

1 100.14 (2) The ~~secretary of state~~ department of financial institutions shall,
2 upon application of the department of agriculture, trade and consumer protection,
3 record any such label or trademark under ss. 132.01 to 132.11. The department of
4 agriculture, trade and consumer protection shall be entitled to protect such label or
5 trademark under said sections and in any other manner authorized by law.

6 *-1465/P4.789* *-0808/2.264* SECTION 2351. 100.20 (2) (c) of the statutes is
7 created to read:

8 100.20 (2) (c) 1. Notwithstanding par. (a), beginning on the effective date of this
9 subdivision [LRB inserts date], the department may not issue any order or
10 promulgate any rule, or enforce any order or rule, that regulates unfair methods of
11 competition or unfair trade practices relating to any of the following activities:

- 12 a. Remodeling or otherwise improving residential or noncommercial property.
- 13 b. Basement waterproofing.
- 14 c. Real estate advertising.
- 15 d. Renting of mobile home sites and sales of mobile homes.
- 16 e. Renting of residential dwelling units and mobile homes.

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

20 3. All rules promulgated by the department of agriculture, trade and consumer
21 protection regulating the unfair methods or practices as described in subd. 1. that
22 are in effect on the effective date of this subdivision [LRB inserts date], remain
23 in effect until their specified expiration date or until amended or repealed by the
24 department of safety and professional services. All orders issued by the department
25 of agriculture, trade and consumer protection regulating the unfair methods or

1 practices as described in subd. 1. that are in effect on the effective date of this
2 subdivision [LRB inserts date], remain in effect until their specified expiration
3 date or until modified or rescinded by the department of safety and professional
4 services and shall be enforced by the department of safety and professional services.

5 ***-1465/P4.790* *-0808/2.265* SECTION 2352.** 100.60 (1) (b) 2. of the statutes
6 is amended to read:

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

12 ***-1465/P4.791* *-0808/2.266* SECTION 2353.** 100.60 (1) (c) 2. of the statutes
13 is amended to read:

14 100.60 (1) (c) 2. Any other fuel that can substitute for gasoline, that is derived
15 from a renewable resource, that meets all of the applicable requirements of the
16 American Society for Testing and Materials for that fuel, and that the department
17 of ~~commerce~~ safety and professional services designates as a gasoline-replacement
18 renewable fuel under sub. (7) (b).

19 ***-1465/P4.792* *-0808/2.267* SECTION 2354.** 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 and 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.

****NOTE: This is reconciled s. 100.60 (3) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-1224/P2 and LRB-1465/P3.

1 ***-1465/P4.793* *-0808/2.268* SECTION 2355.** 100.60 (6) (a) of the statutes is
2 amended to read:

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

****NOTE: This is reconciled s. 100.60 (6) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-1224/P2 and LRB-1465/P3.

13 ***-1465/P4.794* *-0808/2.269* SECTION 2356.** 100.60 (7) (title) of the statutes
14 is amended to read:

15 100.60 (7) (title) DEPARTMENT OF ~~COMMERCE~~ SAFETY AND PROFESSIONAL SERVICES
16 AUTHORITY.

17 ***-1465/P4.795* *-0808/2.270* SECTION 2357.** 100.60 (7) (a) of the statutes is
18 amended to read:

19 100.60 (7) (a) The department of ~~commerce~~ safety and professional services
20 may promulgate a rule designating a fuel that can substitute for petroleum-based
21 diesel fuel, that is derived from a renewable resource, and that meets all of the

1 applicable requirements of the American Society for Testing and Materials for that
2 fuel as a diesel-replacement renewable fuel for the purposes of this section.

3 ***-1465/P4.796* *-0808/2.271* SECTION 2358.** 100.60 (7) (b) of the statutes is
4 amended to read:

5 100.60 (7) (b) The department of ~~commerce~~ safety and professional services
6 may promulgate a rule designating a fuel that can substitute for gasoline, that is
7 derived from a renewable resource, and that meets all of the applicable requirements
8 of the American Society for Testing and Materials for that fuel as a
9 gasoline-replacement renewable fuel for the purposes of this section.

10 ***-1465/P4.797* *-0808/2.272* SECTION 2359.** Chapter 101 (title) of the
11 statutes is amended to read:

12 CHAPTER 101

13 DEPARTMENT OF COMMERCE SAFETY AND

14 PROFESSIONAL SERVICES — REGULATION OF

15 INDUSTRY, BUILDINGS AND SAFETY

16 ***-1465/P4.798* *-0808/2.273* SECTION 2360.** 101.01 (1m) of the statutes is
17 amended to read:

18 101.01 (1m) "Department" means the department of ~~commerce~~ safety and
19 professional services.

20 ***-1465/P4.799* *-0808/2.274* SECTION 2361.** 101.01 (14) of the statutes is
21 amended to read:

22 101.01 (14) "Secretary" means the secretary of ~~commerce~~ safety and
23 professional services.

24 ***-1465/P4.800* *-0808/2.275* SECTION 2362.** 101.02 (18m) of the statutes is
25 amended to read:

1 101.02 (18m) The department may perform, or contract for the performance
2 of, testing of petroleum products other than testing provided under ch. 168. The
3 department may establish a schedule of fees for such petroleum product testing
4 services. The department shall credit all revenues received from fees established
5 under this subsection to the appropriation account under s. ~~20.143(3)~~ 20.165(2)(ga).
6 Revenues from fees established under this subsection may be used by the
7 department to pay for testing costs, including laboratory supplies and equipment
8 amortization, for such products.

9 *~~-1465/P4.801~~* *~~-0808/2.276~~* SECTION 2363. 101.02 (20) (b) of the statutes
10 is amended to read:

11 101.02 (20) (b) Except as provided in par. (e), the department of ~~commerce~~
12 safety and professional services may not issue or renew a license unless each
13 applicant who is an individual provides the department of ~~commerce~~ safety and
14 professional services with his or her social security number and each applicant that
15 is not an individual provides the department of ~~commerce~~ safety and professional
16 services with its federal employer identification number. The department of
17 ~~commerce~~ safety and professional services may not disclose the social security
18 number or the federal employer identification number of an applicant for a license
19 or license renewal except to the department of revenue for the sole purpose of
20 requesting certifications under s. 73.0301.

21 *~~-1465/P4.802~~* *~~-0808/2.277~~* SECTION 2364. 101.02 (20) (c) of the statutes
22 is amended to read:

23 101.02 (20) (c) The department of ~~commerce~~ safety and professional services
24 may not issue or renew a license if the department of revenue certifies under s.
25 73.0301 that the applicant or licensee is liable for delinquent taxes.

