

1 ***b1886/2.1* 1324.** Page 1186, line 9: after that line insert:

2 ***b1886/2.1* "SECTION 2342bc.** 218.01 (2) (L) of the statutes is created to read:

3 218.01 (2) (L) 1. Words and phrases defined in sub. (2c) (am) have the same
4 meaning in this paragraph.

5 2. The department may not issue a dealer license under this section, unless the
6 department has determined that no factory will hold an ownership interest in or
7 operate or control the dealership or that one of the exceptions under sub. (2c) (cm)
8 applies.

9 3. If the applicant asserts that sub. (2c) (cm) 2. applies, the department shall
10 require the applicant to provide a copy of the written agreement described in sub. (2c)
11 (cm) 2. d. for examination by the department to ensure that the agreement meets the
12 requirements of sub. (2c) (cm) 2.

13 4. If the division of hearings and appeals determines, after a hearing on the
14 matter at the request of the department or any licensee, that a factory holds an
15 ownership interest in a dealership or operates or controls a dealership in violation
16 of sub. (2c), the division shall order the denial or revocation of the dealership's
17 license.

18 ***b1886/2.1* SECTION 2342bf.** 218.01 (2c) (intro.) of the statutes is renumbered
19 218.01 (2c) (bm) and amended to read:

20 218.01 (2c) (bm) A ~~manufacturer, importer or distributor, or a subsidiary~~
21 ~~thereof, factory~~ shall not own, directly or indirectly, hold an ownership interest in or
22 operate or control a motor vehicle dealership in this state.

23 (cm) This subsection does not prohibit any of the following:

1 ***b1886/2.1* SECTION 2342bi.** 218.01 (2c) (a) of the statutes is renumbered
2 218.01 (2c) (cm) 1. and amended to read:

3 218.01 (2c) (cm) 1. ~~The ownership and operation by a manufacturer, importer~~
4 ~~or distributor, or a subsidiary thereof, of A factory from holding an ownership~~
5 ~~interest in or operating a dealership for a temporary period, not to exceed one year,~~
6 during the transition from one owner or dealer operator to another.

7 ***b1886/2.1* SECTION 2342bL.** 218.01 (2c) (am) of the statutes is created to
8 read:

9 218.01 (2c) (am) In this subsection:

10 1. “Agent” means a person who is employed by or affiliated with a factory or who
11 directly or through an intermediary is controlled by or under common control of a
12 factory.

13 2. “Control” means the possession, direct or indirect, of the power to direct or
14 cause the direction of the management or policies of a person, whether through the
15 ownership of voting securities, by contract or otherwise. “Control” does not include
16 the relationship between a factory and a dealership under a basic agreement filed
17 under sub. (2) (bd) 1.

18 3. “Dealer operator” means an individual who is vested with the power and
19 authority to operate a dealership.

20 4. “Dealership” means a person licensed or required to be licensed as a motor
21 vehicle dealer under this section.

22 4m. “Department” means the department of transportation.

23 5. “Factory” means a manufacturer, distributor or importer, or an agent of a
24 manufacturer, distributor or importer.

25 6. “Operate” means to directly or indirectly manage a dealership.

1 7. "Ownership interest" means the beneficial ownership of one percent or more
2 of any class of equity interest in a dealership, whether the interest is that of a
3 shareholder, partner, limited liability company member or otherwise. To "hold" an
4 ownership interest means to have possession of, title to or control of the ownership
5 interest, whether directly or indirectly through a fiduciary or an agent.

6 ***b1886/2.1* SECTION 2342bo.** 218.01 (2c) (b) of the statutes is repealed.

7 ***b1886/2.1* SECTION 2342br.** 218.01 (2c) (c) of the statutes is renumbered
8 218.01 (2c) (cm) 3. and amended to read:

9 218.01 (2c) (cm) 3. The ownership, operation or control of a dealership by a
10 ~~manufacturer, importer or distributor, or subsidiary thereof, which~~ factory that does
11 not meet the conditions under ~~par. (a) or (b) subds. 1. or 2.,~~ if the division of hearings
12 and appeals determines, after a hearing on the matter at the request of any party,
13 that there is no prospective independent dealer available to own and operate the
14 dealership in a manner consistent with the public interest and that meets the
15 reasonable standard and uniformly applied qualifications of the ~~manufacturer,~~
16 ~~importer or distributor~~ factory.

17 ***b1886/2.1* SECTION 2342bu.** 218.01 (2c) (cm) 2. of the statutes is created to
18 read:

19 218.01 (2c) (cm) 2. A factory from holding an ownership interest in a
20 dealership, if all of the following apply:

21 a. The dealer operator of the dealership is an individual who is not an agent
22 of the factory.

23 b. The dealer operator of the dealership is unable to acquire full ownership of
24 the dealership with his or her own assets or in conjunction with financial

1 investments and loans from investors or lenders other than the factory holding an
2 ownership interest in the dealership.

3 c. The dealer operator of the dealership holds not less than 15 percent of the
4 total ownership interests in the dealership within one year from the date that the
5 factory initially acquires any ownership interest in the dealership.

6 d. There is a bona fide written agreement in effect between the factory and the
7 dealer operator of the dealership under which the dealer operator will acquire all of
8 the ownership interest in the dealership held by the factory on reasonable terms
9 specified in the agreement.

10 f. The written agreement described in subd. 2. d. provides that the dealer
11 operator will make reasonable progress toward acquiring all of the ownership
12 interest in the dealership, and the dealer is making reasonable progress toward
13 acquiring all of the ownership interest in the dealership.

14 g. Not more than eight years have elapsed since the factory initially acquired
15 its ownership interest in the dealership, unless the department, upon petition by the
16 dealer operator, determines that there is good cause to allow the dealer operator a
17 longer period to complete his or her acquisition of all of the ownership interest in the
18 dealership held by the factory and the longer period determined by the department
19 has not yet elapsed.

20 *b1886/2.1* SECTION 2342bv. 218.01 (2c) (cm) 4. of the statutes is created to
21 read:

22 218.01 (2c) (cm) 4. The holding or acquisition, solely for investment purposes,
23 of an ownership interest in a publicly traded corporation by an employe benefit plan
24 that is sponsored by a factory.

1 ***b1886/2.1* SECTION 2342bw.** 218.01 (2c) (cm) 5. of the statutes is created to
2 read:

3 218.01 (2c) (cm) 5. A factory from holding an ownership interest in a dealership
4 trading solely in any line make of new motor vehicles weighing less than 8,500
5 pounds gross vehicle weight, if all of the following apply:

6 a. No more than 10 locations for the line make are licensed and in operation
7 in the state on or after January 1, 1999.

8 b. At the time the factory first acquires an ownership interest in the dealership,
9 the distance between the dealership and the nearest nonaffiliated new motor vehicle
10 dealership trading in the same line make of motor vehicles is no less than 35 miles.

11 c. The factory does not own, directly or indirectly, in aggregate, in excess of a
12 45% interest in the dealership.

13 d. The factory provides written assurance to the department that on all matters
14 pertaining to the operation of the dealership, the dealership has the same degree of
15 independence from the factory as have all other dealerships of the same line make,
16 including the right to seek legally enforceable redress against the manufacturer in
17 any dispute arising under the franchise agreement.

18 e. All franchise agreements for the line make of new motor vehicles include
19 provisions for actively sharing responsibility between the factory and
20 representatives of the dealers of the line make for decision-making on matters
21 within the scope of the agreement that significantly affect the retail automotive
22 business including prior approval of any performance standards binding on dealers,
23 prior and ongoing review of the allocation system the factory uses for distributing
24 new motor vehicles covered by the franchise agreement, prior approval of any
25 proposed supplements to the franchise agreement applicable to dealerships in which

1 the factory owns a partial interest and approval of any superseding franchise
2 agreement before the agreement is offered to dealers of the line make.

3 ***b1886/2.1* SECTION 2342bvm.** 218.01 (3x) (c) 1. g. of the statutes is created
4 to read:

5 218.01 (3x) (c) 1. g. Whether the dealer and affected grantor have previously
6 agreed upon a specific action that is inconsistent with the proposed action and, if so,
7 whether there has been a change in circumstances sufficient to justify the proposed
8 action.

9 ***b1886/2.1* SECTION 2342bw.** 218.01 (3x) (d) 1. of the statutes is repealed.”.

10 ***b1931/1.19* 1325.** Page 1186, line 9: after that line insert:

11 ***b1931/1.19* “SECTION 2336mt.** 196.86 of the statutes is created to read:

12 **196.86 Assessments for air quality improvement program. (1)** In this
13 section:

14 (a) “Department” means the department of natural resources.

15 (b) “Electric public utility affiliate” means a public utility affiliate, as defined
16 in s. 196.795 (1) (L), that sells electricity in this state.

17 (c) “Heat throughput ratio” means the result obtained by dividing the total heat
18 throughput of all electric generating facilities that use fossil fuel of an individual
19 electric public utility affiliate by the total heat throughput of all electric generating
20 facilities that use fossil fuel of all electric public utility affiliates.

21 (d) “Initial compliance date” means the date specified in a notice by the
22 department of natural resources under s. 285.48 (2) by which electric generating
23 facilities in the midcontinent area of this state are required to comply with initial
24 nitrogen oxide emission reduction requirements.

1 (e) "Midcontinent area" has the meaning given in s. 16.958 (1) (e).

2 (2) If the department of natural resources makes a notification to the
3 commission under s. 285.48 (2), the commission shall assess against electric public
4 utility affiliates a total of \$2,400,000, or a decreased amount specified in a notice by
5 the department of natural resources under s. 285.48 (3) (d) 3., in each fiscal year of
6 the 10-year period that commences on July 1 of the fiscal year ending before the
7 initial compliance date. An assessment in a fiscal year against an electric public
8 utility affiliate under this subsection shall be in amount that is proportionate to the
9 electric public utility affiliate's heat throughput ratio for the prior fiscal year.

10 (3) An electric public utility affiliate shall pay an assessment required under
11 sub. (2) within 30 days after the commission has mailed a bill for the assessment.
12 The bill constitutes notice of the assessment and demand of payment. Payments
13 shall be deposited in the air quality improvement fund.

14 (4) Section 196.85 (3) to (8), as it applies to assessments under s. 196.85 (1) or
15 (2), applies to assessments under this section."

16 *b1931/1.20* **1326.** Page 1186, line 9: after that line insert:

17 *b1931/1.20* "SECTION 2336u. 200.01 (2) of the statutes is amended to read:
18 200.01 (2) "Public service corporation" means and embraces every corporation,
19 except municipalities and other political subdivisions, which is a public utility as
20 defined in s. 196.01, and every corporation which is a railroad as defined in s. 195.02,
21 but shall not include a public utility corporation receiving an annual gross revenue
22 of less than \$1,000 for the calendar year next preceding the issuance of any securities
23 by it. "Public service corporation" includes a holding company, as defined under s.
24 196.795 (1) (h), which is a public utility, as defined under s. 196.01 (5). "Public service

1 corporation” does not include a telecommunications utility, as defined in s. 196.01
2 (10). “Public service corporation” does not include any other holding company unless
3 the holding company was formed after November 28, 1985, and unless the
4 commission has determined, under s. 196.795 (7) (a), that each nonutility affiliate,
5 as defined under s. 196.795 (1) (j), does not and cannot reasonably be expected to do
6 at least one of the items specified in s. 196.795 (7) (a). “Public service corporation”
7 does not include a company, as defined in s. 196.795 (1) (f), which owns, operates,
8 manages or controls a telecommunications utility, as defined in s. 196.01 (10), unless
9 such company also owns, operates, manages or controls a public utility which is not
10 a telecommunications utility. “Public service corporation” does not include a
11 transmission company, as defined in s. 196.485 (1) (ge).”

12 *b1831/4.27* **1327.** Page 1188, line 13: after that line insert:

13 *b1831/4.27* “SECTION 2342Lj. 218.11 (2) (am) 2. of the statutes is amended
14 to read:

15 218.11 (2) (am) 2. The licensor department shall deny an application for the
16 issuance or renewal of a license if the information required under subd. 1. is not
17 included in the application.

18 *b1831/4.27* SECTION 2342Lk. 218.11 (2) (am) 3. of the statutes is
19 amended to read:

20 218.11 (2) (am) 3. The licensor department of commerce may not disclose any
21 information received under subd. 1. to any person except to the department of
22 industry, labor and job development workforce development for purposes of
23 administering s. 49.22 or to the department of revenue for the sole purpose of
24 requesting certifications under s. 73.0301.”

1 ***b1839/3.25* 1328.** Page 1188, line 13: after that line insert:

2 ***b1839/3.25* "SECTION 2342Lm.** 218.11 (2) (am) 1. of the statutes is amended
3 to read:

4 218.11 (2) (am) 1. In addition to any other information required under par. (a)
5 and except as provided in subd. 4., an application by an individual for the issuance
6 or renewal of a license under this section shall include the individual's social security
7 number and, if the application is made by a person who is not an individual for the
8 issuance or renewal of a license under this section shall include the person's federal
9 employer identification number.

10 ***b1839/3.25* SECTION 2342Ln.** 218.11 (2) (am) 4. of the statutes is created to
11 read:

12 218.11 (2) (am) 4. If an applicant who is an individual does not have a social
13 security number, the applicant, as a condition of applying for or applying to renew
14 a license under this section, shall submit a statement made or subscribed under oath
15 or affirmation to the licensor that the applicant does not have a social security
16 number. The form of the statement shall be prescribed by the department of
17 workforce development. Any license issued or renewed in reliance upon a false
18 statement submitted by an applicant under this subdivision is invalid.

