation of public utility holding companies. A public utility holding company is a company which exercises a specified degree of control over a public utility. Telecommunications holdings companies are not subject to the procedure. The act exempts any public utility holding company which is not a public utility from public utility regulation and regulates certain public utility holding company activities relating to fair competition.

Act 297 (SB-318) authorizes the PSC to deregulate telecommunications service if it determines that there is sufficient competition to justify the deregulation. The act provides for the provisional deregulation of telecommunications resellers, cable television service providers, pay telephone service providers, radio common carriers, cellular mobile radio carriers and private shared telecommunications systems. The act also provides a lesser degree of regulation for any telecommunication utility which had less than 7,500 customers as of January 1, 1984.

The act establishes an intervenor financing fund of \$200,000 per year funded by public utilities in proportion to their gross income.

The act broadens an exemption for certain telecommunications resellers from a gross receipts tax applicable to other telecommunications companies to include certain other telecommunications resellers, and eliminates the expiration of the exemption on December 31, 1987.

The act also authorizes a telecommunications utility to enter into individual contracts and restricts access to business information received by the PSC from any nonutility affiliate.

Retirement

Act 29 (AB-85) authorizes any employer under the WRS, other than the state, to offer to its employees a health care coverage plan or an income continuation insurance plan through a program administered by the Group Insurance Board. DETF may by rule establish the eligibility standards or continuation requirements for such employers and employees and may by rule limit the number of employers included in the program.

Shared Revenue

Act 29 (AB-85) replaces the WSPTR program with a state property tax credit program consisting of a general government tax credit, a school levy tax credit and a school aid credit. The general government tax credit is distributed according to each municipality's share of nonschool property tax levies. The school levy credit is distributed according to each municipality's share of school levies based on a 3-year average. The school aid credit is distributed according to the formula that distributes general state aid to school districts. Each municipality is guaranteed 90% of its payment under the sum of the general government tax credit and the school levy tax credit under WSPTR in 1985. The act also provides procedures to correct school aid credit payments or state property tax credit (general government levy credit and school levy credit) payments.

The act provides that, beginning in 1988, shared revenue payments, general transportation aids, general equalization school aid and major categorical school aids will be applied as property tax credits instead of being paid as direct aids. If the tax credit to a municipality or county exceeds the total property taxes levied for the municipality or county, DOA will distribute the portion of the tax credit equal to the property taxes levied, with the remainder of the entitlement returned to the state general fund. The act further provides that if the sum of a municipality's or county's total aid entitlement exceeds the property taxes levied for the municipality or county, each entitlement is reduced.

Act 120 (*Jan. 1986 Spec. Sess. SB-1*) eliminates the automatic growth formula, under which shared revenue payments are increased to reflect increases in state general fund taxes, which *Act 29* had eliminated for the 1986 payments only, for 1987 and thereafter. The act also sets the level of funding for 1987 shared revenue payments at \$779,000,000, which is equal to the funding level for 1986 payments.

State Employment

Act 29 (*AB-85*) directs the Secretary of DER to engage in certain actions to correct pay inequities based on gender or race in the state classified service. (This is commonly referred to as the "comparable worth" legislation.) The act appropriates program supplement moneys to correct these pay inequities; however, the act limits the amount of general purpose revenue available for this purpose during the 1985-87 biennium to \$9,100,000, and prohibits spending any of that money before July 1, 1986 (see also *Act 120*).

The act directs the Board of Regents of the UW System to grant faculty members holding the rank of professor, associate professor or assistant professor increases in base salary during the 1985-87 biennium over the salaries they received in October, 1984, in the following amounts, in addition to any regular or special salary adjustments or inflationary adjustments:

University of Wisconsin-Madison: 15%.

University of Wisconsin centers: 15%.

University of Wisconsin-Extension: 14.1%.

University of Wisconsin-Milwaukee: 12%.

All other institutions: an average of 10%, which may be a greater or lesser amount at any individual institution.

The increases are averages at each institution or institutional equivalent, and individual faculty members may receive a greater or lesser amount.

The act also directs that similar supplemental salary increases be granted to academic staff members in an amount averaging 4.7% of base salary received in October, 1984, within each institution or institutional equivalent. In addition, certain academic staff members are directed to be granted additional pay increases in accordance with a categorization plan for academic staff positions which the act requires to be developed.

State Finance

Act 29 (*AB-85*), the 1985-87 biennial budget act, provides for a total state budget of \$19.1 billion, as compared to a total budget of \$16.7 billion under the 1983-85 budget act (1983 Wisconsin Act 27). The budget includes provisions intended to provide an estimated \$906.6 million in additional direct and indirect property tax relief for homeowners, school districts and municipalities, an estimated \$171.1 million in individual income tax reductions, and a one-time property tax and rent credit of \$104 million against individual income taxes for the 1986 calendar year or corresponding taxable year. (All figures provided by the Legislative Fiscal Bureau.)

Act 120 (*Jan. 1986 Spec. Sess. SB-1*), the fiscal management or "budget repair" act, provides for an estimated \$208 million in general purpose revenue appropriation reductions and expenditure reestimates for the purpose of decreasing state expenditures to conform with revised revenue estimates. (All figures provided by the Legislative Fiscal Bureau.)

Taxation

Act 29 (*AB-85*) eliminates certain individual income tax deductions, exclusions and credits, allows some of the eliminated deductions to be used in calculating a new credit and reduces the rates and the number of brackets for the individual income tax. The effect of these changes is to expand

the income tax base and to reduce the rates for that tax. As a result, most taxpayers pay less tax than under former law. The act also disallows the accelerated cost recovery system of depreciation for residential property, and for farm property if the taxpayer's nonfarm income or gross farm profits exceeds a certain amount. The act creates a sliding scale for calculating the standard deduction, limits the amount of farm losses that may be used to offset other income, makes indexing of the brackets for the individual income tax dependent on the balance in the state general fund, creates a 1986 property tax and rent credit and discontinues the current property tax and rent credit.

The act allows DOR to levy upon property in order to collect delinquent taxes and to request DOA to deduct taxes owed from payments due to vendors.

The act specifies that the minimum tax is 55% of the federal minimum tax.

The act changes the method used to calculate the tax on telephone companies (see also *Act 297*).

Act 120 (*Jan. 1986 Spec. Sess. SB-1*) specifies in considerable detail the rules by which corporate income is to be apportioned, and the sales factor calculated, for the income and franchise taxes. The act discontinues the use of liquor stamps, and substitutes a reporting system, as the means for proving payment of the tax on liquor. The act also specifies that receipts from the tax amnesty program shall be deposited in the state general fund rather than in a segregated fund for the elderly property tax deferral program.

Act 153 (*Mar. Spec. Sess. AB-1*) changes the methods of assessing property for tax purposes and of determining equalized value that apply to agricultural land, provides that a person whose property is sold because of delinquent property taxes will receive some of the sale's proceeds, exempts regular leaded gasoline not used on highways from the motor fuel tax rather than allowing a refund for it and adopts future federal income tax treatment of the federal milk production termination program.

Transportation

Act 29 (*AB-85*) makes various changes in the major highway program. The act:

1. Redefines a major highway project as one having a total cost of more than \$5,000,000 and which involves either the construction of a new highway 2.5 miles or more in length or certain specified extensive reconstruction or reconditioning of an existing highway. Major highway projects, unlike other construction projects undertaken by DOT, must be approved by the Legislature before they may be constructed.
2. Enumerates 10 additional major highway projects for construction.
3. Provides that the Transportation Projects Commission may recommend that a project costing more than \$2,000,000 which is located in a city or village be enumerated for construction.
4. Directs DOT to accelerate the engineering and construction schedules for a number of major highway projects.

MAJOR PROPOSALS THAT FAILED ENACTMENT

Beverages

Assembly Bill 835 and Senate Bill 195 would have raised the legal drinking age to 21.

Assembly Bill 669 and Senate Bill 430 would have established uniform bar closing times throughout Wisconsin.

Senate Bill 626 would have prohibited a person residing outside of Wisconsin from drinking alcohol beverages in Wisconsin unless the person had reached the legal drinking age in the person's state of residence.

Business and Consumer Law

Assembly Bill 54 would have prohibited investment of certain public trust funds in companies with certain business ties to South Africa.

Assembly Bill 175 proposed to reduce the regulation of the sale, possession and use of fireworks.

Assembly Bill 903 would have made various changes relating primarily to WHEDA economic development and export loan programs, including removing the June 30, 1986, expiration dates upon bonding authority for those programs.

Senate Bill 395 would have regulated membership camping contracts.

Children

Assembly Bill 245 would have extended the jurisdiction of the juvenile court over children adjudged delinquent on the basis of certain serious crimes.

Assembly Bills 332, 475 and 665 and Senate Bills 472 and 487 would have permitted short-term detention of certain juveniles adjudged delinquent or in need of protection or services.

Constitutional Amendments

Senate Joint Resolution 4 and Assembly Joint Resolution 18 would have requested the U.S. Congress to call a constitutional convention to propose an amendment to the U.S. Constitution requiring a balanced federal budget.

Senate Joint Resolutions 9 and 22 would have abolished the offices of Secretary of State and State Treasurer.

Assembly Joint Resolution 59 would have extended the term of office for county sheriffs from 2 years to 4 years.

Correctional System

Senate Bill 565 would have given the Secretary of DHSS authority to establish a prison in the town of Dover in Racine County.

Courts and Procedure

Senate Bill 328 would have imposed limits on recoveries for medical malpractice.

Crimes

Assembly Bill 17 and Senate Bill 31 would have revised obscenity laws.

Assembly Bill 600 and Senate Bill 349 would have revised elections, workload allocation, duties, funding and staffing relating to the District Attorney prosecution system.

Domestic Relations

Assembly Bill 474 would have changed the child custody and visitation laws to make joint custody more common and to require counties to provide mediation in child custody actions.

Education

Assembly Bill 316 and Senate Bill 276 would have prohibited corporal punishment in public and private schools.

Environment

Assembly Bill 885 would have required businesses and public agencies to file reports on hazardous chemicals handled at their facilities for use by fire and law enforcement agencies in emergencies.

Health

Assembly Bill 361 would have provided state aid to counties, cities and certain villages to provide public health services and state grants to assist the development of multiple county, county or city-county health departments.

Assembly Bill 625 would have permitted a hospital to implement a cardiac program, except a pediatric open-heart surgery program, without first obtaining DHSS approval.

Assembly Bill 763 proposed to revise the administrative structures and certain powers and duties of county, city, village and town public health agencies and clarify the powers and duties of local health officers.

Assembly Bill 900 and Senate Bill 604 would have established "adult family homes" as entities where residents could be provided care, treatment and services and receive medical assistance.

Insurance

Senate Bill 328 would have imposed a limitation on medical malpractice awards, raised the required minimum amounts of malpractice insurance coverage for health care providers and revised the patients compensation panels system and fund.

Mental Health

Assembly Bills 311 and 661 and Senate Bill 350 would have created new standards for involuntary civil commitments and emergency detentions.

Natural Resources

Senate Bill 205 would have established an intoxicated boating law based largely on the existing drunk driving law.

Assembly Bill 215 would have allowed DNR to establish state bridle trails and charge bridle tag fees.

Assembly Bill 275 proposed new methods for control of beaver populations.

Occupational Regulation

Senate Bill 328 would have revised the disciplinary provisions applicable to physicians.

Retirement

Senate Bill 622 would have made various substantive changes in the retirement benefit provisions under the WRS.

Assembly Bill 689 would have provided a mechanism for dividing a participant's rights and benefits under the WRS pursuant to a qualified domestic relations order.

State Employment

Assembly Bill 179 and Senate Bill 115 proposed to cover UW faculty and academic staff under the state employment labor relations act.

Assembly Bill 229 and Senate Bill 170 proposed to cover UW academic staff under the state employment labor relations act.

State Government

Senate Bill 32 would have abolished the boards of natural resources, veterans affairs, and agriculture, trade and consumer protection and placed a secretary at the head of each of those state departments.

Taxation

Assembly Bill 526 would have imposed a 0.5% fee on the sale of certain goods and services related to tourism in order to generate revenue for tourism promotion.

Senate Bills 64, 187 and 206 and Assembly Bills 106 and 165 would have discontinued the inheritance tax and the gift tax.

Senate Bills 591 and 620 and Assembly Bills 24, 157, 570 and 963 would have revised the property tax assessment, and the determination of equalized valuation, of agricultural land.

Transportation

Senate Bill 7 would have required most operators of and passengers in motor vehicles to use safety belts.

Senate Bill 90 would have required either motor vehicle liability insurance or a bond to assure financial responsibility for the operation of a motor vehicle.

Senate Bill 287 would have created an administrative procedure for the revocation of operating privileges of persons who operate a motor vehicle while under the influence of alcohol or drugs.

Senate Bill 360 would have established conditions for the application of salt to highways during the winter driving period and would have required highway maintenance authorities to complete a training program on snow and ice removal and control.

SUMMARY OF PROPOSALS ENACTED BY THE 1985 LEGISLATURE

Agriculture

Act 7 (*Mar. 1985 Spec. Sess. AB-1*) appropriates \$292,800 to DATCP in the 1984-85 fiscal year for the operation of emergency loan processing centers.

Act 8 (*Mar. 1985 Spec. Sess. AB-2*) eliminates the bonding authority for the animal waste water pollution grant program. The act funds the program with general purpose revenue instead and also allows a county to use up to 10% of the payment it receives for technical assistance and administrative expenses of designing and constructing animal waste treatment or storage facilities or runoff control systems.

Act 9 (*Mar. 1985 Spec. Sess. AB-3*) directs WHEDA, under certain circumstances, to guarantee repayment of 90% and to pay the lender 2% of the principal amount of a loan to a farmer to plant or harvest a crop in 1985. The act appropriates \$11,000,000 to WHEDA for this program, limits to \$50,000,000 the total principal amount of loans which WHEDA may guarantee and requires WHEDA to transfer to the general fund, no later than December 31, 1986, any amount not needed to pay outstanding claims (see also *Acts 29 and 153*).

Act 10 (*SB-35*) prohibits DATCP from restricting the number of county or district fairs at which an exhibitor may participate and be eligible to receive state-aided premium awards.

Act 20 (*SB-71*) increases the membership of the state fair park board from 3 to 5 members and provides for 5-year terms. Formerly, members served at the pleasure of the Governor.

Act 29 (*AB-85*) makes various changes relating to agriculture, including the following:

1. The act makes numerous modifications to the laws relating to the regulation of warehouse keepers, including requiring warehouse keepers to maintain a favorable ratio of assets to liabilities, reducing bond and security amount requirements and establishing annual inspection fees.

2. The act specifies that in order to receive farmland preservation tax credits, a claimant must conduct farming activities in compliance with soil and water conservation standards established by the county land conservation committee. The act directs the Land Conservation Board to develop guidelines for such soil and water conservation standards.

3. The act establishes a milk standards testing program.

4. The act permits dog license fees to be used for humane education and the prevention of cruelty to animals.

5. The act permits cities and counties which have been granted agent status by DATCP for the licensure of counter freezers, food processing plants, bakeries and confectionaries to contract with DATCP for the collection of fees and the issuance of licenses.

6. The act stipulates that records and reports relating to wild ginseng live root and seed transactions or to cultivated ginseng live root, tissue culture or seed transactions must be open for public inspection.

7. The act requires DATCP to maintain the Regional Animal Health Laboratory in the city of Barron.

8. The act limits the application of the statewide soil erosion control program to priority counties identified by DATCP based on the amount of cropland in the county, the extent of erosion and the availability of soil survey information. State funding is reduced from 75% to 70% of the implementation costs and to 50% of the plan preparation costs.

9. The act establishes priorities for allocating state funds to county land conservation committees for the use of county personnel for soil and water conservation work and for the employment of county conservationists under contract with DATCP.

10. The act establishes long-term and interim goals for reducing soil erosion so that the erosion rate does not exceed tolerable levels to be established by the Land Conservation Board.

11. The act requires DOA to establish standards for and to coordinate the collection of land resource data.

12. The act reduces from \$50,000,000 to \$20,000,000 the total principal amounts of all agricultural production loans which WHEDA may guarantee under the program created by *Act 9* (see also *Act 153*).

Act 58 (*Sept. 1985 Spec. Sess. SB-4*) creates a center for international agribusiness marketing in DATCP to promote the export of this state's agricultural and agribusiness products in foreign markets.

Act 67 (*AB-101*) exempts dogs specially trained to provide support for mobility-impaired persons from the dog license tax and provides that no person may be denied entrance to or the use of any public accommodation solely because he or she is being led by such a dog.

Act 92 (*SB-54*) clarifies that the owner of a dog is liable for any damages caused by the dog to a person, livestock or property, but provides that any damages allowed must be diminished in proportion to the amount of negligence attributable to the person recovering.

Act 138 (*AB-15*) makes various changes in the laws relating to agricultural and vegetable seeds. The act extends seed labeling requirements to seed sold for sprouting purposes, specifies that no kind or variety of seed included in a sale container or bulk lot may be labeled "hybrid seed" unless the pure seed consists of at least 75% hybrid seed, modifies labeling requirements for noxious weed seed and abolishes certain labeling requirements for lawn seed mixtures.

Act 140 (*AB-116*) exempts from agricultural impact statement requirements any project located entirely within the boundaries of a city or village.

Act 147 (*AB-14*) makes numerous changes in the laws governing the distribution of fertilizer and soil and plant additives. Under the act, no person may manufacture or distribute a soil or plant additive in this state unless the person is licensed by DATCP. A licensee must also obtain a permit from DATCP for each additive the licensee wishes to distribute. DATCP may require a distributor to substantiate the efficacy of the additive. The act requires that products be clearly labeled with certain specified information and prohibits distributors from making deceptive or unsubstantiated claims about a product. Finally, the act allows the distribution of certain fertilizers that previously were barred from distribution, if certain conditions are met and the distributor obtains a permit from DATCP.

Act 153 (*Mar. 1986 Spec. Sess. AB-1*) creates a mediation and arbitration program for farmers and their creditors (see *HIGHLIGHTS*).

The act also makes various changes in the agricultural production loan guarantee program created by *Act 9*. The act extends the program until December, 1987; prohibits WHEDA from guaranteeing more than a total loan principal amount of \$22,000,000 on and after April 8, 1986; delays the transfer of funds from WHEDA to the general fund and provides a formula for determining the transferred amount; and changes certain eligibility criteria and procedural requirements (see also *Act 29*).

Act 184 (*SB-127*) creates a Council on Local Rabies Control Programs to advise DATCP on rabies control programs and provides that a county, city, village or town may impose its own rabies control program if DATCP approves the program. The act provides criteria for such approval. The act discontinues the council on June 30, 1991.

Act 226 (AB-730) makes numerous changes in the laws relating to the licensing and regulation of food processing plants by DATCP. The act requires most food processing plant operators to file annual financial statements with DATCP and to certify that all producers who have supplied farm products to the operator on or before December 31 of any license year (expiring on March 31) have been paid. In addition, every food processing plant operator must make payment on delivery of the produce, meet minimum financial standards or file security with DATCP. Finally, the bill establishes a claim procedure for persons injured by an operator's noncompliance with the act's provisions.

Act 229 (AB-816) creates a penalty for violation of various food regulation provisions administered by DATCP.

Beverages

Act 5 (AB-21) allows a brewer with a retail liquor license to have a wholesaler's permit for the sale of wine only.

Act 15 (AB-83) permits a brewer that annually produces at least 350,000 barrels of fermented malt beverages to make contributions to a national or statewide trade association of retail fermented malt beverages licensees. The act also permits a liquor manufacturer or rectifier to make contributions to a national or statewide trade association of retail liquor licensees.

Act 28 (AB-99) revises the provisions relating to the possession and sale of alcohol beverages by underage persons in the course of employment. The act permits any underage person employed by an alcohol beverages licensee or permittee other than a retail licensee or permittee to possess alcohol beverages in the course of employment. An underage person employed by a retail licensee or permittee may possess alcohol beverages for delivery to the home or vehicle of a customer. An underage person may sell or serve alcohol beverages on retail premises only if the person is at least 18.

The act also permits an 18-year-old to be present in places which sell alcohol beverages at retail to provide entertainment to customers.

Act 29 (AB-85) allows DOR to issue an industrial fermented malt beverages permit which allows the holder to purchase and use fermented malt beverages for industrial purposes. The act also allows an underage person to be present in a private soccer club with an alcohol beverages license unaccompanied by a parent or guardian.

Act 33 (AB-8) permits a store selling beer at retail to remain open without the licensee, the corporate agent or a person holding an operator's license on the premises during times when the store is not permitted to sell beer.

Act 47 (Oct. 1985 Spec. Sess. SB-1) provides immunity from civil liability to persons who furnish alcohol beverages to others in certain circumstances (see *HIGHLIGHTS*).

Act 74 (AB-544) authorizes a town to issue an above-quota liquor bar license to a person operating a ski chalet on property owned by the state.

