

SECTION J

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16 ***b0309/3.12* SECTION 1922w.** 92.14 (2) (c) of the statutes is amended to read:

17 92.14 (2) (c) Providing statewide financial and technical assistance for land
18 and water conservation activities at the county level.

19 ***b0309/3.12* SECTION 1922y.** 92.14 (2) (j) of the statutes is amended to read:

20 92.14 (2) (j) Enhancing the administration and coordination of state nonpoint
21 source water pollution abatement activities by the department and the department
22 of natural resources, including providing a single process for grant application,
23 funding allocation, reporting and evaluation.

24 ***b0309/3.12* SECTION 1923w.** 92.14 (3) (intro.) of the statutes is amended to
25 read:

1 92.14 (3) BASIC ALLOCATIONS TO COUNTIES. (intro.) To help counties meet
2 ~~administrative and technical operating costs in fund~~ their land and water
3 conservation activities, the department shall award ~~grants~~ an annual grant from the
4 appropriation under s. 20.115 (7) (c) or (qd) ~~or s. 20.866 (2) (we)~~ to any county land
5 conservation committee which ~~that~~ has a ~~workload allocation~~ land and water
6 resource management plan approved by the department under s. ~~92.08 (2)~~ 92.10 (4)
7 (d), and ~~which that~~, by county board action, has resolved to ~~match any moneys~~
8 ~~granted under this subsection with an equal amount of county moneys~~ provide any
9 matching funds required under sub. (5g). The county ~~shall~~ may use the grant for
10 county land and water resource management planning and for any of the following
11 purposes, consistent with the approved land and water resource management plan:

12 (a) County land conservation personnel to administer and implement activities
13 directly related to any of the following:

14 ***b0309/3.12* SECTION 1924b.** 92.14 (3) (a) and (b) of the statutes are
15 renumbered 92.14 (3) (a) 1. and 2.

16 ***b0309/3.12* SECTION 1924c.** 92.14 (3) (c) of the statutes is repealed.

17 ***b0309/3.12* SECTION 1924d.** 92.14 (3) (d) and (e) of the statutes are
18 renumbered 92.14 (3) (a) 4. and 5.

19 ***b0309/3.12* SECTION 1924f.** 92.14 (3) (f) of the statutes is created to read:
20 92.14 (3) (f) Training required under s. 92.18 or any other training necessary
21 to prepare personnel to perform job duties related to this section or s. 281.65.

22 ***b0309/3.12* SECTION 1924h.** 92.14 (3) (g) of the statutes is created to read:
23 92.14 (3) (g) Technical assistance, education and training, ordinance
24 development or administration related to this chapter or s. 281.65.

25 ***b0309/3.12* SECTION 1924m.** 92.14 (3m) (title) of the statutes is repealed.

1 ***b0309/3.12* SECTION 1924n.** 92.14 (3m) of the statutes is renumbered 92.14
2 (3) (b) and 92.14 (3) (b) (intro.), as renumbered, is amended to read:

3 92.14 (3) (b) (intro.) ~~From the appropriation under s. 20.115 (7) (e) or (qd) or~~
4 ~~20.866 (2) (we), the department shall award grants to counties or~~ Grants to farmers
5 for implementing best management practices required under a shoreland
6 management ordinance enacted under s. 92.17, including reimbursement for all of
7 the following:

8 ***b0309/3.12* SECTION 1924q.** 92.14 (4) (intro.) of the statutes is repealed.

9 ***b0309/3.12* SECTION 1924s.** 92.14 (4) (a) of the statutes is renumbered 92.14
10 (3) (c).

11 ***b0309/3.12* SECTION 1925b.** 92.14 (4) (b) of the statutes is renumbered 92.14
12 (3) (d).

13 ***b0309/3.12* SECTION 1925e.** 92.14 (4) (c) of the statutes is renumbered 92.14
14 (3) (e) and amended to read:

15 92.14 (3) (e) Construction of a facility or system related to animal waste
16 management by a farmer who has received a notice of discharge under ch. 283 or
17 management practices required under a notice to a farmer under s. 281.20 (3). ~~In~~
18 ~~awarding grants under this paragraph, the department shall give preference to~~
19 ~~farmers who have received a notice of discharge under s. 281.20 (3) or ch. 283.~~ The
20 amount of a grant for management practices required under a notice to a farmer
21 under s. 281.20 (3) shall be based on the cost of the method of controlling nonpoint
22 source pollution ~~which~~ that the department determines to be the most cost-effective
23 ~~and may not exceed 70% of the total cost of that method. The department may issue~~
24 ~~grants directly to farmers under this paragraph.~~

25 ***b0309/3.12* SECTION 1925g.** 92.14 (4m) of the statutes is repealed.

1 ***b0309/3.12* SECTION 1925i.** 92.14 (4r) of the statutes is repealed.

2 ***b0309/3.12* SECTION 1925k.** 92.14 (5) of the statutes is repealed.

3 ***b0309/3.12* SECTION 1925m.** 92.14 (5g) of the statutes is created to read:

4 92.14 (5g) MATCHING FUNDS. If a grant under sub. (3) provides funding for
5 salary and fringe benefits for more than one county staff person, a county shall
6 provide matching funds equal to 30% of the cost of salary and fringe benefits for the
7 2nd staff person and 50% of the cost of salary and fringe benefits for any additional
8 staff persons for whom the grant provides funding.

9 ***b0309/3.12* SECTION 1925p.** 92.14 (5r) of the statutes is created to read:

10 92.14 (5r) ANNUAL GRANT REQUEST. Every land conservation committee shall
11 prepare annually a grant request that describes the land and water resource staffing
12 needs and activities to be undertaken or funded by the county under this chapter and
13 ss. 281.65 and 281.66 and the funding needed for those purposes. The grant request
14 shall be consistent with the county's plan under s. 92.10. The land conservation
15 committee shall submit the grant request to the department.

16 ***b0309/3.12* SECTION 1925r.** 92.14 (6) (a) of the statutes is repealed.

17 ***b0309/3.12* SECTION 1925t.** 92.14 (6) (b) of the statutes is amended to read:

18 92.14 (6) (b) The department, ~~in cooperation with~~ and the department of
19 natural resources, shall prepare an annual grant allocation plan, ~~that is consistent~~
20 ~~with the spending levels approved under par. (a),~~ identifying the amounts to be spent
21 ~~annually for land and water resource management projects to be funded~~ provided to
22 counties under this section and the general purposes of those projects, which it shall
23 specify ss. 281.65 and 281.66. In the allocation plan, the departments shall attempt
24 to provide funding under this section for an average of 3 staff persons per county with
25 full funding for the first staff person, 70% funding for the 2nd staff person and 50%

1 funding for any additional staff persons and to provide an average of \$100,000 per
2 county for cost-sharing grants. The department shall submit that plan to the board.

3 *b0309/3.12* SECTION 1926b. 92.14 (6) (c) of the statutes is repealed.

4 *b0309/3.12* SECTION 1926c. 92.14 (6) (d) of the statutes is amended to read:

5 92.14 (6) (d) The board shall review the annual allocation plan submitted to
6 it under par. (b) and make recommendations to the department of agriculture, trade
7 and consumer protection and the department of natural resources on approval,
8 modification or disapproval of the plan. ~~The department shall review and approve~~
9 ~~or disapprove the plan and shall notify the board of the department's final action on~~
10 ~~the plan.~~

11 *b0309/3.12* SECTION 1926e. 92.14 (6) (e) of the statutes is repealed.

12 *b0309/3.12* SECTION 1926f. 92.14 (6) (f) of the statutes is repealed.

13 *b0309/3.12* SECTION 1926g. 92.14 (6) (g) of the statutes is amended to read:

14 92.14 (6) (g) Every project grant awarded ~~a grant to a county~~ under this section
15 and s. 281.65 shall be consistent with the plans under s. 92.15, 1985 stats., and under
16 this section and ss. ~~92.08~~, 92.10 and 281.65.

17 *b0309/3.12* SECTION 1926i. 92.14 (6) (gm) of the statutes is created to read:

18 92.14 (6) (gm) A county may not provide cost-sharing funds using funds
19 provided under this section in an amount that exceeds 70% of the cost of a project,
20 except in cases of economic hardship, as defined by the department by rule.

21 *b0309/3.12* SECTION 1926j. 92.14 (6) (h) 1. (intro.) of the statutes is amended

22 to read:

23 92.14 (6) (h) 1. (intro.) ~~The department~~ A county may not make a grant under
24 this section provide cost-sharing funds using funds provided under this section for

1 the construction of any facility or system related to animal waste management
2 unless all of the following conditions are met:

3 ***b0309/3.12* SECTION 1926k.** 92.14 (6) (h) 1. e. of the statutes is repealed.

4 ***b0309/3.12* SECTION 1926m.** 92.14 (6) (h) 2. of the statutes is repealed.

5 ***b0309/3.12* SECTION 1926p.** 92.14 (6) (h) 4. of the statutes is repealed.

6 ***b0309/3.12* SECTION 1926q.** 92.14 (6) (i) 2. of the statutes is amended to read:

7 92.14 (6) (i) 2. Conduct all land management and pollutant management
8 activities in substantial accordance with the performance standards, prohibitions,
9 conservation practices and technical standards under s. 281.16 and with plans
10 approved under this section, under s. 92.15, 1985 stats., and under ss. 92.08, 92.10
11 and 281.65, or to repay the cost-sharing funds.

12 ***b0309/3.12* SECTION 1926s.** 92.14 (6) (j) of the statutes is repealed.

13 ***b0309/3.12* SECTION 1926t.** 92.14 (6) (L) of the statutes is amended to read:

14 92.14 (6) (L) ~~The department may make a~~ A county may provide cost-sharing
15 funds from a grant under this section to replace a structure or facility at a new
16 location, rather than to repair or reconstruct the structure or facility, if the relocation
17 reduces water pollution and replacement is cost-effective compared to repairing or
18 reconstructing the structure or facility.

19 ***b0309/3.12* SECTION 1926u.** 92.14 (6) (m) of the statutes is created to read:

20 92.14 (6) (m) The department of agriculture, trade and consumer protection
21 and the department of natural resources shall assist counties in conducting the
22 activities for which grants under sub. (3) may be used.

23 ***b0309/3.12* SECTION 1926v.** 92.14 (10) of the statutes is amended to read:

24 92.14 (10) TRAINING. ~~The county may use a grant under this section for training~~
25 ~~required under s. 92.18 or for any other training necessary to prepare personnel to~~

1 ~~perform job duties related to this section.~~ The department may contract with any
2 person for services to administer or implement this chapter, including information
3 and education and training.

4 ***b0309/3.12* SECTION 1926w.** 92.14 (11) of the statutes is repealed.

5 ***b0309/3.12* SECTION 1926x.** 92.14 (14) of the statutes is amended to read:

6 92.14 (14) APPLICATION, ALLOCATION, REPORTING AND EVALUATION FORMS. The
7 department, jointly with the department of natural resources, shall develop a single
8 set of grant application, reporting and evaluation forms for use by counties receiving
9 grants under this section and ~~s. ss. 281.65 and 281.66.~~ The department, jointly with
10 the department of natural resources, shall implement a single process for grant
11 application, funding allocation, reporting and evaluation for counties receiving
12 grants under this section and ss. 281.65 and 281.66.

13 ***b0309/3.12* SECTION 1926y.** 92.14 (14m) of the statutes is created to read:

14 92.14 (14m) COORDINATION. The department of agriculture, trade and
15 consumer protection and the department of natural resources, jointly, shall review
16 applications from counties for grants under sub. (5r) and, for projects and activities
17 selected to receive funding shall determine whether to provide funding under this
18 section or under s. 281.65 or 281.66.

19 ***b0309/3.12* SECTION 1926ye.** 92.15 (4) of the statutes is amended to read:

20 92.15 (4) A local governmental unit may not apply a regulation under sub. (2)
21 or (3) to a livestock operation that exists on October 14, 1997, unless the local
22 governmental unit determines, using the rules promulgated under s. 281.16 (3) (e),
23 that cost-sharing is available to the owner or operator of the livestock operation
24 under s. 92.14, ~~281.16 (5)~~ or 281.65 or from any other source.

25 ***b0309/3.12* SECTION 1926ym.** 92.17 (2m) of the statutes is amended to read:

1 92.17 (2m) AUTHORITY TO ENFORCE ORDINANCE. A county, ~~city, village or town~~
2 may not enforce a shoreland management ordinance unless the county uses funds
3 have been appropriated provided under s. 92.14 (3) for grants for the purposes under
4 s. 92.14 (3m) (3) (b). A city, village or town may not enforce a shoreland management
5 ordinance unless the county in which the city, village or town is located uses funds
6 provided under s. 92.14 (3) for grants for the purposes under s. 92.14 (3) (b).

7 ***b0274/1.1* SECTION 1926e.** 92.18 (2m) of the statutes is created to read:

8 92.18 (2m) If a person is certified under this section to review plans for, or
9 conduct inspections of, a type of agricultural engineering practice at one of the levels
10 under sub. (2) (c), the department shall allow the person to review plans for, or
11 conduct inspections of, all types of agricultural engineering practices at that same
12 level without requiring any additional certification.