1 ***-1465/P4.803* *-0808/2.278* SECTION 2365.** 101.02 (20) (d) of the statutes
2 is amended to read:

3 101.02 (20) (d) The department of ~~commerce~~ safety and professional services
4 shall revoke a license if the department of revenue certifies under s. 73.0301 that the
5 licensee is liable for delinquent taxes.

6 ***-1465/P4.804* *-0808/2.279* SECTION 2366.** 101.02 (20) (e) 1. of the statutes
7 is amended to read:

8 101.02 (20) (e) 1. If an applicant who is an individual does not have a social
9 security number, the applicant, as a condition of applying for or applying to renew
10 a license shall submit a statement made or subscribed under oath or affirmation to
11 the department of ~~commerce~~ safety and professional services that the applicant does
12 not have a social security number. The form of the statement shall be prescribed by
13 the department of children and families.

14 ***-1465/P4.805* *-0808/2.280* SECTION 2367.** 101.02 (21) (b) of the statutes
15 is amended to read:

16 101.02 (21) (b) As provided in the memorandum of understanding under s.
17 49.857 and except as provided in par. (e), the department of ~~commerce~~ safety and
18 professional services may not issue or renew a license unless the applicant provides
19 the department of ~~commerce~~ safety and professional services with his or her social
20 security number. The department of ~~commerce~~ safety and professional services may
21 not disclose the social security number except that the department of ~~commerce~~
22 safety and professional services may disclose the social security number of an
23 applicant for a license under par. (a) or a renewal of a license under par. (a) to the
24 department of children and families for the sole purpose of administering s. 49.22.

1 ***-1465/P4.806*** ***-0808/2.281*** SECTION 2368. 101.02 (21) (e) 1. of the statutes
2 is amended to read:

3 101.02 (21) (e) 1. If an applicant who is an individual does not have a social
4 security number, the applicant, as a condition of applying for or applying to renew
5 a license shall submit a statement made or subscribed under oath or affirmation to
6 the department of ~~commerce~~ safety and professional services that the applicant does
7 not have a social security number. The form of the statement shall be prescribed by
8 the department of children and families.

9 ***-1465/P4.807*** ***-1369/1.6*** SECTION 2369. 101.1206 (title) of the statutes is
10 created to read:

11 **101.1206 (title) Erosion control; construction of public buildings and**
12 **buildings that are places of employment.**

13 ***-1187/P5.405*** SECTION 2370. 101.123 (2) (d) 4. of the statutes is amended to
14 read:

15 101.123 (2) (d) 4. A location that is 25 feet or less from a residence hall or
16 dormitory that is owned or operated by the Board of Regents of the University of
17 Wisconsin System or Board of Trustees of the University of Wisconsin-Madison.

18 ***-1187/P5.406*** SECTION 2371. 101.14 (4) (b) 3. a. of the statutes is amended
19 to read:

20 101.14 (4) (b) 3. a. Every residence hall and dormitory over 60 feet in height,
21 the initial construction of which was begun before April 26, 2000, that is owned or
22 operated by the ~~board of regents~~ Board of Regents of the University of Wisconsin
23 System or the Board of Trustees of the University of Wisconsin-Madison to contain
24 an automatic fire sprinkler system on each floor by January 1, 2006, except that

1 those rules shall not apply to Ogg Residence Hall at the University of
2 Wisconsin-Madison until January 1, 2008.

3 ***-1187/P5.407* SECTION 2372.** 101.14 (4) (b) 3. b. of the statutes is amended
4 to read:

5 101.14 (4) (b) 3. b. Every residence hall and dormitory, the initial construction
6 of which is begun on or after April 26, 2000, that is owned or operated by the ~~board~~
7 ~~of regents~~ Board of Regents of the University of Wisconsin System or the Board of
8 Trustees of the University of Wisconsin-Madison to have an automatic fire sprinkler
9 system installed on each floor at the time the residence hall or dormitory is
10 constructed.

11 ***-1187/P5.408* SECTION 2373.** 101.14 (4) (b) 3. c. of the statutes is amended
12 to read:

13 101.14 (4) (b) 3. c. Every residence hall and dormitory over 60 feet in height,
14 the initial construction of which was begun before January 7, 2006, that is owned or
15 operated by an institution of higher education, other than a residence hall or
16 dormitory that is owned or operated by the Board of Regents of the University of
17 Wisconsin System or the Board of Trustees of the University of Wisconsin-Madison,
18 to contain an automatic fire sprinkler system on each floor by January 1, 2014.

19 ***-1187/P5.409* SECTION 2374.** 101.14 (4) (b) 3. d. of the statutes is amended
20 to read:

21 101.14 (4) (b) 3. d. Every residence hall and dormitory, the initial construction
22 of which is begun on or after January 7, 2006, that is owned or operated by an
23 institution of higher education, other than a residence hall or dormitory that is
24 owned or operated by the Board of Regents of the University of Wisconsin System or
25 the Board of Trustees of the University of Wisconsin-Madison, to have an automatic

1 fire sprinkler system installed on each floor at the time the residence hall or
2 dormitory is constructed.

3 ***-1465/P4.808* *-0808/2.282* SECTION 2375.** 101.143 (2) (d) of the statutes
4 is amended to read:

5 101.143 (2) (d) The department shall reserve a portion, not to exceed 20%, of
6 the amount annually appropriated under s. ~~20.143 (3)~~ 20.165 (2) (v) for awards under
7 this section to be used to fund emergency remedial action and claims that exceed the
8 amount initially anticipated.

9 ***-1465/P4.809* *-0808/2.283* SECTION 2376.** 101.143 (2) (h) (intro.) of the
10 statutes is amended to read:

11 101.143 (2) (h) (intro.) The department of ~~commerce~~ safety and professional
12 services and the department of natural resources, jointly, shall promulgate rules
13 designed to facilitate effective and cost-efficient administration of the program
14 under this section that specify all of the following:

15 ***-1465/P4.810* *-0808/2.284* SECTION 2377.** 101.143 (2) (i) (intro.) of the
16 statutes is amended to read:

17 101.143 (2) (i) (intro.) The department of ~~commerce~~ safety and professional
18 services and the department of natural resources, jointly, shall promulgate rules
19 specifying procedures for evaluating remedial action plans and procedures to be used
20 by employees of the department of ~~commerce~~ safety and professional services and the
21 department of natural resources while remedial actions are being conducted. The
22 departments shall specify procedures that include all of the following:

23 ***-1465/P4.811* *-0808/2.285* SECTION 2378.** 101.143 (2) (j) (intro.) of the
24 statutes is amended to read:

1 101.143 (2) (j) (intro.) The department of ~~commerce~~ safety and professional
2 services and the department of natural resources, jointly, shall promulgate rules
3 specifying all of the following:

4 ***-1465/P4.812*** ***-0808/2.286*** SECTION 2379. 101.143 (2) (k) of the statutes
5 is amended to read:

6 101.143 (2) (k) In promulgating rules under pars. (h) to (j), the department of
7 ~~commerce~~ safety and professional services and the department of natural resources
8 shall attempt to reach an agreement that is consistent with those provisions. If the
9 department of ~~commerce~~ safety and professional services and the department of
10 natural resources are unable to reach an agreement, they shall refer the matters on
11 which they are unable to agree to the secretary of administration for resolution. The
12 secretary of administration shall resolve any matters on which the departments
13 disagree in a manner that is consistent with pars. (h) to (j). The department of
14 ~~commerce~~ safety and professional services and the department of natural resources,
15 jointly, shall promulgate rules incorporating any agreement between the
16 department of ~~commerce~~ safety and professional services and the department of
17 natural resources under this paragraph and any resolution of disagreements
18 between the departments by the secretary of administration under this paragraph.

