

1 ***-0493/4.4*** SECTION 2754. 121.91 (4) (f) 1m. c. of the statutes is amended to
2 read:

3 121.91 (4) (f) 1m. c. For the school year beginning on the 2nd July 1 following
4 the effective date of the school district reorganization, if the average of the number
5 of pupils enrolled in that school year and the previous school year is less than the
6 average of the number of pupils enrolled in the 2 previous school years, the limit
7 otherwise applicable under sub. (2m) (e) is increased by the additional amount that
8 would have been calculated had the there been no decline in average enrollment been
9 25 percent of what it was.

10 ***-1290/1.1*** SECTION 2755. 121.91 (4) (L) of the statutes is created to read:

11 121.91 (4) (L) 1. In this paragraph, "local law enforcement agency" means a
12 governmental unit of one or more persons employed full time by a city, town, village
13 or county in the state for the purpose of preventing and detecting crime and enforcing
14 state laws or local ordinances, employees of which unit are authorized to make
15 arrests for crimes while acting within the scope of their authority.

16 2. The limit otherwise applicable to a school district under sub. (2m) in any
17 school year is increased by \$25,000 for the first one to 500 pupils enrolled in the
18 district in grades 9 to 12 and by an additional \$25,000 for each additional 500 pupils
19 enrolled in the district in grades 9 to 12, if the school board and a local law
20 enforcement agency jointly develop a school safety plan that covers each school in the
21 school district that operates grades 9 to 12 and the school board submits the school
22 safety plan to the state superintendent no later than November 1 of the first school
23 year in which the revenue limit is increased under this paragraph.

24 3. A school district may use the excess revenue allowed under subd. 2. to do any
25 of the following:

1 a. Cover up to \$25,000 of the compensation costs associated with providing in
2 the school district one security officer for the first one to 500 pupils enrolled in the
3 district in grades 9 to 12, and up to \$25,000 of the compensation costs for providing
4 in the school district one additional security officer for each additional 500 pupils
5 enrolled in the district in grades 9 to 12. The school board shall enter into an
6 agreement with the local law enforcement agency described in subd. 2. that requires
7 the school district and the local law enforcement agency to equally share the costs
8 of compensating the security officers.

9 b. Purchase safety equipment specified by the state superintendent by rule as
10 eligible for the revenue limit adjustment under subd. 2.

11 ***-1485/2.1* SECTION 2756.** 121.91 (4) (m) of the statutes is created to read:

12 121.91 (4) (m) If a school district incurs expenses in a school year related to
13 teacher mentoring activities required by the department by rule for persons licensed
14 as initial educators under PI 34.17, Wis. Adm. Code, the limit otherwise applicable
15 to the school district under sub. (2m) in that school year is increased by the amount
16 of the mentoring activities expenses incurred per initial educator, but no more than
17 \$2,160 per initial educator, less any amount received by the school district for that
18 initial educator for that school year under s. 115.405 (2m).

19 ***-0493/4.5* SECTION 2757.** 121.91 (8) of the statutes is created to read:

20 121.91 (8) If a school district's initial revenue limit for the current school year,
21 as calculated under s. 121.905 or sub. (2m) (e), whichever is appropriate, before
22 making any adjustments under sub. (3) or (4), is less than the amount determined
23 by multiplying the amount under sub. (2m) (e) 1. by the average of the number of
24 pupils enrolled in the 3 preceding school years, the school district's initial revenue
25 limit for the current school year, before making any adjustments under sub. (3) or (4),

1 is the amount determined by multiplying the amount under sub. (2m) (e) 1. by the
2 average of the number of pupils enrolled in the 3 preceding school years.

3 ***-0011/3.4* SECTION 2758.** 125.07 (4) (cm) of the statutes is amended to read:

4 125.07 (4) (cm) When a court revokes or suspends a person's operating privilege
5 under par. (bs) or (c), the department of transportation may not disclose information
6 concerning or relating to the revocation or suspension to any person other than a
7 court, district attorney, county corporation counsel, city, village or town attorney, law
8 enforcement agency, driver licensing agency of another jurisdiction, or the person
9 whose operating privilege is revoked or suspended. A person entitled to receive
10 information under this paragraph may not disclose the information to any other
11 person or agency.

12 ***-0011/3.5* SECTION 2759.** 125.085 (3) (bp) of the statutes is amended to read:

13 125.085 (3) (bp) When a court suspends a person's operating privilege under
14 par. (bd), the department of transportation may not disclose information concerning
15 or relating to the suspension to any person other than a court, district attorney,
16 county corporation counsel, city, village or town attorney, law enforcement agency,
17 driver licensing agency of another jurisdiction, or the person whose operating
18 privilege is suspended. A person entitled to receive information under this
19 paragraph may not disclose the information to any other person or agency.

20 ***-1261/5.733* *-1267/P1.240* SECTION 2760.** 134.43 (3m) of the statutes is
21 amended to read:

22 134.43 (3m) Subsections (2) (b), (2m) and (3) do not apply to information
23 regarding the name, address or employer of or financial information related to a
24 subscriber or member of a subscriber's household that is requested under s. 49.22

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1 (2m) by the department of workforce development children and families or a county
2 child support agency under s. 59.53 (5).

3 ***-0719/2.6* SECTION 2761.** 134.65 (1) of the statutes is amended to read:

4 134.65 (1) No person shall in any manner, or upon any pretense, or by any
5 device, directly or indirectly sell, expose for sale, possess with intent to sell,
6 exchange, barter, dispose of or give away any cigarettes or tobacco products to any
7 person not holding a license as herein provided or a permit under ss. 139.30 to 139.41
8 or, 139.79, or 139.795 without first obtaining a license from the clerk of the city,
9 village, or town wherein such privilege is sought to be exercised. This subsection
10 does not apply to a person who holds a valid permit under s. 139.345 or 139.795 and
11 who sells cigarettes or tobacco products solely as a direct marketer.

12 ***-0719/2.7* SECTION 2762.** 134.65 (1n) of the statutes is created to read:

13 134.65 (1n) (a) The department of revenue shall prepare an application form
14 for licenses issued under this section. In addition to the information required under
15 sub. (1m), the form shall require all of the following information:

16 1. The applicant's history relevant to the applicant's fitness to hold a license
17 under this section.

18 2. The kind of license for which the applicant is applying.

19 3. The premises where cigarettes or tobacco products will be sold or stored.

20 4. If the applicant is a corporation, the identity of the corporate officers and
21 agent.

22 5. If the applicant is a limited liability company, the identity of the company
23 members or managers and agent.

24 6. The applicant's trade name, if any.

25 7. Any other information required by the department.

1 (b) The department of revenue shall provide one copy of the application form
2 prepared under this subsection to each city, village, and town.

3 (c) Each applicant for a license under this section shall use the application form
4 prepared under this subsection.

5 (d) 1. Each application for a license under this section shall be sworn to by the
6 applicant and the applicant shall submit the application with the clerk of the city,
7 village, or town where the intended place of sale is located.

8 2. Within 10 days of any change in any fact set forth in an application, the
9 applicant or license holder shall file a written description of the change with the clerk
10 of the city, village, or town where the application was submitted.

11 3. Any person may inspect applications submitted under this paragraph. The
12 clerk of each city, village, or town where such applications are submitted shall retain
13 all applications submitted under this paragraph, but may destroy all applications
14 that have been retained for 4 years or longer.

15 ***-0719/2.8* SECTION 2763.** 134.65 (1r) of the statutes is created to read:

16 134.65 (1r) (a) Subject to ss. 111.321, 111.322, and 111.335, no license under
17 sub. (1) may be issued to any person to whom any of the following applies:

18 1. The person has an arrest record or a conviction record.

19 2. The person has been convicted of a felony, or as a repeat or habitual offender,
20 unless pardoned.

21 3. The person has not submitted proof as provided under s. 77.61 (11).

22 4. The person is not 18 years of age or older.

23 (b) The requirements under par. (a) apply to all partners of a partnership, all
24 members of limited liability company, all agents of a limited liability company or
25 corporation, and all officers of a corporation. Subject to ss. 111.321, 111.322, and

1 111.335, if a business entity has been convicted of a crime, the entity may not be
2 issued a license under sub. (1) unless the entity has terminated its relationship with
3 the individuals whose actions directly contributed to the conviction.

4 ***-0719/2.9* SECTION 2764.** 134.65 (2) (a) of the statutes is amended to read:

5 134.65 (2) (a) Except Subject to sub. (1r), and except as provided in par. (b),
6 upon filing of a proper written application a license shall be issued on July 1 of each
7 year or when applied for and continue in force until the following June 30 unless
8 sooner revoked. The city, village or town may charge a fee for the license of not less
9 than \$5 nor more than \$100 per year which shall be paid to the city, village or town
10 treasurer before the license is issued.

11 ***-0719/2.10* SECTION 2765.** 134.65 (5) of the statutes is renumbered 134.65
12 (5) (a) and amended to read:

13 134.65 (5) (a) Any Except as provided in par. (b), any person violating this
14 section shall be fined not more than \$100 \$1,000 nor less than \$25 \$500 for the first
15 offense and shall be fined not more than \$200 \$5,000 nor less than \$25 \$1,000 or
16 imprisoned for not more than 180 days or both for the 2nd or subsequent offense. If
17 upon such 2nd or subsequent violation, the person so violating this section was
18 personally guilty of a failure to exercise due care to prevent violation thereof, the
19 person shall be fined not more than \$300 nor less than \$25 or imprisoned not
20 exceeding 60 days or both. Conviction Upon conviction of a 2nd or subsequent
21 offense, the court shall immediately terminate the license of the person convicted of
22 being personally guilty of such failure to exercise due care and the person shall not
23 be entitled to another license hereunder for a period of 5 years thereafter, nor shall
24 the person in that period act as the servant or agent of a person licensed hereunder
25 for the performance of the acts authorized by such license.

1 ***-0719/2.11*** SECTION 2766. 134.65 (5) (b) of the statutes is created to read:

2 134.65 (5) (b) No penalty shall be imposed under par. (a) if any of the following

3 apply:

4 1. The secretary of revenue determines that imposing a penalty would be
5 inequitable because of inadvertent acts, mistakes, or unusual circumstances related
6 to the violation.

7 2. The person who is subject to a penalty under par. (a) had good cause to violate
8 this section, and such violation did not result from the person's neglect.