19 ***b1839/3.25* SECTION 2342Lo.** 218.11 (2) (am) 4. of the statutes, as created
20 by 1999 Wisconsin Act (this act), is amended to read:

21 218.11 (2) (am) 4. If an applicant who is an individual does not have a social
22 security number, the applicant, as a condition of applying for or applying to renew
23 a license under this section, shall submit a statement made or subscribed under oath
24 or affirmation to the ~~licensor~~ department that the applicant does not have a social

1 security number. The form of the statement shall be prescribed by the department
2 of workforce development. Any license issued or renewed in reliance upon a false
3 statement submitted by an applicant under this subdivision is invalid.”

4 *b1839/3.26* **1329.** Page 1190, line 25: delete the material beginning with
5 that line and ending with page 1191, line 6, and substitute:

6 *b1839/3.26* “SECTION 2342pr. 218.12 (2) (a) of the statutes is amended to
7 read:

8 218.12 (2) (a) Applications for mobile home salesperson’s license and renewals
9 thereof shall be made to the licensor on such forms as the licensor prescribes and
10 furnishes and shall be accompanied by the license fee required under par. (c) or (d).
11 ~~The~~ Except as provided in par. (am) 3., the application shall include the applicant’s
12 social security number. In addition, the application shall require such pertinent
13 information as the licensor requires.

14 *b1839/3.26* SECTION 2342ps. 218.12 (2) (a) of the statutes, as affected by
15 1999 Wisconsin Act ... (this act), is amended to read:

16 218.12 (2) (a) Applications for ~~mobile home a~~ salesperson’s license and
17 renewals thereof shall be made to the ~~licensor~~ department on such forms as the
18 ~~licensor~~ department prescribes and furnishes and shall be accompanied by the
19 license fee required under par. (c) or (d). ~~Except as provided in par. (am) 3.,~~ the
20 application shall include the applicant’s social security number. In addition, the
21 application shall require such pertinent information as the ~~licensor~~ department
22 requires.

23 *b1839/3.26* SECTION 2342pt. 218.12 (2) (am) 1. of the statutes is amended
24 to read:

1 218.12 (2) (am) 1. ~~The~~ Except as provided in subd. 3., the licenser shall deny
2 an application for the issuance or renewal of a license if an individual has not
3 included his or her social security number in the application.

4 ***b1839/3.26* SECTION 2342pu.** 218.12 (2) (am) 1. of the statutes, as affected
5 by 1999 Wisconsin Act ... (this act), is amended to read:

6 218.12 (2) (am) 1. Except as provided in subd. 3., the licenser department shall
7 deny an application for the issuance or renewal of a license if an individual has not
8 included his or her social security number in the application.

9 ***b1839/3.26* SECTION 2342pv.** 218.12 (2) (am) 3. of the statutes is created to
10 read:

11 218.12 (2) (am) 3. If an applicant does not have a social security number, the
12 applicant, as a condition of applying for or applying to renew a license under this
13 section, shall submit a statement made or subscribed under oath or affirmation to
14 the licenser that the applicant does not have a social security number. The form of
15 the statement shall be prescribed by the department of workforce development. Any
16 license issued or renewed in reliance upon a false statement submitted by an
17 applicant under this subdivision is invalid.

18 ***b1839/3.26* SECTION 2342pw.** 218.12 (2) (am) 3. of the statutes, as created
19 by 1999 Wisconsin Act ... (this act), is amended to read:

20 218.12 (2) (am) 3. If an applicant does not have a social security number, the
21 applicant, as a condition of applying for or applying to renew a license under this
22 section, shall submit a statement made or subscribed under oath or affirmation to
23 the ~~licenser~~ department that the applicant does not have a social security number.
24 The form of the statement shall be prescribed by the department of workforce

1 development. Any license issued or renewed in reliance upon a false statement
2 submitted by an applicant under this subdivision is invalid.”.

3 ***b1831/4.28* 1330.** Page 1191, line 6: after that line insert:

4 ***b1831/4.28* “SECTION 2342pum.** 218.12 (2)(am) 2. of the statutes is amended
5 to read:

6 218.12 (2) (am) 2. The licensor department of commerce may not disclose a
7 social security number obtained under par. (a) to any person except to the
8 department of workforce development for the sole purpose of administering s. 49.22
9 or to the department of revenue for the sole purpose of requesting certifications
10 under s. 73.0301.”.

11 ***b1671/1.9* 1331.** Page 1193, line 3: after that line insert:

12 ***b1671/1.9* “SECTION 2344a.** 221.0303 (2) of the statutes is amended to read:

13 221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS
14 TERMINALS. A bank may, directly or indirectly, acquire, place and operate, or
15 participate in the acquisition, placement and operation of, at locations other than its
16 main or branch offices, customer bank communications terminals, in accordance
17 with rules established by the division. The rules of the division shall provide that
18 any such customer bank communications terminal shall be available for use, on a
19 nondiscriminatory basis, by any state or national bank and by all customers
20 designated by a bank using the terminal. This subsection does not authorize a bank
21 which has its principal place of business outside this state to conduct banking
22 business in this state. The customer bank communications terminals also shall be
23 available for use, on a nondiscriminatory basis, by any credit union, savings and loan
24 association or savings bank, if the credit union, savings and loan association or

1 savings bank requests to share its use, subject to rules jointly established by the
2 division of banking, the office of credit unions and the division of savings and loan
3 institutions. The division by order may authorize the installation and operation of
4 a customer bank communications terminal in a mobile facility, after notice and
5 hearing upon the proposed service stops of the mobile facility.

6 *b1671/1.9* SECTION 2345a. 221.0321 (5) of the statutes is amended to read:

7 221.0321 (5) CERTAIN SECURED LOANS. A bank may make loans secured by
8 assignment or transfer of stock certificates or other evidence of the borrower's
9 ownership interest in a corporation formed for the cooperative ownership of real
10 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage
11 involving a one-family residence, apply to a proceeding to enforce the lender's rights
12 in security given for a loan under this subsection. The division shall promulgate joint
13 rules with the office of credit unions and the division of savings and loan institutions
14 that establish procedures for enforcing a lender's rights in security given for a loan
15 under this subsection.

16 *b1671/1.9* SECTION 2347a. 223.105 (3) (a) of the statutes is amended to read:

17 223.105 (3) (a) To assure compliance with such rules as may be established
18 under s. 220.04 (7) the division of banking, the office of credit unions and the division
19 of savings and loan institutions shall, at least once every 18 months, examine the
20 fiduciary operations of each organization which is under its respective jurisdiction
21 and is subject to examination under sub. (2). If a particular organization subject to
22 examination under sub. (2) is not otherwise under the jurisdiction of one of the
23 foregoing agencies, such examination shall be conducted by the division of banking.

24 *b1671/1.9* SECTION 2348a. 223.105 (4) of the statutes is amended to read:

1 223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations
2 licensed under ch. 221 or this chapter, any organization engaged in fiduciary
3 operations as defined in this section shall, as required by rule, notify the division of
4 banking, the office of credit unions or the division of savings ~~and loan~~ institutions of
5 that fact, directing the notice to the agency then exercising regulatory authority over
6 the organization or, if there is none, to the division of banking. Any organization
7 which intends to engage in fiduciary operations shall, prior to engaging in such
8 operations, notify the appropriate agency of this intention. The notifications
9 required under this subsection shall be on forms and contain information required
10 by the rules promulgated by the division of banking.

11 ***b1671/1.9* SECTION 2349a.** 223.105 (5) of the statutes is amended to read:

12 223.105 (5) ENFORCEMENT REMEDY. The division of banking or the division of
13 savings ~~and loan~~ institutions or office of credit unions shall upon the failure of such
14 organization to submit notifications or reports required under this section or
15 otherwise to comply with the provisions of this section, or rules established by the
16 division of banking under s. 220.04 (7), upon due notice, order such defaulting
17 organization to cease and desist from engaging in fiduciary activities and may apply
18 to the appropriate court for enforcement of such order.

19 ***b1671/1.9* SECTION 2350a.** 223.105 (6) of the statutes is amended to read:

20 223.105 (6) SUNSET. Except for an organization regulated by the office of credit
21 unions or the division of savings ~~and loan~~ institutions or an organization authorized
22 by the division of banking to operate as a bank or trust company under ch. 221 or this
23 chapter, an organization may not begin activity as a fiduciary operation under this
24 section after May 12, 1992. An organization engaged in fiduciary operations under

1 this section on May 12, 1992, may continue to engage in fiduciary operations after
2 that date.”.

3 ***b1839/3.27* 1332.** Page 1193, line 3: after that line insert:

4 ***b1839/3.27* “SECTION 2342xs.** 218.21 (2) (intro.) of the statutes is amended
5 to read:

6 218.21 (2) (intro.) Application for a motor vehicle salvage dealer’s license shall
7 be made upon the form prescribed by the department and, except as provided in sub.
8 (2f), shall contain:

9 ***b1839/3.27* SECTION 2342xu.** 218.21 (2f) of the statutes is created to read:

10 218.21 (2f) (a) If an applicant who is an individual does not have a social
11 security number, the applicant, as a condition of applying for or applying to renew
12 a motor vehicle salvage dealer’s license, shall submit a statement made or subscribed
13 under oath or affirmation to the department that the applicant does not have a social
14 security number. The form of the statement shall be prescribed by the department
15 of workforce development.

16 (b) Any motor vehicle salvage dealer’s license issued or renewed in reliance
17 upon a false statement submitted by an applicant under par. (a) is invalid.

18 ***b1839/3.27* SECTION 2342xw.** 218.21 (2m) (a) of the statutes is amended to
19 read:

20 218.21 (2m) (a) The department shall deny an application for the issuance or
21 renewal of a license if ~~the~~ any information required under sub. (2) (ag) or (am) is not
22 included in the application.

23 ***b1839/3.27* SECTION 2342xy.** 218.31 (1) (intro.) of the statutes is amended
24 to read:

1 218.31 (1) (intro.) Application for a motor vehicle auction dealer's license shall
2 be made upon the form prescribed by the department and, except as provided in sub.
3 (1f), shall contain:

4 ***b1839/3.27* SECTION 2342yc.** 218.31 (1f) of the statutes is created to read:

5 218.31 (1f) (a) If an applicant who is an individual does not have a social
6 security number, the applicant, as a condition of applying for or applying to renew
7 a motor vehicle auction dealer's license, shall submit a statement made or subscribed
8 under oath or affirmation to the department that the applicant does not have a social
9 security number. The form of the statement shall be prescribed by the department
10 of workforce development.

11 (b) Any motor vehicle auction dealer's license issued or renewed in reliance
12 upon a false statement submitted by an applicant under par. (a) is invalid.

13 ***b1839/3.27* SECTION 2342ye.** 218.31 (1m) (a) of the statutes is amended to
14 read:

15 218.31 (1m) (a) The department shall deny an application for the issuance or
16 renewal of a license if ~~the~~ any information required under sub. (1) (ag) or (am) is not
17 included in the application.

18 ***b1839/3.27* SECTION 2342yg.** 218.41 (2) (am) 1. (intro.) of the statutes is
19 amended to read:

20 218.41 (2) (am) 1. (intro.) In addition to any other information required under
21 this subsection and except as provided in subd. 3., an application for a license under
22 this section shall include the following:

23 ***b1839/3.27* SECTION 2342yi.** 218.41 (2) (am) 3. of the statutes is created to
24 read:

1 218.41 (2) (am) 3. If an applicant who is an individual does not have a social
2 security number, the applicant, as a condition of applying for or applying to renew
3 a license under this section, shall submit a statement made or subscribed under oath
4 or affirmation to the department that the applicant does not have a social security
5 number. The form of the statement shall be prescribed by the department of
6 workforce development. Any license issued or renewed in reliance upon a false
7 statement submitted by an applicant under this subdivision is invalid.

8 ***b1839/3.27* SECTION 2342yk.** 218.41 (3m) (b) 1. of the statutes is amended
9 to read:

10 218.41 (3m) (b) 1. A license shall be denied if the applicant fails to provide ~~the~~
11 any information required under sub. (2) (am) 1. ~~a. or b.~~

12 ***b1839/3.27* SECTION 2342yL.** 218.51 (3) (am) 1. (intro.) of the statutes is
13 amended to read:

14 218.51 (3) (am) 1. (intro.) In addition to any other information required under
15 par. (a) and except as provided in subd. 3., an application for a buyer identification
16 card shall include the following:

17 ***b1839/3.27* SECTION 2342ym.** 218.51 (3) (am) 3. of the statutes is created to
18 read:

19 218.51 (3) (am) 3. If an applicant for the issuance or renewal of a buyer
20 identification card is an individual who does not have a social security number, the
21 applicant, as a condition of applying for or applying to renew the buyer identification
22 card, shall submit a statement made or subscribed under oath or affirmation to the
23 department that the applicant does not have a social security number. The form of
24 the statement shall be prescribed by the department of workforce development. Any

1 buyer identification card issued or renewed in reliance upon a false statement
2 submitted by an applicant under this subdivision is invalid.

3 *b1839/3.27* SECTION 2342yp. 218.51 (4m) (b) 1. of the statutes is amended
4 to read:

5 218.51 (4m) (b) 1. A buyer identification card shall be denied if the applicant
6 fails to provide the any information required under sub. (3) (am) 1. ~~a. or b.~~”.

7 *b1893/1.3* 1333. Page 1193, line 3: after that line insert:

8 *b1893/1.3* “SECTION 2343d. 220.06 (1) of the statutes is amended to read:

9 220.06 (1) In this section, “licensee” means a person licensed by the division
10 under ch. 138, 217 or 218 or under s. 224.92.”.