19 ***-1465/P4.813*** ***-0808/2.287*** SECTION 2380. 101.143 (2) (L) of the statutes
20 is amended to read:

21 101.143 (2) (L) The department may promulgate rules for the assessment and
22 collection of fees to recover its costs for providing approval under sub. (3) (c) 4. and
23 for providing other assistance requested by applicants under this section. Any
24 moneys collected under this paragraph shall be credited to the appropriation account
25 under s. ~~20.143 (3)~~ 20.165 (2) (Lm).

1 ***-1465/P4.814* *-0808/2.288* SECTION 2381.** 101.143 (2e) (a) of the statutes
2 is amended to read:

3 101.143 (2e) (a) The department of ~~commerce~~ safety and professional services
4 and the department of natural resources shall attempt to agree on a method, which
5 shall include individualized consideration of the routes for migration of petroleum
6 product contamination at each site, for determining the risk to public health, safety
7 and welfare and to the environment posed by discharges for which the department
8 of ~~commerce~~ safety and professional services receives notification under sub. (3) (a)
9 3.

10 ***-1465/P4.815* *-0808/2.289* SECTION 2382.** 101.143 (2e) (b) of the statutes
11 is amended to read:

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

23 ***-1465/P4.816* *-0808/2.290* SECTION 2383.** 101.143 (2e) (c) of the statutes
24 is amended to read:

1 101.143 (2e) (c) The department of natural resources or, if the discharge is
2 covered under s. 101.144 (2) (b), the department of ~~commerce~~ safety and professional
3 services shall apply the method in the rules promulgated under par. (b) to determine
4 the risk posed by a discharge for which the department of ~~commerce~~ safety and
5 professional services receives notification under sub. (3) (a) 3.

6 ***-1465/P4.817* *-0808/2.291* SECTION 2384.** 101.143 (2m) of the statutes is
7 amended to read:

8 101.143 (2m) INTERDEPARTMENTAL COORDINATION. Whenever the department of
9 ~~commerce~~ safety and professional services receives a notification under sub. (3) (a)
10 3. or the department of natural resources receives a notification of a petroleum
11 product discharge under s. 292.11, the department receiving the notification shall
12 contact the other department and shall schedule a meeting of the owner or operator
13 or person owning a home oil tank system and representatives of both departments.

14 ***-1465/P4.818* *-0808/2.292* SECTION 2385.** 101.143 (3) (c) 4. of the statutes
15 is amended to read:

16 101.143 (3) (c) 4. Receive written approval from the department of natural
17 resources or, if the discharge is covered under s. 101.144 (2) (b), from the department
18 of ~~commerce~~ safety and professional services that the remedial action activities
19 performed under subd. 3. meet the requirements of s. 292.11.

20 ***-1465/P4.819* *-0808/2.293* SECTION 2386.** 101.143 (3) (cm) of the statutes
21 is amended to read:

22 101.143 (3) (cm) *Monitoring as remedial action.* An owner or operator or person
23 owning a home oil tank system may, with the approval of the department of natural
24 resources or, if the discharge is covered under s. 101.144 (2) (b), the department of
25 ~~commerce~~ safety and professional services, satisfy the requirements of par. (c) 2. and

1 3. by proposing and implementing monitoring to ensure the effectiveness of natural
2 attenuation of petroleum product contamination.

3 ***-1465/P4.820* *-0808/2.294* SECTION 2387.** 101.143 (3) (cp) 1. of the
4 statutes is amended to read:

5 101.143 (3) (cp) 1. Except as provided in subds. 2. to 5., if the department of
6 natural resources or, if the site is covered under s. 101.144 (2) (b), the department of
7 ~~commerce~~ safety and professional services estimates that the cost to complete a site
8 investigation, remedial action plan and remedial action for an occurrence exceeds
9 \$60,000, the department of ~~commerce~~ safety and professional services shall
10 implement a competitive public bidding process to obtain information to assist in
11 making the determination under par. (cs).

12 ***-1465/P4.821* *-0808/2.295* SECTION 2388.** 101.143 (3) (cp) 2. of the
13 statutes is amended to read:

14 101.143 (3) (cp) 2. The department of ~~commerce~~ safety and professional
15 services or the department of natural resources may waive the requirement under
16 subd. 1. if an enforcement standard is exceeded in groundwater within 1,000 feet of
17 a well operated by a public utility, as defined in s. 196.01 (5), or within 100 feet of any
18 other well used to provide water for human consumption.

19 ***-1465/P4.822* *-0808/2.296* SECTION 2389.** 101.143 (3) (cp) 5. of the
20 statutes is amended to read:

21 101.143 (3) (cp) 5. The department of ~~commerce~~ safety and professional
22 services or the department of natural resources may waive the requirement under
23 subd. 1. after providing notice to the other department.

24 ***-1465/P4.823* *-0808/2.297* SECTION 2390.** 101.143 (3) (cp) 6. of the
25 statutes is amended to read:

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

6 ***-1465/P4.824* *-0808/2.298* SECTION 2391.** 101.143 (3) (cp) 7. of the
7 statutes is amended to read:

8 101.143 (3) (cp) 7. The department of ~~commerce~~ safety and professional
9 services may disqualify a person from submitting bids under subd. 1. if, based on past
10 performance of the bidder, the department determines that the person has
11 demonstrated an inability to complete remedial action within established cost limits.

12 ***-1465/P4.825* *-0808/2.299* SECTION 2392.** 101.143 (3) (cs) 1. of the
13 statutes is amended to read:

14 101.143 (3) (cs) 1. The department of ~~commerce~~ safety and professional
15 services shall review the remedial action plan for a site that is classified as low or
16 medium risk under s. 101.144 and shall determine the least costly method of
17 complying with par. (c) 3. and with enforcement standards. The department shall
18 notify the owner or operator of its determination of the least costly method and shall
19 notify the owner or operator that reimbursement for remedial action under this
20 section is limited to the amount necessary to implement that method.

