

1           100.20 (2) (c) 1. Notwithstanding par. (a), beginning on the effective date of this  
2 subdivision .... [LRB inserts date], the department may not issue any order or  
3 promulgate any rule, or enforce any order or rule, that regulates unfair methods of  
4 competition or unfair trade practices relating to any of the following activities:

5           a. Remodeling or otherwise improving residential or noncommercial property.

6           b. Basement waterproofing.

7           c. Real estate advertising.

8           d. Renting of mobile home sites and sales of mobile homes.

9           e. Renting of residential dwelling units and mobile homes.

10          2. Beginning of the effective date of this subdivision .... [LRB inserts date], the  
11 department of safety and professional services may promulgate rules and issue  
12 orders regulating the unfair methods and practices described in subd. 1.

13          3. All rules promulgated by the department of agriculture, trade and consumer  
14 protection regulating the unfair methods or practices as described in subd. 1. that  
15 are in effect on the effective date of this subdivision .... [LRB inserts date], remain  
16 in effect until their specified expiration date or until amended or repealed by the  
17 department of safety and professional services. All orders issued by the department  
18 of agriculture, trade and consumer protection regulating the unfair methods or  
19 practices as described in subd. 1. that are in effect on the effective date of this  
20 subdivision .... [LRB inserts date], remain in effect until their specified expiration  
21 date or until modified or rescinded by the department of safety and professional  
22 services and shall be enforced by the department of safety and professional services.

23           \***-1465/P3.797\*** \***-0808/2.265\*** **SECTION 2406.** 100.60 (1) (b) 2. of the statutes  
24 is amended to read:

1           100.60 (1) (b) 2. Any other fuel that can substitute for petroleum-based diesel  
2 fuel, that is derived from a renewable resource, that meets all of the applicable  
3 requirements of the American Society for Testing and Materials for that fuel, and  
4 that the department of ~~commerce~~ safety and professional services designates as a  
5 diesel-replacement renewable fuel under sub. (7) (a).

6           **\*-1465/P3.798\* \*-0808/2.266\* SECTION 2407.** 100.60 (1) (c) 2. of the statutes  
7 is amended to read:

8           100.60 (1) (c) 2. Any other fuel that can substitute for gasoline, that is derived  
9 from a renewable resource, that meets all of the applicable requirements of the  
10 American Society for Testing and Materials for that fuel, and that the department  
11 of ~~commerce~~ safety and professional services designates as a gasoline-replacement  
12 renewable fuel under sub. (7) (b).

13           **\*-1224/P2.19\* SECTION 2408.** 100.60 (3) (a) of the statutes is amended to read:

14           100.60 (3) (a) Annually, beginning in 2011, the department, in cooperation with  
15 and with assistance from the department of commerce, and the department of  
16 revenue, ~~and the office of energy independence~~, shall determine whether the annual  
17 goals for sales of renewable fuels in sub. (2) (b) and (c), for the previous year, were  
18 met in the state in that year.

19           **\*-1465/P3.799\* \*-0808/2.267\* SECTION 2409.** 100.60 (3) (a) of the statutes is  
20 amended to read:

21           100.60 (3) (a) Annually, beginning in 2011, the department, in cooperation with  
22 and with assistance from the department of ~~commerce~~ safety and professional  
23 services, the department of revenue, and the office of energy independence, shall  
24 determine whether the annual goals for sales of renewable fuels in sub. (2) (b) and  
25 (c), for the previous year, were met in the state in that year.

1           **\*-1224/P2.20\* SECTION 2410.** 100.60 (6) (a) of the statutes is amended to read:

2           100.60 **(6)** (a) The department shall consult with the department of commerce,  
3           and the department of revenue, ~~and the office of energy independence~~ to determine  
4           if information necessary to make a determination under sub. (3) (a) or an assessment  
5           under sub. (4) is being collected by these agencies under laws in effect on June 2,  
6           2010. If the information is not being collected, the department may request the  
7           department of commerce, or the department of revenue, ~~or the office of energy~~  
8           ~~independence~~ to collect the information if collection by one of these agencies is more  
9           cost-effective for state government and less burdensome for the persons subject to  
10          the reporting requirements than collection of the information by the department.

11          **\*-1465/P3.800\* \*-0808/2.268\* SECTION 2411.** 100.60 (6) (a) of the statutes is  
12          amended to read:

13          100.60 **(6)** (a) The department shall consult with the department of ~~commerce~~  
14          safety and professional services, the department of revenue, and the office of energy  
15          independence to determine if information necessary to make a determination under  
16          sub. (3) (a) or an assessment under sub. (4) is being collected by these agencies under  
17          laws in effect on June 2, 2010. If the information is not being collected, the  
18          department may request the department of ~~commerce~~ safety and professional  
19          services, the department of revenue, or the office of energy independence to collect  
20          the information if collection by one of these agencies is more cost-effective for state  
21          government and less burdensome for the persons subject to the reporting  
22          requirements than collection of the information by the department.

23          **\*-1465/P3.801\* \*-0808/2.269\* SECTION 2412.** 100.60 (7) (title) of the statutes  
24          is amended to read:



1           101.01 (1m) "Department" means the department of ~~commerce~~ safety and  
2 professional services.

3           \***-1465/P3.806\*** \***-0808/2.274\*** SECTION 2417. 101.01 (14) of the statutes is  
4 amended to read:

5           101.01 (14) "Secretary" means the secretary of ~~commerce~~ safety and  
6 professional services.

7           \***-1465/P3.807\*** \***-0808/2.275\*** SECTION 2418. 101.02 (18m) of the statutes is  
8 amended to read:

9           101.02 (18m) The department may perform, or contract for the performance  
10 of, testing of petroleum products other than testing provided under ch. 168. The  
11 department may establish a schedule of fees for such petroleum product testing  
12 services. The department shall credit all revenues received from fees established  
13 under this subsection to the appropriation account under s. ~~20.143(3)~~ 20.165(2) (ga).  
14 Revenues from fees established under this subsection may be used by the  
15 department to pay for testing costs, including laboratory supplies and equipment  
16 amortization, for such products.

17           \***-1465/P3.808\*** \***-0808/2.276\*** SECTION 2419. 101.02 (20) (b) of the statutes  
18 is amended to read:

19           101.02 (20) (b) Except as provided in par. (e), the department of ~~commerce~~  
20 safety and professional services may not issue or renew a license unless each  
21 applicant who is an individual provides the department of ~~commerce~~ safety and  
22 professional services with his or her social security number and each applicant that  
23 is not an individual provides the department of ~~commerce~~ safety and professional  
24 services with its federal employer identification number. The department of  
25 ~~commerce~~ safety and professional services may not disclose the social security

1 number or the federal employer identification number of an applicant for a license  
2 or license renewal except to the department of revenue for the sole purpose of  
3 requesting certifications under s. 73.0301.

4 **\*-1465/P3.809\* \*-0808/2.277\* SECTION 2420.** 101.02 (20) (c) of the statutes  
5 is amended to read:

6 101.02 (20) (c) The department of ~~commerce~~ safety and professional services  
7 may not issue or renew a license if the department of revenue certifies under s.  
8 73.0301 that the applicant or licensee is liable for delinquent taxes.

9 **\*-1465/P3.810\* \*-0808/2.278\* SECTION 2421.** 101.02 (20) (d) of the statutes  
10 is amended to read:

11 101.02 (20) (d) The department of ~~commerce~~ safety and professional services  
12 shall revoke a license if the department of revenue certifies under s. 73.0301 that the  
13 licensee is liable for delinquent taxes.

14 **\*-1465/P3.811\* \*-0808/2.279\* SECTION 2422.** 101.02 (20) (e) 1. of the statutes  
15 is amended to read:

16 101.02 (20) (e) 1. If an applicant who is an individual does not have a social  
17 security number, the applicant, as a condition of applying for or applying to renew  
18 a license shall submit a statement made or subscribed under oath or affirmation to  
19 the department of ~~commerce~~ safety and professional services that the applicant does  
20 not have a social security number. The form of the statement shall be prescribed by  
21 the department of children and families.

22 **\*-1465/P3.812\* \*-0808/2.280\* SECTION 2423.** 101.02 (21) (b) of the statutes  
23 is amended to read:

24 101.02 (21) (b) As provided in the memorandum of understanding under s.  
25 49.857 and except as provided in par. (e), the department of ~~commerce~~ safety and

1 professional services may not issue or renew a license unless the applicant provides  
2 the department of ~~commerce~~ safety and professional services with his or her social  
3 security number. The department of ~~commerce~~ safety and professional services may  
4 not disclose the social security number except that the department of ~~commerce~~  
5 safety and professional services may disclose the social security number of an  
6 applicant for a license under par. (a) or a renewal of a license under par. (a) to the  
7 department of children and families for the sole purpose of administering s. 49.22.

8 \***-1465/P3.813**\* \***-0808/2.281**\* **SECTION 2424.** 101.02 (21) (e) 1. of the statutes  
9 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~~ safety and professional services that the applicant does  
14 not have a social security number. The form of the statement shall be prescribed by  
15 the department of children and families.

16 \***-1465/P3.814**\* \***-1369/1.6**\* **SECTION 2425.** 101.1206 (title) of the statutes is  
17 created to read:

18 **101.1206 (title) Erosion control; construction of public buildings and**  
19 **buildings that are places of employment.**

20 \***-1187/P4.428**\* **SECTION 2426.** 101.123 (2) (d) 4. of the statutes is amended to  
21 read:

22 101.123 (2) (d) 4. A location that is 25 feet or less from a residence hall or  
23 dormitory that is owned or operated by the Board of Regents of the University of  
24 Wisconsin System or Board of Trustees of the University of Wisconsin-Madison.

1           \***-1187/P4.429\*** SECTION 2427. 101.14 (4) (b) 3. a. of the statutes is amended  
2 to read:

3           101.14 (4) (b) 3. a. Every residence hall and dormitory over 60 feet in height,  
4 the initial construction of which was begun before April 26, 2000, that is owned or  
5 operated by the ~~board of regents~~ Board of Regents of the University of Wisconsin  
6 System ~~or the Board of Trustees of the University of Wisconsin-Madison~~ to contain  
7 an automatic fire sprinkler system on each floor by January 1, 2006, except that  
8 those rules shall not apply to Ogg Residence Hall at the University of  
9 Wisconsin-Madison until January 1, 2008.

10          \***-1187/P4.430\*** SECTION 2428. 101.14 (4) (b) 3. b. of the statutes is amended  
11 to read:

12          101.14 (4) (b) 3. b. Every residence hall and dormitory, the initial construction  
13 of which is begun on or after April 26, 2000, that is owned or operated by the ~~board~~  
14 ~~of regents~~ Board of Regents of the University of Wisconsin System ~~or the Board of~~  
15 Trustees of the University of Wisconsin-Madison to have an automatic fire sprinkler  
16 system installed on each floor at the time the residence hall or dormitory is  
17 constructed.

