

1 tures from other sources for soil and water conservation activities at or
2 above the average level of such expenditures in its 2 fiscal years preceding
3 the effective date of this subsection [revisor inserts date].

4 (8) RULES. In consultation with the department of natural resources, the
5 department shall promulgate rules to administer this section and the depart-
6 ment's duties under s. 144.25.

7 (10) TRAINING. The department shall identify, in cooperation with the
8 department of natural resources, the training required for the personnel of a
9 county awarded a grant under this section or s. 144.25 to administer and
10 implement any nonpoint source water pollution abatement project or soil and
11 water resource project funded by that grant and shall coordinate such a
12 training program. The county may use the grant for that training or for any
13 other training necessary to prepare personnel to perform job duties related to
14 this section. The department may contract with any person from the appropri-
15 ation under s. 20.115 (7) (c) for services to administer or implement this
16 chapter, including information and education and training.

17 (11) AID TO STATE AGENCIES. The department may distribute grants and
18 aids to any state agency, including itself, for implementation of the soil and
19 water resource management program on land under state ownership or control,
20 subject to this chapter.

21 (12) ANNUAL REPORT. Annually, the department, in cooperation with the
22 department of natural resources, shall submit a report on the progress of the
23 program under this section and s. 144.25 to the board.

24 (13) EVALUATION PLAN. The department, jointly with the department of
25 natural resources, shall prepare a plan, which includes water quality moni-
26 toring and analysis, for evaluating the program administered under this
27 section and s. 144.25 and submit the plan to the board. The board shall make
28 recommendations to the department and the department of natural resources on

1 the plan. The department shall review and approve or disapprove the plan and
2 shall notify the board of its final action on the plan. The department shall
3 implement any part of the plan for which the plan gives it responsibility.

4 (14) APPLICATION, REPORTING AND EVALUATION FORMS. The department,
5 jointly with the department of natural resources, shall develop a single set
6 of grant application, reporting and evaluation forms for use by counties
7 receiving grants under this section and s. 144.25.

8 (15) FINANCIAL INFORMATION. The department shall consult with the
9 department of natural resources when it prepares the information which it
10 submits to the department of administration under s. 16.42.

11 ••87b0376/4••SECTION 1692hc. 92.15 of the statutes is repealed.

12 ••87b0376/4••SECTION 1692hm. 92.16 of the statutes is amended to read:

13 92.16 (title) MANURE STORAGE FACILITIES. A county, city or village may
14 adopt an ordinance requiring ~~all earthen~~ manure storage facilities constructed
15 after July 2, 1983, to meet the technical standards of the county, city or
16 village and rules of the department. The department shall adopt rules for
17 ordinances setting standards and criteria for construction of ~~earthen~~ manure
18 storage facilities.

19 ••87b0312/1••SECTION 1692m. 93.07 (20) of the statutes is created to
20 read:

21 93.07 (20) GIFTS AND GRANTS REPORTING. To report, no later than August 1
22 of each year, all of the following to the joint committee on finance and the
23 appropriate standing committee on agriculture of each house of the
24 legislature, as determined by the presiding officer of each house:

25 (a) The source, purpose, nature and value of each gift or grant which the
26 department received in the preceding fiscal year.

1 (b) Any state costs which are associated with the acceptance of each gift
2 or grant which the department received in the preceding fiscal year and which
3 exist or are anticipated on the date the report is issued.

4 (c) Any potential conflict of interest of the department which may result
5 from the department's acceptance of any gift or grant received in the pre-
6 ceding fiscal year.

7 ••87b1325/1 •• 87b1754/2••SECTION 1692p. 93.32 of the statutes is created
8 to read:

9 93.32 FARM CONGRESS. (1) The farm congress shall conduct a statewide
10 meeting annually at some time in the period from January to March and may meet
11 at any other time. The department shall provide staffing and organizational
12 assistance to the farm congress.

13 (2) Every county shall meet annually not more than 30 days before the
14 annual farm congress meeting under sub. (1) and shall select 3 delegates to
15 represent the county in that meeting and 2 alternate delegates. The conduct
16 of the meeting shall conform to the bylaws adopted under sub. (3). In its
17 meeting under this subsection, the county shall instruct its delegates on
18 issues which are under the jurisdiction of the board of agriculture, trade and
19 consumer protection and which are of interest to agriculture in that county.
20 Every delegate shall have filed a farm income and expenses schedule as part of
21 his or her most recent federal income tax return, shall be actively engaged in
22 farming and shall live on the farm for which he or she filed that schedule.
23 Every delegate shall be the resident of a town in the county which is differ-
24 ent than the town in which any other delegate resides. The department and the
25 county cooperative extension agent shall assist counties in organizing and
26 conducting the meeting under this subsection.

27 (3) The farm congress shall adopt bylaws governing its operation and the
28 conduct of county meetings under sub. (2). The bylaws shall provide an

1 opportunity to any segment of the private sector which may be affected by any
2 issue before the farm congress to express its position on that issue prior to
3 final action on the issue by the farm congress.

4 (4) The farm congress shall appoint an executive committee, a rules
5 committee and a legislative committee and may appoint any other committee it
6 deems necessary. The executive committee shall have at least 20 members
7 representing not less than 15 counties.

8 (5) The farm congress shall submit to the board of agriculture, trade and
9 consumer protection and to the secretary a copy of any report which it issues.
10 The secretary shall submit a copy of that report to the standing committees of
11 the senate and assembly concerned with agriculture.

12 ••87b1327/2 •• 87b1754/2••SECTION 1692pr. 93.41 of the statutes is
13 created to read:

14 93.41 STRAY VOLTAGE. The department shall establish a program to educate
15 farmers, veterinarians, electricians and agents of the agricultural extension
16 division of the university of Wisconsin system on stray voltage. Under the
17 program, the department shall establish a toll-free telephone line to exchange
18 information on stray voltage, maintain a library on stray voltage and serve as
19 a clearinghouse on stray voltage issues and shall determine the need for
20 additional regulation and education related to stray voltage.

21 ••87b0310/1••SECTION 1693ag. 93.50 of the statutes is repealed.

22 ••87b0314/5••SECTION 1693am. 94.67 (4) of the statutes is amended to
23 read:

24 94.67 (4) "Certified applicator" means a ~~person~~ private applicator
25 certified by the department to use restricted-use pesticides or a commercial
26 applicator certified by the department to use or supervise the use or direct
27 the use of restricted-use pesticides as a private or commercial applicator
28 under s. 94.705.

1 ••87b0314/5••SECTION 1693ao. 94.67 (5) of the statutes is renumbered
2 94.67 (6) (intro.) and amended to read:

3 94.67 (6) (intro.) ~~"Certified commercial~~ "Commercial applicator" means a
4 person, whether or not a ~~certified~~ private applicator with respect to some
5 uses, ~~certified to use or supervise~~ who uses or directs the use of
6 ~~restricted-use pesticides~~ any pesticide, either directly or through an
7 employee, for any purpose or on any property other than as a ~~certified~~ private
8 applicator. "Commercial applicator" does not include:

9 ••87b0314/5••SECTION 1693aq. 94.67 (5) of the statutes is created to
10 read:

11 94.67 (5) "Commercial application business" means a corporation,
12 cooperative association, partnership, natural person doing business as a sole
13 proprietor or other nongovernmental business entity that does either of the
14 following:

15 (a) Operates as a commercial applicator for hire.

16 (b) Uses or directs the use of a restricted-use pesticide as a commercial
17 applicator, either directly or through an employee.

18 ••87b0314/5••SECTION 1693as. 94.67 (6) and (7) of the statutes are
19 renumbered 94.67 (26m) and (3m), respectively, and amended to read:

20 94.67 (3m) ~~"Commercial business~~ "Business location" means any place where
21 ~~a certified commercial applicator~~ from which a commercial application business
22 ~~operates from~~ operates from on a regular basis as a commercial applicator for hire.

23 (26m) ~~"Certified private~~ "Private applicator" means a person ~~certified to~~
24 ~~use or supervise~~ who uses or directs the use of ~~restricted-use pesticides~~ for
25 ~~purposes~~ any pesticide for the purpose of producing any agricultural commodity
26 on property owned or rented by the person or the person's employer, or on
27 property of another person if the pesticide is used without compensation other

1 than the trading of goods or services between producers of agricultural
2 commodities on an exchange basis.

3 ••87b0314/5••SECTION 1693au. 94.67 (6) (a) and (b) of the statutes are
4 created to read:

5 94.67 (6) (a) A person who applies a pesticide, other than a
6 restricted-use pesticide, solely for household purposes in and around the
7 person's residence.

8 (b) A person who contracts with a commercial applicator for hire to apply
9 a pesticide for the person, if the person does not otherwise use or direct the
10 use of a pesticide as a commercial applicator.

11 ••87b0314/5••SECTION 1693az. 94.67 (7) of the statutes is created to
12 read:

13 94.67 (7) "Commercial applicator for hire" means a commercial applicator
14 who uses or directs the use of a pesticide as an independent contractor for
15 hire, either directly or through an employee. "Commercial applicator for hire"
16 does not include a provider of janitorial, cleaning or sanitizing services if
17 the provider of the services uses no pesticides other than sanitizers, disin-
18 fectants and germicides.

19 ••87b0314/5••SECTION 1693bc. 94.67 (10m) of the statutes is created to
20 read:

21 94.67 (10m) "Directs the use" means to select a pesticide for use by
22 another person or to instruct or control the application of a pesticide by
23 another person and to be available if and when needed during that application.
24 "Directs the use" may, but does not necessarily, mean to be physically present
25 at the time and place a pesticide is being applied.

26 ••87b0314/5••SECTION 1693bm. 94.67 (15) of the statutes is repealed.

27 ••87b0314/5••SECTION 1693bo. 94.67 (15m), (21m) and (25m) of the statutes
28 are created to read:

1 94.67 (15m) "Individual commercial applicator" means a natural person who
2 does any of the following:

3 (a) Personally uses or directs the use of any pesticide as a commercial
4 applicator for hire, or as an employe of a commercial applicator for hire.
5 This paragraph does not apply to a person performing janitorial, cleaning or
6 sanitizing services if the person uses no pesticides other than sanitizers,
7 disinfectants and germicides.

8 (b) Personally uses a restricted-use pesticide as a commercial
9 applicator.

10 (c) Directs the use of a pesticide by a person specified under par. (a)
11 or (b).

12 (21m) "Licensee" means a person required to obtain a license under s.
13 94.68, 94.685, 94.703 or 94.704.