11 *b0735/1.1* 1334. Page 1193, line 10: delete that line and substitute “The
12 department may by rule establish fees to be”.

13 *b0735/1.2* 1335. Page 1193, line 17: delete lines 17 to 19.

14 *b1839/3.28* 1336. Page 1193, line 19: after that line insert:

15 *b1839/3.28* “SECTION 2353c. 224.72 (2) (c) 1. (intro.) of the statutes is
16 amended to read:

17 224.72 (2) (c) 1. (intro.) ~~An~~ Except as provided in par. (d), an application shall
18 include the following:

19 *b1839/3.28* SECTION 2353e. 224.72 (2) (d) of the statutes is created to read:

20 224.72 (2) (d) *Social security number exceptions.* 1. If an applicant who is an
21 individual does not have a social security number, the applicant, as a condition of
22 applying for or applying to renew a registration under this section, shall submit a
23 statement made or subscribed under oath or affirmation to the division that the

1 applicant does not have a social security number. The form of the statement shall
2 be prescribed by the department of workforce development.

3 2. Any certificate of registration issued or renewed in reliance upon a false
4 statement submitted by an applicant under subd. 1. is invalid.

5 *b1899/3.28* SECTION 2353g. 224.72 (7m) (a) of the statutes is amended to
6 read:

7 224.72 (7m) (a) The applicant for the issuance or renewal has failed to provide
8 the any information required under sub. (2) (c) 1.”.

9 *b1899/1.4* **1337**. Page 1193, line 19: after that line insert:

10 *b1899/1.4* “SECTION 2353d. Subchapter IV of Chapter 224 [precedes 224.90]
11 of the statutes is created to read:

12 **CHAPTER 224**

13 **SUBCHAPTER IV**

14 **NONDEPOSITORY SMALL**

15 **BUSINESS LENDERS**

16 **224.90 Definitions.** In this subchapter:

17 (1) “Division” means the division of banking.

18 (2) “In control” means any of the following:

19 (a) Owning 10% or more of the outstanding voting stock of a nondepository
20 lender.

21 (b) Possessing, directly or indirectly, alone or in concert with others, the power
22 to control or vote 10% or more of the outstanding voting stock of a nondepository
23 lender or to elect or control the election of a majority of the board of directors of a
24 nondepository lender.

1 (3) "Licensee" means a lender licensed under this subchapter.

2 (4) "Nondepository lender" means a commercial small business lender that
3 participates in the loan guarantee program of the U.S. small business
4 administration described in 13 CFR 120.2 (a) and that provides financial assistance
5 to small businesses that qualify for financial assistance pursuant to 15 USC 636 (a).
6 "Nondepository lender" does not include a bank, credit union, savings and loan
7 association or savings bank.

8 **224.92 License required.** No person may engage in business as a
9 nondepository lender in this state without a license issued under this subchapter.

10 **224.923 License application.** An application for a license under this
11 subchapter shall be made to the division in writing on a form to be prescribed by the
12 division. An application for a license under this subchapter shall state the full name
13 and business address of the applicant and each officer, director and person in control
14 of the applicant. The application also shall contain the applicant's federal employer
15 identification number. In addition, the application shall contain the applicant's
16 business plan, 3 years of detailed financial projections and other relevant
17 information, all as prescribed by the division.

18 **224.927 Disclosure of certain application information.** The division may
19 not disclose an applicant's federal employer identification number received under s.
20 224.923, except as follows:

21 (1) The division may disclose the information to the department of revenue for
22 the sole purpose of requesting certification under s. 73.0301.

23 (2) The division may disclose the information to the department of workforce
24 development in accordance with a memorandum of understanding under s. 49.857.

1 **224.93 License approval.** After a review of information regarding the
2 directors, officers and controlling persons of the applicant for a license, a review of
3 the applicant's business plan, including at least three years of detailed financial
4 projections and other information considered relevant by the division, the division
5 may approve an application for a license if the division determines that all of the
6 following conditions are met:

7 (1) The applicant has at least \$500,000 in capital and the amount of capital is
8 adequate for the applicant to transact business as a nondepository lender.

9 (2) Each director, officer and person in control of the applicant is of good
10 character and sound financial standing; the directors and officers of the applicant are
11 competent to perform their functions with respect to the applicant and the directors
12 and officers of the applicant are collectively adequate to manage the business of the
13 applicant as a nondepository lender.

14 (3) The business plan of the applicant will be honestly and efficiently conducted
15 in accordance with the intent and purpose of this subchapter.

16 (4) The proposed activity of the applicant possesses a reasonable prospect for
17 success.

18 (5) The applicant has paid to the division the application fee prescribed by the
19 division, together with the actual cost incurred by the division in investigating the
20 application.

21 **224.935 Expiration of license.** (1) **GENERALLY.** Except as provided under
22 sub. (2), a license issued under this subchapter expires on the June 30 following the
23 date on which the license was issued.

24 (2) **CHANGE IN CONTROL OF LICENSEE.** A change in the identity or number of
25 individuals that are in control of a licensee terminates the licensee's license under

1 this subchapter, unless the licensee applies to the division for and receives a renewal
2 of the license no later than 15 days after the change in control.

3 **224.94 Renewal of license.** Except as provided under s. 224.935 (2), a
4 licensee shall renew its license by submitting to the division a renewal application
5 and the renewal fee as prescribed by the division not less than 60 days before the date
6 on which the license expires. A renewal application is subject to the same criteria
7 as the criteria for approval of an original license.

8 **224.95 Denial of or disciplinary action relating to license. (1)**
9 **MANDATORY DENIAL.** The division shall deny an application for issuance or renewal
10 of a license under this subchapter if any of the following applies:

11 (a) The applicant has failed to provide its federal employer identification
12 number under s. 224.923.

13 (b) The department of revenue has certified under s. 73.0301 that the applicant
14 is liable for delinquent taxes. An applicant whose application for issuance or renewal
15 of a license is denied under this paragraph is entitled to a notice under s. 73.0301 (2)
16 (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to a notice or hearing
17 under sub. (4).

18 (c) The applicant is an individual who has failed to comply, after appropriate
19 notice, with a subpoena or warrant issued by the department of workforce
20 development or a county child support agency under s. 59.53 (5) and related to
21 paternity or child support proceedings or who is delinquent in making court-ordered
22 payments of child or family support, maintenance, birth expenses, medical expenses
23 or other expenses related to the support of a child or former spouse, as provided in
24 a memorandum of understanding entered into under s. 49.857. An applicant whose
25 application for issuance or renewal of a license is denied under this paragraph is

1 entitled to a notice and a hearing under s. 49.857 but is not entitled to a notice or
2 hearing under sub. (4).

3 (2) DISCRETIONARY DENIAL OR DISCIPLINARY ACTION. The division may deny an
4 application for issuance or renewal of a license under this subchapter or may revoke,
5 suspend or limit a license issued under this subchapter if the division finds that the
6 applicant or nondepository lender did any of the following:

7 (a) Made a material misstatement in an application for issuance or renewal of
8 a license issued under this subchapter or in information provided to the division.

9 (b) Demonstrated a lack of competency to act as a nondepository lender.

10 (c) Violated any provision of this subchapter or any rule of the division.

11 (3) DISCIPLINARY ORDERS. The division may issue general or special orders
12 necessary to prevent or correct actions by a nondepository lender that constitute
13 cause under this section for revoking, suspending or limiting a license.

14 (4) APPEAL OF DENIAL OR DISCIPLINARY ACTION. A person whose application for
15 issuance or renewal of a license under this subchapter has been denied or whose
16 license has been revoked, suspended or limited under this section may request a
17 hearing under s. 227.42 within 30 days after the date of denial, revocation,
18 suspension or limitation. Failure of a person to request a hearing within the time
19 provided under this subsection is a waiver of the person's right to a hearing on the
20 denial, revocation, suspension or limitation.

21 **224.96 Required loan loss reserve.** Each licensee shall provide for a loan
22 loss reserve sufficient to cover projected loan losses that are not guaranteed by the
23 U.S. government or any agency of the U.S. government.

24 **224.97 Division review of nondepository lender operations.** The
25 division may, at any reasonable time, examine the books of account, records,

1 condition and affairs of a nondepository lender licensed under this subchapter. The
2 division shall examine the books of account, records, condition and affairs of every
3 nondepository lender licensed under this subchapter at least once during every 12
4 month period. The division shall prepare a report of each examination conducted
5 under this section. As part of an examination under this section or as part of the
6 preparation of an examination report, the division may examine under oath any
7 person in control, officer, director, agent, employe or customer of the nondepository
8 lender. The division may require a nondepository lender that is examined under this
9 section to pay to the division a reasonable fee for the costs of conducting the
10 examination.

11 **224.98 Powers of licensee.** A licensee may do any of the following:

12 (1) Participate in the loan guaranty program under 15 USC 636 (a).

13 (2) Participate in any other government program for which the licensee is
14 eligible and which has as its function the provision or facilitation of financing or
15 management assistance to business firms.

16 **224.985 Required records and reports.** (1) RECORD KEEPING. A licensee
17 shall keep books, accounts, and other records in such a form and manner as required
18 by rule of the division. These records shall be kept at a location and shall be
19 preserved for a length of time as prescribed by rule of the division.

20 (2) ANNUAL REPORT. Not more than 90 days after the close of a licensee's fiscal
21 year or upon request of the division, every licensee shall file with the division a report
22 containing all of the following:

23 (a) Financial statements, including the balance sheet, the statement of income
24 or loss, the statement of changes in capital accounts and the statement of changes
25 in financial position of the licensee. The licensee shall ensure that the financial

1 statements have been audited by an independent certified public account and
2 prepared in accordance with generally accepted account principles.

3 (b) Other relevant information requested by the division.

4 **224.99 Rule making.** The division may promulgate rules for the efficient
5 administration of this subchapter.”.

6 ***b1776/2.9* 1338.** Page 1194, line 6: delete “(i) 3. or”.

7 ***b1776/2.10* 1339.** Page 1194, line 8: delete “(i) 3. or”.

8 ***b1864/2.3* 1340.** Page 1194, line 9: after that line insert:

9 ***b1864/2.3* “SECTION 2353sm.** 227.01 (13) (zu) of the statutes is created to
10 read:

11 227.01 (13) (zu) Establishes standards under subch. IX of ch. 254.”.

12 ***b1849/6.47* 1341.** Page 1194, line 11: delete “state land use” and
13 substitute “local, comprehensive”.

14 ***b1849/6.49* 1342.** Page 1194, line 12: after “administers,” insert “is
15 encouraged to design”.

16 ***b1849/6.48* 1343.** Page 1194, line 12: delete “shall ensure that,
17 consistently” and substitute “, where applicable and consistent”.

18 ***b1849/6.50* 1344.** Page 1194, line 13: delete “are designed to further” and
19 substitute “to reflect a balance between the mission of the agency and”.

20 ***b0897/2.2* 1345.** Page 1194, line 13: after that line insert:

21 ***b0897/2.2* “SECTION 2355mm.** 227.14 (1s) of the statutes is created to read:

22 227.14 (1s) EXCEPTION; PREPARATION OF CERTAIN RULES BASED ON FEDERAL FOOD
23 CODE. Notwithstanding sub. (1), if the department of agriculture, trade and

1 consumer protection or the department of health and family services prepares a
2 proposed rule based on the model food code published by the federal food and drug
3 administration, the proposed rule may be in the format of the model food code.”

4 ***b1671/1.10* 1346.** Page 1194, line 20: after that line insert:

5 ***b1671/1.10* “SECTION 2357a.** 227.52 (5) of the statutes is amended to read:
6 227.52 (5) Decisions of the division of savings ~~and loan~~ institutions.

7 ***b1671/1.10* SECTION 2358a.** 227.53 (1) (b) 4. of the statutes is amended to
8 read:

9 227.53 (1) (b) 4. The savings and loan review board, the division of savings ~~and~~
10 ~~loan~~ institutions, except if the petitioner is the division of savings ~~and loan~~
11 institutions, the prevailing parties before the savings and loan review board shall be
12 the named respondents.

13 ***b1671/1.10* SECTION 2359a.** 227.53 (1) (b) 5. of the statutes is amended to
14 read:

15 227.53 (1) (b) 5. The savings bank review board, the division of savings ~~and loan~~
16 institutions, except if the petitioner is the division of savings ~~and loan~~ institutions,
17 the prevailing parties before the savings bank review board shall be the named
18 respondents.”.

19 ***b1162/2.3* 1347.** Page 1195, line 6: delete the material beginning with that
20 line and ending with page 1196, line 13.

21 ***b0936/1.3* 1348.** Page 1196, line 13: after that line insert:

22 ***b0936/1.3* “SECTION 2359tb.** 230.04 (19m) of the statutes is created to read:

1 230.04 (19m) The secretary shall ensure that no agency require that its
2 employes record their number of hours worked during any part of a pay period on a
3 form on which the employe's social security number is printed.”.

