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1 **217.** Page 84, line 21: delete “and before January 1, 2001,”

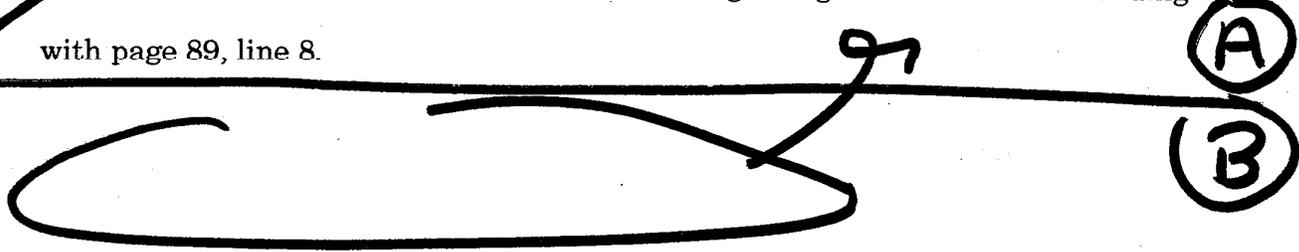
2 **218.** Page 84, line 22: delete “P.L. 106-200, P.L. 106-230, P.L. 106-519,”.

3 **219.** Page 84, line 23: delete “P.L. 106-573,” and substitute “, excluding
4 sections 162 and 165 of P.L. 106-554,”.

5 **220.** Page 84, line 25: delete that line and substitute “P.L. 106-554, excluding
6 sections 162 and 165 of P.L. 106-554, and P.L.”.

7 **221.** Page 85, line 3: delete the material beginning with that line and ending
8 with page 86, line 24.

9 **222.** Page 87, line 1: delete the material beginning with that line and ending
10 with page 89, line 8.



14 **223.** Page 89, line 21: after “106-554” insert “, excluding sections 162 and 165
15 of P.L. 106-554”.

16 **224.** Page 90, line 3: on lines 3, 12 and 19, after “106-554” insert “, excluding
17 sections 162 and 165 of P.L. 106-554”.

18 **225.** Page 91, line 7: on lines 7, 14 and 21, after “P.L. 106-554” insert “,
19 excluding sections 162 and 165 of P.L. 106-554”.

20 **226.** Page 92, line 1: on lines 1, 12 and 19, after “P.L. 106-554” insert “,
21 excluding sections 162 and 165 of P.L. 106-554”.

22 **227.** Page 93, line 2: on lines 2, 9 and 21, after “P.L. 106-554” insert “,
23 excluding sections 162 and 165 of P.L. 106-554”.

1 **228.** Page 94, line 3: on lines 3, 9, 13 and 24, after “P.L. 106-554” insert “
2 excluding sections 162 and 165 of P.L. 106-554”.

3 **229.** Page 95, line 7: on lines 7, 15 and 22, after “106-554” insert “excluding
4 sections 162 and 165 of P.L. 106-554”.

5 **230.** Page 96, line 9: on lines 9, 17 and 23, after “106-554” insert “excluding
6 sections 162 and 165 of P.L. 106-554”.

7 **231.** Page 97, line 1: on lines 1, 12 and 20, after “P.L. 106-554” insert “
8 excluding sections 162 and 165 of P.L. 106-554”.

9 **232.** Page 98, line 4: on lines 4, 13 and 25, after “P.L. 106-554” insert “
10 excluding sections 162 and 165 of P.L. 106-554”.

11 **233.** Page 99, line 8: on lines 8, 14 and 17, after “P.L. 106-554” insert “
12 excluding sections 162 and 165 of P.L. 106-554”.

13 **234.** Page 100, line 3: on lines 3, 12 and 21, delete “P.L. 106-573.” and
14 substitute “P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554.”.

15 **235.** Page 101, line 5: on lines 5 and 18, delete “P.L. 106-573.” and substitute
16 “P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554.”.

17 **236.** Page 102, line 2: on lines 2, 8 and 11, delete “P.L. 106-573.” and
18 substitute “excluding sections 162 and 165 of P.L. 106-554.”.

19 **237.** Page 102, line 22: delete that line and substitute “106-554, excluding
20 sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding”.

21 **238.** Page 103, line 6: on lines 6 and 15, delete “P.L. 106-230, P.L. 106-519,
22 P.L. 106-554, P.L. 106-573” and substitute “106-554, excluding sections 162 and 165
23 of P.L. 106-554”.

1 **239.** Page 103, line 24: delete “P.L. 106–230, P.L. 106–519.”.

2 **240.** Page 103, line 25: delete “P.L. 106–573.” and substitute “excluding
3 sections 162 and 165 of P.L. 106–554.”.

4 **241.** Page 104, line 11: delete “P.L. 106–230, P.L. 106–519.”.

5 **242.** Page 104, line 12: delete “P.L. 106–573.” and substitute “excluding
6 sections 162 and 165 of P.L. 106–554.”.

7 **243.** Page 104, line 20: delete the material beginning with “106–230” and
8 ending with “106–573” on line 21 and substitute “106–554, excluding sections 162
9 and 165 of P.L. 106–554.”.

10 **244.** Page 105, line 1: delete “P.L. 106–230, P.L. 106–519.”.

11 **245.** Page 105, line 2: delete “P.L. 106–573.” and substitute “excluding
12 sections 162 and 165 of P.L. 106–554.”.

13 **246.** Page 105, line 4: delete “106–230, P.L. 106–519, P.L. 106–554, P.L.” and
14 substitute “106–554, excluding sections 162 and 165 of P.L. 106–554.”.

15 **247.** Page 105, line 5: delete “106–573.”.

16 **248.** Page 105, line 8: delete the material beginning with “and” and ending
17 with “2001.” on line 9.

18 **249.** Page 105, line 15: delete “106–200, P.L. 106–230, P.L.”.

19 **250.** Page 105, line 16: delete “106–519, P.L. 106–554, P.L. 106–573” and
20 substitute “106–554, excluding sections 162 and 165 of P.L. 106–554.”.

21 **251.** Page 105, line 25: delete that line and substitute “P.L. 106–554,
22 excluding sections 162 and 165 of P.L. 106–554, and P.L.”.

1 **252.** Page 106, line 8: delete “PL. 106-200, P.L. 106-230.”.

2 **253.** Page 106, line 9: delete “106-519, P.L. 106-554, P.L. 106-573” and
3 substitute “106-554, excluding sections 162 and 165 of P.L. 106-554”.

4 **254.** Page 106, line 18: delete that line and substitute “P.L. 106-554,
5 excluding sections 162 and 165 of P.L. 106-554, and P.L.”.

6 **255.** Page 107, line 5: delete that line and substitute “amended by P.L.
7 106-554, excluding sections 162 and 165 of P.L. 106-554.”.

8 **256.** Page 107, line 14: delete “PL. 106-200, P.L. 106-230.”.

9 **257.** Page 107, line 15: delete “106-519, P.L. 106-554, P.L. 106-573” and
10 substitute “106-554, excluding sections 162 and 165 of P.L. 106-554”.

11 **258.** Page 107, line 19: delete “and before January 1, 2001.”.

12 **259.** Page 107, line 20: delete that line and substitute “Revenue Code made
13 by P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554.”.

14 **260.** Page 107, line 21: delete “106-573.”.

15 **261.** Page 107, line 22: delete “P.L. 106-200.”.

16 **262.** Page 107, line 23: delete that line and substitute “P.L. 106-554,
17 excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding”.

18 **263.** Page 108, line 1: delete the material beginning with that line and ending
19 with page 112, line 25.

20 **264.** Page 113, line 24: after “P.L. 106-554” insert “, excluding sections 162
21 and 165 of P.L. 106-554”.

1 **265.** Page 114, line 8: on lines 8, 18 and 22, after “P.L. 106-554” insert “,
2 excluding sections 162 and 165 of P.L. 106-554”.

3 **266.** Page 115, line 7: on lines 7, 16 and 25, after “P.L. 106-554” insert “,
4 excluding sections 162 and 165 of P.L. 106-554”.

5 **267.** Page 116, line 3: on lines 3, 13 and 22, after “106-554” insert “, excluding
6 sections 162 and 165 of P.L. 106-554”.

7 **268.** Page 117, line 6: on lines 6, 9 and 18, after “P.L. 106-554” insert “,
8 excluding sections 162 and 165 of P.L. 106-554”.

9 **269.** Page 118, line 3: on lines 3, 11, 14 and 24, after “P.L. 106-554” insert “,
10 excluding sections 162 and 165 of P.L. 106-554”.

11 **270.** Page 118, line 24: delete “P.L. 106-573”.

12 **271.** Page 119, line 10: delete “P.L. 106-573” and substitute “, excluding
13 sections 162 and 165 of P.L. 106-554”.

14 **272.** Page 119, line 18: on lines 18 and 21, delete “P.L. 106-573” and
15 substitute “excluding sections 162 and 165 of P.L. 106-554”.

16 **273.** Page 120, line 6: delete “P.L. 106-230”.

17 **274.** Page 120, line 7: delete “106-519, P.L. 106-554, P.L. 106-573” and
18 substitute “106-554, excluding sections 162 and 165 of P.L. 106-554”.

19 **275.** Page 120, line 17: delete “P.L. 106-230, P.L. 106-519”.

20 **276.** Page 120, line 18: delete “P.L. 106-573” and substitute “excluding
21 sections 162 and 165 of P.L. 106-554”.

22 **277.** Page 121, line 1: delete that line and substitute “106-554, excluding
23 sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding”.

1 **278.** Page 121, line 3: delete “P.L. 106–230.”

2 **279.** Page 121, line 4: delete “106–519, P.L. 106–554, P.L. 106–573” and
3 substitute “106–554, excluding sections 162 and 165 of P.L. 106–554”.

4 **280.** Page 121, line 8: delete “and before January 1, 2001.”

5 **281.** Page 121, line 12: delete “P.L. 106–200, P.L. 106–230, P.L. 106–519.”

6 **282.** Page 121, line 13: delete “, P.L. 106–573.” and substitute “excluding
7 sections 162 and 165 of P.L. 106–554.”

8 **283.** Page 121, line 23: delete “P.L. 106–200, P.L. 106–230, P.L. 106–519.”

9 **284.** Page 121, line 24: delete “P.L. 106–573.” and substitute “excluding
10 sections 162 and 165 of P.L. 106–554.”

11 **285.** Page 122, line 5: delete “and before January 1, 2001.”

12 **286.** Page 122, line 6: delete “P.L. 106–200, P.L. 106–230, P.L. 106–519.”

13 **287.** Page 122, line 7: delete “, P.L. 106–573.” and substitute “excluding
14 sections 162 and 165 of P.L. 106–554.”

15 **288.** Page 122, line 9: delete that line and substitute “P.L. 106–554, excluding
16 sections 162 and 165 of P.L. 106–554, and P.L.”

17 **289.** Page 122, line 12: delete the material beginning with that line and
18 ending with page 124, line 14.

19 **290.** Page 126, line 2: on lines 2, 9, 17 and 21, after “106–554” insert “.
20 excluding sections 162 and 165 of P.L. 106–554”.

21 **291.** Page 127, line 5: on lines 5, 12, 20 and 24, after “106–554” insert “.
22 excluding sections 162 and 165 of P.L. 106–554”.

1 **292.** Page 128, line 7: on lines 7, 14 and 22, after “P.L. 106-554” insert “,
2 excluding sections 162 and 165 of P.L. 106-554”.

3 **293.** Page 129, line 1: on lines 1, 10, 17 and 25, after “106-554” insert “,
4 excluding sections 162 and 165 of P.L. 106-554”.

5 **294.** Page 130, line 3: on lines 3, 12 and 20, after “106-554” insert “,excluding
6 sections 162 and 165 of P.L. 106-554”.

7 **295.** Page 130, line 12: on lines 12 and 20, delete “P.L. 106-573”.

8 **296.** Page 131, line 3: on lines 3 and 6, delete “P.L. 106-573,” and substitute
9 “excluding sections 162 and 165 of P.L. 106-554”.

10 **297.** Page 131, line 14: delete “P.L. 106-230, P.L. 106-519,”

11 **298.** Page 131, line 15: delete “P.L. 106-573,” and substitute “excluding
12 sections 162 and 165 of P.L. 106-554”.

13 **299.** Page 131, line 23: delete “106-230, P.L. 106-519, P.L. 106-554, P.L.
14 106-573” and substitute “106-554, excluding sections 162 and 165 of P.L. 106-554”.

15 **300.** Page 132, line 5: delete “P.L. 106-230, P.L. 106-519,”

16 **301.** Page 132, line 6: delete “P.L. 106-573,” and substitute “excluding
17 sections 162 and 165 of P.L. 106-554”.

18 **302.** Page 132, line 8: delete “106-230, P.L. 106-519, P.L. 106-554, P.L.” and
19 substitute “106-554, excluding sections 162 and 165 of P.L. 106-554”.

20 **303.** Page 132, line 9: delete “106-573”.

21 **304.** Page 132, line 12: delete the material beginning with “and” and ending
22 with “2001,” on line 13.

1 **305.** Page 132, line 17: delete that line and substitute “amended by P.L.
2 106-554, excluding sections 162 and 165 of P.L. 106-554.”.

3 **306.** Page 133, line 1: delete that line and substitute “P.L. 106-554, excluding
4 sections 162 and 165 of P.L. 106-554, and P.L.”.

5 **307.** Page 133, line 7: delete “and before January 1, 2001.”.

6 **308.** Page 133, line 8: delete “P.L. 106-200, P.L. 106-230, P.L. 106-519.”.

7 **309.** Page 133, line 9: delete “, P.L. 106-573,” and substitute “excluding
8 sections 162 and 165 of P.L. 106-554.”.

9 **310.** Page 133, line 11: delete that line and substitute “P.L. 106-554,
10 excluding sections 162 and 165 of P.L. 106-554, and P.L.”.

11 **311.** Page 133, line 14: delete the material beginning with that line and
12 ending with page 135, line 9.