14 (25m) "Pesticide product" means a pesticide, all of the containers in
15 commerce of which are labeled with a unique combination of all of the
16 following:

17 (a) The brand name.

18 (b) The pesticide registration number assigned to the pesticide under the
19 federal act.

20 (c) The name of the pesticide labeler.

21 ••87b0314/5••SECTION 1693bp. 94.67 (32) of the statutes is repealed.

22 ••87b0314/5••SECTION 1693bq. 94.68 (2) of the statutes is amended to
23 read:

24 94.68 (2) ~~Applications~~ An application for a license issued under this
25 section shall be made on ~~forms~~ a form prescribed by the department and shall
26 be accompanied by ~~an annual the license fee of \$100. Licenses expire fees~~
27 required under sub. (3). The license expires on December 31 of each year and
28 ~~are~~ is not transferable.

1 ••87b0314/5••SECTION 1693bs. 94.68 (3) and (4) of the statutes are
2 renumbered 94.68 (5) and (6).

3 ••87b0314/5••SECTION 1693bu. 94.68 (3), (4) and (7) of the statutes are
4 created to read:

5 94.68 (3) (a) The basic annual fee for a license under this section is
6 \$100. If more than one pesticide product of a licensee is sold or distributed
7 in this state during a license year, the licensee shall pay for that year a
8 supplementary license fee of \$150 for each additional pesticide product of the
9 licensee which is sold or distributed in this state.

10 (b) To permit verification of the required license fees under this
11 subsection, every licensee shall submit a report to the department at the time
12 of license application listing every pesticide product of the licensee which
13 is sold or distributed in this state. If a pesticide product of a licensee is
14 not listed by the licensee at the time of license application, the licensee
15 shall file a supplementary report with the department at least 15 days prior
16 to any proposed sale or distribution of that pesticide product in this state.
17 The supplementary report shall identify the pesticide product to be sold or
18 distributed, and be accompanied by the supplementary license fee required
19 under par. (a).

20 (c) A licensee who fails to report a pesticide product sold or distrib-
21 uted in this state under par. (b) shall pay a surcharge of \$100 for each such
22 pesticide product. The surcharge is in addition to the license fees required
23 under par. (a). Failure to report a pesticide product may constitute grounds
24 for the denial, suspension or revocation of a license under this section, and
25 may be punished as provided in s. 94.71.

26 (d) No fee paid for a license under this section is transferable or
27 refundable after that license has been issued.

1 (4) (a) The department shall deposit the following amounts in the appro-
2 priation under s. 20.115 (1) (i):

3 1. An amount equal to one-third of the supplementary license fees
4 received under sub. (3) (a).

5 2. All of the surcharges received under sub. (3) (c).

6 (b) The department shall deposit the following amounts in the groundwater
7 fund under s. 25.48 (2):

8 1. All of the basic license fees received under sub. (3) (a).

9 2. An amount equal to one-third of the supplementary license fees
10 received under sub. (3) (a).

11 (c) The department shall deposit an amount equal to one-third of the
12 supplementary license fees received under sub. (3) (a) in the environmental
13 repair fund under s. 25.46.

14 (7) A license under this section does not constitute a registration of
15 individual pesticide products within the meaning of the federal act, nor does
16 it authorize any pesticide sale or distribution otherwise prohibited by law.

17 ••87b0314/5••SECTION 1693bz. 94.681 of the statutes is repealed.

18 ••87b0314/5••SECTION 1693cm. 94.685 of the statutes is created to read:

19 94.685 PESTICIDES; LICENSING OF DEALERS AND DISTRIBUTORS OF
20 RESTRICTED-USE PESTICIDES. (1) No dealer or distributor may sell or offer to
21 sell chlordane or a restricted-use pesticide in this state, whether or not the
22 sale is made wholly or partially in this state or another state, without a
23 license issued by the department under this section. The licenses expire on
24 December 31 of even-numbered years and are not transferable.

25 (2) An application for a license under this section shall be made on a
26 form provided by the department, and shall be accompanied by the license fee
27 required under sub. (3). Each license application shall include the full name

1 of the licensee and the mailing address and street address of each location
2 from which chlordane or restricted-use pesticides are sold by the licensee.

3 (3) (a) Except as provided under par. (b), a licensee shall pay a license
4 fee of \$100 per license period for each location from which the licensee sells
5 chlordane or restricted-use pesticides, including any new location opened
6 during the license period. A licensee who opens a new sales location during
7 the license period may not sell any chlordane or a restricted-use pesticide
8 from the new location unless the licensee has paid the license fee for that
9 new sales' location.

10 (b) If a license issued under this section is issued during the 2nd year
11 of the 2-year period for which the license is applicable, the licensee shall
12 pay a license fee of \$50 for each location from which the licensee sells
13 chlordane or restricted-use pesticides. A licensee shall pay a license fee of
14 \$50 for each new location opened during the 2nd year of the 2-year period for
15 which the license is applicable.

16 ••87b0314/5••SECTION 1693co. 94.70 (3) (e) of the statutes is amended to
17 read:

18 94.70 (3) (e) Claim falsely to be a certified ~~private or commercial~~
19 applicator in one or more uses of ~~restricted-use pesticides~~ any pesticide.

20 ••87b0314/5••SECTION 1693cp. 94.70 (3) (f) of the statutes is amended to
21 read:

22 94.70 (3) (f) Use or ~~supervise~~ direct the use of ~~restricted-use pesti-~~
23 cides as a certified applicator in categories of pesticide use and application
24 for which no certification has been obtained.

25 ••87b0314/5••SECTION 1693cq. 94.70 (4) of the statutes is created to
26 read:

1 94.70 (4) Nothing in ss. 94.67 to 94.71 limits the civil or criminal
2 liability of an employer or contractor for the acts or omissions of an employe
3 or subcontractor, if the employer or contractor may otherwise be held liable.

4 ••87b0314/5••SECTION 1693cs. 94.703 of the statutes is created to read:

5 94.703 PESTICIDES; LICENSING OF COMMERCIAL APPLICATION BUSINESSES. (1)

6 No commercial application business may operate in this state without a license
7 issued by the department under this section. A natural person who operates a
8 commercial application business as sole proprietor, and who is also an indi-
9 vidual commercial applicator, shall be licensed under this section and s.
10 94.704. Licenses issued under this section expire on December 31 of each
11 odd-numbered year and are not transferable.

12 (2) An application for a license under this section shall be submitted on
13 a form provided by the department and shall be accompanied by the license fee
14 required under sub. (3). The license application shall include all of the
15 following information, which shall be promptly updated by the licensee in the
16 event of any change during the license period:

17 (a) The complete name, mailing address and street address of the
18 licensee, and the business name, if any, under which the licensee operates as
19 a commercial application business. The application shall specify whether the
20 applicant is a natural person, corporation or other legal entity.

21 (b) The street address of every business location from which the licensee
22 operates as a commercial applicator for hire in this state.

23 (c) If the licensee employs any person to use pesticides, or to direct
24 the use of restricted-use pesticides, the complete name and license number
25 under s. 94.704 of each person so employed.

26 (d) Any other information reasonably required by the department for the
27 administration of this section.

28 (3) (a) Except as provided under par. (b):

1 1. A licensee under this section shall pay a basic license fee of \$100
2 for each license period.

3 2. If a licensee operates in this state from more than one business
4 location, the licensee shall pay a supplementary fee of \$100 for each addi-
5 tional business location operated by the licensee.

6 3. For each new business location added during the license period the
7 licensee shall pay a supplementary fee of \$100.

8 (b) If a license issued under this section is issued during the 2nd year
9 of the 2-year period for which the license is applicable:

10 1. The basic fee for that license is \$50.

11 2. For each additional business location operated by the licensee, the
12 supplementary fee is \$50.

13 3. For each new business location added during the license period, the
14 supplementary fee is \$50.

15 (4) No commercial application business may apply any pesticide, or direct
16 the application of any pesticide by its employe, unless the pesticide appli-
17 cation is made by an individual commercial applicator licensed under s. 94.704
18 and certified under s. 94.705 in the applicable pesticide use category.

19 (5) No licensee under this section may employ any natural person as an
20 individual commercial applicator unless the employe is licensed under s.
21 94.704.

22 ••87b0314/5••SECTION 1693cu. 94.704 of the statutes is created to read:

23 94.704 PESTICIDES; LICENSING OF INDIVIDUAL COMMERCIAL APPLICATORS. (1)
24 No person may act as an individual commercial applicator without a license
25 issued by the department under this section. The licenses expire on December
26 31 of each odd-numbered year and are not transferable. A licensee shall carry
27 the license on his or her person at all times when acting as an individual
28 commercial applicator. No license is required of a private applicator who

1 applies pesticides solely as a private applicator or only on an occasional or
2 incidental basis as a commercial applicator.

3 (2) An application for a license under this section shall be submitted on
4 a form provided by the department and shall be accompanied by the license fee
5 required under sub. (3). A license application shall include all of the
6 following information, which shall be promptly updated by the licensee in the
7 event of any change during the license period:

8 (a) The complete name, mailing address and street address of the
9 licensee.

10 (b) If the licensee is engaged in business as a sole proprietor, the
11 licensee's business name and address if different than the licensee's personal
12 name and address.

13 (c) If the licensee is employed by a commercial application business, the
14 name and address of the employing commercial application business.

15 (d) Any other information reasonably required by the department for the
16 administration of this section.

17 (3) A licensee under this section shall pay a license fee of \$50 for each
18 license period, except that if a license is issued during the 2nd year of the
19 2-year period for which the license is applicable, the licensee shall pay a
20 license fee of \$25. No license fee is required of:

21 (a) A sole proprietor of a commercial application business licensed under
22 s. 94.703.

23 (b) A government employe or an employe of a public or private educational
24 institution if the employe's activities as an individual commercial applicator
25 fall within the scope of his or her employment by the governmental unit or
26 educational institution.

1 (4) No licensee under this section may use or direct the use of any
2 pesticide unless the licensee is certified under s. 94.705 in the applicable
3 use category.

4 ••87b0314/5••SECTION 1693cz. 94.705 (1) (a) of the statutes is repealed
5 and recreated to read:

6 94.705 (1) (a) 1. No person may use or direct the use of a restricted-use
7 pesticide as a private applicator unless the person is certified as a private
8 applicator in the applicable pesticide use category under this section.

9 2. No person may use or direct the use of any pesticide as a commercial
10 applicator unless the person is all of the following:

11 a. Certified as a commercial applicator in the applicable pesticide use
12 category under this section.

13 b. Licensed as an individual commercial applicator under s. 94.704. This
14 subd. 2. b does not apply to a private applicator who uses or directs the use
15 of a pesticide as a commercial applicator on an occasional or incidental basis
16 only.