Act 221 (AB-662) allows underage persons to be present in a place with a beer or liquor bar license in a room where no alcohol beverages are sold, served or consumed or at a time when no alcohol beverages are consumed, sold or given away if the municipality adopts an enabling ordinance and other specified conditions are met.

Act 239 (SB-325) authorizes a municipality to issue an above-quota liquor bar license for restaurants with museums which satisfy other specified criteria.

Act 302 (SB-118) makes numerous technical and minor policy changes in the alcohol beverages laws. The act permits a municipality to issue a temporary license to a church or organization associated with a church authorizing the holder to sell wine containing not more than 6% alcohol at

a picnic or similar gathering. The act also creates several new exceptions to the general restriction on dealings between liquor manufacturers or wholesalers and retail liquor licensees (see also *Taxation*).

Act 317 (AB-610) allows an underage person who is unaccompanied by a parent or guardian to be present in a curling club with an alcohol beverages license. The act also permits a curling club with an alcohol beverages license to remain open, but not to sell alcohol beverages, during hours when bars are ordinarily required to be closed.

Business and Consumer Law

BUSINESS ASSOCIATIONS

Act 29 (AB-85) establishes a computerized uniform commercial code lien information system providing access to a statewide data base from any office of a register of deeds or the Office of the Secretary of State. The act also continues funding for a computerized corporate reports data base in the Office of the Secretary of State.

The act increases certain fees, including fees related to lobbying activities, and creates new fees for obtaining certain information from the office of the Secretary of State.

Act 30 (AB-185) revises the laws governing cooperative associations in several ways, including:

1. Providing procedures for forfeiture to a cooperative for dedication to educational or charitable purposes unclaimed funds owed to members, stockholders or patrons.
2. Granting the board of directors the authority to exercise all powers of the cooperative.
3. Revising provisions governing the indemnification of officers, directors, agents and employes.
4. Permitting a cooperative to prohibit any changes in the basis of distribution of its assets, as established in its articles.
5. Providing for conversions of nonstock cooperatives to nonstock corporations.
6. Permitting delegates to represent members of a district defined by nongeographical criteria.
7. Permitting approvals of mergers or consolidations by majority vote.

Act 88 (AB-520) requires the Secretary of State to rescind the dissolution of a nonstock corporation that was dissolved for failure to designate a registered agent if 2 of the corporation's principal officers file affidavits indicating the corporation did not receive actual notice of the dissolution and if the corporation designates a registered agent.

Act 133 (AB-306) permits 2 or more "persons" (individuals or other entities) to form a limited partnership rather than 2 or more adult individuals, as under former law.

Act 200 (AB-315) permits the board of trustees of a cemetery association to assess owners of cemetery lots the actual and necessary costs of cleaning and care of the lots and of care and improvement of the cemetery, rather than 4 cents per square foot, as under former law.

Act 274 (AB-718) permits a corporation or cooperative to transact business immediately upon filing its articles of incorporation with the Secretary of State.

CONSUMER TRANSACTIONS

Act 29 (AB-85) retains an interest rate ceiling of generally 18% on open-end consumer credit transactions (primarily credit card transactions) throughout the formerly unregulated period from August 1, 1985, to October 31, 1987.

Act 205 (AB-434) makes miscellaneous changes in the law governing motor vehicle warranties, commonly known as the "lemon law," including requiring sales tax to be refunded whenever a motor vehicle purchase price is refunded and requiring DOT to investigate, certify and evaluate informal dispute settlement procedures.

Act 256 (SB-593) makes numerous changes in the laws governing the sale of insurance by creditors in connection with consumer credit transactions, including:

1. Requiring a creditor to provide a cancellation notice to a customer setting forth the customer's right to cancel the insurance within 30 days or, in the case of required collateral insurance, the right to cancel the insurance within 30 days and obtain substitute insurance from another source.
2. Prescribing the method for calculating the amount of any refund or credit resulting from a cancellation of insurance and of applying any credit to the customer's account.
3. Eliminating the prohibition on additional charges for credit insurance written for a term of more than 5 years.
4. Revising conditions applicable to additional charges for the sale of noncredit insurance, including warranty or maintenance contracts and future service or motor club service contracts.
5. Revising limits on the amount of insurance that may be sold.
6. Prohibiting false, misleading or deceptive solicitation practices in connection with the sale of insurance products.
7. Limiting commission payments to employees of creditors for the sale of insurance products.

The act also extends the exemptions from attachment and security interest under the Wisconsin consumer act to include the personal property protected under the fair credit practices rules issued by the Federal Trade Commission and the Federal Reserve Board.

Act 288 (SB-420) adds a civil forfeiture of between \$50 and \$200 to the penalties for violations of the law against fraudulent drug advertising.

Act 324 (AB-875) extends the laws governing future service contracts to certain contracts for videotape rental. A future service contract is a contract which provides a customer the right to receive goods and services upon payment of a customer fee. The act provides certain exceptions for retention of business records relating to videotape rental.

ECONOMIC DEVELOPMENT AND INVESTMENT

Act 26 (AB-291) creates the Bradley Center Sports and Entertainment Corporation, a nonprofit corporation authorized to receive a sports and entertainment facility from the Bradley Center Corporation and to operate that facility. The nonprofit corporation is subject to certain procedural and reporting requirements, but is exempt from most such requirements applicable to state agencies. The act exempts from property tax any sports and entertainment facility constructed by a nonprofit corporation, donated to and accepted by the state.

Act 29 (AB-85) makes various changes relating to the Investment Board. The act:

1. Permits the Investment Board to invest up to 2% of the assets of the fixed and the variable retirement investment trusts in corporations which are in the venture capital stage.
2. Removes the trust funds of the State Historical Society from the general fund and places them in a separate fund (a separate fund is credited with earnings from its investment.)
3. Permits the Investment Board to employ special counsel, under certain circumstances, without obtaining the Governor's approval or complying with the laws governing state purchase-of-service contracts.
4. Permits the Investment Board to enter into maintenance, repair, evaluation and operation contracts regarding buildings it owns or is considering buying or accepting as collateral, without complying with the laws governing state purchasing and engineering contracts.
5. Adds to the Investment Board one member, who need not have investment experience, and places the Investment Board investment directors in the state unclassified service.

The act makes various changes in the powers and duties of DOD. The act:

1. Removes DOD's authority to make technology development grants to the UW System in order to disseminate information or provide services to businesses, and requires the Technology Development Board to develop a policy relating to obtaining reimbursement of technology development grants.

2. Increases the membership of the labor training grant review panel and permits a business receiving a labor training grant to use federal job training partnership funds as part of its required in-kind contribution.

3. Directs DOD to refer requests which reflect interest in locating economic enterprises in Wisconsin to Forward Wisconsin, Inc., instead of processing those requests, and to contract with Forward Wisconsin, Inc., to implement a nationwide business development promotion campaign to attract new enterprises.

4. Permits DOD to contract with consultants to prepare a study on locating an industrial research park in Kenosha County and, if DOD obtains certain matching funds, to prepare a study on locating an international trade center in the city of Milwaukee.

5. Requires DOD, in conjunction with the UW System, to develop video productions highlighting reasons to travel to this state.

6. Directs DOD, in cooperation with the UW System and the VTAE Board, to offer grants for management training programs (see also *Act 120*).

In addition, the act makes various other changes in the laws relating to economic development and investment, including:

1. Providing that personal or financial information provided to WHEDA by a person seeking a homeownership mortgage or housing rehabilitation loan or grant is closed to public inspection unless the person consents to disclosure of the information. The act creates a deferred payment loan fund in WHEDA to finance deferred payment housing rehabilitation loans (see also *Act 120*). The act also changes certain criteria for participation in the community housing alternatives program, funded with the proceeds of revenue bonds issued by WHEDA after approval by DHSS.

2. Expanding the types of projects which the Wisconsin Health Facilities Authority may finance, excluding, however, certain health offices and clinics, and removes the limitation on the authority's aggregate amount of outstanding bonds.

3. Creating an employe ownership assistance program in which DOD administers loans to businesses to study the feasibility of reorganizing as an employe-owned business. A loan is subject to the approval of the Employe Ownership Board, which the act creates.

Act 43 (*Sept. 1985 Spec. Sess. SB-2*) increases funding to DOD for technology development grants.

Act 44 (*Sept. 1985 Spec. Sess. SB-8*) increases funding to DOD for Forward Wisconsin, Inc.

Act 53 (*Sept. 1985 Spec. Sess. SB-13*) requires the Investment Board to biennially submit to the Governor and the Legislature a plan for making investments in this state. The act also requires the Investment Board to include in its annual report the investments described in, and progress in meeting the objectives under, the biennial plan.

Act 57 (*Sept. 1985 Spec. Sess. AB-1*) provides state financial assistance to the Wisconsin Cooperative Development Council, Inc. The act directs the council to utilize state moneys for the purpose of assisting the development of new cooperatives and diversification of existing cooperatives, creating jobs and businesses in the cooperative sector and providing technical assistance for cooperative projects. The act also makes nonprofit cooperatives to which moneys are specifically appropriated subject to auditing by the Legislative Audit Bureau.

Act 61 (*Sept. 1985 Spec. Sess. AB-1*) provides funds to DOD to contract for a staff person in the Wisconsin trade office in West Germany, to promote exportation of products from this state.

Act 78 (AB-586) changes the formula for computing the maximum aggregate principal amount of notes and bonds which WHEDA may issue through 1986 for the homeownership mortgage loan program.

Act 84 (Sept. 1985 Spec. Sess. SB-3) permits the Governor to create a Strategic Planning Council in DOA to review, assess and develop plans to foster the state's economic development.

Act 120 (Jan. 1986 Spec. Sess. SB-1) abolishes WHEDA's deferred payment loan program. The act also abolishes the deferred payment loan fund, created by *Act 29*. In addition, the act removes DOD's authority, created in *Act 29*, to offer grants for management training programs.

SECURITIES

Act 29 (AB-85) requires the Commissioner of Securities to submit to the Legislature reports and recommendations regarding merit review regulation.

Act 38 (Sept. 1985 Spec. Sess. SB-15) creates an exemption from registration for offers and sales of securities meeting certain standards (see *HIGHLIGHTS*).

Act 195 (SB-532) makes numerous changes in the laws governing corporations and corporate take-overs, including:

1. Eliminating the law requiring shareholder authorization of control share acquisitions (generally, acquisitions of shares by a person that increase the person's voting power into one of 3 specified ranges of voting power).
2. Creating voting rights provisions that reduce to 10% of their full voting power, subject to restoration of full voting power by shareholder vote, those votes held by a person or group of persons above a 20% level in certain corporations.
3. Revising laws governing "supermajority" (80%) voting requirements by narrowing the range of actions subject to supermajority voting and revising standards for determining which votes may be counted in determining whether an 80% supermajority is achieved.
4. Eliminating the corporate take-over law regulating making or opposing "control bids" (generally, offers to purchase shares that would result in beneficial ownership of 10% or more of any class of stock of an issuer).
5. Revising laws governing which take-over offers involving "target companies" must be registered with the Commissioner of Securities and what constitutes a target company.
6. Requiring disclosure and registration filings regarding target companies to include economic impact information.

Act 237 (SB-152) revises the uniform commercial code provisions governing certificated securities and establishes provisions governing uncertificated securities.

The act provides for the transfer of uncertificated securities by registration of the transfer with the issuer and specifies the manner in which registration is accomplished and confirmed. The act also provides for the creation and release of security interests in uncertificated securities.

The act requires an issuer of an uncertificated security to send an initial transaction statement upon registration of a transfer, pledge or release. The act sets forth the effects of initial transaction statements upon the rights of other parties and sets forth the warranties that are made by and to various parties.

The act specifies the procedures for and effects of 3rd-party adverse claims to uncertificated securities and provides for transfer of securities controlled by a 3rd party subject to a judicial lien for the debtor's interest.

With regard to certificated securities, the act provides that delivery to any financial intermediary that regularly maintains securities accounts transfers a certificated security and provides procedures for transfer of securities controlled by 3rd parties.

OTHER BUSINESS AND CONSUMER LAW

Act 120 (*Jan. 1986 Spec. Sess. SB-1*) eliminates the renewable energy resource refund program (see *HIGHLIGHTS*).

Act 181 (*AB-420*) makes various changes in the laws governing trademarks, including creating the crime of trafficking in counterfeit marks, specifying procedures to obtain remedies for violations of trademark laws and standardizing terms and penalties.

Act 236 (*SB-136*), based on the uniform trade secrets law, permits a person to bring an action to enjoin or recover damages for the misappropriation of a trade secret.

Act 313 (*AB-219*) makes various changes in the unfair sales law, also known as the minimum mark-up law (see *HIGHLIGHTS*).

Children

Act 24 (*AB-390*) permits DHSS, if it is unable to purchase foster parent liability insurance at a reasonable cost, to use the funds appropriated for that purpose to pay claims for injury or damages arising out of the acts or omissions of foster children and foster parents (see also *Acts 29, 106 and 154*).

Act 29 (*AB-85*) makes several changes in the laws relating to reporting suspected child abuse and neglect (see also *Act 241*). The act:

1. Provides that a person required to report suspected child abuse or neglect is also required to report any situation in which he or she believes that a child is threatened with abuse or neglect and believes that abuse or neglect will occur.

2. Prohibits the subject of a child abuse or neglect report (the child or the person alleged or determined to be responsible for the abuse or neglect) from disclosing the records to any person other than the subject's attorney.

3. Permits an agency that maintains child abuse and neglect records to disclose them to a child's foster parent or other custodian of the child. No information identifying the person who made the report may be disclosed to the custodian.

4. Provides that child abuse records may be disclosed to a grand jury which determines that access to specified records is necessary for the conduct of its official business.

5. Specifies the public and private agencies which DHSS may appoint to conduct a child abuse or neglect investigation if the county department of social services to which the report is made is unable to conduct an unbiased investigation.

6. Requires juvenile court intake workers and staff members of county departments of social services to complete training in child abuse and neglect protective services.

The act makes various other changes in the laws relating to children, including:

1. Authorizing DHSS to contract with school boards to provide day care for children under 3 years of age whose parents are enrolled in the school district. A school district that receives a contract must also provide parenting education and experience for student parents. The contracts are available to the school districts with the highest estimated number of live births to school age mothers. No more than 50% of the total state appropriation may be paid to a single school board (see also *Act 120*).

2. Requiring the Child Abuse and Neglect Prevention Board to give priority during the 1985-87 biennium to raising funds from private sources for the children's trust fund (see also *Act 233*).

3. Requiring any juvenile court that places a child outside of his or her home to include in the dispositional order a finding that reasonable efforts have been made to prevent the removal of the child from the home or, if applicable, that reasonable efforts have been made to return the child to the home.

4. Providing that DHSS may purchase insurance to cover the liability of foster parents which arises out of or is related to their activities as foster parents (see also *Acts 24, 106 and 154*).

5. Requiring DHSS to collect fees from licensed day care centers for additional licensing and inspection activities.

Act 70 (AB-309) provides that if a court, in a termination of parental rights or divorce proceeding, places a child in the custody of an agency (DHSS, a county department of social services or a licensed child welfare agency), the agency must prepare a permanency plan and report to the court on the status of the child at least once each year until the child is returned to his or her home, is adopted or reaches age 18. The report must describe any progress that has been made toward finding a permanent placement for the child. The court must hold a hearing on each report and may amend an order to transfer the child's custody to a different agency or to a relative.

Act 94 (SB-262) provides that if a child's birth parent, in connection with a stepparent's petition to adopt his or her child, has filed an affidavit consenting to the termination of parental rights, the requirement of serving the birth parent with the summons and petition prior to the termination proceeding does not apply.

Act 106 (AB-575) extends, from December 31, 1985, to March 31, 1986, the authority of DHSS to pay claims directly if it is unable to purchase foster parent liability insurance (see also *Acts 24, 29 and 154*).

Act 120 (Jan. 1986 Spec. Sess. SB-1) permits DHSS to offer more than 50% of its available funding for student parent day care contracts to a single school board (see also *Act 29*).

The act eliminates an increase in the rates paid to foster parents for child care that was scheduled to take effect on January 1, 1987.

Act 154 (AB-941) eliminates the requirement that DHSS purchase liability insurance to cover injuries and property damage to 3rd parties caused by foster children, but retains the requirement to purchase insurance covering personal injury or property damage to a licensed foster parent or a member of the foster parent's family. The act also requires DHSS to purchase insurance to cover acts or omissions of a foster parent that result in physical injury to a foster child or that form the basis for a civil action for damages by the foster child's parent against the foster parent.

The act requires, as a condition of licensure, that each applicant for a foster home license furnish proof that he or she has homeowner's or renter's liability insurance that provides coverage for negligent acts or omissions by foster children that result in personal injury or property damage to 3rd parties.

The act also extends to June 30, 1987, the authority of DHSS to pay claims directly if it is unable to purchase foster parent liability insurance (see also *Acts 24, 29 and 106*).

Act 172 (AB-706) permits the district attorney or corporation counsel in the county in which a juvenile dispositional order is entered to petition for a revision or extension of the order. The act also requires notice to the district attorney or corporation counsel of any petition for a revision or extension.

Act 233 (SB-391) abolishes a full-time permanent position in the Child Abuse and Neglect Prevention Board and creates a project position to provide public education on child abuse and neglect and to solicit funds (see also *Act 29*).

Act 241 (SB-352) provides that health care providers' records may be disclosed to a social services or law enforcement agency for purposes of investigation or prosecution of child abuse or neglect. The records may be further disclosed only under the conditions applicable to other child abuse and neglect reports and records.

Act 292 (AB-489) permits DHSS to release the name of and relevant information about any child who escapes from a juvenile correctional facility or who is absent more than 12 hours after the

expiration of an authorized leave from such a facility, if the disclosure is determined to be necessary for the protection of the public or to secure the child's return. This authority applies only if the child committed one of the serious crimes specified in the act.

Act 294 (AB-711) applies the existing procedure for securing the return of delinquent juvenile escapees and absconders to juveniles who are charged with the violation of a criminal law but have not yet been adjudged delinquent.

Act 308 (SB-504) authorizes DHSS to enter into interstate agreements, including the interstate compact on adoption and medical assistance, with agencies of other states that also offer programs designed to assist in the cost of the care of certain adopted children. A party state, upon application by an adoptive parent who has entered into an adoption assistance agreement with another party state, must provide medical assistance benefits under Title XIX of the federal Social Security Act to the adopted child. An interstate agreement may be revoked, but any adopted child receiving medical assistance benefits under it remains eligible for those benefits until the expiration of the original adoption assistance agreement.

Act 311 (AB-12) increases the potential liability of parents for the acts of their children, establishes the rights of victims of acts committed by children and authorizes disclosure of certain juvenile records (see *HIGHLIGHTS*; see also *Health and Insurance*).

Act 320 (AB-677) creates penalties for any person subject to a juvenile court order who escapes from a secured juvenile correctional facility, from a secure detention facility or juvenile portion of a county jail or from the custody of a peace officer or institution guard. If convicted as an adult, the person is subject to existing penalties. If the person is adjudged delinquent, he or she is subject to any of the existing juvenile delinquency dispositions.

The act also makes it a crime to intentionally assist or permit a person subject to juvenile court jurisdiction to escape from an institution or facility or to provide such a person with any item useful in making an escape, or for an officer or employe to negligently allow such a person to escape.

The act also authorizes the superintendent of a juvenile correctional facility or the superintendent's designee to take into physical custody a child who fails to return to the facility after any authorized absence.

Act 321 (AB-682) revises the laws relating to the disposition of a child determined by a court not to be responsible for his or her acts by reason of mental disease or defect (see *HIGHLIGHTS*).

Constitutional Amendments

Enrolled Joint Resolution 14 (Assembly Joint Resolution 3), proposed by the 1985 Legislature on 2nd consideration, removes obsolete provisions of the Wisconsin Constitution regarding elections and suffrage in order to revise the article on suffrage without impeding any voting rights. The proposal was ratified by the electorate on April 11, 1986.

Enrolled Joint Resolution 21 (Assembly Joint Resolution 9), proposed by the 1985 Legislature on 2nd 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". The proposal was ratified by the electorate on April 11, 1986.

Enrolled Joint Resolution 35 (Senate Joint Resolution 1), proposed by the 1985 Legislature on first consideration, authorizes the creation of a Wisconsin state lottery (see *HIGHLIGHTS*).

Enrolled Joint Resolution 36 (Assembly Joint Resolution 45), proposed by the 1985 Legislature on first consideration, excepts on-track pari-mutuel betting from the constitutional prohibition against legislative authorization of lotteries (see *HIGHLIGHTS*).

Correctional System

Act 27 (*SB-227*) provides that any waiver by a prison inmate of his or her right to mandatory release is effective only if DHSS agrees to the waiver.