18          \***-1187/P4.431\*** SECTION 2429. 101.14 (4) (b) 3. c. of the statutes is amended  
19 to read:

20          101.14 (4) (b) 3. c. Every residence hall and dormitory over 60 feet in height,  
21 the initial construction of which was begun before January 7, 2006, that is owned or  
22 operated by an institution of higher education, other than a residence hall or  
23 dormitory that is owned or operated by the Board of Regents of the University of  
24 Wisconsin System ~~or the Board of Trustees of the University of Wisconsin-Madison,~~  
25 to contain an automatic fire sprinkler system on each floor by January 1, 2014.

1           **\*-1187/P4.432\* SECTION 2430.** 101.14 (4) (b) 3. d. of the statutes is amended  
2 to read:

3           101.14 (4) (b) 3. d. Every residence hall and dormitory, the initial construction  
4 of which is begun on or after January 7, 2006, that is owned or operated by an  
5 institution of higher education, other than a residence hall or dormitory that is  
6 owned or operated by the Board of Regents of the University of Wisconsin System or  
7 the Board of Trustees of the University of Wisconsin-Madison, to have an automatic  
8 fire sprinkler system installed on each floor at the time the residence hall or  
9 dormitory is constructed.

10           **\*-1465/P3.815\* \*-0808/2.282\* SECTION 2431.** 101.143 (2) (d) of the statutes  
11 is amended to read:

12           101.143 (2) (d) The department shall reserve a portion, not to exceed 20%, of  
13 the amount annually appropriated under s. ~~20.143(3)~~ 20.165(2) (v) for awards under  
14 this section to be used to fund emergency remedial action and claims that exceed the  
15 amount initially anticipated.

16           **\*-1465/P3.816\* \*-0808/2.283\* SECTION 2432.** 101.143 (2) (h) (intro.) of the  
17 statutes is amended to read:

18           101.143 (2) (h) (intro.) The department of ~~commerce~~ safety and professional  
19 services and the department of natural resources, jointly, shall promulgate rules  
20 designed to facilitate effective and cost-efficient administration of the program  
21 under this section that specify all of the following:

22           **\*-1465/P3.817\* \*-0808/2.284\* SECTION 2433.** 101.143 (2) (i) (intro.) of the  
23 statutes is amended to read:

24           101.143 (2) (i) (intro.) The department of ~~commerce~~ safety and professional  
25 services and the department of natural resources, jointly, shall promulgate rules

1 specifying procedures for evaluating remedial action plans and procedures to be used  
2 by employees of the department of ~~commerce~~ safety and professional services and the  
3 department of natural resources while remedial actions are being conducted. The  
4 departments shall specify procedures that include all of the following:

5 **\*-1465/P3.818\* \*-0808/2.285\* SECTION 2434.** 101.143 (2) (j) (intro.) of the  
6 statutes is amended to read:

7 101.143 (2) (j) (intro.) The department of ~~commerce~~ safety and professional  
8 services and the department of natural resources, jointly, shall promulgate rules  
9 specifying all of the following:

10 **\*-1465/P3.819\* \*-0808/2.286\* SECTION 2435.** 101.143 (2) (k) of the statutes  
11 is amended to read:

12 101.143 (2) (k) In promulgating rules under pars. (h) to (j), the department of  
13 ~~commerce~~ safety and professional services and the department of natural resources  
14 shall attempt to reach an agreement that is consistent with those provisions. If the  
15 department of ~~commerce~~ safety and professional services and the department of  
16 natural resources are unable to reach an agreement, they shall refer the matters on  
17 which they are unable to agree to the secretary of administration for resolution. The  
18 secretary of administration shall resolve any matters on which the departments  
19 disagree in a manner that is consistent with pars. (h) to (j). The department of  
20 ~~commerce~~ safety and professional services and the department of natural resources,  
21 jointly, shall promulgate rules incorporating any agreement between the  
22 department of ~~commerce~~ safety and professional services and the department of  
23 natural resources under this paragraph and any resolution of disagreements  
24 between the departments by the secretary of administration under this paragraph.

1           **\*-1465/P3.820\* \*-0808/2.287\* SECTION 2436.** 101.143 (2) (L) of the statutes  
2 is amended to read:

3           101.143 (2) (L) The department may promulgate rules for the assessment and  
4 collection of fees to recover its costs for providing approval under sub. (3) (c) 4. and  
5 for providing other assistance requested by applicants under this section. Any  
6 moneys collected under this paragraph shall be credited to the appropriation account  
7 under s. ~~20.143 (3)~~ 20.165 (2) (Lm).

8           **\*-1465/P3.821\* \*-0808/2.288\* SECTION 2437.** 101.143 (2e) (a) of the statutes  
9 is amended to read:

10           101.143 (2e) (a) The department of ~~commerce~~ safety and professional services  
11 and the department of natural resources shall attempt to agree on a method, which  
12 shall include individualized consideration of the routes for migration of petroleum  
13 product contamination at each site, for determining the risk to public health, safety  
14 and welfare and to the environment posed by discharges for which the department  
15 of ~~commerce~~ safety and professional services receives notification under sub. (3) (a)  
16 3.

17           **\*-1465/P3.822\* \*-0808/2.289\* SECTION 2438.** 101.143 (2e) (b) of the statutes  
18 is amended to read:

19           101.143 (2e) (b) If the department of ~~commerce~~ safety and professional services  
20 and the department of natural resources are unable to reach an agreement under  
21 par. (a), they shall refer the matters on which they are unable to agree to the  
22 secretary of administration for resolution. The secretary of administration shall  
23 resolve any matters on which the departments disagree in a manner that is  
24 consistent with par. (a). The department of ~~commerce~~ safety and professional  
25 services and the department of natural resources, jointly, shall promulgate rules

1 incorporating any agreement between the department of ~~commerce~~ safety and  
2 professional services and the department of natural resources under par. (a) and any  
3 resolution of disagreements between the departments by the secretary of  
4 administration under this paragraph.

5 **\*-1465/P3.823\* \*-0808/2.290\* SECTION 2439.** 101.143 (2e) (c) of the statutes  
6 is amended to read:

7 101.143 (2e) (c) The department of natural resources or, if the discharge is  
8 covered under s. 101.144 (2) (b), the department of ~~commerce~~ safety and professional  
9 services shall apply the method in the rules promulgated under par. (b) to determine  
10 the risk posed by a discharge for which the department of ~~commerce~~ safety and  
11 professional services receives notification under sub. (3) (a) 3.

12 **\*-1465/P3.824\* \*-0808/2.291\* SECTION 2440.** 101.143 (2m) of the statutes is  
13 amended to read:

14 101.143 (2m) INTERDEPARTMENTAL COORDINATION. Whenever the department of  
15 ~~commerce~~ safety and professional services receives a notification under sub. (3) (a)  
16 3. or the department of natural resources receives a notification of a petroleum  
17 product discharge under s. 292.11, the department receiving the notification shall  
18 contact the other department and shall schedule a meeting of the owner or operator  
19 or person owning a home oil tank system and representatives of both departments.

20 **\*-1465/P3.825\* \*-0808/2.292\* SECTION 2441.** 101.143 (3) (c) 4. of the statutes  
21 is amended to read:

22 101.143 (3) (c) 4. Receive written approval from the department of natural  
23 resources or, if the discharge is covered under s. 101.144 (2) (b), from the department  
24 of ~~commerce~~ safety and professional services that the remedial action activities  
25 performed under subd. 3. meet the requirements of s. 292.11.

1           **\*-1465/P3.826\* \*-0808/2.293\* SECTION 2442.** 101.143 (3) (cm) of the statutes  
2 is amended to read:

3           101.143 (3) (cm) *Monitoring as remedial action.* An owner or operator or person  
4 owning a home oil tank system may, with the approval of the department of natural  
5 resources or, if the discharge is covered under s. 101.144 (2) (b), the department of  
6 ~~commerce~~ safety and professional services, satisfy the requirements of par. (c) 2. and  
7 3. by proposing and implementing monitoring to ensure the effectiveness of natural  
8 attenuation of petroleum product contamination.

9           **\*-1465/P3.827\* \*-0808/2.294\* SECTION 2443.** 101.143 (3) (cp) 1. of the  
10 statutes is amended to read:

11           101.143 (3) (cp) 1. Except as provided in subds. 2. to 5., if the department of  
12 natural resources or, if the site is covered under s. 101.144 (2) (b), the department of  
13 ~~commerce~~ safety and professional services estimates that the cost to complete a site  
14 investigation, remedial action plan and remedial action for an occurrence exceeds  
15 \$60,000, the department of ~~commerce~~ safety and professional services shall  
16 implement a competitive public bidding process to obtain information to assist in  
17 making the determination under par. (cs).

18           **\*-1465/P3.828\* \*-0808/2.295\* SECTION 2444.** 101.143 (3) (cp) 2. of the  
19 statutes is amended to read:

20           101.143 (3) (cp) 2. The department of ~~commerce~~ safety and professional  
21 services or the department of natural resources may waive the requirement under  
22 subd. 1. if an enforcement standard is exceeded in groundwater within 1,000 feet of  
23 a well operated by a public utility, as defined in s. 196.01 (5), or within 100 feet of any  
24 other well used to provide water for human consumption.

1           **\*-1465/P3.829\* \*-0808/2.296\* SECTION 2445.** 101.143 (3) (cp) 5. of the  
2 statutes is amended to read:

3           101.143 (3) (cp) 5. The department of ~~commerce~~ safety and professional  
4 services or the department of natural resources may waive the requirement under  
5 subd. 1. after providing notice to the other department.

6           **\*-1465/P3.830\* \*-0808/2.297\* SECTION 2446.** 101.143 (3) (cp) 6. of the  
7 statutes is amended to read:

8           101.143 (3) (cp) 6. The department of ~~commerce~~ safety and professional  
9 services may disqualify a bid received under subd. 1. if, based on information  
10 available to the department and experience with remedial action at other sites, the  
11 bid is unlikely to establish an amount to sufficiently fund remedial action that will  
12 comply with par. (c) 3. and with enforcement standards.

13           **\*-1465/P3.831\* \*-0808/2.298\* SECTION 2447.** 101.143 (3) (cp) 7. of the  
14 statutes is amended to read:

15           101.143 (3) (cp) 7. The department of ~~commerce~~ safety and professional  
16 services may disqualify a person from submitting bids under subd. 1. if, based on past  
17 performance of the bidder, the department determines that the person has  
18 demonstrated an inability to complete remedial action within established cost limits.

