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1 determined under sub. (11) (d), of every parcel of real property with improvements
2 that is located in the municipality.

3 **SECTION 2517.** 79.10 (6m) (a) of the statutes is amended to read:

4 **79.10 (6m) (a)** Except as provided in pars. (b) and (c), if the department of
5 administration or the department of revenue determines by October 1 of the year of
6 any distribution under subs. (4) and, (5), and (5m) that there was an overpayment
7 or underpayment made in that year's distribution by the department of
8 administration to municipalities, as determined under subs. (4) and, (5), and (5m),
9 because of an error by the department of administration, the department of revenue
10 or any municipality, the overpayment or underpayment shall be corrected as
11 provided in this paragraph. Any overpayment shall be corrected by reducing the
12 subsequent year's distribution, as determined under subs. (4) and, (5), and (5m), by
13 an amount equal to the amount of the overpayment. Any underpayment shall be
14 corrected by increasing the subsequent year's distribution, as determined under
15 subs. (4) and, (5), and (5m), by an amount equal to the amount of the underpayment.
16 Corrections shall be made in the distributions to all municipalities affected by the
17 error. Corrections shall be without interest.

18 **SECTION 2518.** 79.10 (7m) (c) of the statutes is created to read:

19 **79.10 (7m) (c) First dollar credit.** 1. The amount determined under sub. (5m)
20 shall be distributed from the appropriation under s. 20.835 (3) (b) by the department
21 of administration on the 4th Monday in July.

22 2. The town, village, or city treasurer shall settle for the amounts distributed
23 on the 4th Monday in July under this paragraph with the appropriate county
24 treasurer not later than August 15. Failure to settle timely under this subdivision
25 subjects the town, village, or city treasurer to the penalties under s. 74.31. On or

1 before August 20, the county treasurer shall settle with each taxing jurisdiction,
2 including towns, villages, and cities except 1st class cities, in the county.

3 **SECTION 2519.** 79.10 (9) (bn) of the statutes is created to read:

4 79.10 (9) (bn) *First dollar credit.* Except as provided in ss. 79.175 and 79.18,
5 and subject to s. 79.15, the first dollar credit shall be allocated to every parcel of real
6 estate on which improvements are located in an amount determined by multiplying
7 the amount determined by the department of revenue under sub. (11) (d), by the
8 school tax rate.

9 **SECTION 2520.** 79.10 (9) (c) 3. of the statutes is created to read:

10 79.10 (9) (c) 3. The credit under par. (bn) shall reduce the property taxes
11 otherwise payable.

12 **SECTION 2521.** 79.10 (11) (d) of the statutes is created to read:

13 79.10 (11) (d) Before December 1, the department of revenue shall calculate,
14 to the nearest \$100, the estimated fair market value necessary to distribute the total
15 amount available for distribution under s. 79.15.

16 **SECTION 2522.** 79.14 of the statutes is amended to read:

17 **79.14 School levy tax credit.** The appropriation under s. 20.835 (3) (b), for
18 the payments under s. 79.10 (4), is \$319,305,000 in 1994, 1995, and 1996;
19 \$469,305,000 beginning in 1997 and ending in 2006; and \$593,050,000 in each year
20 thereafter.

21 **SECTION 2523.** 79.15 of the statutes is created to read:

22 **79.15 Improvements credit.** Beginning in 2009, the total amount paid each
23 year to municipalities from the appropriation account under s. 20.835 (3) (b) for the
24 payments under s. 79.10 (5m) is \$100,000,000.

25 **SECTION 2524.** 84.01 (13) of the statutes is amended to read:

1 84.01 (13) ENGINEERING SERVICES. The department may engage such
2 engineering, consulting, surveying, or other specialized services as it deems
3 advisable. Any engagement of services under this subsection is exempt from ss.
4 16.70 to 16.75, 16.755 to 16.77, 16.78 to 16.82, and 16.85 to 16.87, and 16.875 to 16.89,
5 but ss. 16.528, 16.752, 16.753, and 16.754, 16.771, and 16.871 apply to such
6 engagement. Any engagement involving an expenditure of \$3,000 or more shall be
7 by formal contract approved by the governor. The department shall conduct a
8 uniform cost-benefit analysis, as defined in s. 16.70 (3g), of each proposed
9 engagement under this subsection that involves an estimated expenditure of more
10 than \$25,000 in accordance with standards prescribed by rule of the department. The
11 department shall review periodically, and before any renewal, the continued
12 appropriateness of contracting pursuant to each engagement under this subsection
13 that involves an estimated expenditure of more than \$25,000.

14 **SECTION 2525.** 84.014 (5m) (a) of the statutes is renumbered 84.014 (5m) (am).

15 **SECTION 2526.** 84.014 (5m) (ag) of the statutes is created to read:

16 84.014 (5m) (ag) In this subsection:

17 1. "I 94 north-south corridor" means the Mitchell interchange of I 43, I 94, and
18 I 894 in Milwaukee County, I 94 from the Illinois-Wisconsin state line in Kenosha
19 County proceeding northerly through the Mitchell interchange to Howard Avenue
20 in Milwaukee County, I 43/894 from the Mitchell interchange proceeding westerly
21 to 35th Street in Milwaukee County, the STH 119 Airport Spur Parkway between I
22 94 and General Mitchell International Airport in Milwaukee County, and all
23 freeways, roadways, shoulders, interchange ramps, frontage roads, and collector
24 road systems adjacent or related to these routes or interchanges.

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1 2. "Zoo interchange" means all freeways, including related interchange ramps,
2 roadways, and shoulders, and all adjacent frontage roads and collector road systems,
3 encompassing I 94, I 894, and USH 45 in Milwaukee County within the area
4 bordered by I 894/USH 45 at the Union Pacific railroad underpass near Burnham
5 Street in Milwaukee County to the south, I 94 at 76th Street to the east, I 94 at 116th
6 Street to the west, and USH 45 at Center Street to the north.

7 **SECTION 2527.** 84.014 (5m) (b) 1. of the statutes is repealed.

8 **SECTION 2528.** 84.014 (5m) (b) 2. and 3. of the statutes are created to read:

9 84.014 (5m) (b) 2. Reconstruction of the Zoo interchange.

10 3. Reconstruction of the I 94 north-south corridor.

11 **SECTION 2529.** 84.06 (2) (a) of the statutes is amended to read:

12 84.06 (2) (a) All such highway improvements shall be executed by contract
13 based on bids unless the department finds that another method as provided in sub.
14 (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in
15 the manner determined by the department. Except as provided in s. 84.075, the
16 contract shall be awarded to the lowest competent and responsible bidder as
17 determined by the department. If the bid of the lowest competent bidder is
18 determined by the department to be in excess of the estimated reasonable value of
19 the work or not in the public interest, all bids may be rejected. The department shall,
20 so far as reasonable, follow uniform methods of advertising for bids and may
21 prescribe and require uniform forms of bids and contracts. Except as provided in par.
22 (b), the secretary shall enter into the contract on behalf of the state. Every such
23 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.77, 16.78 to 16.82, 16.87
24 and 16.89, but ss. 16.528, 16.752, 16.753, and 16.754, 16.771, and 16.871 apply to the
25 contract. Any such contract involving an expenditure of \$1,000 or more shall not be

1 valid until approved by the governor. The secretary may require the attorney general
2 to examine any contract and any bond submitted in connection with the contract and
3 report on its sufficiency of form and execution. The bond required by s. 779.14 (1m)
4 is exempt from approval by the governor and shall be subject to approval by the
5 secretary. This subsection also applies to contracts with private contractors based
6 on bids for maintenance under s. 84.07.

7 **SECTION 2530.** 84.06 (3) of the statutes is amended to read:

8 **84.06 (3) CONTRACTS WITH COUNTY OR MUNICIPALITY; DIRECT LABOR; MATERIALS.** If
9 the department finds that it would be more feasible and advantageous to have the
10 improvement performed by the county in which the proposed improvement is located
11 and without bids, the department may, by arrangement with the county highway
12 committee of the county, enter into a contract satisfactory to the department to have
13 the work done by the county forces and equipment. In such contract the department
14 may authorize the county to purchase, deliver, and store materials and may fix the
15 rental rates of small tools and equipment. The contract shall be between the county
16 and the state and shall not be based on bids, and may be entered into on behalf of the
17 county by the county highway committee and on behalf of the state by the secretary.
18 Such contract is exempted from s. 779.14 and from all provisions of chs. 16 and 230,
19 except ss. 16.753 and 16.754, 16.771, and 16.871. If the total estimated
20 indebtedness to be incurred exceeds \$5,000 the contract shall not be valid until
21 approved by the governor. The provisions of this subsection relating to agreements
22 between a county and the state shall also authorize and apply to such arrangements
23 between a city, town, or a village and the state. In such cases, the governing body
24 of the city, town, or village shall enter into the agreement on behalf of the
25 municipality.

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1 **SECTION 2531.** 84.06 (4) of the statutes is amended to read:

2 **84.06 (4) SPECIAL CONTRACTS WITH RAILROADS AND UTILITIES.** If an improvement
3 undertaken by the department will cross or affect the property or facilities of a
4 railroad or public utility company, the department may, upon finding that it is
5 feasible and advantageous to the state, arrange to perform portions of the
6 improvement work affecting such facilities or property or perform work of altering,
7 rearranging, or relocating such facilities by contract with the railroad or public
8 utility. Such contract shall be between the railroad company or public utility and the
9 state and need not be based on bids. The contract may be entered into on behalf of
10 the state by the secretary. Every such contract is exempted from s. 779.14 and from
11 all provisions of chs. 16 and 230, except ss. 16.528, 16.752, 16.753, and 16.754,
12 16.771, and 16.871. No such contract in which the total estimated debt to be incurred
13 exceeds \$5,000 shall be valid until approved by the governor. As used in this
14 subsection, "public utility" means the same as in s. 196.01 (5), and includes a
15 telecommunications carrier as defined in s. 196.01 (8m), and "railroad" means the
16 same as in s. 195.02. "Property" as used in this subsection includes but is not limited
17 to tracks, trestles, signals, grade crossings, rights-of-way, stations, pole lines,
18 plants, substations, and other facilities. Nothing in this subsection shall be
19 construed to relieve any railroad or public utility from any financial obligation,
20 expense, duty, or responsibility otherwise provided by law relative to such property.