13 ***-0099/1.2* SECTION 1927.** 93.06 (1n) of the statutes is created to read:

14 93.06 (1n) ELECTRONIC PROCESSING. (a) Accept and process by electronic means
15 applications and payments for licenses, permits, registrations and certificates that
16 are issued by the department.

17 (b) Accept and process by electronic means requests and payments for goods
18 and services that the department is authorized to provide.

19 (c) Promulgate rules specifying fees to cover the department's electronic
20 processing costs under pars. (a) and (b). The fees under this paragraph are in
21 addition to any other fees required to be paid to the department.

22 ***-0100/1.3* SECTION 1928.** 93.06 (12) of the statutes is created to read:

23 93.06 (12) FEDERAL DAIRY POLICY REFORM. Provide assistance to organizations
24 to seek the reform of federal milk marketing orders and other federally authorized
25 dairy pricing policies for the benefit of milk producers in this state.

1 ***-0100/1.4* SECTION 1929.** 93.06 (12) of the statutes, as created by 1999
2 Wisconsin Act (this act), is repealed.

3 ***-0103/1.3* SECTION 1930.** 93.06 (13) of the statutes is created to read:

4 **93.06 (13) PLANT PROTECTION AGREEMENTS.** Enter into cooperative agreements
5 with corporations, associations, foundations and individuals to carry out plant
6 protection activities under ch. 94.

7 ***b0270/1.2* SECTION 1930j.** 93.07 (3) of the statutes is amended to read:

8 **93.07 (3) PROMOTION OF AGRICULTURE.** To promote the interests of agriculture,
9 dairying, horticulture, manufacturing, commercial fishing and the domestic arts and
10 to advertise Wisconsin and its dairy, food and agricultural products by conducting
11 campaigns of education throughout the United States and in foreign markets. Such
12 campaigns shall include the distribution of educational and advertising material
13 concerning Wisconsin and its plant, animal, food and dairy products. The
14 department shall coordinate efforts by the state to advertise and promote
15 agricultural products of this state, with the department of commerce where
16 appropriate. The department shall submit its request and plan for market
17 development program expenditures for each biennium with its biennial budget
18 request. The plan shall include the identification and priority of expenditures for
19 each market development program activity. In each fiscal year, the department shall
20 seek federal moneys for the promotion of exports of agricultural products in an
21 amount at least equal to \$130,000 plus the amount of federal moneys received for this
22 purpose in fiscal year 1998–99.

23 ***-0091/5.4* SECTION 1932.** 93.135 (1) (b) of the statutes is amended to read:
24 93.135 (1) (b) A license under s. 94.10 (2), (3) or (4) (3g).

25 ***b0593/1.2* SECTION 1932m.** 93.32 of the statutes is created to read:

1 **93.32 Agriculture in the classroom program.** From the appropriation
2 account under s. 20.115 (4) (q), the department shall provide grants to the Wisconsin
3 Farm Bureau Federation for an agriculture in the classroom program conducted in
4 cooperation with the federal department of agriculture to help teachers educate
5 students about agriculture. In each fiscal year, the department shall provide \$3 for
6 every \$2 that the Wisconsin Farm Bureau Federation provides for the program in
7 that fiscal year, up to the amount appropriated under s. 20.115 (4) (q).

8 *~~0094/2.2~~* **SECTION 1933.** 93.60 of the statutes is repealed.

9 ***b0598/1.2*** **SECTION 1933g.** 93.70 of the statutes is created to read:

10 **93.70 Conservation reserve enhancement program.** The department
11 may expend funds from the appropriation account under s. 20.115 (7) (b) for
12 participation by this state in the conservation reserve enhancement program as
13 approved by the secretary of the federal department of agriculture under 16 USC
14 3834 (f) (4).

15 *~~0091/5.5~~* **SECTION 1934.** 94.10 of the statutes is repealed and recreated to
16 read:

17 **94.10 Nursery stock; inspection and licensing. (1) DEFINITIONS.** In this
18 section:

19 (a) “Christmas tree grower” means a person who grows evergreen trees for
20 eventual harvest and sale as Christmas trees, except that “Christmas tree grower”
21 does not include a person who grows evergreen trees for eventual harvest and sale
22 as Christmas trees if the person also grows nursery stock for sale and if the amount
23 of the person’s annual sales of nursery stock is more than 50% of the amount of the
24 person’s annual sales of nursery stock plus Christmas trees.

1 (b) “Nonprofit organization” means an organization described in section 501 (c)
2 of the Internal Revenue Code that is exempt from federal income tax under section
3 501 (a) of the Internal Revenue Code.

4 (c) “Nursery” means premises in this state on which a person propagates or
5 grows nursery stock for sale, except that “nursery” does not include premises on
6 which a person propagates or grows nursery stock for sale if the person also grows
7 evergreen trees for eventual harvest and sale as Christmas trees and if the amount
8 of the person’s annual sales of Christmas trees is 50% or more of the amount of the
9 person’s annual sales of Christmas trees plus nursery stock. “Nursery” does not
10 include heeling-in grounds or other premises where a person holds nursery stock for
11 purposes other than propagation or growth.

12 (d) “Nursery dealer” means a person, other than a nursery grower or Christmas
13 tree grower, who sells, offers for sale or distributes nursery stock from a location in
14 this state, except that “nursery dealer” does not include an employe of a person
15 licensed under this section.

16 (e) “Nursery grower” means a person who owns or operates a nursery.

17 (f) “Nursery stock” means plants and plant parts that can be propagated or
18 grown, excluding seeds, sod, cranberry cuttings, annuals and evergreen trees grown
19 for eventual harvest and sale as Christmas trees.

20 (g) “Officially inspected source” means any of the following:

- 21 1. A nursery dealer licensed under sub. (2).
- 22 2. A nursery grower licensed under sub. (3).
- 23 2m. A Christmas tree grower licensed under sub. (3g).
- 24 3. A source outside this state that the department recognizes under sub. (10)
- 25 as an officially inspected source.

1 (j) “Sell” means to transfer ownership, for consideration.

2 (2) NURSERY DEALER; ANNUAL LICENSE. (a) *License required.* Except as provided
3 in par. (f), no person may operate as a nursery dealer without an annual license from
4 the department. A nursery dealer license expires on February 20. A nursery dealer
5 license may not be transferred to another person.

6 (b) *Applying for a license.* A person applying for a nursery dealer license under
7 par. (a) shall apply on a form provided by the department. An applicant shall provide
8 all of the following to the department:

9 1. The applicant’s legal name and address and any other name under which the
10 applicant does business.

11 2. The address of each location at which the applicant proposes to hold nursery
12 stock for sale.

13 3. The license fee required under par. (c).

14 4. The surcharge required under par. (d), if any.

15 5. Other information reasonably required by the department for licensing
16 purposes.

17 (c) *License fee.* A nursery dealer shall pay the following annual license fee,
18 based on annual purchases calculated according to par. (e):

19 1. If the nursery dealer buys no more than \$5,000 worth of nursery stock for
20 resale, \$30.

21 2. If the nursery dealer buys more than \$5,000 but not more than \$20,000 worth
22 of nursery stock for resale, \$50.

23 3. If the nursery dealer buys more than \$20,000 but not more than \$100,000
24 worth of nursery stock for resale, \$100.

1 4. If the nursery dealer buys more than \$100,000 but not more than \$200,000
2 worth of nursery stock for resale, \$150.

3 5. If the nursery dealer buys more than \$200,000 but not more than \$500,000
4 worth of nursery stock for resale, \$200.

5 6. If the nursery dealer buys more than \$500,000 but not more than \$2,000,000
6 worth of nursery stock for resale, \$300.

7 7. If the nursery dealer buys more than \$2,000,000 worth of nursery stock for
8 resale, \$400.

9 (d) *Surcharge for operating without a license.* In addition to the fee required
10 under par. (c), an applicant for a nursery dealer license shall pay a surcharge equal
11 to the amount of that fee if the department determines that, within 365 days before
12 submitting the application, the applicant operated as a nursery dealer without a
13 license in violation of par. (a). Payment of the surcharge does not relieve the
14 applicant of any other penalty or liability that may result from the violation, but does
15 not constitute evidence of a violation of par. (a).

16 (e) *Calculating annual purchases.* The amount of an applicant's license fee
17 under par. (c) for a license year shall be based on the applicant's purchases of nursery
18 stock during the applicant's preceding fiscal year, except that if the applicant made
19 no purchases of nursery stock during the preceding fiscal year the fee shall be based
20 on the applicant's good faith prediction of purchases during the license year for which
21 the applicant is applying.

22 (f) *Exemptions.* Paragraph (a) does not apply to any of the following:

23 1. A person whose only sales of nursery stock are retail sales totaling less than
24 \$250 annually.

1 2. A person selling or offering to sell nursery stock for the benefit of a nonprofit
2 organization, for a period of not more than 7 consecutive days.

3 **(3) NURSERY GROWER; ANNUAL LICENSE.** (a) *License required.* Except as provided
4 in par. (f), no person may operate as a nursery grower without an annual license from
5 the department. A nursery grower license expires on February 20. A nursery grower
6 license may not be transferred to another person.

7 (b) *Applying for a license.* A person applying for a nursery grower license under
8 par. (a) shall apply on a form provided by the department. An applicant shall provide
9 all of the following to the department:

10 1. The applicant's legal name and address and any other name under which the
11 applicant does business.

12 2. The address of each location in this state at which the applicant operates a
13 nursery, grows evergreen trees for eventual sale as Christmas trees or holds nursery
14 stock or Christmas trees for sale.

15 3. The license fee required under par. (c).

16 4. The surcharge required under (d), if any.

17 5. Other information reasonably required by the department for licensing
18 purposes.

19 (c) *License fee.* A nursery grower shall pay the following annual license fee,
20 based on annual sales calculated according to par. (e):

21 1. If the nursery grower annually sells no more than \$5,000 worth of nursery
22 stock and Christmas trees, \$55.

23 2. If the nursery grower annually sells more than \$5,000 but not more than
24 \$20,000 worth of nursery stock and Christmas trees, \$100.

1 3. If the nursery grower annually sells more than \$20,000 but not more than
2 \$100,000 worth of nursery stock and Christmas trees, \$200.

3 4. If the nursery grower annually sells more than \$100,000 but not more than
4 \$200,000 worth of nursery stock and Christmas trees, \$400.

5 5. If the nursery grower annually sells more than \$200,000 but not more than
6 \$500,000 worth of nursery stock and Christmas trees, \$600.

7 6. If the nursery grower annually sells more than \$500,000 but not more than
8 \$2,000,000 worth of nursery stock and Christmas trees, \$1,200.

9 7. If the nursery grower annually sells more than \$2,000,000 worth of nursery
10 stock and Christmas trees, \$2,400.

11 (d) *Surcharge for operating without a license.* In addition to the fee required
12 under par. (c), an applicant for a nursery grower license shall pay a surcharge equal
13 to the amount of that fee if the department determines that, within 365 days before
14 submitting that application, the applicant operated as a nursery grower without a
15 license in violation of par. (a). Payment of the surcharge does not relieve the
16 applicant of any other penalty or liability that may result from the violation, but does
17 not constitute evidence of a violation of par. (a).

18 (e) *Calculating annual sales.* The amount of an applicant's license fee under
19 par. (c) for a license year shall be based on the applicant's sales of nursery stock and
20 Christmas trees during the applicant's preceding fiscal year, except that if the
21 applicant made no sales during the preceding fiscal year the fee shall be based on the
22 applicant's good faith prediction of sales during the license year for which the
23 applicant is applying.

24 (f) *Exemptions.* Paragraph (a) does not apply to any of the following:

1 1. A nursery grower whose only sales of nursery stock and Christmas trees are
2 retail sales totaling less than \$250 annually.

3 2. A person growing nursery stock only for sale for the benefit of a nonprofit
4 organization, for a period of not more than 7 days .

5 **(3g) CHRISTMAS TREE GROWER; ANNUAL LICENSE.** (a) *License required.* Except as
6 provided in par. (e), no person may operate as a Christmas tree grower without an
7 annual license from the department. A Christmas tree grower license expires on
8 February 20. A Christmas tree grower license may not be transferred to another
9 person.

10 (b) *Applying for a license.* A person applying for a Christmas tree grower
11 license under par. (a) shall apply on a form provided by the department. An applicant
12 shall provide all of the following to the department:

13 1. The applicant's legal name and address and any other name under which the
14 applicant does business.

15 2. The address of each location in this state at which the applicant grows
16 evergreen trees for eventual sale as Christmas trees or nursery stock or at which the
17 applicant holds Christmas trees or nursery stock for sale.

18 3. The license fee required under par. (c).

19 4. Other information reasonably required by the department for licensing
20 purposes.

21 (c) *License fee.* A Christmas tree grower shall pay the following annual license
22 fee, based on annual sales calculated according to par. (d):

23 1. If the Christmas tree grower annually sells no more than \$5,000 worth of
24 Christmas trees and nursery stock, \$20.

1 2. If the Christmas tree grower annually sells more than \$5,000 but not more
2 than \$20,000 worth of Christmas trees and nursery stock, \$55.

3 3. If the Christmas tree grower annually sells more than \$20,000 but not more
4 than \$100,000 worth of Christmas trees and nursery stock, \$90.