17 ••87b0314/5••SECTION 1693dg. 94.705 (1) (b) of the statutes is amended to
18 read:

19 94.705 (1) (b) Applications for certification shall be submitted on forms
20 prescribed by the department and shall specify the category of pesticide use
21 and application for which application for certification is made. Certifi-
22 cations shall be valid for a period of 5 years from date of issuance or
23 renewal, unless terminated or suspended by the department for failure to
24 comply with the terms and conditions of its issuance or for violation of ss.
25 94.67 to 94.71 or rules or orders issued under ss. 94.67 to 94.71. Certifi-
26 cations may be changed or amended during the 5-year period for which issued by
27 the addition of other categories of pesticide use and application for which
28 the applicator was not certified at the beginning of the certification period,

1 but all the changes or amendments shall expire concurrently with the end of
2 the 5-year base certification period.

3 ••87b0314/5••SECTION 1693dm. 94.705 (1) (c) of the statutes is amended to
4 read:

5 94.705 (1) (c) ~~All certified applicators may be granted an additional 5~~
6 ~~years of certification upon the expiration date of their original~~
7 ~~certification. If significant changes have occurred in the development of new~~
8 ~~pesticides, uses or labeling during this time period the department may~~
9 ~~require that a~~ A certified private applicator obtain certification may be
10 granted an additional 5 years of certification upon the expiration of his or
11 her certification, under one of the certification options under s. 94.706 as a
12 condition of recertification. ~~If significant changes have occurred in the~~
13 ~~development of new pesticides, uses or labeling during this time period, sub.~~
14 (5). A certified commercial applicators may be applicator may be granted an
15 additional 5 years of certification upon the expiration of his or her
16 certification, subject to a written examination approved by the department ~~as~~
17 ~~a condition of recertification.~~

18 ••87b0314/5••SECTION 1693do. 94.705 (1) (d) of the statutes is repealed
19 and recreated to read:

20 94.705 (1) (d) Except as provided under sub. (4), no commercial applica-
21 tor may be certified except upon satisfactory completion of a written
22 examination. The examination shall be designed to test the applicant's
23 competency in each category of pesticide use for which the applicant seeks
24 certification. A commercial applicator applying for certification shall pay
25 an examination fee of \$10 for each examination in each certification category.
26 If an applicant fails an examination in any certification category, the
27 applicant shall pay a fee of \$5 each time the examination is retaken. The
28 department may not administer an examination under this paragraph unless the

1 applicant has paid the required fee. Any person exempt from license fees
2 under s. 94.704 (3) (b) is also exempt from examination fees under this
3 paragraph.

4 ••87b0314/5••SECTION 1693dq. 94.705 (2) of the statutes is amended to
5 read:

6 94.705 (2) CERTIFICATION STANDARDS. Notwithstanding s. 140.77, the
7 department shall, by rule, adopt standards for the training and certification
8 of ~~certified~~ private and ~~certified~~ commercial applicators, at least equal to
9 but not to exceed federal standards adopted under the federal act. In the
10 adoption of the standards, separate categories of pesticide use and applica-
11 tion may be established for certification purposes depending on the specific
12 types of pesticides used, the purposes for which they are used, types of
13 equipment required in their application, the degree of knowledge and skill
14 required and other factors which may warrant the creation of different
15 categories. The standards shall provide that individuals to be certified must
16 be competent with respect to the use and application of pesticides in the
17 various categories of pesticide use and application for which certification is
18 desired. For commercial applicators, competence in the use and handling of
19 pesticides ~~is to~~ shall be determined on the basis of written examinations.

20 ••87b0314/5••SECTION 1693dr. 94.705 (3) of the statutes is amended to
21 read:

22 94.705 (3) RECORDS; REPORTS. Certified commercial applicators, including
23 nonresident commercial applicators, shall maintain records of amounts, dates,
24 types, places and uses of all ~~restricted-use~~ pesticides as prescribed by the
25 department. Records shall be kept for 2 years and shall be open to and
26 available for inspection at all reasonable times by the department or cooper-
27 ating governmental enforcement agencies.

1 ••87b0314/5••SECTION 1693ds. 94.705 (4) of the statutes is repealed and
2 recreated to read:

3 94.705 (4) CERTIFICATION OF NONRESIDENTS. (a) The department may,
4 without examination or training in this state, certify a nonresident to use or
5 direct the use of pesticides in a specific pesticide use category if the non-
6 resident meets all of the following requirements:

7 1. The person is certified to use pesticides, in the same or similar
8 pesticide use category, under laws or programs in the person's state of resi-
9 dence which have requirements for certification equivalent to this section and
10 ss. 94.703 and 94.704 and the rules under this section and ss. 94.703 and
11 94.704. In order to be certified without examination as a commercial appli-
12 cator in this state, the person must be certified as a commercial applicator
13 in the person's state of residence.

14 2. The person's license or certification in the state of residence has
15 not been denied, suspended or revoked under the federal act or by the state of
16 residence.

17 (b) An application for nonresident certification under par. (a) shall be
18 made on a form provided by the department. The department may require an
19 applicant to submit any information that is reasonably necessary for the
20 administration of this subsection. An application under this subsection shall
21 be accompanied by a nonrefundable fee of \$25, except that no fee is required
22 for the certification of a nonresident as a private applicator.

23 (c) A certification issued under this subsection expires on December 31
24 of the year of issuance and is not transferable. If the holder of a nonresi-
25 dent certification becomes a resident of this state, the nonresident certifi-
26 cation may not be renewed after its expiration date.

27 ••87b0314/5••SECTION 1693du. 94.706 (title) of the statutes is repealed.

1 ••87b0314/5••SECTION 1693dz. 94.706 (1) of the statutes is renumbered
2 94.705 (5), and 94.705 (5) (intro.), as renumbered, is amended to read:

3 94.705 (5) PRIVATE APPLICATORS. (intro.) ~~Resident~~ The department shall
4 certify resident private applicators ~~shall be certified~~ to use restricted-use
5 pesticides ~~under one of the options specified under pars. (a) to (d).~~ in any
6 of the following ways, as it deems appropriate:

7 ••87b1322/1 •• 87b1754/2••SECTION 1693ed. 97.01 (16) of the statutes is
8 amended to read:

9 97.01 (16) "Whey cream" means that portion of whey rich in milk fat which
10 is separated from whey by centrifugal force, is fresh and clean and contains
11 not less than ~~18%~~ 30% of milk fat.

12 SECTION 1693eg. 97.17 (4) of the statutes is amended to read:

13 97.17 (4) Each application for a license shall be accompanied by a fee of
14 ~~\$20~~ \$30 payable to the department and no license may be issued until the fee
15 is paid. In case license is refused, the fee shall be returned by the
16 department to the applicant with notification of refusal.

17 SECTION 1693em. 97.175 (2) of the statutes is amended to read:

18 97.175 (2) No person may act as a butter grader or a cheese grader without
19 a license granted by the department. A person desiring a license shall apply
20 on a form furnished by the department and shall pay to the department a fee of
21 ~~\$25~~ \$30. Prior to issuing a license, the department shall require the appli-
22 cant to demonstrate his or her competence to act as a butter grader or a
23 cheese grader in a manner determined by the department. A license expires on
24 September 30 of the 2nd year commencing after the date of issuance.

25 SECTION 1693eo. 97.20 (1) (a) of the statutes is amended to read:

26 97.20 (1) (a) "Dairy plant" means any premises where a dairy product is
27 manufactured or processed for commercial purposes and shall include a receiv-
28 ing or transfer station, ~~and a grade A dairy plant.~~

1 SECTION 1693er. 97.22 (2) of the statutes is amended to read:

2 97.22 (2) No person shall engage as a grade A milk distributor without a
3 license therefor from the department. Such license shall expire annually on
4 July 31. The license fee shall be ~~\$50~~ \$70, which shall accompany each appli-
5 cation for license and shall be retained whether or not a license is issued.
6 No license ~~shall be~~ is transferable. If the department conducts a reinspec-
7 tion of any facility used by a person licensed under this section due to any
8 violation of any state or federal law which the department determines in a
9 regularly scheduled inspection of that facility, the department shall charge
10 the holder of that license \$35 for that reinspection.

11 SECTION 1693fg. 97.24 (title) of the statutes is amended to read:

12 97.24 (title) MILK AND MILK PRODUCTS.

13 SECTION 1693fi. 97.24 (1) (intro.) of the statutes is amended to read:

14 97.24 (1) DEFINITIONS. (intro.) ~~The following definitions shall apply~~
15 ~~to the interpretation and enforcement of~~ In this section:

16 SECTION 1693fk. 97.24 (1) (a) of the statutes is renumbered 97.24 (1)
17 (am) and amended to read:

18 97.24 (1) (am) ~~Dairy plant is a grade A dairy plant as defined "Dairy~~
19 plant" has the meaning given in s. 97.20 (1) (e) (a).

20 SECTION 1693fm. 97.24 (1) (a) of the statutes is created to read:

21 97.24 (1) (a) "Dairy farm" means any place where one or more cows or
22 goats are kept for the production of milk.

23 SECTION 1693fo. 97.24 (1) (ar) of the statutes is created to read:

24 97.24 (1) (ar) "Fluid milk product" means cream, sour cream, half and
25 half, whipped cream, concentrated milk, concentrated milk products, skim milk,
26 flavored milk, buttermilk, cultured buttermilk, cultured milk, vitamin and
27 mineral fortified milk or milk products, and any other product made by adding
28 any substance to milk or any of these products.

1 SECTION 1693fq. 97.24 (1) (b) of the statutes is amended to read:

2 97.24 (1) (b) ~~Grade A milk is~~ "Grade A milk" means milk which is
3 produced, processed and distributed ~~as required by this section and the rules~~
4 ~~issued thereunder. It shall be interpreted to include goat milk in compliance~~
5 with grade A standards established by the department by rule under this
6 chapter.

7 SECTION 1693fs. 97.24 (1) (c) of the statutes is repealed and recreated
8 to read:

9 97.24 (1) (c) "Grade A milk product" means a fluid milk product which is
10 produced, processed and distributed in compliance with grade A standards
11 established by the department by rule under this chapter.

12 SECTION 1693fu. 97.24 (1) (cm) of the statutes is created to read:

13 97.24 (1) (cm) "Milk" means the lacteal secretion of cows or goats, and
14 includes skim milk and cream.