21 ***-1465/P4.826* *-0808/2.300* SECTION 2393.** 101.143 (3) (cs) 2. of the
22 statutes is amended to read:

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

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

6 ***-1465/P4.827* *-0808/2.301* SECTION 2394.** 101.143 (3) (cs) 3. of the
7 statutes is amended to read:

8 101.143 (3) (cs) 3. In making determinations under subs. 1. and 2., the
9 department of natural resources and the department of ~~commerce~~ safety and
10 professional services shall determine whether natural attenuation will achieve
11 compliance with par. (c) 3. and with enforcement standards.

12 ***-1465/P4.828* *-0808/2.302* SECTION 2395.** 101.143 (3) (cs) 4. of the
13 statutes is amended to read:

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

22 ***-1465/P4.829* *-0808/2.303* SECTION 2396.** 101.143 (3) (cw) 1. of the
23 statutes is amended to read:

24 101.143 (3) (cw) 1. The department of ~~commerce~~ safety and professional
25 services shall conduct the annual review required under sub. (2) (i) 1. for a site that

1 is classified as low or medium risk under s. 101.144 and shall determine the least
2 costly method of completing remedial action at the site in order to comply with par.
3 (c) 3. and with enforcement standards. The department shall notify the owner or
4 operator of its determination of the least costly method and shall notify the owner
5 or operator that reimbursement under this section for any remedial action conducted
6 after the date of the notice is limited to the amount necessary to implement that
7 method.

8 ***-1465/P4.830* *-0808/2.304* SECTION 2397.** 101.143 (3) (cw) 2. of the
9 statutes is amended to read:

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

19 ***-1465/P4.831* *-0808/2.305* SECTION 2398.** 101.143 (3) (cw) 3. of the
20 statutes is amended to read:

21 101.143 (3) (cw) 3. In making determinations under subds. 1. and 2., the
22 department of natural resources and the department of ~~commerce~~ safety and
23 professional services shall determine whether natural attenuation will achieve
24 compliance with par. (c) 3. and with enforcement standards.

1 ***-1465/P4.832* *-0808/2.306* SECTION 2399.** 101.143 (3) (cw) 4. of the
2 statutes is amended to read:

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

11 ***-1465/P4.833* *-0808/2.307* SECTION 2400.** 101.143 (3) (d) of the statutes
12 is amended to read:

13 101.143 (3) (d) *Final review of remedial action activities.* The department of
14 natural resources or, if the discharge is covered under s. 101.144 (2) (b), the
15 department of ~~commerce~~ safety and professional services shall complete a final
16 review of the remedial action activities within 60 days after the claimant notifies the
17 appropriate department that the remedial action activities are completed.

18 ***-1465/P4.834* *-0808/2.308* SECTION 2401.** 101.143 (3) (f) 5. of the statutes
19 is amended to read:

20 101.143 (3) (f) 5. The written approval of the department of natural resources
21 or the department of ~~commerce~~ safety and professional services under par. (c) 4.

22 ***-1465/P4.835* *-0808/2.309* SECTION 2402.** 101.143 (3) (g) of the statutes
23 is amended to read:

24 101.143 (3) (g) *Emergency situations.* Notwithstanding pars. (a) 3. and (c) 1.
25 and 2., an owner or operator or the person may submit a claim for an award under

1 sub. (4) after notifying the department under par. (a) 3., without completing an
2 investigation under par. (c) 1. and without preparing a remedial action plan under
3 par. (c) 2. if an emergency existed which made the investigation under par. (c) 1. and
4 the remedial action plan under par. (c) 2. inappropriate and, before conducting
5 remedial action, the owner or operator or person notified the department of
6 ~~eommerce~~ safety and professional services and the department of natural resources
7 of the emergency and the department of ~~eommerce~~ safety and professional services
8 and the department of natural resources authorized emergency action.

9 ***-1465/P4.836* *-0808/2.310* SECTION 2403.** 101.143 (4) (a) 6. of the statutes
10 is amended to read:

11 101.143 (4) (a) 6. In any fiscal year, the department may not award more than
12 5% of the amount appropriated under s. ~~20.143 (3)~~ 20.165 (2) (v) as awards for
13 petroleum product storage systems described in par. (ei).

14 ***-1465/P4.837* *-0808/2.311* SECTION 2404.** 101.143 (4) (a) 7. of the statutes
15 is amended to read:

16 101.143 (4) (a) 7. In any fiscal year, the department may not award more than
17 5% of the amount appropriated under s. ~~20.143 (3)~~ 20.165 (2) (v) as awards for
18 petroleum product storage systems that are owned by school districts and that are
19 used for storing heating oil for consumptive use on the premises where stored.

20 ***-1465/P4.838* *-1059/P3.518* SECTION 2405.** 101.143 (4) (cc) 2. b. of the
21 statutes is amended to read:

22 101.143 (4) (cc) 2. b. An applicant that is engaged in the expansion or
23 redevelopment of brownfields, as defined in s. ~~560.13~~ 238.13 (1) (a), if federal or state
24 financial assistance other than under this section, has been provided for that
25 expansion or redevelopment.

1 ***-1465/P4.839* *-0808/2.312* SECTION 2406.** 101.143 (4) (ei) 2m. of the
2 statutes is amended to read:

3 101.143 (4) (ei) 2m. The owner or operator of the farm tank has received a letter
4 or notice from the department of ~~commerce~~ safety and professional services or
5 department of natural resources indicating that the owner or operator must conduct
6 a site investigation or remedial action because of a discharge from the farm tank or
7 an order to conduct such an investigation or remedial action.

8 ***-1465/P4.840* *-0808/2.313* SECTION 2407.** 101.143 (4) (es) 1. of the
9 statutes is amended to read:

10 101.143 (4) (es) 1. The department shall issue an award for a claim filed after
11 August 9, 1989, for eligible costs, under par. (b), incurred on or after August 1, 1987,
12 by an owner or operator or a person owning a home oil tank system in investigating
13 the existence of a discharge or investigating the presence of petroleum products in
14 soil or groundwater if the investigation is undertaken at the written direction of the
15 department of ~~commerce~~ safety and professional services or the department of
16 natural resources and no discharge or contamination is found.

17 ***-1465/P4.841* *-0808/2.314* SECTION 2408.** 101.144 (3) (b) of the statutes
18 is amended to read:

19 101.144 (3) (b) The department of ~~commerce~~ safety and professional services
20 requests the department of natural resources to take the action or issue the order.

21 ***-1465/P4.842* *-0808/2.315* SECTION 2409.** 101.144 (3) (c) of the statutes
22 is amended to read:

23 101.144 (3) (c) The secretary of natural resources approves the action or order
24 in advance after notice to the secretary of ~~commerce~~ safety and professional services.