21 **SECTION 2532.** 84.09 (1) of the statutes is amended to read:

22 **84.09 (1)** The department may acquire by gift, devise, purchase or
23 condemnation any lands for establishing, laying out, widening, enlarging,
24 extending, constructing, reconstructing, improving and maintaining highways and
25 other transportation related facilities, or interests in lands in and about and along

1 and leading to any or all of the same; and after establishment, layout and completion
2 of such improvements, the department may convey such lands thus acquired and not
3 necessary for such improvements, with reservations concerning the future use and
4 occupation of such lands so as to protect such public works and improvements and
5 their environs and to preserve the view, appearance, light, air and usefulness of such
6 public works. Whenever the department deems it necessary to acquire any such
7 lands or interests therein for any transportation related purpose, it shall so order and
8 in such order or on a map or plat show the old and new locations and the lands and
9 interests required, and shall file a copy of the order and map with the county clerk
10 and county highway committee of each county in which such lands or interests are
11 required or, in lieu of filing a copy of the order and map, may file or record a plat in
12 accordance with s. 84.095. For the purposes of this section the department may
13 acquire private or public lands or interests in such lands. When so provided in the
14 department's order, such land shall be acquired in fee simple. Unless it elects to
15 proceed under sub. (3), the department shall endeavor to obtain easements or title
16 in fee simple by conveyance of the lands or interests required at a price, including
17 any damages, deemed reasonable by the department. The instrument of conveyance
18 shall name the state as grantee and shall be recorded in the office of the register of
19 deeds. The purchase or acquisition of lands or interests therein under this section
20 is excepted and exempt from s. 20.914 (1). The department may purchase or accept
21 donations of remnants of tracts or parcels of land existing at the time or after it has
22 acquired portions of such tracts or parcels by purchase or condemnation for
23 transportation purposes where in the judgment of the department such action would
24 assist in making whole the landowner, a part of whose lands have been taken for

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1 transportation purposes and would serve to minimize the overall costs of such taking
2 by the public. This subsection does not apply to lands that are sold under s. 16.848.

3 **SECTION 2533.** 84.185 (1) (ce) of the statutes is amended to read:

4 84.185 (1) (ce) "Job" has the meaning specified in s. ~~560.60 (10)~~ 560.17 (1) (bm).

5 **SECTION 2534.** 84.185 (1) (cm) of the statutes is amended to read:

6 84.185 (1) (cm) "Political subdivision" ~~has the meaning specified in s. 560.60~~
7 (13) means a county, city, town, or village.

8 **SECTION 2535.** 84.28 (1) of the statutes is amended to read:

9 84.28 (1) Moneys from the appropriation under s. 20.370 (7) ~~(me)~~ (mr) may be
10 expended for the renovation, marking and maintenance of a town or county highway
11 located within the boundaries of any state park, state forest or other property under
12 the jurisdiction of the department of natural resources. Moneys from the
13 appropriation under s. 20.370 (7) ~~(me)~~ (mr) may be expended for the renovation,
14 marking and maintenance of a town or county highway located in the lower Lower
15 Wisconsin state riverway State Riverway as defined in s. 30.40 (15). Outside the
16 lower Lower Wisconsin state riverway State Riverway as defined in s. 30.40 (15), or
17 outside the boundaries of these parks, forests or property, moneys from the
18 appropriation under s. 20.370 (7) ~~(me)~~ (mr) may be expended for the renovation,
19 marking and maintenance of roads which the department of natural resources
20 certifies are utilized by a substantial number of visitors to state parks, state forests
21 or other property under the jurisdiction of the department of natural resources. The
22 department of natural resources shall authorize expenditures under this subsection.
23 The department of natural resources shall rank projects eligible for assistance under
24 a priority system and funding may be restricted to those projects with highest
25 priority.

1 **SECTION 2536.** 84.555 (1m) (a) of the statutes is amended to read:

2 84.555 (1m) (a) Notwithstanding sub. (1) and ss. 84.51 and 84.59, the proceeds
3 of general obligation bonds issued under s. 20.866 (2) (uum) are allocated for
4 expenditure obligations under s. 84.95 and s. 84.014 and the proceeds of general
5 obligation bonds issued under s. 20.866 (2) (uup) may be used to fund expenditure
6 obligations for the Marquette interchange reconstruction project under s. 84.014 and
7 for the reconstruction of the I 94 north-south corridor, as defined in s. 84.014 (5m)
8 (ag) 1.

9 **SECTION 2537.** 84.59 (2) (b) of the statutes is amended to read:

10 84.59 (2) (b) The department may, under s. 18.562, deposit in a separate and
11 distinct special fund outside the state treasury, in an account maintained by a
12 trustee, revenues derived under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2),
13 (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2),
14 and (2m), 341.17 (8), 341.19 (1) (a), 341.25, 341.255 (1), (2) (a), (b), and (c), (4), and
15 (5), 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264 (1), 341.265
16 (1), 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.30 (3), 341.305 (3), 341.308 (3),
17 341.36 (1) and (1m), 341.51 (2), and 342.14, except s. 342.14 (1r), and from any
18 payments received with respect to agreements or ancillary arrangements entered
19 into under s. 18.55 (6) with respect to revenue obligations issued under this section.
20 The revenues deposited are the trustee's revenues in accordance with the agreement
21 between this state and the trustee or in accordance with the resolution pledging the
22 revenues to the repayment of revenue obligations issued under this section. Revenue
23 obligations issued for the purposes specified in sub. (1) and for the repayment of
24 which revenues are deposited under this paragraph are special fund obligations, as
25 defined in s. 18.52 (7), issued for special fund programs, as defined in s. 18.52 (8).

1 **SECTION 2538.** 84.59 (6) of the statutes is amended to read:

2 84.59 (6) The building commission may contract revenue obligations when it
3 reasonably appears to the building commission that all obligations incurred under
4 this section can be fully paid from moneys received or anticipated and pledged to be
5 received on a timely basis. Except as provided in this subsection, the principal
6 amount of revenue obligations issued under this section may not exceed
7 ~~\$2,324,377,900~~ \$2,708,341,000, excluding any obligations that have been defeased
8 under a cash optimization program administered by the building commission, to be
9 used for transportation facilities under s. 84.01 (28) and major highway projects for
10 the purposes under ss. 84.06 and 84.09. In addition to the foregoing limit on principal
11 amount, the building commission may contract revenue obligations under this
12 section as the building commission determines is desirable to refund outstanding
13 revenue obligations contracted under this section, to make payments under
14 agreements or ancillary arrangements entered into under s. 18.55 (6) with respect
15 to revenue obligations issued under this section, and to pay expenses associated with
16 revenue obligations contracted under this section.

17 **SECTION 2539.** 85.013 (2) (a) of the statutes is amended to read:

18 85.013 (2) (a) The secretary shall designate employees of the department as
19 hearing examiners to preside over all hearings arising under ch. 344.

20 **SECTION 2540.** 85.015 of the statutes is amended to read:

21 **85.015 Transportation assistance contracts.** All contracts entered into
22 under this chapter to provide financial assistance in the areas of railroads, urban
23 mass transit, specialized transportation, and harbors are subject to ss. 16.528,
24 16.752, and 16.753, 16.771, and 16.871 but are exempt from ss. 16.70 to 16.75, 16.755
25 to 16.77, 16.78 to 16.82, 16.85 to 16.87, and 16.875 to 16.89.

1 **SECTION 2541.** 85.029 of the statutes is created to read:

2 **85.029 Safe routes to school program.** (1) In this section:

3 (a) "Local governmental unit" has the meaning given in s. 59.72 (1) (c).

4 (b) "Political subdivision" has the meaning given in s. 85.026 (1) (a).

5 (c) "State agency" has the meaning given in s. 20.001 (1).

6 (d) "Indian tribe" has the meaning given in s. 139.30 (5).

7 (2) The department may administer a safe routes to school program to award
8 grants of assistance as provided in subs. (3) and (4). The department may award to
9 the same recipient grants under both subs. (3) and (4).

10 (3) The department may award grants under this section to any political
11 subdivision or state agency for infrastructure-related projects, as described in P.L.
12 109-59, section 1404 (f) (1).

13 (4) The department may award grants under this section to any state agency,
14 county, local governmental unit, Indian tribe, or private nonprofit organization for
15 noninfrastructure-related activities, as described in P.L. 109-59, section 1404 (f) (2).

16 (5) If the department establishes a program under this section, the program
17 shall be consistent with P.L. 109-59, section 1404, and any regulation adopted under
18 P.L. 109-59, section 1404.

19 (6) The department shall award any grant under this section from the
20 appropriations under s. 20.395 (2) (qv) and (qx).

21 **SECTION 2542.** 85.037 of the statutes is amended to read:

22 **85.037 Certification of fees collected.** Annually, no later than October 1,
23 the secretary of transportation shall certify to the secretary of administration the
24 amount of fees collected under s. 342.14 (3m) during the previous fiscal year, for the

1 purpose of determining the amounts to be transferred under s. 20.855 (4) (f) (rm)
2 during the current fiscal year.

3 **SECTION 2543.** 85.061 (3) (a) 1. of the statutes is amended to read:

4 85.061 (3) (a) 1. Capital costs related to Amtrak service extension routes or
5 other rail service routes between the cities of Milwaukee and Madison and, between
6 the cities of Milwaukee and Green Bay, between the cities of Milwaukee and Chicago,
7 and between the cities of Madison and La Crosse. Any route between the cities of
8 Milwaukee and Green Bay funded under the program shall provide service to
9 population centers along the route in a manner that makes the route most
10 economically feasible.

11 **SECTION 2544.** 85.09 (4i) of the statutes is amended to read:

12 85.09 (4i) DISPOSAL OF RAIL PROPERTY. The department shall sell at public or
13 private sale rail property acquired under sub. (4) when the department determines
14 that the rail property is not necessary for a public purpose and, if real property, the
15 real property is not the subject of a petition under s. 560.9810 (2). Upon receipt of
16 the full purchase price, the department shall, by appropriate deed or other
17 instrument, transfer the rail property to the purchaser. The funds derived from sales
18 under this subsection shall be deposited in the transportation fund, and the expense
19 incurred by the department in connection with the sale shall be paid from the
20 appropriation under s. 20.395 (2) (bq). This subsection does not apply to real
21 property that is sold under s. 16.848.