19           **\*-1465/P3.832\* \*-0808/2.299\* SECTION 2448.** 101.143 (3) (cs) 1. of the  
20 statutes is amended to read:

21           101.143 (3) (cs) 1. The department of ~~commerce~~ safety and professional  
22 services shall review the remedial action plan for a site that is classified as low or  
23 medium risk under s. 101.144 and shall determine the least costly method of  
24 complying with par. (c) 3. and with enforcement standards. The department shall  
25 notify the owner or operator of its determination of the least costly method and shall

1 notify the owner or operator that reimbursement for remedial action under this  
2 section is limited to the amount necessary to implement that method.

3 **\*-1465/P3.833\* \*-0808/2.300\* SECTION 2449.** 101.143 (3) (cs) 2. of the  
4 statutes is amended to read:

5 101.143 (3) (cs) 2. The department of natural resources and the department of  
6 ~~commerce~~ safety and professional services shall review the remedial action plan for  
7 a site that is classified as high risk under s. 101.144 and shall jointly determine the  
8 least costly method of complying with par. (c) 3. and with enforcement standards.  
9 The departments shall notify the owner or operator of their determination of the  
10 least costly method and shall notify the owner or operator that reimbursement for  
11 remedial action under this section is limited to the amount necessary to implement  
12 that method.

13 **\*-1465/P3.834\* \*-0808/2.301\* SECTION 2450.** 101.143 (3) (cs) 3. of the  
14 statutes is amended to read:

15 101.143 (3) (cs) 3. In making determinations under subds. 1. and 2., the  
16 department of natural resources and the department of ~~commerce~~ safety and  
17 professional services shall determine whether natural attenuation will achieve  
18 compliance with par. (c) 3. and with enforcement standards.

19 **\*-1465/P3.835\* \*-0808/2.302\* SECTION 2451.** 101.143 (3) (cs) 4. of the  
20 statutes is amended to read:

21 101.143 (3) (cs) 4. The department of ~~commerce~~ safety and professional  
22 services may review and modify an amount established under subd. 1. if the  
23 department determines that new circumstances, including newly discovered  
24 contamination at a site, warrant those actions. The department of ~~commerce~~ safety  
25 and professional services and the department of natural resources may review and

1 modify an amount established under subd. 2. if the departments determine that new  
2 circumstances, including newly discovered contamination at a site, warrant those  
3 actions.

4 **\*-1465/P3.836\* \*-0808/2.303\* SECTION 2452.** 101.143 (3) (cw) 1. of the  
5 statutes is amended to read:

6 101.143 (3) (cw) 1. The department of ~~commerce~~ safety and professional  
7 services shall conduct the annual review required under sub. (2) (i) 1. for a site that  
8 is classified as low or medium risk under s. 101.144 and shall determine the least  
9 costly method of completing remedial action at the site in order to comply with par.  
10 (c) 3. and with enforcement standards. The department shall notify the owner or  
11 operator of its determination of the least costly method and shall notify the owner  
12 or operator that reimbursement under this section for any remedial action conducted  
13 after the date of the notice is limited to the amount necessary to implement that  
14 method.

15 **\*-1465/P3.837\* \*-0808/2.304\* SECTION 2453.** 101.143 (3) (cw) 2. of the  
16 statutes is amended to read:

17 101.143 (3) (cw) 2. The department of natural resources and the department  
18 of ~~commerce~~ safety and professional services shall conduct the annual review  
19 required under sub. (2) (i) 1. for a site that is classified as high risk under s. 101.144  
20 and shall jointly determine the least costly method of completing remedial action at  
21 the site in order to comply with par. (c) 3. and with enforcement standards. The  
22 departments shall notify the owner or operator of their determination of the least  
23 costly method and shall notify the owner or operator that reimbursement under this  
24 section for remedial action conducted after the date of the notice is limited to the  
25 amount necessary to implement that method.

1           **\*-1465/P3.838\* \*-0808/2.305\* SECTION 2454.** 101.143 (3) (cw) 3. of the  
2 statutes is amended to read:

3           101.143 (3) (cw) 3. In making determinations under subds. 1. and 2., the  
4 department of natural resources and the department of ~~commerce~~ safety and  
5 professional services shall determine whether natural attenuation will achieve  
6 compliance with par. (c) 3. and with enforcement standards.

7           **\*-1465/P3.839\* \*-0808/2.306\* SECTION 2455.** 101.143 (3) (cw) 4. of the  
8 statutes is amended to read:

9           101.143 (3) (cw) 4. The department of ~~commerce~~ safety and professional  
10 services may review and modify an amount established under subd. 1. if the  
11 department determines that new circumstances, including newly discovered  
12 contamination at a site, warrant those actions. The department of ~~commerce~~ safety  
13 and professional services and the department of natural resources may review and  
14 modify an amount established under subd. 2. if the departments determine that new  
15 circumstances, including newly discovered contamination at a site, warrant those  
16 actions.

17           **\*-1465/P3.840\* \*-0808/2.307\* SECTION 2456.** 101.143 (3) (d) of the statutes  
18 is amended to read:

19           101.143 (3) (d) *Final review of remedial action activities.* The department of  
20 natural resources or, if the discharge is covered under s. 101.144 (2) (b), the  
21 department of ~~commerce~~ safety and professional services shall complete a final  
22 review of the remedial action activities within 60 days after the claimant notifies the  
23 appropriate department that the remedial action activities are completed.

24           **\*-1465/P3.841\* \*-0808/2.308\* SECTION 2457.** 101.143 (3) (f) 5. of the statutes  
25 is amended to read:

1           101.143 (3) (f) 5. The written approval of the department of natural resources  
2 or the department of ~~commerce~~ safety and professional services under par. (c) 4.

3           \*~~-1465/P3.842~~\* \*~~-0808/2.309~~\* SECTION 2458. 101.143 (3) (g) of the statutes  
4 is amended to read:

5           101.143 (3) (g) *Emergency situations*. Notwithstanding pars. (a) 3. and (c) 1.  
6 and 2., an owner or operator or the person may submit a claim for an award under  
7 sub. (4) after notifying the department under par. (a) 3., without completing an  
8 investigation under par. (c) 1. and without preparing a remedial action plan under  
9 par. (c) 2. if an emergency existed which made the investigation under par. (c) 1. and  
10 the remedial action plan under par. (c) 2. inappropriate and, before conducting  
11 remedial action, the owner or operator or person notified the department of  
12 ~~commerce~~ safety and professional services and the department of natural resources  
13 of the emergency and the department of ~~commerce~~ safety and professional services  
14 and the department of natural resources authorized emergency action.

15           \*~~-1465/P3.843~~\* \*~~-0808/2.310~~\* SECTION 2459. 101.143 (4) (a) 6. of the statutes  
16 is amended to read:

17           101.143 (4) (a) 6. In any fiscal year, the department may not award more than  
18 5% of the amount appropriated under s. ~~20.143 (3)~~ 20.165 (2) (v) as awards for  
19 petroleum product storage systems described in par. (ei).

20           \*~~-1465/P3.844~~\* \*~~-0808/2.311~~\* SECTION 2460. 101.143 (4) (a) 7. of the statutes  
21 is amended to read:

22           101.143 (4) (a) 7. In any fiscal year, the department may not award more than  
23 5% of the amount appropriated under s. ~~20.143 (3)~~ 20.165 (2) (v) as awards for  
24 petroleum product storage systems that are owned by school districts and that are  
25 used for storing heating oil for consumptive use on the premises where stored.

1           **\*-1465/P3.845\* \*-1059/P3.518\* SECTION 2461.** 101.143 (4) (cc) 2. b. of the  
2 statutes is amended to read:

3           101.143 (4) (cc) 2. b. An applicant that is engaged in the expansion or  
4 redevelopment of brownfields, as defined in s. ~~560.13~~ 238.13 (1) (a), if federal or state  
5 financial assistance other than under this section, has been provided for that  
6 expansion or redevelopment.

7           **\*-1465/P3.846\* \*-0808/2.312\* SECTION 2462.** 101.143 (4) (ei) 2m. of the  
8 statutes is amended to read:

9           101.143 (4) (ei) 2m. The owner or operator of the farm tank has received a letter  
10 or notice from the department of ~~commerce~~ safety and professional services or  
11 department of natural resources indicating that the owner or operator must conduct  
12 a site investigation or remedial action because of a discharge from the farm tank or  
13 an order to conduct such an investigation or remedial action.

14           **\*-1465/P3.847\* \*-0808/2.313\* SECTION 2463.** 101.143 (4) (es) 1. of the  
15 statutes is amended to read:

16           101.143 (4) (es) 1. The department shall issue an award for a claim filed after  
17 August 9, 1989, for eligible costs, under par. (b), incurred on or after August 1, 1987,  
18 by an owner or operator or a person owning a home oil tank system in investigating  
19 the existence of a discharge or investigating the presence of petroleum products in  
20 soil or groundwater if the investigation is undertaken at the written direction of the  
21 department of ~~commerce~~ safety and professional services or the department of  
22 natural resources and no discharge or contamination is found.

23           **\*-1465/P3.848\* \*-0808/2.314\* SECTION 2464.** 101.144 (3) (b) of the statutes  
24 is amended to read:

1           101.144 (3) (b) The department of ~~commerce~~ safety and professional services  
2 requests the department of natural resources to take the action or issue the order.

3           **\*-1465/P3.849\* \*-0808/2.315\* SECTION 2465.** 101.144 (3) (c) of the statutes  
4 is amended to read:

5           101.144 (3) (c) The secretary of natural resources approves the action or order  
6 in advance after notice to the secretary of ~~commerce~~ safety and professional services.

7           **\*-1465/P3.850\* \*-0808/2.316\* SECTION 2466.** 101.144 (3g) (a) of the statutes  
8 is amended to read:

9           101.144 (3g) (a) If, on December 1, 1999, more than 35% of sites classified  
10 under this section, excluding sites that are contaminated by a hazardous substance  
11 other than a petroleum product or an additive to a petroleum product, are classified  
12 as high-risk sites, the department of ~~commerce~~ safety and professional services and  
13 the department of natural resources shall attempt to reach an agreement that  
14 specifies standards for determining whether the site of a discharge of a petroleum  
15 product from a petroleum storage tank is classified as high risk. The standards shall  
16 be designed to classify no more than 35% of those sites as high-risk sites and may  
17 not classify all sites at which an enforcement standard is exceeded as high-risk sites.  
18 If the department of ~~commerce~~ safety and professional services and the department  
19 of natural resources are unable to reach an agreement, they shall refer the matters  
20 on which they are unable to agree to the secretary of administration for resolution.  
21 The secretary of administration shall resolve any matters on which the departments  
22 disagree in a manner that is consistent with this paragraph. The department of  
23 ~~commerce~~ safety and professional services shall promulgate rules incorporating any  
24 agreement between the department of ~~commerce~~ safety and professional services  
25 and the department of natural resources under this paragraph and any resolution

1 of disagreements between the departments by the secretary of administration under  
2 this paragraph.