Act 29 (*AB-85*) makes various changes relating to the correctional system. The act:

1. Revises the payment criteria for reimbursement to counties for holding certain felons in county jail.
2. Authorizes DHSS to be a party in certain deferred prosecution agreements. Under such an agreement, DHSS monitors the defendant's compliance with the conditions of the agreement.
3. Modifies the corrections industry program, including revisions relating to purchasing and bonding authority for the program.
4. Specifies that prisoners working under the work release program or the transitional employment program are subject to the ordinary worker's compensation procedure rather than the special procedure for prisoners' worker's compensation claims.
5. Authorizes DHSS to raise the limits on institutional revolving funds from \$10,000 to \$60,000. These funds are used for inmates and employes for a variety of purposes. The act also adds canteen operations as one of the acceptable purposes for use of the funds.
6. Directs DHSS to furnish transportation for family members of inmates to visit state prisons.

Act 120 (*Jan. 1986 Spec. Sess. SB-1*) eliminates the requirement that DHSS provide adequate clothing, cash and transportation to an inmate when he or she is released from prison on discharge or parole. The act also eliminates the authorization for DHSS to supplement the probationer and parolee loan fund using general purpose revenue.

Act 167 (*AB-461*) authorizes a sheriff to use any prisoner to perform housekeeping and groundskeeping tasks without compensation. Previously, the sheriff could only use prisoners who had been sentenced to imprisonment in the jail. The other prisoners may be used for these tasks only with their consent.

Courts and Procedure

Act 29 (*AB-85*) makes various changes relating to courts and procedure. The act:

1. Provides an additional Court of Appeals judge for District IV (headquarters in Madison).
2. Increases transcript fees for court reporters and also increases filing fees in the Court of Appeals and the Wisconsin Supreme Court.
3. Specifies that court fees apply to governmental units, including state agencies, unless a specific exemption is provided.
4. Provides that any appeal decided by a single Court of Appeals judge may be heard in the county where the case originated, if any party so requests. Previously, the appeal in such a case had to be heard in that county if a party so requested.
5. Authorizes municipal judges to officiate at marriages.

Act 52 (*Sept. 1985 Spec. Sess. SB-10*) provides for the recovery of actual costs, subject to some limitations, for individuals and small businesses if they prevail in an administrative contested case proceeding or judicial review of an administrative contested case proceeding, regardless of who initiates the proceeding or review, or in a court action brought by a state agency.

Act 89 (*SB-27*) authorizes 2 or more municipalities to enter into agreements for the joint operation of a municipal court.

Act 99 (*AB-194*) provides that the place of trial (venue) for medical malpractice actions is the county in which the claimant resides. If the claimant is a nonresident, the trial may be in the county where the claim arose or where the defendant resides or does substantial business.

Act 102 (AB-265) authorizes appeals in habitual traffic offender cases to be decided by one Court of Appeals judge.

Act 126 (SB-237) authorizes court commissioners to exercise various powers in county ordinance cases.

Act 130 (AB-71) makes all children of a deceased person eligible in wrongful death actions to receive additional damages up to \$50,000 for the loss of society and companionship. Previously, only unemancipated or dependent children were eligible for those additional damages.

Act 132 (AB-177) makes the general relevancy standard applicable in criminal or children's code proceedings to information about the addresses or places of employment of alleged crime victims or their families. The general relevancy standard is whether the evidence in question tends to make any consequential fact in the case more probable or less probable than it would be without the evidence.

Act 137 (SB-302) provides a simplified procedure for any person interested in real property affected by a judgment that was rendered void by a discharge in bankruptcy to obtain an order of satisfaction of the judgment from the court that entered the judgment.

Act 153 (Mar. 1985 Spec. Sess. AB-1) increases from \$25,000 to \$40,000 the value of a person's homestead (home and surrounding property) that is exempt from executions and certain liens and liability for debts and provides for the suspension of court actions to permit farmers and their creditors to engage in mediation and arbitration under the act (see also *Agriculture*).

Act 168 (AB-498) permits arbitrators and attorneys in arbitration proceedings to issue subpoenas and provides a procedure therefor.

Act 169 (AB-501) raises the fee for persons requesting a jury in civil actions (except garnishment actions) from \$2 per juror to \$5 per juror.

Act 170 (AB-535) authorizes parties to question prospective jurors and make challenges for cause in traffic or natural resources violation cases involving less than 12 jurors.

Act 234 (AB-466) creates a procedure for the issuance of restraining orders and injunctions for the protection of alleged victims of child abuse. Under the act, the child and certain other persons and agencies may file a petition to require the respondent (the person who allegedly has abused or may abuse the child) to avoid the child victim's home. The hearing procedure is based on the procedure for issuing restraining orders and injunctions in domestic abuse cases.

Act 250 (SB-534) eliminates numerous unnecessary and obsolete session laws relating to courts.

Act 262 (AB-425) provides procedures for the use of videotaped statements of children in criminal, juvenile and probation and parole revocation proceedings.

Act 266 (AB-622) expands the right to an interpreter in court and administrative proceedings, provides a procedure for the appointment of interpreters and specifies the circumstances under which the state, a county or a municipality must pay for an interpreter.

Act 267 (AB-640) allows the admission of a hospital laboratory report at a preliminary hearing in a criminal case if the report is certified by the chief hospital administrator or his or her designee.

Act 268 (AB-672) eliminates the requirement that a clerk of circuit court must furnish the county board of supervisors with a list of all the certificates he or she issues. Instead, at each annual session, the board may request the clerk to prepare a summary report of the issuance of certificates in the previous year.

Crimes

Act 29 (AB-85) increases penalties for causing bodily harm or threatening to cause bodily harm to DOR officials, employees or agents or members of their families. The act also increases penalties

for causing or threatening to cause damage to the property of those persons or members of their families.

Act 48 (SB-2) prohibits the killing of any animal by means of decompression.

Act 97 (AB-139) increases penalties for impersonating a peace officer.

Act 104 (AB-227) revises penalties applicable to a person who conceals his or her identity while committing a crime. The act also clarifies that the concealing identity penalties enhance the maximum penalties for the underlying crime, but do not provide a separate criminal offense.

Act 134 (AB-328) specifies that the sexual assault laws apply whether the victim is dead or alive at the time of an assault.

Act 144 (AB-359) provides that any crime which is a less serious type of battery than the one the defendant is charged with may be considered a lesser included crime. Thus, a person may be prosecuted for one type of battery but subsequently found guilty of any less serious type of battery.

Act 148 (AB-70) makes the Law Enforcement Officers' Bill of Rights applicable to all officers employed in Milwaukee County. Previously, the law applied only to officers employed by the city of Milwaukee. The rights covered by the law relate to engaging in political activity, being informed and represented during any interrogation which could lead to disciplinary action and being protected against reprisals for exercising these rights.

Act 150 (AB-391) authorizes courts to require a defendant to perform community service in addition to a sentence of imprisonment in the county jail. Previously, a community service work order was available only as part of a deferred prosecution program, in lieu of a fine or as a condition of probation.

Act 152 (AB-412) expands the scope of the duty to aid victims or report crimes by placing additional reporting requirements on private detectives and private security personnel.

Act 179 (SB-643) authorizes victims of worthless checks or retail thefts to bring special civil actions. In addition to actual damages, victims may recover exemplary damages and all costs of the action, subject to certain limitations. The act also establishes a restitution procedure for victims of worthless checks or retail thefts which is applicable in criminal cases regardless of whether the defendant is placed on probation.

Act 242 (SB-356) revises awards, eligibility and procedures under the crime victim compensation program (see *HIGHLIGHTS*).

Act 245 (SB-419) clarifies that present exceptions for innocent persons regarding the forfeiture of a vehicle used to transport property or weapons used or received in the commission of a felony are limited to the existing statutory exceptions.

Act 252 (SB-541) requires courts to advise criminal defendants, prior to the entry of a plea of guilty or no contest, that there may be potential citizenship and immigration consequences as a result of such a plea.

Act 254 (SB-570) prohibits passing a person above the ground (body passing) and passing objects in an unsafe manner at sporting events and places certain restrictions on the consumption of alcohol beverages at sporting events. The act establishes a citation procedure and a forfeiture for the enforcement of its provisions. The state may use the procedure to enforce violations of the act, and counties and municipalities may use the procedure to enforce violations of local ordinances strictly conforming to the act.

Act 258 (AB-38) provides that vehicles used to cause more than \$1,000 worth of criminal damage to cemetery property are subject to seizure and forfeiture.

Act 259 (AB-48) exempts certain felons from the prohibition on possession of firearms. Under the act, if the U.S. Secretary of the Treasury has granted a felon relief from federal firearms restrictions, the felon is also exempt under the Wisconsin law.

Act 260 (AB-138) gives the Law Enforcement Standards Board the authority to decertify law enforcement officers and jail officers who terminate employment, are terminated or violate certain rules or orders of the board.

Act 263 (AB-485) increases the penalty for intentionally treating an animal in a cruel manner, if such treatment results in the mutilation, disfigurement or death of the animal.

Act 275 (AB-776) increases penalties for and expands the scope of the crime of sexual exploitation by a therapist. The act statutorily recognizes civil actions for victims of sexual exploitation by a therapist and authorizes the awarding of punitive damages in those actions. The act also modifies the time limits for bringing criminal and civil actions relating to sexual exploitation by a therapist.

Act 293 (AB-515) revises penalties for persons convicted of causing the death of another because of the negligent operation or handling of a vehicle or weapon and creates a new crime regarding the causing of great bodily harm because of the negligent operation or handling of a vehicle.

Act 306 (SB-429) provides penalties for persons who abuse developmentally disabled and other vulnerable adults. The act covers various types of abuse, including conduct which could result in bodily harm, confinement and cruel deprivation of a basic need for food, shelter, clothing or personal or health care.

Domestic Relations

Act 29 (AB-85) makes various changes relating to child and spousal support obligations. The act:

1. Directs the use, after June 30, 1987, of a percentage standard to determine child support in most cases (see *HIGHLIGHTS*).
2. Permits DHSS to initiate a child support supplement program (see *HIGHLIGHTS*).
3. Provides that commencement of an action affecting the family which affects a minor child constitutes an application to DHSS for child support enforcement and paternity establishment services, but does not authorize DHSS to represent the party or to intervene as a party in the action. The act requires certain petitions and responses in actions affecting the family to state that the petitioner or respondent requests DHSS to provide the services described above. The act also makes miscellaneous changes in the procedures DHSS may engage in to enforce child and spousal support obligations and to establish paternity.
4. Requires a child or family support or maintenance petitioner who does not receive public assistance to pay \$10 in addition to other filing fees. The act also authorizes a minor child to commence an action for failure or refusal to provide support and maintenance; requires the clerk of court to provide each child support or paternity determination petitioner and respondent a free document describing the DHSS child support percentage standard and the factors a court may consider in setting child support; creates an exception to the general rule that asset disclosure forms furnished by parties to an action affecting the family are confidential, by requiring the clerk of court to provide information from those court records to DHSS; and makes various changes relating to procedures for paying child and family support to the clerk of court and for assignment and withholding of income to pay support obligations.
5. Permits a family court commissioner to conduct hearings and enter judgments in actions for maintenance or child support. The act also prohibits a court from approving a stipulation for child or family support unless the stipulation provides for payment determined under the laws governing

support determination; and requires a court to order a party to support a child who is less than 19 years of age and is obtaining a high school diploma or its equivalent.

6. Creates a new crime of intentional failure to pay child support. The act also modifies the circumstances under which a person may be arrested in a civil action to enforce a support obligation or to determine paternity.

The act also makes changes relating to domestic relations issues other than support obligations, including:

1. Increasing from \$24.50 to \$29.50 the fee for a marriage license and permitting a county board to further increase the fee by any amount, rather than by up to \$5 as under former law, which amount the county retains.

2. Specifying certain domestic abuse services to receive domestic abuse grant funding and making various adjustments in the grant funding formula.

Act 37 (SB-150) changes the laws governing property held by married persons (see *HIGHLIGHTS*).

Act 103 (AB-266) permits spouses whose marriage is invalid, because it occurred less than 6 months after one or both spouses were divorced, to obtain a marriage license to remarry legally.

Education

PRIMARY AND SECONDARY EDUCATION

Act 29 (AB-85) makes numerous changes in the laws relating to public instruction. The act:

1. Expands the standards required of all school districts (see *HIGHLIGHTS*).

2. Specifies that, for the purpose of the school aid formula, the primary guaranteed valuation per member (the minimum tax base per pupil required for adequate support of a pupil's education) is the amount which fully distributes the amounts appropriated as school aid. The act also requires DPI to provide each school district with estimates of its general school aid entitlement by July 1 and October 1.

3. Includes 4-year-old pupils enrolled in kindergarten programs in the school district's pupil count for state aid purposes.

4. Allows a school district to apply for additional state aid when the State Board of Assessors makes a final redetermination on the assessment of property that is lower than the previous assessment.

5. Makes school districts with merged attendance area plans eligible for special transfer aid. The act also requires the Milwaukee Board of School Directors to open a new nonspecialty elementary school by June 30, 1987, and to construct new school facilities only in areas of greatest need. The State Historical Society must approve any proposal by the Milwaukee Board of School Directors to demolish school facilities that are at least 50 years old. Finally, the act weights each additional pupil attending a nonspecialty school located in a minority census tract in Milwaukee as an additional 0.2 pupil in the general school aid formula.

6. Creates a distribution schedule for handicapped education aid and pupil transportation aid.

7. Establishes a grant program for preschool to grade 5 programs limited to the Milwaukee and Kenosha school districts (see also *Acts 120 and 224*).

8. Creates a Council on Business and Education Partnerships in DPI.

9. Modifies the method and procedure for calculating tuition payments made by the state and by a school district placing a child in an instructional program in another school district. The act also transfers responsibility for the payment of tuition for a student in a state residential school attending a local public school from the state to the school district responsible for the child's placement.

10. Reduces the percentage of approved costs which may be reimbursed under the bilingual-bicultural education program from 70% to 63%.

11. Creates a teaching incentives program to fund demonstration projects related to teacher compensation, career opportunities, professional development and performance assessment. The program expires July 1, 1987.

12. Provides minimum aid payments to certain school districts. Eligibility requirements relate to school district median household income and school property tax levy rate (see also *Act 120*).

13. Requires all public libraries in a public library system adjacent to another system to honor library cards held by residents of the adjacent system (excluding the Milwaukee County library system), clarifies requirements for participation in public library systems and for receipt of state aid and provides that the Milwaukee County library system may not be abolished without the approval of municipalities within the system.

14. Increases the reimbursement rate for driver education programs.

15. Requires each school district to develop special programs for the pupils enrolled in the school district who are identified as "children at risk." Children at risk include pupils who are at least one year behind their age group in the number of credits attained or in basic skill levels, who are also dropouts, absent from school without appropriate excuses, parents, or pupils who have been adjudicated delinquent.

16. Expands and clarifies the prohibition against pupil discrimination in public schools. The act prohibits discrimination in admission to or participation in any program or activity on the basis of sex; race; national origin; ancestry; creed; pregnancy; marital or parental status; sexual orientation; or physical, mental, emotional or learning disability. The act also directs school boards to establish policies for receiving and investigating complaints relating to pupil discrimination.

17. Establishes a scholarship program for minority students who enroll in college classes or programs designed to improve academic skills needed to succeed in postsecondary education.

18. Requires each school district to ensure that all gifted and talented pupils enrolled in the school district have access to a program for gifted and talented pupils.

19. Allows school districts served by Cooperative Educational Service Agency (CESA) No. 1 to withdraw from participation and apply directly to the State Superintendent of Public Instruction for funds, programs and services that they were receiving in the CESA system.

20. Provides that current year, rather than prior year, equalized property valuations be used to calculate general school aid.

21. Provides that school districts whose equalized valuation per pupil is less than 125% of the state average are guaranteed state aid equal to 90% of their prior year's state aid.

22. Requires DPI and DHSS to develop and conduct training programs in suicide prevention, establishes a Council on Suicide Prevention in DPI and specifies that school instructional programs must include suicide prevention topics. The act also provides immunity from civil liability for school, CESA and county handicapped children's education board employees for suicide prevention efforts. The council is discontinued July 1, 1989.

23. Authorizes a school board to appoint school crossing guards if all municipalities located in the school district approve.

24. Deletes the requirement that a pupil earn 0.5 credit in computer science in order to graduate from high school. The act requires each school board to provide an instructional program designed to give pupils knowledge in computer science.

Act 75 (*Sept. 1985 Spec. Sess. SB-7*) authorizes the State Superintendent of Public Instruction to make grants to school boards to fund education for employment projects. The grant program expires on July 1, 1989.

Act 100 (AB-209) allows the operator of a motor vehicle providing pupil transportation services under an alternative method (e.g., by using a motor vehicle that transports 9 or fewer passengers in addition to the driver) to possess either a Wisconsin operator's license or an operator's license issued by another jurisdiction.

Act 101 (AB-232) specifies that a school board may borrow money to meet the immediate expenses of operating and maintaining the public instruction in the school district during the current school year only after the tax for operation and maintenance of the schools for the current school year has been voted. The act also provides that a school board may, in June, July and August prior to voting the tax, borrow money to meet the school district's expenses from July 1 to the last working day in October.

Act 120 (Jan. 1986 Spec. Sess. SB-1) makes several changes in the laws relating to primary and secondary education, including:

1. Providing that one-sixth of a school district's aid entitlement must be paid in September, one-third in December, one-sixth in March and one-third in June. Aid must be paid by the 3rd Monday of September, the 1st Monday of December and the 4th Monday of March and June.

2. Reducing the minimum state aid payments, established in *Act 29*, for the 1986-87 school year and excluding special transfer aid from the calculation of a school district's eligibility for minimum aid.

3. Providing that in the 1986-87 school year, no more than 14 schools in the Milwaukee school district are eligible to receive funds under the preschool to grade 5 program established by *Act 29*. In addition, the council appointed by the State Superintendent of Public Instruction to review grant applications must make recommendations regarding the schools selected for funding.

Act 158 (SB-280) authorizes the Milwaukee Board of School Directors to retain an attorney to represent the board under certain specified conditions.

Act 163 (AB-100) allows a school psychologist, counselor, social worker or nurse who receives information from a pupil that the pupil or another pupil is using or experiencing problems resulting from the use of alcohol or other drugs to disclose the information under certain circumstances. Prior law completely barred disclosure of such information.

Act 177 (AB-537) makes various changes in the laws relating to public libraries. The act modifies the membership of the Council on Library and Network Development and includes a legislative declaration of policy relating to the development and improvement of public and school libraries and interlibrary cooperation. The act authorizes a public library system board of a multicounty library system to borrow money, modifies the formula for distributing aid to library systems and requires any town seeking to establish a new public library or participate in a joint library to first obtain the approval of the county library board or county board of supervisors.

Act 178 (AB-593) requires that a school district consolidation referendum be held between 30 and 90 days from the date of the school board meeting held for the purpose of calling for a referendum, unless the spring or general election is to be held within 90 days from the date of the meeting. In the latter situation, the referendum must be held on the date of the spring or general election.

Act 207 (AB-438) eliminates the requirement (established by *Act 29*) of 18 weeks of student teaching for a teaching license. Instead, beginning August 31, 1990, the act prohibits the State Superintendent of Public Instruction from approving any teacher preparatory program unless the program requires each student in the program to complete student teaching consisting of full days for a full semester following the daily schedule and semester calendar of the cooperating school.

Act 211 (AB-496) prohibits the Milwaukee Board of School Directors from suspending or expelling a pupil from school for truancy. The act authorizes school boards to adopt policies that provide for truant pupils to be assigned to a supervised, directed study program.

Act 213 (AB-519) directs DPI, in conjunction with DHSS, to develop and conduct protective behaviors training programs for the professional staff of public and private schools and counties. The act also requires every school board to provide an instructional program designed to give pupils knowledge of effective means by which they may recognize, avoid and prevent physically or psychologically intrusive or abusive situations. The act takes effect July 1, 1988.

Act 214 (AB-576) prohibits any school district employe from receiving anything of value from any person other than the employing school district to sell, promote the sale of or act as an agent or solicitor for the sale of any goods or services to any public school pupil while on school property or at a school activity. The act creates a similar prohibition for CESA employes.

Act 218 (AB-603) makes various changes in the laws relating to primary and secondary education, including:

1. Providing that under certain conditions a school board must provide certain pupil records to a VTAE district board upon request.
2. Providing that a school district annual meeting may authorize a school board to acquire, by purchase or condemnation, real estate necessary for school district purposes.
3. Extending through the 1990-91 school year the authority of a school board to contract with private education services for pupils who need concurrent education and treatment services.
4. Authorizing a school board to provide for the orientation and continuing education of school board members and members-elect.

Act 224 (AB-709) specifies that the tests used by a school board receiving a grant under the preschool to grade 5 program (established by *Act 29*) to test pupils enrolled in the program must be approved by DPI, but need not be developed by DPI.