1 ***-1465/P4.843* *-0808/2.316* SECTION 2410.** 101.144 (3g) (a) of the statutes
2 is amended to read:

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

22 ***-1465/P4.844* *-0808/2.317* SECTION 2411.** 101.144 (3g) (b) of the statutes
23 is amended to read:

24 101.144 (3g) (b) If, 6 months after rules under par. (a) are in effect, more than
25 35% of the sites classified under this section, excluding sites that are contaminated

1 by a hazardous substance other than a petroleum product or an additive to a
2 petroleum product, are classified as high-risk sites, the department of ~~commerce~~
3 safety and professional services shall revise the rules using the procedure for
4 promulgating the rules in par. (a).

5 ***-1465/P4.845* *-0808/2.318* SECTION 2412.** 101.144 (3m) (a) (intro.) of the
6 statutes is amended to read:

7 101.144 (3m) (a) (intro.) The department of ~~commerce~~ safety and professional
8 services and the department of natural resources shall enter into a memorandum of
9 understanding that does all of the following:

10 ***-1465/P4.846* *-0808/2.319* SECTION 2413.** 101.144 (3m) (b) of the statutes
11 is amended to read:

12 101.144 (3m) (b) The department of ~~commerce~~ safety and professional services
13 and the department of natural resources shall submit a memorandum of
14 understanding under this subsection to the secretary of administration for review.
15 A memorandum of understanding under this subsection does not take effect until it
16 is approved by the secretary of administration.

17 ***-1465/P4.847* *-0808/2.320* SECTION 2414.** 101.149 (6) (b) of the statutes
18 is amended to read:

19 101.149 (6) (b) The department shall promulgate rules, in consultation with
20 the department of health services, under which the department of ~~commerce~~ safety
21 and professional services shall authorize certified heating, ventilating, and air
22 conditioning inspectors to conduct regular inspections of sealed combustion units, as
23 required under par. (5) (c), for carbon monoxide emissions in residential buildings
24 other than hotels, tourist rooming houses, and bed and breakfast establishments.
25 The rules shall specify conditions under which it may issue orders as specified under

1 sub. (8) (a). The rules may not require the department of ~~commerce~~ safety and
2 professional services to authorize inspection of sealed combustion units during the
3 period in which the sealed combustion units are covered by a manufacturer's
4 warranty against defects.

5 ***-1465/P4.848*** ***-0808/2.321*** SECTION 2415. 101.149 (8) (a) of the statutes
6 is amended to read:

7 101.149 (8) (a) If the department of ~~commerce~~ safety and professional services
8 or the department of health services determines after an inspection of a building
9 under this section or s. 254.74 (1g) that the owner of the building has violated sub.
10 (2) or (3), the respective department shall issue an order requiring the person to
11 correct the violation within 5 days or within such shorter period as the respective
12 department determines is necessary to protect public health and safety. If the person
13 does not correct the violation within the time required, he or she shall forfeit \$50 for
14 each day of violation occurring after the date on which the respective department
15 finds that the violation was not corrected.

16 ***-1465/P4.849*** ***-0808/2.322*** SECTION 2416. 101.563 (2) (b) 1. of the statutes
17 is amended to read:

18 101.563 (2) (b) 1. 'Payments from calendar year 2001 dues.' Notwithstanding
19 s. 101.573 (3) (a), by the 30th day following July 30, 2002, the department shall
20 compile the fire department dues paid by all insurers under s. 601.93 and the dues
21 paid by the state fire fund under s. 101.573 (1) and funds remaining under s. 101.573
22 (3) (b), subtract the total amount due to be paid under par. (a), withhold 0.5%, and
23 certify to the secretary of administration the proper amount to be paid from the
24 appropriation under s. ~~20.143 (3)~~ 20.165 (2) (L) to each city, village, and town entitled
25 to a proportionate share of fire department dues as provided under sub. (1) (b) and

1 s. 101.575. If the department has previously certified an amount to the secretary of
2 administration under s. 101.573 (3) (a) during calendar year 2002, the department
3 shall recertify the amount in the manner provided under this subdivision. On or
4 before August 1, 2002, the secretary of administration shall pay the amounts
5 certified or recertified by the department under this subdivision to each city, village,
6 and town entitled to a proportionate share of fire department dues as provided under
7 sub. (1) and s. 101.575. The secretary of administration may combine any payment
8 due under this subdivision with any amount due to be paid on or before August 1,
9 2002, to the same city, village, or town under par. (a).

10 ***-1465/P4.850* *-0808/2.323* SECTION 2417.** 101.563 (2) (b) 2. of the statutes
11 is amended to read:

12 101.563 (2) (b) 2. 'Payments from dues for calendar years 2002 to 2004.'
13 Notwithstanding s. 101.573 (3) (a) and except as otherwise provided in this
14 subdivision, on or before May 1 in each year, the department shall compile the fire
15 department dues paid by all insurers under s. 601.93 and the dues paid by the state
16 fire fund under s. 101.573 (1) and funds remaining under s. 101.573 (3) (b), withhold
17 0.5% and certify to the secretary of administration the proper amount to be paid from
18 the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (L) to each city, village, and town
19 entitled to a proportionate share of fire department dues as provided under sub. (1)
20 (b) and s. 101.575. Annually, on or before August 1, the secretary of administration
21 shall pay the amounts certified by the department to each such city, village, and
22 town. This paragraph applies only to payment of a proportionate share of fire
23 department dues collected for calendar years 2002 to 2004.

24 ***-1465/P4.851* *-0808/2.324* SECTION 2418.** 101.573 (3) (a) of the statutes
25 is amended to read:

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

9 ***-1465/P4.852*** ***-0808/2.325*** SECTION 2419. 101.573 (5) of the statutes is
10 amended to read:

11 101.573 (5) The department shall promulgate a rule defining “administrative
12 expenses” for purposes of s. ~~20.143 (3)~~ 20.165 (2) (La).

13 ***-1465/P4.853*** ***-0808/2.326*** SECTION 2420. 101.657 (5) of the statutes is
14 amended to read:

15 101.657 (5) From the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (j), beginning
16 with fiscal year 2005-06, the department shall allocate \$100,000 annually for the
17 contract required under sub. (2) and at least \$600,000 annually for the contract
18 required under sub. (3).

19 ***-1465/P4.854*** ***-0808/2.327*** SECTION 2421. 101.935 (2) (e) of the statutes
20 is amended to read:

21 101.935 (2) (e) Section 254.69 (2), as it applies to an agent for the department
22 of health services in the administration of s. 254.47, applies to an agent for the
23 department of ~~commerce~~ safety and professional services in the administration of
24 this section.