13 **312.** Page 135, line 24: delete the material beginning with that line and
14 ending with page 138, line 9.

15 **313.** Page 139, line 16: after that line insert:

16 “**SECTION 233e.** 77.52 (13) of the statutes is amended to read:

17 77.52 (13) For the purpose of the proper administration of this section and to
18 prevent evasion of the sales tax it shall be presumed that all receipts are subject to
19 the tax until the contrary is established. The burden of proving that a sale of tangible
20 personal property or services is not a taxable sale at retail is upon the person who
21 makes the sale unless that person takes from the purchaser a certificate to the effect
22 that the property or service is purchased for resale or is otherwise exempt; except
23 that no certificate is required for sales of cattle, sheep, goats, and pigs that are sold

1 at a livestock market, as defined in s. 95.68 (1) (e), and no certificate is required for
2 sales of commodities, as defined in 7 USC 2, that are consigned for sale in a
3 warehouse in or from which the commodity is deliverable on a contract for future
4 delivery subject to the rules of a commodity market regulated by the U.S. commodity
5 futures trading commission if upon the sale the commodity is not removed from the
6 warehouse.

7 **SECTION 233g.** 77.53 (10) of the statutes is amended to read:

8 77.53 (10) For the purpose of the proper administration of this section and to
9 prevent evasion of the use tax and the duty to collect the use tax, it is presumed that
10 tangible personal property or taxable services sold by any person for delivery in this
11 state is sold for storage, use, or other consumption in this state until the contrary is
12 established. The burden of proving the contrary is upon the person who makes the
13 sale unless that person takes from the purchaser a certificate to the effect that the
14 property or taxable service is purchased for resale, or otherwise exempt from the tax;
15 except that no certificate is required for sales of cattle, sheep, goats, and pigs that are
16 sold at a livestock market, as defined in s. 95.68 (1) (e), and no certificate is required
17 for sales of commodities, as defined in 7 USC 2, that are consigned for sale in a
18 warehouse in or from which the commodity is deliverable on a contract for future
19 delivery subject to the rules of a commodity market regulated by the U.S. commodity
20 futures trading commission if upon the sale the commodity is not removed from the
21 warehouse.”.

22 **314.** Page 139, line 16: after that line insert:

23 “SECTION 232p. 73.03 (52) of the statutes is amended to read:

1 73.03 (52) To enter into agreements with the ~~internal revenue service~~ Internal
2 Revenue Service that provide for offsetting state tax refunds against federal tax
3 obligations; ~~and to charge a fee up to \$25 per transaction for such offsets;~~ and
4 offsetting federal tax refunds against state tax obligations, if the agreements provide
5 that setoffs under ss. 71.93 and 71.935 occur before the setoffs under those
6 agreements.”.

7 **315.** Page 139, line 16: after that line insert:

8 “**SECTION 232m.** 73.03 (28d) of the statutes is created to read:

9 73.03 (28d) To enter into a contract to participate in the multistate tax
10 commission audit program. The department shall allocate a portion of the amount
11 collected under chs. 71 and 77 through the contract to the appropriation under s.
12 20.566 (1) (hn) to pay the fees necessary to participate in the multistate tax
13 commission audit program. The department shall allocate the remainder of such
14 collections to the general fund.”.

15 **316.** Page 139, line 16: after that line insert:

16 “**SECTION 233L.** 77.82 (2) (intro.) of the statutes is amended to read:

17 77.82 (2) PETITION. (intro.) Any owner of land may petition the department to
18 designate any eligible parcel of land as managed forest land. A petition may include
19 any number of eligible parcels under the same ownership in a single municipality.
20 ~~Each petition shall be submitted on a form provided by the department and shall be~~
21 ~~accompanied by a nonrefundable \$10 application fee unless a different amount of the~~
22 ~~fee is established by the department by rule at an amount equal to the average~~
23 ~~expense to the department of recording an order issued under this subchapter. The~~

1 ~~fee shall be deposited in the conservation fund and credited to the appropriation~~
2 ~~under s. 20.370 (1) (cr).~~ Each petition shall include all of the following:

3 **SECTION 233m.** 77.82 (2m) of the statutes is created to read:

4 77.82 (2m) FEES FOR PETITIONS. (a) Except as provided in par. (b), a petition
5 under sub. (2) or (4m) shall be accompanied by a nonrefundable application fee of
6 \$100.

7 (b) If the petition is accompanied by a proposed management plan as provided
8 in par. (c), the nonrefundable application fee shall be \$10 unless a different amount
9 for the fee is established by the department by rule at an amount equal to the average
10 expense to the department of recording an order issued under this subchapter.

11 (c) A proposed management plan that qualifies for the reduced fee under par.
12 (b) shall be one of the following:

13 1. A management plan prepared by a qualified forester, as defined by rule by
14 the department.

15 2. Any other management plan approved by the department.

16 3. For petitions under sub. (4m), a recent management plan that was approved
17 by the department for the forest cropland that is subject to the conversion petition
18 under sub. (4m).

19 (d) All the fees collected under this subsection shall be deposited in the
20 conservation fund. The fees collected under par. (b) and \$10 of each \$100 fee collected
21 under par. (a) shall be credited to the appropriation under s. 20.370 (1) (cr).

22 (e) If the proposed management plan is not approved by the department under
23 its initial review under sub. (3) (a), the department shall collect from the petitioner
24 a fee in an amount equal to \$100 less the amount the petitioner paid under par. (c).

25 **SECTION 233n.** 77.82 (3) (a) of the statutes is amended to read:

1 77.82 (3) (a) The petitioner may submit a proposed management plan for the
2 entire acreage of each parcel with the petition. The department, after considering
3 the owner's forest management objectives as stated under sub. (2) (e), shall review
4 and either approve or disapprove the proposed plan. If the department disapproves
5 a plan, it shall inform the petitioner of the changes necessary to qualify the plan for
6 approval upon subsequent review.

7 **SECTION 233nm.** 77.82 (4) of the statutes is amended to read:

8 77.82 (4) ADDITIONS TO MANAGED FOREST LAND. An owner may petition the
9 department to designate as managed forest land an additional parcel of land in the
10 same municipality if the additional parcel is at least 3 acres in size and is contiguous
11 to any of the owner's designated land. The petition shall be accompanied by a
12 nonrefundable \$10 application fee unless a different amount of the fee is established
13 in the same manner as the fee under sub. ~~(2)~~ (2m) (b). The fee shall be deposited in
14 the conservation fund and credited to the appropriation under s. 20.370 (1) (cr). The
15 petition shall be submitted on a department form and shall contain any additional
16 information required by the department.

17 **SECTION 233o.** 77.82 (4m) (bn) of the statutes is repealed.

18 **SECTION 233p.** 77.82 (4m) (c) of the statutes is repealed.”.

19 **317.** Page 139, line 16: after that line insert:

20 “**SECTION 232f.** 71.93 (1) (a) 3. of the statutes, as affected by 2001 Wisconsin
21 Act 16, is amended to read:

22 71.93 (1) (a) 3. An amount that the department of health and family services
23 may recover under s. ~~49.45 (2) (a) 10.~~ or 49.497, if the department of health and
24 family services has certified the amount under s. 49.85.”.

1 **318.** Page 139, line 16: after that line insert:

2 “**SECTION 233b.** 74.48 of the statutes is repealed.

3 **SECTION 233d.** 74.485 of the statutes is created to read:

4 **74.485 Penalty for converting agricultural land. (1) DEFINITION.** In this
5 section, “agricultural land” has the meaning given in s. 70.32 (2) (c) 1.

6 **(2) PENALTY.** Except as provided in sub. (4), a person who owns land that has
7 been assessed as agricultural land under s. 70.32 (2r) and who converts the land’s
8 use so that the land is not eligible to be assessed as agricultural land under s. 70.32
9 (2r), as determined by the assessor of the taxation district in which the land is
10 located, shall pay a penalty to the county in which the land is located in an amount,
11 calculated by the county treasurer, that is equal to the number of acres converted
12 multiplied by the amount of the difference between the average fair market value of
13 an acre of agricultural land sold in the county in the year before the year that the
14 person converts the land, as determined under sub. (3), and the average equalized
15 value of an acre of agricultural land in the county in the year before the year that the
16 person converts the land, as determined under sub. (3), multiplied by the following:

17 (a) Five percent, if the converted land is more than 30 acres.

18 (b) Seven and one-half percent, if the converted land is 30 acres or less but at
19 least 10 acres.

20 (c) Ten percent, if the converted land is less than 10 acres.

21 **(3) VALUE DETERMINATION.** Annually, the department of revenue shall
22 determine the average equalized value of an acre of agricultural land in each county
23 in the previous year, as provided under s. 70.57, and the average fair market value
24 of an acre of agricultural land sold in each county in the previous year based on the

1 sales in each county in the previous year of parcels of agricultural land that are 38
2 acres or more to buyers who intend to use the land as agricultural land.

3 (4) EXCEPTIONS AND DEFERRAL. (a) A person who owns land that has been
4 assessed as agricultural land under s. 70.32 (2r) and who converts the land's use so
5 that the land is not eligible to be assessed as agricultural land under s. 70.32 (2r) is
6 not subject to a penalty under sub. (2) if the converted land may be assessed as
7 swamp or waste under s. 70.32 (2) (a) 5., as productive forest land under s. 70.32 (2)
8 (a) 6., or as other under s. 70.32 (2) (a) 7. or if the amount of the penalty determined
9 under sub. (2) represents less than \$25 for each acre of converted land.

10 (b) If a person owes a penalty under sub. (2), the treasurer of the county in
11 which the person's land is located may defer payment of the penalty to the succeeding
12 taxable year if the person demonstrates to the assessor of the taxation district in
13 which the land is located that the person's land will be used as agricultural land in
14 the succeeding taxable year. A person who receives a deferral under this paragraph
15 is not subject to the penalty under sub. (2) related to the deferral, if the person's land
16 is used as agricultural land in the succeeding taxable year. If the land of a person
17 who receives a deferral under this paragraph is not used as agricultural land in the
18 succeeding taxable year, the person shall pay the penalty with interest at the rate
19 of 1% a month, or fraction of a month, from the date that the treasurer granted a
20 deferral to the date that the penalty is paid.

21 (5) PAYMENT. Except as provided in sub. (4), a person who owes a penalty under
22 sub. (2) shall pay the penalty to the county in which the person's land related to the
23 penalty is located no later than 30 days after the date that the penalty is assessed.
24 A penalty that is not paid on the date it is due is considered delinquent and shall be
25 paid with interest at the rate of 1% a month, or fraction of a month, from the date that

1 the penalty is assessed to the date that the penalty is paid. The county shall collect
2 an unpaid penalty as a special charge against the land related to the penalty.

3 (6) DISTRIBUTION. A county that collects a penalty under this section shall
4 distribute 50% of the amount of the penalty to the taxation district in which the land
5 related to the penalty is located. If the land related to the penalty is located in 2 or
6 more taxation districts, the county shall distribute 50% of the amount of the penalty
7 to the taxation districts in proportion to the equalized value of the land related to the
8 penalty that is located in each taxation district. A taxation district shall distribute
9 50% of any amount it receives under this subsection to an adjoining taxation district,
10 if the taxation district in which the land related to the penalty is located annexed the
11 land related to the penalty from the adjoining taxation district in either of the 2 years
12 preceding a distribution under this subsection.

13 (7) NOTICE. A person who owns land that has been assessed as agricultural land
14 under s. 70.32 (2r) and who sells the land shall notify the buyer of the land of all of
15 the following:

16 (a) That the land has been assessed as agricultural land under s. 70.32 (2r).

17 (b) Whether the person who owns the land and who is selling the land has been
18 assessed a penalty under sub. (2) related to the land.

19 (c) Whether the person who owns the land and who is selling the land has been
20 granted a deferral under sub. (4) related to the land.

21 (8) TAXATION DISTRICT ASSESSOR. The assessors of the taxation districts located
22 in the county shall inform the county treasurer and the real property lister of all sales
23 of agricultural land located in the county.

24 (9) ADMINISTRATION. The county in which the land as described in sub. (1) is
25 located shall administer the penalty under this section.”.

1 **319.** Page 139, line 16: after that line insert:

2 “**SECTION 233b.** 77.52 (2) (a) 5. of the statutes is renumbered 77.52 (2) (a) 5. a.
3 and amended to read:

4 77.52 (2) (a) 5. a. The sale of telecommunications services, except services
5 subject to 4 USC 116 to 126, as amended by P.L. 106–252, that either originate or
6 terminate in this state; except services that are obtained by means of a toll-free
7 number, that originate outside this state and that terminate in this state; and are
8 charged to a service address in this state, regardless of the location where that charge
9 is billed or paid; and the sale of the rights to purchase telecommunications services,
10 including purchasing reauthorization numbers, by paying in advance and by using
11 an access number and authorization code, except sales that are subject to subd. 5. b.

12 **SECTION 233c.** 77.52 (2) (a) 5. b. of the statutes is created to read:

13 77.52 (2) (a) 5. b. The sale of services subject to 4 USC 116 to 126, as amended
14 by P.L. 106–252, if the customer’s place of primary use of the services is in this state,
15 as determined under 4 USC 116 to 126, as amended by P.L. 106–252. For purposes
16 of this subd. 5. b., all of the provisions of 4 USC 116 to 126, as amended by P.L.
17 106–252, are adopted, except that if 4 USC 116 to 126, as amended by P.L. 106–252,
18 or the application of 4 USC 116 to 126, as amended by P.L. 106–252, is found
19 unconstitutional the sale of telecommunications services is subject to the tax
20 imposed under this section as provided in subd. 5. a.

21 **SECTION 233e.** 77.52 (3m) (intro.) of the statutes is amended to read:

22 77.52 (3m) (intro.) In regard to the sale of the rights to purchase
23 telecommunications services under sub. (2) (a) 5. a.:

24 **SECTION 233f.** 77.52 (3n) of the statutes is created to read:

1 **77.52 (3n)** In regard to the sale of the rights to purchase telecommunications
2 services under sub. (2) (a) 5. b., the situs of the sale is as determined under 4 USC
3 116 to 126, as amended by P.L. 106–252.