15 SECTION 1693fw. 97.24 (1) (d) of the statutes is amended to read:

16 97.24 (1) (d) ~~Milk distributor is~~ "Milk distributor" means a grade A milk
17 distributor as defined in s. 97.22.

18 SECTION 1693fz. 97.24 (1) (e) of the statutes is amended to read:

19 97.24 (1) (e) ~~Milk hauler is~~ "Milk hauler" means any person, other than a
20 milk producer hauling his or her own milk only, who transports ~~grade A~~ milk or
21 ~~grade A fluid~~ milk products to or from a dairy plant or a collecting point.

22 SECTION 1693gg. 97.24 (1) (f) of the statutes is amended to read:

23 97.24 (1) (f) ~~Milk producer is~~ "Milk producer" means any person who owns
24 ~~or controls one or more cows, a part or all of the milk or milk products from~~
25 ~~which is sold as grade A milk or grade A milk products~~ operates a dairy farm,
26 and sells or distributes milk produced on that dairy farm.

27 SECTION 1693gi. 97.24 (2) of the statutes is repealed and recreated to
28 read:

313 → 1 97.24 (2) REQUIREMENTS FOR MILK AND FLUID MILK PRODUCTS; GRADE A
2 REQUIREMENT. (a) No person may sell or distribute any milk unless that milk
3 is produced, processed and distributed in compliance with standards estab-
4 lished by the department by rule under this chapter.

5 (b) No person may sell or distribute any milk or fluid milk products
6 which are not grade A milk or grade A milk products to consumers, or to any
7 restaurant, institution or retailer for consumption or resale to consumers.
8 Grade A milk and grade A milk products shall be effectively pasteurized, and
9 shall be produced, processed and distributed in compliance with standards
10 established by the department by rule under this chapter.

11 (c) No person may sell or distribute milk or fluid milk products which
12 are labeled or otherwise represented as grade A milk or grade A milk products
13 unless the milk and fluid milk products comply with this chapter and with
14 standards established by the department by rule under this chapter.

15 (d) This section does not prohibit:

16 1. The sale of milk or fluid milk products which are heat sterilized in
17 hermetically sealed containers.

18 2. Incidental sales of milk directly to consumers at the dairy farm where
19 the milk is produced.

20 3. Incidental sales of pasteurized milk at a dairy plant licensed under
21 s. 97.20.

22 4. The sale of grade A milk or grade A milk products which are produced
23 and processed under equivalent laws or rules of another state or a local
24 governmental unit, as provided under sub. (6) (b).

25 SECTION 1693gk. 97.24 (3) of the statutes is amended to read:

26 97.24 (3) PERMITS. Every milk producer and milk hauler shall secure a
27 ~~grade-A~~ permit from the department unless he or she is the holder of a valid
28 "~~Grade-A permit~~" issued by a governmental unit ~~referred to in~~ under sub. (6).

1 Only a person who complies with the requirements of this section and the rules
2 ~~issued promulgated thereunder shall be entitled to~~ may receive and retain such
3 a permit. ~~Applications~~ An application for a permit under this subsection
4 shall be on a form prescribed and furnished by the department. ~~A~~ The depart-
5 ment shall require a separate milk producer permit ~~shall be required~~ for each
6 dairy farm location. ~~Permits shall~~ A permit under this subsection is not be
7 transferable with respect to persons or locations. Dairy plants and milk
8 distributors shall secure license authority under ss. 97.20 and 97.22,
9 respectively.

10 SECTION 1693gm. 97.24 (4) of the statutes is amended to read:

11 97.24 (4) RULES. The department, in consultation with the department of
12 health and social services, shall issue rules governing the production,
13 transportation, processing, pasteurization, handling, identity, sampling,
14 examination, labeling and sale of ~~grade A~~ milk and ~~grade A~~ fluid milk
15 products; the inspection of dairy herds, dairy farms and dairy plants; the
16 issuing and revocation of permits to milk producers and milk haulers, and of
17 licenses to dairy plants and milk distributors. Insofar as permitted by the
18 laws of this state, such rules shall be in reasonable accord with the minimum
19 standards and requirements for milk and fluid milk products currently recom-
20 mended and published by the U.S. public health service as a milk ordinance and
21 code, except that the requirements for bottling and sterilization of bottles
22 in such standards shall not apply to milk sold by a producer, selling only
23 milk produced by the producer on the producer's dairy farm under the
24 producer's own supervision, and selling such milk only in the producer's own
25 milk house, which milk meets the requirements of grade A standards as set
26 forth by the department of agriculture, trade and consumer protection, to a
27 purchaser who has provided his or her own container, which has been sanitized
28 in a manner comparable to the sanitizing of the utensils used in the produc-

1 tion of milk by the producer, if the purchaser is purchasing milk for his or
2 her own consumption.

3 SECTION 1693gq. 97.24 (4m) of the statutes is created to read:

4 97.24 (4m) INSPECTIONS. The department shall, at least once annually,
5 conduct an inspection of every dairy farm which does not produce grade A milk.

6 SECTION 1693gs. 97.24 (5) (a) of the statutes is renumbered 97.24 (5) (a)
7 (intro.) and amended to read:

8 97.24 (5) (a) Generally. (intro.) The department shall collect from
9 every dairy plant the following uniform fees for the inspection and certifi-
10 cation of ~~grade A milk and milk products and grade A~~ ~~that~~ dairy farms and
11 plants. ~~plant and any dairy receiving station, transfer station and dairy~~
12 farm serving that dairy plant:

13 SECTION 1693gu. 97.24 (5) (a) 1 to 6 of the statutes are created to read:

14 97.24 (5) (a) 1. For each grade A dairy plant, as defined in s. 97.20
15 (1) (c), \$545. If the department conducts a reinspection of any grade A dairy
16 plant certified under this subdivision due to any violation of any federal or
17 state law which the department determines in a regularly scheduled inspection
18 of that grade A dairy plant, the department shall charge that grade A dairy
19 plant \$135 for that reinspection.

20 2. For each dairy receiving station, as defined in s. 97.20 (1) (d),
21 \$255. If the department conducts a reinspection of any dairy receiving sta-
22 tion certified under this subdivision due to any violation of any federal or
23 state law which the department determines in a regularly scheduled inspection
24 of that dairy receiving station, the department shall charge the dairy plant
25 served by the dairy receiving station \$65 for that reinspection.

26 3. For each dairy transfer station, as defined in s. 97.20 (1) (d), \$125.
27 If the department conducts a reinspection of any dairy transfer station
28 certified under this subdivision due to any violation of any federal or state

1 law which the department determines in a regularly scheduled inspection of
2 that dairy transfer station, the department shall charge the dairy plant
3 served by the dairy transfer station \$65 for that reinspection.

4 4. For each dairy plant which is not a grade A dairy plant, \$225. If the
5 department conducts a reinspection of any such dairy plant certified under
6 this subdivision due to any violation of any federal or state law which the
7 department determines in a regularly scheduled inspection of that dairy plant,
8 the department shall charge that dairy plant \$115 for that reinspection.

9 5. For each dairy farm serving a grade A dairy plant, \$35. If the
10 department conducts a reinspection of any such dairy farm certified under this
11 subdivision due to any violation of any federal or state law which the
12 department determines in a regularly scheduled inspection of that dairy farm,
13 the department shall charge the dairy plant \$20 for that reinspection.

14 6. For each dairy farm which serves a dairy plant which is not a grade A
15 dairy plant, \$22. If the department conducts a reinspection of any such dairy
16 farm certified under this subdivision due to any violation of any federal or
17 state law which the department determines in a regularly scheduled inspection
18 of that dairy farm, the department shall charge that dairy plant \$22 for that
19 reinspection.

20 SECTION 1693gv. 97.24 (5) (b) of the statutes is repealed.

21 SECTION 1693gw. 97.24 (5) (c) (title) of the statutes is amended to read:
22 97.24 (5) (c) (title) Milk producers.

23 SECTION 1693gx. 97.24 (5) (c) of the statutes is renumbered 97.24 (5) (c)
24 1 and amended to read:

25 97.24 (5) (c) 1. A Any milk producer who produces grade A milk and who
26 does not sell or deliver that milk to a dairy plant licensed under s. 97.20
27 shall pay ~~the \$20~~ a \$35 dairy farm inspection fee on or before April 30 each
28 year, unless the fee is paid by the out-of-state dairy plant receiving the

1 milk. ~~A producer regularly pasteurizing and selling any milk to consumers at~~
2 ~~the farm, and who is not licensed as a dairy plant shall pay an additional~~
3 ~~equipment and product inspection fee of \$50 annually.~~

4 SECTION 1693gy. 97.24 (5) (c) 2 of the statutes is created to read:

5 97.24 (5) (c) 2. Any milk producer who produces milk which is not grade A
6 milk and who does not sell or deliver that milk to a dairy plant licensed
7 under s. 97.20 shall pay a \$22 dairy farm inspection fee on or before April 30
8 each year, unless the fee is paid by the out-of-state dairy plant receiving
9 the milk.

10 SECTION 1693gym. 97.24 (5) (c) 3 of the statutes is created to read:

11 97.24 (5) (c) 3. Any milk producer who regularly pasteurizes and sells
12 any milk or fluid milk product to consumers at his or her dairy farm, and who
13 is not licensed as a dairy plant shall pay an additional equipment and product
14 inspection fee of \$50 annually.

15 SECTION 1693gz. 97.24 (5m) of the statutes is created to read:

16 97.24 (5m) INSPECTOR CERTIFICATION PROGRAM. The department may authorize
17 any dairy plant employe to inspect a dairy farm which does not produce grade A
18 milk for certification under sub. (5) (a) 6 if that dairy plant employe is
19 certified by the department under a procedure established by the department by
20 rule.

21 SECTION 1693hb. 97.24 (6) of the statutes is amended to read:

22 97.24 (6) LEGISLATIVE PURPOSE; UNIFORMITY; RECIPROCITY. (a) Regulation
23 of the production, processing and distribution of ~~grade A~~ milk and ~~grade A~~
24 fluid milk products under minimum sanitary requirements which are uniform
25 throughout ~~the~~ this state and the United States is essential for the pro-
26 tection of consumers and the economic well-being of the dairy industry, and is
27 therefore a matter of ~~state-wide~~ statewide concern; however, nothing in this
28 section shall impair or abridge the power of any municipality or county to

1 regulate milk or fluid milk products under sanitary requirements and standards
2 which are in reasonable accord with those ~~issued~~ established under this
3 section or the power to impose reasonable license permit and inspection fees
4 which combined shall not exceed the cost of necessary inspection. A municipi-
5 pality or county shall may not impose fees any fee for its inspection of milk
6 producers, dairy plant facilities or dairy products which are under the
7 inspection supervision of another governmental unit within or without the
8 state with a valid certification rating made or approved by the department of
9 health and social services. No governmental unit shall may impose or collect
10 a fee directly from the producer. A license or permit fee not to exceed \$25
11 annually may be imposed on milk distributors licensed under s. 97.22 and on
12 dairy plants under the inspection supervision of another governmental unit
13 which are engaged in the distribution of milk within a municipality or county.