Act 225 (AB-710) revises the statutes to reflect the reorganization of all city school districts into either common or unified school districts required by chapter 340, laws of 1981.

Act 228 (AB-794) eliminates the June 30, 1988, expiration date for the pupil minimum competency testing program. The act also modifies the grades in which the tests must be administered and exempts any school district participating in the program from the achievement testing required under *Act 29*.

Act 232 (AB-896) designates September 16 a special observance day in schools for Mildred Fish Harnack.

Act 240 (SB-335) requires each private school to annually submit its proposed attendance area for the ensuing school year to the school board of each school district having territory within the proposed attendance area. The act also provides that vehicle inspections and vehicle operator physical examinations are required under alternative pupil transportation provisions only if the vehicle is owned or leased by a school or a school bus contractor or is operated by a school district employe.

Act 251 (SB-539) provides that if 2 or more school districts consolidate, the consolidated school district's state aid, in the school year in which the consolidation takes effect and in each of the subsequent 2 school years, will not be less than the aggregate state aid received by the consolidating school districts in the school year prior to the school year in which the consolidation takes effect.

UNIVERSITY OF WISCONSIN SYSTEM

Act 29 (AB-85) makes various changes relating to the UW System. The act:

1. Establishes grant programs for minority and disadvantaged graduate students and for Black American, Hispanic American and American Indian undergraduates.
2. Prohibits the Board of Regents from accumulating any reserves from auxiliary student fee charges unless such charges and reserves are approved by JCF. The act also reallocates certain

excess funds in auxiliary reserve accounts for the purpose of offsetting tuition revenue increases associated with raising the student undergraduate share of instructional cost to 30%.

3. Directs the Board of Regents to develop a School of Urban Journalism at the UW-Milwaukee.
4. Directs the Board of Regents to develop policies that specifically identify the general purpose revenue and nongeneral purpose revenue funding sources used to support noninstructional student activities.
5. Creates a Council on Public Broadcasting in the UW System to advise the UW on broadcasting issues.
6. Specifies that the academic staff members of each institution, subject to the responsibilities and powers of the Board of Regents, the president and the chancellor and faculty of the institution, are active participants in the governance of and policy development for the institution.
7. Directs the Board of Regents to correct pay inequities based on gender or race, to establish job categories and pay ranges for academic staff and to submit those categories and ranges to the Secretary of DER for review and approval.

Act 45 (*Sept. 1985 Spec. Sess. AB-5*) authorizes the Board of Regents to maintain membership in the Midwest Technology Development Institute.

Act 51 (*Sept. 1985 Spec. Sess. SB-6*) exempts any student employed full time by a business in this state who was relocated to this state for business purposes by the student's current employer or who has accepted employment with a business located in this state before moving to this state, and the spouse of any such student, from nonresident tuition at the UW System (see also *Act 192*).

Act 62 (*AB-413*) prohibits any center or institution within the UW System, other than the medical school, from commencing fall semester classes until after September 1 (see *HIGHLIGHTS*; see also *Act 120*).

Act 85 (*AB-53*) adds a student enrolled at least half-time at an institution or center within the UW System to the membership of the Board of Regents (see *HIGHLIGHTS*).

Act 120 (*Jan. 1986 Spec. Sess. SB-1*) exempts 4th year veterinary medicine classes from the prohibition against commencement of fall classes until after September 1 established in *Act 62* (see *HIGHLIGHTS*).

Act 192 (*SB-488*) modifies the UW nonresident tuition exemption created by *Act 51*. The act clarifies that the person claiming the exemption must be continuously employed and must have accepted employment in this state prior to moving to this state. The act also authorizes any body designated by the Board of Regents to hear appeals regarding nonresident tuition exemptions to require a student who has been granted an exemption to submit information enabling the body to determine the student's continuing eligibility for the exemption.

VOCATIONAL, TECHNICAL AND ADULT EDUCATION

Act 29 (*AB-85*) makes various changes relating to the VTAE system. The act:

1. Modifies the composition of the State VTAE Board by reducing the number of employer, employe and farmer members and adding 6 public members.
2. Increases chauffeur training aids, requires the State VTAE Board to develop a uniform financial fund accounting system applicable to all VTAE district boards, exempts VTAE district board proposals for minor rentals and minor remodeling projects from State VTAE Board review and approval and eliminates the requirement that VTAE district boards submit copies of all contracts for services to the State VTAE Board.
3. Creates an incentive grant program to provide grants to VTAE district boards for adult high school and adult basic education courses, programs encouraging the provision of classroom

instruction for apprentices, new or expanding programs which address emerging skilled training needs and the purchase or lease of high-cost instructional equipment.

4. Creates a grant program for advanced chauffeur training facilities and programs.

5. Requires that tuition for college parallel programs be set at the level necessary to generate revenues equal to 28.6% of the operational cost of the programs and that tuition for out-of-state students not subject to reciprocity agreements be based on 100% of the cost of the programs in which they are enrolled.

6. Grants resident admission and fee status to certain migrant workers and their children.

7. Authorizes VTAE district boards to contract with local community-based organizations for basic skills instruction.

8. Directs the State VTAE Board to develop policies that specifically identify the general purpose revenue and nongeneral purpose revenue funding sources used to support noninstructional student activities.

9. Creates a separate state aid program for college parallel programs in VTAE districts that do not include a UW campus. Currently, the Nicolet district is the only VTAE district that meets this criterion.

Act 323 (AB-796) relates to VTAE capital expenditures. If a VTAE district board intends to make a capital expenditure in excess of \$500,000, excluding moneys received from gifts, grants or federal funds, it must adopt a resolution and submit it to the electors for approval. The exclusion of moneys received from gifts, grants and federal funds was scheduled to expire on July 1, 1986. This act delays the expiration until July 1, 1990.

OTHER EDUCATIONAL AGENCIES

Act 29 (AB-85) modifies the composition and duties of advisory committees convened by the Arts Board for the purpose of selecting art work for new state building projects. The act also directs the Arts Board to award at least 5% of total state and federal funding allocated for grants to artists and arts organizations to minority artists and arts groups.

The act exempts admission changes at Circus World Museum from the state sales tax, extends state liability insurance coverage to employes of Circus World Museum (see also *Act 66*) and provides that, upon request of the Historical Sites Foundation (which operates the museum), the Governor may appoint one member of the board of the foundation. The act also directs the State Historical Society to use all fees collected from admission to the Historical Society Museum for public programming.

The act creates a Council on Public Radio and a Council on Public Television in the Educational Communications Board (ECB) to advise the ECB on broadcasting issues, modifies the membership of the ECB, gives the ECB the right of first refusal for the assignment of the licenses of the Milwaukee VTAE district public broadcasting stations and authorizes the ECB to review state agency capital equipment purchases related to public broadcasting.

The act raises the maximum grant award under the tuition grant program administered by HEAB and creates a grant program for Black American, Hispanic American and American Indian undergraduates enrolled in private, nonprofit higher educational institutions.

The act specifies the membership of the Wisconsin Higher Education Corporation (WHEC), provides that WHEC is subject to state guidelines relating to employe compensation, accounting, purchasing and travel expenses and subjects WHEC to auditing by the Legislative Audit Bureau and state open records and open meetings laws.

The act decreases the maximum number of residents enrolled in Marquette Dental School and the Medical College of Wisconsin for whom the state makes capitation payments. The act also requires

that resident students not be charged tuition greater than the difference between nonresident tuition and the capitation rate.

Act 66 (SB-389) extends the state liability insurance program to the Historic Sites Foundation and to officers, employees and agents of the foundation, and authorizes DOJ to represent the foundation.

Act 156 (SB-266) makes minor remedial changes relating to the Educational Approval Board.

Act 282 (SB-312) adds 3 student members to HEAB (see *HIGHLIGHTS*).

Elections

Act 131 (AB-92) provides that political party committeemen and committeewomen shall represent their neighborhoods in the structure of their parties and shall act as liaison representatives between the parties and the residents of the election districts in which they serve. The act also fixes the date of county organizational meetings during the period from 15 days after the September primary to April 1 of the following year. (The term of office of committeemen and committeewomen ends on the date of the county organizational meeting.)

Act 198 (AB-191) statutorily recognizes the right of an individual to place a sign containing a political or other noncommercial message pertaining to an issue of public policy on residential property owned or occupied by the individual during an election campaign period. Under the act, a county or municipality may still regulate signs having an electrical, mechanical or audio auxiliary and may regulate signs for purposes of traffic or pedestrian safety. In addition, a 1st, 2nd or 3rd class city may regulate certain signs exceeding 11 square feet in area.

Act 303 (SB-120) makes numerous changes in the campaign finance law (see *HIGHLIGHTS*).

Act 304 (SB-174) makes numerous changes in the laws relating to elections, vacancies and eligibility for office. Among other changes, the act:

1. Requires all polling places in the state to be fully accessible to individuals in wheelchairs, effective on January 1, 1992.
2. Requires strict adherence to absentee voting laws in order for an absentee ballot to be counted. Formerly, certain informalities did not preclude the counting of an absentee ballot if the will of an elector could be ascertained.
3. Creates a new procedure for conduct and supervision of absentee balloting in nursing homes occupied by 10 or more unrelated individuals.
4. Permits members of the U.S. armed forces and merchant marine, U.S. civilian employees and peace corps volunteers, and spouses and dependents of such individuals living away from home to have an absentee ballot sent to them automatically for every election for an indefinite period.
5. Decreases the frequency of publication of type A, B, C and E notices from once to twice preceding each election. The type A notice is a notice of election; the type B notice provides voting instructions and facsimile ballots; the type C notice is a notice of referendum and the type E notice provides absentee voting instructions.
6. Requires municipal clerks and boards of election commissioners to distribute absentee ballots at least 30 days before each September primary and general election and at least 21 days before each other primary and election.
7. Requires partisan primary ballots utilized with electronic voting systems to have a space for a party designation. If an elector casts votes within more than one party, votes cast within the designated party are valid. Formerly, no votes were valid whenever a ballot contained votes cast within more than one party.

8. Effective on July 1, 1995, requires utilization of an electronic voting system or voting machines in all municipalities having a population of 7,500 or more instead of 10,000 or more as currently provided.
9. Eliminates the requirement for ballot preparation contracts to be let by bid and the requirement for the contractor to furnish a bond, unless a county or municipality so requires.
10. Creates uniform provisions which assign and allocate various election costs between counties, municipalities and special purpose districts.
11. Changes the procedure for filling temporary and permanent vacancies in the office of municipal judge.
12. Changes eligibility standards for county officers, candidates for county office, school district officers, members of county and municipal boards of canvassers and special voter registration deputies.
13. Deletes authority for the Governor to fill a temporary vacancy in the office of U.S. Senator. Under the act, a special election is required to fill such a vacancy.

Act 312 (AB-84) directs the Attorney General to accept a verified petition from any person alleging failure to comply with section 2 of the federal Voting Rights Act, and authorizes the Attorney General to commence an action or proceeding on behalf of any elector of this state whose rights under that section are violated. (Section 2 of the federal Voting Rights Act prohibits imposition of a voting qualification or prerequisite to voting or standard, practice or procedure in a manner which results in denial or abridgement of the right to vote on account of race or color or because of membership in a language minority group.) The act also revises the method of election of the board of school directors in the Milwaukee school district.

Employment

Act 1 (AB-1) permits a minor under 12 years of age to work in a fund-raising sale for a nonprofit organization or a public or private school under certain conditions.

Act 17 (SB-76) makes various changes in unemployment compensation taxes, benefits, administration and benefit charges (see *HIGHLIGHTS*).

Act 29 (AB-85) abolishes the Governor's Employment and Training Office, and transfers its youth initiatives program to DPI and all of its other functions to DILHR. The act makes various changes in the procedures of the State Job Training Coordinating Council and local private industry councils created in accordance with the federal Job Training Partnership Act. The act requires certain federal employment and training funds to be spent, until June 30, 1987, for programs which provide "dislocated workers" with job training and support services and sets forth criteria under which a farmer may be eligible for those services (see also *Act 153*). The act also permits DILHR to contract with the Wisconsin Compensation Rating Bureau to share the costs of data processing and other services related to obtaining information on worker's compensation insurance coverage.

The act extends the expiration date of the law governing dispute settlement in local government collective bargaining from July 1, 1987, to July 1, 1991, and also provides for the law to resume effectiveness for an indefinite period on January 1, 1992 (see also *Act 318*).

Act 40 (SB-321) makes various minor changes in the unemployment compensation law. The act decreases from 5 years to 2 years the period during which certain new employers may elect to pay taxes at a reduced rate. The act also changes the permissible uses of moneys received by DILHR as interest and penalties for late payments by employers. In addition, the act changes provisions governing payment of benefits to partially unemployed individuals, professional athletes and certain individuals providing services to educational institutions.

Act 42 (AB-55) extends the state employment labor relations act to cover graduate assistants employed by the UW System (see *HIGHLIGHTS*).

Act 83 (SB-322) makes miscellaneous changes in the worker's compensation laws, including the following:

1. Specifying the coverage of the worker's compensation laws with respect to employes engaging in health or exercise programs, certain persons performing uncompensated community service and certain sole proprietors and partners.
2. Modifying the laws governing medical examinations, reports and fees for employment-related injuries.
3. Changing certain procedures for review and payment of worker's compensation awards.
4. Affecting an employer's obligation to obtain worker's compensation insurance.
5. Making various changes relating to the amount of and conditions of eligibility for disability and death benefits.

Act 153 (Mar. 1986 Spec. Sess. AB-1) makes permanent the dislocated worker grant program created by *Act 29* and changes the criteria under which a farmer may be eligible for job training and support services to dislocated workers.

Act 173 (AB-719), specifies the permissible time for making payment from the worker's compensation work injury supplemental benefit fund with respect to certain work-related injuries and prohibits any compromise providing for a lump sum payment from that fund in such cases.

Act 191 (SB-471) makes various changes in the recruiting and disclosure requirements applicable to employers of migrant workers. The act abolishes the 15-day correction period for certain repeated violations of migrant labor recruiting and hiring requirements. The act also abolishes the correction period under certain circumstances, and increases the penalty for repeated failure to obtain DILHR certification before opening a migrant labor camp.

Act 220 (AB-642) extends the periods during which DILHR may investigate and commence wage claims and expands DILHR's investigatory powers regarding those claims.

Act 318 (AB-629) revises dispute settlement procedures in collective bargaining units of local government employes, other than law enforcement and fire fighting personnel. The act separates mediation and arbitration functions and changes the procedures for selection of an arbitrator. The act requires the Employment Relations Commission to provide training programs to prepare individuals for service as arbitrators and arbitration panel members. The act requires the commission to attempt to recruit at least 10 residents of each congressional district in the state for participation in the training programs. Under the act, every arbitrator and arbitration panel chairperson must be a resident of this state, unless the parties to the arbitration otherwise agree. The act also creates a Council on Municipal Collective Bargaining to advise the commission on the operation of the local government collective bargaining law and make recommendations relating to the law.

Environment

Act 22 (SB-221) authorizes DNR to provide grants to pay up to 60% of certain costs of providing a municipal water supply to an area which needs a new source of water to replace contaminated wells. The act also eliminates the January 1, 1987, expiration date of the well compensation program, revises certain procedures for approval and payment of claims under that program and reduces the maximum amount that may be paid on each claim from 80% to 60% of eligible costs (see also *Act 29*).

Act 29 (AB-85) makes several changes in the well compensation program, including restoring 80% as the maximum amount of eligible costs that a grant may cover, establishing additional eligibility requirements, revising procedures for approval and payment of claims.

The act makes various changes in the private sewage system replacement or rehabilitation program, including establishing priorities for funding, making private sewage systems located on American Indian lands eligible for grants, prohibiting DNR from approving a grant application if approval would directly benefit a person who caused the failure of the system and requiring the proration of available grant funds.

The act imposes on generators of solid and hazardous waste an environmental repair fee of one cent per ton for prospecting or mining waste and 10 cents per ton for all other waste (15 cents per ton after 1985).

The act authorizes DNR, in the absence of federal limitations, to promulgate rules establishing standards and prohibitions for toxic effluents. The rules must take into consideration technological, economic and social costs and benefits of the requirements.

The act restores a statewide limit on the number of mound private sewage systems that may be installed.

The act requires DNR to establish a household hazardous waste grant program.

The act requires DNR to establish grant eligibility criteria for state assistance for local water quality planning activities and also requires local matching funds.

The act reduces DNR's additional expenditure authorization under the point source pollution abatement program and limits its authority to make advance commitments for future reimbursement.

The act provides general purpose revenue funding, as well as bond revenue, for the point source pollution abatement grant program, revises certain provisions relating to grant eligibility and gives priority for receiving grants to the village of Mishicot, the Darboy sanitary district and the village of Plover (see also *Act 120*).

The act provides a waste reduction and recycling demonstration grant to a facility in the village of Muscoda.

The act requires DOD to prepare a plan to create financial incentives to promote the recycling of hazardous waste.

The act requires DNR, DATCP and participating counties and municipalities to utilize the Wisconsin Conservation Corps for appropriate projects under the nonpoint source pollution abatement and scenic urban waterways programs.

The act requires DNR to respond to an application for an exemption from certain licensing requirements related to the disposal of foundry sands, fly ash, bottom ash and paper mill sludge within 90 days (see also *Act 46*).

Act 46 (Sept. 1985 Spec. Sess. AB-3) permits DNR to exempt from certain licensing requirements generators of or facilities for the disposal of high-volume industrial waste (fly ash, bottom ash, paper mill sludge and foundry process waste) in order to encourage recycling and the development of improved disposal methods (see also *Act 29*).

Act 59 (Sept. 1985 Spec. Sess. SB-9) provides additional positions in DNR for streamlining the permit application process.

Act 60 (Sept. 1985 Spec. Sess. SB-12) creates a procedure for regulating major withdrawals from state waters (see *HIGHLIGHTS*).

Act 120 (Jan. 1986 Spec. Sess. SB-1) abolishes the solid waste management grant program in DNR.

The act also replaces the general purpose revenue funding for the point source pollution abatement grant program with additional bonding authority (see also *Act 29*).

Act 153 (*Mar. 1986 Spec. Sess. AB-1*) permits DNR and DATCP to grant an exemption from certain statutes and administrative rules for the purpose of facilitating research on nonpoint source pollution control.

Act 206 (*AB-436*) establishes conditions for use of the pesticide aldicarb (see *HIGHLIGHTS*).

Act 217 (*AB-601*) establishes the maximum amount that a municipality must pay for required monitoring of a closed solid or hazardous waste site or facility.

Act 291 (*AB-421*) adopts the Uniform Transboundary Pollution Reciprocal Access Act, with certain exceptions. Under the act, a person who suffers personal injury or property damage in a reciprocating jurisdiction (any state, territory or possession of the United States or province or territory of Canada that has adopted the uniform act) from environmental pollution which originates in Wisconsin may enforce those rights in Wisconsin in the same way as if the injury or damage had occurred in Wisconsin. Similarly, if a person suffers personal injury or property damage in Wisconsin from environmental pollution which originates in a reciprocating jurisdiction, the person may enforce his or her rights in the reciprocating jurisdiction.

Act 296 (*SB-546*) establishes sulfur dioxide and nitrogen oxide emission limits and goals and creates an Acid Deposition Research Council (see *HIGHLIGHTS*).

Financial Institutions

Act 25 (*AB-146*) abolishes the state deposit guarantee fund (which guaranteed deposits of public moneys) and discontinues assessments against public deposits for the fund. The act also eliminates certain qualifications for a financial institution to serve as a public depository and permits financial institutions to provide collateral for public deposits.

Act 29 (*AB-85*) requires state-chartered credit unions, other than corporate central credit unions, to obtain federal share insurance from the National Credit Union Administration Board and provides for the eventual liquidation of the Wisconsin Credit Union Savings Insurance Corporation.

Act 127 (*SB-267*) eliminates various obsolete provisions of former law regarding banks and credit unions.

Act 157 (*SB-268*) revises and clarifies the laws governing savings and loan associations.

Act 257 (*SB-616*) clarifies that banks may provide security for public deposits that are in excess of amounts insured or covered by the state deposit guarantee fund.

Act 325 (*SB-642*) authorizes regional reciprocal acquisitions and mergers among financial institutions and grants new powers to and imposes new regulatory requirements upon financial institutions (see *HIGHLIGHTS*).

Health and Social Services

HEALTH

Act 19 (*SB-134*) directs DHSS to acquire pamphlets on fetal alcohol syndrome and to distribute them to county clerks, who must provide a pamphlet with each marriage license issued.

Act 29 (*AB-85*) makes various changes in the health laws.

1. The act prohibits certain use or disclosure of a test for the presence of AIDS (see *HIGHLIGHTS*).

2. The act extends medical assistance coverage for persons who lose AFDC eligibility, due to the termination of earned income disregards, from 4 months to 12 months (see also *Act 120*). The act also makes several changes in the services covered by medical assistance.