9 ***-0719/2.12*** SECTION 2767. 134.66 (2) (d) of the statutes is created to read:

10 134.66 (2) (d) No retailer, direct marketer, manufacturer, distributor, jobber or
11 subjobber, no agent, employee or independent contractor of a retailer, direct
12 marketer, manufacturer, distributor, jobber or subjobber, and no agent or employee
13 of an independent contractor may provide cigarettes or tobacco products for nominal
14 or no consideration to any person under the age of 18.

15 ***-0719/2.13*** SECTION 2768. 134.66 (3m) of the statutes is created to read:

16 134.66 (3m) DEFENSE OF DIRECT MARKETER. Proof of all of the following facts by
17 a direct marketer who sells cigarettes or tobacco products to a person under the age
18 of 18 is a defense to any prosecution for a violation under sub. (2) (a):

19 (a) That the direct marketer used a mechanism, approved by the department
20 of revenue, for verifying the age of the purchaser.

21 (b) That the purchaser falsely represented that he or she had attained the age
22 of 18 and presented a copy or facsimile of an identification card.

23 (c) That the name and birthdate of the purchaser, as indicated by the purchaser,
24 matched the name and birthdate on the identification presented under par. (b).

1 (d) That the sale was made in good faith, in reasonable reliance on the
2 mechanism described in par. (a) and the representation and identification under
3 pars. (b) and (c), and in the belief that the purchaser had attained the age of 18.

4 ***-1261/5.734* *-1267/P1.241* SECTION 2769.** 138.09 (1m) (b) 2. b. of the
5 statutes is amended to read:

6 138.09 (1m) (b) 2. b. The division may disclose information under subd. 1. a.
7 to the department of workforce development children and families in accordance
8 with a memorandum of understanding under s. 49.857.

9 ***-1261/5.735* *-1267/P1.242* SECTION 2770.** 138.09 (1m) (c) 1. of the statutes
10 is amended to read:

11 138.09 (1m) (c) 1. If an applicant who is an individual does not have a social
12 security number, the applicant, as a condition of applying for or applying to renew
13 a license, shall submit a statement made or subscribed under oath or affirmation to
14 the division that the applicant does not have a social security number. The form of
15 the statement shall be prescribed by the department of workforce development
16 children and families.

17 ***-1261/5.736* *-1267/P1.243* SECTION 2771.** 138.09 (3) (am) 3. of the statutes
18 is amended to read:

19 138.09 (3) (am) 3. The applicant fails to comply, after appropriate notice, with
20 a subpoena or warrant issued by the department of workforce development children
21 and families or a county child support agency under s. 59.53 (5) and related to
22 paternity or child support proceedings.

23 ***-1261/5.737* *-1267/P1.244* SECTION 2772.** 138.09 (4) (b) of the statutes is
24 amended to read:

1 138.09 (4) (b) The division shall restrict or suspend a license under this section
2 if, in the case of a licensee who is an individual, the licensee fails to comply, after
3 appropriate notice, with a subpoena or warrant issued by the department of
4 ~~workforce development~~ children and families or a county child support agency under
5 s. 59.53 (5) and related to paternity or child support proceedings or is delinquent in
6 making court-ordered payments of child or family support, maintenance, birth
7 expenses, medical expenses or other expenses related to the support of a child or
8 former spouse, as provided in a memorandum of understanding entered into under
9 s. 49.857. A licensee whose license is restricted or suspended under this paragraph
10 is entitled to a notice and hearing only as provided in a memorandum of
11 understanding entered into under s. 49.857 and is not entitled to a hearing under
12 par. (a).

13 ***-1261/5.738* *-1267/P1.245* SECTION 2773.** 138.12 (3) (d) 2. b. of the
14 statutes is amended to read:

15 138.12 (3) (d) 2. b. The division may disclose information under subd. 1. a. to
16 the department of ~~workforce development~~ children and families in accordance with
17 a memorandum of understanding under s. 49.857.

18 ***-1261/5.739* *-1267/P1.246* SECTION 2774.** 138.12 (3) (e) 1. of the statutes
19 is amended to read:

20 138.12 (3) (e) 1. If an applicant who is an individual does not have a social
21 security number, the applicant, as a condition of applying for or applying to renew
22 a license under this section, shall submit a statement made or subscribed under oath
23 or affirmation to the division that the applicant does not have a social security
24 number. The form of the statement shall be prescribed by the department of
25 ~~workforce development~~ children and families.

1 ***-1261/5.740* *-1267/P1.247* SECTION 2775.** 138.12 (4) (b) 6. of the statutes
2 is amended to read:

3 138.12 (4) (b) 6. If an individual, has not failed to comply, after appropriate
4 notice, with a subpoena or warrant issued by the department of workforce
5 development children and families or a county child support agency under s. 59.53
6 (5) and related to paternity or child support proceedings and is not delinquent in
7 making court-ordered payments of child or family support, maintenance, birth
8 expenses, medical expenses or other expenses related to the support of a child or
9 former spouse, as provided in a memorandum of understanding entered into under
10 s. 49.857.

11 ***-1261/5.741* *-1267/P1.248* SECTION 2776.** 138.12 (5) (am) 1. c. of the
12 statutes is amended to read:

13 138.12 (5) (am) 1. c. In the case of a licensee who is an individual, the applicant
14 fails to comply, after appropriate notice, with a subpoena or warrant that is issued
15 by the department of workforce development children and families or a county child
16 support agency under s. 59.53 (5) and that is related to paternity or child support
17 proceedings or the applicant is delinquent in making court-ordered payments of
18 child or family support, maintenance, birth expenses, medical expenses or other
19 expenses related to the support of a child or former spouse, as provided in a
20 memorandum of understanding entered into under s. 49.857. An applicant whose
21 renewal application is denied under this subd. 1. c. is entitled to a notice and hearing
22 under s. 49.857 but is not entitled to a hearing under par. (b).

23 ***-1261/5.742* *-1267/P1.249* SECTION 2777.** 138.12 (5) (am) 2. of the statutes
24 is amended to read:

1 138.12 (5) (am) 2. The division shall restrict or suspend the license of any
2 insurance premium finance company if the division finds that, in the case of a
3 licensee who is an individual, the licensee fails to comply, after appropriate notice,
4 with a subpoena or warrant that is issued by the department of workforce
5 development children and families or a county child support agency under s. 59.53
6 (5) and that is related to paternity or child support proceedings or the licensee is
7 delinquent in making court-ordered payments of child or family support,
8 maintenance, birth expenses, medical expenses or other expenses related to the
9 support of a child or former spouse, as provided in a memorandum of understanding
10 entered into under s. 49.857. A licensee whose license is restricted or suspended
11 under this subdivision is entitled to a notice and hearing under s. 49.857 but is not
12 entitled to a hearing under par. (b).

13 ***-0719/2.14* SECTION 2778.** 139.30 (4n) of the statutes is repealed and
14 recreated to read:

15 139.30 (4n) "Identification card" has the meaning given in s. 134.66 (1) (c).

16 ***-0719/2.15* SECTION 2779.** 139.30 (7) of the statutes is amended to read:

17 139.30 (7) "Manufacturer" means any person who directly manufactures
18 cigarettes for the purpose of sale, including the authorized agent of a person who
19 directly manufactures cigarettes for the purpose of sale.

20 ***-0719/2.16* SECTION 2780.** 139.30 (8s) of the statutes is created to read:

21 139.30 (8s) "Person" means any individual, sole proprietorship, partnership,
22 limited liability company, corporation, or association, or any owner of a single-owner
23 entity that is disregarded as a separate entity under ch. 71.

24 ***-0892/11.41* SECTION 2781.** 139.31 (1) (a) of the statutes is amended to read:

1 139.31 (1) (a) On cigarettes weighing not more than 3 pounds per thousand,
2 ~~38.5~~ 101 mills on each cigarette.

3 ***-0892/11.42* SECTION 2782.** 139.31 (1) (b) of the statutes is amended to read:

4 139.31 (1) (b) On cigarettes weighing more than 3 pounds per thousand, ~~77~~ 202
5 mills on each cigarette.

6 ***-0892/11.43* SECTION 2783.** 139.315 (1) of the statutes is amended to read:

7 139.315 (1) INVENTORY TAX IMPOSED. On the effective date of any increase in the
8 sum of the rates under s. 139.31 (1) (a) and (c) or in the sum of the rates under s.
9 139.31 (1) (b) and (d), an inventory tax is imposed upon cigarettes held in inventory
10 for sale or resale on which the cigarette tax has been paid at the prior rate and upon
11 unaffixed stamps in the possession of distributors. Any person who is in possession
12 of any such cigarettes or unaffixed stamps shall pay the tax imposed under this
13 section. Any person liable for this tax shall determine the number of cigarettes and
14 unaffixed stamps in the person's possession on the effective date of the increase, and
15 by the ~~15th~~ 30th day after the effective date of the increase the person shall file a
16 return and shall by that date pay the tax due.

17 ***-0719/2.17* SECTION 2784.** 139.32 (4) of the statutes is amended to read:

18 139.32 (4) In lieu of stamps the secretary may authorize impressions applied
19 by the use of meter machines. The secretary shall prescribe by rule the type of
20 impression and the kind of machines which may be used.

21 ***-0892/11.44* SECTION 2785.** 139.32 (5) of the statutes is amended to read:

22 139.32 (5) Manufacturers, bonded direct marketers, and distributors who are
23 authorized by the department to purchase tax stamps shall receive a discount of ~~1.6%~~
24 0.7 percent of the tax paid on stamp purchases.

1 ***-0719/2.18*** SECTION 2786. 139.321 (1) (intro.) of the statutes is amended to
2 read:

3 * 139.321 (1) (intro.) It is unlawful for any person to purchase or possess
4 cigarettes unless the required stamps are properly affixed as provided in ss. 139.32
5 (1) and 139.33 (4).

6 ***-0719/2.19*** SECTION 2787. 139.321 (1) (a) 1. of the statutes is amended to
7 read:

8 139.321 (1) (a) 1. Manufacturers, bonded direct marketers, distributors or
9 warehouse operators possessing valid permits issued by the secretary.

10 ***-0719/2.20*** SECTION 2788. 139.34 (1) (a) of the statutes is amended to read:

11 139.34 (1) (a) No person may manufacture cigarettes in this state or sell
12 cigarettes in this state as a distributor, manufacturer, jobber, vending machine
13 operator, direct marketer, or multiple retailer and no person may operate a
14 warehouse in this state for the storage of cigarettes for another person without first
15 filing an application for and obtaining the proper permit to perform such operations
16 from the department.

17 ***-0719/2.21*** SECTION 2789. 139.34 (1) (b) of the statutes is repealed.

18 ***-0719/2.22*** SECTION 2790. 139.34 (1) (c) 1. of the statutes is repealed.