5 4. If the Christmas tree grower annually sells more than \$100,000 but not more
6 than \$200,000 worth of Christmas trees and nursery stock, \$150.

7 5. If the Christmas tree grower annually sells more than \$200,000 but not more
8 than \$500,000 worth of Christmas trees and nursery stock, \$250.

9 6. If the Christmas tree grower annually sells more than \$500,000 but not more
10 than \$2,000,000 worth of Christmas trees and nursery stock, \$450.

11 7. If the Christmas tree grower annually sells more than \$2,000,000 worth of
12 Christmas trees and nursery stock, \$900.

13 (d) *Calculating annual sales.* The amount of an applicant's license fee under
14 par. (c) for a license year shall be based on the applicant's sales of Christmas trees
15 and nursery stock during the applicant's preceding fiscal year, except that if the
16 applicant made no sales during the preceding fiscal year the fee shall be based on the
17 applicant's good faith prediction of sales during the license year for which the
18 applicant is applying.

19 (e) *Exemption.* Paragraph (a) does not apply to a Christmas tree grower whose
20 only sales of Christmas trees and nursery stock are retail sales totalling less than
21 \$250 annually.

22 **(3m) NOTICE OF NEW LOCATIONS.** (a) The holder of a nursery dealer license shall
23 notify the department in writing before adding, during a license year, any new
24 location at which the license holder will hold nursery stock for sale. The license
25 holder shall specify the address of the new location in the notice.

1 (b) The holder of a nursery grower or Christmas tree grower license shall notify
2 the department in writing before adding, during the license year, any new location
3 at which the license holder will operate a nursery, grow evergreen trees for eventual
4 sale as Christmas trees or hold Christmas trees or nursery stock for sale. The license
5 holder shall specify the address of the new location in the notice.

6 (4) NURSERY GROWERS AND DEALERS; RECORDS. (a) *Nursery dealers; records of*
7 *nursery stock received.* A nursery dealer shall keep a record of every shipment of
8 nursery stock received by the nursery dealer. The nursery dealer shall include all
9 of the following in the record:

10 1. A description of the types of nursery stock, and the quantity of nursery stock
11 of each type, included in the shipment.

12 2. The name and address of the source from which the nursery dealer received
13 the shipment.

14 (b) *Nursery growers and dealers; records of shipments to other nursery growers*
15 *and dealers.* Each nursery grower and nursery dealer shall record every shipment
16 of nursery stock that the nursery grower or nursery dealer sells or distributes to
17 another nursery grower or nursery dealer. The nursery grower or nursery dealer
18 shall include all of the following in the record:

19 1. A description of the types of nursery stock, and the quantity of nursery stock
20 of each type, included in the shipment.

21 2. The name and address of the nursery grower or nursery dealer receiving the
22 shipment.

23 (c) *Records retained and made available.* A nursery grower or nursery dealer
24 who is required to keep records under par. (a) or (b) shall retain those records for at

1 least 3 years and shall make those records available to the department for inspection
2 and copying upon request.

3 (5) LABELING NURSERY STOCK. (a) *Nursery stock shipped to grower or dealer.* No
4 person may sell or distribute any shipment of nursery stock to a nursery grower or
5 nursery dealer, and no nursery grower or nursery dealer may accept a shipment of
6 nursery stock, unless the nursery stock was grown by a Christmas tree grower or
7 unless that shipment is labeled with all of the following:

8 1. The name and address of the person selling or distributing the shipment to
9 the nursery grower or nursery dealer.

10 2. A certification, by the person under subd. 1., that all of the nursery stock
11 included in the shipment is from officially inspected sources.

12 (b) *Growers and dealers to report unlabeled shipments.* Whenever any person
13 tenders to a nursery grower or nursery dealer any shipment of nursery stock that is
14 not fully labeled according to par. (a), the nursery grower or nursery dealer shall
15 promptly report that unlabeled shipment to the department.

16 (c) *Nursery stock sold at retail.* A person selling nursery stock at retail shall
17 ensure that the nursery stock is labeled with the common or botanical name of the
18 nursery stock.

19 (6) CARE OF NURSERY STOCK. (a) *Adequate facilities.* A nursery grower or
20 nursery dealer shall maintain facilities that are reasonably adequate for the care and
21 keeping of nursery stock held for sale, so that the nursery grower or nursery dealer
22 can keep the nursery stock in healthy condition pending sale.

23 (b) *Reasonable examinations.* Nursery growers and nursery dealers shall make
24 reasonable examinations of nursery stock held for sale to determine whether that

1 nursery stock is capable of reasonable growth, is infested with injurious pests or is
2 infected with disease.

3 (7) PROHIBITIONS. (a) *Nursery dealers*. No nursery dealer may do any of the
4 following:

5 1. Obtain, hold, sell, offer to sell or distribute nursery stock from any source
6 other than an officially inspected source.

7 2. Misrepresent that the nursery dealer is a nursery grower.

8 (b) *Nursery growers and dealers*. No nursery grower or nursery dealer may do
9 any of the following:

10 1. Sell, offer to sell or distribute any nursery stock that the nursery grower or
11 nursery dealer knows, or has reason to know, is infested with plant pests or infected
12 with plant diseases that may be spread by the sale or distribution of that nursery
13 stock.

14 2. Sell, offer to sell or distribute any nursery stock that the nursery grower or
15 nursery dealer knows, or has reason to know, will not survive or grow.

16 3. Misrepresent the name, origin, grade, variety, quality or hardiness of any
17 nursery stock offered for sale or make any other false or misleading representation
18 in the advertising or sale of nursery stock.

19 4. Conceal nursery stock to avoid inspection by the department, falsify any
20 record required under this section or make any false or misleading statement to the
21 department.

22 (8) DEPARTMENT INSPECTION. The department may inspect nurseries and
23 premises at which nursery stock is held for sale or distribution. The department may
24 inspect premises at which Christmas tree growers grow nursery stock, premises at

1 which evergreen trees are grown for eventual sale as Christmas trees and premises
2 at which Christmas trees are held for sale or distribution.

3 (9) DEPARTMENT ORDERS. (a) *Holding orders and remedial orders.* An
4 authorized employe or agent of the department may, by written notice, order a
5 nursery grower or nursery dealer to do any of the following:

6 1. Temporarily hold nursery stock pending inspection by the department.

7 2. Remedy violations of this section.

8 3. Refrain from importing weeds or pests that threaten agricultural production
9 or the environment in this state.

10 4. Permanently withhold nursery stock from sale or distribution, if the sale or
11 distribution would violate this section or an order issued under this section and the
12 violation cannot be adequately remedied in another manner.

13 5. Destroy or return, without compensation from the department, nursery
14 stock that is sold or distributed in violation of this section, or an order issued under
15 this section, if the violation cannot be adequately remedied in another manner.

16 (b) *Hearing.* If the recipient of an order under par. (a) requests a hearing on
17 that order, the department shall hold an informal hearing within 10 days unless the
18 recipient of the order consents to a later date for an informal hearing. The request
19 for a hearing is not a request under s. 227.42 (1). If a contested matter is not resolved
20 at the informal hearing, the recipient of the order is entitled to a class 2 contested
21 case hearing under ch. 227. The department is not required to stay an order under
22 par. (a) pending the outcome of any hearing under this paragraph.

23 (10) RECIPROCAL AGREEMENTS WITH OTHER STATES. (a) *General.* The department
24 may enter into reciprocal agreements with other states to facilitate interstate
25 shipments of nursery stock.

1 (b) *Officially inspected sources.* As part of an agreement under par. (a), the
2 department may recognize sources of nursery stock in another state as officially
3 inspected sources.

4 (c) *Inspection and certification standards.* An agreement under par. (a) may
5 specify standards and procedures for all of the following:

- 6 1. Inspecting officially inspected sources of nursery stock.
- 7 2. Inspecting and certifying interstate shipments of nursery stock.

8 ***-0096/1.2* SECTION 1935.** 94.50 (2) of the statutes is amended to read:

9 94.50 (2) GROWERS AND DEALERS; REGISTRATION. No person may act as a grower
10 or a dealer unless he or she is registered with the department. Any person who acts
11 as a dealer and a grower shall register as both. Registrations shall be made annually
12 on a form provided by the department. Registrations expire on December 31 of each
13 year. A dealer shall pay to the department an annual registration fee of \$25. The
14 department shall assign a registration number to each person registered under this
15 subsection. All moneys collected under this subsection shall be credited to the
16 appropriation account under s. 20.115 (7) (ga).

17 ***-0096/1.3* SECTION 1936.** 94.50 (3) (b) of the statutes is amended to read:

18 94.50 (3) (b) The department shall upon request provide each registered grower
19 and dealer with shipment certificates and report forms required under par. (a). The
20 department shall stamp each shipment certificate and report form with the
21 registration number of the grower or dealer. A shipment certificate and report form
22 is valid only if used during the registration period for which the stamp registration
23 number of the grower or dealer was issued. The department may charge a reasonable
24 fee to recover the costs related to providing shipment certificates and report forms.

1 All moneys collected under this paragraph shall be credited to the appropriation
2 account under s. 20.115 (7) (ga).

3 ***-0095/3.3* SECTION 1937.** 94.64 (4) (a) 1. of the statutes is amended to read:

4 94.64 (4) (a) 1. A basic fee of ~~25~~ 23 cents per ton for fertilizer sold or distributed
5 from July 1, 1997, to June 30, 1999 beginning on the effective date of this subdivision
6 [revisor inserts date], and ending on June 30, 2001, and ~~32~~ 30 cents per ton for
7 fertilizer sold or distributed after June 30, ~~1999~~ 2001, with a minimum fee of \$25.

8 ***-0095/3.4* SECTION 1938.** 94.64 (4) (a) 6. of the statutes is created to read:

9 94.64 (4) (a) 6. Beginning on the effective date of this subdivision [revisor
10 inserts date], a weights and measures inspection fee of 2 cents per ton, with a
11 minimum fee of \$1.

12 ***-0095/3.5* SECTION 1939.** 94.64 (4) (c) 6. of the statutes is created to read:

13 94.64 (4) (c) 6. The department shall credit the fee under par. (a) 6. to the
14 appropriation account under s. 20.115 (1) (j).

15 ***-0095/3.6* SECTION 1940.** 94.681 (2) (a) 1. to 3. of the statutes are amended
16 to read:

17 94.681 (2) (a) 1. If the applicant sold less than \$25,000 of the product during
18 the preceding year for use in this state, \$265, except that the fee is \$215 for the license
19 years that begin on January 1, 1999, ~~and on January 1, 2000,~~ January 1, 2001, and
20 January 1, 2002.

21 2. If the applicant sold at least \$25,000 but less than \$75,000 of the product
22 during the preceding year for use in this state, \$750, except that the fee is \$650 for
23 the license years that begin on January 1, 1999, ~~and on January 1, 2000,~~ January
24 1, 2001, and January 1, 2002.

1 3. If the applicant sold at least \$75,000 of the product during the preceding year
2 for use in this state, \$1,500, except that the fee is \$1,200 for the license years that
3 begin on January 1, 1999, ~~and on January 1, 2000,~~ January 1, 2001, and January 1,
4 2002.

5 ***-0095/3.7*** **SECTION 1941.** 94.681 (2) (b) 1. to 3. of the statutes are amended
6 to read:

7 94.681 (2) (b) 1. If the applicant sold less than \$25,000 of the product during
8 the preceding year for use in this state, \$315, except that the fee is \$265 for the license
9 years that begin on January 1, 1999, ~~and on January 1, 2000,~~ January 1, 2001, and
10 January 1, 2002.

11 2. If the applicant sold at least \$25,000 but less than \$75,000 of the product
12 during the preceding year for use in this state, \$860, except that the fee is \$760 for
13 the license years that begin on January 1, 1999, ~~and on January 1, 2000,~~ January
14 1, 2001, and January 1, 2002.

15 3. If the applicant sold at least \$75,000 of that product during the preceding
16 year for use in this state, \$3,060, except that the fee is \$2,760 for the license years
17 that begin on January 1, 1999, ~~and on January 1, 2000,~~ January 1, 2001, and
18 January 1, 2002.

19 ***-0095/3.8*** **SECTION 1942.** 94.681 (2) (c) 1. to 3. of the statutes are amended
20 to read:

21 94.681 (2) (c) 1. If the applicant sold less than \$25,000 of that product during
22 the preceding year for use in this state, \$320, except that the fee is \$270 for the license
23 years that begin on January 1, 1999, ~~and on January 1, 2000,~~ January 1, 2001, and
24 January 1, 2002.

1 2. If the applicant sold at least \$25,000 but less than \$75,000 of the product
2 during the preceding year for use in this state, \$890, except that the fee is \$790 for
3 the license years that begin on January 1, 1999, ~~and on January 1, 2000, January~~
4 1, 2001, and January 1, 2002.

5 3. If the applicant sold at least \$75,000 of the product during the preceding year
6 for use in this state, \$3,060 plus 0.2% of the gross revenues from sales of the product
7 during the preceding year for use in this state, except that for the license years that
8 begin on January 1, 1999, ~~and on January 1, 2000, January 1, 2001, and January 1,~~
9 2002, the fee shall be \$2,760 plus 0.2% of the gross revenues from sales of the product
10 during the preceding year for use in this state.

