



1 ***b0238/4.6* SECTION 1998gt.** 101.9207 of the statutes is created to read:

2 **101.9207 Lost, stolen or mutilated certificates.** (1) If a certificate of title
3 is lost, stolen, mutilated or destroyed or becomes illegible, the owner or legal
4 representative of the owner named in the certificate, as shown by the records of the
5 department, shall promptly make application for and may obtain a replacement
6 upon furnishing information satisfactory to the department. The replacement
7 certificate of title shall contain the legend "This is a replacement certificate and may
8 be subject to the rights of a person under the original certificate".

9 (2) A person recovering an original certificate of title for which a replacement
10 has been issued shall promptly surrender the original certificate to the department.

11 ***b0238/4.6* SECTION 1998gx.** 101.9208 of the statutes is created to read:

12 **101.9208 Fees.** The department shall be paid the following fees:

13 (1) For filing an application for the first certificate of title, \$8.50, by the owner
14 of the mobile home.

15 (2) Upon filing an application under sub. (1) or (4) before the first day of the
16 2nd month beginning after the effective date of this subsection [revisor inserts
17 date], an environmental impact fee of \$5, by the person filing the application. Upon
18 filing an application under sub. (1) or (4) on or after the first day of the 2nd month
19 beginning after the effective date of this subsection [revisor inserts date], an
20 environmental impact fee of \$6, by the person filing the application. All moneys
21 collected under this subsection shall be credited to the environmental fund for
22 environmental management.

23 (3) For the original notation and subsequent release of each security interest
24 noted upon a certificate of title, a single fee of \$4 by the owner of the mobile home.

1 (4) For a certificate of title after a transfer, \$8.50, by the owner of the mobile
2 home.

3 (6) For each assignment of a security interest noted upon a certificate of title,
4 \$1 by the assignee.

5 (7) For a replacement certificate of title, \$8, by the owner of the mobile home.

6 (8) For processing applications for certificates of title which have a special
7 handling request for fast service, a fee established by the department by rule, which
8 fee shall approximate the cost to the department for providing this special handling
9 service to persons so requesting.

10 (9) For the reinstatement of a certificate of title previously suspended or
11 revoked, \$25.

12 (10) For transfer of registration or credits for registration to a mobile home
13 currently titled in the name of the applicant, \$4, by the owner of the mobile home.

14 ***b0238/4.6* SECTION 1998Lc.** 101.9209 of the statutes is created to read:

15 **101.9209 Transfer of interest in a mobile home.** (1) (a) If an owner
16 transfers an interest in a mobile home, other than by the creation of a security
17 interest, the owner shall, at the time of the delivery of the mobile home, execute an
18 assignment and warranty of title to the transferee in the space provided therefor on
19 the certificate, and cause the certificate to be mailed or delivered to the transferee.

20 (b) Any person who holds legal title of a mobile home with one or more other
21 persons may transfer ownership of the mobile home under this subsection if legal
22 title to the mobile home is held in the names of such persons in the alternative,
23 including a mobile home held in a form designating the holder by the words "(name
24 of one person) or (name of other person)".

1 (2) Promptly after delivery to him or her of the mobile home, the transferee
2 shall execute the application for a new certificate of title in the space provided
3 therefor on the certificate or as the department prescribes, and cause the certificate
4 and application to be mailed or delivered to the department.

5 (3) A transfer by an owner is not effective until the provisions of this section
6 have been complied with. An owner who has delivered possession of the mobile home
7 to the transferee and has complied with the provisions of this section requiring action
8 by him or her is not liable as owner for any damages thereafter resulting from use
9 of the mobile home.

10 (4) Any owner of a mobile home for which a certificate of title has been issued,
11 who upon transfer of the mobile home fails to execute and deliver the assignment and
12 warranty of title required by sub. (1), may be required to forfeit not more than \$500.

13 (5) (a) Any transferee of a mobile home who fails to make application for a new
14 certificate of title immediately upon transfer to him or her of a mobile home may be
15 required to forfeit not more than \$200.

16 (b) Any transferee of a mobile home who, with intent to defraud, fails to make
17 application for a new certificate of title immediately upon transfer to him or her of
18 a mobile home may be fined not more than \$1,000 or imprisoned for not more than
19 30 days or both.

20 (c) A certificate is considered under this subsection to have been applied for
21 when the application accompanied by the required fee has been delivered to the
22 department or deposited in the mail properly addressed with postage prepaid.

23 ***b0238/4.6* SECTION 1998Lg.** 101.921 of the statutes is created to read:

24 **101.921 Transfer to or from dealer.** (1) (a) Except as provided in par. (b),
25 if a mobile home dealer acquires a mobile home and holds it for resale or accepts a

1 mobile home for sale on consignment, the mobile home dealer may not submit to the
2 department the certificate of title or application for certificate of title naming the
3 mobile home dealer as owner of the mobile home. Upon transferring the mobile home
4 to another person, the mobile home dealer shall immediately give the transferee, on
5 a form prescribed by the department, a receipt for all title, security interest and sales
6 tax moneys paid to the mobile home dealer for transmittal to the department when
7 required. The mobile home dealer shall promptly execute the assignment and
8 warranty of title, showing the name and address of the transferee and of any secured
9 party holding a security interest created or reserved at the time of the resale or sale
10 on consignment, in the spaces provided therefor on the certificate or as the
11 department prescribes. Within 7 business days following the sale or transfer, the
12 mobile home dealer shall mail or deliver the certificate or application for certificate
13 to the department with the transferee's application for a new certificate. A
14 nonresident who purchases a mobile home from a mobile home dealer in this state
15 may not, unless otherwise authorized by rule of the department, apply for a
16 certificate of title issued for the mobile home in this state unless the mobile home
17 dealer determines that a certificate of title is necessary to protect the interests of a
18 secured party. The mobile home dealer is responsible for determining whether a
19 certificate of title and perfection of security interest is required. The mobile home
20 dealer is liable for any damages incurred by the department or any secured party for
21 the mobile home dealer's failure to perfect a security interest which the mobile home
22 dealer had knowledge of at the time of sale.

23 (b) Except when all available spaces for a mobile home dealer's reassignment
24 on a certificate of title have been completed or as otherwise authorized by rules of the
25 department, a mobile home dealer who acquires a mobile home and holds it for resale

1 or accepts a mobile home for sale on consignment may not apply for a certificate of
2 title naming the mobile home dealer as owner of the mobile home.

3 (c) Unless exempted by rule of the department, a mobile home dealer who
4 acquires a mobile home and holds it for resale shall make application for a certificate
5 of title naming the mobile home dealer as owner of the mobile home when all of the
6 available spaces for a mobile home dealer's reassignment on the certificate of title
7 for such mobile home have been completed.

8 (2) Every mobile home dealer shall maintain for 5 years a record of every mobile
9 home bought, sold or exchanged, or received for sale or exchange. The record shall
10 be open to inspection by a representative of the department or by a peace officer
11 during reasonable business hours. The dealer shall maintain the record in the form
12 prescribed by the department.

13 (3) Any mobile home dealer who fails to comply with this section may be
14 required to forfeit not more than \$200.

15 ***b0238/4.6* SECTION 1998LL.** 101.9211 of the statutes is created to read:

16 **101.9211 Involuntary transfers.** (1) If the interest of an owner in a mobile
17 home passes to another other than by voluntary transfer, the transferee shall, except
18 as provided in sub. (2), promptly mail or deliver to the department the last certificate
19 of title, if available, and the documents required by the department to legally effect
20 such transfer, and an application for a new certificate in the form that the
21 department prescribes.

22 (2) If the interest of the owner is terminated or the mobile home is sold under
23 a security agreement by a secured party named in the certificate of title, the
24 transferee shall promptly mail or deliver to the department the last certificate of
25 title, an application for a new certificate in the form that the department prescribes,

1 and a statement made by or on behalf of the secured party that the mobile home was
2 repossessed and that the interest of the owner was lawfully terminated or sold under
3 the terms of the security agreement.

4 (3) A person holding a certificate of title whose interest in the mobile home has
5 been extinguished or transferred other than by voluntary transfer shall mail or
6 deliver the certificate to the department upon request of the department. The
7 delivery of the certificate pursuant to the request of the department does not affect
8 the rights of the person surrendering the certificate, and the action of the department
9 in issuing a new certificate of title is not conclusive upon the rights of an owner or
10 secured party named in the old certificate.

11 (4) (a) In all cases of the transfer of a mobile home owned by a decedent, except
12 under par. (b), ward, trustee or bankrupt, the department shall accept as sufficient
13 evidence of the transfer of ownership all of the following:

14 1. Evidence satisfactory to the department of the issuance of the letters of
15 administration, letters testamentary, letters of guardianship, letters of trust or
16 appointment of the trustee in bankruptcy.

17 2. The title executed by such administrator, executor, guardian or trustee.

18 (b) 1. The department shall transfer the decedent's interest in any mobile home
19 to his or her surviving spouse upon receipt of the title executed by the surviving
20 spouse and a statement by the spouse which shall state all of the following:

21 a. The date of death of the decedent.

22 b. The approximate value and description of the mobile home.

23 c. That the spouse is personally liable for the decedent's debts and charges to
24 the extent of the value of the mobile home, subject to s. 859.25.

25 2. The transfer shall not affect any liens upon the mobile home.

1 3. Except as provided in subd. 4., this paragraph is limited to no more than 5
2 mobile homes titled in this state that are less than 20 years old at the time of the
3 transfer under this paragraph. There is no limit on transfer under this paragraph
4 of mobile homes titled in this state that are 20 or more years old at the time of transfer
5 under this paragraph.

6 4. The limit in subd. 3. does not apply if the surviving spouse is proceeding
7 under s. 867.03 (1g) and the total value of the decedent's solely owned property in the
8 state, including the mobile homes transferred under this paragraph, does not exceed
9 \$10,000.

10 (c) Upon compliance with this subsection, the department shall bear neither
11 liability nor responsibility for the transfer of such mobile homes in accordance with
12 this section.

13 (d) This subsection does not apply to transfer of interest in a mobile home under
14 s. 101.9209 (1) (b).

15 ***b0238/4.6* SECTION 1998Lp.** 101.9212 of the statutes is created to read:

16 **101.9212 When department to issue a new certificate.** (1) The
17 department, upon receipt of a properly assigned certificate of title, with an
18 application for a new certificate of title, the required fee and any other transfer
19 documents required by law, to support the transfer, shall issue a new certificate of
20 title in the name of the transferee as owner.

21 (2) The department, upon receipt of an application for a new certificate of title
22 by a transferee other than by voluntary transfer, with proof of the transfer, the
23 required fee and any other documents required by law, shall issue a new certificate
24 of title in the name of the transferee as owner. If the transfer constituted a
25 termination of the owner's interest or a sale under a security agreement by a secured

1 party named in the certificate, under s. 101.9211 (2), the new certificate shall be
2 issued free of the names and addresses of the secured party who terminated the
3 owner's interest and of all secured parties subordinate under s. 101.9213 to such
4 secured party. If the outstanding certificate of title is not delivered to it, the
5 department shall make demand therefor from the holder of such certificate.

6 (3) The department shall retain for 5 years a record of every surrendered
7 certificate of title, the record to be maintained so as to permit the tracing of title of
8 the mobile home designated therein.

9 *b0238/4.6* **SECTION 1998Lt.** 101.9213 of the statutes is created to read:

10 **101.9213 Perfection of security interests.** (1) Unless excepted by s.
11 101.9202, a security interest in a mobile home of a type for which a certificate of title
12 is required is not valid against creditors of the owner or subsequent transferees or
13 secured parties of the mobile home unless perfected as provided in ss. 101.9202 to
14 101.9218.

15 (2) Except as provided in sub. (3), a security interest is perfected by the delivery
16 to the department of the existing certificate of title, if any, an application for a
17 certificate of title containing the name and address of the secured party, and the
18 required fee. The security interest is perfected as of the time of its creation if such
19 delivery is completed within 10 days after the time that the security interest is
20 created, and without regard to the limitations expressed in s. 409.301 (2). If the
21 delivery is not completed within 10 days after the time that the security interest is
22 created, the security interest is perfected as of the time of such delivery.

23 (3) If a secured party whose name and address is contained on the certificate
24 of title for a mobile home acquires a new or additional security interest in the mobile

1 home, such security interest is perfected at the time of its attachment under s.
2 409.203.

3 (4) An unperfected security interest is subordinate to the rights of persons
4 described in s. 409.301.

5 (5) The rules of priority stated in s. 409.312, and the other sections therein
6 referred to, shall, to the extent appropriate, apply to conflicting security interests in
7 a mobile home of a type for which a certificate of title is required, or in a previously
8 certificated mobile home, as defined in s. 101.9222 (1). A security interest perfected
9 under this section or under s. 101.9222 (4) or (5) is a security interest perfected
10 otherwise than by filing for purposes of s. 409.312.

11 (6) The rules stated in ss. 409.501 to 409.507 governing the rights and duties
12 of secured parties and debtors and the requirements for, and effect of, disposition of
13 a mobile home by a secured party, upon default shall, to the extent appropriate,
14 govern the rights of secured parties and owners with respect to security interests in
15 mobile homes perfected under ss. 101.9202 to 101.9218.

16 (7) If a mobile home is subject to a security interest when brought into this
17 state, s. 409.103 (1), (2) and (3) states the rules which apply to determine the validity
18 and perfection of the security interest in this state.