19 ***-0719/2.23*** SECTION 2791. 139.34 (1) (c) 1m. of the statutes is created to read:

20 139.34 (1) (c) 1m. The person has an arrest record or a conviction record.

21 ***-0719/2.24*** SECTION 2792. 139.34 (1) (c) 2. of the statutes is amended to read:

22 139.34 (1) (c) 2. The person has been convicted of a felony, or as a repeat or
23 habitual offender, unless pardoned.

24 ***-0719/2.25*** SECTION 2793. 139.34 (1) (c) 3. of the statutes is repealed.

25 ***-0719/2.26*** SECTION 2794. 139.34 (1) (c) 4. of the statutes is repealed.

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1 *-0719/2.27* SECTION 2795. 139.34 (1) (c) 4m. of the statutes is created to read:
2 139.34 (1) (c) 4m. The person is not 18 years of age or older.

3 *-0719/2.28* SECTION 2796. 139.34 (1) (c) 5. of the statutes is repealed.

4 *-0719/2.29* SECTION 2797. 139.34 (1) (c) 6. of the statutes is repealed.

5 *-0719/2.30* SECTION 2798. 139.34 (1) (c) 7. of the statutes is renumbered
6 139.34 (1) (c) 5m.

7 *-0719/2.31* SECTION 2799. 139.34 (1) (cm) of the statutes is created to read:

8 139.34 (1) (cm) The requirements under par. (c) apply to all partners of a
9 partnership, all members of a limited liability company, all agents of a limited
10 liability company or corporation, and all officers of a corporation.

11 *-0719/2.32* SECTION 2800. 139.34 (4) of the statutes is amended to read:

12 139.34 (4) A separate permit shall be required of and issued to each class of
13 permittee and the holder of any permit shall perform only the operations thereby
14 authorized. Such permit shall not be transferable from one person to another or from
15 one premises to another. A separate permit shall be required for each place where
16 cigarettes are stamped or where cigarettes are stored for sale at wholesale or,
17 through vending machines or multiple retail outlets, or by direct marketing.

18 *-0719/2.33* SECTION 2801. 139.34 (6) of the statutes is amended to read:

19 139.34 (6) A vending machine operator or a multiple retailer may acquire
20 unstamped cigarettes from the manufacturers thereof and affix the stamps to
21 packages or other containers only if the vending machine operator or multiple
22 retailer also holds a permit as a distributor or bonded direct marketer.

23 *-0719/2.34* SECTION 2802. 139.34 (8) of the statutes is amended to read:

24 139.34 (8) The holder of a warehouse permit is entitled to store cigarettes on
25 the premises described in the permit. The warehouse permit shall not authorize the

1 holder to sell cigarettes. Unstamped cigarettes stored in a warehouse for a
2 manufacturer, bonded direct marketer, or distributor may be delivered only to a
3 person holding a permit as a manufacturer or, distributor, or bonded direct marketer
4 who is authorized by the department to purchase and affix tax stamps.

5 ***-0719/2.35* SECTION 2803.** 139.345 (1) (a) of the statutes is amended to read:

6 139.345 (1) (a) No person may sell cigarettes to consumers in this state as a
7 direct marketer or solicit sales of cigarettes to consumers in this state by direct
8 marketing unless the person submits to has obtained a permit from the department
9 the person's name, trade name, address of the person's principal place of business,
10 phone number, e-mail address, and Web site address to make such sales or
11 solicitations. The person shall file an application for a permit under this subsection
12 with the department, in the manner prescribed by the department.

13 ***-0719/2.36* SECTION 2804.** 139.345 (1) (b) of the statutes is amended to read:

14 139.345 (1) (b) ~~No person may sell cigarettes as described under this section~~
15 The department may not issue a permit to a person under par. (a) unless the person
16 certifies to the department, in the manner prescribed by the department, that the
17 person shall acquire stamped cigarettes from a licensed distributor or unstamped
18 cigarettes from the manufacturer thereof, pay the tax imposed under this subchapter
19 on all unstamped cigarettes and affix stamps to the cigarette packages or containers
20 as provided under s. 139.32 (1), store such packages or containers, and sell only such
21 packages or containers to consumers in this state by direct marketing; or acquire
22 cigarettes from a distributor, to the packages or containers of which stamps have
23 been affixed as provided under s. 139.32 (1), and sell only such packages or
24 containers to consumers in this state by direct marketing.

25 ***-0719/2.37* SECTION 2805.** 139.345 (1) (d) of the statutes is amended to read:

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1 139.345 (1) (d) No person may sell cigarettes as described in this section The
2 department may not issue a permit to a person under par. (a) unless the person
3 certifies to the department, in the manner prescribed by the department, that the
4 person shall register with credit card and debit card companies; that the invoices and
5 all means of solicitation for all shipments of cigarette sales from the person shall bear
6 the person's name and address and the permit number of the permit ultimately
7 issued under this subsection; and that the person shall provide the department any
8 information the department considers necessary to administer this section.

9 ***-0719/2.38* SECTION 2806.** 139.345 (3) (intro.) of the statutes is amended to
10 read:

11 139.345 (3) (intro.) No person may sell cigarettes to consumers a consumer in
12 this state unless the person does all of the following:

13 ***-0719/2.39* SECTION 2807.** 139.345 (3) (a) (intro.) of the statutes is amended
14 to read:

15 139.345 (3) (a) (intro.) Verifies the consumer's name identity and address and
16 that the consumer is at least 18 years of age by any of the following methods:

17 ***-0719/2.40* SECTION 2808.** 139.345 (3) (a) 2. of the statutes is amended to
18 read:

19 139.345 (3) (a) 2. The person receives from the consumer, at the time of
20 purchase, a copy of a government issued an identification card and verifies that the
21 name specified on the identification card matches the name of the consumer and that
22 the birth date on the identification card indicates that the consumer is at least 18
23 years of age.

24 ***-0719/2.41* SECTION 2809.** 139.345 (7) (a) of the statutes is amended to read:

1 139.345 (7) (a) No person may deliver a package of cigarettes sold by direct
2 marketing to a consumer in this state unless the person making the delivery receives
3 a government issued an identification card from the person receiving the package
4 and verifies that the person receiving the package is at least 18 years of age. If the
5 person receiving the package is not the person to whom the package is addressed, the
6 person delivering the package shall have the person receiving the package sign a
7 statement that affirms that the person to whom the package is addressed is at least
8 18 years of age.

9 ***-0719/2.42* SECTION 2810.** 139.345 (8) of the statutes is created to read:

10 139.345 (8) (a) No person may sell cigarettes to consumers in this state by direct
11 marketing unless the tax imposed under s. 139.31 (1) is paid on the cigarettes and
12 stamps are affixed to the cigarette packages or containers as provided under s.
13 139.32.

14 (b) No person may sell cigarettes to consumers in this state by direct marketing
15 unless the cigarette brands are approved by the department and listed in the
16 directory of certified tobacco product manufacturers and brands as provided under
17 s. 995.12 (2) (b).

18 ***-0719/2.43* SECTION 2811.** 139.345 (9) of the statutes is created to read:

19 139.345 (9) Except as provided in sub. (12), any person who, without having
20 a valid permit under sub. (1), sells or solicits sales of cigarettes to consumers in this
21 state by direct marketing shall pay a penalty to the department of \$5,000 or an
22 amount that is equal to \$50 for every 200 cigarettes, or fraction of 200 cigarettes, sold
23 to consumers in this state by direct marketing, whichever is greater.

24 ***-0719/2.44* SECTION 2812.** 139.345 (10) of the statutes is created to read:

1 139.345 (10) (a) No sale of cigarettes to a consumer in this state by direct
2 marketing may exceed 10 cartons for each invoice or 20 cartons in a 30-day period
3 for each purchaser or address.

4 (b) Except as provided in sub. (12), any person who sells cigarettes in an amount
5 that exceeds the amounts allowed under par. (a) shall pay a penalty to the
6 department of \$5,000 or an amount that is equal to \$50 for every 200 cigarettes, or
7 fraction of 200 cigarettes, sold in excess of the amounts allowed under par. (a),
8 whichever is greater.

9 (c) Except as provided in sub. (12), any person who purchases cigarettes in an
10 amount that exceeds the amounts allowed under par. (a) shall apply for a permit
11 under s. 139.34 and shall pay a penalty to the department of \$25 for every 200
12 cigarettes, or fraction of 200 cigarettes, purchased in excess of the amounts allowed
13 under par. (a).

14 *-0719/2.45* SECTION 2813. 139.345 (11) of the statutes is created to read:

15 139.345 (11) (a) Any nonresident or foreign direct marketer that has not
16 registered to do business in this state as a foreign corporation or business entity
17 shall, as a condition precedent to obtaining a permit under s. 139.34 (1), appoint and
18 continually engage the services of an agent in this state to act as agent for the service
19 of process on whom all processes, and any action or proceeding against it concerning
20 or arising out of the enforcement of this chapter, may be served in any manner
21 authorized by law. That service shall constitute legal and valid service of process on
22 the direct marketer. The direct marketer shall provide the name, address, phone
23 number, and proof of the appointment and availability of the agent to the
24 department.

1 (b) A direct marketer described under par. (a) shall provide notice to the
2 department no later than 30 calendar days before termination of the authority of an
3 agent under par. (a) and shall provide proof to the satisfaction of the department of
4 the appointment of a new agent no later than 5 calendar days before the termination
5 of an existing appointment. In the event an agent terminates an appointment, the
6 direct marketer shall notify the department of that termination no later than 5
7 calendar days after the termination and shall include proof to the satisfaction of the
8 department of the appointment of a new agent.

9 (c) The secretary of state is the agent in this state for the service of process of
10 any direct marketer who has not appointed and engaged an agent as provided under
11 par. (a), except that the secretary of state acting as the direct marketer's agent for
12 the service of process does not satisfy the requirements imposed by par. (a).

13 ***-0719/2.46* SECTION 2814.** 139.345 (12) of the statutes is created to read:

14 139.345 (12) No penalty shall be imposed under subs. (9) and (10) if any of the
15 following apply:

16 (a) The secretary of revenue determines that imposing a penalty would be
17 inequitable because of inadvertent acts, mistakes, or unusual circumstances related
18 to the violation.

19 (b) The person who is subject to a penalty under sub. (9) or (10) had good cause
20 to violate sub. (9) or (10), and such violation did not result from the person's neglect.