4 **SECTION 233g.** 77.523 of the statutes is created to read:

5 **77.523 Customer remedy.** If a customer purchases a service that is subject
6 to 4 USC 116 to 126, as amended by P.L. 106–252, and if the customer believes that
7 the amount of the tax assessed for the service under this subchapter or the place of
8 primary use or taxing jurisdiction assigned to the service is erroneous, the customer
9 may request that the service provider correct the alleged error by sending a written
10 notice to the service provider. The notice shall include a description of the alleged
11 error, the street address for the customer’s place of primary use of the service, the
12 account name and number of the service for which the customer seeks a correction,
13 and any other information that the service provider reasonably requires to process
14 the request. Within 60 days from the date that a service provider receives a request
15 under this section, the service provider shall review its records to determine the
16 customer’s taxing jurisdiction. If the review indicates that there is no error as
17 alleged, the service provider shall explain the findings of the review in writing to the
18 customer. If the review indicates that there is an error as alleged, the service
19 provider shall correct the error and shall refund or credit the amount of any tax
20 collected erroneously, along with the related interest, as a result of the error from the
21 customer in the previous 48 months, consistent with s. 77.59 (4). A customer may
22 take no other action, or commence any action, to correct an alleged error in the
23 amount of the tax assessed under this subchapter on a service that is subject to 4 USC
24 116 to 126, as amended by P.L. 106–252, or to correct an alleged error in the assigned

1 place of primary use or taxing jurisdiction, unless the customer has exhausted his
2 or her remedies under this section.

3 **SECTION 233h.** 77.525 of the statutes is amended to read:

4 **77.525 Reduction to prevent double taxation.** Any person who is subject
5 to the tax under s. 77.52 (2) (a) 5. a. on telecommunications services that terminate
6 in this state and who has paid a similar tax on the same services to another state may
7 reduce the amount of the tax remitted to this state by an amount equal to the similar
8 tax properly paid to another state on those services or by the amount due this state
9 on those services, whichever is less. That person shall refund proportionally to the
10 persons to whom the tax under s. 77.52 (2) (a) 5. a. was passed on an amount equal
11 to the amounts not remitted.

12 **SECTION 233j.** 77.54 (46m) of the statutes is created to read:

13 **77.54 (46m)** The gross receipts from the sale of and the storage, use, or other
14 consumption of telecommunications services, if the telecommunications services are
15 obtained by using the rights to purchase telecommunications services, including
16 purchasing reauthorization numbers, by paying in advance and by using an access
17 number and authorization code; and if the tax imposed under s. 77.52 or 77.53 was
18 previously paid on the sale or purchase of such rights.

19 **SECTION 233k.** 77.72 (3) (b) of the statutes is amended to read:

20 **77.72 (3) (b) Exceptions.** ~~Communication~~ A communication service has a situs
21 where the customer is billed for the service if the customer calls collect or pays by
22 credit card. Services subject to s. 77.52 (2) (a) 5. b. have a situs at the customer's place
23 of primary use of the services, as determined under 4 USC 116 to 126, as amended
24 by P.L. 106–252. Towing services have a situs at the location to which the vehicle is

1 delivered. Services performed on tangible personal property have a situs at the
2 location where the property is delivered to the buyer.”

3 **320.** Page 139, line 17: delete lines 17 to 19.

4 **321.** Page 140, line 1: delete “; and \$58,145,700 in 2003” and substitute “; and
5 \$58,145,700 in 2003”.

6 **322.** Page 140, line 6: delete lines 6 and 7 and substitute “\$999,709,900 in
7 2004 and in each year thereafter.”

8 **323.** Page 140, line 8: delete lines 8 to 12.

9 **324.** Page 140, line 17: on lines 17, 20 and 25, after “79.035.” insert “79.036.”.

10 **325.** Page 141, line 9: on lines 9 and 13, delete “2002” and substitute “2003”.

11 **326.** Page 141, line 24: delete lines 24 and 25 and substitute “20.855 (4) (rb)
12 in 2002 is \$11,110,000 in 2002; and \$11,221,100 in 2003 and in each year thereafter
13 and the total amount to be distributed under this subsection from s. 20.835 (1) (b) in
14 2003 is \$11,221,100.”.

15 **327.** Page 142, line 14: delete lines 14 to 21 and substitute “counties. In 2003
16 and subsequent years, the total amounts to be distributed under ss. 79.03, 79.04, and
17 79.06 from s. 20.835 (1) (d) are \$776,783,700 to municipalities and \$172,378,300 to
18 counties.”.

19 **328.** Page 142, line 23: delete “2003” and substitute “2004”.

20 **329.** Page 143, line 1: delete the material beginning with that line and ending
21 with page 144, line 12, and substitute:

22 “**79.035 County and municipal aid.** (1) Subject to reductions under s.
23 79.036 (3), in 2004 and subsequent years, each county and municipality shall receive

1 a payment from the county and municipal aid account in an amount determined
2 under sub. (2).

3 (2) (a) 1. For the distribution in 2004, each county and municipality will receive
4 a payment that is equal to the amount of the payments the county or municipality
5 received in 2003 under ss. 79.03, 79.04, 79.05, 79.058, and 79.06, less the amount of
6 the reduction under subd. 2.

7 2. The department of revenue shall reduce the amount of the payments to be
8 distributed to each county and municipality, as determined under subd. 1., by
9 subtracting from such payments an amount based on the county's or municipality's
10 population, as determined by the department, so that the total amount of the
11 reduction to all such payments in 2004 is \$40,000,000, except that the reduction
12 applied to any county's or municipality's payment shall not exceed the amount of the
13 payments specified under subd. 1. distributed to the county or municipality in 2003.

14 (b) For the distribution in 2005 and subsequent years, each county and
15 municipality shall receive a payment under this section that is equal to the amount
16 of the payment determined for the county or municipality under par. (a) in 2004 prior
17 to the reductions under s. 79.036.

18 **SECTION 244f.** 79.036 of the statutes is created to read:

19 **79.036 Consolidation incentive payment.** (1) (a) In 2004 and subsequent
20 years, counties and municipalities that agree to consolidate county or municipal
21 services may receive payments under sub. (2), if such counties and municipalities
22 submit a copy of the consolidation agreement to the department of revenue no later
23 than September 1 of the year preceding the effective date of the consolidation and the
24 department approves the payment.

1 (b) A consolidation agreement submitted under par. (a) shall include an
2 estimate of the savings to each county or municipality that is subject to the
3 agreement that will result from the consolidation of services.

4 (c) No later than September 15 of each year, the department of revenue shall
5 review any agreement submitted under par. (a) and determine whether each county
6 or municipality that is subject to the agreement will receive a payment under sub.
7 (2).

8 (d) The department of revenue shall consider a consolidation ordinance under
9 s. 66.0229 to be an agreement to consolidate municipal services for purposes of this
10 subsection.

11 (2) (a) Subject to review and approval under sub. (1) (c) and the limitations
12 provided under this subsection, each county and municipality that is eligible for a
13 payment under this section shall receive one payment in the first year of the
14 consolidation specified in the agreement submitted under sub. (1) (a) that is equal
15 to 75% the estimated savings to each such county or municipality that result from
16 the consolidation. No county or municipality may receive more than one payment
17 under this section related to the same consolidation agreement.

18 (b) The total amount of all payments under par. (a) distributed in each year may
19 not exceed \$45,000,000. If in any year the department of revenue calculates that the
20 total amount of all payments under par. (a) exceeds \$45,000,000, each county and
21 municipality that is eligible to receive a payment under par. (a) shall receive a
22 payment that is reduced in proportion to the county's or municipality's share of the
23 total payments under par. (a) so that the total amount of all such payments is no more
24 than \$45,000,000.

1 (3) Beginning with distributions in 2004, the payments under s. 79.035 to be
2 distributed to each county and municipality shall be reduced in proportion to the
3 county's or municipality's share of all payments under s. 79.035 in each year so that
4 the total amount of all payments under s. 79.035 is reduced by the total amount to
5 be distributed under sub. (2) in that year.”.

6 **330.** Page 144, line 15: delete “2002” and substitute “2003”.

7 **331.** Page 145, line 1: delete “2002” and substitute “2003”.

8 **332.** Page 146, line 8: on lines 8 and 16, delete “except for the distribution”
9 and substitute “ending with the distributions”.

10 **333.** Page 146, line 9: delete “sub. (1) subs. (1), (6), and (7)” and substitute
11 “sub. (1)”.

12 **334.** Page 146, line 10: on lines 10 and 18, delete “from the public utility
13 account”.

14 **335.** Page 146, line 17: delete “sub. (2) subs. (2), (6), and (7)” and substitute
15 “sub. (2)”.

16 **336.** Page 147, line 1: delete “2003” and substitute “2004”.

17 **337.** Page 147, line 3: delete the material beginning with that line and ending
18 with page 153, line 2.

19 **338.** Page 153, line 4: on lines 4 and 10, delete “2002” and substitute “2003”.

20 **339.** Page 153, line 7: delete “2003” and substitute “2004”.

21 **340.** Page 153, line 18: delete lines 18 and 19 and substitute:

22 “**SECTION 254bm.** 79.058 (3) (e) of the statutes, as created by 2001 Wisconsin
23 Act 16, is amended to read:

1 79.058 (3) (e) In 2003 and subsequent years, \$21,181,100.”.

2 **341.** Page 153, line 21: delete “2003” and substitute “2004”.

3 **342.** Page 153, line 22: after that line insert:

4 “**SECTION 256b.** 79.06 (1) (b) of the statutes is amended to read:

5 79.06 (1) (b) If Ending with the distributions in 2003, if the payments to any
6 municipality or county under s. 79.03, excluding payments under s. 79.03 (3c), in
7 1986 or any year thereafter are less than 95% of the combined payments to the
8 municipality or county under this section and s. 79.03, excluding payments under s.
9 79.03 (3c), for the previous year, the municipality or county has an aids deficiency.
10 The amount of the aids deficiency is the amount by which 95% of the combined
11 payments to the municipality or county under this section and s. 79.03, excluding
12 payments under s. 79.03 (3c), in the previous year exceeds the payments to the
13 municipality or county under s. 79.03, excluding payments under s. 79.03 (3c), in the
14 current year.

15 **SECTION 256d.** 79.06 (1) (c) of the statutes is amended to read:

16 79.06 (1) (c) ~~A~~ Ending with the distributions in 2003, a municipality or county
17 that has an aids deficiency shall receive a payment from the amounts withheld under
18 sub. (2) equal to its proportion of all the aids deficiencies of municipalities or counties
19 respectively for that year.

20 **SECTION 256e.** 79.06 (2) (b) of the statutes, as affected by 2001 Wisconsin Act
21 16, is amended to read:

22 79.06 (2) (b) If Ending with the distributions in 2003, if the payments to a
23 municipality or county, except any county in which there are no cities or villages, or
24 any county created in the year 1846 or 1847, with a population in the year 1990

1 greater than 16,000 but less than 17,000, as determined by the 1990 federal
2 decennial census, in any year exceed its combined payments under this section and
3 s. 79.03, excluding payments under s. 79.03 (3c), in the previous year by more than
4 the maximum allowable increase, the excess shall be withheld to fund minimum
5 payments in that year under sub. (1) (c).”

6 **343.** Page 153, line 24: delete “2003” and substitute “2004”.

7 **344.** Page 153, line 25: after that line insert:

8 “**SECTION 257p.** 84.30 (10m) of the statutes is amended to read:

9 84.30 (10m) ANNUAL PERMIT FEE REQUIREMENT. The department may
10 promulgate a rule requiring persons specified in the rule to pay annual permit fees
11 for signs. The rule shall specify that no permit fee may be charged for an
12 off-premises advertising sign that is owned by a nonprofit organization. If the
13 department establishes an annual permit fee under this subsection, failure to pay
14 the fee within 2 months after the date on which payment is due is evidence that the
15 sign has been abandoned for the purposes of s. TRANS 201.10 (2) (f), Wis. Adm.
16 Code.”.

17 **345.** Page 153, line 25: after that line insert:

18 “**SECTION 257m.** 84.185 (3m) of the statutes is created to read:

19 84.185 (3m) REVIEW OF APPLICATIONS. The department shall accept, review, and
20 make determinations on applications for assistance under this section on a
21 continuing, year-round basis. The department shall make a determination on each
22 application for assistance under this section within a reasonable time after its
23 receipt by the department.”.

24 **346.** Page 153, line 25: after that line insert:

1 **“SECTION 258m.** 85.12 (3) of the statutes, as affected by 2001 Wisconsin Act 16,
2 is amended to read:

3 85.12 (3) The department may contract with any local governmental unit, as
4 defined in s. ~~22.01~~ 16.97 (7), to provide that local governmental unit with services
5 under this section.”.

6 **347.** Page 153, line 25: after that line insert:

7 **“SECTION 258r.** 84.02 (15) of the statutes is created to read:

8 84.02 (15) TRAFFIC CONTROL SIGNAL EMERGENCY PREEMPTION DEVICES. (a) In this
9 subsection:

10 1. “Additional cost” means the difference in cost between installation of a traffic
11 control signal that is equipped with an emergency preemption device and
12 confirmation signal and installation of a traffic control signal that is not so equipped,
13 and includes the difference in incidental costs such as electrical wiring.

14 2. “Authorized emergency vehicle” has the meaning given in s. 340.01 (3) (a),
15 (c), (g), or (i).

16 3. “Confirmation signal” means a white signal, located on or near a traffic
17 control signal equipped with an emergency preemption device, that is designed to be
18 visible to the operator of an approaching authorized emergency vehicle and that
19 confirms to the operator that the emergency preemption device has received a
20 transmission from the operator.

21 4. “Emergency preemption device” means an electrical device, located on or
22 within a traffic control signal, that is designed to receive an electronic, radio, or sonic
23 transmission from an approaching authorized emergency vehicle that alters the

1 normal sequence of the traffic control signal to provide or maintain a green signal for
2 the authorized emergency vehicle to proceed through the intersection.