11 ***b0275/2.2* SECTION 1942m.** 94.695 of the statutes is created to read:

12 **94.695 Pesticide sales and use reporting system. (1) DEFINITIONS.** In this
13 section:

14 (a) "Household pesticide" has the meaning given in s. 94.681 (1) (a).

15 (b) "Industrial pesticide" has the meaning given in s. 94.681 (1) (b).

16 (c) "Municipality" means a city, village or town.

17 (d) "Nonhousehold pesticide" has the meaning given in s. 94.681 (1) (c).

18 **(2) RESPONSIBILITIES OF THE DEPARTMENT.** The department shall do all of the
19 following:

20 (a) Develop and, beginning no later than January 1, 2003, administer a
21 pesticide sales and use reporting system that provides a systematic method for
22 collecting, retaining, analyzing and disseminating data related to pesticide sales and
23 use in this state and that is integrated with statewide geographic information
24 systems.

1 (b) Develop and, beginning no later than the first day of the 13th month
2 beginning after the effective date of this paragraph [revisor inserts date],
3 administer a pilot program to test the pesticide sales and use reporting system.

4 (c) Beginning no later than January 1, 2002, provide training and technical
5 assistance to persons required to report under the system in par. (a) and to persons
6 who wish to use the data collected under the system.

7 (d) No later than March 1 annually, beginning in 2004, submit to the legislature
8 under s. 13.172 (2) a report on the system in par. (a), including a summary and
9 analysis of the types and quantity of pesticides sold and applied during the previous
10 calendar year and the areas to which those pesticides were applied.

11 **(3) CONSULTATION.** The department shall consult and coordinate with all of the
12 following in discharging its responsibilities under sub. (2):

13 (a) The College of Agricultural and Life Sciences of the University of
14 Wisconsin–Madison.

15 (b) Employees of the University of Wisconsin System who are knowledgeable in
16 the area of environmental toxicology.

17 (c) The subunit of the department of natural resources that provides
18 information technology support.

19 (d) The subunit of the department of health and family services that
20 administers health laws.

21 (e) The division of technology services in the department of administration.

22 (f) The state cartographer.

23 (g) The geological and natural history survey.

1 (h) Representatives of the pest management industry, of agricultural,
2 environmental, medical and public health institutions and advocacy groups, of
3 school districts and of local governments.

4 (i) Other interested persons.

5 (4) **RULE MAKING.** The department shall promulgate rules for the pesticide sales
6 and use reporting system in sub. (2) (a), including rules to ensure the consistent
7 submission and dissemination of accurate pesticide sales and use data. The
8 department shall provide for all of the following in the rules:

9 (a) Technical assistance for persons submitting pesticide sales and use data.

10 (b) Deadlines for submitting pesticide sales and use data.

11 (c) Methods for reviewing and analyzing the accuracy of the reported pesticide
12 sales and use data.

13 (d) Mechanisms by which the department will make the reported pesticide
14 sales and use data available to the public, including through the Internet and
15 computer media.

16 (5) **REPORTING OF SALES OF NONHOUSEHOLD AND INDUSTRIAL PESTICIDES.** Under the
17 pesticide sales and use reporting system in sub. (2) (a), the department shall require
18 manufacturers, distributors and dealers of industrial pesticides and nonhousehold
19 pesticides to report all of the following information:

20 (a) The date of sale, brand name and amount of each industrial pesticide and
21 nonhousehold pesticide sold to each purchaser in this state.

22 (b) The name, address and 9–digit zip code of each purchaser under par. (a).

23 (c) The number of any license or certification under ss. 94.67 to 94.71 held by
24 each purchaser under par. (a).

1 **(6) REPORTING OF CERTAIN PESTICIDE APPLICATIONS.** Under the pesticide sales and
2 use reporting system in sub. (2) (a), the department shall require commercial
3 applicators and private applicators to report all of the following for each application
4 of an industrial pesticide or nonhousehold pesticide:

5 (a) The type of pesticide applied and its brand name, the name of the pesticide
6 as registered under the federal act, the pesticide registration number assigned to the
7 pesticide under the federal act, the manufacturer of the pesticide and the pesticide's
8 active ingredients.

9 (b) The name and any certification number, under s. 94.705, of the person
10 applying the pesticide.

11 (c) The date and time of the application and the amount of pesticide applied.

12 (d) How the pesticide was applied, including any additives used and the type
13 of application device used.

14 (e) The rate of application of the pesticide.

15 (f) The street address, including 9-digit zip code, and the county of the place
16 at which the pesticide was applied, the location of the application by section,
17 township, range and meridian and an identification of any bodies of water or
18 municipalities adjacent to that location.

19 (g) The size of the area to which the pesticide was applied.

20 (h) The type of site to which the pesticide was applied and the purpose of the
21 application.

22 (i) A description of the crop, commodity, plant, animal, structure, equipment
23 or material to which the pesticide was applied.

24 (j) The weather conditions during the application.

1 (k) The name of the person preparing the report and that person's relationship
2 to the person applying the pesticide.

3 (7) REPORTING OF HOUSEHOLD PESTICIDE SALES AND USE. Under the pesticide sales
4 and use reporting system in sub. (2) (a), the department shall collect data on the sale,
5 use and result of use of household pesticides. The department may only require
6 manufacturers and labelers required to be licensed under s. 94.68 to report on the
7 amount of household pesticides sold. The department may purchase information
8 concerning sales of household pesticides from marketing information businesses.

9 (8) LIMIT ON DISCLOSURE OF CERTAIN INFORMATION. (a) Except as provided in par.
10 (b) or (c), upon written request by a property owner, the department shall treat as
11 confidential information about pesticide sale or use for private agricultural purposes
12 if the information would reveal the property to which a pesticide was applied or the
13 name of the property owner.

14 (b) Paragraph (a) does not apply if the information is requested by any of the
15 following:

16 1. A state or local government for any investigation, subject to any existing
17 confidentiality requirements.

18 2. A governmental agency that makes provisions to protect the confidentiality
19 of the information.

20 3. A researcher or physician who shows a valid need for the information and
21 who makes provisions to protect the confidentiality of the information.

22 4. A state agency or public water supply system for water quality assessment,
23 subject to any existing confidentiality requirements.

24 (c) Paragraph (a) does not apply after July 1, 2001, or after the day after
25 publication of the 2001–03 biennial budget act, whichever is later.

1 ***-0095/3.9*** SECTION 1943. 94.704 (3) (a) 1. of the statutes is amended to read:
2 94.704 (3) (a) 1. A license fee of \$40, except that the license fee is \$30 for the
3 license years that begin on January 1, 1999, ~~and on January 1, 2000, January 1,~~
4 2001, and January 1, 2002.

5 ***-0095/3.10*** SECTION 1944. 94.72 (6) (a) 1. and 2. of the statutes are amended
6 to read:
7 94.72 (6) (a) 1. For commercial feeds distributed in this state ~~during the years~~
8 ~~that begin on January 1, 1998, and on January 1, 1999, 15, beginning on the effective~~
9 date of this subdivision [revisor inserts date], and ending on December 31, 2001,
10 a feed inspection fee of 13 cents per ton.

11 2. For commercial feeds distributed in this state on or after January 1, 2000,
12 25 2002, a feed inspection fee of 23 cents per ton.

13 ***-0095/3.11*** SECTION 1945. 94.72 (6) (a) 3. of the statutes is created to read:
14 94.72 (6) (a) 3. Beginning on the effective date of this subdivision [revisor
15 inserts date], for commercial feeds distributed in this state a weights and measures
16 inspection fee of 2 cents per ton.

17 ***b0269/1.2*** SECTION 1945e. 94.73 (2) (c) of the statutes is amended to read:
18 94.73 (2) (c) The department may issue an order under par. (a) on a summary
19 basis without prior notice or a prior hearing if the department determines that a
20 summary order is necessary to prevent imminent harm to public health or safety or
21 to the environment. If the recipient of a summary order requests a hearing on that
22 order, the department shall hold a hearing within 10 days after it receives the
23 request unless the recipient agrees to a later hearing date. The department is not
24 required to stay enforcement of a summary order issued under this paragraph
25 pending the outcome of the hearing. If the responsible person prevails after a

1 hearing, the department shall reimburse the responsible person from the
2 appropriation account under s. 20.115 (7) ~~(e)~~ ~~or~~ (wm) for the corrective action costs
3 incurred as the result of the department's order.

4 ***b0269/1.2* SECTION 1945g.** 94.73 (7) (a) of the statutes is amended to read:

5 94.73 (7) (a) The department may make payments to a responsible person who
6 is eligible for reimbursement under sub. (3) if the department has authorized
7 reimbursement to that person under sub. (6). The department shall make payment
8 from the appropriation ~~accounts~~ account under s. 20.115 (7) ~~(e)~~ ~~and~~ (wm), subject to
9 the availability of funds in ~~these~~ that appropriation ~~accounts~~ account. If there are
10 insufficient funds to pay the full amounts authorized under sub. (6) to all eligible
11 responsible persons, the department shall distribute payments in the order in which
12 applications were received, unless the department specifies, by rule, a different order
13 of payment.

14 ***-0102/1.3* SECTION 1946.** 95.21 (9) (c) of the statutes is created to read:

15 95.21 (9) (c) The department may provide training to persons who administer
16 local rabies control programs or who conduct rabies examinations under those
17 programs. The department may charge fees to cover the cost of training. The fees
18 collected under this paragraph shall be credited to the appropriation under s. 20.115
19 (2) (j).

20 ***b0284/3.1* SECTION 1950m.** 98.01 (3) of the statutes is amended to read:

21 98.01 (3) "Municipality" means a city ~~or~~, village or town.

22 ***-0061/4.1* SECTION 1951.** 98.04 (1) of the statutes is amended to read:

23 98.04 (1) ~~Each~~ Except as provided in sub. (2), a municipality having a
24 population of more than 5,000, according to the latest federal census most recent
25 population estimate made by the department of administration under s. 16.96, shall

1 enforce the provisions of this chapter within its jurisdiction. For this purpose it, a
2 municipality shall establish a municipal department of weights and measures. Each
3 municipal department of weights and measures shall have such number of qualified
4 sealers or inspectors as will ensure compliance with this chapter. Municipal sealers
5 or inspectors shall have the same authority as sealers or inspectors of the
6 department of agriculture, trade and consumer protection. The selection of
7 municipal sealers or inspectors shall be from a list of applicants whose qualifications
8 have been certified by the state or local civil service agency under the rules of the
9 agency. ~~Such~~ The municipality shall procure and keep at all times a complete set of
10 standards of weight and measure conforming to the state standards, ~~and such~~
11 ~~standards shall be submitted~~ and shall submit the standards for certification at
12 regular intervals as required by the department. ~~It of agriculture, trade and~~
13 ~~consumer protection. The municipality~~ shall keep a complete record of its work and
14 annually shall file a report thereof with the department of agriculture, trade and
15 consumer protection. ~~Municipalities~~ The municipality may enact ordinances
16 ~~regulating that regulate~~ weights and measures and that are not in conflict with this
17 chapter or the rules of the department ~~and of agriculture, trade and consumer~~
18 ~~protection. The municipality~~ may assess fees ~~which that~~ do not exceed the actual cost
19 of ~~the municipal its~~ weights and measures program.

20 ***-0061/4.2* SECTION 1952.** 98.04 (2) of the statutes is repealed and recreated
21 to read:

22 98.04 (2) A municipality that is required to establish a department of weights
23 and measures under sub. (1) may contract with the department of agriculture, trade,
24 and consumer protection to enforce the provisions of this chapter within the
25 municipality's jurisdiction instead of establishing its own department if the

1 department of agriculture, trade and consumer protection agrees to enter into such
2 a contract. The department of agriculture, trade and consumer protection may
3 charge the municipality fees sufficient to cover the department's costs under the
4 contract. A municipality may recover an amount not to exceed the cost of these fees
5 by assessing fees on the persons who receive services under the weights and
6 measures program.

7 ***-0061/4.3* SECTION 1953.** 98.16 (2) (b) of the statutes, as affected by 1997
8 Wisconsin Act 27, section 2552f, is amended to read:

9 98.16 (2) (b) The fee for a license under par. (a) is ~~\$30~~ \$60, except that the
10 department may establish a different fee by rule.

11 ***-0063/2.12* SECTION 1960.** 100.261 of the statutes is created to read:

12 **100.261 Consumer information assessment.** (1) If a court imposes a fine
13 or forfeiture for a violation of this chapter, ch. 98, a rule promulgated under this
14 chapter or ch. 98 or an ordinance enacted under this chapter or ch. 98, the court shall
15 also impose a consumer information assessment in an amount equal to 15% of the
16 fine or forfeiture imposed. If multiple violations are involved, the court shall base
17 the consumer information assessment upon the the total of the fine or forfeiture
18 amounts for all violations. If a fine or forfeiture is suspended in whole or in part, the
19 court shall reduce the assessment in proportion to the suspension.

20 (2) If any deposit is made for a violation to which this section applies, the person
21 making the deposit shall also deposit a sufficient amount to include the consumer
22 information assessment required under this section. If the deposit is forfeited, the
23 amount of the consumer information assessment shall be transmitted to the state
24 treasurer under sub. (3). If the deposit is returned, the consumer information
25 assessment shall also be returned.