21 ***-0719/2.47* SECTION 2815.** 139.37 (1) (a) of the statutes is amended to read:

22 139.37 (1) (a) No person shall sell cigarettes or take orders for cigarettes for
23 resale solicit cigarette sales in this state for any manufacturer or permittee without
24 first obtaining a unless the person has filed an application for and obtained a valid
25 certificate under s. 73.03 (50) and a salesperson's permit from the department of

1 revenue. No manufacturer or permittee shall authorize any person to sell cigarettes
2 or take orders for cigarettes solicit cigarette sales in this state without first having
3 such person secure unless the person has filed an application for and obtained a valid
4 certificate under s. 73.03 (50) and a salesperson's permit. No person shall authorize
5 the sale of cigarettes or the solicitation of cigarette sales in this state unless the
6 person has filed an application for and obtained a valid certificate under s. 73.03 (50)
7 and a valid permit under s. 139.34. The department shall issue the required number
8 of permits to manufacturers and permittees who hold a valid certificate issued under
9 s. 73.03 (50). Each application for a salesperson's permit shall disclose the name and
10 address of the employer or the person for whom the salesperson is selling or soliciting
11 and such permit shall remain effective only while the salesperson represents such
12 named employer or person. If such salesperson is thereafter employed by another
13 manufacturer or permittee person, the salesperson shall obtain a new salesperson's
14 permit. Each manufacturer and permittee The employer of any such salesperson
15 shall notify the department within 10 days after the resignation or dismissal of any
16 such the salesperson holding a permit.

17 ***-0719/2.48* SECTION 2816.** 139.40 (1) of the statutes is amended to read:

18 139.40 (1) All cigarettes acquired, owned, imported, possessed, kept, stored,
19 made, sold, distributed or transported in violation of this chapter or s. 134.65, and
20 all personal property used in connection therewith is unlawful property and subject
21 to seizure by the secretary or any peace officer. All cigarettes seized for violating s.
22 139.31 (4) or (5) shall be destroyed.

23 ***-0719/2.49* SECTION 2817.** 139.40 (2) of the statutes is amended to read:

24 139.40 (2) If cigarettes which do not bear the proper tax stamps or on which
25 the tax has not been paid Cigarettes that are so seized they as provided under sub.

1 (1) may be given to law enforcement officers to use in criminal investigations or sold
2 to qualified buyers by the secretary, without notice. If the cigarettes are sold, after
3 deducting the costs of the sale and the keeping of storing the property, the proceeds
4 of the sale shall be paid into the state treasury. If the secretary finds that such
5 cigarettes may deteriorate or become unfit for use in criminal investigations or for
6 sale or that those uses would otherwise be impractical, the secretary may order them
7 destroyed or give them to a charitable or penal institution for free distribution to
8 patients or inmates.

9 *-0719/2.50* SECTION 2818. 139.44 (1m) of the statutes is amended to read:

10 139.44 (1m) Any person who falsely or fraudulently tampers with a cigarette
11 meter tax impression machine in order to evade the tax under s. 139.31 is guilty of
12 a Class G felony.

13 *-0719/2.51* SECTION 2819. 139.44 (2) of the statutes is amended to read:

14 139.44 (2) Any person who makes or signs any false or fraudulent report or who
15 attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids in or abets the
16 evasion or attempted evasion of that tax ~~may be fined not more than \$10,000 or~~
17 ~~imprisoned for not more than 9 months or both, is guilty of a Class H felony.~~

18 *-0719/2.52* SECTION 2820. 139.44 (3) of the statutes is amended to read:

19 139.44 (3) Any permittee or licensee who fails to keep the records required by
20 ss. 139.30 to 139.42 or 139.77 to 139.82 shall be fined not less than \$100 \$500 nor
21 more than \$500 \$1,000 for the first offense and shall be fined not less than \$1,000
22 nor more than \$5,000 or imprisoned not more than 6 months 180 days or both for a
23 2nd or subsequent offense.

24 *-0719/2.53* SECTION 2821. 139.44 (4) of the statutes is amended to read:

SECTION 2821

1 139.44 (4) Any person who refuses to permit the examination or inspection
2 authorized in s. 139.39 (2) or 139.83 may be fined not more less than \$500 nor more
3 than \$1,000 or imprisoned not more than ~~90~~ 180 days or both. Such refusal shall be
4 cause for immediate suspension or revocation of permit or license by the secretary.

5 ***-0719/2.54* SECTION 2822.** 139.44 (5) of the statutes is amended to read:

6 139.44 (5) Any person who violates any of the provisions of ss. 139.30 to 139.41
7 or 139.75 to 139.83 for which no other penalty is prescribed shall be fined not less
8 than \$100 ~~nor more than \$1,000~~ \$10,000 or imprisoned not less than ~~10 days~~ nor
9 more than 90 days 9 months or both.

10 ***-0719/2.55* SECTION 2823.** 139.44 (6) of the statutes is amended to read:

11 139.44 (6) Any person who violates any of the rules of the department shall be
12 fined not less than \$100 \$500 nor more than \$500 \$1,000 or be imprisoned not more
13 than ~~6~~ 9 months or both.

14 ***-0719/2.56* SECTION 2824.** 139.44 (6m) of the statutes is created to read:

15 139.44 (6m) Any person who manufactures or sells cigarettes in this state
16 without holding the proper permit issued under this subchapter is guilty of a Class
17 I felony.

18 ***-0719/2.57* SECTION 2825.** 139.44 (7) of the statutes is amended to read:

19 139.44 (7) In addition to the penalties imposed for violation of ss. 139.30 to
20 139.41 or 139.75 to 139.83 or any of the rules of the department, the permit of any
21 person convicted of a 2nd or subsequent offense shall be automatically revoked and
22 ~~he or she~~ the person shall not be granted another permit for a period of ~~2~~ 5 years
23 following such revocation.

24 ***-0719/2.58* SECTION 2826.** 139.44 (13) of the statutes is created to read:

1 139.44 (13) Notwithstanding subs. (1) to (8), no penalty shall be imposed under
2 subs. (1) to (8) if any of the following apply:

3 1. The secretary of revenue determines that imposing a penalty would be
4 inequitable because of inadvertent acts, mistakes, or unusual circumstances related
5 to the violation.

6 2. The person who is subject to a penalty under subs. (1) to (8) had good cause
7 to commit the violation to which the penalty applies, and such violation did not result
8 from the person's neglect.

9 *-0892/11.45* SECTION 2827. 139.455 of the statutes is created to read:

10 **139.455 Revenue distribution.** From the taxes collected under this
11 subchapter, in fiscal year 2007-08, the department shall deposit no more than
12 \$304,000,000 into the general fund and the remainder into the health care quality
13 fund. From the taxes collected under this subchapter, in fiscal year 2008-09, and in
14 each subsequent fiscal year thereafter, the department shall deposit no more than
15 \$305,000,000 into the general fund and the remainder into the health care quality
16 fund.

17 *-0719/2.59* SECTION 2828. 139.75 (2) of the statutes is amended to read:

18 139.75 (2) "Consumer" means any individual who receives tobacco products for
19 his or her personal use or consumption or any person individual who has title to or
20 possession of tobacco products in storage for use or other consumption in this state
21 any purpose other than for sale or resale.

22 *-0719/2.60* SECTION 2829. 139.75 (3g) of the statutes is created to read:

23 139.75 (3g) "Direct marketer" means any person who solicits sales of or sells
24 tobacco products to consumers in this state by direct marketing.

25 *-0719/2.61* SECTION 2830. 139.75 (3r) of the statutes is created to read:

1 139.75 (3r) "Direct marketing" means publishing or making accessible an offer
2 for the sale of tobacco products to consumers in this state, or selling tobacco products
3 to consumers in this state, using any means by which the consumer is not physically
4 present on a premise that sells tobacco products.

5 *-0719/2.62* SECTION 2831. 139.75 (4) (a) of the statutes is amended to read:

6 139.75 (4) (a) Any person in this state engaged in the business of selling tobacco
7 products ~~in this state~~ who brings, or causes to be brought, into this state from outside
8 the state any tobacco products for sale;

9 *-0719/2.63* SECTION 2832. 139.75 (4) (c) of the statutes is amended to read:

10 139.75 (4) (c) Any person outside this state engaged in the business of selling
11 tobacco products ~~outside this state~~ who ships or transports tobacco products to
12 retailers in this state to be sold by those retailers.

13 *-0719/2.64* SECTION 2833. 139.75 (4) (cm) of the statutes is created to read:

14 139.75 (4) (cm) Any person outside this state engaged in the business of selling
15 tobacco products who ships or transports tobacco products to consumers in this state.

16 *-0719/2.65* SECTION 2834. 139.75 (4n) of the statutes is created to read:

17 139.75 (4n) "Identification card" has the meaning given in s. 134.66 (1) (c).

18 *-0719/2.66* SECTION 2835. 139.75 (5s) of the statutes is created to read:

19 139.75 (5s) "Person" means any individual, sole proprietorship, partnership,
20 limited liability company, corporation, or association, or any owner of a single-owner
21 entity that is disregarded as a separate entity under ch. 71.

22 *-0719/2.67* SECTION 2836. 139.75 (7) of the statutes is amended to read:

23 139.75 (7) "Retail outlet" means each place of business from which tobacco
24 products are sold to consumers by a retailer.

25 *-0719/2.68* SECTION 2837. 139.75 (8) of the statutes is amended to read:

1 139.75 (8) "~~Retailer~~" means ~~any person engaged in the business of selling~~
2 ~~tobacco products to ultimate consumers~~ has the meaning given in s. 134.66 (1) (g).

3 *~~0892/11.46~~* SECTION 2838. 139.76 (1) of the statutes is amended to read:

4 139.76 (1) An excise tax is imposed upon the sale, offering or exposing for sale,
5 possession with intent to sell or removal for consumption or sale or other disposition
6 for any purpose of tobacco products by any person engaged as a distributor of them
7 at the rate of ~~25%~~ 65.6 percent of the manufacturer's established list price to
8 distributors without diminution by volume or other discounts on domestic products.
9 On products imported from another country the rate of tax is ~~25%~~ 65.6 percent of the
10 amount obtained by adding the manufacturer's list price to the federal tax, duties
11 and transportation costs to the United States. The tax attaches at the time the
12 tobacco products are received by the distributor in this state. The tax shall be passed
13 on to the ultimate consumer of the tobacco products. All tobacco products received
14 in this state for sale or distribution within this state, except tobacco products actually
15 sold as provided in sub. (2), shall be subject to such tax.

16 *~~0719/2.69~~* SECTION 2839. 139.76 (3) of the statutes is created to read:

17 139.76 (3) Except as provided in sub. (2), no person may possess tobacco
18 products in this state unless the tax imposed under sub. (1) is paid on such tobacco
19 products.