3. The act codifies the principles and modifies the laws by which nursing homes receive payment for care rendered to medical assistance recipients and suspends until July 1, 1987, the requirement that JCF annually approve the payment methods. The act permits DHSS to provide nursing home reimbursement for capital expenses based on actual capital costs of certain facilities. The act prohibits DHSS from implementing reimbursement for capital costs that would reduce a nursing home's capital rate by more than \$3.50 per day. The act expands provision of refinancing by the Health Facilities Authority to include all nursing homes and specifies requirements for receipt of grants from the Nursing Home Appeals Board. Additionally, the act modifies provisions regarding nursing home violations, violation forfeitures and rights of appeal; requires DHSS to promulgate rules establishing a procedure for respite or recuperative nursing home stays; and requires DHSS to seek a federal medicaid waiver for implementing short-term care requirements.

4. The act requires participation by all counties in the long-term support community options program (which assesses persons seeking placement in nursing homes or centers for the developmentally disabled and provides home or community-based services as an alternative to the placement), and requires all counties to offer assessments under the program within 36 months of initial participation. The act establishes eligibility requirements and permits DHSS to disallow reimbursement to counties for services provided to ineligible persons. The act requires DHSS to submit, by October 1, 1985, a request to the federal Department of Health and Human Services a request for a 3-year waiver permitting use of federal Medicaid funds for up to 1,000 persons eligible under the community options program. The act eliminates requirements that persons assessed and found ineligible for nursing home care be denied medical assistance eligibility for future nursing home care. The act clarifies the right to waive assessment and exempts from the community options program assessment requirements persons who enter nursing homes for respite or recuperative care. The act permits DHSS, if it determines that a county demonstrates a pattern of failure to serve eligible high cost-of-care persons, to require the county to reserve a portion of its funding specifically for service to that clientele. The act requires counties to establish ability-to-pay provisions; fees collected must be used for the program.

5. The act makes various changes in the types and expenditure levels of proposed hospital projects, services and purchases subject to capital expenditure review, requires applicants to submit an acceptable plan for the provision of indigent care, and repeals authorization for the program on July 1, 1989. The act prohibits DHSS from decreasing the statewide nursing home bed limit prior to DHSS' promulgation of rules which must specify the criteria used in determining the appropriate bed reduction levels.

6. The act modifies daily reimbursement rates for counties under the community integration program that relocates persons from the state centers for the developmentally disabled into community settings. The act specifies that unexpended program funds may not be used to serve other developmentally disabled persons residing in a community; provides that persons relocated under the program may be readmitted within one year after relocation to beds vacated under the program; and prohibits program placements as protective placements.

For the community integration program that relocates persons from facilities other than the state centers for the developmentally disabled, the act clarifies that the number of persons served may not exceed the number of nursing home beds that are delicensed as part of agreements between counties and DHSS and provides that persons who meet certain medical assistance level of care requirements are eligible for the program.

7. The act provides funding for grants by DHSS to certain independent living centers. The act also funds a grant for a new independent living center to serve 20 northern counties, for which the grant recipient must implement services over a 5-year period (see also *Act 120*).

8. The act establishes a medical assistance reimbursement formula for the state centers for the developmentally disabled that is based on actual costs. The act requires the centers to reduce their expenditures for placements made under the community integration program during the 1985-87 biennium. The act requires DHSS to develop a method to reimburse centers for costs that are not direct care costs. The act eliminates the requirement that the centers receive 85% of the center's daily reimbursement rate for medical assistance recipients for 90 days after a center resident is relocated to the community. The act permits new admissions of persons under age 22 to be made only at the central center for the developmentally disabled unless DHSS authorizes otherwise. Each resident of a center who is over age 2 or under age 22 must attend a school program operated by the center or an outside school program.

9. The act provides funding for a grant to a nonprofit organization to operate an information and training clearinghouse for county departments and other agencies providing services to Alzheimer's disease victims and establishes an Alzheimer's family and caregiver support program.

10. The act eliminates DHSS' authority to operate the Wisconsin Workshop for the Blind and requires DHSS to contract for its operation with a nonprofit corporation.

11. The act abolishes the Council on Medical Education Loan Repayment Grants and terminates the program providing education repayment grants to certain starting physicians.

12. The act modifies the fee structure for radiation installation annual registration and requires fee assessment for each facility and X-ray tube. Additionally, the act subjects ionizing radiation installations associated with a state agency to registration requirements.

13. The act authorizes collection of fees for metabolic disorders testing by the State Laboratory of Hygiene to be used to provide special dietary supplements for the treatment of metabolic disorders (see also *Act 255*).

14. The act specifies that state law regulating the practice of medicine may not be construed so as to interfere with the practice of Christian Science and that persons electing Christian Science treatment for disease may not be compelled to receive medical treatment.

15. The act provides funding for pregnancy counseling services, but requires demonstration by applicants that moneys will not be used for abortions and requires DHSS to submit to JCF for approval a plan for grant allocation based on recommendations of the Legislative Council's Committee on Pregnancy Options.

16. The act requires hospitals, laboratories and physicians to report to DHSS certain information concerning persons who have cancer or precancerous conditions. DHSS must keep the information confidential, with specified exceptions.

17. The act permits DHSS to grant agent status to cities and counties to regulate bed and breakfast establishments.

18. The act establishes the right of residents in a continuing care facility to form and participate in actions of a grievance panel for the facility.

19. The act provides, until July 1, 1987, for county board of supervisor designation of a county health officer in a county with a population of 100,000 or more that has abolished its county health commission or committee and for the organization and duties of town boards of health in that county.

20. The act authorizes DHSS to contract with an organization to provide specified services in Milwaukee County to Hispanic workers injured in industrial accidents.

21. The act eliminates the hospital rate review program, except that orders of the program and a maximum rate which the program formerly established for a hospital continue until changed by the

Hospital Rate-Setting Commission. The act eliminates the commission on July 1, 1987. The act exempts the centers for the developmentally disabled and hospitals with certain low annual patient revenues from Hospital Rate-Setting Commission regulation, authorizes development of rules for further exemptions, modifies requirements for certain information in financial requirements of hospitals undergoing rate review; authorizes the commission to set annual rate review dates for each hospital; and permits hospitals to request informal, rather than formal hearings. The act directs the commission to assess hospitals for two-thirds of the commission's operating costs, based on each hospital's share of total private-pay patient revenues (see also *Act 120*).

22. The act establishes a pilot program to encourage low-income elderly persons to enroll in health maintenance organizations.

23. The act requires DHSS to implement a short-term primary health care program for low-income, unemployed or underemployed persons residing in counties with high unemployment.

Acts 29 and 120 (*AB-85 and Jan. Spec. Sess. SB-1*) provide premium subsidies to low income policyholders under the health insurance risk-sharing plan and make more persons eligible for coverage under the plan (see *Insurance*).

Act 50 (*AB-481*) creates procedures to allow a minor, or the minor's parent, guardian or legal custodian acting on behalf of the minor, to be informed of medical risks and alternatives and to consent to the minor's donation of bone marrow to his or her brother or sister. No minor may be a bone marrow donor in this state unless these procedures are followed.

Act 56 (*AB-510*) creates the abortion prevention and family responsibility act of 1985 (see *HIGHLIGHTS*).

Act 72 (*AB-471*) makes several changes in the laws governing review of capital expenditures intended to be undertaken for a hospital or nursing home. The act changes to January 1, 1986, the effective date (established by *Act 29*) permitting increased dollar limitations for hospital or clinical medical equipment expenditure, reduces the capital budget report information required for submittal as part of a capital expenditure review application, reduces the penalty and changes the penalty payment procedure for cost overruns of an approved project and revises the conditions under which DHSS approval of a project may be revoked.

Act 73 (*AB-487*) revises the law enacted by *Act 29* regarding the use of a test to screen for the existence of AIDS (see *HIGHLIGHTS*).

Act 93 (*SB-219*) permits removal of the pituitary gland from a human body during an autopsy, freezing of the gland and transportation of it to the national hormone and pituitary program for use in manufacturing a hormone necessary for the physical growth of hypopituitary dwarfs or for research on hypopituitarism. The act restricts the removal, freezing and transportation of the pituitary gland in certain instances. The act does not apply after June 30, 1991.

Act 107 (*AB-597*) permits DHSS to waive, prior to May 1, 1986, smoke detection requirements for a community-based residential facility that is licensed for 8 or fewer beds if the facility's manager or agent is available to facility residents from 7 a.m. to 7 p.m.

Act 120 (*Jan. 1986 Spec. Sess. SB-1*) extends medical assistance coverage for persons who lose AFDC eligibility, due to the termination of earned income disregards for 9 months, rather than 12 months as provided in *Act 29*.

The act changes the source of funding for the Hospital Rate-Setting Commission to be entirely from assessments made from each hospital's share of total private-pay patient revenues for all hospitals (see also *Act 29*). The act permits DHSS to limit nursing home reimbursement rate reductions to 50% of the amount by which a nursing home's reimbursement exceeds its costs. The act establishes fees for seminars or workshops provided by DHSS related to services provided to nursing homes or community-based residential facilities and requires the fees be in amounts

sufficient to reimburse DHSS for the seminar and workshop costs. The act changes, from an annual to a biennial basis, the licensing period for paramedics, ambulance service providers and ambulance attendants.

Act 199 (AB-252) revises the natural death laws for living wills executed on or after April 22, 1986. The act:

1. Provides that in order to withhold or withdraw life-sustaining procedures from a person who has executed a living will, 2 physicians must find that death will occur imminently and that applying life-sustaining procedures will only postpone the moment of death.

2. Provides that a living will executed has no expiration date.

3. Prohibits certain employees of an inpatient health care facility in which a living will declarant is a patient from serving as witnesses to the signing of a living will.

4. Provides that a person who forges a living will or withholds personal knowledge of a living will revocation need no longer be the direct cause of removal or withdrawal of life-sustaining procedures in order to be subject to existing penalties.

Act 253 (SB-562) prohibits medical assistance reimbursement for the cost of nonemergency gastric bypass or gastric stapling surgery.

Act 255 (SB-581) changes from "metabolic" to "congenital" the types of disorders for which infants must be tested and special dietary treatment provided. The act expands the types of persons required to subject an infant to these tests to include a birth attendant who attends a birth elsewhere than in a hospital or maternity home.

Act 269 (AB-673) modifies medical assistance offenses and provides that a person who knowingly makes a false statement or fails to make required disclosures relating to a medical assistance benefit or payment is subject to a forfeiture.

Act 281 (SB-295) makes various changes in laws relating to DHSS programs. The act:

1. Revises the deletion in *Act 120* of funding authorized in *Acts 29 and 73*, if approved by JCF, to provide in-person counseling and laboratory testing services for the presence of an antibody to AIDS.

2. Adds licensed group homes to the alternative living situations reimbursable for residence by AFDC-eligible children.

3. Permits more than 4 siblings to be placed in a licensed foster home.

4. Permits a guardian's home to be licensed as a foster home.

5. Clarifies laws related to county payment of certain child day care services.

6. Clarifies the liability of certain minors who receive state-provided alcohol or other drug abuse treatment.

7. Limits the authority of the Milwaukee County district attorney to recover from another county the cost of institutional maintenance incurred in Milwaukee County institutions, not also the cost incurred in state institutions.

8. Eliminates the requirement of certification for a public health nurse who supervises practical nurses in a public health agency.

9. Transfers from DHSS to DILHR the duty to attend meetings and advise town boards with respect to town sanitary districts.

10. Eliminates the requirement for the superintendent of each state institution under DHSS control to submit to DHSS each month for DHSS approval an institutional expenditure statement.

Act 286 (SB-388) requires hospitals to establish policies whereby, with certain exceptions, a deceased patient's survivors must be requested to consider consenting to the donation of all or part of the decedent's body.

Act 307 (SB-447) expands services purchased or provided by counties for developmentally disabled persons to include services to persons afflicted with brain injuries.

The act requires the county developmental disabilities services board or director annually to identify brain-injured persons in need of services within the county and report to DHSS the age and location of treated persons. The act requires DHSS to organize and foster education and training programs for persons who treat brain-injured persons and keep a central record of the age and location of treated persons.

Act 311 (AB-12) specifies that parents' liability for the health care expenses of their minor's child extends to all expenses of the child's medical care and treatment, including childbirth, regardless if the expenses were incurred prior to a paternity determination, unless they exceed 5% of the parents' federal adjusted gross incomes for the previous taxable year.

MENTAL HEALTH

Act 29 (AB-85) modifies the mental health gatekeeper program. Under the program, county departments of community programs authorize certain services for medical assistance recipients, are allocated funds and are liable for a portion of the costs of services they authorize. The act makes the county departments liable for 20% of the cost of providing mental health and alcohol and other drug abuse treatment in general hospitals to recipients aged 22 to 64. The act authorizes county departments to use their allocations to purchase inpatient care in special hospitals. The act provides that county departments are not required to authorize services for recipients who are enrolled in health maintenance organizations.

The act also authorizes a protection and advocacy agency, designated by the Governor, to implement a system concerning the rights of persons with developmental disabilities. The act permits the protection and advocacy agency access to treatment records for developmentally disabled persons who reside in certain facilities and do not have legal guardians and permits limited access to information concerning developmentally disabled persons who have legal guardians. The act requires DHSS to provide the protection and advocacy agency with annual surveys and plans of correction for certain facilities.

Act 120 (Jan. 1986 Spec. Sess. SB-1) allows increased county participation in the mental health gatekeeper pilot program and clarifies that the pilot and the regular mental health gatekeeper program continue only as long as a federal medical assistance waiver is in effect.

Act 139 (AB-76) makes various changes in mental health system laws. The act:

1. Permits a court to commit a person involuntarily for mental illness, drug dependence or developmental disability if the person was receiving outpatient treatment as the result of a court-ordered commitment and if it is shown that the person would be a proper subject for commitment if treatment was withdrawn.

2. Expands the time by which a court must dismiss a petition for involuntary commitment against a person who has agreed to voluntary treatment.

3. Permits, in certain instances, a petition for involuntary commitment for alcoholism to be treated as a petition for involuntary commitment for mental illness, drug dependence or developmental disability and vice versa.

4. Changes requirements for notice to parties of the appearance of witnesses at a final involuntary commitment hearing.

5. Increases to 72 hours, exclusive of Saturdays, Sundays and legal holidays, the time within which a preliminary hearing must be held for a person in custody pending an involuntary commitment proceeding for alcoholism.

Act 264 (AB-493) changes the title of the state mental health act to the "state alcohol, drug abuse, developmental disabilities and mental health act."

Act 265 (AB-494) modifies the definition of "alcoholic" for purposes of the state mental health act to mean a person who is suffering from alcoholism. The act defines "alcoholism" as a disease which is characterized by a person's dependency on alcohol to the extent that the person's health is substantially impaired or endangered or his or her social or economic functioning is substantially disrupted.

WELFARE

Act 29 (AB-85) changes the county administration of welfare programs (see *Local Law*).

The act makes a number of changes in the general relief program. The act:

1. Requires all counties to administer general relief by January 1, 1987 (see *HIGHLIGHTS*).
2. Increases the proportion of general relief benefits reimbursed by the state and changes certain requirements for receiving reimbursement (see also *Act 120*).
3. Provided for state reimbursement of a portion of counties' general relief administrative costs (see also *Act 120*).
4. Establishes minimum benefit levels and certain criteria for determining eligibility for general relief.
5. Eliminates legal settlement as the basis for apportioning liability of local governments for general relief and makes other changes in liability for payment of general relief benefits.
6. Expands procedural rights of applicants for and recipients of general relief.
7. Makes various changes in the requirements for work relief projects and permits the establishment of general relief grant diversion programs under which general relief payments are used to subsidize wages.
8. Eliminates the one-year residency requirement for general relief eligibility which had been held unconstitutional (see also *Act 120*).
9. Establishes specified periods of ineligibility for a person who makes a false representation with intent to secure general relief.

The act makes various changes in the AFDC program, including changes related to allowable assets and income, participation in community work experience programs and availability of emergency aid. The act permits DHSS to administer a grant diversion project under which all or part of the AFDC grant is used to subsidize a recipient's wages. The act requires that the first \$50 of child support paid to the state on behalf of an AFDC recipient be given to the recipient. The act also permits a county to release information regarding an AFDC recipient to a law enforcement officer if the recipient is a fugitive felon.

The act establishes eligibility criteria and methods for determining benefits under the low-income energy assistance program. The act authorizes the provision of emergency energy assistance and weatherization assistance to certain low-income households.

The act provides funds for grants to local agencies and facilities which provide shelter for the homeless. The act exempts shelters for the homeless from regulation as community-based residential facilities (see also *Act 276*).

The act creates a state supplement to the federal supplemental food program for women, infants and children and requires every county to participate in the program to the extent that state and federal funds are available.

The act directs DHSS to establish a program to investigate fraud in public assistance programs. The act establishes a pilot project under which DHSS awards grants to counties for activities to

detect fraud and reduce the error rate in public assistance programs. The act also authorizes DHSS and counties to recover overpayments in the food stamp program.

Act 120 (*Jan. 1986 Spec. Sess. SB-1*) provides that an individual is not eligible for general relief unless the person has resided in this state for 60 days or meets one of several alternative conditions such as that the person was born in this state.

The act eliminates the state dependents program under which the state reimbursed counties certain costs of providing general relief to persons who had resided in the state for less than one year.

The act eliminates the requirement that counties annually submit a coordinated plan and budget for social and mental health services which must be approved by DHSS. Instead, the act requires that counties submit their proposed social and mental health services budgets to DHSS.

Act 276 (*AB-847*) makes several modifications in the homeless shelter program established by *Act 29*, including modifications in the criteria for grant eligibility. The act also exempts certain facilities providing lodging, shelter and other services from regulation as community-based residential facilities. The act requires DHSS to recommend ways to help the homeless receive medical assistance and requests WHEDA to study the need for single-room housing units for the homeless.

Act 285 (*SB-361*) establishes a work experience and job training pilot program (see *HIGHLIGHTS*).

Insurance

Act 29 (*AB-85*) makes various changes in insurance laws. The act:

1. Restructures the law governing health maintenance organizations (HMOs) and preferred provider plans (PPPs) and authorizes the establishment of limited service health organizations (LSHOs), which provide only a limited range of health care services. The act modifies provisions governing referrals, the offering of standard health care plans by employers, the approval of management contracts by the Commissioner of Insurance and the promulgation of rules governing PPPs by the commissioner. The act creates provisions requiring grievance procedures within HMOs, PPPs and LSHOs.

The act also extends to July 1, 1988, the time during which HMOs and PPPs must permit pharmacists to participate in the HMOs and PPPs, subject to certain conditions.

2. Requires HMOs and PPPs to provide lists of participating vision care providers to enrollees and to permit them to choose among the providers. The act also requires HMOs and PPPs to provide sufficient optometrists to meet the demand of enrollees.

3. Provides premium subsidies to low-income policy holders under the health insurance risk sharing plan (see also *Act 120*). The act also modifies the procedure for selecting an administering carrier for the plan.

4. Revises the required minimum coverage that all group health insurance policies must provide for mental health and alcohol and other drug abuse treatment.

5. Exempts insurers that contract with DHSS to provide health care coverage to medical assistance recipients from insurance provisions requiring, under certain circumstances, that sponsors of group health insurance continue to offer coverage for 18 months after coverage would otherwise terminate.

6. Prohibits health insurance policies from excluding, terminating or offering different coverage to persons or their dependents because of their eligibility for public assistance. The act also imposes first liability upon insurers for payment pursuant to coverage provided by the insurers to such persons.

7. Requires DHSS to design a state health insurance program for uninsured persons and an alternative health care coverage program for persons for whom coverage under the insurance

program would not be feasible or appropriate and to design pilot projects for implementing the 2 programs.

8. Provides that a health insurance policy's mandatory coverage for skilled nursing facility care may be subject to the same deductibles that apply to the hospital coverage under the policy.

9. Authorizes a domestic mutual insurance corporation to adopt a plan of acquisition, merger or consolidation as part of its plan for conversion to a stock corporation and revises the provisions governing such conversions.

10. Provides that a firm that markets insurance but that is not an insurer is liable under certain circumstances for a forfeiture of not more than \$1,000 for each violation of an insurance law, rule or order by an insurance agent for the firm.

11. Extends the regulatory authority of the Commissioner of Insurance to Medicare supplement policies.

12. Modifies the laws regulating rustproofing warranty insurance by eliminating the requirement that the Commissioner of Insurance specify the amount of insurance that rustproofing warrantors must purchase and by expanding the applicability of the laws to policies offered by out-of-state firms and by surplus lines insurers.

13. Eliminates the responsibility of the Commissioner of Insurance to calculate the present value of an estate, annuity or interest of a beneficiary upon the request of a court.