1 **(3)** (a) The clerk of court shall collect and transmit the consumer information
2 assessment amounts to the county treasurer under s. 59.40 (2) (m). The county
3 treasurer shall then make payment to the state treasurer under s. 59.25 (3) (f) 2.

4 (b) 1. The state treasurer shall deposit the assessment amounts in the general
5 fund and shall credit them to the appropriation account under s. 20.115 (1) (jb),
6 subject to the limit under subd. 2.

7 2. The amount credited to the appropriation account under s. 20.115 (1) (jb) may
8 not exceed \$85,000 in each fiscal year.

9 ***b0674/1.1* SECTION 1960d.** 100.30 (2) (c) 1. b. of the statutes is amended to
10 read:

11 100.30 **(2)** (c) 1. b. For every person holding a permit as a distributor as defined
12 in s. 139.30 (3) ~~or as a multiple retailer as defined in s. 139.30 (8)~~, with respect to that
13 portion of the person's business which involves the purchase and sale of cigarettes,
14 "cost to wholesaler" means the cost charged by the cigarette manufacturer,
15 disregarding any manufacturer's discount or any discount under s. 139.32 (5), plus
16 the amount of tax imposed under s. 139.31. Except for a sale at wholesale between
17 wholesalers, a markup to cover a proportionate part of the cost of doing business shall
18 be added to the cost to wholesaler. In the absence of proof of a lesser cost, this markup
19 shall be 3% of the cost to wholesaler as set forth in this subd. 1. b.

20 ***b0674/1.1* SECTION 1960h.** 100.30 (2) (f) of the statutes is amended to read:

21 100.30 **(2)** (f) With respect to the sale of merchandise other than motor vehicle
22 fuel, "retailer" and "wholesaler" shall both be applied to any merchant who buys
23 merchandise for resale at retail from the manufacturer or producer thereof ~~and to~~
24 ~~any wholesaler under par. (L) 2.~~ and, as to that merchandise or that wholesaler, the

1 terms “cost to retailer” and “cost to wholesaler” as defined in pars. (am) and (c) shall
2 both be applied, including the markup requirements.

3 ***b0674/1.1* SECTION 1960p.** 100.30 (2) (L) (intro.) and 1. of the statutes are
4 consolidated, renumbered 100.30 (2) (L) and amended to read:

5 100.30 (2) (L) (intro.) “Wholesaler” includes ~~every person holding a permit as~~
6 ~~a multiple retailer under s. 139.30 (8) and~~ every person engaged in the business of
7 making sales at wholesale, other than sales of motor vehicle fuel at wholesale, within
8 this state except as follows: 1. ~~In that in~~ the case of a person engaged in the business
9 of selling both at wholesale and at retail, “wholesaler” applies only to the wholesale
10 portion of that business.

11 ***b0674/1.1* SECTION 1960t.** 100.30 (2) (L) 2. of the statutes is repealed.

12 ***-0030/2.113* SECTION 1972.** 101.01 (4) of the statutes is amended to read:

13 101.01 (4) “Employer” means any person, firm, corporation, state, county,
14 town, city, village, school district, sewer district, drainage district, family care
15 district and other public or quasi-public corporations as well as any agent, manager,
16 representative or other person having control or custody of any employment, place
17 of employment or of any employe.

18 ***b0216/1.1* SECTION 1972g.** 101.02 (18m) of the statutes is amended to read:

19 101.02 (18m) The department may perform, or contract for the performance
20 of, testing of petroleum products other than testing provided under ch. 168. The
21 department may establish a schedule of fees for such petroleum product testing
22 services. The department shall credit all revenues received from fees established
23 under this subsection to the appropriation account under s. 20.143 (3) (ga). Revenues
24 from fees established under this subsection may be used by the department to pay

1 for testing costs, including laboratory supplies and equipment amortization, for such
2 products.

3 ***b0238/4.5* SECTION 1972g.** 101.02 (20) (a) of the statutes is amended to read:

4 101.02 (20) (a) For purposes of this subsection, “license” means a license,
5 permit or certificate of certification or registration issued by the department under
6 ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a),
7 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87,
8 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16,
9 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

10 ***b0238/4.5* SECTION 1972m.** 101.02 (21) (a) of the statutes is amended to read:

11 101.02 (21) (a) In this subsection, “license” means a license, permit or
12 certificate of certification or registration issued by the department under s. 101.09
13 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178
14 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87, 101.935, 101.95,
15 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,
16 145.175, 145.18 or 167.10 (6m).

17 ***-0423/1.1* SECTION 1973.** 101.09 (title) of the statutes is amended to read:

18 **101.09 (title) Storage of flammable and, combustible and hazardous**
19 **liquids.**

20 ***-0423/1.2* SECTION 1974.** 101.09 (1) (am) of the statutes is created to read:

21 101.09 (1) (am) “Federally regulated hazardous substance” means a hazardous
22 substance, as defined in 42 USC 9601 (14).

23 ***-0423/1.3* SECTION 1975.** 101.09 (2) (a) of the statutes is amended to read:

24 101.09 (2) (a) Except as provided under pars. (b) to (d), every person who
25 constructs, owns or controls a tank for the storage, handling or use of ~~flammable or~~

1 ~~combustible~~ liquid that is flammable or combustible or a federally regulated
2 hazardous substance shall comply with the standards adopted under sub. (3).

3 *~~0423/1.4~~* **SECTION 1976.** 101.09 (3) (a) of the statutes is amended to read:

4 101.09 (3) (a) The department shall promulgate by rule construction,
5 maintenance and abandonment standards applicable to tanks for the storage,
6 handling or use of ~~flammable and combustible~~ liquids that are flammable or
7 combustible or are federally regulated hazardous substances, and to the property
8 and facilities where the tanks are located, for the purpose of protecting the waters
9 of the state from harm due to contamination by ~~flammable and combustible~~ liquids
10 that are flammable or combustible or are federally regulated hazardous substances.

11 The rule shall comply with ch. 160. The rule may include different standards for new
12 and existing tanks, but all standards shall provide substantially similar protection
13 for the waters of the state. The rule shall include maintenance requirements related
14 to the detection and prevention of leaks. The rule may require any person supplying
15 heating oil to any noncommercial storage tank for consumptive use on the premises
16 to submit to the department, within 30 days after the department requests, the
17 location, contents and size of any such tank.

18 *~~0423/1.5~~* **SECTION 1979.** 101.14 (5) of the statutes is amended to read:

19 101.14 (5) (a) Subject to par. (b), in addition to any fee charged by the
20 department by rule for plan review and approval for the construction of a new or
21 additional installation or change in operation of a previously approved installation
22 for the storage, handling or use of ~~flammable or combustible liquids~~ a liquid that is
23 flammable or combustible or a federally regulated hazardous substance, as defined
24 in s. 101.09 (1) (am), the department shall collect a groundwater fee of \$100 for each

1 plan review submittal. The moneys collected under this subsection shall be credited
2 to the environmental fund for environmental management.

3 (b) Notwithstanding par. (a), an installation for the storage, handling or use of
4 ~~flammable or combustible liquids~~ a liquid that is flammable or combustible or a
5 federally regulated hazardous substance, as defined in s. 101.09 (1) (am), that has
6 a capacity of less than 1,000 gallons is not subject to the groundwater fee under par.
7 (a).

8 *b0344/3.11* **SECTION 1979p.** 101.143 (1) (bm) of the statutes is created to
9 read:

10 101.143 (1) (bm) “Enforcement standard” has the meaning given in s. 160.01
11 (2).

12 *b0344/3.11* **SECTION 1979r.** 101.143 (1) (cq) of the statutes is created to read:

13 101.143 (1) (cq) “Natural attenuation” means the reduction in the
14 concentration and mass of a substance, and the products into which the substance
15 breaks down, due to naturally occurring physical, chemical and biological processes.

16 *b0344/3.11* **SECTION 1979v.** 101.143 (2) (em) of the statutes is created to read:

17 101.143 (2) (em) 1. The department may promulgate rules that specify a fee
18 that must be paid by a service provider as a condition of submitting a bid to conduct
19 an activity under sub. (3) (c) for which a claim for reimbursement under this section
20 will be submitted. Any fees collected under the rules shall be deposited into the
21 petroleum inspection fund.

22 2. If the department promulgates rules under subd. 1., the department may
23 purchase, or provide funding for the purchase of, insurance to cover the amount by
24 which the costs of conducting activities under sub. (3) (c) exceed the amount bid to
25 conduct those activities.

1 ***b0344/3.11* SECTION 1980c.** 101.143 (2) (h) of the statutes is created to read:

2 101.143 (2) (h) The department of commerce and the department of natural
3 resources, jointly, shall promulgate rules designed to facilitate effective and
4 cost-efficient administration of the program under this section that specify all of the
5 following:

6 1. Information that must be submitted under this section, including quarterly
7 summaries of costs incurred with respect to a discharge for which a claim is intended
8 to be submitted under sub. (3) but for which a final claim has not been submitted.

9 2. Formats for submitting the information under subd. 1.

10 3. Review procedures that must be followed by employes of the department of
11 natural resources and the department of commerce in reviewing the information
12 submitted under subd. 1.

13 ***b0344/3.11* SECTION 1981c.** 101.143 (2) (i) of the statutes is created to read:

14 101.143 (2) (i) The department of commerce and the department of natural
15 resources, jointly, shall promulgate rules specifying procedures for evaluating
16 remedial action plans and procedures to be used by employes of the department of
17 commerce and the department of natural resources while remedial actions are being
18 conducted. The departments shall specify procedures that include all of the
19 following:

20 1. Annual reviews that include application of the method in the rules
21 promulgated under sub. (2e) (b) to determine the risk posed by discharges that are
22 the subject of the remedial actions.

23 2. Annual reports by consultants estimating the additional costs that must be
24 incurred to comply with sub. (3) (c) 3. and with enforcement standards.

1 3. A definition of “reasonable time” for the purpose of determining whether
2 natural attenuation may be used to achieve enforcement standards.

3 4. Procedures to be used to measure concentrations of contaminants.

4 ***b0344/3.11* SECTION 1981e.** 101.143 (2) (j) of the statutes is created to read:

5 101.143 (2) (j) The department of commerce and the department of natural
6 resources, jointly, shall promulgate rules specifying all of the following:

7 1. The conditions under which employes of the department of commerce and
8 the department of natural resources must issue approvals under sub. (3) (c) 4.

9 2. Training and management procedures to ensure that employes comply with
10 the requirements under subd. 1.

11 ***b0344/3.11* SECTION 1981g.** 101.143 (2) (k) of the statutes is created to read:

12 101.143 (2) (k) In promulgating rules under pars. (h) to (j), the department of
13 commerce and the department of natural resources shall attempt to reach an
14 agreement that is consistent with those provisions. If the department of commerce
15 and the department of natural resources are unable to reach an agreement, they
16 shall refer the matters on which they are unable to agree to the secretary of
17 administration for resolution. The secretary of administration shall resolve any
18 matters on which the departments disagree in a manner that is consistent with pars.
19 (h) to (j). The department of commerce and the department of natural resources,
20 jointly, shall promulgate rules incorporating any agreement between the
21 department of commerce and the department of natural resources under this
22 paragraph and any resolution of disagreements between the departments by the
23 secretary of administration under this paragraph.

24 ***b0344/3.11* SECTION 1981i.** 101.143 (2) (L) of the statutes is created to read:

1 101.143 (2) (L) The department may promulgate rules for the assessment
2 and collection of fees to recover its costs for providing approval under sub. (3) (c)
3 4. and for providing other assistance requested by applicants under this section.
4 Any moneys collected under this paragraph shall be credited to the appropriation
5 account under s. 20.143 (3) (Lm).

6 ***b0344/3.11* SECTION 1982c.** 101.143 (2e) of the statutes is created to read:

7 101.143 (2e) RISK-BASED ANALYSIS. (a) The department of commerce and the
8 department of natural resources shall attempt to agree on a method, which shall
9 include consideration of the routes for migration of petroleum product
10 contamination, for determining the risk to public health, safety and welfare and to
11 the environment posed by discharges for which the department of commerce receives
12 notification under sub. (3) (a) 3.

13 (b) If the department of commerce and the department of natural resources are
14 unable to reach an agreement under par. (a), they shall refer the matters on which
15 they are unable to agree to the secretary of administration for resolution. The
16 secretary of administration shall resolve any matters on which the departments
17 disagree in a manner that is consistent with par. (a). The department of commerce
18 and the department of natural resources, jointly, shall promulgate rules
19 incorporating any agreement between the department of commerce and the
20 department of natural resources under par. (a) and any resolution of disagreements
21 between the departments by the secretary of administration under this paragraph.

22 (c) The department of natural resources or, if the discharge is covered under
23 s. 101.144 (2) (b), the department of commerce shall apply the method in the rules
24 promulgated under par. (b) to determine the risk posed by a discharge for which the
25 department of commerce receives notification under sub. (3) (a) 3.

1 ***b0344/3.11* SECTION 1983b.** 101.143 (3) (c) 2. of the statutes is amended to
2 read:

3 101.143 (3) (c) 2. Prepare a remedial action plan that identifies specific
4 remedial action activities proposed to be conducted under subd. 3. and submit the
5 remedial action plan to the department.