20 *~~0892/11.47~~* SECTION 2840. 139.78 (1) of the statutes is amended to read:

21 139.78 (1) A tax is imposed upon the use or storage by consumers of tobacco
22 products in this state at the rate of ~~25%~~ 65.6 percent of the cost of the tobacco
23 products. The tax does not apply if the tax imposed by s. 139.76 (1) on the tobacco
24 products has been paid or if the tobacco products are exempt from the tobacco
25 products tax under s. 139.76 (2).

1 *-0719/2.70* SECTION 2841. 139.78 (1m) of the statutes is created to read:

2 139.78 (1m) Except as provided in s. 139.76 (2), no person other than a
3 distributor with a valid permit under s. 139.79 may import into this state tobacco
4 products for which the tax imposed under s. 139.76 (1) has not been paid.

5 *-0719/2.71* SECTION 2842. 139.79 (title) of the statutes is amended to read:

6 139.79 (title) **Permits; distributor; subjobber.**

7 *-0719/2.72* SECTION 2843. 139.79 (1) of the statutes is amended to read:

8 139.79 (1) No person may engage in the business of a distributor, direct
9 marketer, or subjobber of tobacco products at any place of business unless that
10 person has filed an application for and obtained a permit from the department to
11 engage in that business at such place.

12 *-0719/2.73* SECTION 2844. 139.79 (2) of the statutes is amended to read:

13 139.79 (2) Section 139.34 (1) (b) (c) to (f), (4) and (9) applies to the permits under
14 this section.

15 *-0719/2.74* SECTION 2845. 139.795 of the statutes is created to read:

16 **139.795 Direct marketing.** (1) (a) No person may sell tobacco products by
17 direct marketing to consumers in this state as a direct marketer or solicit sales of
18 tobacco products to consumers in this state by direct marketing unless the person has
19 obtained a permit from the department to make such sales or solicitations. The
20 person shall file an application for a permit under this subsection with the
21 department, in the manner prescribed by the department.

22 (b) No person may be issued a permit under this subsection unless the person
23 holds a valid distributor's permit under s. 139.79. Section 139.34 (1) (c) to (f), (4), and
24 (9), as it applies to permits issued under s. 139.34, applies to permits issued under
25 this subsection.

1 (c) No person may be issued a permit under this subsection unless the person
2 certifies to the department, in the manner prescribed by the department, that the
3 person shall register with credit card and debit card companies; that the invoices and
4 all means of solicitation for all shipments of tobacco product sales from the person
5 shall bear the person's name and address and the permit number of the permit
6 ultimately issued under this subsection; and that the person shall provide the
7 department any information the department considers necessary to administer this
8 section.

9 (2) No person may sell tobacco products to consumers in this state by direct
10 marketing unless the tax imposed under s. 139.76, and under s. 77.52 or 77.53, has
11 been paid with regard to such products.

12 (3) No person may sell tobacco products to a consumer in this state by direct
13 marketing unless the person does all of the following:

14 (a) Verifies the consumer's identity and address and that the consumer is at
15 least 18 years of age by any of the following methods:

16 1. The person uses a database that includes information based on public
17 records.

18 2. The person receives from the consumer, at the time of purchase, a copy of an
19 identification card and verifies that the name specified on the identification card
20 matches the name of the consumer and that the birth date on the identification card
21 indicates that the consumer is at least 18 years of age.

22 3. The person uses a mechanism, other than a mechanism specified under subd.
23 1. or 2., that is approved by the department.

24 (b) Obtains from the consumer, at the time of purchase, a statement signed by
25 the consumer that confirms all of the following:

1 1. The consumer's name, address, and birth date.

2 2. That the consumer understands that no person who is under 18 years of age
3 may purchase or possess tobacco products or falsely represent his or her age for the
4 purpose of receiving tobacco products, as provided under s. 254.92.

5 3. That the consumer understands that any person who, for the purpose of
6 obtaining credit, goods, or services, intentionally uses, attempts to use, or possesses
7 with intent to use, any personal identifying information or personal identification
8 document of an individual, including a deceased individual, without the
9 authorization or consent of the individual and by representing that he or she is the
10 individual, that he or she is acting with the authorization or consent of the
11 individual, or that the information or document belongs to him or her, is guilty of a
12 Class H felony, as provided under s. 943.201.

13 (4) Any person who, without having a valid permit under sub. (1), sells or
14 solicits sales of tobacco products to consumers in this state by direct marketing shall
15 pay a penalty to the department of \$5,000 or an amount that is equal to 50 percent
16 of the tax due on the tobacco products the person sold, without having a valid permit
17 under sub. (1), to consumers in this state by direct marketing, whichever is greater.

18 (5) (a) No person may deliver a package of tobacco products sold by direct
19 marketing to a consumer in this state unless the person making the delivery receives
20 an identification card from the person receiving the package and verifies that the
21 person receiving the package is at least 18 years of age. If the person receiving the
22 package is not the person to whom the package is addressed, the person delivering
23 the package shall have the person receiving the package sign a statement that
24 affirms that the person to whom the package is addressed is at least 18 years of age.

1 (b) No person may deliver a package of tobacco products to a consumer in this
2 state unless the seller of the tobacco products provides proof to the person making
3 the delivery that the seller has complied with all requirements under this
4 subchapter. A seller shall have no course of action against any person who refuses
5 to deliver tobacco products as provided under this paragraph.

6 (6) All packages of tobacco products shipped to consumers in this state shall
7 be clearly labelled "TOBACCO PRODUCTS" on the outside of such packages.

8 (7) (a) Any nonresident or foreign direct marketer that has not registered to
9 do business in this state as a foreign corporation or business entity shall, as a
10 condition precedent to obtaining a permit under s. 139.79 (1), appoint and
11 continually engage the services of an agent in this state to act as agent for the service
12 of process on whom all processes, and any action or proceeding against it concerning
13 or arising out of the enforcement of this chapter, may be served in any manner
14 authorized by law. That service shall constitute legal and valid service of process on
15 the direct marketer. The direct marketer shall provide the name, address, phone
16 number, and proof of the appointment and availability of the agent to the
17 department.

18 (b) A direct marketer described under par. (a) shall provide notice to the
19 department no later than 30 calendar days before termination of the authority of an
20 agent under par. (a) and shall provide proof to the satisfaction of the department of
21 the appointment of a new agent no later than 5 calendar days before the termination
22 of an existing appointment. In the event an agent terminates an appointment, the
23 direct marketer shall notify the department of that termination no later than 5
24 calendar days after the termination and shall include proof to the satisfaction of the
25 department of the appointment of a new agent.

1 (c) The secretary of state is the agent in this state for the service of process of
2 any direct marketer who has not appointed and engaged an agent as provided under
3 par. (a), except that the secretary of state acting as the direct marketer's agent for
4 the service of process does not satisfy the requirements imposed by par. (a).

5 ***-0719/2.75* SECTION 2846.** 139.81 (1) of the statutes is amended to read:

6 139.81 (1) No person may sell ~~or take orders for~~ tobacco products for resale ~~or~~
7 solicit sales of tobacco products in this state for ~~any manufacturer or permittee~~
8 unless the person has filed an application for and obtained a valid certificate under
9 s. 73.03 (50) and a salesperson's permit from the department. No ~~manufacturer or~~
10 permittee shall authorize any person to sell ~~or take orders for~~ tobacco products ~~or~~
11 solicit sales of tobacco products in this state unless the person has filed an application
12 for and obtained a valid certificate under s. 73.03 (50) and a salesperson's permit.

13 No person may authorize the sale of tobacco products or the solicitation of sales of
14 tobacco products in this state unless the person has filed an application for and
15 obtained a valid certificate under s. 73.03 (50) and a valid permit under s. 139.79.

16 Each application for a salesperson's permit shall disclose the name and address of
17 the employer or the person for whom the salesperson is selling or soliciting and shall
18 remain effective only while the salesperson represents the named employer ~~or~~
19 person. If the salesperson is thereafter employed by another ~~manufacturer or~~
20 permittee person the salesperson shall obtain a new salesperson's permit. Each
21 ~~manufacturer and permittee~~ The employer of any such salesperson shall notify the
22 department within 10 days after the resignation or dismissal of ~~any the~~ salesperson
23 ~~holding a permit~~.

24 ***-0719/2.76* SECTION 2847.** 139.81 (2) of the statutes is amended to read:

1 139.81 (2) Section 139.34 (1) (b) (c) to (e) applies to the permits under this
2 section.

3 *-0719/2.77* SECTION 2848. 139.86 of the statutes is amended to read:

4 **139.86 Prosecutions by attorney general.** Upon request by the secretary
5 of revenue, the attorney general may represent this state or assist a district attorney
6 in prosecuting any case arising under this subchapter. The attorney general may
7 take any action necessary to enforce s. 139.795.

8 *-0892/11.48* SECTION 2849. 139.865 of the statutes is created to read:

9 **139.865 Revenue distribution.** From the taxes collected under this
10 subchapter, in fiscal year 2007-08, the department shall deposit no more than
11 \$18,400,000 into the general fund and the remainder into the health care quality
12 fund. From the taxes collected under this subchapter, in fiscal year 2008-09, and in
13 each subsequent fiscal year thereafter, the department shall deposit no more than
14 \$19,300,000 into the general fund and the remainder into the health care quality
15 fund.

16 *-0719/2.78* SECTION 2850. 139.87 of the statutes is created to read:

17 **139.87 Lists.** The department shall compile and maintain a list of direct
18 marketers who have complied with the requirements of s. 139.795 and a list of direct
19 marketers who the department knows have not complied with such requirements.
20 The department shall provide copies of the lists described under this section to the
21 attorney general and to each person who delivers tobacco products to consumers in
22 this state that are sold by direct marketing under s. 139.795.

23 *-0331/2.2* SECTION 2851. 146.19 (title) of the statutes is amended to read:

24 **146.19 (title) Cooperative American Indian health projects.**

25 *-0331/2.3* SECTION 2852. 146.19 (1) (c) of the statutes is amended to read:

1 146.19 (1) (c) "Tribal agency" means an agency of the governing body of created
2 by a tribe.

3 ***-0331/2.4* SECTION 2853.** 146.19 (1) (d) of the statutes is amended to read:

4 146.19 (1) (d) "Tribe" means ~~the governing body of~~ a federally recognized
5 American Indian tribe or band located in this state.