4 ***b1162/2.4* 1349.** Page 1197, line 3: delete lines 3 to 13 and substitute:

5 ***b1162/2.4* “SECTION 2359ts.** 230.046 (4) of the statutes is amended to read:

6 230.046 (4) RECORDS OF TRAINING PROGRAM PARTICIPATION. Each agency shall
7 adopt a standardized system for measuring, recording, reporting, accumulating and
8 recognizing employe participation in its training program. ~~The system may not take~~
9 ~~effect until approved by the secretary.~~

10 ***b1162/2.4* SECTION 2359tw.** 230.046 (5) (intro.) of the statutes is amended
11 to read:

12 230.046 (5) INITIATION OF PROGRAMS. (intro.) Unless otherwise empowered by
13 law, any agency desiring to initiate a training program under sub. (3) shall ~~certify~~
14 ~~to the secretary~~ ensure that:

15 ***b1162/2.4* SECTION 2359uc.** 230.046 (10) of the statutes is repealed and
16 recreated to read:

17 230.046 (10) DEPARTMENT FUNCTIONS. The department may do all of the
18 following:

19 (a) Conduct off-the-job employe development and training programs relating
20 to functions under this chapter or subch. V of ch. 111.

21 (b) Charge fees to state agencies whose employes participate in employe
22 development and training programs under this subsection.

23 ***b1162/2.4* SECTION 2359uh.** 230.046 (11) of the statutes is repealed.”.

24 ***b1798/6.42* 1350.** Page 1197, line 16: delete lines 16 to 22.

1 ***b1189/2.2* 1351.** Page 1198, line 1: after that line insert:

2 ***b1189/2.2*** “SECTION 2361d. 230.08 (2) (e) 8. of the statutes is amended to
3 read:

4 230.08 (2) (e) 8. Natural resources — ~~6~~ 7.”.

5 ***b1798/6.43* 1352.** Page 1198, line 2: delete lines 2 to 14.

6 ***b0778/1.3* 1353.** Page 1198, line 14: after that line insert:

7 ***b0778/1.3*** “SECTION 2362p. 230.08 (2) (pm) of the statutes is amended to
8 read:

9 230.08 (2) (pm) The All employes of the state fair park director board.”.

10 ***b1798/6.44* 1354.** Page 1198, line 16: delete lines 16 to 23.

11 ***b1798/6.45* 1355.** Page 1199, line 3: delete lines 3 to 21.

12 ***b1162/2.5* 1356.** Page 1201, line 1: delete lines 1 to 5.

13 ***b1849/6.51* 1357.** Page 1208, line 5: delete lines 5 to 24.

14 ***b1012/1.3* 1358.** Page 1209, line 5: delete lines 5 to 12.

15 ***b1849/6.52* 1359.** Page 1209, line 13: delete lines 13 to 19.

16 ***b1012/1.4* 1360.** Page 1209, line 20: delete the material beginning with
17 that line and ending with page 1210, line 11.

18 ***b1646/2.1* 1361.** Page 1210, line 11: after that line insert:

19 ***b1646/2.1*** “SECTION 2400em. 250.01 (4) (a) 5. of the statutes is created to
20 read:

21 250.01 (4) (a) 5. A multiple municipal local health department established
22 under s. 251.02 (3r).”.

23 ***b1839/3.29* 1362.** Page 1210, line 11: after that line insert:

1 ***b1839/3.29*** “SECTION 2400gm. 250.041 (1) (intro.) of the statutes is amended
2 to read:

3 250.041 (1) (intro.) The Except as provided in sub. (1m), the department shall
4 require each applicant to provide the department with the applicant’s social security
5 number, if the applicant is an individual, as a condition of issuing or renewing any
6 of the following:

7 ***b1839/3.29*** SECTION 2400gn. 250.041 (1m) of the statutes is created to read:

8 250.041 (1m) If an individual who applies for or to renew a registration, license,
9 certification, approval, permit or certificate under sub. (1) does not have a social
10 security number, the individual, as a condition of obtaining the registration, license,
11 certification, approval, permit or certificate, shall submit a statement made or
12 subscribed under oath or affirmation to the department that the applicant does not
13 have a social security number. The form of the statement shall be prescribed by the
14 department of workforce development. A registration, license, certification,
15 approval, permit or certificate issued or renewed in reliance upon a false statement
16 submitted under this subsection is invalid.

17 ***b1839/3.29*** SECTION 2400gp. 250.05 (8m) (a) of the statutes is amended to
18 read:

19 250.05 (8m) (a) The Except as provided in par. (am), the department shall
20 require each applicant for registration under this section to provide the department
21 with the applicant’s social security number as a condition of issuing or renewing the
22 registration.

23 ***b1839/3.29*** SECTION 2400gq. 250.05 (8m) (am) of the statutes is created to
24 read:

1 250.05 (8m) (am) If an individual who applies for or to renew a registration
2 under par. (a) does not have a social security number, the individual, as a condition
3 of obtaining registration, shall submit a statement made or subscribed under oath
4 or affirmation to the department that the applicant does not have a social security
5 number. The form of the statement shall be prescribed by the department of
6 workforce development. A registration issued or renewed in reliance upon a false
7 statement submitted under this paragraph is invalid.

8 ***b1839/3.29* SECTION 2400gr.** 250.05 (8m) (c) of the statutes is amended to
9 read:

10 250.05 (8m) (c) The Except as provided in par. (am), the department shall deny
11 an application for the issuance or renewal of registration under this section if the
12 applicant does not provide the information specified in par. (a).”.

13 ***b0828/2.15* 1363.** Page 1211, line 18: after that line insert:

14 ***b0828/2.15* “SECTION 2400mf.** 252.07 (1) of the statutes is renumbered
15 252.07 (1m) and amended to read:

16 252.07 (1m) ~~Tuberculosis is a communicable disease caused by mycobacterium~~
17 ~~tuberculosis and is~~ Infectious tuberculosis and suspect tuberculosis are subject to the
18 reporting requirements specified in s. 252.05. Any laboratory that ~~performs a test~~
19 ~~receives a specimen~~ for tuberculosis testing shall report all positive results obtained
20 by any appropriate procedur, including a procedure performed by an out-of-state
21 laboratory, to the local health officer and to the department.

22 ***b0828/2.15* SECTION 2400mg.** 252.07 (1g) of the statutes is created to read:

23 252.07 (1g) In this section:

1 (a) “Infectious tuberculosis” means tuberculosis disease of the respiratory
2 tract, capable of producing infection or disease in others as demonstrated by the
3 presence of acid-fast bacilli in the sputum or bronchial secretions or by chest
4 radiograph and clinical findings.

5 (b) “Isolate” means a population of mycobacterium tuberculosis bacteria that
6 has been obtained in pure culture medium.

7 (c) “Isolation” means the separation from other persons of a person with
8 infectious tuberculosis in a place and under conditions that prevent the transmission
9 of the infection.

10 (d) “Suspect tuberculosis” means an illness marked by symptoms and
11 laboratory tests that may be indicative of tuberculosis, such as a prolonged cough,
12 prolonged fever, hemoptysis, compatible roentgenographic findings or other
13 appropriate medical imaging findings.

14 ***b0828/2.15* SECTION 2400mh.** 252.07 (1p) of the statutes is created to read:

15 252.07 (1p) Any laboratory that performs primary culture for mycobacteria
16 shall also perform organism identification for mycobacterium tuberculosis complex
17 using an approved rapid testing procedure specified by the department by rule.

18 ***b0828/2.15* SECTION 2400mi.** 252.07 (1t) of the statutes is created to read:

19 252.07 (1t) Any laboratory that identifies mycobacterium tuberculosis shall
20 ensure that antimicrobial drug susceptibility tests are performed on the initial
21 isolate. The laboratory shall report the results of these tests to the local health officer
22 and the department.

23 ***b0828/2.15* SECTION 2400mj.** 252.07 (2) of the statutes is amended to read:

24 252.07 (2) The department shall identify groups at risk for contracting or
25 transmitting mycobacterium tuberculosis and shall recommend the protocol for

1 screening members of those groups. ~~If necessary to prevent or control the~~
2 ~~transmission of mycobacterium tuberculosis, the department may promulgate rules~~
3 ~~that require screening of members of specific groups that are at risk for contracting~~
4 ~~or transmitting mycobacterium tuberculosis.~~

5 ***b0828/2.15* SECTION 2400mk.** 252.07 (4) of the statutes is repealed.

6 ***b0828/2.15* SECTION 2400mL.** 252.07 (5) of the statutes is amended to read:

7 252.07 (5) Upon report of any person under sub. ~~(1)~~ (1m) or (1t), the local health
8 officer shall at once investigate and make and enforce the necessary orders. If any
9 person does not voluntarily comply with any order made by the local health officer
10 with respect to that person, the local health officer or the department may order a
11 medical evaluation, directly observed therapy or home isolation of that person.

12 ***b0828/2.15* SECTION 2400mm.** 252.07 (7) of the statutes is repealed.

13 ***b0828/2.15* SECTION 2400mn.** 252.07 (8) of the statutes is created to read:

14 252.07 (8) (a) The department or a local health officer may order the
15 confinement to a facility of an individual who has a confirmed diagnosis of infectious
16 tuberculosis or suspect tuberculosis if all of the following conditions are met:

17 1. The department or local health officer notifies a court in writing of the
18 confinement.

19 2. The department or local health officer provides to the court a written
20 statement from a physician that the individual has infectious tuberculosis or suspect
21 tuberculosis.

22 3. The department or local health officer provides to the court evidence that the
23 individual has refused to follow a prescribed treatment regimen or, in the case of an
24 individual with suspect tuberculosis, has refused to undergo a medical examination
25 to confirm whether the individual has infectious tuberculosis.

1 4. In the case of an individual with a confirmed diagnosis of infectious
2 tuberculosis, the department or local health officer determines that the individual
3 poses an imminent and substantial threat to himself or herself or to the public
4 health. The department or local health officer shall provide to the court a written
5 statement of that determination.

6 (b) If the department or local health officer orders the confinement of an
7 individual under this subsection, a law enforcement officer, or other person
8 authorized by the local public health officer, shall transport the individual, if
9 necessary, to a facility that the department or local health officer determines will
10 meet the individual's need for medical evaluation, isolation and treatment.

11 (c) No individual may be confined under this subsection for more than 72 hours,
12 excluding Saturdays, Sundays and legal holidays, without a court hearing under
13 sub. (9) to determine whether the confinement should continue.

14 ***b0828/2.15* SECTION 2400mo.** 252.07 (9) of the statutes is created to read:

15 252.07 (9) (a) The department or a local health officer may petition any court
16 for a hearing to determine whether an individual with infectious or suspect
17 tuberculosis should be confined for longer than 72 hours in a facility where proper
18 care and treatment will be provided and spread of the disease will be prevented. The
19 department or local health officer shall include in the petition documentation that
20 demonstrates all of the following:

21 1. That the individual named in the petition has infectious tuberculosis; that
22 the individual has noninfectious tuberculosis but is at high risk of developing
23 infectious tuberculosis; or that the individual has suspect tuberculosis.

1 2. That the individual has failed to comply with the prescribed treatment
2 regimen or with any rules promulgated by the department under sub. (11); or that
3 the disease is resistant to the medication prescribed to the individual.

4 3. That all other reasonable means of achieving voluntary compliance with
5 treatment have been exhausted and no less restrictive alternative exists; or that no
6 other medication to treat the resistant disease is available.

7 4. That the individual poses an imminent and substantial threat to himself or
8 herself or to the public health.

9 (b) The department or local health officer shall give the individual written
10 notice of a hearing at least 48 hours before a scheduled hearing is to be held. Notice
11 of the hearing shall include all of the following information:

12 1. The date, time and place of the hearing.

13 2. The grounds, and underlying facts, upon which confinement of the individual
14 is being sought.

15 3. An explanation of the individual's rights specified under par. (d).

16 4. The proposed actions to be taken and the reasons for each action.

17 (c) If the court orders confinement of an individual under this subsection, the
18 individual shall remain confined until the department or local health officer, with the
19 concurrence of a treating physician, determines that treatment is complete or that
20 the individual is no longer a substantial threat to himself or herself or to the public
21 health. If the individual is to be confined for more than 6 months, the court shall
22 review the confinement every 6 months.

23 (d) An individual who is the subject of a petition for a hearing under this
24 subsection has the right to appear at the hearing, the right to present evidence and
25 cross-examine witnesses and the right to be represented by adversary counsel. At

1 the time of the filing of the petition the court shall assure that the individual who is
2 the subject of the petition is represented by adversary counsel. If the individual
3 claims or appears to be indigent, the court shall refer the individual to the authority
4 for indigency determinations specified under s. 977.07 (1). If the individual is a child,
5 the court shall refer that child to the state public defender who shall appoint counsel
6 for the child without a determination of indigency, as provided in s. 48.23 (4). Unless
7 good cause is shown, a hearing under this subsection may be conducted by telephone
8 or live audiovisual means, if available.

9 (e) An order issued by the court under this subsection may be appealed as a
10 matter of right. An appeal shall be heard within 30 days after the appeal is filed.
11 An appeal does not stay the order.

12 ***b0828/2.15* SECTION 2400mp.** 252.07 (11) of the statutes is created to read:

13 252.07 (11) The department may promulgate any rules necessary for the
14 administration and enforcement of this section, including, if necessary to prevent or
15 control the transmission of mycobacterium tuberculosis, rules that require screening
16 of members of specific groups that are at risk for contracting or transmitting
17 mycobacterium tuberculosis.

18 ***b0828/2.15* SECTION 2400mq.** 252.073 of the statutes is repealed.

19 ***b0828/2.15* SECTION 2400mr.** 252.076 of the statutes is repealed.

20 ***b0828/2.15* SECTION 2400ms.** 252.08 (1) of the statutes is repealed.

21 ***b0828/2.15* SECTION 2400mt.** 252.08 (2) of the statutes is repealed.