6 ***b0344/3.11* SECTION 1983m.** 101.143 (3) (cm) of the statutes is amended to
7 read:

8 101.143 (3) (cm) *Monitoring as remedial action.* An owner or operator or person
9 owning a home oil tank system may, with the approval of the department of natural
10 resources or, if the discharge is covered under s. 101.144 (2) (b), the department of
11 commerce, satisfy the requirements of par. (c) 2. and 3. by proposing and
12 implementing monitoring to ensure the effectiveness of ~~the natural process of~~
13 ~~degradation~~ attenuation of petroleum product contamination.

14 ***b0344/3.11* SECTION 1983p.** 101.143 (3) (cn) of the statutes is created to read:

15 101.143 (3) (cn) *Review of remedial action plans.* The department of natural
16 resources or, if the discharge is covered under s. 101.144 (2) (b), the department of
17 commerce shall review and approve or disapprove a remedial action plan submitted
18 under par. (c) 2.

19 ***b0344/3.11* SECTION 1983t.** 101.143 (3) (cp) of the statutes is created to read:

20 101.143 (3) (cp) *Bidding process.* 1. Except as provided in subds. 2. to 5., if the
21 department of natural resources or, if the site is covered under s. 101.144 (2) (b), the
22 department of commerce estimates that the cost to complete a site investigation,
23 remedial action plan and remedial action for an occurrence exceeds \$80,000, the
24 department of commerce shall implement a competitive public bidding process to
25 obtain information to assist in making the determination under par. (cs).

1 2. The department of commerce or the department of natural resources may
2 waive the requirement under subd. 1. if an enforcement standard is exceeded in
3 groundwater within 1,000 feet of a well operated by a public utility, as defined in s.
4 196.01 (5), or within 100 feet of any other well used to provide water for human
5 consumption.

6 3. The department of commerce may waive the requirement under subd. 1. if
7 it determines that the remedial action plan identifies the least costly method of
8 complying with par. (c) 3. and with enforcement standards.

9 4. The department of commerce or the department of natural resources may
10 waive the requirement under subd. 1. on the grounds that waiver is necessary in an
11 emergency to prevent or mitigate an imminent hazard to public health, safety or
12 welfare or to the environment.

13 5. The department of commerce or the department of natural resources may
14 waive the requirement under subd. 1. after providing notice to the other department.

15 6. The department of commerce may disqualify a bid received under subd. 1.
16 if, based on information available to the department and experience with remedial
17 action at other sites, the bid is unlikely to establish an amount to sufficiently fund
18 remedial action that will comply with par. (c) 3. and with enforcement standards.

19 7. The department of commerce may disqualify a person from submitting bids
20 under subd. 1. if, based on past performance of the bidder, the department
21 determines that the person has demonstrated an inability to complete remedial
22 action within established cost limits.

23 ***b0344/3.11* SECTION 1984c.** 101.143 (3) (cs) of the statutes is created to read:

24 101.143 (3) (cs) *Determination of least costly method of remedial action.* 1. The
25 department of commerce shall review the remedial action plan for a site that is

1 classified as low or medium risk under s. 101.144 and shall determine the least costly
2 method of complying with par. (c) 3. and with enforcement standards. The
3 department shall notify the owner or operator of its determination of the least costly
4 method and shall notify the owner or operator that reimbursement for remedial
5 action under this section is limited to the amount necessary to implement that
6 method.

7 2. The department of natural resources and the department of commerce shall
8 review the remedial action plan for a site that is classified as high risk under s.
9 101.144 and shall jointly determine the least costly method of complying with par.
10 (c) 3. and with enforcement standards. The departments shall notify the owner or
11 operator of their determination of the least costly method.

12 3. In making determinations under subd. 1., the department of commerce shall
13 determine whether natural attenuation will achieve compliance with par. (c) 3. and
14 with enforcement standards.

15 4. The department of commerce may review and modify an amount established
16 under subd. 1. if the department determines that new circumstances, including
17 newly discovered contamination at a site, warrant those actions.

18 *b0344/3.11* SECTION 1984m. 101.143 (3) (cw) of the statutes is created to
19 read:

20 101.143 (3) (cw) *Annual reviews.* 1. The department of commerce shall conduct
21 the annual review required under sub. (2) (i) 1. for a site that is classified as low or
22 medium risk under s. 101.144 and shall determine the least costly method of
23 completing remedial action at the site in order to comply with par. (c) 3. and with
24 enforcement standards. The department shall notify the owner or operator of its
25 determination of the least costly method and shall notify the owner or operator that

1 reimbursement under this section for any remedial action conducted after the date
2 of the notice is limited to the amount necessary to implement that method.

3 2. The department of natural resources and the department of commerce shall
4 conduct the annual review required under sub. (2) (i) 1. for a site that is classified as
5 high risk under s. 101.144 and shall jointly determine the least costly method of
6 completing remedial action at the site in order to comply with par. (c) 3. and with
7 enforcement standards. The departments shall notify the owner or operator of their
8 determination of the least costly method.

9 3. In making determinations under subds. 1. and 2., the department of natural
10 resources and the department of commerce shall determine whether natural
11 attenuation will achieve compliance with par. (c) 3. and with enforcement standards.

12 4. The department of commerce may review and modify an amount established
13 under subd. 1. if the department determines that new circumstances, including
14 newly discovered contamination at a site, warrant those actions.

15 *b0344/3.11* **SECTION 1985b.** 101.143 (3) (d) of the statutes is amended to
16 read:

17 101.143 (3) (d) ~~Review of site investigations, remedial action plans and Final~~
18 ~~review of remedial action activities. The department of natural resources or, if the~~
19 ~~discharge is covered under s. 101.144 (2) (b), the department of commerce shall, at~~
20 ~~the request of the claimant, review the site investigation and the remedial action~~
21 ~~plan and advise the claimant on the adequacy of proposed remedial action activities~~
22 ~~in meeting the requirements of s. 292.11. The advice is not an approval of the~~
23 ~~remedial action activities. The department of natural resources or, if the discharge~~
24 is covered under s. 101.144 (2) (b), the department of commerce shall complete a final

1 review of the remedial action activities within 60 days after the claimant notifies the
2 appropriate department that the remedial action activities are completed.

3 *b0344/3.11* SECTION 1985e. 101.143 (3) (g) (intro.) and 1. of the statutes are
4 consolidated, renumbered 101.143 (3) (g) and amended to read:

5 101.143 (3) (g) *Emergency situations*. Notwithstanding pars. (a) 3. and (c) 1.
6 and 2., an owner or operator or the person may submit a claim for an award under
7 sub. (4) after notifying the department under par. (a) 3., without completing an
8 investigation under par. (c) 1. and without preparing a remedial action plan under
9 par. (c) 2. if any of the following apply: ~~1. An an~~ emergency existed which made the
10 investigation under par. (c) 1. and the remedial action plan under par. (c) 2.
11 inappropriate and, before conducting remedial action, the owner or operator or
12 person notified the department of commerce and the department of natural
13 resources of the emergency and the department of commerce and the department of
14 natural resources authorized emergency action.

15 *b0344/3.11* SECTION 1985f. 101.143 (3) (g) 2. of the statutes is repealed.

16 *b0344/3.11* SECTION 1985m. 101.143 (4) (b) (intro.) of the statutes is
17 amended to read:

18 101.143 (4) (b) *Eligible costs*. (intro.) ~~Eligible~~ Except as provided in par. (c).
19 eligible costs for an award under par. (a) include actual costs or, if the department
20 establishes a schedule usual and customary cost under par. (cm) for an item, usual
21 and customary costs for the following items ~~only~~:

22 *b0344/3.11* SECTION 1985r. 101.143 (4) (b) 16. of the statutes is created to
23 read:

24 101.143 (4) (b) 16. Compliance using the least costly method, with an order of
25 the department of commerce or the department of natural resources to conduct

1 remedial action activities in response to a discharge from a petroleum product
2 storage system or home oil tank system.

3 ***b0344/3.11* SECTION 1985w.** 101.143 (4) (c) (intro.) of the statutes is amended
4 to read:

5 101.143 (4) (c) *Exclusions from eligible costs.* (intro.) Eligible costs for an
6 award under par. (a) do not include the following, regardless of whether a competitive
7 bidding process is used:

8 ***b0344/3.11* SECTION 1986c.** 101.143 (4) (c) 8. of the statutes is renumbered
9 101.143 (4) (c) 8. (intro.) and amended to read:

10 101.143 (4) (c) 8. (intro.) Interest costs incurred by an applicant that exceed
11 interest at ~~1% over the prime rate, as determined under rules promulgated by the~~
12 ~~department.~~ the following rate:

13 ***b0344/3.11* SECTION 1986e.** 101.143 (4) (c) 8. a. to f. of the statutes are
14 created to read:

15 101.143 (4) (c) 8. a. If the applicant has gross revenues of not more than
16 \$5,000,000 in the most recent tax year before the applicant submits a claim, 1% over
17 the prime rate.

18 b. If the applicant has gross revenues of more than \$5,000,000 but not more
19 than \$15,000,000 in the most recent tax year before the applicant submits a claim,
20 the prime rate.

21 c. If the applicant has gross revenues of more than \$15,000,000 but not more
22 than \$25,000,000 in the most recent tax year before the applicant submits a claim,
23 1% under the prime rate.

1 d. If the applicant has gross revenues of more than \$25,000,000 but not more
2 than \$35,000,000 in the most recent tax year before the applicant submits a claim,
3 2% under the prime rate.

4 e. If the applicant has gross revenues of more than \$35,000,000 but not more
5 than \$45,000,000 in the most recent tax year before the applicant submits a claim,
6 3% under the prime rate.

7 f. If the applicant has gross revenues of more than \$45,000,000 in the most
8 recent tax year before the applicant submits a claim, 4% under the prime rate.

9 ***b0344/3.11* SECTION 1986g.** 101.143 (4) (c) 10. of the statutes is created to
10 read:

11 101.143 (4) (c) 10. Fees charged under sub. (2) (L) or s. 292.55 (2).

12 ***b0344/3.11* SECTION 1986i.** 101.143 (4) (c) 11. of the statutes is created to
13 read:

14 101.143 (4) (c) 11. For a site that is classified as low or medium risk under s.
15 101.144, costs that exceed the amount necessary to comply with sub. (3) (c) 3. and
16 with enforcement standards using the least costly method, subject to par. (b) 16.

17 ***b0344/3.11* SECTION 1986k.** 101.143 (4) (c) 12. of the statutes is created to
18 read:

19 101.143 (4) (c) 12. Costs that are incurred after the date of a notice under sub.
20 (3) (cw) 1. and that exceed the amount necessary to comply with sub. (3) (c) 3. and
21 with enforcement standards using the method specified in the notice, subject to par.
22 (b) 16.

23 ***b0344/3.11* SECTION 1986m.** 101.143 (4) (cm) of the statutes is renumbered
24 101.143 (4) (cm) 1. and amended to read:

1 101.143 (4) (cm) 1. The department ~~may shall~~ establish a schedule of usual and
2 customary costs for ~~any~~ items under par. (b) and ~~may that are commonly associated~~
3 ~~with claims under this section. The department shall~~ use that schedule to determine
4 the amount of a claimant's eligible costs ~~for an occurrence for which a competitive~~
5 ~~bidding process is not used, except in circumstances under which higher costs must~~
6 ~~be incurred to comply with sub. (3) (c) 3. and with enforcement standards. For an~~
7 ~~occurrence for which a competitive bidding process is used, the department may not~~
8 ~~use the schedule. In the schedule, the department shall specify the maximum~~
9 ~~number of reimbursable hours for particular tasks and the maximum reimbursable~~
10 ~~hourly rates for those tasks. The department shall use methods of data collection and~~
11 ~~analysis that enable the schedule to be revised to reflect changes in actual costs. This~~
12 ~~subdivision does not apply after June 30, 2001.~~

13 ***b0344/3.11* SECTION 1986p.** 101.143 (4) (cm) 2. of the statutes is created to
14 read:

15 101.143 (4) (cm) 2. The department may establish a schedule of usual and
16 customary costs for any items under par. (b) and may use that schedule to determine
17 the amount of a claimant's eligible costs. This subdivision applies after June 30,
18 2001.

19 ***b0344/3.11* SECTION 1987b.** 101.143 (4) (d) 2. (intro.) of the statutes is
20 amended to read:

21 101.143 (4) (d) 2. (intro.) The department shall issue the award under this
22 paragraph without regard to fault in an amount equal to the amount of the eligible
23 costs that exceeds a ~~the~~ deductible amount of \$2,500 plus 5% of the eligible costs, but
24 ~~not more than \$7,500 per occurrence, except that the deductible amount for a~~
25 ~~petroleum product storage system that is owned by a school district or a technical~~

1 ~~college district and that is used for storing heating oil for consumptive use on the~~
2 ~~premises is 25% of eligible costs under par. (dg).~~ An award issued under this
3 paragraph may not exceed the following for each occurrence:

4 ***b0344/3.11* SECTION 1991c.** 101.143 (4)(dg) of the statutes is created to read:

5 101.143 (4) (dg) *Deductible; underground systems.* The amount of the
6 deductible for an award under par. (d) is as follows for each occurrence:

7 1. Except as provided under par. (di), for an owner or operator of an
8 underground petroleum product storage tank system that is located at a facility at
9 which petroleum is stored for resale or an owner or operator of an underground
10 petroleum product storage tank system that handles an annual average of more than
11 10,000 gallons of petroleum per month, \$5,000 plus 4% of the amount by which
12 eligible costs exceed \$100,000.