3 **\*-1465/P3.851\* \*-0808/2.317\* SECTION 2467.** 101.144 (3g) (b) of the statutes  
4 is amended to read:

5 101.144 (3g) (b) If, 6 months after rules under par. (a) are in effect, more than  
6 35% of the sites classified under this section, excluding sites that are contaminated  
7 by a hazardous substance other than a petroleum product or an additive to a  
8 petroleum product, are classified as high-risk sites, the department of ~~commerce~~  
9 safety and professional services shall revise the rules using the procedure for  
10 promulgating the rules in par. (a).

11 **\*-1465/P3.852\* \*-0808/2.318\* SECTION 2468.** 101.144 (3m) (a) (intro.) of the  
12 statutes is amended to read:

13 101.144 (3m) (a) (intro.) The department of ~~commerce~~ safety and professional  
14 services and the department of natural resources shall enter into a memorandum of  
15 understanding that does all of the following:

16 **\*-1465/P3.853\* \*-0808/2.319\* SECTION 2469.** 101.144 (3m) (b) of the statutes  
17 is amended to read:

18 101.144 (3m) (b) The department of ~~commerce~~ safety and professional services  
19 and the department of natural resources shall submit a memorandum of  
20 understanding under this subsection to the secretary of administration for review.  
21 A memorandum of understanding under this subsection does not take effect until it  
22 is approved by the secretary of administration.

23 **\*-1465/P3.854\* \*-0808/2.320\* SECTION 2470.** 101.149 (6) (b) of the statutes  
24 is amended to read:

1           101.149 (6) (b) The department shall promulgate rules, in consultation with  
2 the department of health services, under which the department of ~~commerce~~ safety  
3 and professional services shall authorize certified heating, ventilating, and air  
4 conditioning inspectors to conduct regular inspections of sealed combustion units, as  
5 required under par. (5) (c), for carbon monoxide emissions in residential buildings  
6 other than hotels, tourist rooming houses, and bed and breakfast establishments.  
7 The rules shall specify conditions under which it may issue orders as specified under  
8 sub. (8) (a). The rules may not require the department of ~~commerce~~ safety and  
9 professional services to authorize inspection of sealed combustion units during the  
10 period in which the sealed combustion units are covered by a manufacturer's  
11 warranty against defects.

12           **\*-1465/P3.855\* \*-0808/2.321\* SECTION 2471.** 101.149 (8) (a) of the statutes  
13 is amended to read:

14           101.149 (8) (a) If the department of ~~commerce~~ safety and professional services  
15 or the department of health services determines after an inspection of a building  
16 under this section or s. 254.74 (1g) that the owner of the building has violated sub.  
17 (2) or (3), the respective department shall issue an order requiring the person to  
18 correct the violation within 5 days or within such shorter period as the respective  
19 department determines is necessary to protect public health and safety. If the person  
20 does not correct the violation within the time required, he or she shall forfeit \$50 for  
21 each day of violation occurring after the date on which the respective department  
22 finds that the violation was not corrected.

23           **\*-1465/P3.856\* \*-0808/2.322\* SECTION 2472.** 101.563 (2) (b) 1. of the statutes  
24 is amended to read:

1           101.563 (2) (b) 1. 'Payments from calendar year 2001 dues.' Notwithstanding  
2 s. 101.573 (3) (a), by the 30th day following July 30, 2002, the department shall  
3 compile the fire department dues paid by all insurers under s. 601.93 and the dues  
4 paid by the state fire fund under s. 101.573 (1) and funds remaining under s. 101.573  
5 (3) (b), subtract the total amount due to be paid under par. (a), withhold 0.5%, and  
6 certify to the secretary of administration the proper amount to be paid from the  
7 appropriation under s. ~~20.143(3)~~ 20.165(2) (L) to each city, village, and town entitled  
8 to a proportionate share of fire department dues as provided under sub. (1) (b) and  
9 s. 101.575. If the department has previously certified an amount to the secretary of  
10 administration under s. 101.573 (3) (a) during calendar year 2002, the department  
11 shall recertify the amount in the manner provided under this subdivision. On or  
12 before August 1, 2002, the secretary of administration shall pay the amounts  
13 certified or recertified by the department under this subdivision to each city, village,  
14 and town entitled to a proportionate share of fire department dues as provided under  
15 sub. (1) and s. 101.575. The secretary of administration may combine any payment  
16 due under this subdivision with any amount due to be paid on or before August 1,  
17 2002, to the same city, village, or town under par. (a).

18           \*~~-1465/P3.857~~\* \*~~-0808/2.323~~\* **SECTION 2473.** 101.563 (2) (b) 2. of the statutes  
19 is amended to read:

20           101.563 (2) (b) 2. 'Payments from dues for calendar years 2002 to 2004.'  
21 Notwithstanding s. 101.573 (3) (a) and except as otherwise provided in this  
22 subdivision, on or before May 1 in each year, the department shall compile the fire  
23 department dues paid by all insurers under s. 601.93 and the dues paid by the state  
24 fire fund under s. 101.573 (1) and funds remaining under s. 101.573 (3) (b), withhold  
25 0.5% and certify to the secretary of administration the proper amount to be paid from

## SECTION 2473

1 the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (L) to each city, village, and town  
2 entitled to a proportionate share of fire department dues as provided under sub. (1)  
3 (b) and s. 101.575. Annually, on or before August 1, the secretary of administration  
4 shall pay the amounts certified by the department to each such city, village, and  
5 town. This paragraph applies only to payment of a proportionate share of fire  
6 department dues collected for calendar years 2002 to 2004.

7 **\*-1465/P3.858\* \*-0808/2.324\* SECTION 2474.** 101.573 (3) (a) of the statutes  
8 is amended to read:

9 101.573 (3) (a) On or before May 1 in each year, the department shall compile  
10 the fire department dues paid by all insurers under s. 601.93 and the dues paid by  
11 the state fire fund under sub. (1) and funds remaining under par. (b), withhold .5%  
12 and certify to the secretary of administration the proper amount to be paid from the  
13 appropriation under s. ~~20.143 (3)~~ 20.165 (2) (L) to each city, village, or town entitled  
14 to fire department dues under s. 101.575. Annually, on or before August 1, the  
15 secretary of administration shall pay the amounts certified by the department to the  
16 cities, villages and towns eligible under s. 101.575.

17 **\*-1465/P3.859\* \*-0808/2.325\* SECTION 2475.** 101.573 (5) of the statutes is  
18 amended to read:

19 101.573 (5) The department shall promulgate a rule defining “administrative  
20 expenses” for purposes of s. ~~20.143 (3)~~ 20.165 (2) (La).

21 **\*-1465/P3.860\* \*-0808/2.326\* SECTION 2476.** 101.657 (5) of the statutes is  
22 amended to read:

23 101.657 (5) From the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (j), beginning  
24 with fiscal year 2005-06, the department shall allocate \$100,000 annually for the

1 contract required under sub. (2) and at least \$600,000 annually for the contract  
2 required under sub. (3).

3 **\*-1465/P3.861\* \*-0808/2.327\* SECTION 2477.** 101.935 (2) (e) of the statutes  
4 is amended to read:

5 101.935 (2) (e) Section 254.69 (2), as it applies to an agent for the department  
6 of health services in the administration of s. 254.47, applies to an agent for the  
7 department of ~~commerce~~ safety and professional services in the administration of  
8 this section.

9 **\*-1465/P3.862\* \*-0808/2.328\* SECTION 2478.** 101.951 (7) (a) of the statutes  
10 is amended to read:

11 101.951 (7) (a) The department of ~~commerce~~ safety and professional services  
12 may, without notice, deny the application for a license within 60 days after receipt  
13 thereof by written notice to the applicant, stating the grounds for the denial. Within  
14 30 days after such notice, the applicant may petition the department of  
15 administration to conduct a hearing to review the denial, and a hearing shall be  
16 scheduled with reasonable promptness. The division of hearings and appeals shall  
17 conduct the hearing. This paragraph does not apply to denials of applications for  
18 licenses under s. 101.02 (21).

19 **\*-1465/P3.863\* \*-0808/2.329\* SECTION 2479.** 101.951 (7) (b) of the statutes  
20 is amended to read:

21 101.951 (7) (b) No license may be suspended or revoked except after a hearing  
22 thereon. The department of ~~commerce~~ safety and professional services shall give the  
23 licensee at least 5 days' notice of the time and place of the hearing. The order  
24 suspending or revoking such license shall not be effective until after 10 days' written  
25 notice thereof to the licensee, after such hearing has been had; except that the

1 department of ~~commerce~~ safety and professional services, when in its opinion the  
2 best interest of the public or the trade demands it, may suspend a license upon not  
3 less than 24 hours' notice of hearing and with not less than 24 hours' notice of the  
4 suspension of the license. Matters involving suspensions and revocations brought  
5 before the department of ~~commerce~~ safety and professional services shall be heard  
6 and decided upon by the department of administration. The division of hearings and  
7 appeals shall conduct the hearing. This paragraph does not apply to licenses that  
8 are suspended or revoked under s. 101.02 (21).

9 \***-1465/P3.864\*** \*-0808/2.330\* **SECTION 2480.** 101.951 (7) (c) of the statutes  
10 is amended to read:

11 101.951 (7) (c) The department of ~~commerce~~ safety and professional services  
12 may inspect the pertinent books, records, letters and contracts of a licensee. The  
13 actual cost of each such examination shall be paid by such licensee so examined  
14 within 30 days after demand therefor by the department, and the department may  
15 maintain an action for the recovery of such costs in any court of competent  
16 jurisdiction.

17 \***-1465/P3.865\*** \*-0808/2.331\* **SECTION 2481.** 101.953 (1) (a) of the statutes  
18 is amended to read:

19 101.953 (1) (a) A statement that the manufactured home meets those  
20 standards prescribed by law or administrative rule of the department of  
21 administration or of the department of ~~commerce~~ safety and professional services  
22 that are in effect at the time of the manufacture of the manufactured home.

23 \***-1465/P3.866\*** \*-0808/2.332\* **SECTION 2482.** 101.973 (8) of the statutes is  
24 amended to read:

1           101.973 (8) Deposit the moneys received from the fees under sub. (7) in the  
2 appropriation under s. ~~20.143 (3)~~ 20.165 (2) (j).