1 ***-1465/P4.855* *-0808/2.328* SECTION 2422.** 101.951 (7) (a) of the statutes
2 is amended to read:

3 101.951 (7) (a) The department of ~~commerce~~ safety and professional services
4 may, without notice, deny the application for a license within 60 days after receipt
5 thereof by written notice to the applicant, stating the grounds for the denial. Within
6 30 days after such notice, the applicant may petition the department of
7 administration to conduct a hearing to review the denial, and a hearing shall be
8 scheduled with reasonable promptness. The division of hearings and appeals shall
9 conduct the hearing. This paragraph does not apply to denials of applications for
10 licenses under s. 101.02 (21).

11 ***-1465/P4.856* *-0808/2.329* SECTION 2423.** 101.951 (7) (b) of the statutes
12 is amended to read:

13 101.951 (7) (b) No license may be suspended or revoked except after a hearing
14 thereon. The department of ~~commerce~~ safety and professional services shall give the
15 licensee at least 5 days' notice of the time and place of the hearing. The order
16 suspending or revoking such license shall not be effective until after 10 days' written
17 notice thereof to the licensee, after such hearing has been had; except that the
18 department of ~~commerce~~ safety and professional services, when in its opinion the
19 best interest of the public or the trade demands it, may suspend a license upon not
20 less than 24 hours' notice of hearing and with not less than 24 hours' notice of the
21 suspension of the license. Matters involving suspensions and revocations brought
22 before the department of ~~commerce~~ safety and professional services shall be heard
23 and decided upon by the department of administration. The division of hearings and
24 appeals shall conduct the hearing. This paragraph does not apply to licenses that
25 are suspended or revoked under s. 101.02 (21).

SECTION 2424

1 ***-1465/P4.857* *-0808/2.330* SECTION 2424.** 101.951 (7) (c) of the statutes
2 is amended to read:

3 101.951 (7) (c) The department of ~~commerce~~ safety and professional services
4 may inspect the pertinent books, records, letters and contracts of a licensee. The
5 actual cost of each such examination shall be paid by such licensee so examined
6 within 30 days after demand therefor by the department, and the department may
7 maintain an action for the recovery of such costs in any court of competent
8 jurisdiction.

9 ***-1465/P4.858* *-0808/2.331* SECTION 2425.** 101.953 (1) (a) of the statutes
10 is amended to read:

11 101.953 (1) (a) A statement that the manufactured home meets those
12 standards prescribed by law or administrative rule of the department of
13 administration or of the department of ~~commerce~~ safety and professional services
14 that are in effect at the time of the manufacture of the manufactured home.

15 ***-1465/P4.859* *-0808/2.332* SECTION 2426.** 101.973 (8) of the statutes is
16 amended to read:

17 101.973 (8) Deposit the moneys received from the fees under sub. (7) in the
18 appropriation under s. ~~20.143 (3)~~ 20.165 (2) (j).

19 ***-1195/2.132* SECTION 2427.** 102.29 (8r) of the statutes is amended to read:

20 102.29 (8r) No participant in a ~~food stamp~~ supplemental nutrition assistance
21 employment and training program under s. ~~49.79 (9)~~ 49.37 (9) who, under s. ~~49.79~~
22 ~~(9) (a) 5.~~ 49.37 (9) (a) 5., is provided worker's compensation coverage by the
23 department of ~~health services~~ children and families or by a Wisconsin Works agency,
24 as defined in s. 49.001 (9), or other provider under contract with the department of
25 ~~health services~~ children and families or a county department under s. 46.215, 46.22,

1 or 46.23 or tribal governing body to administer the ~~food stamp~~ supplemental
2 nutrition assistance employment and training program and who makes a claim for
3 compensation under this chapter may make a claim or maintain an action in tort
4 against the employer who provided the employment and training from which the
5 claim arose.

6 ***-1146/1.27* SECTION 2428.** 106.14 (2) of the statutes is amended to read:

7 106.14 (2) The department shall publicize and maintain on its job center Web
8 site information related to the job ~~programs under ss.~~ program under s. 49.147 (3)
9 and ~~49.162~~ so that employers and individuals seeking employment may obtain
10 information about the ~~programs~~ program, including how to participate in ~~them~~ it.

11 ***-0178/1.3* SECTION 2429.** 106.15 (3) (intro.) of the statutes is amended to
12 read:

13 106.15 (3) GRANTS. (intro.) From the ~~appropriations~~ appropriation under s.
14 20.445 (1) ~~(be), (jm), and (m)~~, the department shall make grants to persons providing
15 employment and training activities to dislocated workers including all of the
16 following:

17 ***-1465/P4.860* *-1059/P3.519* SECTION 2430.** 106.16 (3) of the statutes is
18 amended to read:

19 106.16 (3) A state agency or an authority under ch. 231 or 234 shall notify the
20 ~~department of commerce~~ Wisconsin Economic Development Corporation if it makes
21 a loan or grant to a company.

22 ***-1465/P4.861* *-0808/2.333* SECTION 2431.** 106.20 (1) (e) of the statutes is
23 amended to read:

24 106.20 (1) (e) "Minority business" has the meaning given in s. ~~560.036~~ 490.04
25 (1) (e).

1 ***-1465/P4.862*** ***-0808/2.334*** SECTION 2432. 106.30 (2) of the statutes is
2 amended to read:

3 106.30 (2) SURVEY FORM. Each odd-numbered year, the department of
4 workforce development shall develop and submit to the department of ~~regulation~~
5 ~~and licensing~~ safety and professional services a survey form to gather data under s.
6 441.01 (7) (a) 1. to assist the department of workforce development in evaluating the
7 supply of, demand for, and turnover among nurses in this state and in determining
8 whether there are any regional shortages of nurses, shortages of nurses in any
9 speciality areas, or impediments to entering the nursing profession in this state.

10 ***-1465/P4.863*** ***-0808/2.335*** SECTION 2433. 106.30 (5) (a) of the statutes is
11 amended to read:

12 106.30 (5) (a) From the appropriation account under s. 20.445 (1) (km), the
13 department of workforce development shall award grants equal to the amount
14 appropriated under s. 20.445 (1) (km) minus the amount expended under sub. (4) to
15 a nonprofit statewide nursing center that is comprised of and led by nurses and that
16 has demonstrated coordination with constituent groups within the nursing
17 community, including professional nursing organizations; organizations
18 representing nurse educators, staff nurses, and nurse managers or executives; labor
19 organizations representing nurses; the department of ~~regulation and licensing~~
20 safety and professional services; the department of health services; and legislators
21 who are concerned with issues affecting the nursing profession.