22 **SECTION 2545.** 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

23 85.20 (4m) (a) 6. cm. ~~For aid payable for calendar years 2004 and 2005, from~~
24 ~~the appropriation under s. 20.395 (1) (ht), the department shall pay \$56,811,800 to~~
25 ~~the eligible applicant that pays the local contribution required under par. (b) 1. for~~

1 ~~an urban mass transit system that has annual operating expenses in excess of~~
2 ~~\$80,000,000. From the appropriation under s. 20.395 (1) (ht), the department shall~~
3 ~~pay \$57,948,000 for aid payable for calendar year 2006, and \$59,107,000 for aid~~
4 ~~payable for calendar year 2007, \$60,289,100 for aid payable for calendar year 2008,~~
5 ~~and \$61,494,900 for aid payable for calendar year 2009 and thereafter, to the eligible~~
6 ~~applicant that pays the local contribution required under par. (b) 1. for an urban~~
7 ~~mass transit system that has annual operating expenses in excess of \$80,000,000.~~
8 ~~If the eligible applicant that receives aid under this subd. 6. cm. is served by more~~
9 ~~than one urban mass transit system, the eligible applicant may allocate the aid~~
10 ~~between the urban mass transit systems in any manner the eligible applicant~~
11 ~~considers desirable.~~

12 **SECTION 2546.** 85.20 (4m) (a) 6. d. of the statutes is amended to read:

13 85.20 (4m) (a) 6. d. ~~For aid payable for calendar years 2004 and 2005, from the~~
14 ~~appropriation under s. 20.395 (1) (hu), the department shall pay \$15,166,900 to the~~
15 ~~eligible applicant that pays the local contribution required under par. (b) 1. for an~~
16 ~~urban mass transit system that has annual operating expenses in excess of~~
17 ~~\$20,000,000 but less than \$80,000,000. From the appropriation under s. 20.395 (1)~~
18 ~~(hu), the department shall pay \$15,470,200 for aid payable for calendar year 2006,~~
19 ~~and \$15,779,600 for aid payable for calendar year 2007, \$16,095,200 for aid payable~~
20 ~~for calendar year 2008, and \$16,417,100 for aid payable for calendar year 2009 and~~
21 ~~thereafter, to the eligible applicant that pays the local contribution required under~~
22 ~~par. (b) 1. for an urban mass transit system that has annual operating expenses in~~
23 ~~excess of \$20,000,000 but less than \$80,000,000. If the eligible applicant that~~
24 ~~receives aid under this subd. 6. d. is served by more than one urban mass transit~~

1 system, the eligible applicant may allocate the aid between the urban mass transit
2 systems in any manner the eligible applicant considers desirable.

3 **SECTION 2547.** 85.20 (4m) (a) 7. b. of the statutes is amended to read:

4 85.20 (4m) (a) 7. b. For the purpose of making allocations under subd. 7. a., the
5 amounts for aids are ~~\$21,757,600 in calendar years 2004 and 2005~~, \$22,192,800 in
6 calendar year 2006, and \$22,636,700 in calendar year 2007, \$23,089,100 in calendar
7 year 2008, and \$23,551,200 in calendar year 2009 and thereafter. These amounts,
8 to the extent practicable, shall be used to determine the uniform percentage in the
9 particular calendar year.

10 **SECTION 2548.** 85.20 (4m) (a) 8. b. of the statutes is amended to read:

11 85.20 (4m) (a) 8. b. For the purpose of making allocations under subd. 8. a., the
12 amounts for aids are ~~\$4,925,100 in calendar years 2004 and 2005~~, \$5,023,600 in
13 calendar year 2006, and \$5,124,100 in calendar year 2007, \$5,225,600 in calendar
14 year 2008, and \$5,331,100 in calendar year 2009 and thereafter. These amounts, to
15 the extent practicable, shall be used to determine the uniform percentage in the
16 particular calendar year.

17 **SECTION 2549.** 85.24 (4) (b) of the statutes is amended to read:

18 85.24 (4) (b) Paragraph (a) does not prohibit the disclosure of the information
19 to the extent necessary to administer the ride-sharing program nor, if requested
20 under s. 49.22 (2m), does it prohibit disclosure of the name or address of a person or
21 of his or her employer to the department of ~~workforce development~~ children and
22 families or a county child support agency under s. 59.53 (5).

23 **SECTION 2550.** 85.24 (4) (c) of the statutes is amended to read:

24 85.24 (4) (c) Any person who willfully discloses or who, under false pretenses,
25 willfully requests or obtains information in violation of par. (a) may be required to

1 forfeit not more than \$500 for each violation. This paragraph does not apply to
2 information disclosed, requested or obtained to the extent necessary to administer
3 the ride-sharing program or, if requested under s. 49.22 (2m), to the department of
4 ~~workforce development~~ children and families or a county child support agency under
5 s. 59.53 (5).

6 **SECTION 2551.** 86.195 (3) (b) 3. of the statutes is amended to read:

7 86.195 (3) (b) 3. Fifty percent of the ~~gross receipts~~ sales price, as defined in s.
8 77.51 (15b), of the business are from meal, food, the sale of food product and beverage
9 sales and food ingredients, as defined in s. 77.51 (3t), that are taxable under s. 77.54
10 (20) (e) subch. III of ch. 77; and

11 **SECTION 2552.** 86.30 (2) (a) 3. of the statutes is amended to read:

12 86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a
13 municipality as determined under s. 86.302, the mileage aid payment shall be \$1,825
14 in calendar years 2004 and 2005, \$1,862 in calendar year 2006, and \$1,899 in
15 calendar year 2007, \$1,937 in calendar year 2008, and \$1,976 in calendar year 2009
16 and thereafter.

17 **SECTION 2553.** 86.30 (9) (b) of the statutes is amended to read:

18 86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),
19 the amounts for aids to counties are \$90,044,600 in calendar years 2004 and 2005,
20 \$91,845,500 in calendar year 2006, and \$93,682,400 in calendar year 2007,
21 \$95,556,000 in calendar year 2008, and \$97,467,100 in calendar year 2009 and
22 thereafter. These amounts, to the extent practicable, shall be used to determine the
23 statewide county average cost-sharing percentage in the particular calendar year.

24 **SECTION 2554.** 86.30 (9) (c) of the statutes is amended to read:

1 86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),
2 the amounts for aids to municipalities are ~~\$283,291,100 in calendar years 2004 and~~
3 ~~2005, \$288,956,900 in calendar year 2006, and \$294,736,000 in calendar year 2007,~~
4 \$300,630,700 in calendar year 2008, and \$306,643,300 in calendar year 2009 and
5 thereafter. These amounts, to the extent practicable, shall be used to determine the
6 statewide municipal average cost-sharing percentage in the particular calendar
7 year.

8 **SECTION 2555.** 86.31 (3g) of the statutes is amended to read:

9 86.31 (3g) COUNTY TRUNK HIGHWAY IMPROVEMENTS — DISCRETIONARY GRANTS.
10 From the appropriation under s. 20.395 (2) (ft), the department shall allocate
11 ~~\$5,250,000 in each fiscal year, beginning in fiscal year 2005-06 and in fiscal year~~
12 2006-07, \$5,355,000 in fiscal year 2007-08, and \$5,567,100 in fiscal year 2008-09
13 and each fiscal year thereafter, to fund county trunk highway improvements with
14 eligible costs totaling more than \$250,000. The funding of improvements under this
15 subsection is in addition to the allocation of funds for entitlements under sub. (3).

16 **SECTION 2556.** 86.31 (3m) of the statutes is amended to read:

17 86.31 (3m) TOWN ROAD IMPROVEMENTS — DISCRETIONARY GRANTS. From the
18 appropriation under s. 20.395 (2) (ft), the department shall allocate \$750,000 in each
19 ~~fiscal year, beginning in fiscal year 2005-06 and in fiscal year 2006-07, \$765,000 in~~
20 fiscal year 2007-08, and \$795,300 in fiscal year 2008-09 and each fiscal year
21 thereafter, to fund town road improvements with eligible costs totaling \$100,000 or
22 more. The funding of improvements under this subsection is in addition to the
23 allocation of funds for entitlements under sub. (3).

24 **SECTION 2557.** 86.31 (3r) of the statutes is amended to read:

1 86.31 (3r) MUNICIPAL STREET IMPROVEMENTS — DISCRETIONARY GRANTS. From the
2 appropriation under s. 20.395 (2) (ft), the department shall allocate \$1,000,000 in
3 each fiscal year, beginning in fiscal year 2005-06 and in fiscal year 2006-07,
4 \$1,020,000 in fiscal year 2007-08, and \$1,060,400 in fiscal year 2008-09 and each
5 fiscal year thereafter, to fund municipal street improvement projects having total
6 estimated costs of \$250,000 or more. The funding of improvements under this
7 subsection is in addition to the allocation of funds for entitlements under sub. (3).

8 **SECTION 2558.** 88.15 of the statutes is repealed.

9 **SECTION 2559.** 91.06 of the statutes is renumbered 91.06 (1) and amended to
10 read:

11 **91.06 (1) CERTIFICATION BY BOARD.** The Before the effective date of this
12 subsection ... [revisor inserts date], the board shall review farmland preservation
13 plans and exclusive agricultural use zoning ordinances submitted to it under ss.
14 91.61 and 91.78 and shall certify to the appropriate zoning authority whether the
15 plans and ordinances meet the standards of subchs. IV and V, respectively.
16 Certifications may be in whole or in part.

17 **SECTION 2560.** 91.06 (2) and (3) of the statutes are created to read:

18 **91.06 (2) CERTIFICATION OF PLANS.** (a) Beginning on the effective date of this
19 paragraph ... [revisor inserts date], all of the following apply:

20 1. The department may certify a county farmland preservation plan or revision
21 to a county farmland preservation plan based on the county certification under s.
22 91.61 (2) (d).

23 2. The department may do any of the following before it determines whether
24 to certify a county's farmland preservation plan or revision to a plan:

25 a. Review the plan or revision for compliance with ss. 91.51 to 91.59.

1 b. Review and audit the application for certification under s. 91.61 (2).

2 (b) The department shall grant or deny an application for certification under
3 s. 91.61 (2) in writing no later than the 90th day following receipt of a complete
4 application, unless the county agrees to an extension.

5 (c) The department may grant an application for certification under s. 91.61 (2)
6 subject to conditions specified by the department in its certification decision. The
7 department may revoke the certification if the county does not make the required
8 changes by a deadline specified by the department.

9 (d) For the purposes of this chapter and subch. IX of ch. 71, a certified farmland
10 preservation plan does not include a revision to the plan adopted after the effective
11 date of this paragraph [revisor inserts date], unless the department certifies the
12 revision under par. (b).

13 **(3) CERTIFICATION OF ORDINANCES.** (a) Beginning on the effective date of this
14 paragraph [revisor inserts date], all of the following apply:

15 1. The department may certify an exclusive agricultural use zoning ordinance
16 or revision to an ordinance based on the certification under s. 91.78 (2) (d).

17 2. The department may do any of the following before it determines whether
18 to certify an exclusive agricultural use zoning ordinance or revision to an ordinance:

19 a. Review the ordinance or revision for compliance with ss. 91.75 and 91.77.

20 b. Review and audit the application for certification under s. 91.78 (2).