3 5. “Political subdivision” means a county, city, village, or town.

4 6. “Traffic control signal” means any electrical device by which traffic is
5 alternately directed to stop and permitted to proceed by means of exhibiting different
6 colored lights successively.

7 (b) Before the department installs a new traffic control signal on a state trunk
8 highway within the corporate limits of any political subdivision, the department
9 shall do all of the following:

10 1. Notify the political subdivision of the planned traffic control signal
11 installation.

12 2. Notify the political subdivision of the additional cost of equipping the traffic
13 control signal with an emergency preemption device and confirmation signal.

14 3. Provide the political subdivision with the opportunity to request that the
15 traffic control signal be equipped with an emergency preemption device and
16 confirmation signal.

17 (c) If any political subdivision requests under par. (b) 3. that the department
18 equip the traffic control signal with an emergency preemption device and
19 confirmation signal, and one or more political subdivisions contributes a total of 50%
20 of the additional cost specified under par. (b) 2., the department shall equip the traffic
21 control signal with an emergency preemption device and confirmation signal when
22 the department installs the traffic control signal.

23 (d) Notwithstanding pars. (b) and (c), this subsection does not prohibit the
24 department from installing on any state trunk highway, at the department’s
25 expense, any traffic control signal equipped with an emergency preemption device

1 and confirmation signal. The department may install a new traffic control signal
2 equipped with an emergency preemption device and confirmation signal under this
3 paragraph without providing notice and an opportunity to respond under par. (b) to
4 any political subdivision. The department shall install a confirmation signal with
5 every new emergency preemption device installed by the department under this
6 paragraph.

7 (e) Any new traffic control signal installed by the department after the effective
8 date of this paragraph [revisor inserts date], that is not equipped with an
9 emergency preemption device shall include all electrical wiring necessary to equip
10 the traffic control signal with an emergency preemption device and confirmation
11 signal.

12 (f) The department shall promulgate rules to implement and administer this
13 subsection. The rules shall include procedures and deadlines for the department's
14 notification of political subdivisions, and for political subdivisions' requests and
15 contributions to the department, under this subsection.

16 **SECTION 258x.** 85.07 (7) (c) of the statutes is created to read:

17 85.07 (7) (c) Notwithstanding par. (b), the department shall, in each fiscal year,
18 expend federal funds available under 23 USC 152 for hazard elimination projects
19 that reduce the response time of emergency vehicles regardless of reduction in motor
20 vehicle accidents.”.

21 **348.** Page 153, line 25: after that line insert:

22 “**SECTION 258m.** 84.09 (9) of the statutes is created to read:

23 84.09 (9) Subsections (5), (5m), and (6) do not apply to state surplus property
24 that is directed to be sold under 2001 Wisconsin Act (this act), section 9107 (1b).”.

1 **349.** Page 153, line 25: after that line insert:

2 “**SECTION 258ps.** 84.013 (2) of the statutes, as affected by 2001 Wisconsin Act
3 16, is amended to read:

4 84.013 (2) (a) Subject to ~~s. ss. 84.555 and~~ 86.255, major highway projects shall
5 be funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and (4) (jq) and
6 20.866 (2) (ur) to ~~(uu)~~ (uum).

7 (b) Except as provided in ss. 84.014 ~~and~~, 84.03 (3), ~~and 84.555~~, and subject to
8 s. 86.255, reconditioning, reconstruction and resurfacing of highways shall be
9 funded from the appropriations under s. 20.395 (3) (cq) to (cx).

10 **SECTION 258pt.** 84.014 (2) of the statutes, as created by 2001 Wisconsin Act 16,
11 is amended to read:

12 84.014 (2) ~~Notwithstanding s. 84.013 and subject~~ Subject to s. ss. 84.555 and
13 86.255, any southeast Wisconsin freeway rehabilitation projects, including the
14 Marquette interchange reconstruction project and projects that involve adding one
15 or more lanes 5 miles or more in length to the existing freeway, may be funded only
16 from the appropriations under ~~s. ss. 20.395 (3) (cr), (cw), and (cy) and 20.866 (2)~~
17 (uum).

18 **SECTION 258pv.** 84.03 (2) (c) of the statutes is amended to read:

19 84.03 (2) (c) After receiving a plan under par. (b) 1., the cochairpersons of the
20 joint committee on finance jointly shall determine whether the plan is complete. If
21 the joint committee on finance meets and either approves or modifies and approves
22 a plan submitted under par. (b) 1. within 14 days after the cochairpersons determine
23 that the plan is complete, the secretary shall implement the plan as approved by the
24 committee. If the joint committee on finance does not meet and either approve or

1 modify and approve a plan submitted under par. (b) 1. within 14 days after the
2 cochairpersons determine that the plan is complete, the secretary shall implement
3 the proposed plan. If the joint committee on finance approves a plan under s. 84.555
4 for a state fiscal year, the joint committee on finance may modify a plan implemented
5 under this paragraph for that fiscal year.

6 **SECTION 258pw.** 84.555 of the statutes is created to read:

7 **84.555 Additional funding of major highway and rehabilitation**
8 **projects.** (1) Notwithstanding ss. 84.51 and 84.59, major highway projects, as
9 defined under s. 84.013 (1) (a), for the purposes of ss. 84.06 and 84.09, southeast
10 Wisconsin freeway rehabilitation projects under s. 84.014, and state highway
11 rehabilitation projects for the purposes specified in s. 20.395 (3) (cq), may be funded
12 with the proceeds of general obligation bonds issued under s. 20.866 (2) (uum) if all
13 of the following conditions are satisfied:

14 (a) The department's most recent estimate of the amount of federal funds, as
15 defined in s. 84.03 (2) (a) 1., that the department will be appropriated under s. 20.395
16 in the current state fiscal year is less than 95% of the amount of federal funds shown
17 in the schedule, as defined in s. 84.03 (2) (a) 2., for the appropriations under s. 20.395
18 in that fiscal year.

19 (b) The secretary has submitted a plan to the joint committee on finance for the
20 use of proceeds of general obligation bonds issued under s. 20.866 (2) (uum) and the
21 joint committee on finance has approved the plan, except that the secretary may not
22 submit, and the joint committee on finance may not approve, a plan for the use of an
23 amount of proceeds of general obligation bonds that exceeds the difference between
24 the amount of federal funds, as defined in s. 84.03 (2) (a) 1., actually available to the
25 department to be appropriated under s. 20.395 in the current state fiscal year and

1 the amount of federal funds shown in the schedule, as defined in s. 84.03 (2) (a) 2.,
2 for the appropriations under s. 20.395 in that fiscal year.

3 (2) The joint committee on finance may approve, or modify and approve, a plan
4 received under sub. (1) (b) using the procedure specified in s. 84.03 (2) (c). No plan
5 submitted under sub. (1) (b) may be implemented unless the joint committee on
6 finance has approved, or modified and approved, the plan.

7 (3) The secretary may submit a plan under sub. (1) (b) at any time during a
8 state fiscal year after the condition specified in sub. (1) (a) is satisfied for that fiscal
9 year.”.

10 **350.** Page 153, line 25: after that line insert:

11 “**SECTION 258pr.** 84.013 (1) (a) (intro.) of the statutes is amended to read:

12 84.013 (1) (a) (intro.) “Major highway project” means a project, except a project
13 providing an approach to a bridge over a river that forms a boundary of the state or
14 a southeast Wisconsin freeway rehabilitation project under s. 84.014, which has a
15 total cost of more than \$5,000,000 and which involves any of the following:

16 **SECTION 258pu.** 84.014 (5m) of the statutes is created to read:

17 84.014 (5m) (a) Notwithstanding any other provision of this section, the
18 department may not expend any moneys from the appropriations under s. 20.395 (3)
19 (cr), (cw), and (cy) for a southeast Wisconsin freeway rehabilitation project that
20 involves adding one or more lanes 5 miles or more in length to the existing freeway
21 unless the project is specifically enumerated in a list under par. (b).

22 (b) The department may proceed with the following southeast Wisconsin
23 freeway rehabilitation projects:

1 1. No projects are enumerated under this paragraph as of the effective date of
2 this subdivision [revisor inserts date].”

3 **351.** Page 153, line 25: after that line insert:

4 “**SECTION 257g.** 84.014 (5) of the statutes is created to read:

5 84.014 (5) The department shall design the reconstruction of I 94 in Milwaukee
6 and Waukesha counties, other than the Marquette interchange, to allow for
7 expansion of capacity for vehicular traffic on I 94 in these counties to meet the
8 projected vehicular traffic capacity needs, as determined by the department, for 25
9 years following the completion of such reconstruction.”

10 **352.** Page 154, line 4: after that line insert:

11 “**SECTION 259g.** 86.312 (2) (a) of the statutes is amended to read:

12 86.312 (2) (a) The department shall administer a local roads for job
13 preservation program to award grants to political subdivisions for any project that
14 the department determines is necessary to support business and retain jobs in the
15 vicinity of the local road. The department may award grants under this section for
16 any costs related to a project, including costs of acquiring rights-of-way, planning,
17 designing, engineering, and constructing a local road. The department may specify
18 the pavement to be used in any project funded under this section for the purpose of
19 enhancing the pavement life and cost-effectiveness of the project.”

20 **353.** Page 154, line 4: after that line insert:

21 “**SECTION 259g.** 87.30 (1) (d) of the statutes is amended to read:

22 87.30 (1) (d) For an amendment to a floodplain zoning ordinance that affects
23 an activity that meets all of the requirements under s. 281.165 (2) ~~or (3) (a)~~, the

1 department may not proceed under this subsection, or otherwise review the
2 amendment, to determine whether the ordinance, as amended, is insufficient.”.

3 **354.** Page 154, line 4: after that line insert:

4 “**SECTION 259d.** 93.07 (1) of the statutes is amended to read:

5 93.07 (1) REGULATIONS. To make and enforce such regulations, not inconsistent
6 with law, as it may deem necessary for the exercise and discharge of all the powers
7 and duties of the department, and to adopt such measures and make such
8 regulations as are necessary and proper for the ~~enforcement by the state of~~
9 department to carry out its duties and powers under chs. 93 to 100, which regulations
10 ~~shall have the force of law.”.~~

11 **355.** Page 154, line 17: after that line insert:

12 “**SECTION 259sd.** 93.07 (23) of the statutes is created to read:

13 93.07 (23) CONSUMER PROTECTION ADMINISTRATION. To administer ss. 100.01 to
14 100.03, 100.05 to 100.07, 100.14, 100.183 to 100.19, 100.201, 100.206, 100.208,
15 100.21, 100.22, 100.235, 100.265, 100.27, 100.285 to 100.297, 100.30, 100.33 to
16 100.36, 100.45, 100.47, 100.48, and 100.51 and to enforce ss. 100.206, 100.21, 100.30,
17 and 100.51.

18 **SECTION 259se.** 93.07 (24) of the statutes is amended to read:

19 93.07 (24) ENFORCEMENT OF LAWS. To enforce or assist in the enforcement of chs.
20 88 and 93 to 100 and all other laws entrusted to its administration, and especially:

21 (a) To enforce the laws administered by the department regarding the
22 production, manufacture and sale, offering or exposing for sale or having in
23 possession with intent to sell, of any dairy, food or drug product.

1 (b) To enforce the laws administered by the department regarding the
2 adulteration or misbranding of any articles of food, drink, condiment or drug.

3 (c) To inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article
4 of food, drink, condiment or drug made or offered for sale within this state which it
5 may suspect or have reason to believe, under the laws administered by the
6 department, to be impure, unhealthful, misbranded, adulterated or counterfeit, or
7 in any way unlawful.

8 (d) To prosecute or cause to be prosecuted, under the laws administered by the
9 department, any person engaged in the manufacture or sale, offering or exposing for
10 sale or having in possession with intent to sell, of any adulterated dairy product or
11 of any adulterated, misbranded, counterfeit, or otherwise unlawful article or articles
12 of food, drink, condiment or drug.

13 **SECTION 259sf.** 93.18 (3) of the statutes is amended to read:

14 93.18 (3) The department of justice, after acting pursuant to s. 100.37 or 100.41
15 to 100.43 to order the sale or distribution of any substance, article, furnishing, fabric,
16 product or related material ceased, shall give written notice of its finding to the
17 manufacturer, seller or other person responsible for placing the item in the channels
18 of trade in this state. After such notice no person may sell, remove or otherwise
19 dispose of such item except as directed by the department. Any person affected by
20 such notice may demand a prompt hearing to determine the validity of the
21 department's findings. The hearing, if requested, shall be held as expeditiously as
22 possible but not later than 30 days after notice. A request for hearing does not
23 operate to stay enforcement of the order during the pendency of the hearing. The
24 person petitioning for a hearing shall be entitled to the same rights specified under
25 sub. (2).

1 **SECTION 259sh.** 93.18 (7) of the statutes is created to read:

2 93.18 (7) The department of justice shall follow the procedures under subs. (1),
3 (2), (4), (5), and (6) in enforcing the provisions of ch. 100 that are administered by the
4 department of justice.

5 **SECTION 259sj.** 93.20 (1) of the statutes is amended to read:

6 93.20 (1) DEFINITION. In this section, “action” means an action that is
7 commenced in court by, or on behalf of, the department of agriculture, trade and
8 consumer protection to enforce chs. 88, 91 to 100 or 127 or an action that is
9 commenced in court by the department of justice to enforce ch. 100.

10 **SECTION 259sm.** 93.22 (1) of the statutes is amended to read:

11 93.22 (1) In cases arising under chs. 88 and 93 to ~~100 99~~ and ss. 100.206, 100.21,
12 100.30, and 100.51, the department may be represented by its attorney.

13 **SECTION 259sp.** 93.22 (2) of the statutes is amended to read:

14 93.22 (2) The department may, with the approval of the governor, appoint
15 special counsel to prosecute or assist in the prosecution of any case arising under chs.
16 88 and 93 to ~~100 99~~ and ss. 100.206, 100.21, 100.30, and 100.51. The cost of such
17 special counsel shall be charged to the appropriation for the department.”.