14 (b) No sanitary requirement or standard ~~issued~~ established under this
15 section or contained in any ordinance shall may prohibit the sale of ~~grade-A~~
16 milk or ~~grade-A~~ fluid milk products which are produced and processed under
17 laws or rules of any governmental unit, within or without this state, which
18 are substantially equivalent to the requirements of the rules ~~issued~~ promul-
19 gated under this section, and which are enforced with equal effectiveness, as
20 determined by a milk sanitation rating made or approved by the department of
21 health and social services, ~~in accordance with the~~ under rules ~~issued~~ promul-
22 gated under this section.

23 SECTION 1693hd. 97.26 (2) of the statutes is amended to read:

24 97.26 (2) An applicant for a license under this section shall complete
25 the application prepared by the department or a village, city or county
26 granted agent status under s. 97.41, and provide, in writing, any additional
27 information the department or city or county issuing the license requires. If
28 the license is issued by the department, the application shall be accompanied

1 by a fee of \$10 ~~\$25~~ which shall be retained by the state whether or not a
2 license is issued. If the department conducts a reinspection of any premises
3 used by a person licensed under this subsection due to any violation of any
4 federal or state law which the department determines in a regularly scheduled
5 inspection of that premises, the department shall charge the holder of that
6 license \$25 for that reinspection.

7 SECTION 1693he. 97.28 (2m) (e) of the statutes is amended to read:

8 97.28 (2m) (e) A charitable organization that receives distressed food
9 for the purpose of salvaging it for use as food. For the purposes of this
10 section, "charitable organization" ~~has the meaning specified in s. 71.04 (5)~~
11 (d) 2 means an organization the contributions to which are deductible by cor-
12 porations in computing net income under s. 71.02 (1) (c) (intro.).

13 SECTION 1693hf. 97.28 (3) (a) of the statutes is amended to read:

14 97.28 (3) (a) An applicant for a license under this section shall com-
15 plete the application prepared by the department or the village, city or
16 county granted agent status under s. 97.41 and provide, in writing, any addi-
17 tional information the department or village, city or county issuing the
18 license requires. If the license is issued by the department, the application
19 shall be accompanied by a graduated fee, which shall be retained whether or
20 not a license is issued. The fee shall be based on the dollar volume of
21 output for the preceding license year, as follows: For less than \$100,000, a
22 fee of ~~\$20~~ \$35; for \$100,000 or more but less than \$250,000, a fee of ~~\$40~~ \$50;
23 and for \$250,000 or more, a fee of ~~\$60~~ \$75. Dollar volume of output shall be
24 determined by gross sales of product processed plus inventory value of any
25 portion of the product not sold. If the department conducts a reinspection of
26 any plant used by a person licensed under this paragraph due to any violation
27 of any federal or state law which the department determines in a regularly
28 scheduled inspection of that plant, the department shall charge for that

1 reinspection the holder of a license for output of less than \$100,000, \$35; of
2 a license for output of \$100,000 or more but less than \$250,000, \$50; and of a
3 license for output of \$250,000 or more, \$75.

4 SECTION 1693hi. 97.34 (5) of the statutes is amended to read:

5 97.34 (5) Each application shall be accompanied by a fee of ~~\$50~~ \$60 pay-
6 able to the department, and no license shall be issued until such fee is so
7 paid. In case license is refused, the fee accompanying the application shall
8 be returned by the department to the applicant with notification of refusal.
9 If the department conducts a reinspection of any facility used by a person
10 licensed under this subsection due to any violation of any federal or state
11 law which the department determines in a regularly scheduled inspection of
12 that facility, the department shall charge the holder of that license \$55 for
13 that reinspection.

14 SECTION 1693hk. 97.40 (1) of the statutes is amended to read:

15 97.40 (1) An applicant for a license to operate a bakery or a confec-
16 tionary shall complete the application prepared by the department or a
17 village, city or county granted agent status under s. 97.41 and provide, in
18 writing, any additional information the department or village, city or county
19 issuing the license requires. If the license is issued by the department, the
20 application shall be accompanied by a graduated fee based on dollar volume of
21 output for the preceding licensing year, as follows: For less than \$50,000, a
22 fee of ~~\$20~~ \$35; for \$50,000 or more but less than \$150,000, a fee of ~~\$40~~ \$50;
23 and for \$150,000 or more, a fee of ~~\$60~~ \$75. Dollar volume of output shall be
24 determined by gross sales of product processed plus inventory value of any
25 portion of the product not sold. Fees applicable to bakeries and
26 confectionaries not operated during the preceding licensing year shall be
27 determined in the manner prescribed for food processing plants under s. 97.28
28 (3) (b). If the department conducts a reinspection of any facility used by a

1 person licensed under this subsection due to any violation of any federal or
2 state law which the department determines in a regularly scheduled inspection
3 of that facility, the department shall charge for that reinspection the holder
4 of a license for output of less than \$50,000, \$35; of a license for output of
5 \$50,000 or more but less than \$150,000, \$50; and of a license for \$150,000 or
6 more, \$75.

7 ••87b1457/2 •• 87b1990/en••SECTION 1693hL. 97.41 (title), (1), (5) and
8 (8) of the statutes are amended to read:

9 97.41 (title) RETAIL FOOD: AGENT STATUS FOR VILLAGES, CITIES AND
10 COUNTIES. (1) In the administration of this chapter, the department may
11 enter into a written agreement with a village, city or county, if the village,
12 city or county has a population greater than 5,000, which designates the
13 village, city or county as its agent for issuing licenses to and making
14 investigations or inspections of counter freezers under s. 97.26, retail food
15 processing plants as defined in s. 97.28 (2) (b), bakeries as defined in s.
16 97.36, and confectionaries as defined in s. 97.38. When the designation is
17 made, no license other than the license issued by the village, city or county
18 under this section may be required by the department, the village, the city or
19 the county for the same operations. The department shall coordinate the
20 designation of agents under this section with the department of health and
21 social services to ensure that, to the extent feasible, the village, same city
22 and county agencies are granted agent status under this section and under s.
23 50.535 (2). Except as otherwise provided by the department, a village, city
24 or county granted agent status shall regulate all types of establishments for
25 which this subsection permits the department to delegate regulatory authority.
26 No village or city may be designated on or after the effective date of this
27 subsection [revisor inserts date], as an agent under this subsection if
28 the county in which the village or city is located is designated as an agent.

1 If a county is designated before, on or after the effective date of this sub-
2 section [revisor inserts date], as an agent under this subsection, the
3 designation only applies to those cities, villages and towns in the county
4 which are not designated as an agent under this subsection.

5 (5) The department shall establish state fees for its costs related to
6 setting standards for counter freezers, retail food processors, bakeries and
7 confectionaries, setting standards for agents under this section and monitor-
8 ing and evaluating the activities of, and providing education and training to,
9 agent villages, cities and counties. Agent villages, cities and counties
10 shall include the state fees in the license fees established under sub. (4)
11 (a), collect the state fees and reimburse the department for the state fees
12 collected. For each type of establishment, the state fee may not exceed 20%
13 of the license fees charged under ss. 97.26 (2), 97.28 (3) and 97.40 (1) in
14 villages, cities and counties where the department issues licenses.

15 (8) This section does not limit the authority of the department to
16 inspect establishments in villages, cities and counties where agent status is
17 granted if it inspects in response to an emergency, for the purpose of moni-
18 toring and evaluating the village's, city's or county's licensing, inspection
19 and enforcement program or at the request of the village, city or county.

20 SECTION 1693hm. 98.145 (2) of the statutes is amended to read:

21 98.145 (2) No person may engage as a tester of milk or cream to determine
22 its value for payment or for the purpose of official inspection or for records
23 of dairy production for the purposes described above unless the person holds a
24 license issued by the department; but no such license is required of a
25 licensed cheesemaker or buttermaker. The license shall expire biennially on
26 October 31 of the 2nd year commencing after the date of issuance or renewal.
27 Each application for milk tester license or renewal thereof shall be accompa-
28 nied by a fee of ~~\$20~~ \$50. Each application shall be made upon forms provided

1 by the department. If the department conducts a reinspection of any milk or
2 cream tested by a person licensed under this subsection due to any violation
3 of any federal or state law which the department determines in a regularly
4 scheduled inspection of milk or cream tested by that person, the department
5 shall charge that person \$25 for that reinspection.

6 SECTION 1693ho. 98.146 (2) of the statutes is amended to read:

7 98.146 (2) Each application for a license under this section or license
8 renewal shall be made on forms provided by the department and shall be accom-
9 panied by a fee of ~~\$20~~ \$30. The license shall expire biennially on September
10 30 of the 2nd year commencing after the date of issuance or renewal. The
11 applicant shall not have an arrest or conviction record, subject to ss.
12 111.321, 111.322 and 111.335, and shall give proof of ability to engage in
13 such weighing and sampling to the satisfaction of the department by satisfac-
14 torily passing a written examination pertaining to such activities. Any
15 person holding a tester's license under s. 98.145, or who is engaged in
16 weighing and sampling milk in bulk tanks, either as an employe of a purchaser
17 or receiver of milk in bulk tanks, or as the owner of a bulk tank truck and
18 route, on August 21, 1957, shall be licensed under this section without
19 examination if the person satisfies the department that he or she is qualified
20 for the license. If the department conducts a reinspection of any measurement
21 by a person licensed under this subsection due to any violation of any federal
22 or state law which the department determines in a regularly scheduled inspec-
23 tion of that measurement, the department shall charge the holder of that
24 license \$30 for that reinspection.

25 SECTION 1693hq. 99.02 (3) (d) of the statutes is created to read:

26 99.02 (3) (d) If the department conducts a reinspection of any warehouse
27 operated by a person licensed under this section due to any violation of any
28 federal or state law which the department determines in a regularly scheduled

1 inspection of that warehouse, the department shall charge for that reinspec-
2 tion the holder of a license under par. (a) 1, \$50; of a license under par.
3 (a) 2, \$100; of a license under par. (a) 3, \$150; of a license under par. (a)
4 4, \$200; and of a license under par. (a) 5, \$250.