21 (b) The department shall grant or deny an application for certification under
22 s. 91.78 (2) in writing no later than the 90th day following receipt of a complete
23 application, unless the county, city, village, or town agrees to an extension.

24 (c) The department may grant an application for certification under s. 91.78 (2)
25 subject to conditions specified by the department in its certification decision. The

1 department may revoke the certification if the county, city, village, or town does not
2 make the required changes by a deadline specified by the department.

3 **SECTION 2561.** 91.13 (8) (fm) of the statutes is amended to read:

4 91.13 (8) (fm) A statement in boldface uppercase type that contains the
5 following language: “~~UPON RELINQUISHMENT (WITHDRAWAL OR~~
6 ~~EXPIRATION) OF FROM THIS AGREEMENT, A PAYBACK OF CREDITS WITH~~
7 ~~INTEREST PAYMENT TO THE STATE MAY BE REQUIRED.~~”

8 **SECTION 2562.** 91.17 (1) of the statutes is amended to read:

9 91.17 (1) Land subject to a farmland preservation agreement may be sold
10 without a lien being filed payment being made under s. 91.19 (7m), subject to the
11 reservation of rights contained in the agreement. The seller shall notify the
12 department of any such transfer. ~~The purchaser shall be liable under any~~
13 ~~subsequent lien under s. 91.19 only for the amount of tax credits paid on that portion~~
14 ~~of the land purchased.~~

15 **SECTION 2563.** 91.17 (2) of the statutes is amended to read:

16 91.17 (2) When the owner of land subject to a farmland preservation agreement
17 dies or is certified by a physician to be totally and permanently disabled, the land
18 may be released from the program under this chapter and shall not be subject to a
19 lien payment under s. 91.19 (8) (7m).

20 **SECTION 2564.** 91.17 (3) of the statutes is repealed.

21 **SECTION 2565.** 91.19 (2) (intro.) of the statutes is amended to read:

22 91.19 (2) (intro.) The Subject to sub. (7m), the department may relinquish the
23 farmland preservation agreement or may release part of the land from a farmland
24 preservation agreement prior to the termination date contained in the instrument
25 as follows:

1 **SECTION 2566.** 91.19 (3) of the statutes is amended to read:

2 **91.19 (3)** If the request for relinquishment of the farmland preservation
3 agreement or release of part of the land from the agreement is approved by the local
4 governing body having jurisdiction, a copy of the application, along with the
5 comments and recommendations of the reviewing agencies, shall be forwarded to the
6 board department. The board department shall, within 60 days, upon consideration
7 of the factors in sub. (2) (b) and (c) 2., approve or reject the application for
8 relinquishment or release. If the board department approves the application it shall
9 notify the local governing body having jurisdiction and the department of revenue,
10 ~~prepare an instrument under sub. (7) and record it with the register of deeds of the~~
11 ~~county in which the land is located.~~

12 **SECTION 2567.** 91.19 (5) of the statutes is amended to read:

13 **91.19 (5)** If the application for relinquishment of the agreement or release of
14 part of the land from the agreement is rejected by the local governing body having
15 jurisdiction, the application shall be returned to the applicant with a written
16 statement regarding the reasons for rejection. Within 30 days after receipt of the
17 rejected application, the applicant may appeal the rejection to the board department.
18 The board department shall, within 60 days after the appeal has been received, upon
19 consideration of the factors listed in sub. (2) (b) and (c) 2., approve or reject the
20 request for relinquishment or release. If the board department approves the
21 application it shall notify the local governing body having jurisdiction and the
22 department of revenue, ~~prepare an instrument under sub. (7) and record it with the~~
23 ~~register of deeds of the county in which the land is located.~~

24 **SECTION 2568.** 91.19 (6p) of the statutes is repealed.

25 **SECTION 2569.** 91.19 (6s) (a) 1. of the statutes is amended to read:

1 91.19 (6s) (a) 1. An application for release of the land, made by either the owner
2 or the local unit of government, is approved by the local governing body having
3 jurisdiction and the board department under the procedures of subs. (2) to (5).

4 **SECTION 2570.** 91.19 (6s) (b) of the statutes is amended to read:

5 91.19 (6s) (b) If an owner of land subject to a farmland preservation agreement
6 opposes an application brought by a local unit of government for release of that land,
7 the owner may appeal the approval of that application by the local governing body
8 having jurisdiction to the board department according to the procedures in par. (c).

9 **SECTION 2571.** 91.19 (6s) (c) of the statutes is amended to read:

10 91.19 (6s) (c) If the application for release of any land from the agreement is
11 approved by the local governing body having jurisdiction, the application shall be
12 returned to the applicant, and a copy of the application to the owner, with a written
13 statement regarding the reasons for approval. Within 30 days after receipt of a copy
14 of the approved application, the owner may appeal the approval to the board
15 department. The board department shall, within 60 days after the appeal has been
16 received, upon consideration of the factors listed in sub. (2) (b) and (c) 2., approve or
17 reject the request to disapprove the release. If the board department approves the
18 owner's appeal it shall notify the local governing body having jurisdiction.

19 **SECTION 2572.** 91.19 (6s) (d) of the statutes is amended to read:

20 91.19 (6s) (d) The board department may waive its approval authority under
21 this subsection for applications affecting less than 5 acres of land.

22 **SECTION 2573.** 91.19 (6t) of the statutes is amended to read:

23 91.19 (6t) The Subject to sub. (7m), the department shall relinquish from a
24 farmland preservation agreement land that has been subject to a farmland
25 preservation agreement for at least 10 years if the owner of the land so requests.

1 **SECTION 2574.** 91.19 (7) of the statutes is repealed.

2 **SECTION 2575.** 91.19 (7m) of the statutes is created to read:

3 91.19 (7m) (a) Except as provided in par. (b), the department may not
4 relinquish a farmland preservation agreement under sub. (3), (5), or (6t) or release
5 land from a farmland preservation agreement under sub. (3) or (5) until the owner
6 pays to the department \$100 per acre of land that is no longer covered by the
7 farmland preservation agreement.

8 (b) The payment under par. (a) does not apply to land that is zoned exclusively
9 for agricultural use under an ordinance certified under subch. V.

10 **SECTION 2576.** 91.19 (8) to (13) of the statutes are repealed.

11 **SECTION 2577.** 91.21 (1) of the statutes is amended to read:

12 91.21 (1) If the owner or a successor in title of the land upon which a farmland
13 preservation agreement has been recorded under this chapter changes the use of the
14 land to a prohibited use without first acting under ss. 91.17 and 91.19 and the land
15 is not relinquished under s. 91.19 (6p) or (6t), the owner or successor in title may be
16 enjoined by the state, acting through the attorney general, or by the local governing
17 body having jurisdiction, acting through its attorney, and is subject to a civil penalty
18 for actual damages, but in no case to exceed double the value of the land as
19 established at the time the application for the agreement was approved.

20 **SECTION 2578.** 91.23 of the statutes is amended to read:

21 **91.23 Conversion.** An owner under a farmland preservation agreement may
22 at any time apply for a transition area agreement, and an owner under a transition
23 area agreement may at any time apply for a farmland preservation agreement. If
24 such an application is approved, the prior agreement shall be relinquished without
25 a lien being filed payment being made under s. 91.19 (7m).

1 **SECTION 2579.** Subchapter III of chapter 91 [precedes 91.31] of the statutes is
2 repealed.

3 **SECTION 2580.** 91.59 (title) of the statutes is amended to read:

4 **91.59 (title) Coordination; public comment.**

5 **SECTION 2581.** 91.59 (2m) of the statutes is created to read:

6 **91.59 (2m)** A county shall make a proposed agricultural preservation plan or
7 revision to a plan available to the public for at least 30 days before the public hearing
8 under s. 59.69 (3) (d) and shall accept comments from the public during that time.

9 **SECTION 2582.** 91.61 of the statutes is renumbered 91.61 (1) and amended to
10 read:

11 **91.61 (1)** ~~Upon~~ Before the effective date of this subsection [revisor inserts
12 date], upon completion of a county agricultural preservation plans plan described in
13 this subchapter, copies of the plan may be submitted to the board for review and
14 certification under s. 91.06.

15 **SECTION 2583.** 91.61 (2) of the statutes is created to read:

16 **91.61 (2)** Beginning on the effective date of this subsection [revisor inserts
17 date], to apply for certification under s. 91.06 for a county agricultural preservation
18 plan or a revision to the plan, a county shall submit all of the following to the
19 department:

20 (a) A copy of the plan or revision to the plan.

21 (b) A description of how the plan or revision to the plan complies with ss. 91.51
22 to 91.59.

23 (c) Other relevant information required by the department by rule.

24 (d) A statement signed by the county corporation counsel certifying that the
25 plan or revision to the plan complies with ss. 91.51 to 91.59.

SECTION 2584

1 **SECTION 2584.** 91.75 (6) of the statutes is amended to read:

2 91.75 (6) For purposes of farm consolidation and if permitted by local
3 regulation, farm residences or structures which that existed prior to the adoption of
4 the ordinance may be separated from a larger farm parcel. Farm residences or
5 structures with up to 5 acres of land which that are separated from a larger farm
6 parcel under this section are not subject to the ~~lien under s. 91.19 (8) to (10), as~~
7 payment required in s. 91.77 (2) or 91.79.

8 **SECTION 2585.** 91.77 (2) of the statutes is amended to read:

9 91.77 (2) ~~Land which is rezoned~~ Except as otherwise provided in this
10 subsection, rezoning under this section shall be subject to the ~~lien provided under s.~~
11 ~~91.19 (8) to (10) for the amount of tax credits paid on the land rezoned may not be~~
12 ~~completed until the landowner makes a payment of \$100 per acre of land that is~~
13 ~~rezoned to the county, city, village, or town that approves the petition.~~ If the rezoning
14 occurs solely as a result of action initiated by a governmental unit, ~~any lien required~~
15 ~~under s. 91.19 (8) to (10) other than the county, city, village, or town that approves~~
16 ~~the petition, the payment shall be paid made~~ by the governmental unit initiating the
17 action. If the rezoning occurs solely as a result of action initiated by the county, city,
18 village, or town that approves the petition, that county, city, village, or town shall
19 make the payment to the department.

20 **SECTION 2586.** 91.78 of the statutes is renumbered 91.78 (1) and amended to
21 read:

22 91.78 (1) Copies Before the effective date of this subsection [revisor inserts
23 date], copies of exclusive agricultural zoning ordinances may be submitted to the
24 board for review and certification under s. 91.06.