6 ***-0331/2.5* SECTION 2854.** 146.19 (2) (intro.) of the statutes is amended to
7 read:

8 146.19 (2) COOPERATIVE AMERICAN INDIAN HEALTH PROJECT GRANTS. (intro.) From
9 the appropriation under s. 20.435 (5) (ke), the department shall award grants for
10 cooperative American Indian health projects in order to ~~promote cooperation among~~
11 ~~tribes, tribal agencies, inter-tribal organizations and other agencies and~~
12 ~~organizations in addressing~~ address specific problem areas in the field of American
13 Indian health. A tribe, tribal agency, or inter-tribal organization may apply, in the
14 manner specified by the department, for a grant of up to \$10,000 to conduct ~~a~~
15 ~~cooperative~~ an American Indian health project, ~~which meets all of the following~~
16 ~~requirements that is designed to do any of the following:~~

17 ***-0331/2.6* SECTION 2855.** 146.19 (2) (a) of the statutes is repealed.

18 ***-0331/2.7* SECTION 2856.** 146.19 (2) (b) (intro.) of the statutes is repealed.

19 ***-0331/2.8* SECTION 2857.** 146.19 (2) (b) 1. of the statutes is renumbered
20 146.19 (2) (am).

21 ***-0331/2.9* SECTION 2858.** 146.19 (2) (b) 2. of the statutes is renumbered
22 146.19 (2) (bm) and amended to read:

23 146.19 (2) (bm) Fund start-up costs of cooperative programs to deliver health
24 care services to American Indians.

1 ***-0331/2.10* SECTION 2859.** 146.19 (2) (b) 3. of the statutes is renumbered
2 146.19 (2) (c).

3 ***-0331/2.11* SECTION 2860.** 146.19 (2) (d) of the statutes is created to read:
4 146.19 (2) (d) Provide innovative community-based health care services to
5 American Indians.

6 ***-0331/2.12* SECTION 2861.** 146.19 (4) of the statutes is repealed.

7 ***-1261/5.743* *-1267/P1.250* SECTION 2862.** 146.40 (4d) (am) of the statutes
8 is amended to read:

9 146.40 (4d) (am) If an individual who applies for a certification or approval
10 under par. (a) does not have a social security number, the individual, as a condition
11 of obtaining certification or approval, shall submit a statement made or subscribed
12 under oath or affirmation to the department that the applicant does not have a social
13 security number. The form of the statement shall be prescribed by the department
14 of workforce development children and families. A certification or approval issued
15 in reliance upon a false statement submitted under this paragraph is invalid.

16 ***-1261/5.744* *-1267/P1.251* SECTION 2863.** 146.51 (1m) of the statutes is
17 amended to read:

18 146.51 (1m) If an individual who applies for or to renew a license, training
19 permit or certification under sub. (1) does not have a social security number, the
20 individual, as a condition of obtaining the license, training permit or certification,
21 shall submit a statement made or subscribed under oath or affirmation to the
22 department that the applicant does not have a social security number. The form of
23 the statement shall be prescribed by the department of workforce development
24 children and families. A license, training permit or certification issued or renewed
25 in reliance upon a false statement submitted under this subsection is invalid.

SECTION 2864

1 *-1261/5.745* *-1267/P1.252* SECTION 2864. 146.51 (2) of the statutes is
2 amended to read:

3 146.51 (2) The department of health and family services may not disclose any
4 information received under sub. (1) to any person except to the department of
5 workforce development children and families for the purpose of making
6 certifications required under s. 49.857.

7 *-1261/5.746* *-1267/P1.253* SECTION 2865. 146.51 (3) of the statutes is
8 amended to read:

9 146.51 (3) The department of health and family services shall deny an
10 application for the issuance or renewal of a license, training permit or certification
11 specified in sub. (1), shall suspend a license, training permit or certification specified
12 in sub. (1) or may, under a memorandum of understanding under s. 49.857 (2),
13 restrict a license, training permit or certification specified in sub. (1) if the
14 department of workforce development children and families certifies under s. 49.857
15 that the applicant for or holder of the license, training permit or certification is
16 delinquent in the payment of court-ordered payments of child or family support,
17 maintenance, birth expenses, medical expenses or other expenses related to the
18 support of a child or former spouse or fails to comply, after appropriate notice, with
19 a subpoena or warrant issued by the department of workforce development children
20 and families or a county child support agency under s. 59.53 (5) and related to
21 paternity or child support proceedings.

22 *-1261/5.747* *-1267/P1.254* SECTION 2866. 146.52 (1m) of the statutes is
23 amended to read:

24 146.52 (1m) If an individual who applies for or to renew a license, training
25 permit or certificate under sub. (1) does not have a social security number, the

1 individual, as a condition of obtaining the license, training permit or certificate, shall
2 submit a statement made or subscribed under oath or affirmation to the department
3 that the applicant does not have a social security number. The form of the statement
4 shall be prescribed by the department of ~~workforce development~~ children and
5 families. A license, training permit or certificate issued or renewed in reliance upon
6 a false statement submitted under this subsection is invalid.

7 ***-0242/1.15* SECTION 2867.** 146.53 (2) (c) of the statutes is repealed.

8 ***-1471/2.17* SECTION 2868.** 146.55 (4) (a) of the statutes is amended to read:

9 146.55 (4) (a) From the appropriation under s. 20.435 (5) (eh) (rb), the
10 department shall annually distribute funds for ambulance service vehicles or vehicle
11 equipment, emergency medical services supplies or equipment or emergency
12 medical training for personnel to an ambulance service provider that is a public
13 agency, a volunteer fire department or a nonprofit corporation, under a funding
14 formula consisting of an identical base amount for each ambulance service provider
15 plus a supplemental amount based on the population of the ambulance service
16 provider's primary service or contract area, as established under s. 146.50 (5).

17 ***-1471/2.18* SECTION 2869.** 146.55 (5) (a) of the statutes is amended to read:

18 146.55 (5) (a) From the appropriation under s. 20.435 (5) (eh) (rb), the
19 department shall annually distribute funds to ambulance service providers that are
20 public agencies, volunteer fire departments, or nonprofit corporations to purchase
21 the training required for licensure and renewal of licensure as an emergency medical
22 technician - basic under s. 146.50 (6), and to pay for administration of the
23 examination required for licensure or renewal of licensure as an emergency medical
24 technician - basic under s. 146.50 (6) (a) 3. and (b) 1.

25 ***-1471/2.19* SECTION 2870.** 146.58 (8) of the statutes is amended to read:

1 146.58 (8) Review the annual budget prepared by the department for the
2 expenditures under s. 20.435 (5) ~~(eh)~~ (rb).

3 *-0904/2.3* SECTION 2871. 146.75 of the statutes is created to read:

4 **146.75 Health care quality and patient safety council. (1)** In this section:

5 (a) "American Health Information Community" means a panel that is advisory
6 on information technology to the federal department of health and human services.

7 (b) "Council" means the health care quality and patient safety council.

8 **(2)** Acting in an advisory capacity, the council shall lead implementation efforts
9 for an action plan for health care quality and patient safety by doing all of the
10 following:

11 (a) Identifying strategies and actions necessary to do all of the following:

12 1. Attempt to achieve goals established by the Institute of Medicine of the
13 National Academy of Sciences for health care that is safe, effective,
14 patient-centered, timely, efficient, and equitable.

15 2. Extend health care information systems statewide so as to optimize the
16 improvement of health care quality, safety, and efficiency within a reasonable period
17 of time and with reasonable financial investment.

18 (b) Considering the most cost-effective means of implementing a statewide
19 integrated or interoperable health care information system, including all of the
20 following:

21 1. Assessing the benefits of an integrated or interoperable system for
22 supporting rapid deployment of health care providers.

23 2. Promoting accurate and appropriate shared information about individual
24 patients among health care providers.

1 3. Creating points of reference for performance indicators among health care
2 provider organizations for organizational performance improvement.

3 4. Reporting to the public on health care quality, safety, and efficiency data for
4 consumer and purchaser decision making.

5 **(3)** The council shall advise the secretary on all of the following:

6 (a) A communication and marketing plan.

7 (b) Annually, on recommendations to improve the committee organizational
8 structure of the council.

9 (c) The distribution of funding to entities to promote the health information
10 technology agenda of the governor.

11 (d) Whether a health facility, as defined in s. 231.01 (5), or a participating
12 health institution, as defined in s. 231.01 (6), that seeks financial assistance from the
13 Wisconsin Health and Educational Facilities Authority under s. 231.03
14 demonstrates progress in improving medical information systems technology.

15 **(4)** By January 1, 2008, and at least annually thereafter, the council shall
16 report to the legislature under s. 13.172 (3) and to the governor on the council's plans,
17 activities, accomplishments, and recommendations.

18 **(5)** Any subcommittee of the council shall align its work with recommendations
19 of the American Health Information Community.

20 ***-0904/2.4*** SECTION 2872. 146.76 of the statutes is created to read:

21 **146.76 Approval of certain financial assistance.** The secretary shall
22 determine whether a health facility, as defined in s. 231.01 (5), or a participating
23 health institution, as defined in s. 231.01 (6), that seeks financial assistance from the
24 Wisconsin Health and Educational Facilities Authority under s. 231.03
25 demonstrates progress in improving medical information systems technology and

1 shall inform the Wisconsin Health and Educational Facilities Authority of his or her
2 determination. In making a determination under this section, the secretary shall
3 consider as a factor the advice of the health care quality and patient safety council,
4 as provided under s. 146.75 (3) (d).

5 ***-0930/2.3* SECTION 2873.** 146.91 (2) (c) of the statutes is repealed.

6 ***-0930/2.4* SECTION 2874.** 146.91 (5) of the statutes is repealed.

7 ***-0892/11.49* SECTION 2875.** 146.99 of the statutes is repealed.

8 ***-1006/3.5* SECTION 2876.** 149.11 (2) (a) 1. of the statutes is amended to read:

9 149.11 (2) (a) 1. Insurer assessments under s. 149.13, ~~paid to the authority~~
10 ~~under s. 20.145 (5) (g).~~

11 ***-1006/3.6* SECTION 2877.** 149.11 (2) (a) 3. of the statutes is repealed and
12 recreated to read:

13 149.11 (2) (a) 3. Moneys received from the federal government in high risk pool
14 grants.