3           \***-1195/1.135\*** SECTION 2483. 102.29 (8r) of the statutes is amended to read:

4           102.29 (8r) No participant in a ~~food stamp~~ supplemental nutrition assistance  
5 employment and training program under s. ~~49.79 (9)~~ 49.37 (9) who, under s. ~~49.79~~  
6 ~~(9) (a) 5.~~ 49.37 (9) (a) 5., is provided worker's compensation coverage by the  
7 department of ~~health services~~ children and families or by a Wisconsin Works agency,  
8 as defined in s. 49.001 (9), or other provider under contract with the department of  
9 ~~health services~~ children and families or a county department under s. 46.215, 46.22,  
10 or 46.23 or tribal governing body to administer the ~~food stamp~~ supplemental  
11 nutrition assistance employment and training program and who makes a claim for  
12 compensation under this chapter may make a claim or maintain an action in tort  
13 against the employer who provided the employment and training from which the  
14 claim arose.

15           \***-1146/1.27\*** SECTION 2484. 106.14 (2) of the statutes is amended to read:

16           106.14 (2) The department shall publicize and maintain on its job center Web  
17 site information related to the job ~~programs under ss.~~ program under s. 49.147 (3)  
18 ~~and 49.162~~ so that employers and individuals seeking employment may obtain  
19 information about the ~~programs~~ program, including how to participate in them it.

20           \***-0178/1.3\*** SECTION 2485. 106.15 (3) (intro.) of the statutes is amended to  
21 read:

22           106.15 (3) GRANTS. (intro.) From the ~~appropriations~~ appropriation under s.  
23 20.445 (1) ~~(be), (jm), and (m)~~, the department shall make grants to persons providing  
24 employment and training activities to dislocated workers including all of the  
25 following:

1           **\*-1465/P3.867\* \*-1059/P3.519\* SECTION 2486.** 106.16 (3) of the statutes is  
2 amended to read:

3           106.16 (3) A state agency or an authority under ch. 231 or 234 shall notify the  
4 ~~department of commerce~~ Wisconsin Economic Development Corporation if it makes  
5 a loan or grant to a company.

6           **\*-1465/P3.868\* \*-0808/2.333\* SECTION 2487.** 106.20 (1) (e) of the statutes is  
7 amended to read:

8           106.20 (1) (e) "Minority business" has the meaning given in s. ~~560.036~~ 490.04  
9 (1) (e).

10           **\*-1465/P3.869\* \*-0808/2.334\* SECTION 2488.** 106.30 (2) of the statutes is  
11 amended to read:

12           106.30 (2) SURVEY FORM. Each odd-numbered year, the department of  
13 workforce development shall develop and submit to the department of ~~regulation~~  
14 ~~and licensing~~ safety and professional services a survey form to gather data under s.  
15 441.01 (7) (a) 1. to assist the department of workforce development in evaluating the  
16 supply of, demand for, and turnover among nurses in this state and in determining  
17 whether there are any regional shortages of nurses, shortages of nurses in any  
18 speciality areas, or impediments to entering the nursing profession in this state.

19           **\*-1465/P3.870\* \*-0808/2.335\* SECTION 2489.** 106.30 (5) (a) of the statutes is  
20 amended to read:

21           106.30 (5) (a) From the appropriation account under s. 20.445 (1) (km), the  
22 department of workforce development shall award grants equal to the amount  
23 appropriated under s. 20.445 (1) (km) minus the amount expended under sub. (4) to  
24 a nonprofit statewide nursing center that is comprised of and led by nurses and that  
25 has demonstrated coordination with constituent groups within the nursing

1 community, including professional nursing organizations; organizations  
2 representing nurse educators, staff nurses, and nurse managers or executives; labor  
3 organizations representing nurses; the department of ~~regulation and licensing~~  
4 safety and professional services; the department of health services; and legislators  
5 who are concerned with issues affecting the nursing profession.

6 **\*-1465/P3.871\* \*-0808/2.336\* SECTION 2490.** 106.30 (5) (b) of the statutes is  
7 amended to read:

8 106.30 (5) (b) A statewide nursing center that receives a grant under par. (a)  
9 shall use the grant moneys to develop strategies to ensure that there is a nursing  
10 workforce that is adequate to meet the current and future health care needs of this  
11 state. The statewide nursing center may use those moneys to fund activities that are  
12 aimed at ensuring such a nursing workforce, including monitoring trends in the  
13 applicant pool for nursing education programs; evaluating the effectiveness of  
14 nursing education programs in increasing access to those programs and in  
15 enhancing career mobility for nurses, especially for populations that are  
16 underrepresented in the nursing profession; and facilitating partnerships between  
17 the nursing community and other health care providers, the department of  
18 ~~regulation and licensing~~ safety and professional services, the business community,  
19 the legislature, and educators to promote diversity within the nursing profession,  
20 enhance career mobility and leadership development for nurses, and achieve  
21 consensus regarding policies aimed at ensuring an adequate nursing workforce in  
22 this state.

23 **\*-1465/P3.872\* \*-0808/2.337\* SECTION 2491.** 106.50 (6) (a) 3. of the statutes  
24 is amended to read:

1           106.50 (6) (a) 3. The complaint may be filed by an aggrieved person, by an  
2 interested person, by the department of workforce development under par. (b) or, if  
3 the complaint charges a violation of sub. (2r) (c), by the department of ~~commerce~~  
4 safety and professional services. The department of workforce development shall,  
5 upon request, provide appropriate assistance in completing and filing complaints.

6           \*-1465/P3.873\* \*-0808/2.338\* SECTION 2492. 106.50 (6) (b) of the statutes is  
7 amended to read:

8           106.50 (6) (b) *Powers and duties of department*. The department of workforce  
9 development and its duly authorized agents may hold hearings, subpoena witnesses,  
10 take testimony and make investigations as provided in this subsection. The  
11 department of workforce development may test and investigate for the purpose of  
12 establishing violations of sub. (2), (2m) or (2r) and may make, sign and file  
13 complaints alleging violations of sub. (2), (2m) or (2r). In addition, the department  
14 of ~~commerce~~ safety and professional services may make, sign and file complaints  
15 alleging violations of sub. (2r) (c). The department of workforce development shall  
16 employ examiners to hear and decide complaints of discrimination under this  
17 section, and to assist in the administration of this section. The examiners may make  
18 findings and issue orders under this subsection. The department of workforce  
19 development shall develop and implement an investigation manual for use in  
20 conducting investigations under par. (c).

21           \*-1465/P3.874\* \*-0808/2.339\* SECTION 2493. 107.30 (4) of the statutes is  
22 amended to read:

23           107.30 (4) "Department" means the department of ~~commerce~~ safety and  
24 professional services.

1           \***-1465/P3.875\*** \***-0808/2.340\*** **SECTION 2494.** 107.30 (10) of the statutes is  
2 amended to read:

3           107.30 **(10)** "Mining damage appropriation" means the appropriation under s.  
4 ~~20.143 (3)~~ 20.165 (2) (a).

5           \***-1465/P3.876\*** \***-0808/2.341\*** **SECTION 2495.** 107.31 (5) (a) (intro.) of the  
6 statutes is amended to read:

7           107.31 **(5)** (a) *Calculation.* (intro.) The mining damage reserve accumulation  
8 is calculated by subtracting the total amount of all mining damages awards paid  
9 from the appropriation under s. 20.445 (4) (a), 2001 stats., beginning on May 22, 1980  
10 or paid from the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (a) from the sum of:

11           \***-1465/P3.877\*** \***-0808/2.342\*** **SECTION 2496.** 108.02 (21e) (intro.) of the  
12 statutes is amended to read:

13           108.02 **(21e)** PROFESSIONAL EMPLOYER ORGANIZATION. (intro.) "Professional  
14 employer organization" means any person who is currently registered as a  
15 professional employer organization with the department of ~~regulation and licensing~~  
16 safety and professional services in accordance with ch. 461, who contracts to provide  
17 the nontemporary, ongoing employee workforce of more than one client under a  
18 written leasing contract, the majority of whose clients are not under the same  
19 ownership, management, or control as the person other than through the terms of  
20 the contract, and who under contract and in fact:

21           \***-1465/P3.878\*** \***-1059/P3.520\*** **SECTION 2497.** 109.07 (1m) (b) of the statutes  
22 is amended to read:

23           109.07 **(1m)** (b) The department shall promptly provide a copy of the notice  
24 required under par. (a) ~~to the department of commerce and to the office of the~~  
25 commissioner of insurance and shall cooperate ~~with the department of commerce in~~

1 ~~the performance of its responsibilities under s. 560.15~~ and with the office of the  
2 commissioner of insurance in the performance of its responsibilities under s. 601.41  
3 (7).

4 **\*-1019/4.135\* SECTION 2498.** 111.70 (1) (a) of the statutes is amended to read:

5 111.70 (1) (a) "Collective bargaining" means the performance of the mutual  
6 obligation of a municipal employer, through its officers and agents, and the  
7 representative of its municipal employees in a collective bargaining unit, to meet and  
8 confer at reasonable times, in good faith, with the intention of reaching an  
9 agreement, or to resolve questions arising under such an agreement, with respect to  
10 wages, hours, and conditions of employment, and with respect to a requirement of  
11 the municipal employer for a municipal employee to perform law enforcement and  
12 fire fighting services under s. 61.66, and for a school district with respect to any  
13 matter under sub. (4) (o), and for a school district with respect to any matter under  
14 sub. (4) (n), except as provided in subs. ~~(3m)~~, (3p), and (4) (m) and (mc) and s. 40.81  
15 (3) and except that a municipal employer shall not meet and confer with respect to  
16 any proposal to diminish or abridge the rights guaranteed to municipal employees  
17 under ch. 164. The duty to bargain, however, does not compel either party to agree  
18 to a proposal or require the making of a concession. Collective bargaining includes  
19 the reduction of any agreement reached to a written and signed document. The  
20 municipal employer shall not be required to bargain on subjects reserved to  
21 management and direction of the governmental unit except insofar as the manner  
22 of exercise of such functions affects the wages, hours, and conditions of employment  
23 of the municipal employees in a collective bargaining unit. In creating this  
24 subchapter the legislature recognizes that the municipal employer must exercise its  
25 powers and responsibilities to act for the government and good order of the

1 jurisdiction which it serves, its commercial benefit and the health, safety, and  
2 welfare of the public to assure orderly operations and functions within its  
3 jurisdiction, subject to those rights secured to municipal employees by the  
4 constitutions of this state and of the United States and by this subchapter.