18 **356.** Page 154, line 18: after that line insert:

19 “**SECTION 260g.** 95.22 of the statutes is renumbered 95.22 (1).

20 **SECTION 260h.** 95.22 (2) of the statutes is created to read:

21 95.22 (2) The department shall provide the reports of any communicable
22 diseases under sub. (1) to the department of health and family services.”.

23 **357.** Page 154, line 18: delete that line.

24 **358.** Page 155, line 7: after that line insert:

1 “**SECTION 262m.** 100.07 (6) of the statutes is amended to read:

2 100.07 (6) ~~Action~~ Upon request of the department, an action to enjoin violation
3 of this section may be commenced and prosecuted by the department of justice in the
4 name of the state in any court having equity jurisdiction.”

5 **359.** Page 155, line 13: after that line insert:

6 “**SECTION 263bb.** 100.171 (7) (b) of the statutes, as affected by 2001 Wisconsin
7 Act (this act), is amended to read:

8 100.171 (7) (b) Whoever intentionally violates this section is guilty of a Class
9 I felony. A person intentionally violates this section if the violation occurs after the
10 department of justice or a district attorney has notified the person by certified mail
11 that the person is in violation of this section.

12 **SECTION 263bd.** 100.171 (8) (intro.) of the statutes is amended to read:

13 100.171 (8) ENFORCEMENT. (intro.) The department of justice shall investigate
14 violations of this section. The department of justice or any district attorney may on
15 behalf of the state:

16 **SECTION 263bg.** 100.173 (4) (intro.) of the statutes is amended to read:

17 100.173 (4) (intro.) The department of justice shall investigate violations of this
18 section. The department of justice, or any district attorney upon informing the
19 department of justice, may, on behalf of the state, do any of the following:

20 **SECTION 263bj.** 100.173 (4) (a) of the statutes is amended to read:

21 100.173 (4) (a) Bring an action for temporary or permanent injunctive relief in
22 any court of competent jurisdiction for any violation of this section. The relief sought
23 by the department of justice or district attorney may include the payment by a
24 promoter into an escrow account of an amount estimated to be sufficient to pay for

1 ticket refunds. The court may, upon entry of final judgment, award restitution when
2 appropriate to any person suffering loss because of violations of this section if proof
3 of such loss is submitted to the satisfaction of the court.

4 **SECTION 263bn.** 100.174 (5) (intro.) of the statutes is amended to read:

5 100.174 (5) (intro). The department of justice or any district attorney may on
6 behalf of the state:

7 **SECTION 263bq.** 100.174 (6) of the statutes is amended to read:

8 100.174 (6) The department of justice shall investigate violations of and
9 enforce this section.

10 **SECTION 263bt.** 100.175 (5) (a) (intro.) of the statutes is amended to read:

11 100.175 (5) (a) (intro.) No person may collect or by contract require a buyer to
12 pay more than \$100 for dating services before the buyer receives or has the
13 opportunity to receive those services unless the person selling dating services
14 establishes proof of financial responsibility by maintaining any of the following
15 commitments approved by the department of justice in an amount not less than
16 \$25,000:

17 **SECTION 263bw.** 100.175 (5) (b) of the statutes is amended to read:

18 100.175 (5) (b) The commitment described in par. (a) shall be established in
19 favor of or made payable to the state, for the benefit of any buyer who does not receive
20 a refund under the contractual provision described in sub. (3). The person selling
21 dating services shall file with the department of justice any agreement, instrument
22 or other document necessary to enforce the commitment against the person selling
23 dating services or any relevant 3rd party, or both.

24 **SECTION 263bz.** 100.175 (7) (a) (intro.) of the statutes is amended to read:

1 100.175 (7) (a) (intro.) The department of justice or any district attorney may
2 on behalf of the state:

3 **SECTION 263gb.** 100.175 (7) (b) of the statutes is amended to read:

4 100.175 (7) (b) The department of justice may bring an action in circuit court
5 to recover on a financial commitment maintained under sub. (5) against a person
6 selling dating services or relevant 3rd party, or both, on behalf of any buyer who does
7 not receive a refund due under the contractual provision described in sub. (3).

8 **SECTION 263gd.** 100.177 (1) (bm) of the statutes is created to read:

9 100.177 (1) (bm) Notwithstanding s. 93.01 (3), “department” means the
10 department of justice.

11 **SECTION 263gg.** 100.178 (1) (b) of the statutes is amended to read:

12 100.178 (1) (b) Notwithstanding s. 93.01 (3), “department” means the
13 department of ~~health and family services~~ justice.

14 **SECTION 263gj.** 100.18 (11) (a) of the statutes is amended to read:

15 100.18 (11) (a) The department of ~~agriculture, trade and consumer protection~~
16 justice shall enforce this section. Actions to enjoin violation of this section or any
17 regulations thereunder may be commenced and prosecuted by the department of
18 justice in the name of the state in any court having equity jurisdiction. This remedy
19 is not exclusive.

20 **SECTION 263gm.** 100.18 (11) (b) 3. of the statutes is amended to read:

21 100.18 (11) (b) 3. No action may be commenced under this section more than
22 3 years after the occurrence of the unlawful act or practice which is the subject of the
23 action. No injunction may be issued under this section which would conflict with
24 general or special orders of the department of justice or any statute, rule or
25 regulation of the United States or of this state.

1 **SECTION 263gp.** 100.18 (11) (c) 1. of the statutes is amended to read:

2 100.18 (11) (c) 1. Whenever the department of justice has reason to believe that
3 a person is in possession, custody or control of any information or documentary
4 material relevant to the enforcement of this section it may require that person to
5 submit a statement or report, under oath or otherwise, as to the facts and
6 circumstances concerning any activity in the course of trade or commerce; examine
7 under oath that person with respect to any activity in the course of trade or
8 commerce; and execute in writing and cause to be served upon such person a civil
9 investigative demand requiring the person to produce any relevant documentary
10 material for inspection and copying.

11 **SECTION 263gs.** 100.18 (11) (c) 2. of the statutes is amended to read:

12 100.18 (11) (c) 2. The department of justice, in exercising powers under this
13 subsection, may issue subpoenas, administer oaths and conduct hearings to aid in
14 any investigation.

15 **SECTION 263gu.** 100.18 (11) (c) 3. of the statutes is amended to read:

16 100.18 (11) (c) 3. Service of any notice by the department of justice requiring
17 a person to file a statement or report, or service of a subpoena upon a person, or
18 service of a civil investigative demand shall be made in compliance with the rules of
19 civil procedure of this state.

20 **SECTION 263gx.** 100.18 (11) (c) 4. of the statutes is amended to read:

21 100.18 (11) (c) 4. If a person fails to file any statement or report, or fails to
22 comply with any civil investigative demand, or fails to obey any subpoena issued by
23 the department of justice, such person may be coerced as provided in s. 885.12, except
24 that no person shall be required to furnish any testimony or evidence under this
25 subsection which might tend to incriminate the person.

1 **SECTION 263mb.** 100.18 (11) (d) of the statutes is amended to read:

2 100.18 (11) (d) ~~The department or the~~ department of justice, ~~after consulting~~
3 ~~with the department,~~ or any district attorney, upon informing the department of
4 justice, may commence an action in circuit court in the name of the state to restrain
5 by temporary or permanent injunction any violation of this section. The court may
6 in its discretion, prior to entry of final judgment, make such orders or judgments as
7 may be necessary to restore to any person any pecuniary loss suffered because of the
8 acts or practices involved in the action, provided proof thereof is submitted to the
9 satisfaction of the court. ~~The department and the~~ department of justice may
10 subpoena persons and require the production of books and other documents, ~~and the~~
11 ~~department of justice may request the department to exercise its authority under~~
12 ~~par. (c) to aid in the investigation of alleged violations of this section.~~

13 **SECTION 263mf.** 100.18 (11) (e) of the statutes is amended to read:

14 100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this
15 section, ~~the department or the~~ department of justice may accept a written assurance
16 of discontinuance of any act or practice alleged to be a violation of this section from
17 the person who has engaged in such act or practice. The acceptance of such assurance
18 by ~~either the department or the~~ department of justice shall be deemed acceptance by
19 ~~the other state officials enumerated in par. (d)~~ any district attorney if the terms of
20 the assurance so provide. An assurance entered into pursuant to this section shall
21 not be considered evidence of a violation of this section, provided that violation of
22 such an assurance shall be treated as a violation of this section, and shall be
23 subjected to all the penalties and remedies provided therefor.

24 **SECTION 263mj.** 100.182 (5) (a) of the statutes is amended to read:

1 100.182 (5) (a) Any district attorney, after informing the department of justice,
2 or the department of justice may seek a temporary or permanent injunction in circuit
3 court to restrain any violation of this section. Prior to entering a final judgment the
4 court may award damages to any person suffering monetary loss because of a
5 violation. The department of justice may subpoena any person or require the
6 production of any document to aid in investigating alleged violations of this section.

7 **SECTION 263mm.** 100.182 (5) (b) of the statutes is amended to read:

8 100.182 (5) (b) In lieu of instituting or continuing an action under this
9 subsection, the department of justice may accept a written assurance from a violator
10 of this section that the violation has ceased. If the terms of the assurance so provide,
11 its acceptance by the department of justice prevents all district attorneys from
12 prosecuting the violation. An assurance is not evidence of a violation of this section
13 but violation of an assurance is subject to the penalties and remedies of violating this
14 section.

15 **SECTION 263mp.** 100.20 (2) (a) of the statutes is amended to read:

16 100.20 (2) (a) The department of justice, after public hearing, may issue
17 general orders forbidding methods of competition in business or trade practices in
18 business which are determined by the department of justice to be unfair. The
19 department of justice, after public hearing, may issue general orders prescribing
20 methods of competition in business or trade practices in business which are
21 determined by the department of justice to be fair.

22 **SECTION 263mr.** 100.20 (2) (b) of the statutes, as affected by 2001 Wisconsin
23 Act 16, is amended to read:

24 100.20 (2) (b) Notwithstanding par. (a), the department of justice may not issue
25 any order or promulgate any rule that regulates the provision of water or sewer

1 service by a manufactured home park operator, as defined in s. 101.91 (8), or
2 manufactured home park contractor, as defined in s. 101.91 (6m), or enforce any rule
3 to the extent that the rule regulates the provision of such water or sewer service.

4 **SECTION 263mt.** 100.20 (3) of the statutes is amended to read:

5 100.20 (3) The department of justice, after public hearing, may issue a special
6 order against any person, enjoining such person from employing any method of
7 competition in business or trade practice in business which is determined by the
8 department of justice to be unfair or from providing service in violation of sub. (1t).
9 The department of justice, after public hearing, may issue a special order against any
10 person, requiring such person to employ the method of competition in business or
11 trade practice in business which is determined by the department of justice to be fair.

12 **SECTION 263mv.** 100.20 (4) of the statutes is amended to read:

13 100.20 (4) ~~The If the department of justice may file a written complaint with~~
14 ~~the department alleging that the has reason to believe that a person named is~~
15 ~~employing unfair methods of competition in business or unfair trade practices in~~
16 ~~business or both. Whenever such a complaint is filed, it shall be the duty of the~~
17 ~~department of justice to proceed, after proper notice and in accordance with its rules,~~
18 ~~to the hearing and adjudication of the matters alleged, and a representative of the~~
19 ~~department of justice designated by the attorney general may appear before the~~
20 ~~department in such proceedings. The department of justice shall be entitled to~~
21 ~~judicial review of the decisions and orders of the department under ch. 227 matter.~~

22 **SECTION 263mx.** 100.20 (6) of the statutes is amended to read:

23 100.20 (6) The department of justice may commence an action in circuit court
24 in the name of the state to restrain by temporary or permanent injunction the
25 violation of any order issued under this section. The court may in its discretion, prior

1 to entry of final judgment make such orders or judgments as may be necessary to
2 restore to any person any pecuniary loss suffered because of the acts or practices
3 involved in the action, provided proof thereof is submitted to the satisfaction of the
4 court. The department of justice may use its authority in ~~ss. 93.14 and 93.15~~ to
5 investigate violations of any order issued under this section.

6 **SECTION 263mz.** 100.201 (6) (d) of the statutes is amended to read:

7 100.201 (6) (d) The failure to pay fees under this subsection within the time
8 provided under par. (c) is a violation of this section. The department of justice may
9 also commence an action to recover the amount of any overdue fees plus interest at
10 the rate of 2% per month for each month that the fees are delinquent.

11 **SECTION 263nb.** 100.201 (8m) (intro.) of the statutes is amended to read:

12 100.201 (8m) JURISDICTION. (intro.) This section shall apply to transactions,
13 acts or omissions which take place in whole or in part outside this state. In any action
14 or administrative proceeding the department of justice has jurisdiction of the person
15 served under s. 801.11 when any act or omission outside this state by the defendant
16 or respondent results in local injury or may have the effect of injuring competition
17 or a competitor in this state or unfairly diverts trade or business from a competitor,
18 if at the time:

19 **SECTION 263nd.** 100.201 (9) (b) of the statutes is amended to read:

20 100.201 (9) (b) The department, after public hearing held under s. 93.18, may
21 issue a special order against any person requiring such person to cease and desist
22 from acts, practices or omissions determined by the department to violate this
23 section. Such orders shall be subject to judicial review under ch. 227. Any violation
24 of a special order issued hereunder shall be punishable as a contempt under ch. 785
25 in the manner provided for disobedience of a lawful order of a court, upon the filing

1 of an affidavit by the department of justice of the commission of such violation in any
2 court of record in the county where the violation occurred.

3 **SECTION 263nf.** 100.201 (9) (c) of the statutes is amended to read:

4 100.201 (9) (c) The department of justice, in addition to or in lieu of any other
5 remedies herein provided, may apply to a circuit court for a temporary or permanent
6 injunction to prevent, restrain or enjoin any person from violating this section or any
7 special order of the department of agriculture, trade and consumer protection issued
8 ~~hereunder~~ under this section, without being compelled to allege or prove that an
9 adequate remedy at law does not exist.