15 ***-1006/3.7* SECTION 2878.** 149.11 (2) (b) of the statutes is amended to read:

16 149.11 (2) (b) The authority controls the assets of the fund and ~~shall select~~
17 ~~regulated financial institutions in this state that receive deposits in which to~~
18 ~~establish and maintain accounts for assets needed on a current basis. If practicable,~~
19 ~~the accounts shall earn interest.~~

20 ***-1006/3.8* SECTION 2879.** 149.12 (2) (e) of the statutes is renumbered 149.12

21 (2) (e) 1. and amended to read:

22 149.12 (2) (e) 1. No Subject to subd. 2., no person who is eligible for creditable
23 coverage, other than those benefits specified in s. 632.745 (11) (b) 1. to 12., that is
24 provided by an employer on a self-insured basis or through health insurance is
25 eligible for coverage under the plan.

1 ***-1006/3.9* SECTION 2880.** 149.12 (2) (e) 2. of the statutes is created to read:
2 149.12 (2) (e) 2. The board may specify other types of coverage provided by an
3 employer that do not render a person ineligible for coverage under the plan.

4 ***-1521/6.5* SECTION 2881.** 149.12 (2) (f) 2. g. of the statutes is created to read:
5 149.12 (2) (f) 2. g. Benefits under the demonstration project for childless adults
6 under s. 49.45 (23).

7 ***-0336/3.7* SECTION 2882.** 149.12 (2) (g) 3. of the statutes is amended to read:
8 149.12 (2) (g) 3. Services provided under ~~a waiver requested under 2001~~
9 ~~Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8e) the~~
10 disabled children's long-term support program, as defined in s. 46.011 (1g).

11 ***-1609/2.3* SECTION 2883.** 149.12 (3) (a) of the statutes is amended to read:
12 149.12 (3) (a) Except as provided in pars. (b) ~~and (bm)~~ to (c), no person is eligible
13 for coverage under the plan for whom a premium, deductible, or coinsurance amount
14 is paid or reimbursed by a federal, state, county, or municipal government or agency
15 as of the first day of any term for which a premium amount is paid or reimbursed and
16 as of the day after the last day of any term during which a deductible or coinsurance
17 amount is paid or reimbursed.

18 ***-1609/2.4* SECTION 2884.** 149.12 (3) (c) of the statutes is created to read:
19 149.12 (3) (c) Persons for whom premium costs for health insurance coverage
20 and copayments for certain prescription drugs are paid under the pilot program
21 under s. 49.686 (6) are not ineligible for coverage under the plan by reason of such
22 payments.

23 ***-1006/3.10* SECTION 2885.** 149.13 (3) (a) of the statutes is amended to read:
24 149.13 (3) (a) Each insurer's proportion of participation under sub. (2) shall be
25 determined annually by the commissioner based on annual statements and other

1 reports filed by the insurer with the commissioner. The commissioner shall assess
2 an insurer for the insurer's proportion of participation based on the total
3 assessments estimated by the authority. An insurer shall pay the amount of the
4 assessment directly to the authority.

5 ***-1006/3.11*** SECTION 2886. 149.14 (2) (c) 1. of the statutes is renumbered
6 149.14 (2) (c).

7 ***-1006/3.12*** SECTION 2887. 149.14 (2) (c) 2. of the statutes is repealed.

8 ***-1006/3.13*** SECTION 2888. 149.14 (3) (intro.) of the statutes is amended to
9 read:

10 149.14 (3) COVERED EXPENSES. (intro.) Covered expenses for coverage under the
11 plan shall be the payment rates established by the authority for services provided
12 by persons licensed under ch. 446 and certified under s. 49.45 (2) (a) 11. Covered
13 expenses for coverage under the plan shall also be the payment rates established by
14 the authority for, at a minimum, the following services and articles if the service or
15 article is prescribed by a physician who is licensed under ch. 448 or in another state
16 and who is certified under s. 49.45 (2) (a) 11. and, except as provided in sub. (3m), if
17 the service or article is provided by a provider certified under s. 49.45 (2) (a) 11.:

18 ***-1006/3.14*** SECTION 2889. 149.14 (3m) of the statutes is created to read:

19 149.14 (3m) PHARMACY NETWORK. Covered expenses for prescription drugs
20 shall be the payment rates established by the authority for prescription drugs that
21 are provided to eligible persons by a network of pharmacists and pharmacies
22 approved by the board, regardless of whether the provider of the drug is certified
23 under s. 49.45 (2) (a) 11. The network of pharmacists and pharmacies approved by
24 the board shall include, at a minimum, all pharmacists licensed under s. 450.03 who

1 are certified under s. 49.45 (2) (a) 11. and all pharmacies licensed under s. 450.06 that
2 are certified under s. 49.45 (2) (a) 11.

3 ***-1006/3.15* SECTION 2890.** 149.14 (5) (a) of the statutes is amended to read:

4 149.14 (5) (a) The authority shall establish and provide subsidies for
5 deductibles paid by eligible persons with coverage under s. 149.14 (2) (a) and
6 household incomes specified in s. 149.165 (2) (a) 1. to 5.

7 ***-1006/3.16* SECTION 2891.** 149.142 (1) of the statutes is amended to read:

8 149.142 (1) ESTABLISHMENT OF RATES. The authority shall establish provider
9 payment rates for covered expenses that consist of the ~~allowable charges paid under~~
10 ~~s. 49.46 (2) usual and customary payment rates, as determined by the authority, for~~
11 ~~the services and articles provided plus an enhancement adjustment determined by~~
12 ~~the authority. The rates shall be based on the allowable charges paid under s. 49.46~~
13 ~~(2), projected plan costs, and trend factors. Using the same methodology that applies~~
14 ~~to medical assistance under subch. IV of ch. 49, the authority shall establish hospital~~
15 ~~outpatient per visit reimbursement rates and hospital inpatient reimbursement~~
16 ~~rates that are specific to diagnostically related groups of eligible persons. The~~
17 ~~adjustments to the usual and customary rates shall be sufficient to cover the portion~~
18 ~~of plan costs specified in s. 149.143 (1) (c) and (2) (b).~~

19 ***-1006/3.17* SECTION 2892.** 149.143 (1) (intro.) of the statutes is amended to
20 read:

21 149.143 (1) COSTS EXCLUDING SUBSIDIES. (intro.) The authority shall pay plan
22 costs, excluding any premium, deductible, and copayment subsidies, first from any
23 ~~federal funds, if any, that are transferred to the fund under s. 20.145 (5) (m) and~~
24 under s. 149.11 (2) (a) 3. that exceed premium, deductible, and copayment subsidy

1 costs in a policy year. The remainder of the plan costs, excluding premium,
2 deductible, and copayment subsidy costs, shall be paid as follows:

3 ***-1006/3.18* SECTION 2893.** 149.143 (2) (intro.) of the statutes is amended to
4 read:

5 149.143 (2) SUBSIDY COSTS. (intro.) The authority shall pay for premium,
6 deductible, and copayment subsidies in a policy year first from any federal funds, if
7 ~~any, that are transferred to the fund under s. 20.145 (5) (m) under s. 149.11 (2) (a)~~
8 3. received in that year. The remainder of the subsidy costs shall be paid as follows:

9 ***-1006/3.19* SECTION 2894.** 149.165 (2) (bc) of the statutes is amended to read:

10 149.165 (2) (bc) Subject to sub. (3m), if the household income, as defined in s.
11 71.52 (5) and as determined under sub. (3), of an eligible person with coverage under
12 s. 149.14 (2) (b) or (c) is equal to or greater than the first amount and less than the
13 2nd amount listed in par. (a) 1., 2., 3., 4., or 5., the authority shall reduce the premium
14 established for the eligible person by the same percentage as the authority reduces,
15 under par. (a), the premium established for an eligible person with coverage under
16 s. 149.14 (2) (a) who has a household income specified in the same subdivision under
17 par. (a) as the household income of the eligible person with coverage under s. 149.14
18 (2) (b) or (c).

19 ***-1006/3.20* SECTION 2895.** 149.65 (1) of the statutes is amended to read:

20 149.65 (1) Subject to sub. (2), the authority shall design and administer a
21 program of health care coverage, called the Health Care Tax Credit Program, under
22 which a covered eligible individual may receive an income tax credit under 26 USC
23 35 for a portion of premiums paid for the coverage. The Health Care Tax Credit
24 Program shall be designed to satisfy the requirements of qualified health insurance
25 under 26 USC 35 (e) (1) (E), (2), and (3). Any person with which the authority

1 contracts under s. 149.43 (4) (a) shall also be the administrator for the program under
2 this subchapter.

3 ***-0647/3.3* SECTION 2896.** 150.31 (1) (intro.) of the statutes is amended to
4 read:

5 150.31 (1) (intro.) In order to enable the state to budget accurately for medical
6 assistance and to allocate fiscal resources most appropriately, the maximum number
7 of licensed nursing home beds statewide is 51,795 42,000 and the maximum number
8 of beds statewide in facilities primarily serving the developmentally disabled is
9 3,704. The department may adjust these limits on licensed beds as provided in subs.
10 (2) to (6). The department shall also biennially recommend changes to this limit
11 based on the following criteria:

12 ***-0332/4.7* SECTION 2897.** 150.31 (5t) of the statutes is repealed.

13 ***-0647/3.4* SECTION 2898.** 150.345 (1) (a) of the statutes is amended to read:

14 150.345 (1) (a) The receiving nursing home is within the same area for
15 allocation of nursing home beds, as determined by the department, as is the
16 transferring nursing home, or is in ~~a county~~ an adjoining that area.

17 ***-1575/1.2* SECTION 2899.** 165.07 of the statutes is created to read:

18 **165.07 Assistant attorney general — public intervenor.** (1) The attorney
19 general shall designate an assistant attorney general on the attorney general's staff
20 as public intervenor. The head of each agency responsible for proceedings under chs.
21 30, 31, 281 to 285, and 289 to 299, shall give notice of those proceedings to the public
22 intervenor, to the administrators of divisions primarily assigned the departmental
23 functions under chs. 29, 281, 285, and 289 to 299, and to the natural areas
24 preservation council.

1 (2) The public intervenor shall formally intervene in proceedings described in
2 sub. (1) when requested to do so by an administrator of a division primarily assigned
3 the departmental functions under chs. 29, 281, 285, or 289 to 299. The public
4 intervenor may, on the public intervenor's own initiative or upon request of any
5 committee of the legislature, formally intervene in proceedings described in sub. (1)
6 whenever that intervention is needed for the protection of public rights in water and
7 other natural resources, as provided in chs. 30 and 31 and defined by the supreme
8 court.