22 ***-1465/P4.864*** ***-0808/2.336*** SECTION 2434. 106.30 (5) (b) of the statutes is
23 amended to read:

24 106.30 (5) (b) A statewide nursing center that receives a grant under par. (a)
25 shall use the grant moneys to develop strategies to ensure that there is a nursing

1 workforce that is adequate to meet the current and future health care needs of this
2 state. The statewide nursing center may use those moneys to fund activities that are
3 aimed at ensuring such a nursing workforce, including monitoring trends in the
4 applicant pool for nursing education programs; evaluating the effectiveness of
5 nursing education programs in increasing access to those programs and in
6 enhancing career mobility for nurses, especially for populations that are
7 underrepresented in the nursing profession; and facilitating partnerships between
8 the nursing community and other health care providers, the department of
9 ~~regulation and licensing~~ safety and professional services, the business community,
10 the legislature, and educators to promote diversity within the nursing profession,
11 enhance career mobility and leadership development for nurses, and achieve
12 consensus regarding policies aimed at ensuring an adequate nursing workforce in
13 this state.

14 ***-1465/P4.865* *-0808/2.337* SECTION 2435.** 106.50 (6) (a) 3. of the statutes
15 is amended to read:

16 106.50 (6) (a) 3. The complaint may be filed by an aggrieved person, by an
17 interested person, by the department of workforce development under par. (b) or, if
18 the complaint charges a violation of sub. (2r) (c), by the department of ~~commerce~~
19 safety and professional services. The department of workforce development shall,
20 upon request, provide appropriate assistance in completing and filing complaints.

21 ***-1465/P4.866* *-0808/2.338* SECTION 2436.** 106.50 (6) (b) of the statutes is
22 amended to read:

23 106.50 (6) (b) *Powers and duties of department.* The department of workforce
24 development and its duly authorized agents may hold hearings, subpoena witnesses,
25 take testimony and make investigations as provided in this subsection. The

1 department of workforce development may test and investigate for the purpose of
2 establishing violations of sub. (2), (2m) or (2r) and may make, sign and file
3 complaints alleging violations of sub. (2), (2m) or (2r). In addition, the department
4 of ~~commerce~~ safety and professional services may make, sign and file complaints
5 alleging violations of sub. (2r) (c). The department of workforce development shall
6 employ examiners to hear and decide complaints of discrimination under this
7 section, and to assist in the administration of this section. The examiners may make
8 findings and issue orders under this subsection. The department of workforce
9 development shall develop and implement an investigation manual for use in
10 conducting investigations under par. (c).

11 ***-1465/P4.867* *-0808/2.339* SECTION 2437.** 107.30 (4) of the statutes is
12 amended to read:

13 107.30 (4) "Department" means the department of ~~commerce~~ safety and
14 professional services.

15 ***-1465/P4.868* *-0808/2.340* SECTION 2438.** 107.30 (10) of the statutes is
16 amended to read:

17 107.30 (10) "Mining damage appropriation" means the appropriation under s.
18 ~~20.143 (3)~~ 20.165 (2) (a).

19 ***-1465/P4.869* *-0808/2.341* SECTION 2439.** 107.31 (5) (a) (intro.) of the
20 statutes is amended to read:

21 107.31 (5) (a) *Calculation.* (intro.) The mining damage reserve accumulation
22 is calculated by subtracting the total amount of all mining damages awards paid
23 from the appropriation under s. 20.445 (4) (a), 2001 stats., beginning on May 22, 1980
24 or paid from the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (a) from the sum of:

1 ***-1465/P4.870*** ***-0808/2.342*** **SECTION 2440.** 108.02 (21e) (intro.) of the
2 statutes is amended to read:

3 108.02 **(21e)** PROFESSIONAL EMPLOYER ORGANIZATION. (intro.) “Professional
4 employer organization” means any person who is currently registered as a
5 professional employer organization with the department of ~~regulation and licensing~~
6 safety and professional services in accordance with ch. 461, who contracts to provide
7 the nontemporary, ongoing employee workforce of more than one client under a
8 written leasing contract, the majority of whose clients are not under the same
9 ownership, management, or control as the person other than through the terms of
10 the contract, and who under contract and in fact:

11 ***-1465/P4.871*** ***-1059/P3.520*** **SECTION 2441.** 109.07 (1m) (b) of the statutes
12 is amended to read:

13 109.07 **(1m)** (b) The department shall promptly provide a copy of the notice
14 required under par. (a) ~~to the department of commerce and to the office of the~~
15 ~~commissioner of insurance and shall cooperate with the department of commerce in~~
16 ~~the performance of its responsibilities under s. 560.15 and with the office of the~~
17 ~~commissioner of insurance in the performance of its responsibilities under s. 601.41~~
18 (7).

19 ***-1356/2.27*** **SECTION 2442.** 111.70 (1) (a) of the statutes is amended to read:

20 111.70 **(1)** (a) “Collective bargaining” means the performance of the mutual
21 obligation of a municipal employer, through its officers and agents, and the
22 representative of its municipal employees in a collective bargaining unit, to meet and
23 confer at reasonable times, in good faith, with the intention of reaching an
24 agreement, or to resolve questions arising under such an agreement, with respect to
25 wages, hours, and conditions of employment, and with respect to a requirement of

1 the municipal employer for a municipal employee to perform law enforcement and
2 fire fighting services under s. 60.553, 61.66, or 62.13 (2e) and for a school district with
3 respect to any matter under sub. (4) (n) and (o), ~~and for a school district with respect~~
4 ~~to any matter under sub. (4) (n)~~, except as provided in subs. (3m), (3p), and (4) (m)
5 and (mc) and s. 40.81 (3) and except that a municipal employer shall not meet and
6 confer with respect to any proposal to diminish or abridge the rights guaranteed to
7 municipal employees under ch. 164. The duty to bargain, however, does not compel
8 either party to agree to a proposal or require the making of a concession. Collective
9 bargaining includes the reduction of any agreement reached to a written and signed
10 document. The municipal employer shall not be required to bargain on subjects
11 reserved to management and direction of the governmental unit except insofar as the
12 manner of exercise of such functions affects the wages, hours, and conditions of
13 employment of the municipal employees in a collective bargaining unit. In creating
14 this subchapter the legislature recognizes that the municipal employer must
15 exercise its powers and responsibilities to act for the government and good order of
16 the jurisdiction which it serves, its commercial benefit and the health, safety, and
17 welfare of the public to assure orderly operations and functions within its
18 jurisdiction, subject to those rights secured to municipal employees by the
19 constitutions of this state and of the United States and by this subchapter.