22 ***b0828/2.15* SECTION 2400mu.** 252.08 (3) of the statutes is renumbered
23 252.07 (10) and amended to read:

24 252.07 (10) Inpatient care for isolated pulmonary tuberculosis patients, and
25 inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are

1 not eligible for federal medicare benefits, for medical assistance under subch. V IV
2 of ch. 49 or for health care services funded by a relief block grant under subch. II of
3 ch. 49 may be reimbursed if provided by a facility contracted by the department. If
4 the patient has private health insurance, the state shall pay the difference between
5 health insurance payments and total charges.

6 *b0828/2.15* SECTION 2400mv. 252.08 (4) of the statutes is repealed.

7 *b0828/2.15* SECTION 2400mw. 252.08 (5) of the statutes is repealed.

8 *b0828/2.15* SECTION 2400mx. 252.08 (6) of the statutes is repealed.

9 *b0828/2.15* SECTION 2400my. 252.09 of the statutes is repealed.”.

10 *b1046/1.2* **1364.** Page 1211, line 18: after that line insert:

11 “(c) From the appropriation under s. 20.435 (5) (fh), the department shall
12 award \$25,000 in each fiscal year as a grant to HealthNet of Janesville, Inc.”.

13 *b1646/2.2* **1365.** Page 1211, line 18: after that line insert:

14 *b1646/2.2* “SECTION 2400qc. 251.02 (1) of the statutes is amended to read:

15 251.02 (1) In counties with a population of less than 500,000, the county board
16 shall establish a county health department that meets the requirements of this
17 chapter. The county health department shall serve all areas of the county that are
18 not served by a city health department that was established prior to January 1, 1994,
19 ~~or~~ by a town or village health department established under sub. (3m) or by a
20 multiple local health department established under sub. (3r). No city health
21 department may be established after ~~that date~~ January 1, 1994, but a city-county
22 health department may be established after that date.

23 *b1646/2.2* SECTION 2400qd. 251.02 (3r) of the statutes is created to read:

1 251.02 (3r) In a county described in sub. (3m), in addition to the local health
2 department required to be established under sub. (3m), the governing body of a city,
3 village or town in that county may, in concert with the governing body of another city,
4 village or town in that county, establish a multiple municipal local health
5 department and elect a local health officer consistent with this chapter.

6 ***b1646/2.2* SECTION 2400qe.** 251.03 (4r) of the statutes is created to read:

7 251.03 (4r) Subsections (1) to (4m) do not apply to a city, village or town that
8 establishes a multiple municipal local health department under s. 251.02 (3r). In
9 establishing a multiple municipal local health department as described under s.
10 251.02 (3r), the relevant governing bodies shall agree on how many members of the
11 local board of health are appointed by each governing body and how many of each
12 governing body's appointees shall be members who are not elected officials or
13 employes of the governing body. The members shall be appointed by the relevant
14 governing bodies. A local board of health under this subsection shall elect a
15 chairperson and clerk.

16 ***b1646/2.2* SECTION 2400qf.** 251.04 (1) of the statutes is amended to read:

17 251.04 (1) A city or county board of health shall govern each local health
18 department other than a local health department as authorized in s. 251.02 (3m) and
19 (3r) and a city or county board of health or a board of health for a local health
20 department as authorized in s. 251.02 (3m) and (3r) shall assure the enforcement of
21 state public health statutes and public health rules of the department as prescribed
22 for a Level I local health department. A local board of health may contract or
23 subcontract to provide public health services. The contractor's staff shall meet the
24 appropriate qualifications for positions in a Level I local health department.

25 ***b1646/2.2* SECTION 2400qg.** 251.04 (2) of the statutes is amended to read:

1 251.04 (2) A city or county board of health or a board of health for a local health
2 department as authorized in s. 251.02 (3m) or (3r) shall assure that its local health
3 department is a Level I, Level II or Level III local health department, as specified in
4 s. 251.05 (1).

5 ***b1646/2.2* SECTION 2400qh.** 251.04 (3) of the statutes is amended to read:

6 251.04 (3) A city or county board of health or a board of health for a local health
7 department as authorized in s. 251.02 (3m) or (3r) may adopt those regulations, for
8 its own guidance and for the governance of the local health department, that it
9 considers necessary to protect and improve public health. The regulations may be
10 no less stringent than, and may not conflict with, state statutes and rules of the
11 department.

12 ***b1646/2.2* SECTION 2400qi.** 251.06 (1) (a) 2. of the statutes is amended to
13 read:

14 251.06 (1) (a) 2. A local health officer of a village or town health department
15 established under s. 251.02 (3m) or of a multiple municipal local health department
16 established under s. 251.02 (3r) shall be either a physician or a registered nurse. The
17 local health officer shall be a voting member of the local board of health and shall take
18 an oath of office. With respect to the levels of services of a Level I local health
19 department, as specified in s. 251.05 (2) (a), the local health officer shall be
20 authorized to act by and be directed by the county health officer of the county
21 specified under s. 251.02 (3m).

22 ***b1646/2.2* SECTION 2400qim.** 251.06 (2) (c) (intro.) of the statutes is
23 amended to read:

24 251.06 (2) (c) (intro.) A local health officer of a local health department of a
25 village or town established under s. 251.02 (3m) or a local health officer of a multiple

1 municipal local health department established under s. 251.02 (3r) shall be one of the
2 following:

3 *b1646/2.2* SECTION 2400qin. 251.06 (2) (c) 1. of the statutes is amended to
4 read:

5 251.06 (2) (c) 1. An employe of the local health department of the village or town
6 or an employe of the multiple municipal local health department.

7 *b1646/2.2* SECTION 2400qj. 251.06 (4) (c) of the statutes is amended to read:

8 251.06 (4) (c) A local health officer of a village or town health department
9 established under s. 251.02 (3m) and a local health officer of a multiple municipal
10 local health department established under s. 251.02 (3r) shall be appointed by the
11 local board of health.

12 *b1646/2.2* SECTION 2400qk. 251.12 of the statutes is amended to read:

13 **251.12 City health department, how financed.** The common council shall
14 appropriate funds for the operation of a city health department that is established
15 as specified in s. 251.02 (1) and (2) and for the operation of a multiple municipal local
16 health department that is established under s. 251.02 (3r) by the governing body of
17 a city in concert with the governing body of another city or a village or town.

18 *b1646/2.2* SECTION 2400qL. 251.125 of the statutes is amended to read:

19 **251.125 Village health department, how financed.** If a village health
20 department is established under s. 251.02 (2) or (3m) or if a multiple municipal local
21 health department is established under s. 251.01 (3r) by the governing body of a
22 village in concert with the governing body of another village or a city or town, the
23 village board shall appropriate funds for the operation of the department.

24 *b1646/2.2* SECTION 2400qm. 251.127 of the statutes is amended to read:

1 **251.127 Town health department, how financed.** If a town health
2 department is established under s. 251.02 (3m) or if a multiple municipal local health
3 department is established under s. 251.02 (3r) by the governing body of a town in
4 concert with the governing body of another town or a city or village, the town board
5 shall appropriate funds for the operation of the department.”.

6 ***b0828/2.16* 1366.** Page 1213, line 22: after that line insert:

7 ***b0828/2.16* “SECTION 2430L.** 252.10 (7) of the statutes, as affected by 1997
8 Wisconsin Act 156, is amended to read:

9 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
10 shall be purchased by the department from the appropriation under s. 20.435 (5) (e)
11 and dispensed to patients through the public health dispensaries ~~or through health~~
12 ~~care providers, as defined in s. 146.81 (1), other than massage therapists or~~
13 ~~bodyworkers issued a license of registration under subch. X of ch. 440, social workers,~~
14 ~~marriage and family therapists or professional counselors certified under ch. 457,~~
15 ~~speech language pathologists or audiologists licensed under subch. II of ch. 459,~~
16 ~~speech and language pathologists licensed by the department of public instruction~~
17 ~~or dietitians certified under subch. V of ch. 448, local health departments, physicians~~
18 ~~or advanced practice nurse prescribers.”.~~

19 ***b0828/2.17* 1367.** Page 1215, line 4: after that line insert:

20 ***b0828/2.17* “SECTION 2432jk.** 252.14 (1) (d) of the statutes is amended to
21 read:

22 252.14 (1) (d) “Inpatient health care facility” means a hospital, nursing home,
23 community-based residential facility, county home, county mental health complex,
24 ~~tuberculosis sanatorium~~ or other place licensed or approved by the department

1 under ss. ~~s.~~ 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, ~~or 51.09, 58.06, 252.073~~
2 ~~and 252.076~~ or a facility under s. 45.365, 48.62, 51.05, 51.06, 233.40, 233.41, 233.42
3 or 252.10.”.

4 ***b1654/3.16* 1368.** Page 1215, line 4: after that line insert:

5 ***b1654/3.16* SECTION 2434d.** 252.15 (1) (ab) of the statutes is amended to
6 read:

7 252.15 (1) (ab) “Affected person” means an emergency medical technician, first
8 responder, fire fighter, peace officer, correctional officer, person who is employed at
9 a secured correctional facility, as defined in s. 938.02 (15m), ~~or at~~ a secured child
10 caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined
11 in s. 938.02 (15p), state patrol officer, jailer or keeper of a jail or person designated
12 with custodial authority by the jailer or keeper, health care provider, employe of a
13 health care provider or staff member of a state crime laboratory.

14 ***b1654/3.16* SECTION 2435d.** 252.15 (2) (a) 7. a. of the statutes is amended to
15 read:

16 252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an
17 emergency medical technician, first responder, fire fighter, peace officer, correctional
18 officer, person who is employed at a secured correctional facility, as defined in s.
19 938.02 (15m), ~~or at~~ a secured child caring institution, as defined in s. 938.02 (15g),
20 or a secured group home, as defined in s. 938.02 (15p), state patrol officer, jailer or
21 keeper of a jail or person designated with custodial authority by the jailer or keeper
22 who, during the course of providing care or services to an individual; or a peace
23 officer, correctional officer, state patrol officer, jailer or keeper of a jail or person
24 designated with custodial authority by the jailer or keeper who, while searching or

1 arresting an individual or while controlling or transferring an individual in custody;
2 or a health care provider or an employe of a health care provider who, during the
3 course of providing care or treatment to an individual or handling or processing
4 specimens of body fluids or tissues of an individual; or a staff member of a state crime
5 laboratory who, during the course of handling or processing specimens of body fluids
6 or tissues of an individual; is significantly exposed to the individual may subject the
7 individual's blood to a test or a series of tests for the presence of HIV, antigen or
8 nonantigenic products of HIV or an antibody to HIV and may receive disclosure of
9 the results.”.

10 ***b1839/3.30* 1369.** Page 1215, line 4: after that line insert:

11 ***b1839/3.30* “SECTION 2433j.** 252.241 (1) of the statutes is amended to read:

12 252.241 (1) The Except as provided in sub. (1m), the department shall require
13 each applicant to provide the department with the applicant's social security
14 number, if the applicant is an individual, or the applicant's federal employer
15 identification number, if the applicant is not an individual, as a condition of issuing
16 or renewing a license under s. 252.23 (2) or (4) (a) or 252.24 (2) or (4) (a).

17 ***b1839/3.30* SECTION 2433k.** 252.241 (1m) of the statutes is created to read:

18 252.241 (1m) If an individual who applies for or to renew a license under sub.
19 (1) does not have a social security number, the individual, as a condition of obtaining
20 the license, shall submit a statement made or subscribed under oath or affirmation
21 to the department that the applicant does not have a social security number. The
22 form of the statement shall be prescribed by the department of workforce
23 development. A license issued or renewed in reliance upon a false statement
24 submitted under this subsection is invalid.

1 ***b1839/3.30* SECTION 2433L.** 252.241 (3) of the statutes is amended to read:
2 252.241 (3) The Except as provided in sub. (1m), the department shall deny an
3 application for the issuance or renewal of a license specified in sub. (1) if the applicant
4 does not provide the information specified in sub. (1).”.

5 ***b1867/2.4* 1370.** Page 1215, line 4: after that line insert:

6 ***b1867/2.4* “SECTION 2432r.** 252.14 (1) (ar) 4q. of the statutes is created to
7 read:

8 252.14 (1) (ar) 4q. An athletic trainer licensed under subch. VI of ch. 448.”.

9 ***b1917/1.2* 1371.** Page 1215, line 22: delete “2001” and substitute “2002”.

10 ***b1839/3.31* 1372.** Page 1218, line 17: after that line insert:

11 ***b1839/3.31* “SECTION 2440g.** 254.115 (1) (intro.) of the statutes is amended
12 to read:

13 254.115 (1) (intro.) The Except as provided in sub. (1m), the department shall
14 require each applicant to provide the department with the applicant’s social security
15 number, if the applicant is an individual, or the applicant’s federal employer
16 identification number, if the applicant is not an individual, as a condition of issuing
17 or renewing any of the following:

18 ***b1839/3.31* SECTION 2440h.** 254.115 (1m) of the statutes is created to read:

19 254.115 (1m) If an individual who applies for or to renew a certification,
20 certification card or permit under sub. (1) does not have a social security number, the
21 individual, as a condition of obtaining the certification, certification card or permit,
22 shall submit a statement made or subscribed under oath or affirmation to the
23 department that the applicant does not have a social security number. The form of
24 the statement shall be prescribed by the department of workforce development. A

1 certification, certification card or permit issued or renewed in reliance upon a false
2 statement submitted under this subsection is invalid.

3 ***b1839/3.31* SECTION 2440i.** 254.115 (3) of the statutes is amended to read:

4 254.115 (3) The Except as provided in sub. (1m), the department shall deny an
5 application for the issuance or renewal of a certification, certification card or permit
6 specified in sub. (1) if the applicant does not provide the information specified in sub.
7 (1).”.