19 (8) Upon request of a person who has perfected a security interest under this
20 section, as shown by the records of the department, in a mobile home titled in this
21 state, whenever the department receives information from another state that the
22 mobile home is being titled in the other state and the information does not show that
23 the security interest has been satisfied, the department shall notify the person. The
24 person shall pay the department a \$2 fee for each notification.

25 *b0238/4.6* **SECTION 1998Lx.** 101.9214 of the statutes is created to read:

1 **101.9214 Duties on creation of security interest.** If an owner creates a
2 security interest in a mobile home, unless the name and address of the secured party
3 already is contained on the certificate of title for the mobile home:

4 (1) The owner shall immediately execute, in the space provided therefor on the
5 certificate of title or on a separate form or in an automated format prescribed by the
6 department, an application to name the secured party on the certificate, showing the
7 name and address of the secured party, and cause the certificate, application and the
8 required fee to be delivered to the secured party.

9 (2) The secured party shall immediately cause the certificate, the application
10 and the required fee to be mailed or delivered to the department.

11 (3) Upon receipt of the certificate of title, the application and the required fee,
12 the department shall issue to the owner a new certificate containing the name and
13 address of the new secured party. The department shall deliver to the new secured
14 party and to the register of deeds of the county of the owner's residence memoranda,
15 in such form as the department prescribes, evidencing the notation of the security
16 interest upon the certificate; and thereafter, upon any assignment, termination or
17 release of the security interest, additional memoranda evidencing such action.

18 (4) The registers of deeds may record, and maintain a file of, all memoranda
19 received from the department under sub. (3). Such recording, however, is not
20 required for perfection, release or assignment of security interests, which shall be
21 effective upon compliance with ss. 101.9213 (2), 101.9215 and 101.9216 (1) and (2).

22 ***b0238/4.6* SECTION 1998pc.** 101.9215 of the statutes is created to read:

23 **101.9215 Assignment of security interest.** (1) A secured party may assign,
24 absolutely or otherwise, the party's security interest in the mobile home to a person
25 other than the owner without affecting the interest of the owner or the validity of the

1 security interest, but any person without notice of the assignment is protected in
2 dealing with the secured party as the holder of the security interest and the secured
3 party remains liable for any obligations as a secured party until the assignee is
4 named as secured party on the certificate.

5 (2) The assignee may but need not, to perfect the assignment, have the
6 certificate of title endorsed or issued with the assignee named as secured party, upon
7 delivering to the department the certificate and an assignment by the secured party
8 named in the certificate in the form that the department prescribes.

9 *b0238/4.6* **SECTION 1998pg.** 101.9216 of the statutes is created to read:

10 **101.9216 Release of security interest.** (1) Within one month or within 10
11 days following written demand by the debtor after there is no outstanding obligation
12 and no commitment to make advances, incur obligations or otherwise give value,
13 secured by the security interest in a mobile home under any security agreement
14 between the owner and the secured party, the secured party shall execute and deliver
15 to the owner, as the department prescribes, a release of the security interest in the
16 form and manner prescribed by the department and a notice to the owner stating in
17 no less than 10-point boldface type the owner's obligation under sub. (2). If the
18 secured party fails to execute and deliver the release and notice of the owner's
19 obligation as required by this subsection, the secured party is liable to the owner for
20 \$25 and for any loss caused to the owner by the failure.

21 (2) The owner, other than a mobile home dealer holding the mobile home for
22 resale, upon receipt of the release and notice of obligation shall promptly cause the
23 certificate and release to be mailed or delivered to the department, which shall
24 release the secured party's rights on the certificate and issue a new certificate.

1 (3) The department may remove information pertaining to a security interest
2 perfected under s. 101.9213 from its records when 20 years after the original
3 perfection has elapsed unless the security interest is renewed in the same manner
4 as provided in s. 101.9213 (2) for perfection of a security interest.

5 (4) Removal of information pertaining to a security interest from the records
6 of the department under sub. (3) does not affect any security agreement between the
7 owner of a mobile home and the holder of security interest in the mobile home.

8 ***b0238/4.6* SECTION 1998pL.** 101.9217 of the statutes is created to read:

9 **101.9217 Secured party's and owner's duties.** (1) A secured party named
10 in a certificate of title shall, upon written request of the owner or of another secured
11 party named on the certificate, disclose any pertinent information as to the party's
12 security agreement and the indebtedness secured by it.

13 (2) (a) An owner shall promptly deliver the owner's certificate of title to any
14 secured party who is named on it or who has a security interest in the mobile home
15 described in it under any other applicable prior law of this state, upon receipt of a
16 notice from such secured party that the security interest is to be assigned, extended
17 or perfected. Any owner who fails to deliver the certificate of title to a secured party
18 requesting it under this paragraph shall be liable to such secured party for any loss
19 caused to the secured party thereby and may be required to forfeit not more than
20 \$200.

21 (b) No secured party may take possession of any certificate of title except as
22 provided in par. (a). Any person who violates this paragraph may be required to
23 forfeit not more than \$1,000.

24 (3) Any secured party who fails to disclose information under sub. (1) shall be
25 liable for any loss caused to owner thereby.

1 ***b0238/4.6* SECTION 1998pp.** 101.9218 of the statutes is created to read:

2 **101.9218 Method of perfecting exclusive.** The method provided in ss.
3 101.921 to 101.9218 of perfecting and giving notice of security interests subject to ss.
4 101.921 to 101.9218 is exclusive. Security interests subject to ss. 101.921 to 101.9218
5 are hereby exempted from the provisions of law which otherwise require or relate to
6 the filing of instruments creating or evidencing security interests.

7 ***b0238/4.6* SECTION 1998pt.** 101.9219 of the statutes is created to read:

8 **101.9219 Withholding certificate of title; bond.** (1) The department may
9 not issue a certificate of title until the outstanding evidence of ownership is
10 surrendered to the department.

11 (2) If the department is not satisfied as to the ownership of the mobile home
12 or that there are no undisclosed security interests in it, the department, subject to
13 sub. (3), shall either:

14 (a) Withhold issuance of a certificate of title until the applicant presents
15 documents reasonably sufficient to satisfy the department as to the applicant's
16 ownership of the mobile home and that there are no undisclosed security interests
17 in it; or

18 (b) Issue a distinctive certificate of title pursuant to s. 101.9206 (3) or 101.9222
19 (3).

20 (3) Notwithstanding sub. (2), the department may issue a nondistinctive
21 certificate of title if the applicant fulfills either of the following requirements:

22 (a) The applicant is a mobile home dealer licensed under s. 101.951 and is
23 financially responsible as substantiated by the last financial statement on file with
24 the department, a finance company licensed under s. 138.09 or 218.01, a bank
25 organized under the laws of this state, or a national bank located in this state.

1 (b) The applicant has filed with the department a bond in the form prescribed
2 by the department and executed by the applicant, and either accompanied by the
3 deposit of cash with the department or also executed by a person authorized to
4 conduct a surety business in this state. The bond shall be in an amount equal to 1.5
5 times the value of the mobile home as determined by the department and conditioned
6 to indemnify any prior owner and secured party and any subsequent purchaser of the
7 mobile home or person acquiring any security interest in it, and their respective
8 successors in interest, against any expense, loss or damage, including reasonable
9 attorney fees, by reason of the issuance of the certificate of title of the mobile home
10 or on account of any defect in or undisclosed security interest upon the right, title and
11 interest of the applicant in and to the mobile home. Any such interested person has
12 a right of action to recover on the bond for any breach of its conditions, but the
13 aggregate liability of the surety to all persons shall not exceed the amount of the
14 bond. The bond, and any deposit accompanying it, shall be returned at the end of 5
15 years or prior thereto if, apart from this section, a nondistinctive certificate of title
16 could then be issued for the mobile home, or if the mobile home is no longer registered
17 in this state and the currently valid certificate of title is surrendered to the
18 department, unless the department has been notified of the pendency of an action
19 to recover on the bond.

20 ***b0238/4.6* SECTION 1998px.** 101.922 of the statutes is created to read:

21 **101.922 Suspension or revocation of certificate.** (1) The department
22 shall suspend or revoke a certificate of title if it finds any of the following:

23 (a) That the certificate of title was fraudulently procured, erroneously issued
24 or prohibited by law.

25 (b) That the mobile home has been scrapped, dismantled or destroyed.

1 (c) That a transfer of title is set aside by a court of record by order or judgment.

2 (2) Suspension or revocation of a certificate of title does not, in itself, affect the
3 validity of a security interest noted on it.

4 (3) When the department suspends or revokes a certificate of title, the owner
5 or person in possession of it shall, immediately upon receiving notice of the
6 suspension or revocation, mail or deliver the certificate to the department.

7 (4) The department may seize and impound any certificate of title which has
8 been suspended or revoked.

9 *b0238/4.6* **SECTION 1998tc.** 101.9221 of the statutes is created to read:

10 **101.9221 Grounds for refusing issuance of certificate of title.** The
11 department shall refuse issuance of a certificate of title if any required fee has not
12 been paid or for any of the following reasons:

13 (1) The department has reasonable grounds to believe that:

14 (a) The person alleged to be the owner of the mobile is not the owner.

15 (b) The application contains a false or fraudulent statement.

16 (2) The applicant has failed to furnish any of the following:

17 (a) If applicable, the power of attorney required under 15 USC 1988 or rules
18 of the department.

19 (b) Any other information or documents required by law or by the department
20 pursuant to authority of law.

21 (3) The applicant is a mobile home dealer and is prohibited from applying for
22 a certificate of title under s. 101.921 (1) (a) or (b).

23 (4) Except as provided in ss. 101.9203 (3) and 101.921 (1) (a) for a certificate
24 of title and registration for a mobile home owned by a nonresident, the applicant is

1 a nonresident and the issuance of a certificate of title has not otherwise been
2 authorized by rule of the department.

3 ***b0238/4.6* SECTION 1998tg.** 101.9222 of the statutes is created to read:

4 **101.9222 Previously certificated mobile homes.** (1) In this section,
5 “previously certificated mobile home” means a mobile home for which a certificate
6 of title has been issued by the department of transportation prior to July 1, 2000.

7 (2) Sections 101.9213 to 101.9218 do not apply to a previously certificated
8 mobile home until one of the following occurs:

9 (a) There is a transfer of ownership of the mobile home.

10 (b) The department of commerce issues a certificate of title of the mobile home
11 under this chapter.

12 (3) If the department is not satisfied that there are no undisclosed security
13 interests, created before July 1, 2000, in a previously certificated mobile home, the
14 department shall, unless the applicant fulfills the requirements of s. 101.9219 (3),
15 issue a distinctive certificate of title of the mobile home containing the legend “This
16 mobile home may be subject to an undisclosed security interest” and any other
17 information that the department prescribes.

18 (4) After July 1, 2000, a security interest in a previously certificated vehicle
19 may be created and perfected only by compliance with ss. 101.9213 and 101.9218.

20 (5) (a) If a security interest in a previously certificated mobile home is perfected
21 under any other applicable law of this state on July 1, 2000, the security interest
22 continues perfected:

23 1. Until its perfection lapses under the law under which it was perfected, or
24 until its perfection would lapse in the absence of a further filing or renewal of filing,
25 whichever occurs sooner.

1 2. If, before the security interest lapses as described in subd. 1., there is
2 delivered to the department the existing certificate of title together with the
3 application and fee required by s. 101.9214 (1). In such case the department shall
4 issue a new certificate pursuant to s. 101.9214 (3).

5 (b) If a security interest in a previously certificated mobile home was created,
6 but was unperfected, under any other applicable law of this state on July 1, 2000, it
7 may be perfected under par. (a), but such perfection dates only from the date of the
8 department's receipt of the certificate.

9 ***b0238/4.6* SECTION 1998tL.** 101.9223 of the statutes is created to read:

10 **101.9223 Registration of mobile homes. (1) DEFINITION.** In this section,
11 "owner" means, with respect to a mobile home that is leased to a lessee for a period
12 of one year or more, the lessee of the mobile home for purposes of mobile home
13 registration under this section.

14 **(2) APPLICATION FOR REGISTRATION.** (a) Application for original registration and
15 for renewal of registration shall be made to the department upon forms prescribed
16 by it and shall be accompanied by the required fee.

17 (b) Applications for original registration of a mobile home shall contain the
18 following information:

19 1. The name of the owner.

20 2. If the owner under subd. 1. is a lessee, the name of the lessor.

21 3. The name of the town, city or village in which the owner resides and, if the
22 owner resides in a 1st or 2nd class city, the owner's true residential or business
23 address.

1 4. If applicable, the name of the town, city or village in which the lessor resides
2 and, if the lessor resides in a 1st or 2nd class city, the lessor's true residential or
3 business address.

4 5. A description of the mobile home, including make, model, identification
5 number and any other information which the department may reasonably require
6 for proper identification of the mobile home.

7 6. The city, village or town and the county in which the mobile home is
8 customarily situated.

9 7. Such further information as the department may reasonably require to
10 enable it to determine whether the mobile home is by law entitled to registration or
11 to enable it to determine the proper applicant or registration fee for the mobile home.

12 (c) The department may accept an application and complete registration of a
13 mobile home when the evidence of ownership is held by a nonresident lienholder or
14 for other reason is not immediately available and the department is satisfied as to
15 ownership of the mobile home. The title fee shall be collected at the time of
16 registration and retained even though certificate of title is not issued.