14. Modifies certain insurance license fee requirements.

Act 120 (*Jan. Spec. Sess. SB-1*) reduces the funding provided in *Act 29* for premium subsidies for low-income persons covered by the health insurance risk sharing plan.

Act 189 (*SB-309*) revises the laws governing town mutuals in several ways, including:

1. Increasing the required amount of initial surplus.
2. Increasing the number of contiguous counties within which a town mutual may operate and within which town mutuals may merge.
3. Removing the requisite finding of unsatisfied need by the Commissioner of Insurance prior to permitting a town mutual to operate in additional contiguous counties.
4. Removing a restriction on coverage of certain recreational property by town mutuals.

Act 215 (*AB-594*) revises the laws governing conversions of mutual life insurance companies to stock life insurance companies in several ways, including:

1. Requiring the appraisal of the converting company to include consideration of amounts needed to maintain dividend scales on policies.
2. Requiring provision of an equitable share upon conversion to each policyholder having an interest in the company at the time of conversion and removing certain restrictions on the amount of the equitable share.
3. Permitting the company to provide the equitable share in the form of common stock, cash, increased benefits, lower premiums or shares in a separately formed stock corporation that is issued common stock of the company.
4. Imposing restrictions on the interests that the company's officers and directors and persons acting in concert with them may acquire within 5 years after the conversion.

Act 216 (*AB-595*) revises the laws governing the insurance security fund (commonly known as the guaranty fund) in several ways, including:

1. Revising the applicability of the insurance liquidation law to the fund.
2. Granting immunity to persons involved with the fund.
3. Prohibiting court actions that would interfere with the liquidation activities of the fund.
4. Revising the basis for assessments of insurers for the fund.

5. Eliminating the fund's liability for certain claims and limiting the fund's liability for benefits based on interest rates in excess of rates specified by the act.
6. Requiring fund coverage of certain nonresidents.
7. Permitting the fund to impose temporary moratoriums on the payment of claims.

Act 280 (SB-270) eliminates a duplicative provision regarding approvals by the Commissioner of Insurance of clauses limiting payments in health insurance policies.

Act 311 (AB-12) requires health insurance policies that provide coverage for an insured's child to also provide coverage for children of that child until the child is 18 years of age (see *Children and Health*).

Act 314 (AB-387) requires certain insurers to file with the Commissioner of Insurance annual reports setting forth information regarding product liability insurance. The act also requires the commissioner to summarize the information in the commissioner's biennial reports to the Governor and Legislature.

Local Law

Act 29 (AB-85) makes various changes in the statutes relating to local laws. The act:

1. Authorizes county executives and county administrators to appoint certain county agency heads and transfers administrative duties formerly assigned to commissions or boards to those agency heads.

The act provides that in any county with a county executive or a county administrator, if the county board has authorized a corporation counsel or a county abstractor, the county executive or county administrator appoints the corporation counsel or county abstractor.

The act creates county departments for the community human services, community mental health and developmental disabilities services programs.

The act directs any county that fails to create a county executive or a county administrator position by January 1, 1987, to designate an administrative coordinator responsible for coordinating the administrative and management functions in the county.

The act authorizes all counties to create a department of administration and to use the central executive budget procedure used by Milwaukee County (see also *Act 176*).

2. Requires the Milwaukee Metropolitan Sewerage District to fund a demonstration and training program for the purpose of developing the capability of minority businesses to participate in construction projects funded through combined sewer overflow abatement program grants.

3. Specifies a procedure under which the Milwaukee Metropolitan Sewerage Commission recovers capital costs from areas outside of the sewerage district which are served by the district without a contract. The act requires the charges in those areas to be based on property value and limits the total charge to the amount the commission could charge if the areas were in the district.

4. Requires the mayor of Milwaukee to replace the 3 elected officials serving on the Milwaukee Metropolitan Sewerage Commission no later than September 19, 1985.

5. Authorizes cities, villages and towns to grant and revoke franchises for cable television systems and to base franchise fees on the income or gross revenues of a cable television system. The act creates an exception to the law which prohibits any city, village or town from charging a tax based on income.

6. Increases from 5 to 9 years the expenditure deadline in tax incremental finance districts created between May 1, 1976, and December 31, 1980, in the city of Milwaukee.

Act 49 (AB-7) authorizes town sanitary districts, metropolitan sewerage districts, joint sewerage districts and utility districts in towns, villages and 3rd and 4th class cities to obtain low-cost state trust fund loans from the Board of Commissioners of Public Lands.

Act 86 (AB-134) authorizes counties to appropriate money to pay expenses of county delegates to Wisconsin Conservation Congress activities.

Act 91 (SB-45) authorizes the city of Milwaukee to use the same electronic fund transfer techniques employed by counties, villages, towns, school districts and other cities.

Act 136 (SB-288) requires any county or municipality with a zoning plan or map to show on the plan or map any part of an airport operated by the county or municipality and the area located within 3 miles of the airport boundaries or a lesser area established by written agreement by the county or municipality and the airport. The zoning of the area may not be changed except by a two-thirds vote of the county's or municipality's governing body if the airport files a protest when a change is proposed.

Act 159 (SB-307) requires DILHR to notify counties and other local governmental units of any building contractor whom DILHR finds has failed to pay the prevailing wage rate or the required amount of overtime pay anytime in the preceding 3 years. The county or other local governmental unit may not award a public works contract to that contractor for 3 years after the DILHR finding.

Act 166 (AB-433) requires towns, cities and certain villages which establish police departments and which do not establish a board of police commissioners to give an opportunity for a fair hearing to a police chief or police officer before suspending, reducing, suspending and reducing, or removing the chief or officer.

Act 174 (AB-749) directs DOR to include on its real estate transfer form information on whether the transferred real estate complies with the rental unit energy efficiency standards administered by DILHR.

Act 175 (AB-826) provides that a retired employe of the Milwaukee Metropolitan Sewerage Commission who is rehired by the commission is eligible for inclusion in a compensation or benefit program.

Act 176 (AB-889) clarifies the assignment of powers and duties among county social service departments and their boards and directors and makes numerous technical changes. County welfare agencies are renamed county departments of social services, community human services departments are renamed county departments of human services, boards established under section 51.42 of the statutes are renamed county departments of community programs and boards established under section 51.437 of the statutes are renamed county departments of developmental disabilities services.

Act 183 (SB-109) increases the limit on city and village public works contracts awarded without bidding from \$5,000 to \$10,000 and requires a published notice of any contract estimated to cost between \$5,000 and \$10,000.

Act 196 (AB-9) provides that a town has 30 days, instead of 10, to file with a county proposing to amend the county zoning law the town's resolution disapproving the proposed amendment.

Act 197 (AB-159) authorizes counties to require the registration of bicycles owned by residents except for bicycles subject to registration by a city, town or village in the county.

Act 219 (AB-631) deletes the requirement that commissioners of a city redevelopment authority be landowners.

Act 222 (AB-679) changes the requirements on the use of industrial development bonds to finance the acquisition and rehabilitation of existing property by cities, villages and towns and makes it easier for them to use the bonds to finance the acquisition of real property.

Act 231 (AB-849) authorizes villages and cities other than Milwaukee to lease parking facilities to private persons for any purpose. After any revenue bond issued to finance a parking facility is paid,

proceeds from the facility may be used for any purpose. The act retains the requirement that the city of Milwaukee lease paid parking facilities to private persons.

Act 284 (SB-336) eliminates the law requiring a city, village or town license for a "closing-out sale." The act makes it deceptive advertising and an unfair trade method, subject to enforcement by DATCP, to advertise a sale as a closing-out sale if it is not actually a closing-out sale.

Act 299 (SB-52) prohibits a city, village or town from entering into an industrial revenue bond agreement unless the city, village or town has notified DOD and received an estimate of the number of jobs the project financed by the bonds issued under the agreement are expected to eliminate, create or maintain. The act creates a similar requirement for any business receiving an economic development loan from WHEDA.

Act 315 (AB-427) recodifies and revises the vital statistics law (see *HIGHLIGHTS*).

Act 316 (AB-507) provides for the preservation of burial sites (see *HIGHLIGHTS*).

Military Law

Act 6 (AB-93) authorizes the issuance of public debt to refund or acquire outstanding veterans' housing loan bonds and to acquire other general obligation bonds as an investment for the veterans housing program (see *HIGHLIGHTS*; see also *State Government*).

Act 29 (AB-85) makes various changes in military law. The act:

1. Establishes a geriatric evaluation, research and education program at the Wisconsin veterans home.

2. Provides additional general obligation bonding authority for the primary mortgage loan program and makes several changes in the eligible uses for such loans.

3. Limits health care aid to a maximum of \$5,000 per veteran or dependent for a maximum of 30 days within a year for the same condition. Grants may be made only if the health care provider accepts as full payment the grant, any health insurance and any payments the veteran is able to make.

4. Limits reimbursement for correspondence courses and part-time classroom study to a maximum of \$270 per course and \$1,000 per fiscal year.

5. Eliminates the preferential rate for veterans treated at the UW Hospital and Clinics.

6. Modifies the economic assistance loan program by raising the base income eligibility limit, raising the maximum loan amount, lowering the maximum loan term and raising the interest rate.

7. Raises the interest rate for secondary mortgage loans from 3% per year to 6% per year.

Act 129 (SB-277) extends the prohibition against assigning veterans benefits and the exemption from garnishment and execution of veterans benefits to reimbursement for certain educational costs and to educational grants. The act allows the Department of Veterans Affairs to make grants to veterans organizations for services provided to any person who served on active duty in, or as part of, the U.S. armed forces, and to such a person's surviving spouse or dependents. The act eliminates a sex-based distinction of former law which had made benefits available to all widowers of veterans but only to unremarried widows.

Natural Resources

BOATING AND NAVIGABLE WATERS

Act 16 (AB-221) empowers the Fox River Management Commission to discharge its responsibilities to enter into agreements with the federal government concerning the Fox River locks and facilities by contracting with public or private organizations or businesses, including state agencies. The act authorizes the commission to act in cooperation with the Wisconsin Conservation

Corps Board, requires the commission to charge user fees, specifies that commission members are public officers and directs the commission to encourage and accept contributions and gifts for the management, operation and maintenance of the locks and facilities.

Act 29 (AB-85) creates a grant program to aid DNR, inland lake districts and the Fox River Management Commission in developing public access sites on state waters. The act requires recreational boating facilities to include locks and facilities which provide access between waterways for operators of recreational watercraft and allows grants to be used to fund the maintenance and operation of locks and facilities.

The act requires DNR to utilize, to the greatest extent possible, the Wisconsin Conservation Corps (WCC) for projects funded under the recreational boating facilities program and the scenic urban waterways program. The act also transfers from DNR to DOA the responsibility for providing administrative support to the WCC.

The act offers private dam owners the option of paying decennial dam inspection fees in annual installments rather than in a lump sum.

Act 243 (SB-387) establishes restrictions on the placement and use of moorings. The act also authorizes municipalities with jurisdiction over navigable waters to adopt local regulations relative to the placement and use of moorings under certain conditions. Municipalities may require permits for the placement and use of a mooring within an authorized mooring area, subject to certain conditions. DNR may issue permits authorizing the placement or use of a mooring if the municipality does not have a permit procedure.

The act also authorizes the establishment of designated mooring areas by municipalities subject to DNR approval.

Act 279 (SB-223) exempts all sailboards from the certificate of number and registration requirements which apply to boats.

FORESTRY

Act 13 (SB-6) authorizes DNR to cooperate with the UW System, in addition to various other organizations and individuals, on subjects related to forestry.

Act 29 (AB-85) creates the managed forest land program and phases out the forest croplands program and the woodland tax law program (see *HIGHLIGHTS*).

Act 153 (Mar. 1986 Spec. Sess. AB-1) creates a statewide tree planting program, administered by DATCP and using free trees provided from state forest nurseries by DNR, to aid in soil and water conservation. Any person who receives trees under the program must agree not to prune the trees for 10 years. The program expires on July 1, 1989.

HUNTING AND FISHING

Act 29 (AB-85) makes various changes relating to commercial fishing. The act:

1. Expands the record-keeping requirements for commercial fish producers and dealers and prohibits them from selling, buying, possessing, controlling or transporting lake trout unless the trout is tagged.
2. Allows DNR to enter buildings, vehicles or other areas where fish are stored by or in the possession of wholesale fish dealers, during business hours, in order to inspect records or reports related to a fish dealer's business.
3. Revises penalties and modifies fees.
4. Creates a Great Lakes Fish and Water Resources Council in DNR to advise state agencies regarding the management of fish and water resources of the Great Lakes and to study the

economic, health and environmental impact of pollutants on the fishing industry, state tourism and consumers.

The act imposes a \$1 surcharge on certain hunting licenses to help fund the wildlife damage abatement and wildlife damage claim programs.

The act authorizes DNR to issue special deer hunting permits. The act revises the preference system for issuing permits when the number of applicants exceeds the number of permits available for a given area.

The act creates permit requirements for taxidermists. The act also establishes requirements relating to the storing and tagging of carcasses and record keeping. The act authorizes DNR to enter a taxidermist's place of business to inspect records.

Act 36 (SB-88) transfers certain prohibitions relating to the possession and transporting of firearms, bows and crossbows in certain vehicles, boats and airplanes from the statutes governing hunting and fishing to the statutes governing safeguarding persons and property, in response to a Wisconsin Supreme Court ruling that the state has no jurisdiction to enforce state hunting regulations against American Indians hunting within reservation boundaries.

Act 155 (SB-141) creates a statewide ban on the use of lead or toxic shotshell for hunting waterfowl and coots (see *HIGHLIGHTS*).

Act 270 (AB-694) makes various changes relating to bear hunting (see *HIGHLIGHTS*).

Act 271 (AB-696) creates a separate penalty, a forfeiture of not more than \$500, for the improper use or validation of any carcass tag.

Act 272 (AB-697) increases the penalties for illegally selling or serving certain fish and game and revises the requirements for the sale of trout and salmon eggs.

Act 289 (SB-618) creates various provisions to govern the regulation and licensing of commercial clamming by DNR. The act:

1. Requires any person desiring to engage in commercial clam shelling, clam helping or clam buying to purchase a license from DNR, with limited exceptions.
2. Specifies that licensed clam buyers are responsible for all acts relating to clamming which are performed by their assistant clam buyers and clam helpers.
3. Grants reciprocal commercial clamming privileges to licensees of Michigan, Minnesota, Iowa, Illinois and Missouri if the other states confer similar privileges upon the commercial clamming licensees of this state.
4. Authorizes DNR to enter into and inspect places, vessels and vehicles involved in commercial clamming and to inspect records relating to clamming.
5. Establishes certain restrictions on the possession or transportation of more than 50 pounds of clams and on the sale of clams.

Act 326 (AB-735) provides that DNR may, on one day per year, waive fishing license requirements or fishing license fees or charge different fees for special scheduled fishing events or programs.

OTHER NATURAL RESOURCES

Act 29 (AB-85) allows motorcycle recreation aids to be used to provide grants to municipalities and counties for the costs of developing local parks. The act also authorizes grants to localities and federal agencies for the acquisition, development, operation and maintenance of all-terrain vehicle areas and trails if such areas and trails are also available for use by off-the-road motorcycles.

The act creates operating regulations, registration requirements and a recreation program for all-terrain vehicles. The act specifies the purposes for which revenues derived from registration fees for such vehicles will be used.

The act also revises DNR's authority relating to natural and scientific areas. The act:

1. Permits DNR to designate any natural area on land under its control as part of the state natural areas system and makes DNR responsible for the stewardship of such natural areas.
2. Establishes a goal for DNR to acquire about 500 acres of natural areas each year until 2000.
3. Specifies the procedures for withdrawing land from the state natural areas system.
4. Directs DNR to evaluate the importance of natural areas and to conduct a natural areas inventory program.

The act creates a Wisconsin natural areas heritage program intended to encourage private contributions and land dedications to DNR by providing state matching funds. The act establishes various restrictions as to the conditions under which DNR may accept land for dedication. Procedures for withdrawal of land are similar to the procedures under the natural areas system.

The act authorizes DNR to lease state park land and state forest land to towns, villages or counties for outdoor recreational purposes associated with spectator sports.

Act 125 (SB-159) exempts school buses and vehicles towed behind or carried on other vehicles from the requirement that vehicles operated in a state park have a vehicle admission sticker.

Act 322 (AB-772) makes various changes relating to aids to counties for snowmobile purposes. The act:

1. Allows snowmobile aids to be used for major reconstruction or rehabilitation projects to improve bridges on existing trails.
2. Provides that major bridge reconstruction or rehabilitation is the 4th priority for distribution of snowmobile trail funds.
3. Provides that distribution of snowmobile trail development funds is limited to trails which provide a primary access route through one county and connect with another county's trails, provide access from population centers to main access trails or support a high volume of use.
4. Allows excess state gas tax funds appropriated for snowmobile trail aids to be made available to counties which apply for aids for grooming trails in an amount above the annual per mile maximum.

The act makes the following changes in the laws governing snowmobile registration. The act:

1. Provides that registration numbers must be printed on a decal.
2. Revises the distribution of the moneys collected from snowmobile registration.
3. Provides that snowmobiles may be registered for either public use or private use and establishes fees for each type of registration certificate.

Occupational Regulation

Act 29 (AB-85) makes various changes related to the regulation of health care providers. The act:

1. Specifies that physicians may be investigated and disciplined for negligence.
2. Requires the director of the patients compensation panel to submit quarterly reports on certain of its decisions to the Medical Examining Board, Board of Nursing and DHSS and authorizes certain access to decision records and report information for use in disciplinary proceedings.
3. Requires health care liability insurers to submit monthly reports to the Medical Examining Board concerning damage claims payments for health care services.
4. Makes findings of physician negligence by the Patients Compensation Panel or by a court conclusive evidence that a physician is guilty of negligence.

Additionally, the act modifies DORL's examination and renewal fee structure; grants DORL subpoena authority prior to the commencement of a formal disciplinary proceeding; grants immunity to people who testify in good faith in board disciplinary cases; clarifies the burden of

proof for board disciplinary cases; deletes restrictions on dental franchising; reduces continuing education requirements for funeral directors; and removes certain license restrictions for physicians.

Act 128 (SB-269) makes technical and minor substantive changes in laws administered by DORL. The act prohibits a registered cemetery association or corporation from engaging in fee-splitting for real estate referrals except for referrals to real estate brokers or cemetery salespersons.

The act eliminates the prohibition on advertising by cosmetology schools for patrons for clinical work, but requires the advertising to state that services so provided are performed by students.

The act raises to \$4,000 the annual limit on gross contributions which a charitable organization may receive without registering with DORL and paying a fee.

The act eliminates the requirement that information on refilling a prescription be entered on the prescription order, but provides that an accurate record of the refilling be maintained (see also *Act 146*).

The act permits an applicant for renewal of a private detective agency license or a private detective license to provide evidence of a current bond or liability policy, rather than submitting the actual policy with the application.

The act permits bingo organizations to divide prizes won by more than one person by rounding the amount between the next lower and next higher dollar.

Act 146 (SB-285) restructures, revises and clarifies laws relating to the licensure of pharmacists and the regulation of the practice of pharmacy (see *HIGHLIGHTS*).

Act 171 (AB-655) extends the types of financial institutions in which bingo accounts may be established to include credit unions, as well as banks or savings and loan associations.

Act 290 (AB-256) authorizes a physical therapist to practice without obtaining the written referral of a physician, dentist or podiatrist, if the physical therapist is appointed to a multidisciplinary team that assists in identifying children with exceptional educational needs or provides home health care or nursing home services.

Act 305 (SB-371), effective June 1, 1987, revises various laws relating to real estate practice. The act:

1. Establishes an inactive license category. A registered inactive licensee may not engage in real estate practice but may, if certain requirements are met, have his or her original license reinstated.
2. Eliminates the continuing education requirement for all real estate licensees.
3. Expands requirements for original licenses for brokers and salespersons.
4. Eliminates both the registration of and other requirements associated with cemetery brokers, changes registration and practice requirements for cemetery salespersons and permits DORL to investigate actions of a cemetery association or corporation.

Public Utilities

Act 79 (SB-14) provides for the formation and regulation of public utility holding companies (see *HIGHLIGHTS*).

Act 297 (SB-318) makes various changes relating to the regulation of telecommunications companies (see *HIGHLIGHTS*).

Real Estate

Act 29 (AB-85) transfers DOD's responsibilities relating to housing to WHEDA, removes the requirement that DOD prepare and biennially revise a state housing plan, abolishes the Council on Housing attached to DOD, and makes various changes in the housing rehabilitation and homeownership mortgage loan programs administered by WHEDA.