5 SECTION 1693hs. 99.20 (3) (a) to (e) of the statutes are amended to read:

6 99.20 (3) (a) For a Class 1 cold storage warehouse license, ~~\$10~~ \$20.

7 (b) For a Class 2 cold storage warehouse license, ~~\$15~~ \$40.

8 (c) For a Class 3 cold storage warehouse license, ~~\$25~~ \$60.

9 (d) For a Class 4 cold storage warehouse license, ~~\$50~~ \$80.

10 (e) For a Class 5 cold storage warehouse license, ~~\$75~~ \$100.

11 SECTION 1693ht. 99.20 (3m) of the statutes is created to read:

12 99.20 (3m) If the department conducts a reinspection of any warehouse
13 operated by a person licensed under this section due to any violation of any
14 federal or state law which the department determines in a regularly scheduled
15 inspection of that warehouse, the department shall charge for that reinspec-
16 tion the holder of a license under sub. (3) (a), \$20; of a license under sub.
17 (3) (b), \$40; of a license under sub. (3) (c), \$60; of a license under sub.
18 (3) (d), \$80; and of a license under sub. (3) (e), \$100.

19 SECTION 1693hu. 99.30 of the statutes is amended to read:

20 99.30 LOCKER PLANT AND PROCESSOR'S LICENSES. No person may maintain or
21 operate a locker plant or branch locker plant or operate as a processor with-
22 out a license issued by the department. A separate license is required for
23 each location. If the processor also operates a locker plant at the place
24 where the processing occurs, only one license is required for the single
25 location. Any person desiring a license shall apply in writing to the
26 department, stating the location of the locker plant, branch locker plant or
27 processor. The department shall examine the locker plant, branch locker plant
28 or processor, and if it is found by the department to be in a proper sanitary

1 condition and otherwise properly equipped for its intended use in accordance
2 with law and the rules promulgated thereunder, the department shall issue a
3 license authorizing the applicant to operate the plant as a locker plant,
4 branch locker plant or processor upon payment to the department of a license
5 fee of ~~\$20~~ \$60. Examinations and inspections may be made at the convenience
6 of the department upon receipt of a license renewal application and need not
7 be completed before the license is issued. No licensee under this section may
8 be required to obtain a cold storage license under s. 99.20. Licenses issued
9 under this section shall expire annually on October 31. If the department
10 conducts a reinspection of any locker plant operated by a person licensed
11 under this section due to any violation of any federal or state law which the
12 department determines in a regularly scheduled inspection of that locker
13 plant, the department shall charge the holder of that license \$60 for that
14 reinspection.

15 ••87b0397/2••SECTION 1702m. 101.02 (17) of the statutes is created to
16 read:

17 101.02 (17) To refuse to provide certifications for employes under the
18 targeted jobs tax credit program, under section 51 (d) (16) of the internal
19 revenue code, to employers involved in a labor dispute as defined in s. 111.02
20 (9).

21 ••87b0398/1••SECTION 1704m. 101.27 (1) (b) of the statutes, as created by
22 1985 Wisconsin Act 153, is amended to read:

23 101.27 (1) (b) "Farmer" means an adult ~~who has an ownership interest in~~
24 ~~farm premises and~~ whose primary employment is the operation of those farm
25 premises.

26 ••87-0747/3••SECTION 1706. 101.28 (3) of the statutes is created to read:

1 101.28 (3) A state agency, as defined in s. 20.001 (1), or an authority
2 under ch. 231, 233 or 234 shall notify the department of development if it
3 makes a loan or grant to a company.

4 ••87b0189/2••SECTION 1707m. 101.29 of the statutes is created to read:

5 101.29 LOCAL LABOR MARKET INFORMATION. (1) The department shall collect
6 information concerning local labor markets and periodically prepare reports
7 dealing with labor forces at a local level in this state for general
8 circulation.

9 (2) The collection and distribution of local labor market information
10 under sub. (1) shall be funded only from the appropriations under s. 20.445
11 (1) (m), (ma) and (n).

12 ••87b0214/2••SECTION 1707r. 101.573 (2) of the statutes is repealed.

13 ••87-2099/5••SECTION 1708. 101.573 (3) (a) of the statutes is amended to
14 read:

15 101.573 (3) (a) On or before May 1 in each year, the department shall
16 compile the fire department dues paid by all insurers under s. 601.93 and the
17 dues paid by the state fire fund under sub. (1) and funds remaining under par.
18 (b), withhold .5% and certify to the state treasurer the proper amount to be
19 paid from the appropriation under s. 20.445 (1) (L) to each city, village or
20 town entitled to fire department dues under s. 101.575 ~~to the state treasurer.~~
21 ~~The. Annually, on or before August 1, the state treasurer shall pay the~~
22 amounts certified by the department to the cities, villages and towns eligible
23 under s. 101.575 ~~on or before August 1 in each year.~~

24 ••87-0856/1••SECTION 1710. 102.75 (3) of the statutes is repealed.

25 ••87b0808/2 •• 87b1226/2••SECTION 1710ae. 103.02 of the statutes is
26 amended to read:

27 103.02 HOURS OF LABOR. No person may be employed or be permitted to work
28 in any place of employment or at any employment for such period of time during

1 any day, night or week, as is dangerous or prejudicial to the person's life,
2 health, safety or welfare. The department shall investigate, ascertain,
3 determine and fix such reasonable classification, and promulgate rules fixing
4 a period of time, or hours of beginning and ending work during any day, night
5 or week, which shall be necessary to protect the life, health, safety or wel-
6 fare of any person, or to carry out the purposes of ss. 103.01 to 103.03. The
7 department shall, by rule, classify such periods of time into periods to be
8 paid for at regular rates and periods to be paid for at the rate of at least
9 one and one-half times the regular rates. Such investigations, classifi-
10 cations and orders shall be made pursuant to the proceeding in ss. 101.01 to
11 101.25 which are hereby made a part hereof, so far as not inconsistent with
12 ss. 103.01 to 103.03, and every order of the department shall have the same
13 force and effect as the orders issued under ss. 101.01 to 101.25 and the pen-
14 alties therein shall apply to and be imposed for any violation of ss. 103.01
15 to 103.03. Section 103.89 applies to investigations under this section. Such
16 orders shall be subject to review in the manner provided in ch. 227.

17 ••87b0808/2 •• 87b1226/2••SECTION 1710ag. 103.49 (5) of the statutes is
18 amended to read:

19 103.49 (5) It shall be the duty of the department to enforce this
20 section. To this end it may demand, and it shall be the duty of every con-
21 tractor and subcontractor to furnish to the department, copies of any or all
22 payrolls and may examine all records relating to the wages paid laborers,
23 workmen, or mechanics on work to which this section is applicable. Section
24 103.89 applies to any enforcement proceedings under this section.

25 ••87b0808/2 •• 87b1226/2••SECTION 1710ak. 103.82 (4) of the statutes is
26 created to read:

27 103.82 (4) Section 103.89 applies to actions or proceedings under this
28 section.

1 ••87b0808/2 •• 87b1226/2••SECTION 1710am. 103.89 of the statutes is
2 created to read:

3 103.89 EMPLOYE PROTECTION. (1) DEFINITIONS. In this section:

4 (a) "Disciplinary action" means any action taken with respect to an
5 employe which has the effect, in whole or in part, of a penalty, including but
6 not limited to any of the following:

7 1. Dismissal, demotion, transfer, removal of any duty assigned to the
8 employe's position, refusal to restore, suspension, reprimand, verbal or
9 physical harassment or reduction in base pay.

10 2. Denial of education or training, if the education or training may
11 reasonably be expected to lead to an appointment, promotion, performance
12 evaluation or other personnel action.

13 3. Reassignment.

14 4. Failure to increase base pay, except with respect to the determination
15 of a discretionary performance award.

16 (b) "Employee" has the meaning given in s. 101.01 (2) (a).

17 (c) "Employer" has the meaning given in s. 101.01 (2) (b).

18 (d) "Retaliatory action" means disciplinary action taken because of any
19 of the following:

20 1. The employe files a complaint or attempts to enforce any right under
21 s. 103.82 (1) (b) or 104.12 or ch. 109.

22 2. The employe testified or assisted or will testify or assist in any
23 action or proceeding held under or to enforce ss. 66.293, 103.02, 103.49,
24 103.82 or 104.12 or ch. 109.

25 3. The employer believes the employe engaged in any activity described in
26 subds. 1 or 2.

1 (2) RETALIATORY ACTION PROHIBITED. (a) No employer may initiate or
2 administer, or threaten to initiate or administer, any retaliatory action
3 against an employe.

4 (b) Nothing in this section restricts the right of an employer to take
5 appropriate disciplinary action against an employe who knowingly makes an
6 untrue statement.

7 (3) ENFORCEMENT. (a) An employe who believes that an employer has ini-
8 tiated or administered, or threatened to initiate or administer, a retaliatory
9 action against that employe in violation of sub. (2) may file a written com-
10 plaint with the department, specifying the nature of the retaliatory action or
11 threat thereof and requesting relief, within 60 days after the retaliatory
12 action allegedly occurred or was threatened or after the employe learned of
13 the retaliatory action or threat thereof, whichever occurs last.

14 (b) The department shall receive and investigate any complaint under par.
15 (a). In the course of investigating or otherwise processing such a complaint,
16 the department may require that an interview with any employe, except a man-
17 agement or supervisory employe who is immediately involved in the subject
18 matter of the complaint, be conducted outside the presence of the employer
19 unless the employe voluntarily requests that presence. An employer shall
20 permit an employe to be interviewed without loss of pay and to have an employe
21 representative, if any, present at the interview. The employer of an employe
22 to be interviewed may require the department to give the employer reasonable
23 notice prior to the interview. If the department finds probable cause to
24 believe that a retaliatory action has occurred or was threatened, it may
25 endeavor to remedy the problem through conference, conciliation or persuasion.
26 If that endeavor is not successful, the department shall issue and serve a
27 written notice of hearing, specifying the nature of the retaliatory action
28 which has occurred or was threatened, and requiring the employer to answer the

1 complaint at a hearing. The notice shall specify the place of hearing and a
2 time of hearing not less than 30 days after service of the complaint upon the
3 employer nor less than 10 days after service of the notice of hearing. If,
4 however, the department determines that an emergency exists with respect to a
5 complaint, the notice of hearing may specify a time of hearing within 30 days
6 after service of the complaint upon the employer, but not less than 10 days
7 after service of the notice of hearing. The testimony at the hearing shall be
8 recorded or taken down by a reporter appointed by the department.