17 (d) Applications for renewal of registration shall contain the information
18 required in par. (b) for original applications or such parts thereof as the department
19 considers necessary to ensure the proper registration of the mobile home. The
20 department may require that applications for renewal of registration be
21 accompanied by the certificate of title issued for the mobile home only when the true
22 ownership or proper registration of the mobile home is in doubt and cannot be
23 resolved from records maintained by the department.

24 (e) At least 30 days prior to the expiration of a mobile home's registration, the
25 department shall mail to the last-known address of the registrant a notice of the date

1 upon which the registration must be renewed and an application form for renewal
2 of registration.

3 (f) The department shall supply the clerk of each county with blank application
4 forms for original registration of mobile homes.

5 (g) If the applicant for a certificate of registration is under 18 years of age, the
6 application shall be accompanied by a statement made and signed by either of the
7 applicant's parents, if such parent has custody of the minor; or, if neither parent has
8 custody, then by the person having custody, stating that the applicant has the
9 signer's consent to register the mobile home in the applicant's name. Any person who
10 violates this subsection may be required to forfeit not more than \$200.

11 (h) A mobile home's registration does not expire on the date of expiration of its
12 registration if, on that date of expiration, the registrant is on active duty in the U.S.
13 armed forces and is absent from this state. Any registration extended under this
14 paragraph expires 30 days after the registrant returns to this state or 90 days after
15 the registrant is discharged from active duty, whichever is earlier. If a registration
16 is renewed after an extension under this subsection, the renewal period shall begin
17 on the day after the date of expiration of registration.

18 **(3) GROUNDS FOR REFUSING REGISTRATION.** The department shall refuse
19 registration of a mobile home under any of the following circumstances:

20 (a) The required state fee and any municipal mobile home registration fee
21 imposed by the town, village or city in which the mobile home is customarily situated
22 has not been paid for the mobile home, and the department may refuse registration
23 of a mobile home if such fees for the current period or for any previous period for
24 which payment of a registration fee is required by law have not been paid on any
25 other mobile homes owned by the applicant for registration.

1 (b) The applicant has failed to furnish any of the following:

2 1. If applicable, the power of attorney required under 15 USC 1988 or rules of
3 the department.

4 2. Other information or documents required by law or by the department
5 pursuant to authority of law.

6 (c) A certificate of title is a prerequisite to registration of the mobile home and,
7 except for an applicant who is the lessee of a mobile home, a valid certificate of title
8 has not been issued to the applicant for the mobile home and the applicant is not
9 entitled to the issuance of a certificate of title.

10 (d) A court has notified the department under s. 345.47 (1) (d) that a judgment
11 has been entered against the applicant and the judgment remains unpaid.

12 (4) CONTENTS AND ISSUANCE OF CERTIFICATE OF REGISTRATION; ISSUANCE OF
13 DUPLICATE CERTIFICATE. (a) Except as provided in par. (b) the department upon
14 registering a mobile home shall issue and deliver to the owner a certificate of
15 registration. The certificate shall contain the name, residence and address of the
16 owner, a brief description of the mobile home, the registration number assigned and
17 the date of expiration of registration. The certificate shall be in such form and may
18 contain such additional information as the department considers advisable.

19 (b) The department shall issue a duplicate certificate of registration upon
20 application therefor by any person in whose name the mobile home is registered and
21 upon payment of a fee of \$2.

22 (5) DESIGN, PROCUREMENT AND ISSUANCE OF REGISTRATION PLATES. (a) The
23 department upon registering a mobile home under this section shall issue and
24 deliver prepaid to the applicant one registration plate, unless the department
25 determines that 2 plates will better serve the interests of law enforcement.

1 (b) The department shall purchase plates from the Waupun correctional
2 institution unless otherwise approved by the governor. Subject to any specific
3 requirements which may be imposed by statute, the department shall determine the
4 size, color and design of registration plates with a view toward making them visible
5 evidence of the period for which the mobile home is registered and the fee class into
6 which the mobile home falls as well as making them a ready means of identifying the
7 specific mobile home or owner for which the plates were issued.

8 (c) All registration plates shall have displayed upon them the following:

9 1. The registration number assigned to the mobile home or owner. The
10 registration number shall be composed of numbers or letters or both.

11 2. The name "Wisconsin" or abbreviation "Wis".

12 3. An indication of the period for which the specific plate is issued or the date
13 of expiration of registration.

14 **(6) ISSUANCE OF REPLACEMENT PLATE.** (a) Whenever a current registration plate
15 is lost or destroyed, the owner of the mobile home to which the plate was attached
16 shall immediately apply to the department for replacement. Upon satisfactory proof
17 of the loss or destruction of the plate and upon payment of a fee of \$2 for each plate,
18 the department shall issue a replacement.

19 (b) Whenever a current registration plate becomes illegible, the owner of the
20 mobile home to which the plate is attached shall apply to the department for a
21 replacement. Upon receipt of satisfactory proof of illegibility, and upon payment of
22 a fee of \$2 for each plate, the department shall issue a replacement. Upon receipt of
23 a replacement plate, the applicant shall destroy the illegible plate.

24 (c) When issuing a replacement plate, the department may assign a new
25 number and issue a new plate rather than a duplicate of the original if in its

1 judgment that is in the best interests of economy or prevention of fraud. Upon receipt
2 of a replacement plate, the applicant shall destroy all plates replaced.

3 (d) Any person issued replacement plates who fails to destroy the original
4 plates as required by par. (b) or (c) may be required to forfeit not more than \$200.

5 (e) This subsection does not apply to plates issued pursuant to the law
6 pertaining to the registration of mobile home dealers, distributors, as defined in s.
7 340.01 (14), mobile home manufacturers or transporters, as defined in s. 340.01 (72).

8 (7) ANNUAL REGISTRATION FEES. An applicant for registration under this section
9 shall pay a fee of \$15 to the department for the annual registration of each mobile
10 home.

11 (8) FRAUDULENT APPLICATION FOR REGISTRATION OR LICENSE. Any person who
12 gives a false or fictitious name, address or location where a mobile home is
13 customarily situated in an application for license or registration or who makes
14 application for license or registration in the name of a person other than the true
15 owner, or true owner and lessee, may be fined not more than \$200 or imprisoned for
16 not more than 6 months or both.

17 (9) UNLAWFUL TRANSFER OF EVIDENCE OF REGISTRATION. (a) Except as authorized
18 by the department, no person may transfer to another person or offer for sale a
19 registration plate, decal or other evidence of registration issued by the department.

20 (b) No person may transfer to another person or offer for sale a counterfeit,
21 forged or fictitious registration plate, decal or other evidence of registration.

22 (c) Whoever violates par. (a) or (b) may be fined not more than \$5,000 or
23 imprisoned for not more than 7 years and 6 months, or both, for each violation.

24 (10) IMPROPER USE OF EVIDENCE OF REGISTRATION. Any person who does any of
25 the following may be required to forfeit not more than \$500:

1 (a) Lends to another a registration plate, decal or other evidence of registration
2 for display upon a mobile home for which the plate, tag, decal or other evidence of
3 registration has not been issued.

4 (b) Displays upon a mobile home a registration plate, decal or other evidence
5 of registration not issued for such mobile home or not otherwise authorized by law
6 to be used thereon.

7 (c) Wilfully twists, paints, alters or adds to or cuts off any portion of a
8 registration plate, decal or other evidence of registration; or who places or deposits,
9 or causes to be placed or deposited on such plate, decal or other evidence of
10 registration any substance to hinder the normal reading of such plate, decal or other
11 evidence of registration; or who defaces, disfigures, covers, obstructs, changes or
12 attempts to change any letter or figure thereon; or who causes such plate, decal or
13 other evidence of registration to appear to be a different color.

14 (d) Possesses a fraudulently or unlawfully obtained registration plate, insert
15 tag, decal or other evidence of registration.

16 (e) Possesses a counterfeit registration plate, decal or other evidence of
17 registration.

18 **(11) REPRODUCING EVIDENCE OF REGISTRATION PROHIBITED.** Except as authorized
19 by the department, any person who reproduces, by any means whatever, a
20 registration plate, decal or other evidence of registration shall forfeit not less than
21 \$200 nor more than \$500.

22 **(12) FALSE EVIDENCE OF REGISTRATION.** Whoever possesses a mobile home having
23 attached thereto any plate or similar device fashioned in imitation or facsimile of or
24 altered so as to resemble a registration plate issued by the department may be
25 required to forfeit not more than \$500.

1 (13) WHEN REGISTRATION TO BE SUSPENDED. (a) The department shall suspend
2 the registration of a mobile home when:

3 1. The registration was completed through fraud or error and the person who
4 registered the mobile home does not or cannot register the mobile home properly.

5 2. The required fee has not been paid and the same is not paid upon reasonable
6 notice and demand.

7 (b) Any registration suspended under this subsection continues to be
8 suspended until reinstated by the department. The department shall reinstate the
9 registration when the reason for the suspension has been removed.

10 (c) Whenever the registration of a mobile home is suspended under this
11 subsection, the department may order the owner or person in possession of the
12 registration plates to return them to the department. Any person who fails to return
13 the plates when ordered to do so by the department may be required to forfeit not
14 more than \$200.

15 ***b0238/4.6* SECTION 1998tp.** 101.94 (8) (a) of the statutes is amended to read:

16 101.94 (8) (a) ~~–A–~~ Except as provided in par. (c), a person who violates this
17 subchapter or, a rule promulgated under this subchapter or an order issued under
18 this subchapter shall forfeit not more than \$1,000 for each violation. Each violation
19 of this subchapter constitutes a separate violation with respect to each
20 manufactured home or mobile home or with respect to each failure or refusal to allow
21 or perform an act required by this subchapter, except the maximum forfeiture under
22 this subsection may not exceed \$1,000,000 for a related series of violations occurring
23 within one year of the first violation.

24 ***b0238/4.6* SECTION 1998tt.** 101.94 (8) (c) of the statutes is created to read:

1 101.94 (8) (c) A person who violates s. 101.935, a rule promulgated under s.
2 101.935 or an order issued under s. 101.935 may be required to forfeit not less than
3 \$10 nor more than \$250 for each violation. Each day of continued violation
4 constitutes a separate violation.

5 ***b0238/4.6* SECTION 1998tx.** 101.951 of the statutes is created to read:

6 **101.951 Mobile home dealers regulated.** (1) No person may engage in the
7 business of selling mobile homes to a consumer or to the retail market in this state
8 unless first licensed to do so by the department as provided in this section.

9 (2) (a) Application for a license or a renewal license shall be made to the
10 department on forms prescribed and furnished by the department, accompanied by
11 the license fee required under par. (c) or (d).

12 (b) 1. The department shall, by rule, establish the license period under this
13 section.

14 2. The department may promulgate rules establishing a uniform expiration
15 date for all licenses issued under this section.

16 (c) Except as provided in par. (d), the fee for a license issued under this section
17 equals \$50 multiplied by the number of years in the license period. The fee shall be
18 prorated if the license period is not evenly divisible into years.

19 (d) If the department issues a license under this section during the license
20 period, the fee for the license shall equal \$50 multiplied by the number of calendar
21 years, including parts of calendar years, during which the license remains in effect.
22 A fee determined under this paragraph may not exceed the license fee for the entire
23 license period under par. (c).

24 (3) The department shall issue a license only to a person whose character,
25 fitness and financial ability, in the opinion of the department, are such as to justify

1 the belief that the person can and will deal with and serve the buying public fairly
2 and honestly, will maintain a permanent office and place of business in this state
3 during the license year and will abide by all of the provisions of law and lawful orders
4 of the department.

5 (5) A licensee shall conduct the licensed business continuously during the
6 license year.

7 (6) The department may deny, suspend or revoke a license on any of the
8 following grounds:

9 (a) Proof of unfitness.

10 (b) A material misstatement in the application for the license.

11 (c) Filing a materially false or fraudulent income or franchise tax return as
12 certified by the department of revenue.

13 (d) Wilful failure to comply with any provision of this section or any rule
14 promulgated by the department under this section.

15 (e) Wilfully defrauding any retail buyer to the buyer's damage.

16 (f) Wilful failure to perform any written agreement with any retail buyer.

17 (g) Failure or refusal to furnish and keep in force any bond required.

18 (h) Having made a fraudulent sale, transaction or repossession.

19 (i) Fraudulent misrepresentation, circumvention or concealment, through any
20 subterfuge or device, of any of the material particulars or the nature thereof required
21 hereunder to be stated or furnished to the retail buyer.

22 (j) Use of fraudulent devices, methods or practices in connection with
23 compliance with the statutes with respect to the retaking of goods under retail
24 instalment contracts and the redemption and resale of such goods.

25 (k) Having indulged in any unconscionable practice relating to said business.

1 (m) Having sold a retail instalment contract to a sales finance company, as
2 defined in s. 218.01 (1) (v), that is not licensed under s. 218.01.

3 (n) Having violated any law relating to the sale, distribution or financing of
4 mobile homes.

5 (7) (a) The department of commerce may, without notice, deny the application
6 for a license within 60 days after receipt thereof by written notice to the applicant,
7 stating the grounds for the denial. Within 30 days after such notice, the applicant
8 may petition the department of administration to conduct a hearing to review the
9 denial, and a hearing shall be scheduled with reasonable promptness. The division
10 of hearings and appeals shall conduct the hearing. This paragraph does not apply
11 to denials of applications for licenses under s. 101.02 (21).