25 **SECTION 2587.** 91.78 (2) of the statutes is created to read:

1 91.78 (2) Beginning on the effective date of this subsection [revisor inserts
2 date], to apply for certification under s. 91.06 for an exclusive agricultural use zoning
3 ordinance or a revision to the ordinance, a county, city, village, or town shall submit
4 all of the following to the department:

5 (a) A copy of the ordinance or revision to the ordinance.

6 (b) A description of how the ordinance or revision to the ordinance complies
7 with ss. 91.75 and 91.77.

8 (c) Other relevant information required by the department by rule.

9 (d) A statement signed by the chief elected official, as defined in s. 229.821 (3),
10 of, or the attorney for, the county, city, village, or town certifying that the ordinance
11 or revision to the ordinance complies with ss. 91.75 and 91.77.

12 **SECTION 2588.** 91.79 of the statutes is amended to read:

13 **91.79 Conditional uses; lien payment.** ~~Any land zoned under this~~
14 ~~subchapter which is granted~~ A county, city, village, or town may not grant a special
15 exception or conditional use permit for a use which is not an agricultural use shall
16 be subject to the lien provided under s. 91.19 (8) to (10) for the amount of tax credits
17 paid on the land granted such a permit for land zoned under this subchapter until
18 the landowner pays to the county, city, village, or town \$100 per acre of land for which
19 the special exception or conditional use permit is granted.

20 **SECTION 2589.** 93.06 (1q) of the statutes is amended to read:

21 93.06 (1q) ~~MARKETING~~ AGRICULTURAL DEVELOPMENT SERVICES. Provide
22 marketing agricultural development services upon request and charge a fee for those
23 services, but the fee may not exceed the department's cost of providing those services.

24 **SECTION 2590.** 93.135 (1m) (a) of the statutes is amended to read:

1 93.135 (1m) (a) If an individual who applies for the issuance or renewal of a
2 license, registration, registration certificate or certification specified in sub. (1) does
3 not have a social security number, the department shall require the applicant, as a
4 condition of issuing or renewing the license, registration, registration certificate or
5 certification, to submit a statement made or subscribed under oath or affirmation
6 that the applicant does not have a social security number. The statement shall be
7 in the form prescribed by the department of ~~workforce development~~ children and
8 families.

9 **SECTION 2591.** 93.135 (2) of the statutes is amended to read:

10 93.135 (2) The department of agriculture, trade and consumer protection may
11 not disclose any information received under sub. (1) to any person except to the
12 department of ~~workforce development~~ children and families in accordance with a
13 memorandum of understanding under s. 49.857.

14 **SECTION 2592.** 93.135 (3) of the statutes is amended to read:

15 93.135 (3) The department shall deny an application for the issuance or
16 renewal of a license, registration, registration certificate or certification specified in
17 sub. (1) or shall suspend or restrict a license, registration, registration certificate or
18 certification specified in sub. (1) for failure to make court-ordered payments of child
19 or family support, maintenance, birth expenses, medical expenses or other expenses
20 related to the support of a child or a former spouse or failure to comply, after
21 appropriate notice, with a subpoena or warrant issued by the department of
22 ~~workforce development~~ children and families or a county child support agency under
23 s. 59.53 (5) and relating to paternity or child support proceedings, as required in a
24 memorandum of understanding under s. 49.857.

25 **SECTION 2593.** 93.43 of the statutes is created to read:

1 **93.43 Anaerobic digester research and development.** The department
2 shall provide funding for research and development of anaerobic digesters at farms
3 participating in the discovery farms program of the Wisconsin Agricultural
4 Stewardship Initiative, Inc.

5 **SECTION 2594.** 93.46 (3) of the statutes is repealed.

6 **SECTION 2595.** 93.75 of the statutes is repealed.

7 **SECTION 2596.** 94.695 of the statutes is repealed.

8 **SECTION 2597.** 94.73 (2) (c) of the statutes is amended to read:

9 **94.73 (2) (c)** The department may issue an order under par. (a) on a summary
10 basis without prior notice or a prior hearing if the department determines that a
11 summary order is necessary to prevent imminent harm to public health or safety or
12 to the environment. If the recipient of a summary order requests a hearing on that
13 order, the department shall hold a hearing within 10 days after it receives the
14 request unless the recipient agrees to a later hearing date. The department is not
15 required to stay enforcement of a summary order issued under this paragraph
16 pending the outcome of the hearing. If the responsible person prevails after a
17 hearing, the department shall reimburse the responsible person from the
18 appropriation under s. 20.115 (7) (e) ~~or~~ (wm) for the corrective action costs incurred
19 as the result of the department's order.

20 **SECTION 2598.** 94.73 (7) (a) of the statutes is amended to read:

21 **94.73 (7) (a)** The department may make payments to a responsible person who
22 is eligible for reimbursement under sub. (3) if the department has authorized
23 reimbursement to that person under sub. (6). The department shall make payment
24 from the appropriation accounts account under s. 20.115 (7) (e) and (wm), subject to
25 the availability of funds in ~~these~~ that appropriation accounts account. If there are

SECTION 2598

1 insufficient funds to pay the full amounts authorized under sub. (6) to all eligible
2 responsible persons, the department shall distribute payments in the order in which
3 applications were received, unless the department specifies, by rule, a different order
4 of payment.

5 **SECTION 2599.** 94.74 of the statutes is created to read:

6 **94.74 Prevention of pollution from agricultural chemicals.** (1) In this
7 section, "agricultural chemical" has the meaning given in s. 94.73 (1) (a).

8 (2) The department may provide financial assistance to a business to pay a
9 portion of the costs of capital improvements designed to prevent pollution from
10 agricultural chemicals. Under this section, the department may not provide funding
11 for capital improvements at any site in an amount that exceeds \$500,000 less any
12 amount received under s. 94.73 for the site. The department may not expend more
13 than \$250,000 per fiscal year under this section.

14 **SECTION 2600.** 94.77 of the statutes is renumbered 94.77 (1) and amended to
15 read:

16 94.77 (1) Any person who violates any provision of this chapter for which a
17 specific penalty is not prescribed ~~shall, or an order issued or rule promulgated under~~
18 such a provision, may be fined not to exceed \$200 more than \$1,000 for the first
19 offense and may be fined not less than \$500 nor more than \$5,000 or imprisoned in
20 the county jail not to exceed not more than 6 months or both for each subsequent
21 offense.

22 **SECTION 2601.** 94.77 (2) of the statutes is created to read:

23 94.77 (2) In lieu of the criminal penalty under sub. (1), a person who violates
24 any provision of this chapter for which a specific penalty is not prescribed, or an order
25 issued or rule promulgated under such a provision, may be required to forfeit not less

1 than \$200 nor more than \$5,000 or, for an offense committed within 5 years of an
2 offense for which a penalty has been assessed under this section, may be required to
3 forfeit not less than \$400 nor more than \$10,000.

4 **SECTION 2602.** 94.77 (3) of the statutes is created to read:

5 94.77 (3) The department may seek an injunction restraining any person from
6 violating this chapter or a rule promulgated under this chapter.

7 **SECTION 2603.** 100.20 (1n) of the statutes is amended to read:

8 100.20 (1n) It is an unfair method of competition or an unfair trade practice
9 for any person to sell cigarettes to consumers in this state in violation of s. 139.345
10 or to sell tobacco products to consumers in this state in violation of s. 139.795.

11 **SECTION 2604.** 100.30 (2) (c) 1. b. of the statutes is amended to read:

12 100.30 (2) (c) 1. b. For every person holding a permit as a bonded direct
13 marketer as defined in s. 139.30 (1d), as a distributor as defined in s. 139.30 (3), or
14 as a multiple retailer as defined in s. 139.30 (8), with respect to that portion of the
15 person's business which involves the purchase and sale of cigarettes "cost to
16 wholesaler" means the cost charged by the cigarette manufacturer, disregarding any
17 manufacturer's discount or any discount under s. 139.32 (5), plus the amount of tax
18 imposed under s. 139.31. Except for a sale at wholesale between wholesalers, a
19 markup to cover a proportionate part of the cost of doing business shall be added to
20 the cost to wholesaler. In the absence of proof of a lesser cost, this markup shall be
21 3% of the cost to wholesaler as set forth in this subd. 1. b.

22 **SECTION 2605.** 100.30 (2) (L) (intro.) of the statutes is amended to read:

23 100.30 (2) (L) (intro.) "Wholesaler" includes every person holding a permit as
24 a bonded direct marketer as defined in s. 139.30 (1d) or as a multiple retailer under

1 s. 139.30 (8) and every person engaged in the business of making sales at wholesale,
2 other than sales of motor vehicle fuel at wholesale, within this state except as follows:

3 **SECTION 2606.** 100.30 (2) (L) 2. of the statutes is amended to read:

4 100.30 (2) (L) 2. In the case of a person holding a permit as a bonded direct
5 marketer as defined in s. 139.30 (1d) or as a multiple retailer as defined in s. 139.30
6 (8), "wholesaler" applies to that portion of the person's business involving the
7 purchase and sale of cigarettes and to any wholesale portion of that person's
8 business.

9 **SECTION 2607.** 100.45 (1) (dm) of the statutes is amended to read:

10 100.45 (1) (dm) "State agency" means any office, department, agency,
11 institution of higher education, association, society or other body in state
12 government created or authorized to be created by the constitution or any law which
13 is entitled to expend moneys appropriated by law, including the legislature and the
14 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
15 Center Sports and Entertainment Corporation, the University of Wisconsin
16 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
17 Authority, the Wisconsin Aerospace Authority, and the Fox River Navigational
18 System Authority, and the Healthy Wisconsin Authority.

19 **SECTION 2608.** 101.01 (4) of the statutes is amended to read:

20 101.01 (4) "Employer" means any person, firm, corporation, state, county,
21 town, city, village, school district, sewer district, drainage district, family long-term
22 care district and other public or quasi-public corporations as well as any agent,
23 manager, representative or other person having control or custody of any
24 employment, place of employment or of any employee.

25 **SECTION 2609.** 101.02 (20) (e) 1. of the statutes is amended to read:

1 101.02 (20) (e) 1. If an applicant who is an individual does not have a social
2 security number, the applicant, as a condition of applying for or applying to renew
3 a license shall submit a statement made or subscribed under oath or affirmation to
4 the department of commerce that the applicant does not have a social security
5 number. The form of the statement shall be prescribed by the department of
6 ~~workforce development~~ children and families.

7 **SECTION 2610.** 101.02 (21) (b) of the statutes is amended to read:

8 101.02 (21) (b) As provided in the memorandum of understanding under s.
9 49.857 and except as provided in par. (e), the department of commerce may not issue
10 or renew a license unless the applicant provides the department of commerce with
11 his or her social security number. The department of commerce may not disclose the
12 social security number except that the department of commerce may disclose the
13 social security number of an applicant for a license under par. (a) or a renewal of a
14 license under par. (a) to the department of ~~workforce development~~ children and
15 families for the sole purpose of administering s. 49.22.