10 **SECTION 263nj.** 100.205 (7) of the statutes is amended to read:

11 100.205 (7) The department of justice, or any district attorney on informing the
12 department of justice, may commence an action in circuit court in the name of the
13 state to restrain by temporary or permanent injunction any violation of this section.
14 The court may, before entry of final judgment and after satisfactory proof, make
15 orders or judgments necessary to restore to any person any pecuniary loss suffered
16 because of a violation of this section. The department of justice may conduct
17 hearings, administer oaths, issue subpoenas and take testimony to aid in its
18 investigation of violations of this section.

19 **SECTION 263nm.** 100.205 (8) of the statutes is amended to read:

20 100.205 (8) The department of justice or any district attorney may commence
21 an action in the name of the state to recover a forfeiture to the state of not more than
22 \$10,000 for each violation of this section.

23 **SECTION 263nn.** 100.207 (1) of the statutes is renumbered 100.207 (1) (intro.)
24 and amended to read:

1 100.207 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,
2 “telecommunications:

3 (b) “Telecommunications service” has the meaning given in s. 196.01 (9m).

4 **SECTION 263no.** 100.207 (1) (a) of the statutes is created to read:

5 100.207 (1) (a) Notwithstanding s. 93.01 (3), “department” means the
6 department of justice.

7 **SECTION 263nq.** 100.207 (6) (b) 1. of the statutes is amended to read:

8 100.207 (6) (b) 1. The department of ~~justice, after consulting with the~~
9 ~~department of agriculture, trade and consumer protection, or any district attorney~~
10 upon informing the department of ~~agriculture, trade and consumer protection,~~ may
11 commence an action in circuit court in the name of the state to restrain by temporary
12 or permanent injunction any violation of this section. Injunctive relief may include
13 an order directing telecommunications providers, as defined in s. 196.01 (8p), to
14 discontinue telecommunications service provided to a person violating this section
15 or ch. 196. Before entry of final judgment, the court may make such orders or
16 judgments as may be necessary to restore to any person any pecuniary loss suffered
17 because of the acts or practices involved in the action if proof of these acts or practices
18 is submitted to the satisfaction of the court.

19 **SECTION 263nt.** 100.207 (6) (b) 2. of the statutes is amended to read:

20 100.207 (6) (b) 2. The department ~~may exercise its authority under ss. 93.14~~
21 ~~to 93.16 and 100.18 (11) (c) to~~ shall administer this section. The department ~~and the~~
22 ~~department of justice may subpoena persons and, require the production of books~~
23 and other documents, and ~~the department of justice may request the department of~~
24 ~~agriculture, trade and consumer protection to exercise its authority to aid in the~~
25 ~~investigation of~~ investigate alleged violations of this section.

1 **SECTION 263nv.** 100.207 (6) (c) of the statutes is amended to read:

2 100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to
3 forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this
4 paragraph shall be enforced by the department of justice, ~~after consulting with the~~
5 ~~department of agriculture, trade and consumer protection,~~ or, upon informing the
6 department, by the district attorney of the county where the violation occurs.

7 **SECTION 263nz.** 100.207 (6) (em) 1. of the statutes is amended to read:

8 100.207 (6) (em) 1. Before preparing any proposed rule under this section, the
9 department shall form an advisory group to suggest recommendations regarding the
10 content and scope of the proposed rule. The advisory group shall consist of one or
11 more persons who may be affected by the proposed rule, ~~a representative from the~~
12 ~~department of justice~~ and a representative from the public service commission.

13 **SECTION 263pb.** 100.207 (6) (em) 2. of the statutes is amended to read:

14 100.207 (6) (em) 2. The department shall submit the recommendations under
15 subd. 1., if any, to the legislature as part of the report required under s. 227.19 (2)
16 ~~and to the board of agriculture, trade and consumer protection.~~

17 **SECTION 263pf.** 100.208 (2) (intro.) of the statutes is amended to read:

18 100.208 (2) (intro.) The department of justice shall notify the public service
19 commission if any of the following conditions exists:

20 **SECTION 263pj.** 100.208 (2) (b) of the statutes is amended to read:

21 100.208 (2) (b) The department of justice has issued an order under s. 100.20
22 (3) prohibiting a telecommunications provider from engaging in an unfair trade
23 practice or method of competition.

24 **SECTION 263pm.** 100.209 (3) of the statutes is amended to read:

1 100.209 (3) RULES AND LOCAL ORDINANCES ALLOWED. This section does not
2 prohibit the department of justice from promulgating a rule or from issuing an order
3 consistent with its authority under this chapter that gives a subscriber greater rights
4 than the rights under sub. (2) or prohibit a city, village or town from enacting an
5 ordinance that gives a subscriber greater rights than the rights under sub. (2).

6 **SECTION 263pp.** 100.209 (4) (b) of the statutes is amended to read:

7 100.209 (4) (b) The department of justice and the district attorneys of this state
8 have concurrent authority to institute civil proceedings under this section.

9 **SECTION 263ps.** 100.2095 (6) (b) of the statutes is amended to read:

10 100.2095 (6) (b) The department of justice may commence an action in the
11 name of the state to restrain by temporary or permanent injunction a violation of sub.
12 (3), (4) or (5). Before entry of final judgment, the court may make any necessary
13 orders to restore to any person any pecuniary loss suffered by the person because of
14 the violation.

15 **SECTION 263pv.** 100.2095 (6) (c) of the statutes is amended to read:

16 100.2095 (6) (c) The department of justice or any district attorney may
17 commence an action in the name of the state to recover a forfeiture to the state of not
18 less than \$100 nor more than \$10,000 for each violation of sub. (3), (4) or (5).”.

19 **360.** Page 155, line 17: after that line insert:

20 **“SECTION 264d.** 100.21 (2) (a) of the statutes is amended to read:

21 100.21 (2) (a) No person may make an energy savings or safety claim without
22 a reasonable and currently accepted scientific basis for the claim when the claim is
23 made. Making an energy savings or safety claim without a reasonable and currently

1 accepted scientific basis is also an unfair method of competition and trade practice
2 prohibited under s. 100.20.

3 **SECTION 264h.** 100.21 (4) (a) (intro.) of the statutes is amended to read:

4 100.21 (4) (a) (intro.) The department may, after public hearing, issue general
5 or special orders under s. 100.20:

6 **SECTION 264p.** 100.22 (4) (b) of the statutes is amended to read:

7 100.22 (4) (b) The department of justice may, without alleging or proving that
8 no other adequate remedy at law exists, bring an action to enjoin violations of this
9 section or a special order issued under this section in the circuit court for the county
10 where the alleged violation occurred.

11 **SECTION 264t.** 100.235 (11) (a) of the statutes is amended to read:

12 100.235 (11) (a) *Forfeiture.* Any person who violates this section or any rule
13 promulgated or order issued under this section may be required to forfeit not less
14 than \$100 nor more than \$10,000. ~~Notwithstanding s. 165.25 (1), the department~~
15 ~~may commence an action to recover a forfeiture under this paragraph.”~~

16 **361.** Page 156, line 3: after that line insert:

17 **“SECTION 266m.** 100.26 (6) of the statutes is amended to read:

18 100.26 (6) ~~The department, the department of justice, after consulting with the~~
19 ~~department, or any district attorney may commence an action in the name of the~~
20 ~~state to recover a civil forfeiture to the state of not less than \$100 nor more than~~
21 ~~\$10,000 for each violation of~~ Any person violating an injunction issued under s.
22 100.18, 100.182 or 100.20 (6). ~~The department of agriculture, trade and consumer~~
23 ~~protection or any district attorney may commence an action in the name of the state~~
24 ~~to recover a civil~~ is subject to a forfeiture of not less than \$100 nor more than \$10,000

1 for each violation. Any person violating an order issued under s. 100.20 is subject
2 to a forfeiture to the state of not less than \$100 nor more than \$10,000 for each
3 violation of an order issued under s. 100.20.”.

4 **362.** Page 156, line 9: after that line insert:

5 “**SECTION 267m.** 101.01 (11) of the statutes, as affected by 2001 Wisconsin Act
6 16, section 2446rb, is amended to read:

7 101.01 (11) “Place of employment” includes every place, whether indoors or out
8 or underground and the premises appurtenant thereto where either temporarily or
9 permanently any industry, trade, or business is carried on, or where any process or
10 operation, directly or indirectly related to any industry, trade, or business, is carried
11 on, and where any person is, directly or indirectly, employed by another for direct or
12 indirect gain or profit, but does not include any place where persons are employed
13 in private domestic service which does not involve the use of mechanical power or in
14 farming. “Farming” includes those activities specified in s. 102.04 (3), ~~and also~~
15 ~~includes;~~ the transportation of farm products, supplies, or equipment directly to the
16 farm by the operator of the farm or employees for use thereon, if such activities are
17 directly or indirectly for the purpose of producing commodities for market, or as an
18 accessory to such production; and the operation of a horse boarding facility or horse
19 training facility that does not contain an area for the public to view a horse show.

20 When used with relation to building codes, “place of employment” does not include
21 an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11,
22 a previously constructed building used as a community-based residential facility, as
23 defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the
24 operator or administrator.

1 **SECTION 267q.** 101.01 (12) of the statutes, as affected by 2001 Wisconsin Act
2 16, section 2447db, is amended to read:

3 101.01 (12) “Public building” means any structure, including exterior parts of
4 such building, such as a porch, exterior platform, or steps providing means of ingress
5 or egress, used in whole or in part as a place of resort, assemblage, lodging, trade,
6 traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation
7 to building codes, “public building” does not include a horse boarding facility or horse
8 training facility that does not contain an area for the public to view a horse show or
9 a previously constructed building used as a community-based residential facility as
10 defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the
11 operator or administrator or an adult family home, as defined in s. 50.01 (1).”.

12 **363.** Page 156, line 9: after that line insert:

13 **“SECTION 267kb.** 100.261 (3) (b) of the statutes, as affected by 2001 Wisconsin
14 Act 16, is amended to read:

15 100.261 (3) (b) The state treasurer shall deposit the consumer protection
16 assessment amounts imposed for a violation of ch. 98, a rule promulgated under ch.
17 98, or an ordinance enacted under ch. 98 in the general fund and shall credit them
18 to the appropriation account under s. 20.115 (1) (jb), subject to the limit under par.
19 (c).

20 **SECTION 267kd.** 100.261 (3) (d) of the statutes is created to read:

21 100.261 (3) (d) The state treasurer shall deposit the consumer protection
22 assessment amounts imposed for a violation of this chapter, a rule promulgated
23 under this chapter, or an ordinance enacted under this chapter in the general fund

1 and shall credit them to the appropriation account under s. 20.455 (1) (g), subject to
2 the limit under par. (e).

3 **SECTION 267ke.** 100.261 (3) (e) of the statutes is created to read:

4 100.261 (3) (e) The amount credited to the appropriation account under s.
5 20.455 (1) (g) may not exceed \$185,000 in each fiscal year.

6 **SECTION 267kf.** 100.263 of the statutes is amended to read:

7 **100.263 Recovery.** In addition to other remedies available under this chapter,
8 the court may award ~~the department~~ the reasonable and necessary costs of
9 investigation and an amount reasonably necessary to remedy the harmful effects of
10 the violation and the court may award ~~the department of justice~~ the reasonable and
11 necessary expenses of prosecution, including attorney fees, from any person who
12 violates this chapter. ~~The department and the department of justice amounts~~
13 awarded under this subsection shall deposit be deposited in the state treasury for
14 deposit in the general fund ~~all moneys that the court awards to the department, the~~
15 ~~department of justice or the state under this section. Ten percent of the money~~
16 ~~deposited in the general fund that was awarded under this section for the costs of~~
17 ~~investigation and the expenses of prosecution, including attorney fees, shall be~~
18 ~~credited to the appropriation account under s. 20.455 (1) (gh).~~

19 **SECTION 267kh.** 100.28 (4) (b) of the statutes is amended to read:

20 100.28 (4) (b) In lieu of or in addition to forfeitures under par. (a), the
21 department of justice may seek an injunction restraining any person from violating
22 this section.

23 **SECTION 267kj.** 100.28 (4) (c) of the statutes is amended to read:

1 100.28 (4) (c) The department of justice, or any district attorney upon the
2 request of the department of justice, may commence an action in the name of the
3 state under par. (a) or (b).

4 **SECTION 267kL.** 100.31 (4) of the statutes is amended to read:

5 100.31 (4) PENALTIES. For any violation of this section, the department of
6 justice or a district attorney may commence an action on behalf of the state to recover
7 a forfeiture of not less than \$100 nor more than \$10,000 for each offense. Each
8 delivery of a drug sold to a purchaser at a price in violation of this section and each
9 separate day in violation of an injunction issued under this section is a separate
10 offense.

11 **SECTION 267kn.** 100.31 (5) of the statutes is amended to read:

12 100.31 (5) SPECIAL REMEDIES. The department of justice or a district attorney
13 may bring an action to enjoin a violation of this section without being compelled to
14 allege or prove that an adequate remedy at law does not exist. An action under this
15 subsection may be commenced and prosecuted by the department of justice or a
16 district attorney, in the name of the state, in a circuit court in the county where the
17 offense occurred or in Dane County, notwithstanding s. 801.50.

18 **SECTION 267ko.** 100.37 (1) (am) of the statutes is created to read:

19 100.37 (1) (am) Notwithstanding s. 93.01 (3), “department” means the
20 department of justice.

21 **SECTION 267kp.** 100.38 (5) of the statutes is amended to read:

22 100.38 (5) INSPECTION. The department of justice shall enforce this section by
23 inspection, chemical analyses or any other appropriate method and the department
24 of justice may promulgate such rules as are necessary to effectively enforce this
25 section.