12 (b) No license may be suspended or revoked except after a hearing thereon. The
13 department of commerce shall give the licensee at least 5 days' notice of the time and
14 place of the hearing. The order suspending or revoking such license shall not be
15 effective until after 10 days' written notice thereof to the licensee, after such hearing
16 has been had; except that the department of commerce, when in its opinion the best
17 interest of the public or the trade demands it, may suspend a license upon not less
18 than 24 hours' notice of hearing and with not less than 24 hours' notice of the
19 suspension of the license. Matters involving suspensions and revocations brought
20 before the department of commerce shall be heard and decided upon by the
21 department of administration. The division of hearings and appeals shall conduct
22 the hearing. This paragraph does not apply to licenses that are suspended or revoked
23 under s. 101.02 (21).

24 (c) The department of commerce may inspect the pertinent books, records,
25 letters and contracts of a licensee. The actual cost of each such examination shall

1 be paid by such licensee so examined within 30 days after demand therefor by the
2 department, and the department may maintain an action for the recovery of such
3 costs in any court of competent jurisdiction.

4 (8) Any person who violates any provision of this section shall be fined not less
5 than \$25 nor more than \$100 for each offense.

6 *b0238/4.6* **SECTION 1998xc.** 101.952 of the statutes is created to read:

7 **101.952 Mobile home salespersons regulated.** (1) No person may engage
8 in the business of selling mobile homes to a consumer or to the retail market in this
9 state without a license therefor from the department. If a mobile home dealer acts
10 as a mobile home salesperson the dealer shall secure a mobile home salesperson's
11 license in addition to the license for engaging as a mobile home dealer.

12 (2) (a) Applications for a mobile home salesperson's license and renewals
13 thereof shall be made to the department on such forms as the department prescribes
14 and furnishes and shall be accompanied by the license fee required under par. (c) or
15 (d). The application shall include the applicant's social security number. In addition,
16 the application shall require such pertinent information as the department requires.

17 (b) 1. The department shall, by rule, establish the license period under this
18 section.

19 2. The department may promulgate rules establishing a uniform expiration
20 date for all licenses issued under this section.

21 (c) Except as provided in par. (d), the fee for a license issued under this section
22 equals \$4 multiplied by the number of years in the license period. The fee shall be
23 prorated if the license period is not evenly divisible into years.

24 (d) If the department issues a license under this section during the license
25 period, the fee for the license shall equal \$4 multiplied by the number of calendar

1 years, including parts of calendar years, during which the license remains in effect.
2 A fee determined under this paragraph may not exceed the license fee for the entire
3 license period under par. (c).

4 (3) Every licensee shall carry his or her license when engaged in his or her
5 business and display the same upon request. The license shall name his or her
6 employer, and, in case of a change of employer, the mobile home salesperson shall
7 immediately mail his or her license to the department, which shall endorse that
8 change on the license without charge.

9 (5) The provision of s. 218.01 (3) relating to the denial, suspension and
10 revocation of a motor vehicle salesperson's license shall apply to the denial,
11 suspension and revocation of a mobile home salesperson's license so far as applicable,
12 except that such provision does not apply to the denial, suspension or revocation of
13 a license under s. 101.02 (21) (b).

14 (6) The provisions of s. 218.01 (3) (g) and (5) shall apply to this section, mobile
15 home sales practices and the regulation of mobile home salespersons, as far as
16 applicable.

17 ***b0238/4.6* SECTION 1998yg.** 101.953 of the statutes is created to read:

18 **101.953 Warranty and disclosure.** (1) A one-year written warranty is
19 required for every new mobile home sold, or leased to another, by a mobile home
20 manufacturer, mobile home dealer or mobile home salesperson in this state, and for
21 every new mobile home sold by any person who induces a resident of the state to enter
22 into the transaction by personal solicitation in this state or by mail or telephone
23 solicitation directed to the particular consumer in this state. The warranty shall
24 state all of the following:

1 (a) That the mobile home meets those standards prescribed by law or
2 administrative rule of the department of administration or of the department of
3 commerce, which are in effect at the time of the manufacture of the mobile home.

4 (b) That the mobile home is free from defects in material and workmanship and
5 is reasonably fit for human habitation if it receives reasonable care and maintenance
6 as defined by rule of the department.

7 (c) 1. That the mobile home manufacturer and mobile home dealer shall take
8 corrective action for defects which become evident within one year from the delivery
9 date and as to which the mobile home owner has given notice to the manufacturer
10 or dealer not later than one year and 10 days after the delivery date and at the
11 address set forth in the warranty; and that the mobile home manufacturer and
12 mobile home dealer shall make the appropriate adjustments and repairs, within 30
13 days after notification of the defect, at the site of the mobile home without charge to
14 the mobile home owner. If the mobile home dealer makes the adjustment, the mobile
15 home manufacturer shall fully reimburse the dealer.

16 2. If a repair, replacement, substitution or alteration is made under the
17 warranty and it is discovered, before or after expiration of the warranty period, that
18 the repair, replacement, substitution or alteration has not restored the mobile home
19 to the condition in which it was warranted except for reasonable wear and tear, such
20 failure shall be considered a violation of the warranty and the mobile home shall be
21 restored to the condition in which it was warranted to be at the time of the sale except
22 for reasonable wear and tear, at no cost to the purchaser or the purchaser's assignee
23 notwithstanding that the additional repair may occur after the expiration of the
24 warranty period.

1 (d) That if during any period of time after notification of a defect the mobile
2 home is uninhabitable, as defined by rule of the department, that period of time shall
3 not be considered part of the one-year warranty period.

4 (e) A list of all parts and equipment not covered by the warranty.

5 (2) Action by a lessee to enforce the lessee's rights under this subchapter shall
6 not be grounds for termination of the rental agreement.

7 (3) The warranty required under this section shall apply to the manufacturer
8 of the mobile home as well as to the mobile home dealer who sells or leases the mobile
9 home to the consumer, and shall be in addition to any other rights and privileges that
10 the consumer may have under any instrument or law. The waiver of any remedies
11 under any law and the waiver, exclusion, modification or limitation of any warranty,
12 express or implied, including the implied warranty of merchantability and fitness for
13 a particular purpose, is expressly prohibited. Any such waiver is void.

14 (4) The transfer of a mobile home from one mobile home owner to another
15 during the effective period of the warranty does not terminate the warranty, and
16 subsequent mobile home owners shall be entitled to the full protection of the
17 warranty for the duration of the warranty period as if the original mobile home owner
18 had not transferred the mobile home.

19 ***b0238/4.6* SECTION 1998xL.** 101.954 of the statutes is created to read:

20 **101.954 Sale or lease of used mobile homes.** In the sale or lease of any used
21 mobile home, the sales invoice or lease agreement shall contain the point of
22 manufacture of the used mobile home, the name of the manufacturer and the name
23 and address of the previous mobile home owner.

24 ***b0238/4.6* SECTION 1998xp.** 101.955 of the statutes is created to read:

101.955 Jurisdiction and venue over out-of-state manufacturers. (1)

The importation of a mobile home for sale in this state by an out-of-state manufacturer is considered an irrevocable appointment by that manufacturer of the department of financial institutions to be that manufacturer's true and lawful attorney upon whom may be served all legal processes in any action or proceeding against such manufacturer arising out of the importation of such mobile home into this state.

(2) The department of financial institutions upon whom processes and notices may be served under this section shall, upon being served with such process or notice, mail a copy by registered mail to the out-of-state manufacturer at the nonresident address given in the papers so served. The original shall be returned with proper certificate of service attached for filing in court as proof of service. The service fee shall be \$4 for each defendant so served. The department of financial institutions shall keep a record of all such processes and notices, which record shall show the day and hour of service.

***b0238/4.6* SECTION 1998xt.** 101.965 of the statutes is created to read:

101.965 Penalties. (1) Any person who violates ss. 101.953 to 101.955, or any rule promulgated under ss. 101.953 to 101.955, may be fined not more than \$1,000 or imprisoned for not more than 6 months or both.

(2) In any court action brought by the department for violations of this subchapter, the department may recover all costs of testing and investigation, in addition to costs otherwise recoverable, if it prevails in the action.

(3) Nothing in this subchapter prohibits the bringing of a civil action against a mobile home manufacturer, mobile home dealer or mobile home salesperson by an aggrieved consumer. If judgment is rendered for the consumer based on an act or

1 omission by the mobile home manufacturer, mobile home dealer or mobile home
2 salesperson, which constituted a violation of this subchapter, the plaintiff shall
3 recover actual and proper attorney fees in addition to costs otherwise recoverable.

4 ***-0030/2.114* SECTION 1999.** 102.01 (2) (d) of the statutes is amended to read:

5 102.01 (2) (d) "Municipality" includes a county, city, town, village, school
6 district, sewer district, drainage district and family care district and other public or
7 quasi-public corporations.

8 ***-0030/2.115* SECTION 2000.** 102.04 (1) (a) of the statutes is amended to read:

9 102.04 (1) (a) The state, each county, city, town, village, school district, sewer
10 district, drainage district, family care district and other public or quasi-public
11 corporations therein.

12 ***-0536/1.2* SECTION 2002.** 102.27 (2) (a) of the statutes is amended to read:

13 102.27 (2) (a) A benefit under this chapter is assignable under s. 46.10 (14) (e),
14 301.12 (14) (e), 767.23 (1) (L), 767.25 (4m) (c), 767.265 (1) or (2m), 767.51 (3m) (c) or
15 767.62 (4) (b) 3.

16 ***-1186/4.37* SECTION 2003.** 102.29 (9) of the statutes is amended to read:

17 102.29 (9) No participant in a work experience component of a job opportunities
18 and basic skills program who, under s. 49.193 (6) (a), is 1997 stats., was considered
19 to be an employe of the agency administering that program, or who, under s. 49.193
20 (6) (a), is 1997 stats., was provided worker's compensation coverage by the person
21 administering the work experience component, and who makes a claim for
22 compensation under this chapter may make a claim or maintain an action in tort
23 against the employer who provided the work experience from which the claim arose.
24 This subsection does not apply to injuries occurring after February 28, 1998.

25 ***-0030/2.116* SECTION 2005.** 103.001 (6) of the statutes is amended to read:

1 103.001 (6) "Employer" means any person, firm, corporation, state, county,
2 town, city, village, school district, sewer district, drainage district, family care
3 district and other public or quasi-public corporations as well as any agent, manager,
4 representative or other person having control or custody of any employment, place
5 of employment or of any employe.

6 ***b0568/1.2* SECTION 2005f.** 103.49 (5) (a) of the statutes is amended to read:

7 103.49 (5) (a) Each contractor, subcontractor or agent thereof performing work
8 on a project that is subject to this section shall keep full and accurate records clearly
9 indicating the name and trade or occupation of every person described in sub. (2m)
10 and an accurate record of the number of hours worked by each of those persons and
11 the actual wages paid therefor. If requested by any person, a contractor,
12 subcontractor or agent thereof performing work on a project that is subject to this
13 section shall permit that person to inspect and copy any of those records to the same
14 extent as the department would be required to permit inspection and copying of those
15 records under ss. 19.31 to 19.39 if those records were in the custody of the
16 department.

17 ***b0568/1.2* SECTION 2005g.** 103.50 (7m) of the statutes is created to read:

18 103.50 (7m) RECORDS; INSPECTION. Each contractor, subcontractor or agent
19 thereof performing work on a project that is subject to this section shall keep full and
20 accurate records clearly indicating the name and trade or occupation of every person
21 described in sub. (2m) and an accurate record of the number of hours worked by each
22 of those persons and the actual wages paid therefor. If requested by any person, a
23 contractor, subcontractor or agent thereof performing work on a project that is
24 subject to this section shall permit that person to inspect and copy any of those
25 records to the same extent as the department of transportation would be required to

1 permit inspection and copying of those records under ss. 19.31 to 19.39 if those
2 records were in the custody of the department of transportation.

3 ***b0569/1.9* SECTION 2005k.** 106.11 (title) of the statutes is amended to read:

4 **106.11 (title) ~~Employment and training~~ Workforce investment**
5 **programs.**

6 ***b0569/1.9* SECTION 2005m.** 106.11 of the statutes, as affected by 1999
7 Wisconsin Act (this act), sections 2005k, 2005p and 2005r, is amended to read:

8 **106.11 Workforce investment programs.** The department shall cooperate
9 with the federal government in carrying out the purposes of the ~~federal Job Training~~
10 ~~Partnership Act, 29 USC 1501 to 1781, and the federal Workforce Investment Act of~~
11 ~~1998, 29 USC 2801 to 2945.~~ In administering the programs authorized by ~~these acts~~
12 ~~that act~~ the department shall, in cooperation with other state agencies and with local
13 workforce development boards established under 29 USC 2832, establish a
14 statewide workforce investment system to meet the employment, training and
15 educational needs of persons in this state.

16 ***b0569/1.9* SECTION 2005p.** 106.11 (1) of the statutes is amended to read:

17 106.11 (1) The department shall cooperate with the federal government in
18 carrying out the purposes of the ~~federal job training partnership act~~ Job Training
19 Partnership Act, 29 USC 1501 to 1781, and the federal Workforce Investment Act of
20 1998, 29 USC 2801 to 2945. In administering the programs authorized by ~~that act~~
21 ~~those acts~~ the department shall, in cooperation with other state agencies and with
22 ~~private industry councils~~ local workforce development boards established under 29
23 USC 2832, establish a statewide ~~coordinated employment and training delivery~~
24 workforce investment system to meet the employment, training and educational
25 needs of persons in this state.

1 ***b0569/1.9* SECTION 2005r.** 106.11 (1) of the statutes, as affected by 1999
2 Wisconsin Act (this act), section 2005p, is renumbered 106.11.