8 ***b0828/2.18* 1373.** Page 1233, line 19: after that line insert:

9 ***b0828/2.18* “SECTION 2485t.** 255.05 (1) (a) of the statutes is amended to read:

10 255.05 (1) (a) “Institution” means any hospital, nursing home, county home,
11 county mental hospital, ~~tuberculosis sanatorium,~~ community-based residential
12 facility or other place licensed or approved by the department under ~~ss. s.~~ 49.70,
13 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 and 252.076.”.~~

14 ***b1864/2.4* 1374.** Page 1233, line 19: after that line insert:

15 ***b1864/2.4* “SECTION 2485g.** Subchapter IX (title) of chapter 254 [precedes
16 254.911] of the statutes is created to read:

17 **CHAPTER 254**

18 **SUBCHAPTER IX**

19 **INVESTIGATIONS OF THE SALE OR**

20 **GIFT OF CIGARETTES OR**

21 **TOBACCO PRODUCTS TO MINORS**

22 ***b1864/2.4* SECTION 2485h.** 254.911 of the statutes is created to read:

23 **254.911 Definitions.** In this subchapter:

24 (1) “Cigarette” has the meaning given in s. 139.30 (1).

1 (2) “Governmental regulatory authority” means the department; the local
2 health department, state agency or law enforcement agency with which the
3 department contracts under s. 254.916 (1) (a); or the person with whom the local
4 health department, state agency or law enforcement agency contracts under s.
5 254.916 (1) (a).

6 (3) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

7 (4) “Retailer” has the meaning given in s. 134.66 (1) (g).

8 (5) “Retail outlet” means a place of business from which cigarettes or tobacco
9 products are sold at retail to consumers.

10 (6) “State agency” has the meaning given in s. 1.12 (1) (b).

11 (7) “Tobacco products” has the meaning given in s. 139.75 (12).

12 (8) “Tobacco vending machine” is any mechanical device that automatically
13 dispenses cigarettes or tobacco products when money or tokens are deposited in the
14 device in payment for the cigarettes or tobacco products.

15 (9) “Tobacco vending machine operator” means a person who acquires tobacco
16 products or stamped cigarettes from manufacturers, as defined in s. 134.66 (1) (e),
17 or permittees, stores them and sells them through the medium of tobacco vending
18 machines that he or she owns, operates or services and that are located on premises
19 that are owned or under the control of other persons.

20 (10) “Tobacco vending machine premises” means any area in which a tobacco
21 vending machine is located.

22 ***b1864/2.4* SECTION 2485j.** 254.916 of the statutes is created to read:

23 **254.916 Department; authority.** (1) (a) In the administration of this
24 subchapter, the department may contract with local health departments, as agents
25 of the department, with a state agency or with law enforcement agencies of the state,

1 or of a county, city, village or town, to cause unannounced investigations to be
2 conducted at least annually at retail outlets, including sites of tobacco vending
3 machines, to survey overall levels of compliance with s. 134.66 (2) (a) and (am). A
4 person with whom the department contracts under this paragraph may contract
5 with another person to conduct the investigations. Except any survey conducted
6 under 21 CFR part 897, the survey under this subsection shall cover a range of retail
7 outlets that are not preselected on the basis of prior violations, in order to measure
8 overall levels of compliance as well as to identify violations. The survey shall be
9 conducted so as to provide a sample of retail outlets that reflects the distribution of
10 minors throughout the state and the distribution of the retail outlets throughout the
11 state where minors are likely to attempt to purchase cigarettes. The survey shall
12 include all types of retail outlets that are required to comply with s. 134.66 (2) (a) and
13 (am). The department shall use statistically sound sampling techniques in designing
14 the annual surveys so as to measure overall levels of compliance and shall stratify
15 the sample so as to measure compliance by type of retail outlet, including a private
16 place of business other than a retail establishment, but not including a barroom, as
17 defined in s. 125.51 (3m) (a), that is located on premises described in a license issued
18 under s. 125.26 or 125.51 (3).

19 (b) The department, in consultation with retailers and governmental
20 regulatory authorities, shall establish standards for procedures and training for
21 conducting investigations under this section.

22 (c) No retailer may be subject to unannounced investigations more than twice
23 annually unless the retailer is found to have violated s. 134.66 (2) (a) or (am) during
24 each investigation. Investigations conducted under sub. (12) may not be considered
25 unannounced investigations for purposes of this paragraph.

1 (2) With the permission of his or her parent or guardian, a person under 18
2 years of age, but not under 15 years of age, may buy, attempt to buy or possess any
3 cigarette or tobacco product if all of the following are true:

4 (a) The person commits the act for the purpose of conducting an investigation
5 under this section.

6 (b) The person is directly supervised during the conducting of the investigation
7 by an adult employe of a governmental regulatory authority.

8 (c) The person has prior written authorization to commit the act from a
9 governmental regulatory authority or a district attorney or from an authorized agent
10 of a governmental regulatory authority or a district attorney.

11 (3) (a) All of the following, unless otherwise specified, apply in conducting
12 investigations under this section:

13 (a) If questioned about his or her age during the course of an investigation, the
14 minor shall state his or her true age.

15 (b) A minor may not be used for the purposes of an investigation at a retail
16 outlet at which the minor is a regular customer.

17 (c) The appearance of a minor may not be materially altered so as to indicate
18 greater age.

19 (d) A photograph or videotape of the minor shall be made before or after the
20 investigation or series of investigations on the day of the investigation or series of
21 investigations. If a prosecution results from an investigation, the photograph or
22 videotape shall be retained until the final disposition of the case.

23 (e) A governmental regulatory authority shall make a good faith effort to make
24 known to the retailer or the retailer's employe or agent, within 72 hours after the
25 occurrence of the violation, the results of an investigation, including the issuance of

1 any citation by a governmental regulatory authority for a violation that occurs
2 during the conduct of the investigation. This paragraph does not apply to
3 investigations conducted under a grant received under 42 USC 300x-021.

4 (f) Except with respect to investigations conducted under 42 USC 300x-021 or
5 21 CFR part 897, all of the following information shall be reported to the department,
6 and to the retailer, within 10 days after the conduct of an investigation under this
7 section:

8 1. The name and position of the governmental regulatory authority employe
9 who directly supervised the investigation.

10 2. The age of the minor.

11 3. The date and time of the investigation.

12 4. A reasonably detailed description of the circumstances giving rise to a
13 violation, if any, or, if there is no violation, written notice to that effect.

14 5. Any other relevant information requested by the department.

15 (4) No results of an investigation conducted under this section may be included
16 in the survey specified under sub. (1) if it is proved that the requirements under sub.
17 (3) were not met in conducting the investigation.

18 (5) No evidence obtained during or otherwise arising from the course of an
19 investigation under this section that is used to prosecute a person for a violation of
20 s. 134.66 (2) (a) or (am) may be used in the prosecution of an alleged violation of s.
21 125.07 (3).

22 (6) The department shall compile the results of investigations performed under
23 this section and shall prepare an annual report that reflects the results for
24 submission with the state's application for federal funds under 42 USC 300x-21. The

1 report shall be published for public comment at least 60 days before the beginning
2 of negotiations under sub. (7).

3 (7) The department shall strive annually to negotiate with the federal
4 department of health and human services realistic and attainable interim
5 performance targets for compliance with 42 USC 300x-26.

6 (8) A governmental regulatory agency under this section shall meet standards
7 established by the department of health and family services. The department shall
8 annually evaluate the investigation program of each governmental regulatory
9 authority. If, at any time, a governmental regulatory authority fails to meet the
10 standards, the department of health and family services may terminate the contract
11 under sub. (1).

12 (9) The department shall provide education and training to governmental
13 regulatory authorities to ensure uniformity in the enforcement of this subchapter.

14 (10) This section does not limit the authority of the department to investigate
15 establishments in jurisdictional areas of governmental regulatory authorities if the
16 department investigates in response to an emergency, for the purpose of monitoring
17 and evaluating the governmental regulatory authority's investigation and
18 enforcement program or at the request of the governmental regulatory authority.

19 (11) The department shall hold a hearing under ch. 227 if any interested
20 person, in lieu of proceeding under ch. 68, appeals to the department alleging that
21 the person making an investigation of the appellant has a financial interest in a
22 regulated cigarette and tobacco product retailer, tobacco vending machine operator,
23 tobacco vending machine premises or tobacco vending machine which may interfere
24 with his or her ability to properly take that action.

1 (12) This section does not apply to surveys conducted by local units of
2 government that have not entered into a contract under sub. (1), to determine overall
3 levels of compliance with s. 134.66 (2) (a) and (am). No results obtained under such
4 surveys may be used for the purpose of issuing warnings or citations or any other
5 enforcement mechanism.

6 (13) The requirements of subs. (1) to (12) do not apply to investigations of retail
7 establishments conducted by the city of Madison, or the local health department or
8 law enforcement agency of the city of Madison, in its jurisdictional area to determine
9 compliance with and to enforce s. 134.66 (2).

10 ***b1864/2.4* SECTION 2485L.** 254.92 (2) (b) of the statutes is created to read:
11 254.92 (2) (b) A person under 18 years of age, but not under 15 years of age,
12 may purchase, attempt to purchase or possess cigarettes or tobacco products in the
13 course of his or her participation in an investigation under s. 254.916 that is
14 conducted in accordance with s. 254.916 (3).”.

15 ***b1780/3.13* 1375.** Page 1233, line 22: delete that line and substitute
16 “section, “board” means the tobacco control board.”.

17 ***b1780/3.14* 1376.** Page 1233, line 23: delete the material beginning with
18 that line and ending with page 1234, line 19, and substitute:

19 “(1m) DUTIES. The board shall do all of the following:

20 (a) Appoint an executive director within the classified service who shall employ
21 staff within the classified service with appropriate programmatic and technical
22 expertise.

23 (b) Administer the grant program under sub. (3).

1 (c) Promulgate rules establishing criteria for recipients of grants awarded
2 under sub. (3), including performance-based standards for grant recipients that
3 propose to use the grant for media efforts. The board shall ensure that programs or
4 projects conducted under the grants are culturally sensitive.

5 (d) Provide a forum for the discussion, development, and recommendation of
6 public policy alternatives in the field of smoking cessation and prevention.

7 (e) Provide a clearinghouse of information on matters relating to tobacco issues
8 and how they are being met in different places throughout the nation such that both
9 lay and professional groups in the field of government, health care and education
10 may have additional avenues for sharing experiences and interchanging ideas in the
11 formulation of public policy on tobacco.

12 (f) Develop and prepare an annual plan regarding the allocation of funding for
13 a statewide tobacco control program based on successful tobacco control programs in
14 other states and based on recommendations of the U.S. Centers for Disease Control
15 regarding the allocation of funding for comprehensive tobacco control programs.”.

16 *b1780/3.15* **1377**. Page 1234, line 20: delete “20.435 (5) (tc)” and substitute
17 “20.436 (1) (tc)”.

18 *b1780/3.16* **1378**. Page 1234, line 21: delete “department” and substitute
19 “board”.

20 *b1780/3.17* **1379**. Page 1235, line 11: delete lines 11 to 19 and substitute:

21 “(b) From the appropriation under s. 20.436 (1) (tc), the board may distribute
22 grants for any of the following:”.

23 *b1780/3.18* **1380**. Page 1236, line 8: after that line insert:

1 “10. Development of policies that restrict access to tobacco products and reduce
2 exposure to environmental tobacco smoke.”

3 ***b1780/3.19* 1381.** Page 1236, line 11: delete lines 11 to 21 and substitute:

4 “(4) REPORTS. Not later than July 1, 2001, and annually thereafter, the board
5 shall submit to the governor and to the chief clerk of each house of the legislature for
6 distribution under s. 13.172 (2) a report that evaluates the success of the grant
7 program under sub. (3). The report shall specify the number of grants awarded
8 during the immediately preceding fiscal year and the purpose for which each grant
9 was made. The report shall also specify donations and grants accepted by the board
10 under sub. (5).

11 (5) FUNDS. The board may accept for any of its purposes any donations and
12 grants of money, equipment, supplies, materials and services from any person. The
13 board shall include in the report under sub. (4) any donation or grant accepted by the
14 board under this subsection, including the nature, amount and conditions, if any, of
15 the donation or grant and the identity of the donor.

16 (6) SUBCOMMITTEES. The board may create subcommittees to assist in its work.
17 If the board creates subcommittees, one of the subcommittees shall address the issue
18 of populations most adversely affected by tobacco.”

19 ***b1875/1.4* 1382.** Page 1238, line 10: after that line insert:

20 ***b1875/1.4* “SECTION 2487x.** 281.165 of the statutes is created to read:

21 **281.165 Compliance with water quality standards for wetlands. (1)**
22 COMPLIANCE; EXEMPTION. An activity shall be considered to comply with the water
23 quality standards that are applicable to wetlands and that are promulgated as rules
24 under s. 281.15 and is exempt from any prohibition, restriction, requirement, permit,

1 license, approval, authorization, fee, notice, hearing, procedure or penalty specified
2 under s. 29.601 (3) or chs. 30, 31, 281, 283, 289 to 292 or 299 or specified under any
3 rule promulgated, order issued or ordinance adopted under any of those sections or
4 chapters, if the activity meets all of the requirements under either sub. (2) or (3).

5 (2) TREMPEALEAU COUNTY. Subsection (1) applies to an activity that meets all
6 of the following requirements:

7 (a) The wetland area that will be affected by the activity is less than 15 acres
8 in size.