1 **SECTION 267kq.** 100.38 (6) of the statutes is amended to read:

2 100.38 (6) ENFORCEMENT. It is unlawful to sell any antifreeze which is
3 adulterated or misbranded. In addition to the penalties provided under sub. (7), the
4 department of justice may bring an action to enjoin violations of this section.

5 **SECTION 267kr.** 100.41 (1) (bn) of the statutes is created to read:

6 100.41 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the
7 department of justice.

8 **SECTION 267ks.** 100.42 (1) (cm) of the statutes is created to read:

9 100.42 (1) (cm) Notwithstanding s. 93.01 (3), “department” means the
10 department of justice.

11 **SECTION 267kt.** 100.43 (1) (am) of the statutes is created to read:

12 100.43 (1) (am) Notwithstanding s. 93.01 (3), “department” means the
13 department of justice.

14 **SECTION 267ku.** 100.44 (5) of the statutes is amended to read:

15 100.44 (5) ENFORCEMENT. For any violation of sub. (3), the department of justice
16 may, on behalf of the state, bring an action in any court of competent jurisdiction for
17 the recovery of forfeitures authorized under sub. (4), for temporary or permanent
18 injunctive relief and for any other appropriate relief. The court may make any order
19 or judgment that is necessary to restore to any person any pecuniary loss suffered
20 because of a violation of sub. (3) if proof of the loss is shown to the satisfaction of the
21 court.

22 **SECTION 267kv.** 100.46 (1) of the statutes is amended to read:

23 100.46 (1) ENERGY CONSERVATION STANDARDS. The department of justice may by
24 rule adopt energy conservation standards for products that have been established in
25 or promulgated under 42 USC 6291 to 6309.

1 **SECTION 267kw.** 100.46 (2) of the statutes is amended to read:

2 100.46 (2) PROHIBITED ACTS; ENFORCEMENT. No person may sell at retail, install
3 or cause to be installed any product that is not in compliance with rules promulgated
4 under sub. (1). In addition to other penalties and enforcement procedures, the
5 department of justice may apply to a court for a temporary or permanent injunction
6 restraining any person from violating a rule adopted under sub. (1).

7 **SECTION 267kx.** 100.50 (6) (b) of the statutes is amended to read:

8 100.50 (6) (b) In lieu of or in addition to the remedy under par. (a), the
9 department of justice may seek an injunction restraining any person from violating
10 this section.

11 **SECTION 267ky.** 100.50 (6) (c) of the statutes is amended to read:

12 100.50 (6) (c) The department of justice, or any district attorney upon the
13 request of the department of justice, may commence an action in the name of the
14 state under par. (a) or (b).

15 **SECTION 267kz.** 100.52 (1) (bn) of the statutes is created to read:

16 100.52 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the
17 department of justice.”.

18 **364.** Page 156, line 20: after that line insert:

19 “**SECTION 269r.** 101.563 of the statutes is created to read:

20 **101.563 Payments without regard to eligibility; calendar years 2000 to**
21 **2004.** (1) ENTITLEMENT TO DUES. (a) *Payments from calendar year 2000 dues.*
22 Notwithstanding ss. 101.573 (3) (a) and 101.575 (1) and (3) to (5), the department
23 shall pay the amount determined under sub. (2) (a) to every city, village, and town
24 that was ineligible to receive a proportionate share of fire department dues collected

1 for calendar year 2000 as a result of that city, village, or town failing to satisfy all
2 eligibility requirements under s. 101.575 (1) and (3) to (5) or to demonstrate to the
3 department that the city, village, or town was eligible under s. 101.575 (1) and (3) to
4 (5) to receive a proportionate share of the fire department dues.

5 (b) *Payments from dues for calendar years 2001 to 2004.* Notwithstanding ss.
6 101.573 (3) (a) and 101.575 (1) and (3) to (5) and except as otherwise provided in this
7 paragraph, the department may not withhold payment of a proportionate share of
8 fire department dues under ss. 101.573 and 101.575 to a city, village, or town based
9 upon the failure of that city, village, or town to satisfy all eligibility requirements
10 under s. 101.575 (1) and (3) to (5) or to demonstrate to the department that the city,
11 village, or town is eligible under s. 101.575 (1) and (3) to (5) to receive a proportionate
12 share of fire department dues. This paragraph applies only to the payment of a
13 proportionate share of fire department dues collected for calendar years 2001 to
14 2004.

15 (2) DISTRIBUTION OF DUES. (a) *Payments from calendar year 2000 dues.*
16 Notwithstanding s. 101.573 (3) (a), the department shall pay every city, village, and
17 town that is entitled to payment under sub. (1) (a) the amount to which that city,
18 village, or town would have been entitled to receive on or before August 1, 2001, had
19 the city, village, or town been eligible to receive a payment on that date. The
20 department shall calculate the amount due under this paragraph as if every city,
21 village, and town maintaining a fire department was eligible to receive a payment
22 on that date. By the date on which the department provides a certification or
23 recertification to the state treasurer under par. (b) 1., the department shall certify
24 to the state treasurer the amount to be paid to each city, village, and town under this
25 paragraph. On or before August 1, 2002, the state treasurer shall pay the amount

1 certified by the department under this paragraph to each such city, village, and town.
2 The state treasurer may combine any payment due under this paragraph with any
3 amount due to be paid on or before August 1, 2002, to the same city, village, or town
4 under par. (b) 1.

5 (b) *Payments from dues for calendar years 2001 to 2004.* 1. 'Payments from
6 calendar year 2001 dues.' Notwithstanding s. 101.575 (3) (a), by the 30th day
7 following the effective date of this subdivision [revisor inserts date], the
8 department shall compile the fire department dues paid by all insurers under s.
9 601.93 and the dues paid by the state fire fund under s. 101.573 (1) and funds
10 remaining under s. 101.573 (3) (b), subtract the total amount due to be paid under
11 par. (a), withhold 0.5%, and certify to the state treasurer the proper amount to be paid
12 from the appropriation under s. 20.143 (3) (L) to each city, village, and town entitled
13 to a proportionate share of fire department dues as provided under sub. (1) (b) and
14 s. 101.575. If the department has previously certified an amount to the state
15 treasurer under s. 101.57 (3) (a) during calendar year 2002, the department shall
16 recertify the amount in the manner provided under this subdivision. On or before
17 August 1, 2002, the state treasurer shall pay the amounts certified or recertified by
18 the department under this subdivision to each city, village, and town entitled to a
19 proportionate share of fire department dues as provided under sub. (1) and s.
20 101.575. The state treasurer may combine any payment due under this subdivision
21 with any amount due to be paid on or before August 1, 2002, to the same city, village,
22 or town under par. (a).

23 2. 'Payments from dues for calendar years 2002 to 2004.' Notwithstanding s.
24 101.573 (3) (a) and except as otherwise provided in this subdivision, on or before May
25 1 in each year, the department shall compile the fire department dues paid by all

1 insurers under s. 601.93 and the dues paid by the state fire fund under s. 101.573 (1)
2 and funds remaining under s. 101.573 (3) (b), withhold 0.5% and certify to the state
3 treasurer the proper amount to be paid from the appropriation under s. 20.143 (3)
4 (L) to each city, village, and town entitled to a proportionate share of fire department
5 dues as provided under sub. (1) (b) and s. 101.575. Annually, on or before August 1,
6 the state treasurer shall pay the amounts certified by the department to each such
7 city, village, and town. This paragraph applies only to payment of a proportionate
8 share of fire department dues collected for calendar years 2002 to 2004.

9 3. The amounts withheld under subs. 1. and 2. shall be disbursed to correct
10 errors of the department or the commissioner of insurance. The department shall
11 certify to the state treasurer the amount that must be disbursed to correct an error
12 and the state treasurer shall pay the amount to the specified city, village, or town.
13 The balance of the amount withheld in a calendar year under subs. 1. or 2., as
14 applicable, which is not disbursed under this subdivision shall be included in the
15 total compiled by the department under subd. 2. for the next calendar year, except
16 that amounts withheld under subd. 2. from fire department dues collected for
17 calendar year 2004 that are not disbursed under this subdivision shall be included
18 in the total compiled by the department under s. 101.573 (3) (a) for the next calendar
19 year. If errors in payments exceed the amount withheld, adjustments shall be made
20 in the distribution for the next year.

21 **(3) NOTICES OF INELIGIBILITY AND DEPARTMENTAL AUDITS; EXCEPTIONS.** Except as
22 otherwise provided in this subsection and notwithstanding s. 101.575 (1) (am) and
23 (4) (a) 2., the department may not issue a notice of noncompliance with regard to a
24 city, village, or town that fails to satisfy all eligibility requirements under s. 101.575
25 (1) and (3) to (5) and may not audit any city, village, town, or fire department for

1 purposes of determining whether the city, village, town, or fire department complies
2 with s. 101.575 (6) and s. 101.14 (2). This subsection does not apply after August 1,
3 2005.

4 **SECTION 269t.** 101.573 (4) of the statutes is amended to read:

5 101.573 (4) The department shall transmit to the treasurer of each city, village,
6 and town entitled to fire department dues, a statement of the amount of dues payable
7 to it ~~under this section~~, and the commissioner of insurance shall furnish to the state
8 treasurer, upon request, a list of the insurers paying dues under s. 601.93 and the
9 amount paid by each.”.

10 **365.** Page 156, line 20: after that line insert:

11 “**SECTION 269m.** 101.175 (3) (intro.) of the statutes is amended to read:

12 101.175 (3) (intro.) The department, in consultation with the department of
13 ~~agriculture, trade and consumer protection justice~~, shall establish by rule quality
14 standards for local energy resource systems which do not impede development of
15 innovative systems but which do:”.

16 **366.** Page 157, line 22: after that line insert:

17 “**SECTION 274m.** 106.50 (5m) (d) of the statutes is amended to read:

18 106.50 (5m) (d) Nothing in this section requires that housing be made available
19 to an individual whose tenancy would constitute a direct threat to the safety of other
20 tenants or persons employed on the property or whose tenancy would result in
21 substantial physical damage to the property of others, if the risk of direct threat or
22 damage cannot be eliminated or sufficiently reduced through reasonable
23 accommodations. A claim that an individual’s tenancy poses a direct threat or a
24 substantial risk of harm or damage must be evidenced by behavior by the individual

1 ~~which that caused harm or damage, which that directly threatened harm or damage,~~
2 ~~or which that caused a reasonable fear of harm or damage to other tenants, persons~~
3 ~~employed on the property, or the property. No claim that an individual's tenancy~~
4 ~~would constitute a direct threat to the safety of other persons or would result in~~
5 ~~substantial damage to property may be based on the fact that a tenant has been or~~
6 ~~may be the victim of domestic abuse, as defined in s. 813.12 (1) ~~(a)~~ (am)."~~

7 **367.** Page 157, line 22: after that line insert:

8 "SECTION 274c. 103.49 (5) (a) of the statutes is amended to read:

9 103.49 (5) (a) Each contractor, subcontractor, or contractor's or subcontractor's
10 agent performing work on a project that is subject to this section shall keep full and
11 accurate records clearly indicating the name and trade or occupation of every person
12 performing the work described in sub. (2m) and an accurate record of the number of
13 hours worked by each of those persons and the actual wages paid for the hours
14 worked. If requested by any person, a contractor, subcontractor, or contractor's or
15 subcontractor's agent performing work on a project that is subject to this section
16 shall permit that person to inspect and copy any of those records to the same extent
17 as if the record were maintained by the department, except that s. 19.36 (3) does not
18 limit the duty of a subcontractor or a contractor's or subcontractor's agent to permit
19 inspection and copying of a record under this paragraph. Before permitting the
20 inspection and copying of a record under this paragraph, a contractor, subcontractor,
21 or contractor's or subcontractor's agent shall delete from the record any personally
22 identifiable information, as defined in s. 19.62 (5), contained in the record about any
23 person performing the work described in sub. (2m) other than the trade or occupation

1 of the person, the number of hours worked by the person, and the actual wages paid
2 for those hours worked.

3 **SECTION 274cj.** 103.50 (6m) of the statutes is created to read:

4 103.50 (6m) RECORDS; INSPECTION. Each contractor, subcontractor, or
5 contractor's or subcontractor's agent performing work on a project that is subject to
6 this section shall keep full and accurate records clearly indicating the name and
7 trade or occupation of every person performing the work described in sub. (2m) and
8 an accurate record of the number of hours worked by each of those persons and the
9 actual wages paid for the hours worked. If requested by any person, a contractor,
10 subcontractor, or contractor's or subcontractor's agent performing work on a project
11 that is subject to this section shall permit that person to inspect and copy any of those
12 records to the same extent as if the record were maintained by the department,
13 except that s. 19.36 (3) does not limit the duty of a subcontractor or a contractor's or
14 subcontractor's agent to permit inspection and copying of a record under this
15 subsection. Before permitting the inspection and copying of a record under this
16 subsection, a contractor, subcontractor, or contractor's or subcontractor's agent shall
17 delete from the record any personally identifiable information, as defined in s. 19.62
18 (5), contained in the record about any person performing the work described in sub.
19 (2m) other than the trade or occupation of the person, the number of hours worked
20 by the person, and the actual wages paid for those hours worked.”.

21 **368.** Page 157, line 22: after that line insert:

22 “**SECTION 274h.** 103.67 (1) of the statutes is amended to read:

23 103.67 (1) A minor 14 to 18 years of age ~~shall~~ may not be employed or permitted
24 to work in any gainful occupation during the hours that the minor is required to

1 attend school under s. 118.15 unless the minor has completed high school, except that
2 any minor may be employed in a public exhibitions exhibition as provided in s. 103.78
3 and a minor 16 years of age or over may be employed as an election inspector as
4 provided in s. 7.30 (2) (am).

5 **SECTION 274j.** 103.68 (1) of the statutes is amended to read:

6 103.68 (1) No minor shall be employed or permitted to work at any gainful
7 occupation other than domestic service ~~or~~, farm labor, or service as an election
8 inspector under s. 7.30 (2) (am) for more than 8 hours in any one day nor more than
9 40 hours nor more than 6 days in any one week, nor during such hours as the minor
10 is required under s. 118.15 (2) to attend school.