5 **\*-1356/1.27\* SECTION 2499.** 111.70 (1) (a) of the statutes is amended to read:

6 111.70 (1) (a) "Collective bargaining" means the performance of the mutual  
7 obligation of a municipal employer, through its officers and agents, and the  
8 representative of its municipal employees in a collective bargaining unit, to meet and  
9 confer at reasonable times, in good faith, with the intention of reaching an  
10 agreement, or to resolve questions arising under such an agreement, with respect to  
11 wages, hours, and conditions of employment, and with respect to a requirement of  
12 the municipal employer for a municipal employee to perform law enforcement and  
13 fire fighting services under s. 60.553, 61.66, or 62.13 (2e) and for a school district with  
14 respect to any matter under sub. (4) (n) and (o), ~~and for a school district with respect~~  
15 ~~to any matter under sub. (4) (n)~~, except as provided in subs. (3m), (3p), and (4) (m)  
16 and (mc) and s. 40.81 (3) and except that a municipal employer shall not meet and  
17 confer with respect to any proposal to diminish or abridge the rights guaranteed to  
18 municipal employees under ch. 164. The duty to bargain, however, does not compel  
19 either party to agree to a proposal or require the making of a concession. Collective  
20 bargaining includes the reduction of any agreement reached to a written and signed  
21 document. The municipal employer shall not be required to bargain on subjects  
22 reserved to management and direction of the governmental unit except insofar as the  
23 manner of exercise of such functions affects the wages, hours, and conditions of  
24 employment of the municipal employees in a collective bargaining unit. In creating  
25 this subchapter the legislature recognizes that the municipal employer must

1 exercise its powers and responsibilities to act for the government and good order of  
2 the jurisdiction which it serves, its commercial benefit and the health, safety, and  
3 welfare of the public to assure orderly operations and functions within its  
4 jurisdiction, subject to those rights secured to municipal employees by the  
5 constitutions of this state and of the United States and by this subchapter.

6 **\*-1019/4.136\* SECTION 2500.** 111.70 (3m) of the statutes is repealed.

7 **\*-1253/P1.1\* SECTION 2501.** 111.70 (4) (d) 2. a. of the statutes is amended to  
8 read:

9 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective  
10 bargaining unit for the purpose of collective bargaining and shall whenever possible,  
11 unless otherwise required under this subchapter, avoid fragmentation by  
12 maintaining as few collective bargaining units as practicable in keeping with the size  
13 of the total municipal workforce. In making such a determination, the commission  
14 may decide whether, in a particular case, the municipal employees in the same or  
15 several departments, divisions, institutions, crafts, professions, or other  
16 occupational groupings constitute a collective bargaining unit. Before making its  
17 determination, the commission may provide an opportunity for the municipal  
18 employees concerned to determine, by secret ballot, whether they desire to be  
19 established as a separate collective bargaining unit. The commission shall not  
20 decide, however, that any group of municipal employees constitutes an appropriate  
21 collective bargaining unit if the group includes both professional employees and  
22 nonprofessional employees, unless a majority of the professional employees vote for  
23 inclusion in the unit. The commission shall not decide that any group of municipal  
24 employees constitutes an appropriate collective bargaining unit if the group includes  
25 both craft employees and noncraft employees unless a majority of the craft employees

1 vote for inclusion in the unit. The commission shall place the professional employees  
2 who are assigned to perform any services at a charter school, as defined in s. 115.001  
3 (1), in a separate collective bargaining unit from a unit that includes any other  
4 professional employees whenever at least 30% of those professional employees  
5 request an election to be held to determine that issue and a majority of the  
6 professional employees at the charter school who cast votes in the election decide to  
7 be represented in a separate collective bargaining unit. ~~Upon the expiration of any~~  
8 ~~collective bargaining agreement in force, the commission shall combine into a single~~  
9 ~~collective bargaining unit 2 or more collective bargaining units consisting of school~~  
10 ~~district employees if a majority of the employees voting in each collective bargaining~~  
11 ~~unit vote to combine.~~ Any vote taken under this subsection shall be by secret ballot.

12 **\*-1205/1.1\* SECTION 2502.** 111.70 (4) (m) 5. of the statutes is created to read:

13 111.70 (4) (m) 5. The prohibition in s. 118.205 against requiring teachers  
14 employed by a school board to reside within the school district.

15 **\*-0851/2.3\* SECTION 2503.** 111.81 (7) (f) of the statutes is amended to read:

16 111.81 (7) (f) Instructional staff employed by the board of regents of the  
17 University of Wisconsin System who provide services for a charter school established  
18 by contract under s. 118.40 (2r) ~~(em)~~ (b) 1. e.

19 **\*-1187/P4.433\* SECTION 2504.** 111.81 (7) (h) of the statutes is created to read:

20 111.81 (7) (h) Staff appointed by the Board of Trustees of the University of  
21 Wisconsin-Madison except faculty, academic staff, limited term employees,  
22 sessional employees, project employees, supervisors, management, persons who are  
23 privy to confidential matters affecting the employer-employee relationship, persons  
24 whose employment is a necessary part of their training, student assistants, and  
25 student hourly help.

1           **\*-1187/P4.434\* SECTION 2505.** 111.81 (8) of the statutes is amended to read:

2           111.81 (8) “Employer” means the state of Wisconsin, or, with respect to the  
3 employees under sub. (7) (h), the University of Wisconsin-Madison.

4           **\*-1187/P4.435\* SECTION 2506.** 111.81 (15m) of the statutes is amended to  
5 read:

6           111.81 (15m) “Program assistant” or “project assistant” means a graduate  
7 student enrolled in the University of Wisconsin System or at the University of  
8 Wisconsin-Madison who is assigned to conduct research, training, administrative  
9 responsibilities or other academic or academic support projects or programs, except  
10 regular preparation of instructional materials for courses or manual or clerical  
11 assignments, under the supervision of a member of the faculty or academic staff, as  
12 defined in s. 36.05 (1) or (8) or 37.01 (5), primarily for the benefit of the university,  
13 faculty or academic staff supervisor or a granting agency. “Project assistant” or  
14 “program assistant” does not include a graduate student who does work which is  
15 primarily for the benefit of the student’s own learning and research and which is  
16 independent or self-directed.

17           **\*-1187/P4.436\* SECTION 2507.** 111.81 (17m) of the statutes is amended to  
18 read:

19           111.81 (17m) “Research assistant” means a graduate student enrolled in the  
20 University of Wisconsin System or at the University of Wisconsin-Madison who is  
21 receiving a stipend to conduct research that is primarily for the benefit of the  
22 student’s own learning and research and which is independent or self-directed, but  
23 does not include students provided fellowships, scholarships, or traineeships which  
24 are distributed through other titles such as advanced opportunity fellow, fellow,

1 scholar, or trainee, and does not include students with either an F-1 or a J-1 visa  
2 issued by the federal department of state.

3 **\*-1187/P4.437\* SECTION 2508.** 111.81 (19m) of the statutes is amended to  
4 read:

5 111.81 (19m) "Teaching assistant" means a graduate student enrolled in the  
6 University of Wisconsin System or at the University of Wisconsin-Madison who is  
7 regularly assigned teaching and related responsibilities, other than manual or  
8 clerical responsibilities, under the supervision of a member of the faculty as defined  
9 in s. 36.05 (8) or 37.01 (5).

10 **\*-0851/2.4\* SECTION 2509.** 111.815 (1) of the statutes is amended to read:

11 111.815 (1) In the furtherance of this subchapter, the state shall be considered  
12 as a single employer and employment relations policies and practices throughout the  
13 state service shall be as consistent as practicable. The office shall negotiate and  
14 administer collective bargaining agreements except that the department of health  
15 services, subject to the approval of the federal centers for medicare and medicaid  
16 services to use collective bargaining as the method of setting rates for  
17 reimbursement of home care providers, shall negotiate and administer collective  
18 bargaining agreements entered into with the collective bargaining unit specified in  
19 s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements,  
20 the office, or the department of health services with regard to collective bargaining  
21 agreements entered into with the collective bargaining unit specified in s. 111.825  
22 (2g), shall maintain close liaison with the legislature relative to the negotiation of  
23 agreements and the fiscal ramifications of those agreements. Except with respect  
24 to the collective bargaining units specified in s. 111.825 (1m), (2) (f), and (2g), the  
25 office is responsible for the employer functions of the executive branch under this

1 subchapter, and shall coordinate its collective bargaining activities with operating  
2 state agencies on matters of agency concern. The legislative branch shall act upon  
3 those portions of tentative agreements negotiated by the office that require  
4 legislative action. With respect to the collective bargaining units specified in s.  
5 111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible  
6 for the employer functions under this subchapter. With respect to the collective  
7 bargaining unit specified in s. 111.825 (2) (f), the governing board of ~~the~~ a charter  
8 school established by contract under s. 118.40 (2r) ~~(em)~~ (b) 1. e. is responsible for the  
9 employer functions under this subchapter. With respect to the collective bargaining  
10 unit specified in s. 111.825 (2g), the department of health services is responsible for  
11 the employer functions of the executive branch under this subchapter.

12 \***-1187/P4.438\*** **SECTION 2510.** 111.815 (1) of the statutes is amended to read:

13 111.815 (1) In the furtherance of this subchapter, the state shall be considered  
14 as a single employer and employment relations policies and practices throughout the  
15 state service shall be as consistent as practicable. The office shall negotiate and  
16 administer collective bargaining agreements except that the department of health  
17 services, subject to the approval of the federal centers for medicare and medicaid  
18 services to use collective bargaining as the method of setting rates for  
19 reimbursement of home care providers, shall negotiate and administer collective  
20 bargaining agreements entered into with the collective bargaining unit specified in  
21 s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements,  
22 the office, or the department of health services with regard to collective bargaining  
23 agreements entered into with the collective bargaining unit specified in s. 111.825  
24 (2g), shall maintain close liaison with the legislature relative to the negotiation of  
25 agreements and the fiscal ramifications of those agreements. Except with respect

1 to the collective bargaining units specified in s. 111.825 (1g), (1m), (2) (f), and (2g),  
2 the office is responsible for the employer functions of the executive branch under this  
3 subchapter, and shall coordinate its collective bargaining activities with operating  
4 state agencies on matters of agency concern. The legislative branch shall act upon  
5 those portions of tentative agreements negotiated by the office that require  
6 legislative action. With respect to the collective bargaining units specified in s.  
7 111.825 (1g), the University of Wisconsin-Madison is responsible for the employer  
8 functions under this subchapter. With respect to the collective bargaining units  
9 specified in s. 111.825 (1m), the University of Wisconsin Hospitals and Clinics Board  
10 is responsible for the employer functions under this subchapter. With respect to the  
11 collective bargaining unit specified in s. 111.825 (2) (f), the governing board of the  
12 charter school established by contract under s. 118.40 (2r) (cm) is responsible for the  
13 employer functions under this subchapter. With respect to the collective bargaining  
14 unit specified in s. 111.825 (2g), the department of health services is responsible for  
15 the employer functions of the executive branch under this subchapter.