3 ***b0569/1.9* SECTION 2005t.** 106.11 (2) of the statutes is repealed.

4 ***b0569/1.9* SECTION 2005v.** 106.11 (3) of the statutes is repealed.

5 ***b0569/1.9* SECTION 2005x.** 106.115 of the statutes is repealed.

6 ***-1922/5.17* SECTION 2012.** 106.12 (title) of the statutes is amended to read:

7 **106.12 (title) ~~Division of connecting education and work~~ Governor's**
8 **work-based learning board.**

9 ***-1922/5.18* SECTION 2013.** 106.12 of the statutes is renumbered 106.12 (2)
10 and amended to read:

11 106.12 (2) EMPLOYMENT AND EDUCATION PROGRAM ADMINISTRATION. Based on the
12 ~~recommendations of the governor's council on workforce excellence, the division of~~
13 ~~connecting education and work~~ The board shall plan, coordinate, administer and
14 implement the department's workforce excellence initiatives, programs, policies and
15 funding, the youth apprenticeship and, school-to-work and work-based learning
16 programs under s. 106.13 (1) and such other employment and education programs
17 as the governor may by executive order assign to the ~~division~~ board.
18 Notwithstanding any limitations placed on the use of state employment and
19 education funds under this section or s. 106.13, 106.14, 106.15, 106.20 or 106.21 or
20 under an executive order assigning an employment and education program to the
21 ~~division~~ board, the ~~secretary~~ board may issue a general or special order waiving any
22 of those limitations on finding that the waiver will promote the coordination of
23 employment and education services.

24 ***-1922/5.19* SECTION 2014.** 106.12 (1) of the statutes is created to read:

1 106.12 (1) DEFINITION. In this section and s. 106.13, “board” means the
2 governor’s work-based learning board.

3 *~~1922/5.20~~* SECTION 2015. 106.12 (3) of the statutes is created to read:

4 106.12 (3) EXECUTIVE DIRECTOR. The governor shall appoint an executive
5 director of the board outside the classified service to serve at the pleasure of the
6 governor. The executive director shall be in charge of the board’s administrative
7 functions.

8 *~~1922/5.21~~* SECTION 2016. 106.13 (title) of the statutes is amended to read:

9 106.13 (title) **Youth apprenticeship and, school-to-work** ~~and~~
10 **work-based learning programs.**

11 *~~1922/5.22~~* SECTION 2017. 106.13 (1) of the statutes is amended to read:

12 106.13 (1) The ~~department~~ board shall provide a youth apprenticeship
13 program and that includes the grant programs under subs. (3m) and (4), a
14 school-to-work program in accordance with 20 USC 6101 to 6251 that includes the
15 school-to-work program for children at risk under sub. (4m) and, for youths who are
16 eligible to receive temporary assistance for needy families under 42 USC 601 to 619,
17 a work-based learning program. The board shall include in that work-based
18 learning program a component that would permit a participant to earn a youth
19 apprenticeship skills certificate through participation in that program if the
20 participant meets the requirements for earning that certificate.

21 *~~1922/5.23~~* SECTION 2018. 106.13 (2) of the statutes is amended to read:

22 106.13 (2) The ~~governor’s council on workforce excellence~~ council on workforce
23 investment established under 29 USC 2821, the technical college system board and
24 the department of public instruction shall assist the ~~department of workforce~~

development board in providing the youth apprenticeship program and, the school-to-work program ~~and the work-based learning program~~ under sub. (1).

***b0564/2.1* SECTION 2019d.** 106.13 (2m) of the statutes is amended to read:

106.13 (2m) ~~After reviewing the recommendations of the governor's council on workforce excellence under s. 106.115 (2) (e), the department~~ The board shall approve occupations and maintain a list of approved occupations for the youth apprenticeship program and shall approve statewide skill standards for the school-to-work program. From the appropriation under s. 20.445 (1)(~~ev~~) (7)(a), the ~~department board~~ shall develop curricula for youth apprenticeship programs for occupations approved under this subsection.

***-1922/5.25* SECTION 2020.** 106.13 (3m) of the statutes is created to read:

106.13 (3m) (a) In this subsection, "local partnership" means one or more school districts, or any combination of one or more school districts, other public agencies, as defined in sub. (4) (a) 2., nonprofit organizations, as defined in sub. (4) (a) 1., individuals or other persons, who have agreed to be responsible for implementing and coordinating a local youth apprenticeship program.

(b) From the appropriation under s. 20.445 (7) (b), the board shall award grants to applying local partnerships for the implementation and coordination of local youth apprenticeship programs. A local partnership shall include in its grant application the identity of each public agency, nonprofit organization, individual and other person who is a participant in the local partnership, a plan to accomplish the implementation and coordination activities specified in subds. 1. to 6. and the identity of a fiscal agent who shall be responsible for receiving, managing and accounting for the grant moneys received under this paragraph. A local partnership

1 that is awarded a grant under this paragraph may use the grant moneys awarded
2 for any of the following implementation and coordination activities:

3 1. Recruiting employers to provide on-the-job training and supervision for
4 youth apprentices and providing technical assistance to those employers.

5 2. Recruiting students to participate in the local youth apprenticeship program
6 and monitoring the progress of youth apprentices participating in the program.

7 3. Coordinating youth apprenticeship training activities within participating
8 school districts and among participating school districts, postsecondary institutions
9 and employers.

10 4. Coordinating academic, vocational and occupational learning, school-based
11 and work-based learning and secondary and postsecondary education for
12 participants in the local youth apprenticeship program.

13 5. Assisting employers in identifying and training workplace mentors and
14 matching youth apprentices and mentors.

15 6. Any other implementation or coordination activity that the board may direct
16 or permit the local partnership to perform.

17 ***-1922/5.26* SECTION 2021.** 106.13 (4) (b) of the statutes is amended to read:

18 106.13 (4) (b) From the appropriation under s. 20.445 ~~(1)~~ (7) (em), the
19 ~~department~~ board may award a grant to a public agency or a nonprofit organization,
20 or to an employer that is responsible for the on-the-job training and supervision of
21 a youth apprentice. A public agency or non-profit organization that receives a grant
22 under this subsection shall use the funds awarded under the grant to award training
23 grants to employers that provide on-the-job training and supervision for youth
24 apprentices. Subject to par. (c), a training grant provided under this subsection may
25 be awarded to an employer for each youth apprentice who receives at least 180 hours

1 of paid on-the-job training from the employer during a school year, as defined in s.
2 115.001 (13). The amount of a training grant may not exceed \$500 per youth
3 apprentice per school year. A training grant may not be awarded for any specific
4 youth apprentice for more than 2 school years.

5 ***-1922/5.27* SECTION 2022.** 106.13 (4) (c) of the statutes is amended to read:

6 106.13 (4) (c) Notwithstanding par. (b), the ~~department~~ board may award a
7 training grant under this subsection to an employer that provides less than 180
8 hours of paid on-the-job training for a youth apprentice during a school year, as
9 defined in s. 115.001 (13), if the ~~department~~ board determines that it would be
10 beneficial for the youth apprentice to receive on-the-job training from more than one
11 employer.

12 ***-1922/5.29* SECTION 2024.** 106.13 (5) of the statutes is amended to read:

13 106.13 (5) The ~~department~~ board shall promulgate rules to administer this
14 section.

15 ***b0567/1.5* SECTION 2024t.** 106.14 (title) of the statutes is amended to read:

16 **106.14 (title) Career Job centers and career counseling centers.**

17 ***b0567/1.5* SECTION 2025d.** 106.14 (1) of the statutes, as affected by 1997
18 Wisconsin Act 27, section 2679, is amended to read:

19 106.14 (1) The department ~~may award grants to nonprofit corporations and~~
20 ~~public agencies for the provision of~~ shall provide a job center network throughout the
21 state through which job seekers may receive comprehensive career planning, job
22 placement and job training information. As part of the job center network, the
23 department shall provide career counseling centers throughout the state at which
24 youths may receive the services specified in sub. (2).

25 ***b0567/1.5* SECTION 2026d.** 106.14 (3) of the statutes is repealed.

1 ***b0567/1.5* SECTION 2027d.** 106.14 (4) of the statutes is repealed.

2 ***b0569/1.11* SECTION 2027d.** 106.15 (1) (a) of the statutes is amended to read:

3 106.15 (1) (a) “Council” means the ~~governor’s council on workforce excellence~~
4 ~~established under 29 USC 1792~~ council on workforce investment established under
5 29 USC 2821.

6 ***b0569/1.11* SECTION 2027f.** 106.15 (1) (b) of the statutes is amended to read:

7 106.15 (1) (b) “Dislocated worker” has the meaning ~~established by the~~
8 ~~department by rule in substantial conformance with 29 USC 1652 (a)~~ given in 29
9 USC 2801 (9).

10 ***b0569/1.11* SECTION 2027h.** 106.15 (1) (c) of the statutes is amended to read:

11 106.15 (1) (c) “Dislocated worker committee” means the committee or other
12 subunit of the council that ~~deals with the dislocated workers program under 29 USC~~
13 ~~1651 to 1662b~~ assists the governor in providing employment and training activities
14 to dislocated workers under 29 USC 2862 to 2864.

15 ***b0569/1.11* SECTION 2027j.** 106.15 (1) (d) of the statutes is amended to read:

16 106.15 (1) (d) “~~Substate Local~~ plan” means a ~~substate local~~ plan required under
17 ~~29 USC 1661b (a)~~ 29 USC 2833 as a condition for a grant.

18 ***b0569/1.11* SECTION 2027m.** 106.15 (3) (intro.) of the statutes is amended to
19 read:

20 106.15 (3) GRANTS. (intro.) From the appropriation under s. 20.445 (1) (bc),
21 (jm), (mb) and (mc), the department shall make grants to persons providing
22 employment and training activities to dislocated workers ~~programs offering training~~
23 ~~and related employment services~~ including but not limited to the following:

24 ***b0569/1.11* SECTION 2027p.** 106.15 (4) of the statutes is amended to read:

1 106.15 (4) GRANT APPROVAL. ~~No grant may be awarded~~ The department may
2 award a grant under this section unless only if both of the following occur:

3 (a) The dislocated workers committee approves the ~~substate~~ local plan or
4 application for funding and refers its decision to the secretary.

5 (b) After receiving a referral under par. (a), the secretary approves the ~~substate~~
6 local plan or application for funding.

7 ***b0569/1.11* SECTION 2027r.** 106.15 (5) (intro.) of the statutes is amended to
8 read:

9 106.15 (5) ~~SUBSTATE~~ LOCAL PLAN OR APPLICATION REVIEW. (intro.) In reviewing
10 ~~substate~~ local plans and applications for funding under this section, the dislocated
11 workers committee and the secretary shall consider all of the following:

12 ***b0569/1.11* SECTION 2027t.** 106.15 (6) of the statutes is amended to read:

13 106.15 (6) RULE MAKING. The department shall ~~adopt~~ promulgate rules to
14 administer this section. The rules shall address eligible applicants and program
15 providers, application requirements, criteria and procedures for awarding grants,
16 reporting and auditing procedures and administrative operations.

17 ***b0569/1.11* SECTION 2027v.** 106.15 (7) of the statutes is amended to read:

18 106.15 (7) FUNDING. From the amounts appropriated under s. 20.445 (1) (ma),
19 (mb) and (mc), all moneys received under ~~29 USC 1651 to 1661e~~ 29 USC 2862 to 2864
20 shall be expended to fund grants and operations under this section.

21 ***b0569/1.11* SECTION 2027x.** 106.16 (2) of the statutes is amended to read:

22 106.16 (2) Any company that receives a loan or grant from a state agency or
23 an authority under ch. 231 or 234 shall notify the department and the ~~area private~~
24 ~~industry council under the job training partnership act, 29 USC 1501 to 1798~~ local
25 workforce development board established under 29 USC 2832, of any position in the

1 company that is related to the project for which the grant or loan is received to be
2 filled in this state within one year after receipt of the loan or grant. The company
3 shall provide this notice at least 2 weeks prior to advertising the position.

4 ***-1186/4.39* SECTION 2028.** 106.18 of the statutes is repealed.

5 ***b0558/1.1* SECTION 2029c.** 106.215 (10) (g) 1. of the statutes is amended to
6 read:

7 106.215 (10) (g) 1. A person who is employed as a corps enrollee for a 6-month
8 to one-year period of continuous employment, as determined by standards adopted
9 by the board, and who receives a satisfactory employment evaluation upon
10 termination of employment is entitled to an incentive payment of \$500 prorated in
11 the same proportion as the number of hours of employment completed by that person
12 bears to 2,080 hours ~~or an education voucher that is worth at least double the~~
13 ~~monetary value of the prorated incentive payment, but not more than \$2,600~~
14 ~~prorated in the same proportion as the number of hours of employment completed~~
15 ~~by that person bears to 2,080 hours. No corps enrollee may receive more than 2~~
16 ~~incentive payments or 4 education vouchers.~~

17 ***b0558/1.1* SECTION 2029g.** 106.215 (10) (g) 1m. of the statutes is created to
18 read:

19 106.215 (10) (g) 1m. In lieu of the incentive payment under subd. 1., a person
20 who is employed as a corps enrollee for at least a 6-month period of continuous
21 employment, as determined by standards adopted by the board, and who receives a
22 satisfactory employment evaluation is entitled to an education voucher that is worth
23 at least double the monetary value of the prorated incentive payment under subd.
24 1., but not more than \$2,800 prorated in the same proportion as the number of hours
25 of employment completed by that person bears to 2,080 hours.