9 (c) 1. After hearing, the department shall make written findings and
10 orders. If the department finds the employer engaged in or threatened a
11 retaliatory action, it shall order the employer to insert a copy of the find-
12 ings and orders into the employe's personnel file, if any. In addition, the
13 department may take any other appropriate action, including but not limited to
14 the following:

15 a. Order reinstatement or restoration of the employe to his or her pre-
16 vious position with or without back pay.

17 b. Order transfer of the employe to an available position for which the
18 employe is qualified.

19 c. Order expungement of adverse material relating to the retaliatory
20 action or threat from the employe's personnel file.

21 d. Order payment of the employe's reasonable attorney fees by the
22 employer.

23 2. If, after hearing, the department finds that the employer did not
24 engage in or threaten a retaliatory action it shall order the complaint
25 dismissed. The department shall order the employer to insert a copy of the
26 findings and orders into the employe's personnel file, if any. If the
27 department finds by unanimous vote that the employe filed a frivolous com-
28 plaint it may order payment of the employer's reasonable actual attorney fees

1 and actual costs. Payment may be assessed against either the employe or the
2 employe's attorney, or assessed so that the employe and the employe's attorney
3 each pay a portion. To find a complaint frivolous the department must find
4 that either s. 814.025 (3) (a) or (b) applies or that both s. 814.025 (3) (a)
5 and (b) apply.

6 3. Pending final determination by the department of any complaint under
7 this section, the department may make interlocutory orders.

8 4. Interim earnings or amounts earnable with reasonable diligence by an
9 employe subjected to the retaliatory action or threat shall reduce back pay
10 otherwise allowable. Amounts received by the employe as unemployment benefits
11 or welfare payments do not reduce the back pay otherwise allowable, but shall
12 be withheld from the employe and immediately paid to the unemployment reserve
13 fund or to the welfare agency making the payment.

14 (d) The department shall serve a certified copy of the findings and order
15 on the employer.

16 (e) 1. If an employer does not comply with any lawful order by the
17 department, for each such failure the employer shall forfeit a sum of not less
18 than \$10 nor more than \$100. Every day during which an employer fails to
19 comply with any order of the department constitutes a separate violation of
20 that order.

21 2. As an alternative to subd. 1, the department may enforce an order by a
22 suit in equity.

23 (f) If a disciplinary action occurs or is threatened within one year of
24 an employe taking an action specified under sub. (1) (d) 1 or 2, the disci-
25 plinary action is presumed to be a retaliatory action or threat of retaliatory
26 action. The employer may rebut the presumption by a preponderance of the
27 evidence that the disciplinary action or threat was not a retaliatory action
28 or a threat of retaliatory action.

1 (g) Findings and orders of the department under this section are subject
2 to judicial review under ch. 227.

3 ••87b0433/2••SECTION 1710b. 104.01 (1) of the statutes is renumbered
4 104.01 (1m).

5 ••87b0433/2••SECTION 1710c. 104.01 (1) of the statutes is created to
6 read:

7 104.01 (1) "Agricultural employe" means an employe working on farm prem-
8 ises as described in s. 102.04 (3).

9 ••87b0433/2••SECTION 1710d. 104.01 (3m) of the statutes is created to
10 read:

11 104.01 (3m) "Federal minimum hourly wage" means the applicable amount
12 specified under 29 USC 206 (a) (1) without regard to any restrictions under 29
13 USC 203 (s) or exemptions under 29 USC 213 (a).

14 ••87b0433/2••SECTION 1710e. 104.01 (5) of the statutes is amended to
15 read:

16 104.01 (5) ~~The term "living wage" shall mean~~ "Living wage" means compen-
17 sation for labor paid, whether by time, piecework or otherwise, sufficient to
18 enable the employe receiving it to maintain himself or herself under condi-
19 tions consistent with his or her welfare.

20 ••87b0433/2••SECTION 1710g. 104.01 (7m) of the statutes is created to
21 read:

22 104.01 (7m) "Tips" means tips or similar customer gratuities that may be
23 counted toward fulfillment of the employer's obligation under this chapter
24 according to rules promulgated by the department under s. 104.045 (1).

25 ••87b0433/2••SECTION 1710h. 104.02 of the statutes is amended to read:

26 104.02 (title) LIVING WAGE PRESCRIBED. Every wage paid or agreed to be
27 paid by any employer to any employe, except as otherwise provided in s.

1 104.07, shall be not less than a ~~living wage~~ living wage or, if established
2 under s. 104.025 or by rule, the applicable minimum wage.

3 ••87b0433/2••SECTION 1710i. 104.025 of the statutes is created to read:

4 104.025 MINIMUM WAGE ESTABLISHED. (1) MINIMUM WAGE ESTABLISHED BY RULE;
5 CERTAIN CASES. The department shall promulgate rules establishing the minimum
6 wage for all of the following:

7 (a) A counselor employed at a seasonal recreational or educational camp,
8 including a day camp, for campers under the age of 18.

9 (b) A person engaged in casual employment in and around an employer's
10 home on an irregular or intermittent basis for not more than 15 hours per
11 week.

12 (c) A person who lives with someone suffering a physical or mental dis-
13 ability and who provides companionship, general household work and care, not
14 including practical or professional nursing as defined in s. 441.11 (3) and
15 (4).

16 (d) A caddy on a golf course.

17 (e) An employe licensed under s. 104.07 (1).

18 (2) MINIMUM WAGE GENERALLY. Except as provided in subs. (1), (3) and (4)
19 and s. 140.07, the minimum wage, computed at an hourly rate, shall equal
20 whichever of the following applies:

21 (a) For an employe at least 18 years of age:

22 1. Beginning on January 1, 1988, and ending on December 31, 1988, the
23 greater of the following:

24 a. The amount of \$3.55.

25 b. The federal minimum hourly wage.

26 2. Beginning on January 1, 1989, the greater of the following:

27 a. The amount of \$3.85.

28 b. The federal minimum hourly wage.

1 (b) For an employe under the age of 18:

2 1. Beginning on January 1, 1988, and ending on December 31, 1988, the
3 greater of the following:

4 a. The amount of \$3.20.

5 b. The federal minimum hourly wage, minus 35 cents.

6 2. Beginning on January 1, 1989, the greater of the following:

7 a. The amount of \$3.50.

8 b. The federal minimum hourly wage, minus 35 cents.

9 (3) EMPLOYES RECEIVING TIPS. Except as provided in sub. (1), the minimum
10 wage, computed on an hourly basis, for an employe who receives tips shall
11 equal whichever of the following applies:

12 (a) For an employe at least 18 years of age:

13 1. Beginning on January 1, 1988, and ending on December 31, 1988, the
14 greatest of the following:

15 a. The amount of \$2.25.

16 b. The greater of the amounts specified in sub. (2) (a) 1. a and b, less
17 tips.

18 c. The federal minimum hourly wage, minus \$1.30.

19 2. Beginning on January 1, 1989, the greatest of the following:

20 a. The amount of \$2.55.

21 b. The greater of the amounts specified in sub. (2) (a) 2. a and b, less
22 tips.

23 c. The federal minimum hourly wage, minus \$1.30.

24 (b) For an employe under the age of 18:

25 1. Beginning on January 1, 1988, and ending on December 31, 1988, the
26 greatest of the following:

27 a. The amount of \$1.95.

- 1 b. The greater of the amounts specified in sub. (2) (b) 1. a and b, less
2 tips.
- 3 c. The federal hourly minimum wage, minus \$1.60.
- 4 2. Beginning on January 1, 1989, the greatest of the following:
- 5 a. The amount of \$2.25.
- 6 b. The greater of the amounts specified in sub. (2) (b) 2. a and b, less
7 tips.
- 8 c. The federal hourly minimum wage, minus \$1.60.
- 9 (4) EMPLOYES WORKING IN AGRICULTURE. Except as provided in sub. (1), the
10 minimum wage, computed on an hourly basis, for an agricultural employe shall
11 equal whichever of the following applies:
- 12 (a) For an employe at least 18 years of age:
- 13 1. Beginning on January 1, 1988, and ending on December 31, 1988, the
14 greater of the following:
- 15 a. The amount of \$3.35.
- 16 b. The federal minimum hourly wage, minus 20 cents.
- 17 2. Beginning on January 1, 1989, the greater of the following:
- 18 a. The amount of \$3.65.
- 19 b. The federal minimum hourly wage, minus 20 cents.
- 20 (b) For an employe under the age of 18:
- 21 1. Beginning on January 1, 1988, and ending on December 31, 1988, the
22 greater of the following:
- 23 a. The amount of \$3.
- 24 b. The federal minimum hourly wage, minus 55 cents.
- 25 2. Beginning on January 1, 1989, the greater of the following:
- 26 a. The amount of \$3.30.
- 27 b. The federal minimum hourly wage, minus 55 cents.
- 28 ••87b0433/2••SECTION 1710j. 104.03 of the statutes is amended to read:

1 104.03 UNLAWFUL WAGES. Any employer paying, offering to pay, or agreeing
2 to pay any employe a wage lower or less in value than a ~~living-wage~~ living
3 wage or, if established under s. 104.025 or by rule, the applicable minimum
4 wage is guilty of a violation of ss. 104.01 to 104.12.

5 ••87b0433/2••SECTION 1710k. 104.04 of the statutes is amended to read:

6 104.04 (title) DEPARTMENT'S AUTHORITY. The department shall
7 investigate, ascertain, determine and fix ~~such reasonable classifications, and~~
8 ~~shall impose, by general or special orders, determining the living-wage mini-~~
9 imum wages under s. 104.025 (1), and shall carry out the purposes of ss. 104.01
10 to 104.12. Such investigations, classifications and orders shall be made
11 pursuant to the proceeding procedure in ss. 101.01 to 101.25, which are hereby
12 made a part hereof, so far as not inconsistent with ss. 104.01 to 104.12; and
13 every order of the department shall have the same force and effect as the
14 orders issued pursuant to said ss. 101.01 to 101.25, and the penalties therein
15 shall apply to and be imposed for any violation of ss. 104.01 to 104.12. The
16 department may not establish a different minimum wage for men and women. Said
17 orders shall be subject to review in the manner provided in ch. 227.

18 ••87b0433/2••SECTION 1710m. 104.045 of the statutes is renumbered 104.045
19 (intro.) and amended to read:

20 104.045 (title) TIPS, MEALS AND LODGING, AND HOURS WORKED. (intro.)
21 The department shall ~~by rule determine what amount of~~ promulgate rules gov-
22 erning all of the following:

23 (1) The calculation of tips or similar gratuities may be counted toward
24 fulfillment of the employer's obligation under this chapter.