11 **SECTION 274L.** 103.70 (2) of the statutes is amended to read:

12 103.70 (2) Minors may be employed without permits in any employment
13 limited to work in or around a home in work usual to the home of the employer, if the
14 employment is not in connection with or a part of the business, trade, or profession
15 of the employer, is in accordance with the minimum age stated in s. 103.67 (2) ~~(d)~~ (f),
16 and is not specifically prohibited by ss. 103.64 to 103.82 or by any order of the
17 department. Minors may also be employed without permits as election inspectors
18 as provided in s. 7.30 (2) (am).”

19 **369.** Page 158, line 12: delete lines 12 to 22.

20 **370.** Page 159, line 9: after that line insert:

21 “**SECTION 279m.** 115.28 (25) of the statutes is repealed.”

22 **371.** Page 159, line 17: after that line insert:

23 “**SECTION 280m.** 118.12 (4) of the statutes is created to read:

1 enrolled in school or if the child no longer has at least a 3.0 grade point average or
2 the equivalent.”.

3 **374.** Page 161, line 11: after that line insert:

4 “**SECTION 284d.** 120.18 (1) (i) of the statutes is amended to read:

5 120.18 (1) (i) A description of the educational technology used by the school
6 district, including the uses made of the technology, the cost of the technology and the
7 number of persons using or served by the technology. In this paragraph, “educational
8 technology” has the meaning given in s. ~~44.70 (3)~~ 115.997 (3).”.

9 **375.** Page 162, line 9: delete lines 9 to 12.

10 **376.** Page 163, line 7: after that line insert:

11 “**SECTION 287d.** 121.15 (3m) (a) 2. of the statutes, as affected by 2001 Wisconsin
12 Act 16, is amended to read:

13 121.15 (3m) (a) 2. “State school aids” means those aids appropriated under s.
14 20.255 (1) (b) and (2), other than s. 20.255 (2) (fm), (fu), (k), and (m), and under ss.
15 ~~20.275 (1) (d)~~, 20.255 (4) (es), (et) and (f) and 20.285 (1) (ee), (r) and (rc) and those aids
16 appropriated under s. ~~20.275 (1)~~ 20.255 (4) (s) that are used to provide grants or
17 educational telecommunications access to school districts under s. ~~44.73~~ 115.9995.”.

18 **377.** Page 166, line 6: after that line insert:

19 “**SECTION 298n.** 133.16 of the statutes is amended to read:

20 **133.16 Injunction; pleading; practice.** Any circuit court may prevent or
21 restrain, by injunction or otherwise, any violation of this chapter. The department
22 of justice, any district attorney or any person by complaint may institute actions or
23 proceedings to prevent or restrain a violation of this chapter, setting forth the cause
24 and grounds for the intervention of the court and praying that such violation,

1 whether intended or continuing be enjoined or prohibited. When the parties
2 informed against or complained of have been served with a copy of the information
3 or complaint and cited to answer it, the court shall proceed, as soon as may be in
4 accordance with its rules, to the hearing and determination of the case; and pending
5 the filing of the answer to such information or complaint may, at any time, upon
6 proper notice, make such temporary restraining order or prohibition as is just.
7 Whenever it appears to the court that the ends of justice require that other persons
8 be made parties to the action or proceeding the court may cause them to be made
9 parties in such manner as it directs. The party commencing or maintaining the
10 action or proceeding may demand and recover the cost of suit including reasonable
11 attorney fees. In an action commenced by the department of justice, the court may
12 award the department of justice the reasonable and necessary costs of investigation
13 and an amount reasonably necessary to remedy the harmful effects of the violation.
14 The department of justice shall deposit in the state treasury for deposit in the general
15 fund all moneys that the court awards to the department or the state under this
16 section. ~~Ten percent of the money deposited in the general fund that was awarded~~
17 ~~under this section for the costs of investigation and the costs of suit, including~~
18 ~~attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~
19 Copies of all pleadings filed under this section shall be served on the department of
20 justice.”.

21 **378.** Page 167, line 16: after that line insert:

22 “**SECTION 312m.** 134.71 (12) of the statutes is amended to read:

23 134.71 (12) APPLICATIONS AND FORMS. The department of agriculture, trade and
24 consumer protection, in consultation with the department of justice, shall develop

1 applications and other forms required under subs. (5) (intro.) and (8) (c). The
2 department of agriculture, trade and consumer protection shall print a sufficient
3 number of applications and forms to provide to counties and municipalities for
4 distribution to pawnbrokers, secondhand article dealers and secondhand jewelry
5 dealers at no cost.

6 **SECTION 314m.** 136.03 (title) of the statutes is amended to read:

7 **136.03 (title) Duties of the department of ~~agriculture, trade and~~**
8 **~~consumer protection justice.~~**

9 **SECTION 314p.** 136.03 (1) (intro.) of the statutes is amended to read:

10 136.03 (1) (intro.) The department of ~~agriculture, trade and consumer~~
11 ~~protection of justice~~ shall investigate violations of this chapter and of rules and
12 orders issued under s. 136.04. The department of justice may subpoena persons and
13 records to facilitate its investigations, and may enforce compliance with such
14 subpoenas as provided in s. 885.12. The department of justice may ~~in~~ on behalf of
15 the state:

16 **SECTION 314r.** 136.04 of the statutes is amended to read:

17 **136.04 Powers of the department of ~~agriculture, trade and consumer~~**
18 **~~protection justice.~~ (1)** The department of ~~agriculture, trade and consumer~~
19 ~~protection justice~~ may adopt such rules as may be required to carry out the purposes
20 of this chapter.

21 **(2)** The department of ~~agriculture, trade and consumer protection justice~~ after
22 public hearing may issue general or special orders to carry out the purposes of this
23 chapter and to determine and prohibit unfair trade practices in business or unfair
24 methods of competition in business pursuant to s. 100.20 (2) to (4).”

1 **379.** Page 167, line 16: after that line insert:

2 “**SECTION 303g.** 134.74 of the statutes is created to read:

3 **134.74 Nondisclosure of information on receipts.** (1) In this section:

4 (a) “Credit card” has the meaning given in s. 421.301 (15).

5 (b) “Debit card” means a plastic card or similar device that may be used to
6 purchase goods or services by providing the purchaser with direct access to the
7 purchaser’s account at a depository institution.

8 (c) “Depository institution” means a bank, savings bank, savings and loan
9 association, or credit union.

10 (2) Beginning on the first day of the 37th month beginning after the effective
11 date of this subsection [revisor inserts date], no person who is in the business of
12 selling goods at retail or selling services and who accepts a credit card or a debit card
13 for the purchase of goods or services may issue a credit card or debit card receipt, for
14 that purchase, on which is printed more than 5 digits of the credit card or debit card
15 number.

16 (3) This section does not apply to any person who issues a credit card or debit
17 card receipt that is handwritten or that is manually prepared by making an imprint
18 of the credit card or debit card.”.

19 **380.** Page 170, line 15: after that line insert:

20 “**SECTION 329r.** 146.50 (4) (title) of the statutes is amended to read:

21 146.50 (4) (title) AMBULANCE STAFFING AND OPERATIONAL PLANS; LIMITATIONS;
22 RULES.

23 **SECTION 329s.** 146.50 (4) (c) of the statutes is renumbered 146.50 (4) (c) (intro.)
24 and amended to read:

1 146.50 (4) (c) (intro.) Notwithstanding par. (a), the department may
2 promulgate rules that establish standards for approval by the department of
3 operational plans for the staffing of ambulances in which the primary services
4 provided are those which an emergency medical technician – intermediate is
5 authorized to provide or those which an emergency medical technician – paramedic
6 is authorized to provide. Rules promulgated by the department under this
7 paragraph may permit the department to approve an operational plan, for services
8 that an emergency medical technician–paramedic is authorized to provide, that is
9 submitted by an ambulance service provider that provided these services before
10 January 1, 2000, only if the operational plan specifies all of the following for the
11 transport of a patient in a prehospital setting:

12 **SECTION 329t.** 146.50 (4) (c) 1. of the statutes is created to read:

13 146.50 (4) (c) 1. That the ambulance service provider ensures, in writing, that
14 the ambulance is staffed with at least 2 emergency medical technicians–paramedic,
15 licensed registered nurses, licensed physician assistants, or physicians or a
16 combination of any 2 of these, who are trained in the use of all skills authorized by
17 rule for an emergency medical technician–paramedic and are designated by the
18 medical director of the ambulance service. This subdivision does not apply during
19 an emergency when there is an agreement for the sharing of emergency services in
20 place between a town, village, or city and another town, village, or city.

21 **SECTION 329u.** 146.50 (4) (c) 2. of the statutes is created to read:

22 146.50 (4) (c) 2. That the ambulance staff, as specified in subd. 1., is dispatched
23 from the same site, together, to the scene of an emergency. This subdivision does not
24 apply if the ambulance service provider, as of October 1, 2001, dispatched ambulance
25 staff from multiple sites to the scene of an emergency.

1 **SECTION 329v.** 146.50 (4) (c) 3. of the statutes is created to read:

2 146.50 (4) (c) 3. That if an emergency medical technician–paramedic arrives
3 at the scene of an emergency prior to the arrival of the ambulance staff, as specified
4 in subd. 1., the emergency medical technician–paramedic may provide services using
5 all skills authorized by rule for an emergency medical technician–paramedic.”.

6 **381.** Page 171, line 12: after that line insert:

7 **“SECTION 333h.** 146.50 (13) (a) of the statutes is amended to read:

8 146.50 (13) (a) The department may promulgate rules necessary for
9 administration of this section, as limited under sub. (4) (c).”.

10 **382.** Page 172, line 10: after that line insert:

11 **“SECTION 336d.** 146.96 of the statutes is created to read:

12 **146.96 Uniform claim processing form.** Beginning no later than July 1,
13 2004, every health care provider, as defined in s. 146.81 (1), shall use the uniform
14 claim processing form developed by the commissioner of insurance under s. 601.41
15 (9) (b) when submitting a claim to an insurer.”.

16 **383.** Page 172, line 10: after that line insert:

17 **“SECTION 336f.** 146.83 (1) (b) of the statutes is amended to read:

18 146.83 (1) (b) Receive a copy of the patient’s health care records upon payment
19 of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

20 **SECTION 336g.** 146.83 (1) (c) of the statutes is amended to read:

21 146.83 (1) (c) Receive a copy of the health care provider’s X–ray reports or have
22 the X–rays referred to another health care provider of the patient’s choice upon
23 payment of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

24 **SECTION 336h.** 146.83 (3m) of the statutes is created to read:

1 146.83 (3m) (a) The department shall, by rule, prescribe fees that are based on
2 an approximation of actual costs. The fees, plus applicable tax, are the maximum
3 amount that a health care provider may charge under sub. (1) (b) for duplicate
4 patient health care records and under sub. (1) (c) for duplicate X-ray reports or the
5 referral of X-rays to another health care provider of the patient's choice. The rule
6 shall also permit the health care provider to charge for actual postage or other actual
7 delivery costs. In determining the approximation of actual costs for the purposes of
8 this subsection, the department may consider all of the following factors:

- 9 1. Operating expenses, such as wages, rent, utilities, and duplication
10 equipment and supplies.
- 11 2. The varying cost of retrieval of records, based on the different media on which
12 the records are maintained.
- 13 3. The cost of separating requested patient health care records from those that
14 are not requested.
- 15 4. The cost of duplicating requested patient health care records.
- 16 5. The impact on costs of advances in technology.

17 (b) By January 1, 2006, and every 3 years thereafter, the department shall
18 revise the rules under par. (a) to account for increases or decreases in actual costs.”.

19 **384.** Page 172, line 10: after that line insert:

20 “SECTION 336jc. 149.143 (1) (b) 1. a. of the statutes is amended to read:

21 149.143 (1) (b) 1. a. First, from premiums from eligible persons with coverage
22 under s. 149.14 (2) (a) set at a rate that is 140% to 150% of the rate that a standard
23 risk would be charged under an individual policy providing substantially the same
24 coverage and deductibles as are provided under the plan and from eligible persons

1 with coverage under s. 149.14 (2) (b) set in accordance with s. 149.14 (5m), including
2 amounts received for premium and deductible subsidies under s. 149.144 and under
3 the transfer to the fund from the appropriation account under s. 20.435 (4) (ah), and
4 from premiums collected from eligible persons with coverage under s. 149.146 set in
5 accordance with s. 149.146 (2) (b).

6 **SECTION 336jf.** 149.143 (1) (b) 1. c. of the statutes is amended to read:

7 149.143 (1) (b) 1. c. Third, by increasing premiums from eligible persons with
8 coverage under s. 149.14 (2) (a) to more than ~~150%~~ the rate at which premiums were
9 set under subd. 1. a. but not more than 200% of the rate that a standard risk would
10 be charged under an individual policy providing substantially the same coverage and
11 deductibles as are provided under the plan and from eligible persons with coverage
12 under s. 149.14 (2) (b) by a comparable amount in accordance with s. 149.14 (5m),
13 including amounts received for premium and deductible subsidies under s. 149.144
14 and under the transfer to the fund from the appropriation account under s. 20.435
15 (4) (ah), and by increasing premiums from eligible persons with coverage under s.
16 149.146 in accordance with s. 149.146 (2) (b), to the extent that the amounts under
17 subd. 1. a. and b. are insufficient to pay 60% of plan costs.

18 **SECTION 336jh.** 149.143 (2) (a) 2. of the statutes is amended to read:

19 149.143 (2) (a) 2. After making the determinations under subd. 1., by rule set
20 premium rates for the new plan year, including the rates under s. 149.146 (2) (b), in
21 the manner specified in sub. (1) (b) 1. a. and c. and such that a rate for coverage under
22 s. 149.14 (2) (a) is approved by the board and is not less than ~~150%~~ 140% nor more
23 than 200% of the rate that a standard risk would be charged under an individual
24 policy providing substantially the same coverage and deductibles as are provided
25 under the plan.