16 **\*-1187/P4.439\* SECTION 2511.** 111.815 (2) of the statutes is amended to read:

17 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the director of  
18 the office shall, together with the appointing authorities or their representatives,  
19 represent the state in its responsibility as an employer under this subchapter except  
20 with respect to negotiations in the collective bargaining units specified in s. 111.825  
21 (1g), (1m), (2) (f), and (2g). The director of the office shall establish and maintain,  
22 wherever practicable, consistent employment relations policies and practices  
23 throughout the state service.

24 **\*-1187/P4.440\* SECTION 2512.** 111.825 (1g) of the statutes is created to read:

1           111.825 (1g) Collective bargaining units at the University of  
2 Wisconsin-Madison are structured with one or more collective bargaining units for  
3 each of the following groups:

4           (a) Program assistants; project assistants; and teaching assistants of the  
5 University of Wisconsin-Madison.

6           (b) Research assistants of the University of Wisconsin-Madison.

7           (c) Employees under s. 111.81 (7) (h) who are not included under par. (a) or (b).

8           **\*-1187/P4.441\* SECTION 2513.** 111.825 (2) (a) of the statutes is amended to  
9 read:

10           111.825 (2) (a) The program, project and teaching assistants of the University  
11 of Wisconsin-Madison and the University of Wisconsin-Extension.

12           **\*-0851/2.5\* SECTION 2514.** 111.825 (2) (f) of the statutes is amended to read:

13           111.825 (2) (f) Instructional staff employed by the board of regents of the  
14 University of Wisconsin System who provide services for a charter school established  
15 by contract under s. 118.40 (2r) ~~(em)~~ (b) 1. e.

16           **\*-1187/P4.442\* SECTION 2515.** 111.825 (2) (g) of the statutes is amended to  
17 read:

18           111.825 (2) (g) Research assistants of the University of Wisconsin-Madison  
19 and University of Wisconsin-Extension.

20           **\*-1187/P4.443\* SECTION 2516.** 111.825 (3) of the statutes is amended to read:

21           111.825 (3) The commission shall assign employees to the appropriate  
22 collective bargaining units set forth in subs. (1), (1g), (1m), (2), and (2g).

23           **\*-1187/P4.444\* SECTION 2517.** 111.825 (4) of the statutes is amended to read:

24           111.825 (4) Any labor organization may petition for recognition as the exclusive  
25 representative of a collective bargaining unit specified in sub. (1), (1g), (1m), (2), or

1 (2g) in accordance with the election procedures set forth in s. 111.83, provided the  
2 petition is accompanied by a 30% showing of interest in the form of signed  
3 authorization cards. Each additional labor organization seeking to appear on the  
4 ballot shall file petitions within 60 days of the date of filing of the original petition  
5 and prove, through signed authorization cards, that at least 10% of the employees  
6 in the collective bargaining unit want it to be their representative.

7 **\*-1187/P4.445\* SECTION 2518.** 111.84 (2) (c) of the statutes is amended to read:

8 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91  
9 (1) with the duly authorized officer or agent of the employer which is the recognized  
10 or certified exclusive collective bargaining representative of employees specified in  
11 s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified  
12 exclusive collective bargaining representative of employees specified in s. 111.81 (7)  
13 (b) to ~~(g)~~ (h) in an appropriate collective bargaining unit. Such refusal to bargain  
14 shall include, but not be limited to, the refusal to execute a collective bargaining  
15 agreement previously orally agreed upon.

16 **\*-1258/2.4\* SECTION 2519.** 111.91 (2) (n) of the statutes is amended to read:

17 111.91 (2) (n) The provision to employees of the health insurance coverage  
18 required under s. 632.895 (11) to (14), (16), and (16m) ~~and (17)~~.

19 **\*-1187/P4.446\* SECTION 2520.** 111.915 of the statutes is amended to read:

20 **111.915 Labor proposals.** The Except with respect to a collective bargaining  
21 unit specified in s. 111.825 (1g), the director of the office shall notify and consult with  
22 the joint committee on employment relations, in such form and detail as the  
23 committee requests, regarding substantial changes in wages, employee benefits,  
24 personnel management, and program policy contract provisions to be included in any

1 contract proposal to be offered to any labor organization by the state or to be agreed  
2 to by the state before such proposal is actually offered or accepted.

3 **\*-1187/P4.447\* SECTION 2521.** 111.92 (1) (am) of the statutes is created to  
4 read:

5 111.92 (1) (am) Any tentative agreement reached between the University of  
6 Wisconsin-Madison, acting for the state, and any labor organization representing a  
7 collective bargaining unit specified in s. 111.825 (1g) shall, after official ratification  
8 by the labor organization, be executed by the parties.

9 **\*-0851/2.6\* SECTION 2522.** 111.92 (1) (c) of the statutes is amended to read:

10 111.92 (1) (c) Any tentative agreement reached between the governing board  
11 of ~~the~~ a charter school established by contract under s. 118.40 (2r) ~~(cm)~~ (b) 1. e., acting  
12 for the state, and any labor organization representing a collective bargaining unit  
13 specified in s. 111.825 (2) (f) shall, after official ratification by the labor organization  
14 and approval by the chancellor of the University of Wisconsin-Parkside, be executed  
15 by the parties.

16 **\*-1187/P4.448\* SECTION 2523.** 111.93 (2) of the statutes is amended to read:

17 111.93 (2) All civil service and other applicable statutes concerning wages,  
18 fringe benefits, hours and conditions of employment apply to employees specified in  
19 s. 111.81 (7) (a) who are not included in collective bargaining units for which a  
20 representative is recognized or certified and to employees specified in s. 111.81 (7)  
21 (b) to (f) and (h) who are not included in a collective bargaining unit for which a  
22 representative is certified.

23 **\*-1187/P4.449\* SECTION 2524.** 111.93 (3) of the statutes is amended to read:

24 111.93 (3) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),  
25 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), if a collective bargaining agreement

1 exists between the employer and a labor organization representing employees in a  
2 collective bargaining unit, the provisions of that agreement shall supersede the  
3 provisions of civil service and other applicable statutes, as well as rules and policies  
4 of the ~~board of regents~~ Board of Regents of the University of Wisconsin System and  
5 rules and policies of the Board of Trustees of the University of Wisconsin-Madison,  
6 related to wages, fringe benefits, hours, and conditions of employment whether or  
7 not the matters contained in those statutes, rules, and policies are set forth in the  
8 collective bargaining agreement.

9 **\*-1187/P4.450\* SECTION 2525.** 111.935 (2) of the statutes is amended to read:

10 111.935 (2) Notwithstanding s. 111.83 (2), the commission shall establish a  
11 procedure whereby research assistants may determine whether to form themselves  
12 into collective bargaining units under s. 111.825 (1g) (b) or (2) (g), (h), or (i) by  
13 authorization cards in lieu of secret ballot. The procedure shall provide that once a  
14 majority of research assistants have indicated their preference on the authorization  
15 cards to form themselves into a collective bargaining unit, the collective bargaining  
16 unit is established.

\*\*\*\*NOTE: This subch. V of chapter 111 is substantially affected by the Special  
Session Budget Repair Bill. It will need to be reconciled with the Act; I have not included  
those treatments because it may be amended as it travels through the legislative process.  
Subchapter VI is being repealed by that bill. If any part is not repealed, we will amend  
those sections in this bill after the budget repair bill passes both houses.

17 **\*-1465/P3.879\* \*-1059/P3.521\* SECTION 2526.** 114.31 (6) of the statutes is  
18 amended to read:

19 114.31 (6) TECHNICAL SERVICES TO MUNICIPALITIES. The secretary may, insofar  
20 as is reasonably possible, offer the engineering or other technical service of the  
21 department, to any municipality desiring them in connection with the construction,  
22 maintenance or operation or proposed construction, maintenance or operation of an

1 airport. The secretary may assess reasonable costs for services including services  
2 performed while acting as agent for a municipality. Such assessment shall include  
3 properly allocated administrative costs. Municipalities are authorized to cooperate  
4 with the secretary in the development of aeronautics and aeronautical facilities in  
5 this state. The ~~department of commerce~~ Wisconsin Economic Development  
6 Corporation and all other agencies are authorized and directed to make available  
7 such facilities and services, and to cooperate as far as possible to promote the best  
8 interests of aeronautics of the state.

9 **\*-1465/P3.880\* \*-0805/P2.24\* SECTION 2527.** 114.33 (10) of the statutes is  
10 amended to read:

11 114.33 (10) Subject to the approval of the governor under this subsection, the  
12 secretary may sell at public or private sale property of whatever nature owned by the  
13 state and under the jurisdiction of the secretary when the secretary determines that  
14 the property is no longer necessary for the state's use for airport purposes and, if real  
15 property, ~~the real property is not the subject of a petition under s. 560.9810.~~ The  
16 secretary shall present to the governor a full and complete report of the property to  
17 be sold, the reason for the sale, and the minimum price for which the property should  
18 be sold, together with an application for the governor's approval of the sale. The  
19 governor shall investigate the proposed sale as he or she deems necessary and  
20 approve or disapprove the application. Upon approval and receipt of the full  
21 purchase price, the secretary shall by appropriate deed or other instrument transfer  
22 the property to the purchaser. The funds derived from the sale shall be deposited in  
23 the appropriate airport fund, and the expense incurred by the secretary in  
24 connection with the sale shall be paid from that fund. This subsection does not apply  
25 to real property that is sold under s. 16.848.

1           **\*-1184/P1.1\* SECTION 2528.** 115.001 (11) of the statutes is amended to read:  
2           115.001 (11) SCHOOL NURSE. "School nurse" means a registered nurse licensed  
3           under s. 441.06 or in a party state, as defined in s. 441.50 (2) (j), ~~who also meets the~~  
4           ~~qualifications for school nurses prescribed by the department by rule.~~

5           **\*-0841/P2.1\* SECTION 2529.** 115.01 (10) (a) of the statutes is renumbered  
6           115.01 (10).

7           **\*-0841/P2.2\* SECTION 2530.** 115.01 (10) (b) of the statutes is repealed.

      \*\*\*NOTE: Section 115.01 (10) provides a definition for "school day". In this draft, I repeal s. 115.01 (10) (b), which is a substantive application of the definition of school day, and place the substance of this paragraph into s. 121.02 (1) (f). I do not repeal s. 115.01 (10) (a), which establishes substantive law by providing that certain days on which school is not taught are nevertheless school days. Under current law, these school days on which school is not taught count towards the 180-day requirement.