Act 188 (SB-274) revises the laws governing condominiums in several ways, including:

1. Requiring compensation of a unit owner whose interest in a common element is reduced as the result of an amendment to a condominium declaration if the interest of another unit owner or the developer is increased.
2. Generally requiring developers either to complete units described in a condominium declaration within 5 years or to amend the declaration to increase the interests and voting power of completed units.
3. Reducing to two-thirds the voting requirement for amending a condominium declaration.
4. Permitting small residential condominiums to adopt streamlined procedures.
5. Providing for the merger or consolidation of condominiums.
6. Providing for the creation of master condominium associations for more than one condominium.
7. Requiring certain disclosures to be made upon sales by developers and owners of condominiums.

Act 235 (SB-217) regulates mobile home park leases. The act requires leases to be in writing and, generally, for a term of at least one year and requires the leases to include certain park rules. The act prohibits consideration of the age of a mobile home or the fact that its ownership or occupancy will change or has changed in decisions to enter into, renew or alter the terms of a lease. The act prohibits termination or refusal to renew a lease for reasons other than those specified in the act, including failure to pay rent, taxes or other charges; disorderly conduct; vandalism; and material misrepresentation in the application for tenancy.

Act 238 (SB-316) provides that, under certain circumstances, it is unlawful housing discrimination to refuse to rent to, evict, require extra compensation from or harass a handicapped tenant because the tenant keeps an animal trained to help individuals with impaired vision, hearing or mobility.

Act 247 (SB-473) establishes procedures governing claims of adverse possession against real property that is subject to tax sale and creates provisions regarding boundaries of any property that is adversely possessed.

The act permits municipalities to obtain a survey of real property subject to tax sale and to notify surrounding property owners of the transfer date and the right of the property owners to examine the survey and to attempt to prove title. All claims by adverse possession are barred if not made by the transfer date specified in the notice.

The act also specifies that boundaries of real property adversely possessed do not affect section or subdivision lines established by the U.S. Survey and requires a court to order a legal description of property that the court declares adversely possessed.

Act 319 (AB-652) clarifies that the state may bring a civil action against a person who violates the laws against housing discrimination, and that the Attorney General represents DILHR if DILHR is a party to such an action.

Retirement

Act 11 (AB-81) changes the date on which an employe under the WRS who terminates employment because of disability may apply for a disability annuity and changes the effective date of a disability annuity for an applicant who dies after the application has been approved but before accumulated sick leave has been exhausted.

Act 29 (AB-85) makes health care insurance and income continuation insurance available to nonstate employers under the WRS through a program administered by the Group Insurance Board (see *HIGHLIGHTS*).

The act authorizes the Group Insurance Board to provide additional group insurance plans to WRS annuitants and their dependents, in addition to eligible employees under the WRS and their dependents.

The act modifies the interest calculation of the employer contributions required for unfunded prior service liability of employees.

Act 151 (AB-392) provides, with certain exceptions, that any participant in the WRS who has been married to the same spouse for at least one year immediately preceding the participant's annuity effective date, if the annuity effective date is on or after August 1, 1986, must elect a joint survivorship annuity unless both the participant and his or her spouse sign the application for a different optional annuity form,

Act 230 (AB-832) expands the membership of the Group Insurance Board by adding an insured participant in the WRS who is a retired employee.

Shared Revenue

Act 4 (AB-4) adjusts WSPTTR payments if a municipality annexes property with an equalized value of more than 5% of the equalized value of the municipality before the annexation (see also *Act 29*).

Act 29 (AB-85) replaces WSPTTR with a state property tax credit program for 1986 and thereafter and converts several state aid programs from direct aids to property tax credits effective for property taxes payable in 1988 (see *HIGHLIGHTS*).

The act freezes at 85% the percentage of county average local purpose revenue used to compute the aidable revenues component of shared revenue payments.

The act increases the shared revenue payment from 90% to 95% of the previous year's payment.

For 1986 only, the act does not use the automatic growth formula for shared revenue payments. The growth factor is restored beginning in 1987 (see also *Act 120*).

The act provides the following shared revenue payment schedule for 1985 and thereafter: 15% in July, 25% in September and 60% in November (see also *Act 120*).

The act excludes the value of treatment plant and pollution abatement equipment from the value of utility plants used to calculate shared revenue utility payments. The act also increases the value limit on property eligible for utility payments from \$100,000,000 to \$125,000,000.

Act 120 (Jan. 1986 Spec. Sess. SB-1) eliminates the automatic growth formula for shared revenue payments (see *HIGHLIGHTS*).

The act revises the school aid credit payment schedule by requiring that school aid credits be paid to municipalities in equal installments in March and June, effective with the 1987 payments.

The act modifies the shared revenue payment schedule by eliminating the September payment and paying 85% in November, beginning with the 1986 payments.

State Employment

COLLECTIVE BARGAINING AGREEMENTS

Act 35 (AB-424) ratifies the collective bargaining agreement for the 1985-87 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 108 (Nov. 1985 Spec. Sess. AB-1) ratifies the collective bargaining agreement for the 1985-87 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 109 (Nov. 1985 Spec. Sess. AB-2) ratifies the collective bargaining agreement for the 1985-87 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 110 (Nov. 1985 Spec. Sess. AB-3) ratifies the collective bargaining agreement for the 1985-87 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 111 (Nov. 1985 Spec. Sess. AB-4) ratifies the collective bargaining agreement for the 1985-87 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 112 (Nov. 1985 Spec. Sess. AB-5) ratifies the collective bargaining agreement for the 1985-87 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 113 (Nov. 1985 Spec. Sess. AB-6) ratifies the collective bargaining agreement for the 1985-87 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 114 (Nov. 1985 Spec. Sess. AB-7) ratifies the collective bargaining agreement for the 1985-87 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 115 (Nov. 1985 Spec. Sess. AB-8) ratifies the collective bargaining agreement for the 1985-87 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 116 (Nov. 1985 Spec. Sess. AB-9) ratifies the collective bargaining agreement for the 1985-87 biennium between the state and the State Engineering Association as representative of the employees of the professional engineering collective bargaining unit.

Act 117 (Nov. 1985 Spec. Sess. AB-10) ratifies the collective bargaining agreement for the 1985-87 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 118 (Nov. 1985 Spec. Sess. AB-11) ratifies the collective bargaining agreement for the 1985-87 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 29 (AB-85) makes various changes relating to employment in the state civil service. The act:

1. Directs the Secretary of DER to engage in certain actions to correct pay inequities based on gender or race in the state classified service (see *HIGHLIGHTS*; see also *Act 120*).
2. Directs the Board of Regents of the UW System to grant eligible faculty and academic staff members special supplemental salary increases (see *HIGHLIGHTS*).
3. Directs the Secretary of DER to develop a master salary schedule, under which counterpart pay ranges in pay schedules applicable to different occupation groups have the same minimum, maximum and "permanent status in class" minimum pay rates. Under the act, the secretary may reformulate any pay schedule which is not compatible with the master salary schedule.
4. Restricts the pay increases available to certain employees in the state unclassified service and specifies that the state employe compensation plan includes provisions governing the pay of certain

unclassified positions. The act also sets forth circumstances which must occur to provide certain employes in the unclassified service any pay increase other than an across-the-board, merit, discretionary or similar pay adjustment.

5. Requires DER to contract with a day care provider to administer a pilot day care facility for state employes' children and permits the Building Commission to lease space to such day care providers. The act directs the day care provider to charge a fee to state employes whose children receive the day care services.

6. Expands the circumstances under which an agency may create a project position.

7. Provides specific statutory authority for the Secretary of DER to engage in expanded certification, to determine eligibility for employment in the state classified service, of persons of a specified racial or ethnic group or gender or of handicapped persons. Previously, this authority existed under administrative rule.

8. Specifies that the proposal of the Secretary of DER for any required changes in the compensation and fringe benefits of UW faculty and academic staff must be based upon the competitive ability of the UW to recruit and retain qualified staff, data concerning pay for comparable work by other employers, recommendations of the Board of Regents of the UW System and any special studies concerning compensation and fringe benefits. The proposal must also take into account prevailing pay rates, costs and standards of living and the state's employment policies.

Act 34 (SB-264) makes several changes in the laws governing state compensation and benefits. The act changes moving expenses and temporary lodging allowances for nonrepresented state employes and appointees and long-distance moving expenses of appointees. The act also changes the salary for the Governor's position from the midpoint of the salary range for group 10 (currently \$86,023 per year) to 15% above the minimum of the salary range for group 10 (currently \$82,438 per year). In addition, the act permits state agencies to reimburse volunteers for travel expenses and eliminates a law that allowed the Secretary of DER, with the concurrence of JCOER, to remedy certain inequities in the compensation of nonrepresented employes in the state classified service.

Act 119 (Nov. 1985 Spec. Sess. AB-12) provides for the closing of state offices on the 3rd Monday in January (the day of celebration for January 15, Martin Luther King Jr.'s birthday), and grants an additional paid holiday to nonrepresented state employes. The act also deletes the prohibition upon inclusion of provision for longevity payments in the compensation plan for nonrepresented state employes.

Act 120 (Jan. 1986 Spec. Sess. SB-1) reduces from \$9,100,000 to \$2,600,000 the maximum amount of general purpose revenue which may be spent in the 1985-87 biennium to correct pay inequities based on gender or race (see also *Act 29*). The act extends the period during which certain pay adjustments may be made to correct those inequities. The act also makes temporary changes regarding compensation of state limited term employes.

State Finance

Act 29 (AB-85) is the 1985-87 biennial budget act and it makes numerous changes relating to state finance. For the more important changes, see *HIGHLIGHTS*. In addition, the act:

1. Permits any state agency, with the approval of the Secretary of DOA and State Treasurer, to establish a contingent fund for direct payment of expenses other than salaries or wages.

2. Permits state agencies to accept payment of any obligation owed to them by means of a debit or credit card approved by the Depository Selection Board.

3. Extends the authority for the state to issue operating notes (short-term notes to alleviate cash flow problems) and revises procedures for issuance. The act also limits the amount of operating notes that may be outstanding during any fiscal year to 10% of the total of GPR and PR

appropriations for that fiscal year, requires repayment of operating notes within the fiscal year of issuance and removes the prohibition on sales of operating notes at less than 95% of par.

Act 120 (*Jan. 1986 Spec. Sess. SB-1*) is the fiscal management or "budget repair" act (see **HIGHLIGHTS**).

Act 300 (*SB-67*) requires, with certain exceptions, that state departments and agencies pay interest at 12% per year compounded monthly on payments due under properly completed invoices for materials and services if the payments are not made within 45 days of invoice receipt (or within 30 days of invoice receipt on and after February 1, 1989). A prevailing party in a lawsuit to recover interest due is allowed reasonable attorney fees under the act.

State Government

CLAIMS AGAINST THE STATE

Act 121 (*SB-60*) authorizes and directs expenditure of \$1215.40 from moneys appropriated to DHSS for payment of a claim made by Lynn Oestreich, Fond du Lac, Wisconsin, to compensation him for nonreimbursable moving expenses upon transfer of his employment, as the result of misinformation concerning reimbursement provided to him by DHSS.

Act 122 (*SB-61*) authorizes and directs expenditure of \$7,900.44 from moneys appropriated to DHSS for payment of a claim made by Hy Dorosin, Chicago, Illinois, for the cost of diapers and related charges, plus interest, which were ordered by DHSS from the claimant in 1982.

Act 123 (*SB-162*) authorizes and directs expenditure of \$2,726.91 from the general fund for payment of a claim made by the city of Waupun to compensate it for its costs in providing law enforcement and fire fighting assistance to DHSS during a riot which occurred at the Waupun Correctional Institution on January 31, 1983.

Act 190 (*SB-340*) authorizes and directs expenditure of \$2,949.90 from moneys appropriated to DATCP for payment of a claim made by Eckhardt Corporation, Merrill, Wisconsin, to compensate it for reduced earnings during 2 periods in 1983 and 1984 when DATCP suspended the claimant's grade A dairy farm permit despite evidence that it qualified for the permit.

Act 193 (*SB-495*) authorizes and directs expenditure of \$52,192.85 from moneys appropriated to the Board of Regents of the UW System for payment of a claim made by Wallace O'Neill, Eau Claire, Wisconsin, to compensate him for legal expenses incurred in defense of charges brought against him for alleged misconduct committed in 1981 in the course of his affairs as supervisor of police officers at the UW-Eau Claire. The Wisconsin Supreme Court eliminated the basis for the defendant's conviction.

Act 248 (*SB-494*) authorizes and directs expenditure of \$15,000 from the general fund for payment of a claim made by Robert Radcliffe, Evansville, Wisconsin, to compensate him for his loss as a result of action in reliance upon misinformation about the amount of his retirement annuity which was provided to him by DETF.

LAND EXCHANGES, SALES AND TRANSFERS

Act 81 (*SB-298*) grants certain submerged and filled lands to the city of Kenosha for a number of purposes. Previous grants of much of the same land contained errors and may not have been effective.

Act 185 (*SB-161*) conveys certain submerged land under Green Bay to Brown County for dredge spoil containment and for future development for wildlife refuges and other public purposes. The act provides that if the facility for dredge spoil containment has not been constructed within 10 years after the grant, the land reverts back to the state.

STATE BUILDING PROGRAM

Acts 29 and 77 (AB-85 and AB-514) authorizes \$188,466,500 in new or expanded state building projects (excluding highway projects). This compares with \$194,824,500 authorized in the previous biennium. The acts also authorize \$152,252,000 in borrowing to pay for authorized building projects.

OTHER STATE GOVERNMENT

Act 2 (AB-20) increases the membership of JCF from 14 to 16 and the Transportation Projects Commission from 10 to 15.

Act 6 (AB-93) revises procedures for the issuance of public debt and establishes a new system of accounts for proceeds of public debt issued for certain purposes (see *Military Law*).

Act 18 (SB-144) provides for the Secretary of DORL to serve at the pleasure of the Governor. Formerly, the secretary served for a 6-year term. The act also changes the salary group for the secretary's position from group 2 (currently \$35,976 to \$50,369 per year) to group 4 (currently \$42,737 to \$59,832 per year).

Act 23 (AB-372) changes the salary for the State Superintendent of Public Instruction's position from 13% above the minimum of the salary range for group 7 (currently \$62,556 per year) to 25% above the minimum of the salary range for group 7 (currently \$69,199 per year).

Act 29 (AB-85) makes various changes relating to DOJ. The act:

1. Authorizes DOJ to reorganize by deleting the requirement that the department include divisions of Criminal Investigation and Law Enforcement Services.

2. Removes provisions which required the elimination of county-tribal law enforcement programs (see also *Act 120*).

3. Removes the authority of DILHR to refer wage claims cases to DOJ.

4. Sets the annual salary for the Attorney General at the same level established for associate justices of the Wisconsin Supreme Court.

The act makes various changes relating to the State Public Defender system. The act:

1. Eliminates a provision directing the Office of the State Public Defender to cease operations on November 15, 1985.

2. Eliminates provisions specifying the percentage of cases in each county to be handled by private attorneys.

3. Modifies the reimbursement rate for private attorneys who provide legal representation for indigent defendants (see also *Act 120*).

4. Gives the Public Defender Board authority to transfer indigency determination responsibility from a county to the State Public Defender if any of the board's standards are not being met or if any of the trial cases in the county are being handled by State Public Defender staff attorneys.

5. Directs the Public Defender Board to adopt rules pertaining to indigency criteria.

6. Revises procedures for recoupment of costs associated with adult and juvenile clients.

7. Provides for a Deputy State Public Defender in addition to the division administrators for the office. Previously, the State Public Defender was authorized to designate one of the division administrators as the deputy.

8. Specifies staff attorney caseload figures to be used for budgetary purposes.

9. Allows the use of regular license plates on motor vehicles used by investigators for the Office of the State Public Defender.

10. Directs the State Public Defender to develop a pilot program using a contract for the provision of legal services by private attorneys.

The act also makes numerous other changes relating to state government. The act:

1. Permits state agencies to promulgate rules using the format of identical or similar federal regulations rather than the format prescribed by the Revisor of Statutes and the Legislative Council.
2. Permits DNR to petition for judicial review of the final decision in a natural resources hearing conducted by a hearing examiner employed by DOA.
3. Makes permanent the Radioactive Waste Review Board, Radioactive Waste Policy Council and Radioactive Waste Technical Council, which were scheduled to expire on January 1, 1987.
4. Allocates the federally determined statewide volume limitation of \$714,000,000 on the total amount of issues of tax-exempt student loan and industrial revenue bonds to HEAB, WHEDA, WHFA and cities, villages and towns. Municipalities are required to be certified by DOD before issuing bonds.
5. Makes the cochairpersons of JCF members of the Joint Legislative Audit Committee.
6. Deletes the requirement that state public officials notify the Ethics Board of potential conflicts of interest and, except in the case of legislators, take no further action concerning the matters which present the potential conflicts except in accordance with advice received from the board. The act substitutes a requirement that, with certain exceptions, no state public official may: 1) take any official action substantially affecting a matter in which the official, the official's family or an organization with which the official is associated has a substantial financial interest; or 2) use the official's office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, the official's family, or an organization with which the official is associated.
7. Abolishes the Emergency Number Systems Board and transfers most of its duties to DOA. The duties consist of providing policy direction for development, operation, coordination and review of emergency number systems (see also *Act 120*).
8. Provides funding for establishment of an Office of Mediation within the Office of the Governor to assist with resolution of disputes.
9. Directs DOA to prepare a plan for the orderly discontinuance of one or more federal surplus property distribution centers and submit the plan to JCF for its review and approval.
10. Provides that purchases by the Legislature, the courts and legislative service and judicial branch agencies are not required to be awarded on the basis of competitive bidding. However, the purchases are subject to nondiscrimination laws and to requirements for certain preferences to minority businesses and sheltered workshops.

Act 31 (AB-207) makes a special appropriation to reimburse the federal government for advances to provide the state's matching share of grants to individuals and to pay the state's matching share of grants to state agencies and local governments as the result of storm damage which occurred in Dane, Iowa, Menominee, Oneida and Vilas counties in 1984 and in Door, Oneida and Price counties in 1985. (After enactment of this act, the federal government disapproved payment of the federal share of grants for 1985 storm damage.)

Act 95 (SB-398) adds one senator to the membership of the Legislative Council.

Act 120 (Jan. 1986 Spec. Sess. SB-1) delays the rate increase, provided under *Act 29*, for private attorneys who represent indigent defendants.

The act eliminates state funding for county-tribal law enforcement programs.

The act requests the Legislative Council to study the prevalence and financial and policy impacts of legislative approval of deferred spending programs and of state mandates on local taxing bodies.

The act creates a segregated budget stabilization fund to provide state revenue stability during periods of below-normal economic activity. However, the act does not appropriate any moneys for deposit into the fund.

The act deletes all responsibilities of DOA with regard to emergency number systems, but authorizes DOA to make information available to local public agencies and telephone utilities relating to the development and operation of emergency number systems.

Act 135 (AB-360) is a revisor's correction act.

Act 162 (AB-10) designates the trilobite as the state fossil.

Act 164 (AB-350) requires the Ethics Board to obtain and report to each individual who files a statement of economic interests the full name and address of any individual and of any person represented by an individual seeking to copy or obtain information from a statement of economic interests. Formerly, the board was only required to report the identity of the individual and to obtain the name of the individual and of any person represented by the individual.

Act 180 (AB-407) creates revised, uniform standards for photographing records of state and local government officers and agencies and clerks of circuit court. The act also broadens the responsibility of the Public Records and Forms Board with respect to preservation of essential public records and forms management, and changes forms management reporting requirements imposed upon state agencies. In addition, the act delays the expiration date of the forms management authority of the Public Records and Forms Board from January 1, 1987, to July 1, 1989.

Act 182 (SB-94) recodifies the administrative procedure act and makes minor substantive and technical changes in administrative rule-making procedures.

Act 203 (AB-383) exempts a state public official from reporting on his or her statement of economic interests all payments received from the governmental unit of which his or her office is a part or in the case of a justice or a court of appeals or circuit judge, all payments received from the appropriations for operation of the state court system.

Act 295 (AB-16) designates the American water spaniel as the state dog.

Taxation

Act 12 (AB-255) standardizes property tax bills, rolls and receipts and requires that those bills indicate gross tax, reductions in the tax made possible by the major state aid programs and net tax. Some flexibility, with approval by DOR, is allowed in regard to forms until January 1, 1988.

Act 21 (AB-111) specifies that property tax payments are timely if they arrive after the deadline solely because of a delay or administrative error by the U.S. Postal Service.

Act 29 (AB-85) makes various changes in the tax laws. For the more important changes, see *HIGHLIGHTS*. In addition, the act:

1. Changes the structure and practice of the Tax Appeals Commission in order to reduce its backlog.
2. Spells out the income tax implications of the marital property law.
3. Reduces the amount of business travel, gift and entertainment expenses that may be deducted for income and franchise tax purposes.
4. Extends the time period for claiming operating losses for income and franchise tax purposes from 5 years to 15 years.
5. Lowers certain inheritance tax rates so that no rate will be higher than 20%.

Act 39 (SB-178) makes technical and minor policy changes in regard to tax incremental districts, property taxes, the real estate transfer fee, the utility payment under shared revenue and property tax credits.