1 ***b0558/1.1* SECTION 2029n.** 106.215 (10) (g) 2. of the statutes is amended to
2 read:

3 106.215 (10) (g) 2. The board may authorize a partial incentive payment ~~or~~
4 ~~education voucher~~ to a person who is employed as a corps enrollee and who receives
5 a satisfactory employment evaluation upon termination of employment if the person
6 is employed as a corps enrollee for less than a one-year period of continuous
7 employment and the board determines that employment was terminated because of
8 special circumstances beyond the control of the corps enrollee or if the person is
9 employed as a corps enrollee for at least 10 months but less than a one-year period
10 of continuous employment and the board determines that employment was
11 terminated in order to enable the person to attend an institution of higher education,
12 technical college or other training program or to enable the person to obtain other
13 employment.

14 ***b0558/1.1* SECTION 2029r.** 106.215 (10) (g) 2m. of the statutes is created to
15 read:

16 106.215 (10) (g) 2m. In lieu of a partial incentive payment under subd. 2, the
17 board may authorize a partial education voucher to a person who is employed as a
18 corps enrollee and who receives a satisfactory employment evaluation upon
19 termination of employment if the person is employed as a corps enrollee for less than
20 a 6-month period of continuous employment and the board determines that
21 employment was terminated because of special circumstances beyond the control of
22 the corps enrollee.

23 ***b0558/1.1* SECTION 2029w.** 106.215 (10) (g) 4. of the statutes is created to
24 read:

1 106.215 (10) (g) 4. No corps enrollee may receive more than 2 incentive
2 payments or 4 education vouchers under this paragraph.

3 ***b0469/4.3* SECTION 2029m.** 108.07 (8) (b) of the statutes is amended to read:

4 108.07 (8) (b) If a claimant is a prisoner of a state prison, as defined in s. 302.01,
5 and has employment with an employer other than the department of corrections or
6 ~~a private business leasing space within a state prison under s. 303.01 (2) (em), and~~
7 the claimant's employment terminates because conditions of incarceration or
8 supervision make it impossible to continue the employment, the department shall
9 charge to the fund's balancing account any benefits based on the terminated
10 employment that are otherwise chargeable to the account of an employer that is
11 subject to the contribution requirements under ss. 108.17 and 108.18.

12 ***b0569/1.12* SECTION 2029m.** 108.04 (16) (c) of the statutes is amended to
13 read:

14 108.04 (16) (c) Benefits may not be denied to an otherwise eligible individual
15 under par. (a) who is enrolled in a program under the plan of any state for training
16 for dislocated workers under ~~29 USC 1661~~ 29 USC 2822, notwithstanding the failure
17 of such training to meet any of the requirements of par. (a) 1. to 4.

18 ***b0523/3.3* SECTION 2030m.** 109.09 (1) of the statutes is amended to read:

19 109.09 (1) The department shall investigate and attempt equitably to adjust
20 controversies between employers and employes as to alleged wage claims. The
21 department may receive and investigate any wage claim which is filed with the
22 department, or received by the department under s. 109.10 (4), no later than 2 years
23 after the date the wages are due. The department may, after receiving a wage claim,
24 investigate any wages due from the employer against whom the claim is filed to any
25 employee during the period commencing 2 years before the date the claim is filed. The

1 department shall enforce this chapter and ss. 20.924 (1) (i) 1., 2. and 3. and (j) 3.,
2 66.293, 103.02, 103.49, 103.82 and 104.12. In pursuance of this duty, the department
3 may sue the employer on behalf of the employee to collect any wage claim or wage
4 deficiency and ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except
5 for actions under s. 109.10, the department may refer such an action to the district
6 attorney of the county in which the violation occurs for prosecution and collection and
7 the district attorney shall commence an action in the circuit court having appropriate
8 jurisdiction. Any number of wage claims or wage deficiencies against the same
9 employer may be joined in a single proceeding, but the court may order separate
10 trials or hearings. In actions that are referred to a district attorney under this
11 subsection, any taxable costs recovered by the district attorney shall be paid into the
12 general fund of the county in which the violation occurs and used by that county to
13 meet its financial responsibility under s. 978.13 (2) for the operation of the office of
14 the district attorney who prosecuted the action.

15 ***-0797/2.3* SECTION 2031.** 110.07 (1) (a) (intro.) of the statutes is amended to
16 read:

17 110.07 (1) (a) (intro.) The secretary shall employ not ~~to exceed 385~~ more than
18 399 traffic officers. ~~Such~~ The state traffic patrol consists of the traffic officers, ~~in~~
19 ~~addition to~~ the person designated to head them whose position shall be in the
20 classified service, ~~shall constitute the~~ and, if certified under s. 165.85 (4) (b) 1. as
21 qualified to be a law enforcement officer, the division administrator who is counted
22 under s. 230.08 (2) (e) 12. and whose duties include supervising the state traffic
23 patrol. The division administrator may not be counted under this paragraph.
24 Members of the state traffic patrol, and shall:

25 ***-0797/2.4* SECTION 2032.** 110.07 (6) of the statutes is created to read:

1 110.07 (6) The division administrator who is counted under s. 230.08 (2) (e) 12.
2 and whose duties include supervising the state traffic patrol shall be designated
3 superintendent of the state traffic patrol, if he or she is certified under s. 165.85 (4)
4 (b) 1. as qualified to be a law enforcement officer.

5 ***b0523/3.4* SECTION 2033m.** 111.322 (2m) (c) of the statutes is amended to
6 read:

7 111.322 (2m) (c) The individual files a complaint or attempts to enforce a right
8 under s. 20.924 (1) (i) 1., 2. or 3. or (j) 3., 66.293 or 103.49 or testifies or assists in any
9 action or proceeding under s. 20.924 (1) (i) 1., 2. or 3. or (j) 3., 66.293 or 103.49.

10 ***-0030/2.117* SECTION 2034.** 111.70 (1) (j) of the statutes is amended to read:

11 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
12 metropolitan sewerage district, school district, family care district or any other
13 political subdivision of the state ~~which~~ that engages the services of an employe and
14 includes any person acting on behalf of a municipal employer within the scope of the
15 person’s authority, express or implied.

16 ***-0597/1.3* SECTION 2039.** 114.20 (11) of the statutes is amended to read:

17 114.20 (11) ISSUANCE OF CERTIFICATE OF REGISTRATION; DISPLAY OF CERTIFICATE;
18 REFUNDS. Upon payment of a registration fee or transfer of registration fee, the
19 department shall issue evidence of registration which shall be displayed at all times
20 in the manner prescribed by the department. A refund may be made for aircraft
21 registration fees paid in error as determined by the department. ~~Refunds under this~~
22 ~~section shall be paid out of the appropriation under s. 20.395 (4) (a).~~

23 ***b0632/2.3* SECTION 2039g.** 114.31 (3) of the statutes is renumbered 114.31
24 (3) (a).

25 ***b0632/2.3* SECTION 2039h.** 114.31 (3) (b) of the statutes is created to read:

1 114.31 (3) (b) From the appropriation under s. 20.395 (2) (ds), the department
2 shall administer an aviation career education program to provide training and
3 apprenticeship opportunities associated with aviation careers for socially and
4 economically disadvantaged youth.

5 *~~0674~~/1.3* SECTION 2040. 115.28 (24) of the statutes is amended to read:

6 115.28 (24) PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to
7 local community organizations under sub. (21) and to school boards under ss. 115.36
8 and ~~115.362~~ 115.361, and in awarding grants from federal funds received under 20
9 USC 2301 to 2471, 20 USC 4601 to 4665 and 29 USC 1602 (b) (1), to programs that
10 provide more than one of the educational services specified under sub. (21), s. 115.36,
11 ~~115.362~~ 115.361, 115.915, 118.01 (2) (d) 7. or 8. or 118.153 or 20 USC 2301 to 2471,
12 20 USC 4601 to 4665 or 29 USC 1602 (b) (1).

13 *~~b0569~~/1.13* SECTION 2040d. 115.28 (24) of the statutes, as affected by 1999
14 Wisconsin Act (this act), is amended to read:

15 115.28 (24) PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to
16 local community organizations under sub. (21) and to school boards under ss. 115.36
17 and 115.361, and in awarding grants from federal funds received under 20 USC 2301
18 to 2471, 20 USC 4601 to 4665 and ~~29 USC 1602 (b) (1)~~ 29 USC 2862 (b) (1) (B), to
19 programs that provide more than one of the educational services specified under sub.
20 (21), s. 115.36, 115.361, 115.915, 118.01 (2) (d) 7. or 8. or 118.153 or 20 USC 2301 to
21 2471, 20 USC 4601 to 4665 or ~~29 USC 1602 (b) (1)~~ 29 USC 2862 (b) (1) (B).

22 *~~1579~~/1.1* SECTION 2041. 115.28 (25) of the statutes is created to read:

23 115.28 (25) SCHOOL TECHNOLOGY RESOURCE GRANTS. Consult with the technology
24 for educational achievement in Wisconsin board before awarding school technology
25 resource grants under 20 USC 6842.

1 ***b0379/2.2* SECTION 2041m.** 115.28 (26) of the statutes is created to read:

2 115.28 (26) PERIODICAL AND REFERENCE INFORMATION DATA BASES. Contract with
3 one or more persons to provide statewide access, through the Internet, to periodical
4 and reference information data bases.

5 ***-0674/1.4* SECTION 2042.** 115.28 (39) of the statutes is amended to read:

6 115.28 (39) ALCOHOL AND OTHER DRUG ABUSE REPORT. By July 1, 1998, and
7 biennially by July 1 thereafter, evaluate the effectiveness of the programs under ss.
8 115.36, and 115.361 ~~and 115.362~~ and submit a report to the legislature under s.
9 13.172 (2). To satisfy this reporting requirement as it pertains to s. 115.361, the
10 department may incorporate into the report under this subsection the report
11 required under s. 115.361 ~~(7)(e)~~ (2).

12 ***-0273/1.9* SECTION 2043.** 115.355 of the statutes is amended to read:

13 **115.355 Assistance to schools for instruction on adoption.** The
14 department shall annually and upon request disseminate to appropriate public
15 school staff information about materials and services available through the state
16 adoption center under s. ~~48.551~~ 48.55 which may serve as resources for instruction
17 on adoption for pupils in grades kindergarten through 12.

18 ***-1265/7.21* SECTION 2044.** 115.36 (3) (a) (intro.) of the statutes is amended
19 to read:

20 115.36 (3) (a) (intro.) The department shall, from the appropriation under s.
21 20.255 (2) ~~(g)~~ (kd), fund school district projects designed to assist minors
22 experiencing problems resulting from the use of alcohol or other drugs or to prevent
23 alcohol or other drug abuse by minors. The department shall:

24 ***-0674/1.5* SECTION 2045.** 115.361 of the statutes is repealed and recreated
25 to read:

1 **115.361 Alcohol and other drug abuse prevention and intervention**
2 **programs.** (1) A school board may apply to the department for a grant to fund an
3 alcohol and other drug abuse prevention and intervention program. The department
4 shall pay grants awarded under this section from the appropriation under s. 20.255
5 (2) (dm) and shall promulgate rules to implement and administer this section.

6 (2) The department shall collect and analyze information about the programs
7 funded under this section, evaluate their effectiveness and submit a report of the
8 evaluation to the appropriate standing committees of the legislature under s. 13.172
9 (3) and to the governor by July 1, 2000, and biennially by July 1 thereafter.

10 ***-1569/4.2* SECTION 2046.** 115.3615 of the statutes is amended to read:

11 **115.3615 Head start supplement.** From the ~~appropriation~~ appropriations
12 under s. 20.255 (2) (eh) and (kh), the state superintendent shall distribute funds to
13 agencies determined by the state superintendent to be eligible for designation as
14 head start agencies under 42 USC 9836 to provide comprehensive health,
15 educational, nutritional, social and other services to economically disadvantaged
16 children and their families. The state superintendent shall distribute the funds in
17 a manner consistent with 42 USC 9831 to 9852 except that there is no matching fund
18 requirement. The state superintendent shall give preference in funding under this
19 section to ~~an agency that is~~ agencies that are receiving federal funds under 42 USC
20 9831 to 9852 and to agencies that operate full-time or early head start programs.
21 Funds distributed under this section may be used to match available federal funds
22 under 42 USC 9831 to 9852 only if the funds are used to secure additional federal
23 funds for the purposes under this section.

24 ***-0674/1.6* SECTION 2047.** 115.362 of the statutes is repealed.

1 ***-1380/2.1* SECTION 2050.** 115.42 (1) (a) (intro.) of the statutes is amended to
2 read:

3 115.42 (1) (a) (intro.) ~~In the 1999-2000 school year the~~ The department shall
4 award a \$2,000 grant to any person who satisfies all of the following requirements:

5 ***-1380/2.2* SECTION 2051.** 115.42 (1) (a) 1. of the statutes is amended to read:

6 115.42 (1) (a) 1. The person is certified by the National Board for Professional
7 Teaching Standards ~~before July 1, 2000.~~

8 ***-1380/2.3* SECTION 2052.** 115.42 (1) (b) of the statutes is created to read:

9 115.42 (1) (b) The grant under this subsection shall be an amount equal to the
10 costs of obtaining certification under par. (a) 1. that are borne by the person, not to
11 exceed \$2,000. The department shall award the grant under this subsection in the
12 school year in which the person is certified under par. (a) 1., except that if the person
13 becomes certified under par. (a) 1. while he or she is not a resident of this state, the
14 department shall award the grant under this subsection in the first school year in
15 which the person meets the requirements under par. (a).