9 (b) The site of the activity is zoned for industrial use and is in the vicinity of
10 a manufacturing facility.

11 (c) The site of the activity is within the corporate limits of a city on January 1,
12 1999.

13 (d) The governing body of the city adopts a resolution stating that the
14 exemption under this section is necessary to protect jobs that exist in the city on the
15 date of the adoption of the resolution or is necessary to promote job creation.

16 (e) The site of the activity is located in Trempealeau County.

17 (3) DUNN COUNTY. (a) Subsection (1) applies to an activity that meets the
18 requirements under sub. (2) (c) and (d) and all of the following requirements:

19 1. The wetland area that will be affected by the activity is no more than 4.2
20 acres in size.

21 2. The site of the activity is zoned for technology park use and is in the vicinity
22 of a manufacturing facility.

23 3. The site of the activity is located in Dunn County.

24 (b) Before any person engages in the activity described in par. (a), the U.S.
25 Army Corps of Engineers shall have issued a permit for the activity that contains a

1 mitigation plan that requires the creation of at least 1.5 acres of wetland for each acre
2 of wetland affected by the activity.”.

3 *b1199/2.3* **1383.** Page 1239, line 2: after that line insert:

4 *b1199/2.3* “SECTION 2490z. 281.57 (10t) of the statutes is created to read:

5 281.57 (10t) LOAN FOR A DRINKING WATER TREATMENT PLANT. Notwithstanding
6 subs. (2), (4) to (10) and (12), during the 1999–2001 biennium, the department shall
7 provide a loan of \$1,100,000 to the village of Marathon for the upgrading or
8 replacement of a drinking water treatment plant. The department may not charge
9 any interest on the loan. The department may not require the municipality to repay
10 the loan until the municipality receives a grant from the federal environmental
11 protection agency for the upgrading or replacement of the drinking water treatment
12 plant. If the federal environmental protection agency denies the grant or a portion
13 of the grant, the village of Marathon shall repay the amount of the loan that exceeds
14 the amount of the grant.”.

15 *b1658/2.8* **1384.** Page 1244, line 5: substitute “\$12,600,000” for
16 “\$5,200,000”.

17 *b1658/2.9* **1385.** Page 1245, line 7: delete “and the” and substitute “. the”.

18 *b1658/2.10* **1386.** Page 1245, line 8: after “loan program” insert “and the
19 safe drinking water loan program”.

20 *b1658/2.11* **1387.** Page 1245, line 12: delete “or the” and substitute “. the”.

21 *b1658/2.12* **1388.** Page 1245, line 13: after “program” insert “or the safe
22 drinking water loan program”.

1 ***b1658/2.13* 1389.** Page 1246, line 7: after “loan program” insert “plus the
2 amounts required to be paid under s. 20.320 (2) (c) and (u) for the safe drinking water
3 loan program”.

4 ***b1658/2.14* 1390.** Page 1246, line 10: after that line insert:

5 ***b1658/2.14* “SECTION 2510m.** 281.59 (4) (f) of the statutes is amended to
6 read:

7 281.59 (4) (f) Revenue obligations may be contracted by the building
8 commission when it reasonably appears to the building commission that all
9 obligations incurred under this subsection can be fully paid on a timely basis from
10 moneys received or anticipated to be received. Revenue obligations issued under this
11 subsection for the clean water fund program and the urban storm water loan
12 program shall not exceed \$1,297,755,000 in principal amount, excluding obligations
13 issued to refund outstanding revenue obligation notes. Revenue obligations issued
14 under this subsection for the safe drinking water loan program shall not exceed
15 \$27,700,000 in principal amount, excluding obligations issued to refund outstanding
16 revenue obligation notes.”.

17 ***b1931/1.21* 1391.** Page 1276, line 4: after that line insert:

18 ***b1931/1.21* “SECTION 2554j.** 285.48 of the statutes is created to read:

19 **285.48 Nitrogen oxide emissions reductions. (1) DEFINITIONS.** In this
20 section:

21 (a) “Call” means a call to implement a state implementation plan that is issued
22 by the federal environmental protection agency before the effective date of this
23 paragraph [revisor inserts date], or after that date arising out of a call issued

1 before that date, including a call issued after that date pursuant to a federal court
2 order or otherwise.

3 (b) "Electric cooperative" has the meaning given in s. 76.48 (1g) (c).

4 (c) "Midcontinent area" has the meaning given in s. 16.958 (1) (e).

5 (d) "Northwestern county" means Ashland, Barron, Bayfield, Buffalo, Burnett,
6 Chippewa, Clark, Douglas, Dunn, Eau Claire, Iron, Jackson, La Crosse, Monroe,
7 Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vernon or
8 Washburn county.

9 (e) "Other county" means a county that is not a northwestern county.

10 (f) "Public utility" has the meaning given in s. 196.01 (5).

11 (g) "State implementation plan" means a state implementation plan for control
12 of atmospheric ozone in another state.

13 (h) "Summer" means the period beginning on May 1 and ending on September
14 30 of each year.

15 **(2) APPLICABILITY.** This section applies if the department of natural resources,
16 pursuant to a call, issues a state implementation plan that requires electric
17 generating facilities in the midcontinent area of this state to comply with nitrogen
18 oxide emission reduction requirements. If the department of natural resources
19 issues such a plan, the department of natural resources shall notify the department
20 of administration and the public service commission. The notice shall specify the
21 date on which electric generating facilities in the midcontinent area of this state are
22 required to comply with the initial nitrogen oxide emission reduction requirements.

23 **(3) NITROGEN OXIDE EMISSIONS STANDARDS AND LIMITATIONS.** (a) In establishing
24 nitrogen oxide emission reduction requirements for the control of atmospheric ozone
25 in another state pursuant to a call, the department may not, in a state

1 implementation plan, by rule or through the adoption of control strategies, establish
2 nitrogen oxide emissions standards or limitations that do any of the following:

3 1. Require less than 2,234 tons, or the greater number of tons determined under
4 par. (d) 1., in total nitrogen oxide emissions each summer from all electric generating
5 facilities located in northwestern counties that are owned by electric cooperatives.

6 2. Require less than 315 tons, or the greater number of tons determined under
7 par. (d) 1., in total nitrogen oxide emissions each summer from all electric generating
8 facilities located in northwestern counties that are owned by public utilities.

9 3. Require less than 15,157 tons, or the greater number of tons determined
10 under par. (d) 1., in total nitrogen oxide emissions each summer from all electric
11 generating facilities located in other counties owned by public utilities or electric
12 cooperatives.

13 (b) The department shall issue emissions allowances in a number that is
14 sufficient to allow the emissions specified in par. (a).

15 (c) The department may not, based on this section, require reductions of
16 nitrogen oxide emissions that are in addition to any reductions required in a state
17 implementation plan from any of the following:

18 1. Any stationary source located in this state that is not an electric generating
19 facility owned by a public utility or electric cooperative.

20 2. Any mobile source.

21 (d) If the department of natural resources implements a state implementation
22 plan specified in sub. (2) in a manner that requires reductions in nitrogen oxide
23 emissions that are lower than the reductions set forth in the call published on
24 October 27, 1998, the department of natural resources shall do each of the following:

1 1. Determine the amounts by which the number of tons specified in par. (a) 1.,
2 2. and 3. shall be increased to reflect the lower reductions.

3 2. Take action that is necessary to relax any related emissions control
4 requirements in a manner that reflects the lower reductions.

5 3. Determine the amount by which the \$2,400,000 in assessments under s.
6 196.86 (2) shall be decreased to reflect the lower reductions and provide notice of the
7 decreased amount to the public service commission.

8 4. Determine the amount by which the \$2,500,000 that is transferred to the air
9 quality improvement fund under s. 16.958 (2) (a) shall be decreased to reflect the
10 lower reductions and provide notice of the decreased amount to the department of
11 administration.

12 **(4) LOW-INCOME WEATHERIZATION AND ENERGY CONSERVATION MEASURES;**
13 **RENEWABLE ENERGY USES.** The department shall ensure that at least 866 tons of total
14 annual reductions in nitrogen oxide emissions required under the state
15 implementation plan are achieved through any of the following:

16 (a) The use of renewable energy, including renewable energy that is provided
17 by electric providers for the purpose of complying with the requirements of s. 196.378
18 (2) (a), or renewable energy that is used under programs specified in s. 196.374 (2)
19 (d) that are funded by expenditures under s. 196.374 (3).

20 (b) The implementation of low-income weatherization and energy
21 conservation measures, including programs established under s. 16.957 (2) (a) or (b)
22 or programs specified in s. 196.374 (2) (a) or (b) that are funded by expenditures
23 under s. 196.374 (3).

24 **285.49 Trading program for nitrogen oxide emissions credits.** The
25 department shall establish or authorize air contaminant sources to participate in a

1 market-based trading program for the purchase, sale and transfer of nitrogen oxide
2 emissions credits for use in any state implementation plan under s. 285.11 (6) that
3 requires reductions in nitrogen oxide emissions. To the extent allowed under federal
4 law, the department shall allow nitrogen oxide emissions reductions by any source
5 in this state, regardless of whether the source is subject to nitrogen oxide controls
6 under a state implementation plan, to be purchased, sold or transferred under the
7 trading program.”.

8 *b1688/2.6* **1392.** Page 1277, line 18: after that line insert:

9 *b1688/2.6* “SECTION 2556. 285.69 (2) (c) (intro.) of the statutes is amended
10 to read:

11 285.69 (2) (c) (intro.) The fees collected under ~~par.~~ pars. (a) and (e) shall be
12 credited to the appropriations under s. 20.370 (2) (bg), (3) (bg), (8) (mg) and (9) (mh)
13 for the following:

14 *b1688/2.6* SECTION 2557c. 285.69 (2) (e) of the statutes is created to read:

15 285.69 (2) (e) Beginning in 2001, the owner or operator of a stationary source
16 for which an operation permit is required shall pay to the department an annual fee
17 of \$2.86 per ton of actual emissions in the preceding year of all air contaminants on
18 which the fee under par. (a) is based.”.

19 *b1908/3.13* **1393.** Page 1278, line 17: delete the material beginning with
20 that line and ending with page 1279, line 10, and substitute:

21 *b1908/3.13* “SECTION 2560e. 287.23 (3) (a) of the statutes is repealed and
22 recreated to read:

1 287.23 (3) (a) Subject to par. (am), a responsible unit is eligible for assistance
2 under this section for a year before 2000 if the responsible unit has been determined
3 under s. 287.11 to have an effective recycling program.

4 ***b1908/3.13* SECTION 2560f.** 287.23 (3) (ac) of the statutes is created to read:

5 287.23 (3) (ac) Subject to par. (am), a responsible unit is eligible for assistance
6 under this section for 2000 if the responsible unit received assistance under this
7 section for 1999 and the responsible unit has been determined under s. 287.11 to have
8 an effective recycling program.

9 ***b1908/3.13* SECTION 2560g.** 287.23 (3) (ae) of the statutes is created to read:

10 287.23 (3) (ae) Subject to par. (am), a responsible unit is eligible for assistance
11 under this section for a year after 2000 if the responsible unit has been determined
12 under s. 287.11 to have an effective recycling program and one of the following
13 applies:

14 1. The responsible unit has a residential collection program that serves 50%
15 or more of the population of the responsible unit, that collects, at least monthly,
16 newspaper, corrugated paper, magazines, aluminum containers, steel containers,
17 containers made of polyethylene terephthalate and high-density polyethylene and
18 glass containers and that is operated by the responsible unit under a contract,
19 franchise license or ordinance that requires at least monthly collection of these
20 materials.

21 2. The responsible unit has a drop-off program, that serves more than 50% of
22 the population of the responsible unit, for collecting newspaper, corrugated paper,
23 magazines, aluminum containers, steel containers, containers made of polyethylene
24 terephthalate and high-density polyethylene and glass containers taken by
25 individuals to a drop-off site that is owned by the responsible unit or is provided

1 under a contract with another person and that is adequate in size and hours of
2 operation to meet the needs of the responsible unit.

3 ***b1908/3.13* SECTION 2560h.** 287.23 (3) (ag) of the statutes is created to read:

4 287.23 (3) (ag) The department shall determine the population served by a
5 residential collection program for the purposes of par. (ae) 1. and sub. (5d) (b) based
6 on information provided by the responsible unit for the year 2 years before the year
7 for which the department is determining the responsible unit's eligibility.

8 ***b1908/3.13* SECTION 2560i.** 287.23 (5) (intro.) of the statutes is amended to
9 read:

10 287.23 (5) GRANT AWARD FOR YEARS BEFORE 2000. (intro.) The For years before
11 2000, the department shall award a grant under this subsection to each eligible
12 responsible unit that submits a complete grant application under sub. (4) for
13 expenses allowable under sub. (3) (b). Except as provided under sub. (5m) or (5p),
14 the amount of the grant under this subsection shall be determined as follows:

15 ***b1908/3.13* SECTION 2562e.** 287.23 (5b) of the statutes is created to read:

16 287.23 (5b) GRANT AWARD FOR 2000. For 2000, the department shall award a
17 grant under this subsection to each eligible responsible unit that submits a complete
18 grant application under sub. (4) for expenses allowable under sub. (3) (b). The
19 department shall determine the amount of the grants under this subsection as
20 follows:

21 (a) Determine the total amount that would have been awarded under this
22 section for 1999 if no grants had been reduced under sub. (5p).