25 ••87b0433/2••SECTION 1710n. 104.045 (2) and (3) of the statutes are
26 created to read:

27 104.045 (2) The deduction of meals or lodging provided by an employer to
28 an employe from the employer's obligations under this chapter.

1 (3) The determination of hours worked by an employe during which he or
2 she is entitled to a living wage or minimum wage under this chapter.

3 ••87b0433/2••SECTION 1710p. 104.05 of the statutes is amended to read:

4 104.05 COMPLAINTS; INVESTIGATION. The department shall, within 20 days
5 after the filing of a verified complaint of any person setting forth that the
6 wages paid to any employe ~~in any occupation~~ specified in s. 104.025 (1) are
7 not sufficient to enable the employe to maintain himself or herself under
8 conditions consistent with his or her welfare, investigate and determine
9 whether there is reasonable cause to believe that the wage paid to any employe
10 is not a ~~living wage~~ living wage.

11 ••87b0433/2••SECTION 1710q. 104.06 of the statutes is amended to read:

12 104.06 WAGE COUNCIL; DETERMINATION. If, upon investigation, the depart-
13 ment finds that there is reasonable cause to believe that the wages paid to
14 any employe specified in s. 104.025 (1) are not a ~~living wage~~ living wage, it
15 shall appoint a wage council, selected so as fairly to represent employers,
16 employes and the public, to assist in its investigations and determinations.
17 The ~~living wage~~ minimum wage so determined upon shall be the ~~living wage~~
18 minimum wage for all employes specified in s. 104.025 (1) within the same
19 class as established by the classification of the department.

20 ••87b0433/2••SECTION 1710r. 104.07 (1) and (2) of the statutes are
21 amended to read:

22 104.07 (1) The department shall ~~make~~ promulgate rules and grant licenses,
23 to ~~any employer who employs any employe~~ employes unable to earn the ~~living-~~
24 ~~wage theretofore determined upon,~~ applicable minimum wage established under s.
25 104.025 or by rule permitting such ~~person~~ employes to work for a wage which
26 shall be commensurate with ability and each license so granted shall establish
27 a wage for the licensee. A license granted to an employe under this subsec-

1 tion may be relied upon by any employer and the department may not require the
2 employee to obtain another license if he or she changes employers.

3 (2) The department shall make promulgate rules and grant licenses to
4 sheltered workshops to permit the employment of handicapped workers unable to
5 earn the ~~living wage theretofore determined~~ applicable minimum wage estab-
6 lished under s. 104.025 or by rule upon permitting such persons to work for a
7 wage which shall be commensurate with his or her ability and productivity. A
8 license granted to a sheltered workshop, under this section, may be issued for
9 the entire workshop or a department thereof.

10 ••87b0433/2••SECTION 1710s. 104.08 (1) of the statutes is amended to
11 read:

12 104.08 (1) All persons working in an occupation for which a ~~living wage~~
13 minimum wage has been established for minors, and who shall have no trade,
14 shall, if employed in an occupation which is a trade industry, be indentured
15 under the provisions of s. 106.01.

16 ••87b0433/2••SECTION 1710t. 104.11 of the statutes is amended to read:

17 104.11 DEFINITION OF VIOLATION. Each day during which any employer shall
18 employ a person for whom a ~~living wage~~ minimum wage has been ~~fixed~~ established
19 under s. 104.025 or by rule at a wage less than the ~~living wage fixed~~ estab-
20 lished minimum wage shall constitute a separate and distinct violation of ss.
21 104.01 to 104.12.

22 ••87b0433/2••SECTION 1710v. 104.12 of the statutes is amended to read:

23 104.12 COMPLAINTS. Any person may register with the department a com-
24 plaint that the wages paid to an employe for whom a ~~living wage~~ minimum wage
25 has been established, are less than that rate, and the department shall
26 investigate the matter and take all proceedings necessary to enforce the pay-
27 ment of a wage not less than the ~~living wage~~ established minimum wage.
28 Section 103.89 applies to complaints and proceedings under this section.

1 ••87b0396/2••SECTION 1710vd. 106.01 (5i) (a) of the statutes is amended
2 to read:

3 106.01 (5i) (a) The proper persons described in sub. (4) (a) to (d) may
4 enter into such an indenture with any organization of employes, association of
5 employers or other similar responsible agency in this state, subject to par.
6 (d). Such organization, association or other agency, subject to par. (d),
7 shall thereupon, with the written consent of the other parties to the
8 indenture, and the written acceptance thereof by the proposed employer, assign
9 the indenture to the employer, and he and the apprentice named in the inden-
10 ture shall be bound by the terms thereof. Such consent and acceptance shall
11 be executed in triplicate and one copy of each shall be delivered, respec-
12 tively to the department, to the employer and to the apprentice and in each
13 case shall be attached to the proper indenture. The approval of the depart-
14 ment shall first be had in each transaction. Such organization, association
15 or other agency, subject to par. (d), shall have the exclusive right to assign
16 the indenture and the apprentice shall not be permitted to enter into any
17 other indenture. The period transpiring before assignment to an employer
18 shall not be credited toward the period of apprenticeship.

19 ••87b0396/2••SECTION 1710vh. 106.01 (5i) (b) of the statutes is amended
20 to read:

21 106.01 (5i) (b) Any employer may assign his indenture, with the approval
22 of the department and the written consent of the other parties thereto, to any
23 association of employes, organization of employes or any other similar
24 responsible agency in this state, subject to par. (d). The period of time in
25 which such association, organization or other agency, subject to par. (d),
26 shall be such assignee shall not be credited as time served by the apprentice.
27 After such assignment the association, organization or other agency, subject
28 to par. (d), shall, with the approval of the department and the written con-

1 sent of the apprentice, assign the indenture to an employer but the apprentice
2 shall not be bound by the assignment unless the employer accepts, by his
3 signed instruments, the terms of the indenture and that he will complete the
4 employer's unperformed obligations thereunder; each such consent and accep-
5 tance shall be executed in triplicate and one of each, respectively, shall be
6 delivered to the department, to the assignee employer and to the apprentice
7 and in each case shall be attached to the proper indenture. Upon acceptance
8 the employer shall for all purposes be deemed a party to the indenture.

9 ••87b0396/2••SECTION 1710vp. 106.01 (5i) (d) of the statutes is created
10 to read:

11 106.01 (5i) (d) 1. In this paragraph:

12 a. "Area joint committee" means a committee with membership equally
13 divided between employes and employers in construction trades, subject to
14 rules promulgated by the department.

15 b. "Construction trades" means masonry, plumbing, carpentry, steam
16 fitting, painting, sheet metal and iron work, and other similar trades speci-
17 fied by the department.

18 2. Indentures in construction trades are subject to all of the following:

19 a. Subject to subd. 2. b, only an area joint committee may enter into an
20 indenture as an association of employers, organization of employes or other
21 similar responsible agency in this state under pars. (a) and (b).

22 b. Subdivision 2. a does not apply if the department determines that no
23 area joint committee exists in the jurisdictional area, as established by the
24 department, where the principal place of business of the employer is located.

25 ••87b0396/2••SECTION 1710vt. 106.01 (5j) of the statutes is amended to
26 read:

27 106.01 (5j) The department may, and it shall have power on its own
28 motion, or on the complaint of any person, after due notice and a hearing had,

1 make findings and issue orders declaring any indenture, contract or agreement
2 at an end if it shall be proved at such hearing that any apprentice, employer
3 or such organization, association or other agency, subject to sub. (5i) (d),
4 is unable to continue with the obligations under the contract or has breached
5 the same. Upon the termination of the indenture, the apprentice released
6 therefrom shall be free to enter into a new indenture under such conditions
7 and terms as the department may approve and which are not inconsistent with
8 this section.

9 ••87b0433/2••SECTION 1710x. 108.141 (3g) (a) 3. c of the statutes is
10 amended to read:

11 108.141 (3g) (a) 3. c. Wages for the work equal or exceed the higher of
12 ~~either the minimum wage provided by 29 USC 206, without regard to any~~
13 ~~exemption, or any state or local minimum wage under s. 104.025 (2) (a); and~~

14 ••87-0377/2••SECTION 1711. 108.16 (6) (k) of the statutes is amended to
15 read:

16 108.16 (6) (k) ~~Except as otherwise provided in s. 108.20, all moneys~~
17 ~~received by~~ All payments to the fund from the administrative account as
18 ~~interest and penalties on delinquent payments~~ authorized under this chapter s.
19 108.20 (2m).

20 ••87-0377/2••SECTION 1712. 108.19 (1m) of the statutes is amended to
21 read:

22 108.19 (1m) Each employer subject to this chapter as of the date a rate
23 is established under this subsection shall pay an assessment to the adminis-
24 trative account at a rate established by the department sufficient to pay
25 interest due on advances from the federal unemployment account under title XII
26 of the social security act (42 USC 1321 to 1324). The rate established by the
27 department for employers who finance benefits under s. 108.15 (2) or 108.151
28 (2) shall be 75% of the rate established for other employers. The amount of

1 any employer's assessment shall be the product of the rate established for
2 that employer multiplied by the employer's payroll of the previous calendar
3 year as taken from quarterly contribution reports filed by the employer or, in
4 the absence of the filing of such reports, estimates made by the department.
5 Each assessment made under this subsection is due on the 30th day commencing
6 after the date on which notice of the assessment is mailed by the department.
7 If amounts are collected under this subsection in excess of the amounts needed
8 to pay interest due, the amounts shall be retained in the administrative
9 account and utilized for future interest payments the purposes specified in s.
10 108.20 (2m).

11 ••87-0377/2••SECTION 1713. 108.20 (1) of the statutes is amended to read:
12 108.20 (1) To finance the administration of this chapter and to carry out
13 its provisions and purposes there is established the "administrative account"
14 ~~from the appropriation under s. 20.445 (1) (ge).~~ This account shall consist
15 of all contributions and moneys not otherwise appropriated paid to or trans-
16 ferred by the department for the account under s. 108.19, and of all moneys
17 received for the account by the state or by the department from any source,
18 including all federal moneys allotted or apportioned to the state or the
19 department for the employment service or for administration of this chapter,
20 or for services, facilities or records supplied to any federal agency from the
21 appropriation under s. 20.445 (1) (n). The department shall make to federal
22 agencies such reports as are necessary in connection with or because of such
23 federal aid.

24 ••87-0377/2••SECTION 1714. 108.20 (2) of the statutes is amended to read:
25 108.20 (2) All amounts received by the department for the administrative
26 account shall be paid over to the state treasurer and credited to that account
27 for the administration of this chapter and the employment service and for the