      In this draft, I convert the days on which school is not taught to hours; I assumed that each school day consists of 7 hours. Finally, I amend s. 121.006 (2) (a) to provide that the hours on which school is not taught may be subtracted from the required hours of direct pupil instruction. Are you comfortable with this approach? And is there any reason to retain the definition for "school day" at s. 115.01 (10)?

8           **\*-1279/3.2\* SECTION 2531.** 115.28 (12) of the statutes is created to read:  
9           115.28 (12) STUDENT INFORMATION SYSTEM. (a) Working with the office of the  
10          governor, establish a student information system to collect and maintain  
11          information about pupils enrolled in public schools, including their academic  
12          performance and demographic information, aggregated by school district, school,  
13          and teacher. Annually by May 1, the state superintendent shall submit to the  
14          governor a plan for the expenditure of moneys appropriated in s. 20.255 (1) (e) in the  
15          succeeding fiscal year. The state superintendent may not expend or encumber  
16          moneys appropriated under s. 20.255 (1) (e) in any fiscal year unless the governor  
17          approves the plan for that fiscal year.

18          (b) Charge a fee, on a per pupil basis, to any school district that uses the system  
19          under par. (a). The state superintendent may charge a fee to any other person that

1 uses the system. All fees shall be credited to the appropriation account under s.  
2 20.255 (1) (jm).

3 **\*-1213/1.17\* SECTION 2532.** 115.28 (24) of the statutes is amended to read:

4 115.28 (24) PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to  
5 school boards under ~~ss. s. 115.36 and 115.361~~, and in awarding grants from federal  
6 funds received under 20 USC 2301 to 2471, 20 USC 4601 to 4665 and 29 USC 2862  
7 (b) (1) (B), to programs that provide more than one of the educational services  
8 specified under s. 115.36, ~~115.361~~, 115.915, 118.01 (2) (d) 7. or 8. ~~or 118.153~~ or 20 USC  
9 2301 to 2471, 20 USC 4601 to 4665 or 29 USC 2862 (b) (1) (B).

10 **\*-1213/1.18\* SECTION 2533.** 115.28 (35) of the statutes is repealed.

11 **\*-1213/1.19\* SECTION 2534.** 115.28 (39) of the statutes is amended to read:

12 115.28 (39) ALCOHOL AND OTHER DRUG ABUSE REPORT. ~~By July 1, 1998, and~~  
13 ~~biennially~~ Biennially by July 1 thereafter, evaluate the effectiveness of the programs  
14 under ~~ss. s. 115.36 and 115.361~~ and submit a report to the legislature under s. 13.172  
15 (2). ~~To satisfy this reporting requirement as it pertains to s. 115.361, the department~~  
16 ~~may incorporate into the report under this subsection the report required under s.~~  
17 ~~115.361 (2).~~

18 **\*-1213/1.20\* SECTION 2535.** 115.28 (45) of the statutes is repealed.

19 **\*-1213/1.21\* SECTION 2536.** 115.28 (46) of the statutes is repealed.

20 **\*-1213/1.22\* SECTION 2537.** 115.28 (47) of the statutes is repealed.

21 **\*-1187/P4.451\* SECTION 2538.** 115.297 (1) (a) of the statutes is amended to  
22 read:

23 115.297 (1) (a) "Agencies" means the department, the ~~board of regents~~ Board  
24 of Regents of the University of Wisconsin System, the Board of Trustees of the

1 University of Wisconsin-Madison, the technical college system board, and the  
2 Wisconsin Association of Independent Colleges and Universities.

3 **\*-1213/1.23\* SECTION 2539.** 115.31 (1) (b) of the statutes is amended to read:

4 115.31 (1) (b) "Educational agency" means a school district, cooperative  
5 educational service agency, state correctional institution under s. 302.01, juvenile  
6 correctional facility, as defined in s. 938.02 (10p), secured residential care center for  
7 children and youth, as defined in s. 938.02 (15g), the Wisconsin Center for the Blind  
8 and Visually Impaired, the Wisconsin Educational Services Program for the Deaf  
9 and Hard of Hearing, the Mendota Mental Health Institute, the Winnebago Mental  
10 Health Institute, a state center for the developmentally disabled, or a private school,  
11 or a private, nonprofit, nonsectarian agency under contract with a school board  
12 under s. 118.153 (3) (c).

13 **\*-1465/P3.881\* \*-0808/2.343\* SECTION 2540.** 115.33 (2) (a) (intro.) of the  
14 statutes is amended to read:

15 115.33 (2) (a) (intro.) The state superintendent may request the department  
16 of ~~commerce~~ safety and professional services to inspect a public school if any of the  
17 following occurs:

18 **\*-1465/P3.882\* \*-0808/2.344\* SECTION 2541.** 115.33 (2) (b) of the statutes is  
19 amended to read:

20 115.33 (2) (b) The department of ~~commerce~~ safety and professional services  
21 shall inspect the school within 30 days after receiving a request from the state  
22 superintendent under par. (a).

23 **\*-1465/P3.883\* \*-0808/2.345\* SECTION 2542.** 115.33 (3) (a) of the statutes is  
24 amended to read:

1           115.33 (3) (a) If the state superintendent determines that a school is not in  
2 compliance, and the department of ~~commerce~~ safety and professional services, based  
3 on its inspection of the school, concurs in the determination, the state  
4 superintendent may order the school board to repair, improve, remodel or close the  
5 school by a stated date. An order issued under this paragraph constitutes a  
6 preliminary finding of noncompliance with the standard under s. 121.02 (1) (i).

7           **\*-1465/P3.884\* \*-0808/2.346\* SECTION 2543.** 115.33 (3) (b) 1. of the statutes  
8 is amended to read:

9           115.33 (3) (b) 1. If the state superintendent determines that a school is not in  
10 compliance and is not worth repairing, and the department of ~~commerce~~ safety and  
11 professional services, based on its inspection of the school, concurs in the  
12 determination, the state superintendent may order the school board to develop a  
13 plan that describes how the school board will achieve compliance with the standard  
14 under s. 121.02 (1) (i). The plan shall specify the time within which compliance with  
15 the standard under s. 121.02 (1) (i) shall be achieved. The state superintendent shall  
16 hold a public hearing on the plan in the school district and may, as a result of the  
17 hearing, recommend changes to the plan. The state superintendent may withhold  
18 up to 25% of the school district's state aid if the school district fails to achieve  
19 compliance with the standard under s. 121.02 (1) (i) within the period specified in the  
20 plan.

21           **\*-1195/1.136\* SECTION 2544.** 115.347 (2) of the statutes is amended to read:

22           115.347 (2) Whenever a school district that is located in whole or in part in a  
23 county that has converted to the client assistance for reemployment and economic  
24 support data system submits a report under sub. (1) in the prescribed format, the  
25 department of children and families shall determine which children enrolled in the

1 school district are members of Wisconsin Works groups participating under s. 49.147  
2 (3) to (5) or of families receiving aid to families with dependent children or food  
3 stamps benefits under the supplemental nutrition assistance program under 7 USC  
4 2011 to 2036 and shall provide the information to the school board as soon thereafter  
5 as possible. The school board shall use the information to directly certify children  
6 as eligible for free or reduced-price meals served by the school district under federal  
7 school nutrition programs, pursuant to 42 USC 1758 (b) (2) (C) (ii) and (iii).

8 \*-1213/1.24\* SECTION 2545. 115.361 of the statutes is repealed.

9 \*-1213/1.25\* SECTION 2546. 115.366 of the statutes is repealed.

10 \*-0046/3.3\* SECTION 2547. 115.39 of the statutes is repealed.

11 \*-1061/P1.2\* SECTION 2548. 115.405 (2m) of the statutes is repealed.

12 \*-1187/P4.452\* SECTION 2549. 115.43 (2) (b) of the statutes is amended to  
13 read:

14 115.43 (2) (b) From the appropriation under s. 20.255 (3) (fz), award precollege  
15 scholarships, on a competitive basis, to economically disadvantaged pupils who  
16 enroll in a technical college or in college or university classes or programs designed  
17 to improve academic skills that are essential for success in postsecondary school  
18 education. The state superintendent shall give preference to economically  
19 disadvantaged pupils who are inadequately represented in the technical college and  
20 University of Wisconsin Systems and the University of Wisconsin-Madison.

21 \*-1213/1.26\* SECTION 2550. 115.435 of the statutes is repealed.

22 \*-1213/1.27\* SECTION 2551. 115.45 of the statutes is repealed.

23 \*-0046/3.4\* SECTION 2552. 115.53 (3) (a) and (b) of the statutes are  
24 consolidated, renumbered 115.53 (3) and amended to read:

1           115.53 (3) Arrange for otological or ophthalmic examination of any pupil or  
2 prospective pupil of the school operated by the Wisconsin Educational Services  
3 Program for the Deaf and Hard of Hearing. ~~The examination shall be paid for from~~  
4 ~~the appropriation in s. 20.255 (1) (b), (gh) or (gs).~~ (b) Arrange for ophthalmic or  
5 otological examination of any pupil or prospective pupil of or the school operated by  
6 the Wisconsin Center for the Blind and Visually Impaired. The examination shall  
7 be paid for from the appropriation in under s. 20.255 (1) (b), (gh), (gL), or (gs).

8           **\*-0046/3.5\* SECTION 2553.** 115.53 (4) (unnumbered first par.) and (a) of the  
9 statutes are consolidated, renumbered 115.53 (4) and amended to read:

10           115.53 (4) Apply to the board of directors of the University of Wisconsin  
11 Hospitals and Clinics Authority for admission to the University of Wisconsin  
12 Hospitals and Clinics of any pupil at the school operated by the Wisconsin  
13 Educational Services Program for the Deaf and Hard of Hearing or the school  
14 operated by the Wisconsin Center for the Blind and Visually Impaired. (a) The  
15 application shall be accompanied by the report of a physician appointed by the  
16 director of the Wisconsin Educational Services Program for the Deaf and Hard of  
17 Hearing or the director of the Wisconsin Center for the Blind and Visually Impaired  
18 and shall be in the same form as reports of other physicians for admission of patients  
19 to such hospital.

20           **\*-0046/3.6\* SECTION 2554.** 115.53 (4) (b) of the statutes is repealed.

21           **\*-1187/P4.453\* SECTION 2555.** 116.01 of the statutes is amended to read:

22           **116.01 Purpose.** The organization of school districts in Wisconsin is such that  
23 the legislature recognizes the need for a service unit between the school district and  
24 the state superintendent. The cooperative educational service agencies are designed  
25 to serve educational needs in all areas of Wisconsin by serving as a link both between