9 (3) Personnel of the department of natural resources shall, upon the request
10 of the public intervenor, make such investigations, studies, and reports as the public
11 intervenor may request in connection with proceedings described in sub. (1), either
12 before or after formal intervention. Personnel of state agencies shall, at the public
13 intervenor's request, provide information, serve as witnesses in proceedings
14 described in sub. (1), and otherwise cooperate in the carrying out of the public
15 intervenor's intervention functions. The public intervenor shall formally intervene
16 by filing a statement to that effect with the examiner or other person immediately
17 in charge of the proceeding. Upon that filing, the public intervenor shall be
18 considered a party in interest with full power to present evidence, subpoena and
19 cross-examine witnesses, submit proof, file briefs, or do any other acts appropriate
20 for a party to the proceedings.

21 (4) The public intervenor may appeal from administrative rulings to the courts.
22 In all administrative proceedings and judicial review proceedings, the public
23 intervenor shall be identified as "public intervenor." This section does not preclude
24 or prevent any division of the department of natural resources, or any other

1 department or independent agency, from appearing by its staff as a party in any
2 proceedings.

3 ***-1575/1.3* SECTION 2900.** 165.075 of the statutes is created to read:

4 **165.075 Assistant attorney general; public intervenor; authority.** In
5 carrying out his or her duty to protect public rights in water and other natural
6 resources, the public intervenor has the authority to initiate actions and proceedings
7 before any agency or court in order to raise issues, including issues concerning
8 constitutionality, present evidence and testimony, and make arguments.

9 ***-1575/1.4* SECTION 2901.** 165.076 of the statutes is created to read:

10 **165.076 Assistant attorney general; public intervenor; advisory**
11 **committee.** The attorney general shall appoint a public intervenor advisory
12 committee under s. 15.04 (1) (c). The public intervenor advisory committee shall
13 consist of not less than 7 nor more than 9 members. The attorney general may only
14 appoint members who have backgrounds in or demonstrated experience or records
15 relating to environmental protection or natural resource conservation. The attorney
16 general shall appoint at least one member who has working knowledge of business
17 and at least one member who has working knowledge of agriculture. The public
18 intervenor advisory committee shall advise the public intervenor consistent with his
19 or her duty to protect public rights in water and other natural resources. The public
20 intervenor advisory committee shall conduct meetings consistent with subch. V of
21 ch. 19 and shall permit public participation and public comment on public intervenor
22 activities.

23 ***-0444/P2.15* SECTION 2902.** 165.08 of the statutes is amended to read:

24 **165.08 Power to compromise.** Any civil action prosecuted by the
25 department by direction of any officer, department, board or commission, shall be

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1 compromised or discontinued when so directed by such officer, department, board or
2 commission. Any Except as provided in s. 20.931 (7) (b), any civil action prosecuted
3 by the department on the initiative of the attorney general, or at the request of any
4 individual may be compromised or discontinued with the approval of the governor.

5 In any criminal action prosecuted by the attorney general, the department shall have
6 the same powers with reference to such action as are vested in district attorneys.

7 ***-0450/1.1* SECTION 2903.** 165.10 of the statutes is created to read:

8 **165.10 Civil rights enforcement.** If any person, whether or not acting under
9 color of law, interferes with the exercise or enjoyment by any individual of a right
10 secured by the constitution or laws of the United States, or of a right secured by the
11 constitution or laws of this state, the attorney general may bring an action for
12 injunction or other appropriate equitable relief to protect the peaceable exercise or
13 enjoyment of the right secured.

14 ***-0444/P2.16* SECTION 2904.** 165.25 (11) of the statutes is created to read:

15 **165.25 (11) FALSE CLAIMS.** Diligently investigate possible violations of s. 20.931,
16 and, if the department determines that a person has committed an act that is
17 punishable under s. 20.931, may bring a civil action against that person.

18 ***-0449/2.4* SECTION 2905.** 165.72 (3) of the statutes is amended to read:

19 **165.72 (3) REWARD PAYMENT PROGRAM.** The department shall administer a
20 reward payment program. Under the program, the department may offer and pay
21 rewards from the appropriation under s. 20.455 (2) (e) (m) for information under sub.
22 (2) (a) leading to the arrest and conviction of a person for a violation of ch. 961.

23 ***-1261/5.748* *-1267/P1.255* SECTION 2906.** 165.85 (3) (cm) of the statutes
24 is amended to read:

1 165.85 (3) (cm) Decertify law enforcement, tribal law enforcement, jail or
2 secure detention officers who terminate employment or are terminated, who violate
3 or fail to comply with a rule or order of the board relating to curriculum or training,
4 who fail to pay court-ordered payments of child or family support, maintenance,
5 birth expenses, medical expenses or other expenses related to the support of a child
6 or former spouse or who fail to comply, after appropriate notice, with a subpoena or
7 warrant issued by the department of workforce-development children and families
8 or a county child support agency under s. 59.53 (5) and related to paternity or child
9 support proceedings. The board shall establish procedures for decertification in
10 compliance with ch. 227, except that decertification for failure to pay court-ordered
11 payments of child or family support, maintenance, birth expenses, medical expenses
12 or other expenses related to the support of a child or former spouse or for failure to
13 comply, after appropriate notice, with a subpoena or warrant issued by the
14 department of workforce-development children and families or a county child
15 support agency under s. 59.53 (5) and related to paternity or child support
16 proceedings shall be done as provided under sub. (3m) (a).

17 *-1261/5.749* *-1267/P1.256* SECTION 2907. 165.85 (3m) (a) of the statutes
18 is amended to read:

19 165.85 (3m) (a) As provided in a memorandum of understanding entered into
20 with the department of workforce-development children and families under s.
21 49.857, refuse certification to an individual who applies for certification under this
22 section, refuse recertification to an individual certified under this section or decertify
23 an individual certified under this section if the individual fails to pay court-ordered
24 payments of child or family support, maintenance, birth expenses, medical expenses
25 or other expenses related to the support of a child or former spouse or if the individual

1 fails to comply, after appropriate notice, with a subpoena or warrant issued by the
2 department of workforce development children and families or a county child
3 support agency under s. 59.53 (5) and related to paternity or child support
4 proceedings.

5 ***-1261/5.750*-1267/P1.257* SECTION 2908.** 165.85 (3m) (b) 1. of the statutes
6 is amended to read:

7 165.85 (3m) (b) 1. Request that an individual provide the board with his or her
8 social security number when he or she applies for certification or recertification
9 under this section. Except as provided in subd. 2., if an individual who is requested
10 by the board to provide his or her social security number under this paragraph does
11 not comply with the board's request, the board shall deny the individual's application
12 for certification or recertification. The board may disclose a social security number
13 provided by an individual under this paragraph only to the department of workforce
14 development children and families as provided in a memorandum of understanding
15 entered into with the department of workforce development children and families
16 under s. 49.857.

17 ***-1261/5.751*-1267/P1.258* SECTION 2909.** 165.85 (3m) (b) 2. of the statutes
18 is amended to read:

19 165.85 (3m) (b) 2. As a condition of applying for certification or recertification,
20 an individual who does not have a social security number shall submit a statement
21 made or subscribed under oath or affirmation to the board that he or she does not
22 have a social security number. The form of the statement shall be prescribed by the
23 department of workforce development children and families. A certification or
24 recertification issued in reliance on a false statement submitted under this
25 subdivision is invalid.

1 ***-1471/2.20*** SECTION 2910. 166.03 (2) (a) 5. of the statutes is amended to read:

2 166.03 (2) (a) 5. Provide assistance to the Wisconsin wing of the civil air patrol
3 from the appropriation under s. 20.465 (3) (f) (y) for the purpose of enabling the patrol
4 to perform its assigned missions and duties as prescribed by U.S. air force
5 regulations. Expenses eligible for assistance are aircraft acquisition and
6 maintenance, communications equipment acquisition and maintenance and office
7 staffing and operational expenses. The civil air patrol shall submit vouchers for
8 expenses eligible for assistance to the division.

9 ***-1471/2.21*** SECTION 2911. 166.215 (1) of the statutes is amended to read:

10 166.215 (1) Beginning July 1, 2001, the division shall contract with no more
11 than 9 regional emergency response teams, one of which shall be located in La Crosse
12 County. Each regional emergency response team shall assist in the emergency
13 response to level A releases in a region of this state designated by the division. The
14 division shall contract with at least one regional emergency response team in each
15 area designated under s. 166.03 (2) (b) 1. The division may only contract with a local
16 agency, as defined in s. 166.22 (1) (c), under this subsection. A member of a regional
17 emergency response team shall meet the highest standards for a hazardous
18 materials responder in 29 CFR 1910.120 (q) (6) (iv) and National Fire Protection
19 Association standards NFPA 471 and 472. Regional emergency response teams shall
20 have at least one member that is trained in each of the appropriate specialty areas
21 under National Fire Protection Association standard NFPA 472. Payments to
22 regional emergency response teams under this subsection shall be made from the
23 appropriation account under s. 20.465 (3) ~~(dd)~~ (u).

24 ***-1471/2.22*** SECTION 2912. 166.215 (2) of the statutes is amended to read:

1 166.215 (2) The division shall reimburse a regional emergency response team
2 for costs incurred by the team in responding to an emergency involving a level A
3 release, or a potential level A release, if the team followed the procedures in the rules
4 promulgated under s. 166.20 (2) (bs) 1. to determine if an emergency requiring a
5 response existed. Reimbursement under this subsection is limited to amounts
6 collected under sub. (3) and the amounts appropriated under s. 20.465 (3) ~~(dr)~~ (x).
7 Reimbursement is available under s. 20.465 (3) ~~(dr)~~ (x) only if the regional emergency
8 response team has made a good faith effort to identify the person responsible under
9 sub. (3) and that person cannot be identified, or, if that person is identified, the team
10 has received reimbursement from that person to the extent that the person is
11 financially able or has determined that the person does not have adequate money or
12 other resources to reimburse the regional emergency response team.

13 *-1471/2.23* SECTION 2913. 166.22 (3m) of the statutes is amended to read:

14 166.22 (3m) The division shall reimburse a local emergency response team for
15 costs incurred by the team in responding to an emergency involving a hazardous
16 substance release, or potential release, if the team followed the procedures in the
17 rules promulgated under s. 166.20 (2) (bs) 2. to determine if an emergency requiring
18 the team's response existed. Reimbursement under this subsection is limited to the
19 amount appropriated under s. 20.465 (3) ~~(dr)~~ (x). Reimbursement is available under
20 s. 20.465 (3) ~~(dr)~~ (x) only if the local emergency response team has made a good faith
21 effort to identify the person responsible under sub. (4) and that person cannot be
22 identified, or, if that person is identified, the team has received reimbursement from
23 that person to the extent that the person is financially able or has determined that
24 the person does not have adequate money or other resources to reimburse the local
25 emergency response team.