23 (b) Determine the amount that each responsible unit received under this
24 section for 1999 or, for a responsible unit that had its grant for 1999 reduced under

1 sub. (5p), the amount that the responsible unit would have received if its grant had
2 not been reduced.

3 (c) Award to a responsible unit the proportion of the total amount available for
4 grants under this section for 2000 that is equal to the proportion of the amount
5 determined under par. (a) that the responsible unit received, or would have received,
6 for 1999 as determined under par. (b).

7 ***b1908/3.13* SECTION 2562m.** 287.23 (5d) of the statutes is created to read:

8 287.23 (5d) GRANT AWARD FOR YEARS AFTER 2000. (a) Beginning with grants for
9 the year 2001, the department shall award a grant under this subsection to each
10 eligible responsible unit that submits a complete grant application under sub. (4) for
11 expenses allowable under sub. (3) (b).

12 (b) Except as provided in par. (c) or (d) or sub. (5p), the department shall award
13 an eligible responsible unit a grant under this subsection equal to \$7.90 times the
14 population of the responsible unit if the responsible unit has a residential collection
15 program that complies with sub. (3) (ae) 1. and the department shall award an
16 eligible responsible unit a grant equal to \$4.40 times the population of the
17 responsible unit if the responsible unit has a drop-off program that complies with
18 sub. (3) (ae) 2.

19 (c) A grant to a responsible unit under this subsection may not exceed the
20 allowable expenses under sub. (3) (b) that the responsible unit incurred in the year
21 2 years before the year for which the grant is made.

22 (d) If the available funds are insufficient to pay the grant amounts determined
23 under pars. (b) and (c), the department shall prorate the available funds.

24 ***b1908/3.13* SECTION 2563dt.** 287.23 (5p) (a) of the statutes is amended to
25 read:

1 287.23 (5p) (a) If a responsible unit submits its application under sub. (4) after
2 October 1 but no later than October 10, the amount of the responsible unit's grant
3 is 95% of the amount determined under sub. (5), (5d) or (5m).

4 ***b1908/3.13* SECTION 2563ed.** 287.23 (5p) (b) of the statutes is amended to
5 read:

6 287.23 (5p) (b) If a responsible unit submits its application under sub. (4) after
7 October 10 but no later than October 20, the amount of the responsible unit's grant
8 is 90% of the amount determined under sub. (5), (5d) or (5m).

9 ***b1908/3.13* SECTION 2563eh.** 287.23 (5p) (c) of the statutes is amended to
10 read:

11 287.23 (5p) (c) If a responsible unit submits its application under sub. (4) after
12 October 20 but no later than October 30, the amount of the responsible unit's grant
13 is 75% of the amount determined under sub. (5), (5d) or (5m).

14 ***b1908/3.13* SECTION 2563ep.** 287.23 (5s) of the statutes is repealed.

15 ***b1908/3.13* SECTION 2563er.** 287.23 (6) of the statutes is amended to read:

16 287.23 (6) DISBURSEMENT. The department shall disburse 50% of a grant to the
17 applicant ~~upon~~ after approval, but no later than ~~February~~ June 1 of the year for
18 which the grant is made.

19 ***b1908/3.13* SECTION 2563et.** 287.23 (7) of the statutes is repealed.”.

20 ***b1681/3.10* 1394.** Page 1279, line 10: after that line insert:

21 ***b1681/3.10* “SECTION 2565c.** 287.40 (title) and (intro.) of the statutes are
22 repealed.

23 ***b1681/3.10* SECTION 2565d.** 287.40 (1) of the statutes is renumbered 560.031

24 (1) (a).

1 ***b1681/3.10* SECTION 2565e.** 287.40 (2) of the statutes is renumbered 560.031
2 (1) (b).

3 ***b1681/3.10* SECTION 2565f.** 287.40 (3) of the statutes is renumbered 560.031
4 (1) (c) and amended to read:

5 560.031 (1) (c) “Recovered material” means a material ~~specified by the board~~
6 ~~under s. 287.42 (5)~~ that is recovered from solid waste for recycling.

7 ***b1681/3.10* SECTION 2565g.** 287.40 (4) of the statutes is renumbered 560.031
8 (1) (e) and amended to read:

9 560.031 (1) (e) “Waste generator” means a person who generates solid waste
10 ~~that contains a material specified by the board under s. 287.42 (5)~~ or a responsible
11 unit.

12 ***b1681/3.10* SECTION 2565h.** 287.41 of the statutes is repealed.

13 ***b1681/3.10* SECTION 2565i.** 287.42 of the statutes is repealed.

14 ***b1681/3.10* SECTION 2565j.** 287.44 of the statutes is repealed.

15 ***b1681/3.10* SECTION 2565k.** 287.46 of the statutes is repealed.

16 ***b1681/3.10* SECTION 2565L.** 287.48 of the statutes is repealed.”.

17 ***b1907/2.3* 1395.** Page 1280, line 7: after that line insert:

18 ***b1907/2.3* “SECTION 2569k.** 289.645 of the statutes is created to read:

19 **289.645 Recycling fee.** (1) IMPOSITION OF RECYCLING FEE ON GENERATORS.
20 Except as provided under sub. (4), a generator of solid waste or hazardous waste shall
21 pay a recycling fee for each ton or equivalent volume of solid waste or hazardous
22 waste that is disposed of at a licensed solid waste or hazardous waste disposal
23 facility. If a person arranges for collection or disposal services on behalf of one or
24 more generators, that person shall pay the recycling fee to the licensed solid waste

1 or hazardous waste disposal facility or to any intermediate hauler used to transfer
2 wastes from collection points to a licensed facility. An intermediate hauler who
3 receives the recycling fee under this subsection shall pay the fee to the licensed solid
4 waste or hazardous waste disposal facility. Tonnage or equivalent volume shall be
5 calculated in the same manner as the calculation made for tonnage fees under s.
6 289.62 (1).

7 **(2) COLLECTION.** The owner or operator of a licensed solid waste or hazardous
8 waste disposal facility shall collect the recycling fee from the generator, a person who
9 arranges for disposal on behalf of one or more generators or an intermediate hauler
10 and shall pay to the department the amount of the fee required to be collected
11 according to the amount of solid waste or hazardous waste received and disposed of
12 at the facility during the preceding reporting period.

13 **(3) AMOUNT OF RECYCLING FEE.** The fee imposed under this section is as follows:

14 (a) For all solid waste other than high-volume industrial waste, \$2 per ton.

15 (b) For all high-volume industrial waste, 30 cents per ton.

16 **(4) EXEMPTIONS FROM RECYCLING FEE.** (a) Solid waste materials approved by the
17 department for lining, daily cover or capping or for constructing berms, dikes or
18 roads within a solid waste disposal facility are not subject to the recycling fee
19 imposed under sub. (1), except that materials approved for use under s. 289.30 (5)
20 or 289.31 (9) are subject to the fee.

21 (b) Except as provided in par. (c), the recycling fee does not apply to waste
22 generated by an organization described in section 501 (c) (3) of the Internal Revenue
23 Code that is exempt from federal income tax under section 501 (a) of the Internal
24 Revenue Code, that derives a portion of its income from the operation of recycling and
25 reuse programs and that does one of the following:

1 1. Provides services and programs for people with disabilities.

2 2. Primarily serves low-income persons.

3 (c) Waste generated by an organization described in par. (b) which is
4 commingled with waste generated by a person other than an organization described
5 in par. (b) is subject to the fee.

6 **(5) PAYMENT.** The owner or operator of any licensed solid or hazardous waste
7 disposal facility shall pay the recycling fee required to be collected under sub. (2) as
8 follows:

9 (a) For waste disposed of from January 1 to March 31, no later than May 1.

10 (b) For waste disposed of from April 1 to June 30, no later than August 1.

11 (c) For waste disposed of from July 1 to September 30, no later than November
12 1.

13 (d) For waste disposed of from October 1 to December 31, no later than
14 February 1.

15 **(6) USE OF RECYCLING FEES.** The fees collected under sub. (2) shall be deposited
16 in the recycling fund.

17 **(7) FAILURE TO PAY RECYCLING FEE.** (a) If a person required under sub. (1) to pay
18 the recycling fee to a licensed solid waste or hazardous waste disposal facility fails
19 to pay the fee, the owner or operator of the licensed solid waste or hazardous waste
20 disposal facility shall submit to the department with the payment required under
21 sub. (2) an affidavit stating facts sufficient to show the person's failure to comply with
22 sub. (1).

23 (b) If the person named in the affidavit under par. (a) is a generator or a person
24 who arranges for collection or disposal services on behalf of one or more generators
25 and the person holds a license for the collection and transportation of solid waste or

1 hazardous waste, the department shall immediately notify the person that the
2 license will be suspended 30 days after the date the notice is mailed unless the person
3 submits to the department an affidavit stating facts sufficient to show that it has
4 paid the fee as required under sub. (1).

5 (c) If the person named in the affidavit under par. (a) is an intermediate hauler
6 that holds a license for the collection and transportation of solid waste or hazardous
7 waste, the department shall immediately notify the person that the license will be
8 suspended 30 days after the date the notice is mailed unless the person submits to
9 the department an affidavit stating facts sufficient to show that either of the
10 following has occurred:

11 1. The person named in the affidavit under par. (a) received the required fee
12 from a generator, from a person who arranges for collection or disposal services on
13 behalf of one or more generators or from an earlier intermediate hauler, and paid the
14 fee to the licensed solid waste or hazardous waste disposal facility or to a subsequent
15 intermediate hauler.

16 2. A generator, a person who arranges for collection or disposal services on
17 behalf of one or more generators or an earlier intermediate hauler failed to pay the
18 required fee to the person named in the affidavit under par. (a).

19 (d) If the department does not receive an affidavit under par. (b) or (c) within
20 30 days after the date the notice is mailed, the department shall suspend the license
21 issued to the person for the collection and transportation of solid waste or hazardous
22 waste. Notwithstanding s. 227.42, the department is not required to provide the
23 licensee with a hearing before the suspension.

24 (e) When a person whose license is suspended under par. (d) provides the
25 department with proof that the person has paid the owner or operator of the licensed

1 solid waste or hazardous waste facility the amount of the unpaid fee, the department
2 shall immediately reinstate the suspended license.

3 *b1907/2.3* SECTION 2569L. 289.67 (1) (cm) of the statutes is amended to read:
4 289.67 (1) (cm) *Amount of environmental repair fee.* Except as provided under
5 par. (d), the environmental repair fee imposed under par. (a) is ~~15 cents per ton for~~
6 ~~solid or hazardous waste received by a licensed solid or hazardous waste disposal~~
7 ~~facility after December 31, 1985, but before July 1, 1989, and 20 cents per ton for solid~~
8 ~~or hazardous waste received by a licensed solid or hazardous waste disposal facility~~
9 ~~on or after July 1, 1989.~~

10 *b1907/2.3* SECTION 2569m. 289.67 (1) (cp) of the statutes is amended to read:
11 289.67 (1) (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm)
12 and except as provided under par. (d), the environmental repair fee imposed under
13 par. (a) is ~~30~~ 32.3 cents per ton for solid or hazardous waste, other than high-volume
14 industrial waste, ~~disposed of on or after January 1, 1988, but before July 1, 1989,~~
15 ~~and 50 cents per ton disposed of on or after July 1, 1989.”.~~

16 *b1029/1.1* **1396.** Page 1282, line 21: after that line insert:

17 *b1029/1.1* “SECTION 2581r. 292.13 (1) (intro.) of the statutes is amended to
18 read:

19 292.13 (1) EXEMPTION FROM LIABILITY FOR GROUNDWATER CONTAMINATION. (intro.)
20 A person, ~~other than a state agency,~~ is exempt from s. 292.11 (3), (4) and (7) (b) and
21 (c) with respect to the existence of a hazardous substance in the groundwater on
22 property possessed or controlled by the person if all of the following apply:

23 *b1029/1.1* SECTION 2581w. 292.13 (1m) (intro.) of the statutes is amended
24 to read:

1 292.13 (1m) EXEMPTION FROM LIABILITY FOR SOIL CONTAMINATION. (intro.) A
2 person, ~~other than a state agency~~, is exempt from s. 292.11 (3), (4) and (7) (b) and (c)
3 with respect to the existence of a hazardous substance in the soil on property
4 possessed or controlled by the person if all of the following apply.”

5 ***b1779/1.1* 1397.** Page 1295, line 11: delete lines 11 to 14 and substitute:

6 “(b) A local governmental unit may not recover costs in an action under sub. (2)
7 from a person listed in par. (a) if any of the following applies:

8 1. The person is exempt from liability under s. 292.11 (9) (e), 292.13, 292.15,
9 292.16, 292.19 or 292.21 with respect to the discharge that is the subject of the action.

10 2. The person has entered into a consent order under this chapter or ch. 289
11 or 291 or an agreement under s. 292.11 (7) (d) or 292.31 (8) (h) with respect to the
12 discharge that is the subject of the action and the person is in compliance with the
13 consent order or agreement.

14 3. The person is exempt from liability under s. 292.35 (9) (e) with respect to the
15 discharge that is the subject of the action.

16 4. The discharge that was caused by the person and that is the subject of the
17 action was in compliance with a permit, license, approval, special order, waiver or
18 variance issued under ch. 283 or 285 or under corresponding federal statutes or
19 regulations.”.

20 ***b1779/1.2* 1398.** Page 1296, line 15: after “2.” insert “less the amount that
21 the local governmental unit is unable to recover because of the exemptions in sub.
22 (3) (b) 3. and 4.”.

23 ***b0917/2.2* 1399.** Page 1300, line 1: delete lines 1 to 5.