16 **SECTION 2611.** 101.02 (21) (c) of the statutes is amended to read:

17 101.02 (21) (c) As provided in the memorandum of understanding under s.
18 49.857, the department may not issue or renew a license if the applicant or licensee
19 is delinquent in making court-ordered payments of child or family support,
20 maintenance, birth expenses, medical expenses or other expenses related to the
21 support of a child or former spouse or if the applicant or licensee fails to comply, after
22 appropriate notice, with a subpoena or warrant issued by the department of
23 ~~workforce development~~ children and families or a county child support agency under
24 s. 59.53 (5) and relating to paternity or child support proceedings.

25 **SECTION 2612.** 101.02 (21) (d) of the statutes is amended to read:

1 101.02 (21) (d) As provided in the memorandum of understanding under s.
2 49.857, the department shall restrict or suspend a license issued by the department
3 if the licensee is delinquent in making court-ordered payments of child or family
4 support, maintenance, birth expenses, medical expenses or other expenses related
5 to the support of a child or former spouse or if the licensee fails to comply, after
6 appropriate notice, with a subpoena or warrant issued by the department of
7 workforce development children and families or a county child support agency under
8 s. 59.53 (5) and relating to paternity or child support proceedings.

9 **SECTION 2613.** 101.02 (21) (e) 1. of the statutes is amended to read:

10 101.02 (21) (e) 1. If an applicant who is an individual does not have a social
11 security number, the applicant, as a condition of applying for or applying to renew
12 a license shall submit a statement made or subscribed under oath or affirmation to
13 the department of commerce that the applicant does not have a social security
14 number. The form of the statement shall be prescribed by the department of
15 workforce development children and families.

16 **SECTION 2614.** 101.09 (5) of the statutes is amended to read:

17 101.09 (5) PENALTIES. Any person who violates this section or any rule or order
18 adopted under this section shall forfeit not less than \$10 nor more than ~~\$1,000~~ \$5,000
19 for each violation. Each violation of this section or any rule or order under this
20 section constitutes a separate offense and each day of continued violation is a
21 separate offense.

22 **SECTION 2615.** 101.143 (1) (gs) of the statutes is amended to read:

23 101.143 (1) (gs) "Service provider" means a consultant, testing laboratory,
24 monitoring well installer, soil boring contractor, other contractor, lender or any other
25 person who provides a product or service for which a claim for reimbursement

1 payment has been or will be filed under this section, or a subcontractor of such a
2 person.

3 **SECTION 2616.** 101.143 (2) (em) 1. of the statutes is amended to read:

4 101.143 (2) (em) 1. The department may promulgate rules that specify a fee
5 that must be paid by a service provider as a condition of submitting a bid to conduct
6 an activity under sub. (3) (c) for which a claim for reimbursement payment under this
7 section will be submitted. Any fees collected under the rules shall be deposited into
8 the petroleum inspection fund.

9 **SECTION 2617.** 101.143 (3) (c) (intro.) of the statutes is amended to read:

10 101.143 (3) (c) *Investigations, remedial action plans and remedial action*
11 *activities.* (intro.) Before submitting an application under par. (f), except as provided
12 under par. (g) and sub. (4s), an owner or operator or the person shall do all of the
13 following:

14 **SECTION 2618.** 101.143 (3) (cs) 1. of the statutes is amended to read:

15 101.143 (3) (cs) 1. The department of commerce shall review the remedial
16 action plan for a site that is classified as low or medium risk under s. 101.144 and
17 shall determine the least costly method of complying with par. (c) 3. and with
18 enforcement standards. The department shall notify the owner or operator of its
19 determination of the least costly method and shall notify the owner or operator that
20 reimbursement payment for remedial action under this section is limited to the
21 amount necessary to implement that method.

22 **SECTION 2619.** 101.143 (3) (cs) 2. of the statutes is amended to read:

23 101.143 (3) (cs) 2. The department of natural resources and the department of
24 commerce shall review the remedial action plan for a site that is classified as high
25 risk under s. 101.144 and shall jointly determine the least costly method of

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1 complying with par. (c) 3. and with enforcement standards. The departments shall
2 notify the owner or operator of their determination of the least costly method and
3 shall notify the owner or operator that ~~reimbursement~~ payment for remedial action
4 under this section is limited to the amount necessary to implement that method.

5 **SECTION 2620.** 101.143 (4) (a) 1. of the statutes is amended to read:

6 101.143 (4) (a) 1. If the department finds that the claimant meets all of the
7 requirements of this section and any rules promulgated under this section, the
8 department shall issue an award to reimburse a claimant pay for eligible costs
9 incurred because of a petroleum products discharge from a petroleum product
10 storage system or home oil tank system.

11 **SECTION 2621.** 101.143 (4) (a) 2. (intro.) of the statutes is amended to read:

12 101.143 (4) (a) 2. (intro.) The department may not issue an award under this
13 paragraph before all eligible costs have been incurred and written approval is
14 received under sub. (3) (c) 4., except as follows:

15 **SECTION 2622.** 101.143 (4) (a) 2. c. of the statutes is created to read:

16 101.143 (4) (a) 2. c. The department may issue an award before all eligible costs
17 have been incurred as provided under sub. (4s).

18 **SECTION 2623.** 101.143 (4) (cm) of the statutes is amended to read:

19 101.143 (4) (cm) *Usual and customary costs.* The department shall establish
20 a schedule of usual and customary costs for items under par. (b) that are commonly
21 associated with claims under this section. The department shall use that schedule
22 to determine the amount of eligible costs for an occurrence for which a competitive
23 bidding process is not used, except in circumstances under which higher costs must
24 be incurred to comply with sub. (3) (c) 3. and with enforcement standards. For an
25 occurrence for which a competitive bidding process is used, the department may not

1 use the schedule. In the schedule, the department shall specify the maximum
2 number of reimbursable compensable hours for particular tasks and the maximum
3 reimbursable compensable hourly rates for those tasks. The department shall use
4 methods of data collection and analysis that enable the schedule to be revised to
5 reflect changes in actual costs.

6 **SECTION 2624.** 101.143 (4) (e) 1. b. of the statutes is amended to read:

7 101.143 (4) (e) 1. b. Eligible costs, under par. (b), incurred on or after December
8 22, 2001, by the owner or operator of a petroleum product storage system that is not
9 an underground petroleum product storage system if those costs are not
10 reimbursable payable under par. (dm) 1.

11 **SECTION 2625.** 101.143 (4) (e) 1. c. of the statutes is amended to read:

12 101.143 (4) (e) 1. c. Eligible costs, under par. (b), incurred on or after December
13 22, 2001, by the owner or operator of an underground petroleum product storage tank
14 system if those costs are not reimbursable payable under par. (d) 1.

15 **SECTION 2626.** 101.143 (4s) of the statutes is created to read:

16 101.143 (4s) DIRECT PAYMENT OF AWARDS. (a) *Application.* Notwithstanding the
17 requirement in sub. (3) (a) (intro.) that a claim be submitted to reimburse an owner
18 or operator or person owning a home oil tank system for costs that the owner or
19 operator or person incurs and notwithstanding the documentation requirements
20 under sub. (3) (f), the department may authorize an owner or operator or a person
21 owning a home oil tank system to submit a claim to the department for an award to
22 be paid by the department directly to consultants and contractors with whom the
23 department contracts to conduct an investigation to determine the extent of
24 environmental damage caused by a petroleum products discharge from a petroleum
25 product storage system or home oil tank system, prepare a remedial action plan that

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1 identifies specific remedial action activities proposed to be conducted, and conduct
2 remedial action activities at the site of the discharge from the petroleum product
3 storage system or home oil tank system.

4 (b) *Approval of application.* If the department determines that an owner or
5 operator or person owning a home oil tank system who submits a claim under par.

6 (a) is eligible under this section, the department may approve the claim; contract
7 with consultants and contractors to conduct the investigation, prepare the remedial
8 action plan, and conduct remedial action activities; and pay the award to the service
9 providers in amounts determined under sub. (4), subject to par. (c). If the department
10 approves a claim under this paragraph, the requirements in sub. (3) (a) 6. to 9. apply
11 to the consultants and contractors, rather than the claimant.

12 (c) *Exclusion from eligible costs.* Eligible costs for an award under par. (b) do
13 not include the costs specified in sub. (4) (b) 15.

14 **SECTION 2627.** 101.143 (9) (b) of the statutes is amended to read:

15 101.143 (9) (b) The department may inspect any document in the possession
16 of an owner or operator, person owning a home oil tank system or service provider
17 or any other person if the document is relevant to a claim for reimbursement
18 payment under this section.

19 **SECTION 2628.** 101.143 (9m) (e) of the statutes is amended to read:

20 101.143 (9m) (e) The department shall have all other powers necessary and
21 convenient to distribute the special fund revenues and to distribute the proceeds of
22 the revenue obligations in accordance with subch. II of ch. 18 and, if designated a
23 higher education bond, in accordance with subch. IV of ch. 18, and to make payments
24 under an agreement or ancillary arrangement entered into under s. 18.55 (6) with
25 respect to revenue obligations issued under this subsection.

1 **SECTION 2629.** 101.143 (9m) (g) 2. of the statutes is amended to read:

2 101.143 (9m) (g) 2. Revenue obligations issued under this subsection may not
3 exceed \$436,000,000 in principal amount, excluding any obligations that have been
4 defeased under a cash optimization program administered by the building
5 commission. In addition to this limit on principal amount, the building commission
6 may contract revenue obligations under this subsection as the building commission
7 determines is desirable to fund or refund outstanding revenue obligations, to pay
8 issuance or administrative expenses, to make deposits to reserve funds, or to pay
9 accrued or capitalized interest, and to make payments under an agreement or
10 ancillary arrangement entered into under s. 18.55 (6) with respect to revenue
11 obligations issued under this subsection.

12 **SECTION 2630.** 101.143 (10) (a) of the statutes is amended to read:

13 101.143 (10) (a) Any owner or operator, person owning a home oil tank system
14 or service provider who fails to maintain a record as required by rules promulgated
15 under sub. (9) (a) may be required to forfeit not more than \$2,000 \$5,000. Each day
16 of continued violation constitutes a separate offense.

17 **SECTION 2631.** 101.143 (10) (b) of the statutes is amended to read:

18 101.143 (10) (b) Any owner or operator, person owning a home oil tank system
19 or service provider who intentionally destroys a document that is relevant to a claim
20 for reimbursement payment under this section is guilty of a Class G felony.