Act 41 (SB-376) makes changes in the administration of the county sales tax, such as specifying that 3% of the revenues shall be retained by the DOR for administrative expenses, adding a county

use tax and clarifying jurisdiction to tax and the location of sales in order to make administration of that tax easier.

Act 54 (*Sept. 1985 Spec. Sess. AB-2*) requires DOR to provide to taxation districts more information about its establishment of equalized values and to make certain adjustments in its procedures for establishing the equalized value of agricultural land (see also *Act 246*).

Act 90 (*SB-44*) clarifies that the city of Milwaukee may proceed against either the property or the owner to collect delinquent property taxes.

Act 120 (*Jan. 1986 Spec. Sess. SB-1*) makes various changes in the tax laws. For the more important changes, see *HIGHLIGHTS*. In addition, the act changes the formula for the homestead credit against the individual income tax in order to provide larger payments to some persons; requires estates, after their first year, and trusts to make estimated payments of income taxes; moves forward by one month the 4th payment of corporate estimated income and franchise taxes; increases the percentage of license fees that utilities must pay on an estimated basis in order to escape penalties; and allows counties to discontinue sales and use taxes on a date specified by ordinance and upon 30 days', rather than 60 days', notice to DOR.

Act 149 (*AB-304*) makes technical and minor policy changes in regard to the sales and use taxes.

Act 153 (*Mar. 1986 Spec. Sess. AB-1*) makes various changes relating to agriculture in the income tax, motor fuel tax and property tax (see *HIGHLIGHTS*).

Act 160 (*SB-448*) requires counties to pay to the other taxing jurisdictions for which they collect delinquent property taxes a proportion of the interest on those taxes.

Act 246 (*SB-437*) makes minor changes in the information about its establishment of equalized value that DOR is required to supply to taxation districts and counties.

Act 261 (*AB-303*) makes technical and minor policy changes in regard to the income and franchise taxes, such as specifying that the basis of property, other than a residence, acquired before an individual becomes a resident of this state is the federal basis and increasing the limit of the deduction for the purchase of certain property that may be taken, rather than depreciation or amortization, by married persons.

Act 273 (*AB-702*) provides that if a property tax assessor is hired by more than one taxation district, DOR must provide that assessor with only one copy of the cost component of the property assessment manual, and the taxation districts hiring the assessor must share the cost of the manual.

Act 278 (*AB-914*) specifies that no inheritance tax return is required if no federal estate tax return is required and if the inheritance tax exemptions clearly exceed the value of the property received.

Act 302 (*SB-118*) makes several technical and minor policy changes in regard to excise taxes. The act allows suppliers to report and pay the tax on motor fuel delivered to retailers, provides for rates applicable to metric alcohol beverage containers, applies the confidentiality requirements applicable to the income and gift taxes to alcohol beverages taxes and authorizes the Attorney General to assist in the prosecution of cigarette tax and tobacco products cases (see also *Beverages*).

Transportation

CLASSIFICATION AND REGISTRATION OF MOTOR VEHICLES

Act 29 (*AB-85*) provides for the issuance of one validation sticker to be placed on the rear registration plate of a vehicle having 2 plates when the vehicle's registration is renewed. The act also establishes a \$2 per plate fee for replacement of lost, damaged or illegible plates issued to various financial institutions and motor vehicle dealers, distributors or manufacturers.

Act 55 (*AB-30*) permits the surviving spouse of a person to whom special ex-prisoner of war registration plates were issued to retain the plates or to have the plates reissued (see also *Act 124*).

Act 65 (SB-370) provides that the operator of a Type 2 motorcycle (a motorcycle that weighs less than 1,500 pounds and that is designed and built to have at least 3 wheels in contact with the ground, a passenger and operator area with sides permanently enclosed and a top which may be convertible) is not required to obtain a motorcycle endorsement on his or her operator's license. An operator or passenger under the age of 18 is not required to wear a helmet while operating or riding a Type 2 motorcycle.

Act 68 (AB-211) permits the owner of a snowmobile which has a model year of 1966 or earlier to register the vehicle with DNR for a one-time fee of \$20. Any other noncommercially owned snowmobile must be registered for a 2-year period for a fee of \$12.

Act 87 (AB-144) permits the issuance of special registration plates to disabled veterans or nonveteran disabled persons for use on leased vehicles. A vehicle bearing the special plates is entitled to certain parking privileges.

Act 96 (AB-90) permits the owner of an antique motor vehicle to display a historical registration plate on the vehicle instead of a plate issued by DOT while participating in a parade or show. The act also permits the owner to display a historical plate on the vehicle upon payment of an annual registration fee instead of paying a lower one-time fee and being issued a plate by DOT (see also *Act 105*).

Act 105 (AB-310) provides that a motor vehicle which has a model year of 1945 or earlier and which has not been modified from the original manufacturer's specifications may be registered as an antique vehicle. Prior law provided this registration option for a vehicle more than 40 years old at the time of registration.

Act 120 (Jan. 1986 Spec. Sess. SB-1) clarifies the use of the terms "registration" and "license" in the procedure for registering motor vehicles and issuing plates.

Act 124 (SB-145) permits a person who has been a prisoner of war to register a motor vehicle and obtain special distinguishing registration plates for the vehicle free of charge. For each additional vehicle, the person pays an annual registration fee and a \$10 fee for the special plates (see also *Act 55*).

Act 141 (AB-155) permits DOT, under certain circumstances, to transfer a decedent's interest in a vehicle to his or her surviving spouse upon receipt of the title and an affidavit by the surviving spouse. The procedure is usually limited to no more than 5 vehicles but may be used for more vehicles in the case of certain small estates.

Act 202 (AB-381) makes various changes in the motor vehicle laws, including:

1. Conforming provisions for the issuance of special registration plates and personalized registration plates to National Guard members with provisions for the issuance of other special and personalized plates.
2. Permitting a person to submit a statement from a Christian Science practitioner as to the person's disability for purposes of obtaining a special distinguishing registration plate.
3. Establishing a procedure to permit DOT to purge its files of old vehicle lien information.
4. Permitting DOT to assign vehicle identification numbers (VINs) consistent with manufacturers' VINs to reduce the potential for misuse of VINs in stolen vehicle operations.

Act 208 (AB-449) permits certain semitrailers to be registered on a permanent basis instead of annually. The act also eliminates permit fees for the operation of semitrailers by intrastate carriers in Wisconsin and for renting and leasing semitrailers to private, common and contract carriers.

Act 209 (AB-457) provides that 3 trailers containing only warning signs used exclusively for highway maintenance or construction may be drawn by a motor truck without a permit if the overall

length of the combination of vehicles does not exceed 60 feet. The act establishes a similar permit exception for 2 implements of husbandry being drawn by a motor truck.

Act 210 (AB-465) provides that if a person does not maintain a registration plate for 2 successive years, DOT may issue the plate to another person who requests it as a personalized plate. The act also permits a plate to be issued to a person as a personalized plate if the person obtains a release from the person to whom the plate was issued.

Act 287 (SB-414) permits school buses to be used for transporting elderly or handicapped persons in connection with a transportation assistance program.

Act 310 (SB-555) provides that an applicant for replacement registration plates for an automobile may be issued plates of the design established for plates under the next plate issuance cycle.

DRIVERS' LICENSES

Act 14 (SB-89) provides that if a local unit of government or the postal authorities change the address of a person who holds an operator's license containing a photograph or an identification card, DOT may not charge the person for the duplicate license or card issued to reflect the change.

Act 29 (AB-85) increases the fee for an instruction permit from \$10 to \$15 and for the renewal of a chauffeur's license from \$4 to \$6. The act eliminates provisions requiring the return of suspended registration plates, canceled, suspended or revoked drivers' licenses and canceled identification cards to DOT and instead permits DOT to order their return.

Act 71 (AB-426) provides that a moving traffic violation committed in another state (other than a major traffic violation such as homicide involving the use of a vehicle, reckless driving or drunken driving) will not be counted among the offenses which may result in a finding that a person is a habitual traffic offender or repeat habitual traffic offender. The act also permits a habitual traffic offender to obtain a limited chauffeur's license after the first 2 years of the offender's 5-year revocation period under certain circumstances. In addition, the act changes the procedure for determining a person's status as a habitual or repeat offender.

Act 80 (SB-34) specifies that convictions in another state under laws that are in conformity with Wisconsin laws relating to operating a motor vehicle while under the influence of alcohol or other drugs (OWI) will be counted as prior convictions under Wisconsin law. Penalties and periods of license suspension or revocation vary on the basis of prior OWI or related convictions or chemical test refusals.

Act 98 (AB-158) permits a person who holds an instruction permit to obtain a photograph identification card from DOT.

Act 227 (AB-762) requires DOT to include on the application for an operator's license a question relating to the inclusion of the applicant's name in a record of potential anatomical donors to be maintained by DOT. An applicant is not required to respond to the question in order to obtain a license and an affirmative response to the question does not authorize an anatomical gift. Current law contains the procedures and documents necessary to authorize an anatomical gift and to indicate that a person is a donor.

FINANCE AND HIGHWAYS

Act 3 (SB-3) provides an additional \$15,000,000 to DOT for the 1984-85 fiscal year to make improvements on state trunk and connecting highways.

Act 29 (AB-85) makes a number of changes in the state highway program. The act:

1. Redefines "major highway project" and enumerates 10 additional major highway projects (see *HIGHLIGHTS*).

2. Provides for payments to local units of government for jurisdictional transfers of state trunk highways.

3. Directs DOT to accelerate the engineering and construction schedules for a number of bridge and highway projects.

4. Specifies the construction of a new I-90 interchange in Rock County and directs DOT to construct another I-90 interchange in Rock County if specified economic development occurs in the area. The act also provides for the construction of additional noise barriers in Milwaukee County.

5. Authorizes DOT to reimburse Milwaukee County for certain Lake Freeway South development costs and directs DOT to remove the Lake Arterial project in Milwaukee County from the state trunk highway system.

6. Provides that specific information signs and associated business signs may be erected under certain conditions on highways in cities or villages. These signs may not be erected in Milwaukee County.

The act makes changes with respect to transportation aids. The act:

1. Guarantees counties and municipalities a general transportation aid payment equal to an amount obtained by multiplying their base year rate per mile for these aids by the miles of street and road under their jurisdiction at the beginning of each calendar year.

2. Increases the guaranteed general transportation aid payment per mile to \$605 in 1986 and \$665 in 1987 and thereafter.

3. Guarantees counties a 4.9% increase in transportation aids from 1985 to 1986 and a 10.04% increase from 1985 to 1987, subject to jurisdictional mileage changes. The act also provides that these supplemental aids be paid quarterly.

4. Provides for the calendar year reporting of future transportation aid payments to county clerks instead of fiscal year reporting.

5. Limits the reduction of general transportation aid payments imposed as a penalty on local governments which file a late cost report if the report is filed within 30 days of the specified filing date.

6. Requires that general transportation aids be converted to property tax credits starting with property taxes levied in 1987 and payable in 1988. Also, the act requires DOT to report future transportation aid payments to county clerks no later than December 1, instead of June 30, beginning with aid payments for calendar year 1988.

The act redefines operating expenses for mass transit operating assistance to include costs incurred by an urban mass transit system to subsidize fares paid by handicapped persons. For a privately owned transit system operated under contract with a local unit of government, operating expenses may include profit, return on investment or depreciation. The act also increases funding for the elderly and handicapped transportation assistance program for counties and allows counties to establish either copayments or voluntary contributions for the service and, in some cases, to exempt a user from payment.

Act 76 (AB-499) provides an additional \$500,000 to DOT for the 1985-86 fiscal year for the repair or replacement of highways and bridges damaged by flooding. The act also deletes a requirement that the estimated transportation fund balance be based on the projected summary for that fund included in the 1985-87 budget act.

Act 194 (SB-512) provides that a city or village which has a neighborhood watch program authorized by a law enforcement agency may place neighborhood watch signs approved by DOJ and DOT in the rights-of-way of certain streets or highways within its limits.

Act 223 (AB-688) provides that a county board of supervisors may not delete a highway from the county trunk system without obtaining approval of the change from DOT and from the city, village

or town in which the highway is located. Previously, the approval of the local unit of government was not required.

Act 249 (SB-522) provides that, under certain circumstances, a change in jurisdictional mileage responsibility or the functional classification of a highway certified by DOT by May 1, 1985, which would reduce a municipality's transportation aid for 1986, may not be used in the transportation aid calculations for 1986 if the municipality challenges the certification and DOT agrees that a change in classification or mileage responsibility should be made at the next certification. The act also provides for an adjustment of the aids based on the challenged certification in 1986 instead of in 1987.

MOTOR VEHICLE DEALERS AND MOTOR CARRIERS

Act 29 (AB-85) excludes from the laws regulating "for hire" motor carriers a leasing arrangement which includes the services of a driver. The act also authorizes the Office of the Commissioner of Transportation to inspect the premises or vehicles of common, contract or private motor carriers to enforce the laws regulating motor carriers.

Act 202 (AB-381) exempts moped dealers and manufacturers from the requirement to obtain certain registration plates, clarifies the law requiring that a motor vehicle dealer send title documents to DOT when the dealer sells a vehicle on consignment and excludes mopeds and motor bicycles from certain dealer mileage disclosure requirements.

The act also permits a private motor carrier to display evidence that its vehicles are not being used for common or contract motor carrier purposes, instead of filing that evidence with DOT.

Act 277 (AB-888) establishes a fee to obtain authority to transport in interstate commerce in Wisconsin commodities which are exempt from regulation by the federal Interstate Commerce Commission. The act also authorizes the Commissioner of Transportation to suspend or revoke a motor carrier certificate, license or permit if service has been abandoned.

Act 309 (SB-550) increases the penalty for tampering with an odometer. The act also permits the use of the uniform traffic citation and complaint for violations of the requirement that a motor vehicle dealer or salesperson be licensed by DOT to engage in business.

TRAFFIC AND PARKING REGULATION

Act 29 (AB-85) eliminates a provision requiring that ampoules used in breathalyzer tests be preserved for 30 days and increases the driver improvement surcharge for operating a motor vehicle while under the influence of alcohol or other drugs from \$150 to \$200.

The act also reduces the maximum number of state traffic patrol officers from 400 to 385 and revises certain accident reporting requirements.

Act 32 (SB-85) makes various provisions of the implied consent law applicable to persons younger than 19 years old who are arrested for a violation of the absolute sobriety requirement.

Act 63 (SB-148) authorizes state motor vehicle inspectors to enforce requirements for the marking or placarding of vehicles being used to transport hazardous materials.

Act 64 (SB-226) provides that a law enforcement officer may proceed with chemical tests to determine the presence of alcohol or other drugs in a person who is unconscious or otherwise not capable of withdrawing consent without first arresting the person if the officer has probable cause to believe the person was driving while under the influence of alcohol or other drugs.

Act 69 (AB-260) grants a person operating a bicycle in a crosswalk in a manner which is consistent with the safe use of the crosswalk by pedestrians the same right-of-way privileges over other vehicular traffic as a pedestrian in a crosswalk. The act also requires operators of other vehicles crossing a sidewalk to yield the right-of-way to bicyclists on the sidewalk.

Act 82 (SB-284) increases the penalties for knowingly fleeing or attempting to elude a traffic officer when the violation results in bodily harm to or the death of another or property damage. The act also requires law enforcement agencies to provide their officers with written guidelines for high speed chases.

Act 143 (AB-331) permits both a red and a blue flashing warning light on an unmarked police vehicle when the operator of the vehicle is responding to an emergency call or is in pursuit of an actual or suspected violator of the law.

Act 145 (AB-385) establishes a Council on Uniformity of Traffic Citations and Complaints to replace the Uniform Traffic Citation and Complaint Committee. The council includes a member designated by the Director of State Courts and a member designated by the Chairperson of the Judicial Conference.

The act also deletes the requirement that a judgment debtor's occupation be listed in lien or judgment dockets.

Act 161 (SB-456) provides that a person transporting logs may secure them by chains, steel cables or other attachment devices of equivalent strength. Previous law did not permit the use of devices other than chains.

Act 186 (SB-203) provides that if an adult school crossing guard reports to a traffic officer a vehicle which failed to stop at a school crossing at the direction of the guard, the owner of the vehicle may be liable for the violation.

Act 204 (AB-416) eliminates restrictions on the height of spotlamps mounted on motor vehicles.

Act 298 (SB-344) specifies that in addition to the operator, a bicycle otherwise designed to carry only the operator may be used to carry or transport a child seated in an auxiliary child's seat or trailer designed for attachment to a bicycle.

Act 301 (SB-96) provides that if the operator of a motor vehicle overtakes a bus stopped at an intersection to receive or discharge passengers on the right side of the roadway, the operator must pass at a safe distance to the left of the bus and may not turn to the right in front of the bus at that intersection. The act establishes a similar provision for overtaking certain school buses.

VEHICLE SIZE AND WEIGHT

Act 165 (AB-432) permits a semitrailer whose length from kingpin to axle does not exceed 41 feet and whose overall length does not exceed 53 feet to be operated as part of a 2-vehicle combination without a permit on certain highways. Under previous law, a permit was required to operate a semitrailer more than 48 feet long as part of a 2-vehicle combination.

Act 201 (AB-330) permits the operator of a vehicle to redistribute not more than 1,000 pounds of the load so that all wheels and axles are in compliance with weight limitations. If the operator reloads to comply with the weight limitations, no forfeiture is assessed; if the operator fails to reload, the vehicle may continue to be operated but a forfeiture of \$50 is imposed.

Act 202 (AB-381) allows the Secretary of DOT to authorize permits for overweight agricultural vehicle operations during an agricultural transportation emergency without first promulgating an emergency rule. The act also provides that the results of weighing a vehicle by means of either portable or certified stationary scales are admissible as evidence.

Act 212 (AB-508) establishes a consecutive month permit which is issued for a minimum of 3 consecutive months for oversize or overweight vehicles. Former law provided for single trip permits or annual permits for oversize or overweight vehicles.

AIR, RAIL AND OTHER TRANSPORTATION

Act 29 (AB-85) authorizes DOT to assign its first right of acquisition of abandoned rail property to a state agency, the UW System or a transit commission and directs DOT to dispose of any acquired abandoned rail property which is not necessary for a public purpose. The act also authorizes DOT to provide technical assistance under the freight railroad assistance program and to accept installment payments of an applicant's share of acquisition costs in the railroad facilities acquisition program under specified conditions.

The act requires the Commissioner of Transportation to investigate certain violations of the law by railroads and permits the commissioner to request the assistance of the Attorney General or the local district attorney in investigating or prosecuting these violations.

The act establishes a 2-year program to provide grants to municipalities to promote air passenger service in areas without scheduled air service which are located a long distance from airports having such service.

The act authorizes a board of harbor commissioners to acquire, charter and operate vessels in domestic and foreign commerce and establishes a program to provide start-up assistance for a Lake Michigan automobile and passenger ferry between the cities of Milwaukee and Muskegon, Michigan.

Act 187 (SB-234) repeals the regulation of street and interurban railways.

Act 283 (SB-319) specifies that the costs of a federally aided project to improve a public-use airport are eligible for a percentage of matching state funds.

Trusts and Estates; Probate

Act 29 (AB-85) expands the situations in which claims may be made against the estate of persons liable for the cost of state-provided or county-provided public assistance or social, health or mental health services.

The act also establishes an intervention procedure for creditors in probate proceedings for situations in which the debtor is entitled to a legacy or distributive share and is a nonresident or has absconded.

Act 142 (AB-230) provides that a court may direct payment of personal property to which a minor is entitled to a custodian under the uniform gifts to minors act and need not appoint a guardian.

ABBREVIATIONS

AB	Assembly Bill	DOT	Department of Transportation
AFDC.....	Aid to Families with Dependent Children	DPI.....	Department of Public Instruction
AIDS	Acquired immunodeficiency syndrome	HEAB.....	Higher Educational Aids Board
DATCP	Department of Agriculture, Trade and Consumer Protection	JCF.....	Joint Committee on Finance
DER	Department of Employment Relations	JCOER.....	Joint Committee on Employment Relations
DETF	Department of Employee Trust Funds	PSC.....	Public Service Commission
DHSS	Department of Health and Social Services	SB	Senate Bill
DILHR.....	Department of Industry, Labor and Human Relations	Spec. Sess.....	Special Session
DNR.....	Department of Natural Resources	UW.....	University of Wisconsin
DOA.....	Department of Administration	VTAE	Vocational, Technical and Adult Education
DOD.....	Department of Development	WHEDA	Wisconsin Housing and Economic Development Authority
DOJ.....	Department of Justice	WRS.....	Wisconsin Retirement System
DOR.....	Department of Revenue	WSEU	Wisconsin State Employees Union
DORL	Department of Regulation and Licensing	WSPTR	Wisconsin State Property Tax Relief