13 2. For a school district or a technical college district with respect to a discharge
14 from an underground petroleum product storage tank system that is used for storing
15 heating oil for consumptive use on the premises, 25% of eligible costs.

16 3. For the owner or operator of a petroleum product storage system that is
17 described in par. (ei) 1., \$5,000.

18 4. For an owner or operator other than an owner or operator described in subd.
19 1., 2. or 3., \$2,500, plus 5% of eligible costs, but not more than \$7,500.

20 ***b0344/3.11* SECTION 1992c.** 101.143 (4) (di) of the statutes is created to read:

21 101.143 (4) (di) *Rules concerning deductible for underground systems.* The
22 department may promulgate rules describing a class of owners and operators of
23 underground petroleum product storage tank systems otherwise subject to par. (dg)
24 1. for whom the deductible is the amount under par. (dg) 4. rather than the amount
25 under par. (dg) 1. if the class is based on financial hardship or consists of local

1 governmental units that are conducting remedial action as part of projects to
2 redevelop brownfields, as defined in s. 234.88 (1) (a).

3 ***b0344/3.11* SECTION 1993c.** 101.143 (4) (dm) 2. a. of the statutes is amended
4 to read:

5 101.143 (4) (dm) 2. a. For the owner or operator of a terminal, \$15,000 plus 5%
6 10% of the amount by which eligible costs exceed \$200,000.

7 ***b0344/3.11* SECTION 1993f.** 101.143 (4) (dm) 2. c. of the statutes is amended
8 to read:

9 101.143 (4) (dm) 2. c. For the owner or operator of a petroleum product storage
10 system that is described in par. (ei) 1., ~~\$2,500 plus 5% of eligible costs but not more~~
11 ~~than \$7,500~~ \$5,000 per occurrence.

12 ***b0344/3.11* SECTION 1993m.** 101.143 (4) (ei) 2. of the statutes is repealed and
13 recreated to read:

14 101.143 (4) (ei) 2. The department shall review claims related to discharges
15 from farm tanks described in subd. 1. as soon as the claims are received. The
16 department shall issue an award for an eligible discharge from a farm tank described
17 in subd. 1. as soon as it completes the review of the claim.

18 ***-1432/7.49* SECTION 1994.** 101.143 (9m) of the statutes is created to read:

19 101.143 (9m) REVENUE OBLIGATIONS. (a) For purposes of subch. II of ch. 18, the
20 petroleum storage remedial action program is a special fund program, and the
21 petroleum inspection fund is a special fund. The petroleum inspection fund is a
22 segregated fund created by the imposition of fees, penalties or excise taxes. The
23 legislature finds and determines that a nexus exists between the petroleum storage
24 remedial action program and the petroleum inspection fund in that fees imposed on

1 users of petroleum are used to remedy environmental damage caused by petroleum
2 storage.

3 (b) Deposits, appropriations or transfers to the petroleum inspection fund for
4 the purposes of the petroleum storage remedial action program may be funded with
5 the proceeds of revenue obligations issued subject to and in accordance with subch.
6 II of ch. 18 and, if designated a higher education bond, in accordance with subch. IV
7 of ch. 18.

8 (e) The department shall have all other powers necessary and convenient to
9 distribute the special fund revenues and to distribute the proceeds of the revenue
10 obligations in accordance with subch. II of ch. 18 and, if designated a higher
11 education bond, in accordance with subch. IV of ch. 18.

12 (f) The department may enter into agreements with the federal government or
13 its agencies, political subdivisions of this state, individuals or private entities to
14 insure or in any other manner provide additional security for the revenue obligations
15 issued under this subsection.

16 (g) Revenue obligations may be contracted by the building commission when
17 it reasonably appears to the building commission that all obligations incurred under
18 this subsection can be fully paid on a timely basis from moneys received or
19 anticipated to be received. Revenue obligations issued under this subsection may not
20 exceed \$270,000,000 in principal amount. In addition to this limit on principal
21 amount, the building commission may contract revenue obligations under this
22 subsection as the building commission determines is desirable to fund or refund
23 outstanding revenue obligations, to pay issuance or administrative expenses, to
24 make deposits to reserve funds or to pay accrued or capitalized interest.

1 (gm) Of the revenue obligations authorized under par. (g), no more than
2 \$170,000,000 may be issued until all of the following conditions have been met:

3 1. The joint committee on finance has approved, at a regular quarterly meeting
4 under s. 13.10, a report jointly submitted by the departments of administration,
5 commerce and natural resources. The report shall include information regarding all
6 of the following:

7 a. The proposed issuance of any revenue obligations in excess of \$170,000,000.

8 b. The amount of claims under sub. (3) received during the 2 calendar quarters
9 immediately preceding the date of the report.

10 c. The number and dollar amount of claims under sub. (3) that the department
11 of commerce has received but not paid.

12 d. The progress made by the departments of administration, commerce and
13 natural resources in implementing cost control strategies to reduce the costs of
14 cleanups at sites for which claims are submitted under sub. (3).

15 2. The departments of commerce and natural resources have jointly
16 promulgated permanent rules under sub. (2) (h) to (j).

17 (h) Unless otherwise expressly provided in resolutions authorizing the
18 issuance of revenue obligations or in other agreements with the owners of revenue
19 obligations, each issue of revenue obligations under this subsection shall be on a
20 parity with every other revenue obligation issued under this subsection and in
21 accordance with subch. II of ch. 18 and, if designated a higher education bond, in
22 accordance with subch. IV of ch. 18.

23 (i) Recognizing its moral obligation to do so, the legislature expresses its
24 expectation and aspiration that, if the legislature reduces the rate of the petroleum
25 inspection fee and if the funds in the petroleum inspection fund are insufficient to

1 pay the principal and interest on the revenue obligations issued under subch. II or
2 IV of ch. 18 pursuant to this subsection, the legislature shall make an appropriation
3 from the general fund sufficient to pay the principal and interest on the obligations.

4 ***b0344/3.14* SECTION 1994m.** 101.143 (11) of the statutes is created to read:

5 101.143 (11) REPORTS. No later than each January 1 and July 1, the department
6 of commerce and the department of natural resources shall submit the the governor,
7 to the joint legislative audit committee, to the joint committee on finance and to the
8 appropriate standing committees of the legislature, under s. 13.172 (3), a report on
9 the program under this section. The departments shall include all of the following
10 information in the report:

11 (a) All of the following information for each petroleum product storage system
12 and home oil tank system from which a discharge has occurred for which remedial
13 action activities are being conducted:

14 1. The date on which the record of the site investigation was received.

15 2. The environmental risk factors, as defined by the department of commerce
16 by rule, identified at the site.

17 3. The year in which the approval under sub. (3) (c) 4. is expected to be issued.

18 (am) The number of notices received under sub. (3) (a) 3. and the number of
19 approvals given under sub. (3) (c) 4.

20 (b) The percentage of sites classified as high risk under s. 101.144.

21 (c) The name of each person providing engineering consulting services to a
22 claimant under this section and the number of claimants to whom the person has
23 provided those services.

24 (d) The charges for engineering consulting services for sites for which
25 approvals are given under sub. (3) (c) 4. and for other sites.

1 (e) The charges by service providers other than engineering consultants for
2 services for which reimbursement is provided under this section, including
3 excavating, hauling, laboratory testing and landfill disposal.

4 (em) Whether disputes have arisen between the departments under sub. (3)
5 (cw) 2. and, if so, how those disputes have been resolved.

6 (f) Strategies for recording and monitoring complaints of fraud in the program
7 under this section and for the use of employes of the department of commerce who
8 conduct audits to identify questionable claims and investigate complaints.

9 ***b0344/3.14* SECTION 1995p.** 101.144 (1)(ae) of the statutes is created to read:
10 101.144 (1) (ae) “Enforcement standard” has the meaning given in s. 160.01 (2).

11 ***b0344/3.14* SECTION 1995r.** 101.144 (1)(aq) of the statutes is created to read:

12 101.144 (1) (aq) Except as provided under sub. (3g), “high-risk site” means the
13 site of a discharge of a petroleum product from a petroleum storage tank if the
14 discharge has resulted in a concentration of contaminants that exceeds an
15 enforcement standard in soil that has a hydraulic conductivity of 1×10^{-5} centimeters
16 per second or if at least one of the following applies:

17 1. Repeated tests show that the discharge has resulted in a concentration of
18 contaminants in a well used to provide water for human consumption that exceeds
19 a preventive action limit, as defined in s. 160.01 (6).

20 2. Petroleum product that is not in dissolved phase is present with a thickness
21 of 0.01 feet or more, as shown by repeated measurements.

22 3. An enforcement standard is exceeded in groundwater within 1,000 feet of a
23 well operated by a public utility, as defined in s. 196.01 (5), or within 100 feet of any
24 other well used to provide water for human consumption.

25 4. An enforcement standard is exceeded in bedrock.

1 ***b0344/3.14* SECTION 1996c.** 101.144 (2) (b) 1. of the statutes is amended to
2 read:

3 101.144 (2) (b) 1. The site of the discharge is classified, as provided under sub.
4 (3m) (a) 3., as medium priority risk or low priority risk, based on the threat that the
5 discharge poses to public health, safety and welfare and to the environment.

6 ***b0344/3.14* SECTION 1996e.** 101.144 (2) (b) 2. of the statutes is amended to
7 read:

8 101.144 (2) (b) 2. The site of the discharge is not contaminated by a hazardous
9 substance other than the petroleum product, including any additive, that was
10 discharged from the petroleum storage tank.

11 ***b0344/3.14* SECTION 1997c.** 101.144 (3g) of the statutes is created to read:

12 101.144 (3g) (a) If, on December 1, 1999, more than 35% of sites classified
13 under this section, excluding sites that are contaminated by a hazardous substance
14 other than a petroleum product or an additive to a petroleum product, are classified
15 as high-risk sites, the department of commerce and the department of natural
16 resources shall attempt to reach an agreement that specifies standards for
17 determining whether the site of a discharge of a petroleum product from a petroleum
18 storage tank is classified as high risk. The standards shall be designed to classify
19 no more than 35% of those sites as high-risk sites and may not classify all sites at
20 which an enforcement standard is exceeded as high-risk sites. If the department of
21 commerce and the department of natural resources are unable to reach an
22 agreement, they shall refer the matters on which they are unable to agree to the
23 secretary of administration for resolution. The secretary of administration shall
24 resolve any matters on which the departments disagree in a manner that is
25 consistent with this paragraph. The department of commerce shall promulgate rules

1 incorporating any agreement between the department of commerce and the
2 department of natural resources under this paragraph and any resolution of
3 disagreements between the departments by the secretary of administration under
4 this paragraph.

5 (b) If, 6 months after rules under par. (a) are in effect, more than 35% of the sites
6 classified under this section, excluding sites that are contaminated by a hazardous
7 substance other than a petroleum product or an additive to a petroleum product, are
8 classified as high-risk sites, the department of commerce shall revise the rules using
9 the procedure for promulgating the rules in par. (a).

10 *b0344/3.14* SECTION 1998c. 101.144 (3m) (a) 3. of the statutes is amended
11 to read:

12 101.144 (3m) (a) 3. Establishes ~~procedures, standards and schedules~~ for
13 determining whether the site of a discharge of a petroleum product from a petroleum
14 storage tank is classified as ~~high priority, medium priority risk~~ or ~~low priority risk~~
15 and establishes procedures and schedules for classifying sites of discharges of
16 petroleum products from petroleum storage tanks.

17 *b0222/3.1* SECTION 1998k. 101.63 (3m) of the statutes is created to read:

18 101.63 (3m) Contract with a private organization to provide education
19 regarding construction standards and inspection requirements under this
20 subchapter and under rules promulgated under this subchapter to builders of
21 dwellings in this state. The department may only contract with an organization
22 under this subsection if the organization is described in section 501 (c) (3) of the
23 Internal Revenue Code and is exempt from federal income tax under section 501 (a)
24 of the Internal Revenue Code.

25 *b0222/3.1* SECTION 1998m. 101.651 (title) of the statutes is amended to read:

1 **101.651** (title) **Certain municipalities ~~excepted~~ exempted.**

2 ***b0222/3.1* SECTION 1998mc.** 101.651 (1) (title) of the statutes is created to
3 read:

4 101.651 (1) (title) DEFINITION.

5 ***b0222/3.1* SECTION 1998me.** 101.651 (2) of the statutes is repealed.

6 ***b0222/3.1* SECTION 1998mg.** 101.651 (2m) of the statutes is created to read:

7 101.651 (2m) EXEMPTION BY RESOLUTION. A municipality shall exercise
8 jurisdiction over the construction and inspection of new one- and 2-family dwellings
9 by enacting ordinances under s. 101.65 (1) (a) or shall exercise the jurisdiction
10 granted under s. 101.65 (1) (a) jointly under s. 101.65 (1) (b), unless the municipality
11 does any of the following by resolution:

12 (a) Requests under sub. (3) that the department or a county enforce this
13 subchapter or an ordinance enacted under s. 101.65 (1) (a) throughout the
14 municipality and that the department or a county provide inspection services in the
15 municipality to administer and enforce this subchapter or an ordinance enacted
16 under s. 101.65 (1) (a).