21 **SECTION 2632.** 101.143 (11) (e) of the statutes is amended to read:

22 101.143 (11) (e) The charges by service providers other than engineering
23 consultants for services for which reimbursement payment is provided under this
24 section, including excavating, hauling, laboratory testing and landfill disposal.

25 **SECTION 2633.** 101.1435 of the statutes is created to read:

101.1435 Removal and closure of underground petroleum storage

tanks. (1) In this section, "underground petroleum product storage tank system"

has the meaning given in s. 101.143 (1) (i).

(2) The department may contract with a person registered or certified under s. 101.09 (3) to empty, clean, remove, and dispose of an underground petroleum product storage tank system that has not been properly closed and to backfill the excavation if any of the following applies:

(a) The department is unable to identify the owner of, or other person responsible for, the underground petroleum product storage tank system.

(b) Using the method that the department uses to determine inability to pay under s. 101.143 (4) (ee), the department determines that the owner of the underground petroleum product storage tank system is unable to pay to empty, clean, remove, and dispose of the underground petroleum product storage tank system.

(c) The department determines that the owner of the underground petroleum product storage tank system is unwilling to pay to empty, clean, remove, and dispose of the underground petroleum product storage tank system.

(3) The department shall pay the costs incurred under sub. (2) from the appropriation under s. 20.143 (3) (v). The department may not pay more than \$250,000 annually under this section.

(4) If the department incurs costs under sub. (2), the department shall record a statement of lien with the register of deeds of the county in which the underground petroleum product storage tank system was located. Upon recording the statement of lien, the department has a lien on the property on which the underground petroleum product storage tank system was located in the amount of the costs

1 incurred. The property remains subject to the lien until that amount is paid in full
2 to the department. The department shall deposit payments received under this
3 subsection into the petroleum inspection fund.

4 **SECTION 2634.** 101.177 (1) (d) of the statutes is amended to read:

5 101.177 (1) (d) "State agency" means any office, department, agency,
6 institution of higher education, association, society, or other body in state
7 government created or authorized to be created by the constitution or any law, that
8 is entitled to expend moneys appropriated by law, including the legislature and the
9 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
10 Center Sports and Entertainment Corporation, the University of Wisconsin
11 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, and the
12 Wisconsin Health and Educational Facilities Authority, and the Healthy Wisconsin
13 Authority, but excluding the Health Insurance Risk-Sharing Plan Authority.

14 **SECTION 2635.** 101.654 (1m) (e) of the statutes is amended to read:

15 101.654 (1m) (e) ~~The continuing education approved by the department under~~
16 ~~par. (b) 1. shall include courses offered by private organizations with whom the~~
17 ~~department contracts under s. 101.657. The department may approve courses that~~
18 are offered by other states.

19 **SECTION 2636.** 101.657 (title) of the statutes is amended to read:

20 **101.657 (title) Education contracts for builders and consumers.**

21 **SECTION 2637.** 101.657 (1) of the statutes is amended to read:

22 101.657 (1) The department ~~shall~~ may contract with a private organization to
23 provide education regarding construction standards and inspection requirements
24 under this subchapter and under rules promulgated under this subchapter to
25 builders of dwellings in this state.

1 **SECTION 2638.** 101.657 (2) of the statutes is repealed.

2 **SECTION 2639.** 101.657 (3) of the statutes is repealed.

3 **SECTION 2640.** 101.657 (4) of the statutes is amended to read:

4 101.657 (4) ~~Each contract under sub. (1), (2), and (3) shall be a separate~~
5 ~~contract. The department is limited for these contracts to contracting only with~~
6 ~~organizations that are~~ may only contract with an organization under this section if
7 the organization is described in section 501 (c) (6) of the Internal Revenue Code and
8 are is exempt from federal income tax under section 501 (a) of the Internal Revenue
9 Code.

10 **SECTION 2641.** 101.657 (5) of the statutes is repealed.

11 **SECTION 2642.** 102.01 (2) (d) of the statutes is amended to read:

12 102.01 (2) (d) "Municipality" includes a county, city, town, village, school
13 district, sewer district, drainage district and ~~family~~ long-term care district and other
14 public or quasi-public corporations.

15 **SECTION 2643.** 102.04 (1) (a) of the statutes is amended to read:

16 102.04 (1) (a) The state, each county, city, town, village, school district, sewer
17 district, drainage district, ~~family~~ long-term care district and other public or
18 quasi-public corporations therein.

19 **SECTION 2644.** 102.27 (2) (a) of the statutes is amended to read:

20 102.27 (2) (a) A benefit under this chapter is assignable under s. 46.10 (14) (e),
21 49.345 (14) (e), 301.12 (14) (e), 767.225 (1) (L), 767.513 (3), or 767.75 (1) or (2m).

22 **SECTION 2645.** 102.29 (8r) of the statutes is amended to read:

23 102.29 (8r) No participant in a food stamp employment and training program
24 under s. ~~49.13~~ 49.79 (9) who, under s. ~~49.13 (2) (d)~~ 49.79 (9) (a) 5., is provided worker's
25 compensation coverage by the department of health and family services or by a

1 Wisconsin ~~works~~ Works agency, as defined in s. 49.001 (9), or other provider under
2 contract with the department of health and family services or a county department
3 under s. 46.215, 46.22, or 46.23 or tribal governing body to administer the food stamp
4 employment and training program and who makes a claim for compensation under
5 this chapter may make a claim or maintain an action in tort against the employer
6 who provided the employment and training from which the claim arose.

7 **SECTION 2646.** 102.81 (2) of the statutes is amended to read:

8 102.81 (2) The department may retain an insurance carrier or insurance
9 service organization to process, investigate and pay claims under this section and
10 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to
11 do business in this state in an amount that the secretary determines is necessary for
12 the sound operation of the uninsured employers fund. In cases involving disputed
13 claims, the department may retain an attorney to represent the interests of the
14 uninsured employers fund and to make appearances on behalf of the uninsured
15 employers fund in proceedings under ss. 102.16 to 102.29. Section 20.930 and all
16 provisions of subch. IV of ch. 16, except ss. 16.753 and 16.771, do not apply to an
17 attorney hired under this subsection. The charges for the services retained under
18 this subsection shall be paid from the appropriation under s. 20.445 (1) (rp). The cost
19 of any reinsurance obtained under this subsection shall be paid from the
20 appropriation under s. 20.445 (1) (sm).

21 **SECTION 2647.** 103.001 (6) of the statutes is amended to read:

22 103.001 (6) "Employer" means any person, firm, corporation, state, county,
23 town, city, village, school district, sewer district, drainage district, family long-term
24 care district and other public or quasi-public corporations as well as any agent,

1 manager, representative or other person having control or custody of any
2 employment, place of employment or of any employee.

3 SECTION 2648. 103.005 (17) of the statutes is repealed.

4 SECTION 2649. 103.005 (18) of the statutes is repealed.

5 SECTION 2650. 106.18 of the statutes is created to read:

6 **106.18 Youth programs in 1st class cities.** From the appropriation account
7 under s. 20.445 (1) (kb), the department shall implement and operate youth summer
8 jobs programs in 1st class cities.

9 SECTION 2651. 108.20 (2m) of the statutes is amended to read:

10 108.20 (2m) From the moneys ~~not~~ appropriated under s. 20.445 (1) ~~(ge), (gf),~~
11 ~~(gg), and (gi)~~ which (gd) that are received by the administrative account as interest
12 and penalties under this chapter, the department shall pay the benefits chargeable
13 to the administrative account under s. 108.07 (5) and the interest payable to
14 employers under s. 108.17 (3m), and may expend the remainder to pay interest due
15 on advances to the unemployment reserve fund from the federal unemployment
16 account under title XII of the social security act, 42 USC 1321 to 1324, may to conduct
17 research relating to the condition of the unemployment reserve fund under s. 108.14
18 (6), to administer the unemployment insurance program and federal or state
19 unemployment insurance programs authorized by the governor under s. 16.54, to
20 renovate and modernize unemployment insurance information technology systems,
21 to assist the department of justice in the enforcement of this chapter, to make
22 payments to satisfy a federal audit exception concerning a payment from the fund
23 or any federal aid disallowance involving the unemployment insurance program, or
24 may to make payments to the fund if such action is necessary to obtain a lower
25 interest rate or deferral of interest payments on advances from the federal

1 unemployment account under title XII of the social security act, except that any
2 interest earned pending disbursement of federal employment security grants under
3 s. 20.445 (1) (n) shall be credited to the general fund. ~~Any moneys reverting to the~~
4 ~~administrative account from the appropriations under s. 20.445 (1) (ge) and (gf) shall~~
5 ~~be utilized as provided in this subsection.~~

6 **SECTION 2652.** 110.09 of the statutes is created to read:

7 **110.09 Background investigations of certain persons. (1) (a)**

8 Notwithstanding ss. 111.321, 111.322, and 111.335, the department of
9 transportation, with the assistance of the department of justice, shall conduct a
10 background investigation of any person who has been selected to fill a position within
11 the division of the department of transportation responsible for issuing operator's
12 licenses and identification cards. This background investigation may include
13 requiring the person to be fingerprinted on 2 fingerprint cards each bearing a
14 complete set of the person's fingerprints, or by other technologies approved by law
15 enforcement agencies. The department of justice shall submit any such fingerprint
16 cards to the federal bureau of investigation for the purposes of verifying the identity
17 of the person fingerprinted and obtaining records of his or her criminal arrests and
18 convictions.

19 (b) Notwithstanding ss. 111.321, 111.322, and 111.335, at any interval
20 determined appropriate by the department, the department may conduct, in the
21 manner specified in par. (a), additional background investigations of any person for
22 whom an initial background investigation has been conducted under par. (a) and
23 background investigations of other persons employed by the department within the
24 division of the department responsible for issuing operator's licenses and
25 identification cards.

1 (c) The department shall promulgate rules governing confidentiality of
2 information obtained under this subsection.

3 (2) Notwithstanding ss. 111.321, 111.322, and 111.335, the department shall
4 require, as a precondition to allowing access to any information system in which is
5 stored information maintained by the division of the department responsible for
6 issuing operator's licenses and identification cards, that any person to whom access
7 is granted submit to a background investigation as provided in this subsection.