16 ***-1380/2.4* SECTION 2053.** 115.42 (2) (intro.) of the statutes is amended to
17 read:

18 115.42 (2) (intro.) ~~In the 2000-01 school year the~~ The department shall award
19 a \$2,500 grant to each person who received a grant under sub. (1) in each of the 9
20 school years following the school year in which he or she received the grant if the
21 person satisfies all of the following requirements:

22 ***-0976/4.3* SECTION 2054.** 115.75 (1) (a) of the statutes is amended to read:

23 115.75 (1) (a) Subject to the requirements of par. (b), each alternative school
24 operating an American Indian language and culture education program under this
25 subchapter shall receive state aid, from the appropriation under s. 20.255 (2) (ei)

1 ~~(km)~~, in an amount equal to ~~\$185~~ \$200 for each pupil who has completed the fall
2 semester in the program.

3 ***-0976/4.4* SECTION 2055.** 115.75 (3) of the statutes is amended to read:

4 115.75 (3) If the appropriation under s. 20.255 (2) ~~(ei)~~ (km) in any year is
5 insufficient to pay the full amount of aid under this section, state aid payments shall
6 be prorated among the alternative schools entitled to such aid.

7 ***b0366/1.1* SECTION 2055m.** 115.775 of the statutes is created to read:

8 **115.775 Duties of operators of certain charter schools.** An operator of a
9 charter school under s. 118.40 (2r) is a local educational agency, as defined in 20 USC
10 1401 (15), and shall comply with 20 USC 1400 to 1491o.

11 ***-1859/2.2* SECTION 2057.** 115.88 (1m) (a) of the statutes is amended to read:

12 115.88 (1m) (a) If, upon receipt of the plan under s. 115.77 (4), the state
13 superintendent is satisfied that the special education program has been maintained
14 during the preceding school year in accordance with law, the state superintendent
15 shall certify to the department of administration in favor of each county, cooperative
16 educational service agency and school district maintaining such special education
17 program a sum equal to ~~63%~~ of the amount expended by the county, agency and
18 school district during the preceding year for salaries of personnel enumerated in sub.
19 (1), including the salary portion of any authorized contract for physical or
20 occupational therapy services, ~~except as provided in par. (b),~~ and other expenses
21 approved by the state superintendent. ~~The department of administration shall pay~~
22 ~~such amounts to the county, agency and school district~~ as costs eligible for
23 reimbursement from the appropriation under s. 20.255 (2) (b).

24 ***-1724/2.1* SECTION 2058.** 115.88 (1m) (am) of the statutes is created to read:

1 115.88 (1m) (am) If the operator of a charter school established under s. 118.40
2 (2r) operates a special education program and the state superintendent is satisfied
3 that the operator of the charter school is complying with 20 USC 1400 to 1491^o, the
4 state superintendent shall certify to the department of administration in favor of the
5 operator of the charter school a sum equal to the amount that the operator of the
6 charter school expended during the previous school year for salaries of full-time or
7 part-time licensed teachers, licensed coordinators of special education, licensed
8 school social workers, licensed school psychologists, paraprofessionals, licensed
9 consulting teachers to work with any teacher of regular education programs who has
10 a child with a disability in a class and any other personnel, as determined by the state
11 superintendent. Certified costs under this paragraph are eligible for reimbursement
12 from the appropriation under s. 20.255 (2) (b). The state superintendent may audit
13 costs under this paragraph and adjust reimbursement to cover only actual, eligible
14 costs.

15 *-1859/2.3* **SECTION 2059.** 115.88 (1m) (b) of the statutes is repealed.

16 *-1859/2.4* **SECTION 2060.** 115.88 (2) of the statutes is amended to read:

17 115.88 (2) **TRANSPORTATION AID.** If upon receipt of the plan under s. 115.77 (4)
18 the state superintendent is satisfied that the transportation of children with
19 disabilities has been maintained during the preceding year in accordance with the
20 law, the state superintendent shall certify to the department of administration in
21 favor of each county, cooperative educational service agency or school district
22 transporting such pupils 63% of an amount equal to the amount expended for such
23 transportation as costs eligible for reimbursement from the appropriations under s.
24 20.255 (2) (b) and (br). Pupils for whom aid is paid under this subsection shall not
25 be eligible for aid under s. 121.58 (2) or (4). ~~The department of administration shall~~

1 ~~pay such amounts to the county, agency or school district from the appropriations~~
2 ~~under s. 20.255 (2) (b) and (br).~~ This subsection applies to any child with a disability
3 who requires special assistance in transportation, including any such child
4 attending regular classes who requires special or additional transportation. This
5 subsection does not apply to any child with a disability attending regular or special
6 classes who does not require any special or additional transportation.

7 ***-1724/2.2* SECTION 2061.** 115.88 (2m) of the statutes is created to read:

8 115.88 (2m) OTHER TRANSPORTATION AID. If the operator of a charter school
9 established under s. 118.40 (2r) transports children with disabilities and the state
10 superintendent is satisfied that the operator of the charter school is complying with
11 20 USC 1400 to 1491^o, the state superintendent shall certify to the department of
12 administration in favor of the operator of the charter school a sum equal to the
13 amount that the operator of the charter school expended during the previous school
14 year for transportation under this subsection as costs eligible for reimbursement
15 from the appropriations under s. 20.255 (2) (b). The state superintendent may audit
16 costs under this subsection and adjust reimbursement to cover only actual, eligible
17 costs.

18 ***b0387/1.1* SECTION 2061e.** 115.88 (3) of the statutes is amended to read:

19 115.88 (3) BOARD AND LODGING AID. There shall be paid the amount expended
20 for board and lodging and transportation between the boarding home and the special
21 education program of nonresident children enrolled under s. 115.82 (1) in the special
22 education program. The department shall certify ~~the full amount~~ to the department
23 of administration ~~which shall pay such amount from the appropriation under s.~~
24 ~~20.255 (2) (b) to the~~ in favor of each school district, cooperative educational service
25 agency, county children with disabilities education board, state agency of another

1 state or private, nonsectarian special education service which operates the special
2 education program while providing board, lodging and transportation an amount
3 equal to the amount expended for such board and lodging and transportation as costs
4 eligible for reimbursement from the appropriation under s. 20.255 (2) (b).

5 ***b0387/1.1* SECTION 2061m.** 115.88 (6) of the statutes is amended to read:

6 115.88 (6) AID FOR INSTRUCTION OUTSIDE OF DISTRICT. ~~From the appropriation~~
7 ~~under s. 20.255 (2) (b) there shall be paid the full cost of salary~~ The department shall
8 certify to the department of administration, in favor of each school district, an
9 amount equal to the amount expended for salaries and travel expenses, in amounts
10 as determined in advance by the state superintendent, to school districts for
11 providing special education outside the school district of employment, as eligible for
12 reimbursement from the appropriation under s. 20.255 (2) (b).

13 ***b0387/1.1* SECTION 2061s.** 115.88 (8) of the statutes is amended to read:

14 115.88 (8) ENROLLMENT OUT OF STATE. If a child with a disability is enrolled in
15 a public special education program located in another state and the state
16 superintendent is satisfied that the program in which the child is enrolled complies
17 with this subchapter, the state superintendent shall certify to the department of
18 administration in favor of the school district in which the child resides or the school
19 district attended by the child under s. 118.51 a sum equal to the ~~percentage of the~~
20 ~~approved costs under subs. (1) and (2) of the amount expended by the school district~~
21 ~~during the preceding year for the additional costs associated with the child's special~~
22 ~~education program. The department of administration shall pay the amount to the~~
23 ~~school district~~ as costs eligible for reimbursement from the appropriation under s.
24 20.255 (2) (b).

25 ***-1724/2.3* SECTION 2062.** 115.88 (9) of the statutes is amended to read:

1 115.88 (9) DISTRIBUTION SCHEDULE. Each county, cooperative educational
2 service agency, operator of a charter school established under s. 118.40 (2r) and
3 school district entitled to state aid under this section shall receive 15% of its total aid
4 entitlement in each month from November to March and 25% of its total entitlement
5 in June.

6 ***-1859/2.5* SECTION 2063.** 115.882 of the statutes is repealed and recreated to
7 read:

8 **115.882 Payment of state aid.** Funds appropriated under s. 20.255 (2) (b)
9 shall be used first for the purpose of s. 115.88 (4). Costs eligible for reimbursement
10 from the appropriations under s. 20.255 (2) (b) and (br) under ss. 115.88 (1m) to (3),
11 (6) and (8), 115.93 and 118.255 (4) shall be reimbursed at a rate set to distribute the
12 full amount appropriated for reimbursement for such costs, not to exceed 100%.

13 ***-1859/2.6* SECTION 2064.** 115.93 (1) of the statutes is renumbered 115.93 and
14 amended to read:

15 **115.93 State aid.** ~~Except as provided under sub. (2), if~~ If upon receipt of the
16 reports under s. 115.92 (2) the state superintendent is satisfied that the school age
17 parents program has been maintained during the preceding school year in
18 accordance with the rules under s. 115.92 (3), the state superintendent shall certify
19 to the department of administration in favor of each school district maintaining the
20 program a sum equal to ~~63%~~ of the amount expended by the school district during
21 the preceding school year for salaries of teachers and instructional aides, special
22 transportation and other expenses approved by the state superintendent. ~~The~~
23 ~~department of administration shall pay such amounts to the school district as costs~~
24 eligible for reimbursement from the appropriation under s. 20.255 (2) (b).

25 ***-1859/2.7* SECTION 2065.** 115.93 (2) of the statutes is repealed.

1 ***b0373/3.1* SECTION 2065m.** 115.995 of the statutes is renumbered 115.995
2 (intro.) and amended to read:

3 **115.995 State aids.** (intro.) Upon receipt of the report under s. 115.993, if the
4 state superintendent is satisfied that the bilingual–bicultural education program for
5 the previous school year was maintained in accordance with this subchapter, the
6 state superintendent shall ~~certify~~ do all of the following:

7 **(2) Certify** to the department of administration in favor of the school district
8 a sum equal to a percentage of the amount expended on limited–English speaking
9 pupils by the school district during the preceding year for salaries of personnel
10 participating in and attributable to bilingual–bicultural education programs under
11 this subchapter, special books and equipment used in the bilingual–bicultural
12 programs and other expenses approved by the state superintendent. The percentage
13 shall be determined by dividing the amount in the appropriation under s. 20.255 (2)
14 (cc) in the current school year less \$250,000 by the total amount of aidable costs in
15 the previous school year.

16 ***b0373/3.1* SECTION 2065n.** 115.995 (1) of the statutes is created to read:

17 115.995 (1) From the appropriation under s. 20.255 (2) (cc), divide
18 proportionally, based upon costs reported under s. 115.993, an annual payment of
19 \$250,000 among school districts whose enrollments in the previous school year were
20 at least 15% limited–English speaking pupils. Aid paid under this subsection does
21 not reduce aid paid under sub. (2).

22 ***-1922/5.34* SECTION 2068.** 118.153 (3m) of the statutes is renumbered 106.13
23 (4m) and amended to read:

24 106.13 (4m) (a) ~~After reviewing the recommendations of the governor's council~~
25 ~~on workforce excellence under s. 106.115 (2) (em), the state superintendent~~ The

1 board may approve an innovative school-to-work program provided by a nonprofit
2 organization for children at risk, as defined in s. 118.153 (1) (a), in a county having
3 a population of 500,000 or more to assist those children at risk in acquiring
4 employability skills and occupational-specific competencies before leaving high
5 school. If the ~~state superintendent~~ board approves a program under this paragraph,
6 the ~~state superintendent~~ board may award a grant, from the appropriation under s.
7 ~~20.255 (3) (ef)~~ 20.445 (7) (ef), to the nonprofit organization providing the program and
8 the nonprofit organization shall use the funds received under the grant to provide
9 the program.

10 (b) The ~~state superintendent~~ board shall establish requirements for the
11 operation of the grant program under this subsection. ~~These~~ Notwithstanding sub.
12 (5), those requirements need not be promulgated as rules.

13 ***-1859/2.8* SECTION 2070.** 118.255 (4) of the statutes is amended to read:

14 118.255 (4) If the state superintendent is satisfied that the health treatment
15 services program has been maintained during the preceding school year in
16 accordance with law, the state superintendent shall certify to the department of
17 administration in favor of each school board, cooperative educational service agency
18 and county children with disabilities education board maintaining such health
19 treatment services, an amount equal to ~~63%~~ of the amount expended for items listed
20 in s. 115.88 (1m) by the school board, cooperative educational service agency and
21 county children with disabilities education board during the preceding year for these
22 health treatment services. ~~The department of administration, upon such~~
23 ~~certification shall distribute the amounts to the appropriate school board,~~
24 ~~cooperative educational service agency and county children with disabilities~~

1 ~~education board as costs eligible for reimbursement from the appropriation under s.~~
2 ~~20.255 (2) (b).~~

3 ***b0599/1.1* SECTION 2071g.** 118.30 (1) (a) of the statutes is renumbered 118.30
4 (1).

5 ***b0599/1.1* SECTION 2071r.** 118.30 (1) (b) of the statutes is repealed.

6 ***-1351/3.2* SECTION 2072.** 118.30 (1g) (a) of the statutes is renumbered 118.30
7 (1g) (a) 1.