17 (b) Determines not to exercise jurisdiction over the construction and inspection
18 of new one- and 2-family dwellings under s. 101.65 (1) (a), not to exercise jurisdiction
19 jointly under s. 101.65 (1) (b), not to request under sub. (3) that the department or
20 a county enforce this subchapter or an ordinance enacted under s. 101.65 (1) (a)
21 throughout the municipality and not to request under sub. (3) that the department
22 or a county provide inspection services in the municipality to administer and enforce
23 this subchapter or an ordinance enacted under s. 101.65 (1) (a).

24 ***b0222/3.1* SECTION 1998mi.** 101.651 (3) of the statutes is amended to read:

1 101.651 (3) DEPARTMENTAL AND COUNTY AUTHORITY IN MUNICIPALITIES: GENERALLY.
2 Except as provided in sub. (3m) ~~or (3s)~~, the department or a county may not enforce
3 this subchapter or an ordinance enacted under s. 101.65 (1) (a) or provide inspection
4 services in a municipality unless requested to do so by a person with respect to a
5 particular dwelling or by the municipality. A request by a person or a municipality
6 with respect to a particular dwelling does not give the department or a county
7 authority with respect to any other dwelling. Costs shall be collected under s. 101.65
8 (1) (c) or ss. 101.63 (9) and 101.65 (2) from ~~the a~~ person or municipality making ~~the~~
9 a request under this subsection.

10 ***b0222/3.1* SECTION 1998mk.** 101.651 (3m) (title) of the statutes is created
11 to read:

12 101.651 (3m) (title) AUTHORITY OVER EROSION CONTROL IN TOWNS,
13 UNINCORPORATED AREAS AND CERTAIN EXEMPTED MUNICIPALITIES.

14 ***b0222/3.1* SECTION 1998mm.** 101.651 (3m) of the statutes is renumbered
15 101.651 (3m) (a) and amended to read:

16 101.651 (3m) (a) The department may enforce s. 101.653 in a municipality that
17 ~~does not perform or contract for inspection services under s. 101.65 (1) (a) or (b)~~
18 adopts a resolution under sub. (2m) (b). A county may enforce those provisions of an
19 ordinance enacted under s. 101.65 (1) (a) related to construction site erosion in any
20 city or village that ~~does not perform or contract for inspection services under s. 101.65~~
21 ~~(1) (a) or (b)~~ adopts a resolution under sub. (2m) (b). The department or the county
22 shall collect a fee for the inspection services under this subsection.

23 ***b0222/3.1* SECTION 1998mp.** 101.651 (3s) of the statutes is renumbered
24 101.651 (3m) (b).

1 ***b0222/3.1* SECTION 1998mr.** 101.651 (4) (title) of the statutes is created to
2 read:

3 101.651 (4) (title) DATA RELATING TO HOUSING STARTS IN MUNICIPALITIES.

4 ***b0222/3.1* SECTION 1998mt.** 101.651 (5) (title) of the statutes is created to
5 read:

6 101.651 (5) (title) EFFECT OF SECTION ON CERTAIN LAWS.

7 ***b0222/3.1* SECTION 1998mv.** 101.651 (6) (title) of the statutes is created to
8 read:

9 101.651 (6) (title) ENERGY CONSERVATION RULES; CONTINUING EFFECT.

10 ***b0238/4.6* SECTION 1998cc.** 101.91 (1) of the statutes is renumbered 101.91
11 (2e).

12 ***b0238/4.6* SECTION 1998cg.** 101.91 (1g), (1m), (2g) and (2m) of the statutes
13 are created to read:

14 101.91 (1g) “Delivery date” means the date on which a mobile home is
15 physically delivered to the site chosen by the mobile home owner.

16 (1m) “License period” means the period during which a license issued under
17 s. 101.951 or 101.952 is effective, as established by the department under s. 101.951
18 (2) (b) 1. or 101.952 (2) (b) 1.

19 (2g) “Mobile home dealer” means a person who, for a commission or other thing
20 of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale or
21 exchange of an interest in, mobile homes or who is engaged wholly or partially in the
22 business of selling mobile homes, whether or not the mobile homes are owned by the
23 person, but does not include:

24 (a) A receiver, trustee, administrator, executor, guardian or other person
25 appointed by or acting under the judgment or order of any court.

1 (b) Any public officer while performing that officer's official duty.

2 (c) Any employe of a person enumerated in par. (a) or (b).

3 (d) Any lender, as defined in s. 421.301 (22).

4 (e) A person transferring a mobile home registered in that person's name and
5 used for that person's personal, family or household purposes, if the transfer is an
6 occasional sale and is not part of the business of the transferor.

7 (2m) "Mobile home owner" means any person who purchases, or leases from
8 another, a mobile home primarily for use for personal, family or household purposes.

9 *b0238/4.6* SECTION 1998cL. 101.91 (3) of the statutes is amended to read:

10 101.91 (3) "Mobile home park" ~~has the meaning given in s. 66.058(1)(e)~~ means
11 any plot or plots of ground upon which 3 or more mobile homes or manufactured
12 homes that are occupied for dwelling or sleeping purposes are located. "Mobile home
13 park" does not include a farm where the occupants of the mobile homes or
14 manufactured homes are the father, mother, son, daughter, brother or sister of the
15 farm owner or operator or where the occupants of the mobile homes or manufactured
16 homes work on the farm.

17 *b0238/4.6* SECTION 1998cp. 101.91 (4), (5) and (6) of the statutes are created
18 to read:

19 101.91 (4) "Mobile home salesperson" means any person who is employed by
20 a mobile home manufacturer or mobile home dealer to sell or lease mobile homes.

21 (5) "New mobile home" means a mobile home that has never been occupied,
22 used or sold for personal or business use.

23 (6) "Used mobile home" means a mobile home that has previously been
24 occupied, used or sold for personal or business use.

25 *b0238/4.6* SECTION 1998ct. 101.92 (9) of the statutes is created to read:

1 101.92 (9) Shall promulgate rules and establish standards necessary to carry
2 out the purposes of ss. 101.953 and 101.954.

3 ***b0238/4.6* SECTION 1998cx.** 101.9202 of the statutes is created to read:

4 **101.9202 Excepted liens and security interests.** Sections 101.9203 to
5 101.9218 do not apply to or affect:

6 (1) A lien given by statute or rule of law to a supplier of services or materials
7 for the mobile home.

8 (2) A lien given by statute to the United States, this state or any political
9 subdivision of this state.

10 (3) A security interest in a mobile home created by a mobile home dealer or
11 manufacturer who holds the mobile home for sale, which shall be governed by the
12 applicable provisions of ch. 409.

13 ***b0238/4.6* SECTION 1998gc.** 101.9203 of the statutes is created to read:

14 **101.9203 When certificate of title required.** (1) The owner of a mobile
15 home situated in this state or intended to be situated in this state shall make
16 application for certificate of title under s. 101.9209 for the mobile home if the owner
17 has newly acquired the mobile home.

18 (2) Any owner who situates in this state a mobile home for which a certificate
19 of title is required without such certificate having been issued or applied for, knowing
20 that the certificate of title has not been issued or applied for, may be required to
21 forfeit not more than \$200. A certificate is considered to have been applied for when
22 the application accompanied by the required fee has been delivered to the
23 department or deposited in the mail properly addressed and with postage prepaid.

24 (3) Unless otherwise authorized by rule of the department, a nonresident
25 owner of a mobile home situated in this state may not apply for a certificate of title

1 under this subchapter unless the mobile home is subject to a security interest or
2 except as provided in s. 101.9209 (1) (a).

3 ***b0238/4.6* SECTION 1998gg.** 101.9204 of the statutes is created to read:

4 **101.9204 Application for certificate of title.** (1) An application for a
5 certificate of title shall be made to the department upon a form or in an automated
6 format prescribed by it and shall be accompanied by the required fee. Each
7 application for certificate of title shall include the following information:

8 (a) The name and address of the owner.

9 (b) A description of the mobile home, including make, model, identification
10 number and any other information or documentation that the department may
11 reasonably require for proper identification of the mobile home.

12 (c) The date of purchase by the applicant, the name and address of the person
13 from whom the mobile home was acquired and the names and addresses of any
14 secured parties in the order of their priority.

15 (d) If the mobile home is a new mobile home being titled for the first time, the
16 signature of the mobile home dealer. The document of origin shall contain the
17 information specified by the department.

18 (e) Any further evidence of ownership which the department may reasonably
19 require to enable it to determine whether the owner is entitled to a certificate of title
20 and the existence or nonexistence of security interests in the mobile home.

21 (f) If the identification number of the mobile home has been removed,
22 obliterated or altered, or if the original casting has been replaced, or if the mobile
23 home has not been numbered by the manufacturer, the application for certificate of
24 title shall so state.

1 (g) If the mobile home is a used mobile home which was last previously titled
2 in another jurisdiction, the applicant shall furnish any certificate of ownership
3 issued by the other jurisdiction and a statement pertaining to the title history and
4 ownership of the mobile home, such statement to be in the form that the department
5 prescribes.

6 (2) Any person who knowingly makes a false statement in an application for
7 a certificate of title may be fined not more than \$5,000 or imprisoned for not more
8 than 5 years or both.

9 ***b0238/4.6* SECTION 1998gL.** 101.9205 of the statutes is created to read:

10 **101.9205 When department to issue certificate and to whom;**
11 **maintenance of records.** (1) The department shall maintain a record of each
12 application for certificate of title received by it and, when satisfied as to its
13 genuineness and regularity and that the applicant is entitled to the issuance of a
14 certificate of title, shall issue and deliver a certificate to the owner of the mobile
15 home.

16 (2) The department shall maintain a record of all applications, and all
17 certificates of title issued by the department, indexed in the following manners:

18 (a) According to title number.

19 (b) Alphabetically, according to the name of the owner.

20 (c) In any other manner which the department determines to be desirable.

21 (3) The department shall charge a fee of not less than \$2 for conducting a file
22 search of mobile home title records.

23 ***b0238/4.6* SECTION 1998gp.** 101.9206 of the statutes is created to read:

24 **101.9206 Contents of certificate of title.** (1) Each certificate of title issued
25 by the department shall contain all of the following:

1 (a) The name and address of the owner.

2 (b) The names of any secured parties in the order of priority as shown on the
3 application or, if the application is based on another certificate of title, as shown on
4 that certificate.

5 (c) The title number assigned to the mobile home.

6 (d) A description of the mobile home, including make, model and identification
7 number.

8 (e) Any other data which the department considers pertinent and desirable.

9 **(2)** (a) The certificate of title shall contain spaces for all of the following:

10 1. Assignment and warranty of title by the owner.

11 2. Reassignment and warranty of title by a mobile home dealer.

12 (b) The certificate of title may contain spaces for application for a certificate of
13 title by a transferee and for the naming of a secured party and the assignment or
14 release of a security interest.

15 **(3)** (a) Unless the applicant fulfills the requirements of par. (b), the department
16 shall issue a distinctive certificate of title for a mobile home last previously registered
17 in another jurisdiction if the laws of the other jurisdiction do not require that secured
18 parties be named on a certificate of title to perfect their security interests. The
19 certificate shall contain the legend "This mobile home may be subject to an
20 undisclosed security interest" and may contain any other information that the
21 department prescribes. If the department receives no notice of a security interest in
22 the mobile home within 4 months from the issuance of the distinctive certificate of
23 title, the department shall, upon application and surrender of the distinctive
24 certificate, issue a certificate of title in ordinary form.

1 (b) The department may issue a nondistinctive certificate of title if the
2 applicant fulfills either of the following requirements:

3 1. The applicant is a mobile home dealer and is financially responsible as
4 substantiated by the last financial statement on file with the department, a finance
5 company licensed under s. 138.09, a bank organized under the laws of this state, or
6 a national bank located in this state.

7 2. The applicant has filed with the department a bond in the form prescribed
8 by the department and executed by the applicant, and either accompanied by the
9 deposit of cash with the department or also executed by a person authorized to
10 conduct a surety business in this state. The bond shall be in an amount equal to 1.5
11 times the value of the mobile home as determined by the department and conditioned
12 to indemnify any prior owner and secured party and any subsequent purchaser of the
13 mobile home or person acquiring any security interest in it, and their respective
14 successors in interest, against any expense, loss or damage, including reasonable
15 attorney fees, by reason of the issuance of the certificate of title of the mobile home
16 or on account of any defect in or undisclosed security interest upon the right, title and
17 interest of the applicant in and to the mobile home. Any such interested person has
18 a right of action to recover on the bond for any breach of its conditions, but the
19 aggregate liability of the surety to all persons shall not exceed the amount of the
20 bond. The bond, and any deposit accompanying it, shall be returned at the end of 5
21 years or prior thereto if, apart from this section, a nondistinctive certificate of title
22 could then be issued for the mobile home.

23 (4) A certificate of title issued by the department is prima facie evidence of the
24 facts appearing on it.

25 (5) The department may issue a certificate of title in an automated format.