8 Notwithstanding ss. 111.321, 111.322, and 111.335, the department shall require the
9 employer, including any state agency, of any person to whom the information will be
10 made available to conduct the background investigation in a manner prescribed by
11 the department. The department may require, as part of this background
12 investigation, that the person be fingerprinted in the manner described in sub. (1)

13 (a) and that these fingerprints be provided to the department of justice for
14 submission to the federal bureau of investigation for the purposes of verifying the
15 identity of the person fingerprinted and obtaining records of his or her criminal
16 arrests and convictions. Notwithstanding ss. 111.321, 111.322, and 111.335, the
17 department shall require that the employer certify the results of the background
18 investigation and, based upon these results, may deny or restrict access to any
19 information requested. In addition to the initial background investigation required
20 under this subsection, the department may require on a periodic basis subsequent
21 background investigations consistent with this subsection for persons with ongoing
22 access to information. Any cost associated with the requirements under this
23 subsection is the responsibility of the employer. For purposes of this subsection,
24 "employer" includes a self-employed person. The department shall promulgate

1 rules governing background investigations, and confidentiality of information
2 obtained, under this subsection.

3 **SECTION 2653.** 110.20 (7) of the statutes is amended to read:

4 **110.20 (7) VOLUNTARY INSPECTIONS.** The inspection and maintenance program
5 shall require inspection of any nonexempt vehicle which a person presents for
6 inspection at an inspection station or at any other location where, as established
7 under sub. (8) (bm), the vehicle may be inspected.

8 **SECTION 2654.** 110.20 (8) (title) of the statutes is amended to read:

9 **110.20 (8) (title) CONTRACTORS AND OTHER INSPECTION METHODS.**

10 **SECTION 2655.** 110.20 (8) of the statutes is renumbered 110.20 (8) (am), and
11 110.20 (8) (am) 1., as renumbered, is amended to read:

12 **110.20 (8) (am) 1.** The emissions test and equipment inspection of nonexempt
13 vehicles ~~shall~~ may be performed by persons under contract with the department. ~~The~~
14 Each such contract shall require the contractor to operate inspection stations for a
15 minimum of 3 years and shall provide for equitable compensation to the contractor
16 if the operation of an inspection and maintenance program within any county is
17 terminated within 3 years after the inspection and maintenance program in the
18 county is begun. No officer, director or employee of the contractor may be an
19 employee of the department or a person engaged in the business of selling,
20 maintaining or repairing motor vehicles or of selling motor vehicle replacement or
21 repair parts. The department shall require the contractor to operate a sufficient
22 number of inspection stations, permanent or mobile, to ensure public convenience in
23 those counties identified under sub. (5).

24 **SECTION 2656.** 110.20 (8) (am) 1m. of the statutes is created to read:

1 110.20 (8) (am) 1m. Each contract under subd. 1. may authorize or require the
2 contractor to install and operate self-service inspection stations and may allow the
3 use of different methods for emissions testing and equipment inspection, consistent
4 with methods established under par. (bm), than those used at inspection stations
5 that are not self-service.

6 **SECTION 2657.** 110.20 (8) (bm) of the statutes is created to read:

7 110.20 (8) (bm) The department may establish methods for emissions testing
8 and equipment inspection of nonexempt vehicles in addition to testing and
9 inspection by contractors. These methods may include the installation and operation
10 by the department of self-service inspection stations and the utilization of any
11 technology related to emissions or data transmission with which motor vehicles may
12 be equipped. The department may establish methods for emissions testing and
13 equipment inspection specifically applicable to self-service inspection stations,
14 which methods shall apply equally to self-service inspection stations operated by
15 contractors under par. (am) 1m. and self-service inspection stations operated by the
16 department under this paragraph.

17 **SECTION 2658.** 110.20 (9) (k) of the statutes is created to read:

18 110.20 (9) (k) Prescribe a procedure for any method for emissions testing and
19 equipment inspection established under sub. (8) (bm).

20 **SECTION 2659.** 110.20 (10m) of the statutes is amended to read:

21 110.20 (10m) REINSPECTION. The owner of a nonexempt vehicle inspected under
22 this section is entitled, if the inspection determines that any applicable emission
23 limitation is exceeded, to one reinspection of the same vehicle at any inspection
24 station within this state operated by a contractor under sub. (8) (am), or at any other
25 location where, as established under sub. (8) (bm), the vehicle was initially inspected,

1 if the reinspection takes place within 30 days after the initial inspection or the owner
2 presents satisfactory evidence that the repairs and adjustments which were
3 performed on the vehicle could not have been made within 30 days of the initial
4 inspection.

5 **SECTION 2660.** 110.20 (11) of the statutes is amended to read:

6 **110.20 (11) INSPECTION TESTS; RESULTS.** (a) The A contractor shall perform the
7 tests required under the federal act, and any testing and inspection method
8 established under sub. (8) (bm) shall include the tests required under the federal act.
9 The tests shall include one of the approved short tests required by the federal act to
10 determine compliance with applicable emission limitations for carbon monoxide,
11 hydrocarbons and oxides of nitrogen. The department may require ~~the contractor~~
12 contractors to provide information on the fuel efficiency of the motor vehicle.

13 (b) The department shall require the each contractor to furnish the results of
14 the emissions inspection in writing to the person presenting the vehicle for
15 inspection before he or she departs from the inspection station. For emissions
16 inspections not conducted by a contractor, the department shall require any testing
17 and inspection method established under sub. (8) (bm) to include the
18 contemporaneous furnishing of the results of the emissions inspection in writing to
19 the person having the vehicle inspected. If the inspection shows that the vehicle does
20 not comply with one or more applicable emissions limitations, the results shall
21 include, to the extent possible, a description of the noncompliance and the
22 adjustments or repairs likely to be needed for compliance.

23 **SECTION 2661.** 110.21 of the statutes is amended to read:

24 **110.21 Education and training related to motor vehicle emissions.** The
25 department and its contractors under s. 110.20 (8) (am) shall conduct a program of

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1 public education related to the motor vehicle emission and equipment inspection and
2 maintenance program established under s. 110.20 (6). The program under s. 110.20
3 (6) may include a pilot project of motor vehicle emissions inspections for those owners
4 who elect to present their motor vehicles for inspection.

5 **SECTION 2662.** 111.70 (1) (b) of the statutes is amended to read:

6 111.70 (1) (b) "Collective bargaining unit" means ~~a~~ the unit consisting of
7 municipal employees who are school district professional employees or of municipal
8 employees who are not school district professional employees that is determined by
9 the commission to be appropriate for the purpose of collective bargaining.

10 **SECTION 2663.** 111.70 (1) (dm) of the statutes is repealed.

11 **SECTION 2664.** 111.70 (1) (fm) of the statutes is repealed.

12 **SECTION 2665.** 111.70 (1) (j) of the statutes is amended to read:

13 111.70 (1) (j) "Municipal employer" means any city, county, village, town,
14 metropolitan sewerage district, school district, family long-term care district, or any
15 other political subdivision of the state, or instrumentality of one or more political
16 subdivisions of the state, that engages the services of an employee and includes any
17 person acting on behalf of a municipal employer within the scope of the person's
18 authority, express or implied, but specifically does not include a local cultural arts
19 district created under subch. V of ch. 229.

20 **SECTION 2666.** 111.70 (1) (nc) of the statutes is repealed.

21 **SECTION 2667.** 111.70 (4) (cm) 5. of the statutes is amended to read:

22 111.70 (4) (cm) 5. 'Voluntary impasse resolution procedures.' In addition to the
23 other impasse resolution procedures provided in this paragraph, a municipal
24 employer and labor organization may at any time, as a permissive subject of
25 bargaining, agree in writing to a dispute settlement procedure, including

1 authorization for a strike by municipal employees or binding interest arbitration,
2 which is acceptable to the parties for resolving an impasse over terms of any
3 collective bargaining agreement under this subchapter. A copy of such agreement
4 shall be filed by the parties with the commission. If the parties agree to any form of
5 binding interest arbitration, the arbitrator shall give weight to the factors
6 enumerated under ~~subds. 7., 7g. and~~ subd. 7r.

7 **SECTION 2668.** 111.70 (4) (cm) 5s. of the statutes is repealed.

8 **SECTION 2669.** 111.70 (4) (cm) 6. a. of the statutes is amended to read:

9 111.70 (4) (cm) 6. a. If in any collective bargaining unit a dispute relating to one
10 or more issues, ~~qualifying for interest arbitration under subd. 5s. in a collective~~
11 ~~bargaining unit to which subd. 5s. applies,~~ has not been settled after a reasonable
12 period of negotiation and after mediation by the commission under subd. 3. and other
13 settlement procedures, if any, established by the parties have been exhausted, and
14 the parties are deadlocked with respect to any dispute between them over wages,
15 hours and conditions of employment to be included in a new collective bargaining
16 agreement, either party, or the parties jointly, may petition the commission, in
17 writing, to initiate compulsory, final and binding arbitration, as provided in this
18 paragraph. At the time the petition is filed, the petitioning party shall submit in
19 writing to the other party and the commission its preliminary final offer containing
20 its latest proposals on all issues in dispute. Within 14 calendar days after the date
21 of that submission, the other party shall submit in writing its preliminary final offer
22 on all disputed issues to the petitioning party and the commission. If a petition is
23 filed jointly, both parties shall exchange their preliminary final offers in writing and
24 submit copies to the commission at the time the petition is filed.

25 **SECTION 2670.** 111.70 (4) (cm) 6. am. of the statutes is amended to read:

1 111.70 (4) (cm) 6. am. Upon receipt of a petition to initiate arbitration, the
2 commission shall make an investigation, with or without a formal hearing, to
3 determine whether arbitration should be commenced. If in determining whether an
4 impasse exists the commission finds that the procedures set forth in this paragraph
5 have not been complied with and such compliance would tend to result in a
6 settlement, it may order such compliance before ordering arbitration. The validity
7 of any arbitration award or collective bargaining agreement shall not be affected by
8 failure to comply with such procedures. Prior to the close of the investigation each
9 party shall submit in writing to the commission its single final offer containing its
10 final proposals on all issues in dispute that are subject to interest arbitration under
11 this subdivision ~~or under subd. 5s. in collective bargaining units to which subd. 5s.~~
12 applies. If a party fails to submit a single, ultimate final offer, the commission shall
13 close the investigation based on the last written position of the party. ~~The municipal~~
14 ~~employer may not submit a qualified economic offer under subd. 5s. after the close~~
15 ~~of the investigation.~~ Such final offers may include only mandatory subjects of
16 bargaining, except that a permissive subject of bargaining may be included by a
17 party if the other party does not object and shall then be treated as a mandatory
18 subject. No later than such time, the parties shall also submit to the commission a
19 stipulation, in writing, with respect to all matters which are agreed upon for
20 inclusion in the new or amended collective bargaining agreement. The commission,
21 after receiving a report from its investigator and determining that arbitration should
22 be commenced, shall issue an order requiring arbitration and immediately submit
23 to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall
24 alternately strike names until a single name is left, who shall be appointed as
25 arbitrator. The petitioning party shall notify the commission in writing of the