8 ***-1351/3.3* SECTION 2073.** 118.30 (1g) (a) 2. of the statutes is created to read:
9 118.30 (1g) (a) 2. By January 1, 2000, or by January 1 of the 1st school year of
10 operation, whichever is later, each operator of a charter school under s. 118.40 (2r)
11 shall adopt pupil academic standards in mathematics, science, reading and writing,
12 geography and history. The operator of the charter school may adopt the pupil
13 academic standards issued by the governor as executive order no. 326, dated January
14 13, 1998.

15 ***b0599/1.2* SECTION 2074m.** 118.30 (1g) (b) of the statutes is repealed.

16 ***-1351/3.5* SECTION 2075.** 118.30 (1g) (c) of the statutes is amended to read:
17 118.30 (1g) (c) Each school board operating elementary grades and each
18 operator of a charter school under s. 118.40 (2r) that operates elementary grades may
19 develop or adopt its own examination designed to measure pupil attainment of
20 knowledge and concepts in the 4th grade and may develop or adopt its own
21 examination designed to measure pupil attainment of knowledge and concepts in the
22 8th grade. If the school board or operator of the charter school develops or adopts an
23 examination under this paragraph, it shall notify the department.

24 ***-1351/3.6* SECTION 2076.** 118.30 (1m) (intro.) of the statutes is amended to
25 read:

1 118.30 (1m) (intro.) Except as otherwise provided in this section ~~and in s.~~
2 ~~118.40 (2r) (d)~~, annually each school board shall do all of the following:

3 ***b0376/3.1* SECTION 2076g.** 118.30 (1m) (a) of the statutes is amended to read:

4 118.30 (1m) (a) 1. Except as provided in sub. (6), administer the 4th grade
5 examination adopted or approved by the state superintendent under sub. (1) (a) to
6 all pupils enrolled in the school district, including pupils enrolled in charter schools
7 located in the school district, in the 4th grade. Beginning on July 1, 2002, if the
8 school board has not developed and adopted its own 4th grade examination, the
9 school board shall provide a pupil with at least 2 opportunities to ~~achieve a score on~~
10 ~~take~~ the examination administered under this subdivision ~~that is sufficient for~~
11 ~~promotion under sub. (5) (a) 1.~~

12 2. Beginning on July 1, 2002, if the school board has developed or adopted its
13 own 4th grade examination, administer that examination to all pupils enrolled in the
14 school district, including pupils enrolled in charter schools located in the school
15 district, in the 4th grade. The school board shall provide a pupil with at least 2
16 opportunities to ~~pass~~ take the examination administered under this subdivision.

17 ***b0376/3.1* SECTION 2076r.** 118.30 (1m) (am) of the statutes is amended to
18 read:

19 118.30 (1m) (am) 1. Except as provided in sub. (6), administer the 8th grade
20 examination adopted or approved by the state superintendent under sub. (1) (a) to
21 all pupils enrolled in the school district, including pupils enrolled in charter schools
22 located in the school district, in the 8th grade. Beginning on July 1, 2002, if the
23 school board has not developed and adopted its own 8th grade examination, the
24 school board shall provide a pupil with at least 2 opportunities to ~~achieve a score on~~

1 ~~take~~ the examination administered under this subdivision ~~that is sufficient for~~
2 ~~promotion under sub. (5)(b) 1.~~

3 2. Beginning on July 1, 2002, if the school board has developed or adopted its
4 own 8th grade examination, administer that examination to all pupils enrolled in the
5 school district, including pupils enrolled in charter schools located in the school
6 district, in the 8th grade. The school board shall provide a pupil with at least 2
7 opportunities to ~~pass~~ take the examination administered under this subdivision.

8 ***-1351/3.7* SECTION 2077.** 118.30 (1m) (b) of the statutes is amended to read:

9 118.30 (1m) (b) Administer the 10th grade examination to all pupils enrolled
10 in the school district, including pupils enrolled in charter schools located in the school
11 district, in the 10th grade. ~~This paragraph does not apply after the 2000-01 school~~
12 ~~year.~~

13 ***b0599/1.4* SECTION 2078m.** 118.30 (1m) (d) of the statutes is repealed.

14 ***-1351/3.10* SECTION 2080.** 118.30 (1r) of the statutes is created to read:

15 118.30 (1r) Annually each operator of a charter school under s. 118.40 (2r) shall
16 do all of the following:

17 (a) 1. Except as provided in sub. (6), administer the 4th grade examination
18 adopted or approved by the state superintendent under sub. (1) (a) to all pupils
19 enrolled in the charter school in the 4th grade. Beginning on July 1, 2002, if the
20 operator of the charter school has not developed or adopted its own 4th grade
21 examination, the operator of the charter school shall provide a pupil with at least 2
22 opportunities to take the examination administered under this subdivision.

23 2. Beginning on July 1, 2002, if the operator of the charter school has developed
24 or adopted its own 4th grade examination, administer that examination to all pupils
25 enrolled in the charter school in the 4th grade. The operator of the charter school

1 shall provide a pupil with at least 2 opportunities to take the examination
2 administered under this subdivision.

3 (am) 1. Except as provided in sub. (6), administer the 8th grade examination
4 adopted or approved by the state superintendent under sub. (1) (a) to all pupils
5 enrolled in the charter school in the 8th grade. Beginning on July 1, 2002, if the
6 operator of the charter school has not developed and adopted its own 8th grade
7 examination, the operator of the charter school shall provide a pupil with at least 2
8 opportunities to take the examination administered under this subdivision.

9 2. Beginning on July 1, 2002, if the operator of the charter school has developed
10 or adopted its own 8th grade examination, administer that examination to all pupils
11 enrolled in the charter school in the 8th grade. The operator of the charter school
12 shall provide a pupil with at least 2 opportunities to take the examination
13 administered under this subdivision.

14 (b) Administer the 10th grade examination to all pupils enrolled in the charter
15 school in the 10th grade.

16 ***-1351/3.11* SECTION 2081.** 118.30 (2) (b) 1. and 2. of the statutes are amended
17 to read:

18 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
19 subch. V of ch. 115, the school board or operator of the charter school under s. 118.40
20 (2r) shall comply with s. 115.77 ~~(1)~~ (1m) (bg).

21 2. According to criteria established by the state superintendent by rule, the
22 school board or operator of the charter school under s. 118.40 (2r) may determine not
23 to administer an examination under this section to a limited-English speaking
24 pupil, as defined under s. 115.955 (7), may permit the pupil to be examined in his or

1 her native language or may modify the format and administration of an examination
2 for such pupils.

3 ***-1351/3.12* SECTION 2082.** 118.30 (2) (b) 3. of the statutes is amended to read:
4 118.30 (2) (b) 3. Upon the request of a pupil's parent or guardian, the school
5 board shall excuse the pupil from taking an examination administered under ~~this~~
6 section sub. (1m) (a), (am) or (b).

7 ***b0376/3.8* SECTION 2082g.** 118.30 (2) (b) 4. of the statutes is created to read:
8 118.30 (2) (b) 4. Upon the request of a pupil's parent or guardian, the operator
9 of a charter school under s. 118.40 (2r) shall excuse the pupil from taking an
10 examination administered under sub. (1r) (a), (am) or (b).

11 ***b0376/3.8* SECTION 2082r.** 118.30 (5) of the statutes is repealed.

12 ***-1351/3.14* SECTION 2084.** 118.30 (6) of the statutes is amended to read:

13 118.30 (6) A school board and an operator of a charter school under s. 118.40
14 (2r) is not required to administer the 4th and 8th grade examinations adopted or
15 approved by the state superintendent under sub. (1) ~~(a)~~ if the school board or the
16 operator of the charter school administers its own 4th and 8th grade examinations,
17 the school board or operator of the charter school provides the state superintendent
18 with statistical correlations of those examinations with the examinations adopted or
19 approved by the state superintendent under sub. (1) ~~(a)~~, and the federal department
20 of education approves.

21 ***b0376/3.9* SECTION 2084m.** 118.33 (title) of the statutes is amended to read:

22 **118.33 (title) High school graduation standards; criteria for promotion.**

23 ***b0599/1.8* SECTION 2085m.** 118.33 (1) (cm) of the statutes is repealed.

24 ***b0599/1.8* SECTION 2086m.** 118.33 (1) (e) of the statutes is repealed.

25 ***b0376/3.10* SECTION 2086m.** 118.33 (6) of the statutes is created to read:

1 118.33 (6) (a) 1. Each school board shall adopt a written policy specifying the
2 criteria for promoting a pupil from the 4th grade to the 5th grade and from the 8th
3 grade to the 9th grade. The criteria shall include the pupil's score on the examination
4 administered under s. 118.30 (1m) (a) or (am), unless the pupil has been excused from
5 taking the examination under s. 118.30 (2) (b), the pupil's academic performance and
6 the recommendations of teachers, and may include any other criteria specified by the
7 school board. Except as provided in par. (b) 1., the criteria apply to pupils enrolled
8 in charter schools located in the school district.

9 2. Except as provided in par. (b) 2., beginning on September 1, 2002, a school
10 board may not promote a 4th grade pupil enrolled in the school district, including a
11 pupil enrolled in a charter school located in the school district, to the 5th grade, and
12 may not promote an 8th grade pupil enrolled in the school district, including a pupil
13 enrolled in a charter school located in the school district, to the 9th grade, unless the
14 pupil satisfies the criteria for promotion specified in the school board's policy adopted
15 under subd. 1.

16 (b) 1. Each operator of a charter school under s. 118.40 (2r) shall adopt a written
17 policy specifying the criteria for promoting a pupil from the 4th grade to the 5th grade
18 and from the 8th grade to the 9th grade. The criteria shall include the pupil's score
19 on the examination administered under s. 118.30 (1r) (a) or (am), unless the pupil has
20 been excused from taking the examination under s. 118.30 (2) (b), the pupil's
21 academic performance and the recommendations of teachers, and may include any
22 other criteria specified by the operator of the charter school.

23 2. Beginning on September 1, 2002, an operator of a charter school under s.
24 118.40 (2r) may not promote a 4th grade pupil to the 5th grade, and may not promote

1 an 8th grade pupil to the 9th grade, unless the pupil satisfies the criteria for
2 promotion specified in the charter school operator's policy under subd. 1.

3 ***b0574/3.1* SECTION 2086m.** 118.34 (4) of the statutes is created to read:

4 118.34 (4) The governor's work-based learning board shall review the local
5 technical preparation programs established under sub. (1) as operated during the
6 1999-2000 fiscal year, the organizational structure used to implement those
7 programs during that fiscal year and the allocation of funding to those programs for
8 that fiscal year to determine whether those programs, that organizational structure
9 and that allocation of funding should continue in the manner in which they were
10 provided during the 1999-2000 fiscal year beyond that fiscal year and shall submit
11 a plan for the implementation of those programs beyond the 1999-2000 fiscal year
12 to the joint committee on finance by June 15, 2000. If the cochairpersons of the
13 committee do not notify the governor's work-based learning board within 14 working
14 days after the date of submittal of the plan that the committee has scheduled a
15 meeting for the purpose of reviewing the plan, the board may implement the plan,
16 notwithstanding subs. (1), (2) and (3). If within 14 working days after the date of
17 submittal of the plan, the cochairpersons of the committee notify the governor's
18 work-based learning board that the committee has scheduled a meeting for the
19 purpose of reviewing the plan, the board may implement the plan, notwithstanding
20 subs. (1), (2) and (3), only as approved or modified by the committee.

21 ***-1354/2.1* SECTION 2088.** 118.40 (2) (a) of the statutes is amended to read:

22 118.40 (2) (a) Within 30 days after receiving a petition under sub. (1m) the
23 school board shall hold a public hearing on the petition. At the hearing, the school
24 board shall consider the level of employee and parental support for the establishment
25 of the charter school described in the petition and the fiscal impact of the

1 establishment of the charter school on the school district. ~~After the hearing, the~~
2 ~~school board may grant the petition.~~

3 ***-1354/2.2* SECTION 2089.** 118.40 (2) (c) of the statutes is amended to read:

4 118.40 (2) (c) The school board ~~of the school district operating under ch. 119~~
5 shall either grant or deny the petition within 30 days after the public hearing. If the
6 school board ~~of the school district operating under ch. 119~~ denies a petition, the
7 person seeking to establish the charter school may, within 30 days after the denial,
8 appeal the denial to the department. The department shall issue a decision within
9 30 days after receiving the appeal. The department's decision is final and not subject
10 to judicial review under ch. 227.

11 ***-1351/3.17* SECTION 2090.** 118.40 (2r) (d) 2. of the statutes is amended to
12 read:

13 118.40 (2r) (d) 2. Administer the examinations under ss. 118.30 ~~(1m)~~ (1r) and
14 121.02 (1) (r) to pupils enrolled in charter schools under this subsection.

15 ***b0414/3.1* SECTION 2090m.** 118.40 (2r) (e) of the statutes is amended to read:

16 118.40 (2r) (e) From the appropriation under s. 20.255 (2) (fm), the department
17 shall pay to the operator of the charter school an amount equal to the ~~shared cost per~~
18 ~~member in the previous school year of the school district operating under ch. 119~~ sum
19 of the amount paid under this paragraph in the previous school year and the amount
20 of revenue increase per pupil allowed under subch. VII of ch. 121 in the current school
21 year, multiplied by the number of pupils attending the charter school. The
22 department shall pay 25% of the total amount in September, 25% in December, 25%
23 in February and 25% in June. The department shall send the check to the operator
24 of the charter school.