20 ***-1019/5.134* SECTION 2443.** 111.70 (1) (a) of the statutes, as affected by 2011
21 Wisconsin Act (this act), is amended to read:

22 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
23 obligation of a municipal employer, through its officers and agents, and the
24 representative of its municipal employees in a collective bargaining unit, to meet and
25 confer at reasonable times, in good faith, with the intention of reaching an

1 agreement, or to resolve questions arising under such an agreement, with respect to
2 wages, hours, and conditions of employment, and with respect to a requirement of
3 the municipal employer for a municipal employee to perform law enforcement and
4 fire fighting services under s. 60.553, 61.66, or 62.13 (2e) and for a school district with
5 respect to any matter under sub. (4) (n) and (o), except as provided in subs. ~~(3m)~~, (3p),
6 and (4) (m) and (mc) and s. 40.81 (3) and except that a municipal employer shall not
7 meet and confer with respect to any proposal to diminish or abridge the rights
8 guaranteed to municipal employees under ch. 164. The duty to bargain, however,
9 does not compel either party to agree to a proposal or require the making of a
10 concession. Collective bargaining includes the reduction of any agreement reached
11 to a written and signed document. The municipal employer shall not be required to
12 bargain on subjects reserved to management and direction of the governmental unit
13 except insofar as the manner of exercise of such functions affects the wages, hours,
14 and conditions of employment of the municipal employees in a collective bargaining
15 unit. In creating this subchapter the legislature recognizes that the municipal
16 employer must exercise its powers and responsibilities to act for the government and
17 good order of the jurisdiction which it serves, its commercial benefit and the health,
18 safety, and welfare of the public to assure orderly operations and functions within its
19 jurisdiction, subject to those rights secured to municipal employees by the
20 constitutions of this state and of the United States and by this subchapter.

****NOTE: This is reconciled s. 111.70 (1) (a). This SECTION has been affected by
drafts with the following LRB numbers: 1019/4 and 1356/1.

21 ***-1019/5.135* SECTION 2444.** 111.70 (3m) of the statutes is repealed.

22 ***-1253/P1.1* SECTION 2445.** 111.70 (4) (d) 2. a. of the statutes is amended to

23 read:

1 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
2 bargaining unit for the purpose of collective bargaining and shall whenever possible,
3 unless otherwise required under this subchapter, avoid fragmentation by
4 maintaining as few collective bargaining units as practicable in keeping with the size
5 of the total municipal workforce. In making such a determination, the commission
6 may decide whether, in a particular case, the municipal employees in the same or
7 several departments, divisions, institutions, crafts, professions, or other
8 occupational groupings constitute a collective bargaining unit. Before making its
9 determination, the commission may provide an opportunity for the municipal
10 employees concerned to determine, by secret ballot, whether they desire to be
11 established as a separate collective bargaining unit. The commission shall not
12 decide, however, that any group of municipal employees constitutes an appropriate
13 collective bargaining unit if the group includes both professional employees and
14 nonprofessional employees, unless a majority of the professional employees vote for
15 inclusion in the unit. The commission shall not decide that any group of municipal
16 employees constitutes an appropriate collective bargaining unit if the group includes
17 both craft employees and noncraft employees unless a majority of the craft employees
18 vote for inclusion in the unit. The commission shall place the professional employees
19 who are assigned to perform any services at a charter school, as defined in s. 115.001
20 (1), in a separate collective bargaining unit from a unit that includes any other
21 professional employees whenever at least 30% of those professional employees
22 request an election to be held to determine that issue and a majority of the
23 professional employees at the charter school who cast votes in the election decide to
24 be represented in a separate collective bargaining unit. ~~Upon the expiration of any~~
25 ~~collective bargaining agreement in force, the commission shall combine into a single~~

1 ~~collective bargaining unit 2 or more collective bargaining units consisting of school~~
2 ~~district employees if a majority of the employees voting in each collective bargaining~~
3 ~~unit vote to combine.~~ Any vote taken under this subsection shall be by secret ballot.

4 ***-1205/1.1* SECTION 2446.** 111.70 (4) (m) 5. of the statutes is created to read:

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

7 ***-0851/3.3* SECTION 2447.** 111.81 (7) (f) of the statutes is amended to read:

8 111.81 (7) (f) Instructional staff employed by the board of regents of the
9 University of Wisconsin System who provide services for a charter school established
10 by contract under s. 118.40 (2r) ~~(em)~~ (b) 1. e.

11 ***-1187/P5.410* SECTION 2448.** 111.81 (7) (h) of the statutes is created to read:

12 111.81 (7) (h) Staff appointed by the Board of Trustees of the University of
13 Wisconsin-Madison except faculty, academic staff, limited term employees,
14 sessional employees, project employees, supervisors, management, persons who are
15 privy to confidential matters affecting the employer-employee relationship, persons
16 whose employment is a necessary part of their training, student assistants, and
17 student hourly help.

18 ***-1187/P5.411* SECTION 2449.** 111.81 (8) of the statutes is amended to read:

19 111.81 (8) "Employer" means the state of Wisconsin, or, with respect to the
20 employees under sub. (7) (h), the University of Wisconsin-Madison.

21 ***-1187/P5.412* SECTION 2450.** 111.81 (15m) of the statutes is amended to
22 read:

23 111.81 (15m) "Program assistant" or "project assistant" means a graduate
24 student enrolled in the University of Wisconsin System or at the University of
25 Wisconsin-Madison who is assigned to conduct research, training, administrative

1 responsibilities or other academic or academic support projects or programs, except
2 regular preparation of instructional materials for courses or manual or clerical
3 assignments, under the supervision of a member of the faculty or academic staff, as
4 defined in s. 36.05 (1) or (8) or 37.01 (5), primarily for the benefit of the university,
5 faculty or academic staff supervisor or a granting agency. "Project assistant" or
6 "program assistant" does not include a graduate student who does work which is
7 primarily for the benefit of the student's own learning and research and which is
8 independent or self-directed.

9 ***-1187/P5.413* SECTION 2451.** 111.81 (17m) of the statutes is amended to
10 read:

11 111.81 (17m) "Research assistant" means a graduate student enrolled in the
12 University of Wisconsin System or at the University of Wisconsin-Madison who is
13 receiving a stipend to conduct research that is primarily for the benefit of the
14 student's own learning and research and which is independent or self-directed, but
15 does not include students provided fellowships, scholarships, or traineeships which
16 are distributed through other titles such as advanced opportunity fellow, fellow,
17 scholar, or trainee, and does not include students with either an F-1 or a J-1 visa
18 issued by the federal department of state.

19 ***-1187/P5.414* SECTION 2452.** 111.81 (19m) of the statutes is amended to
20 read:

21 111.81 (19m) "Teaching assistant" means a graduate student enrolled in the
22 University of Wisconsin System or at the University of Wisconsin-Madison who is
23 regularly assigned teaching and related responsibilities, other than manual or
24 clerical responsibilities, under the supervision of a member of the faculty as defined
25 in s. 36.05 (8) or 37.01 (5).

1 ***-1187/P5.415* SECTION 2453.** 111.815 (1) of the statutes is amended to read:

2 111.815 (1) In the furtherance of this subchapter, the state shall be considered
3 as a single employer and employment relations policies and practices throughout the
4 state service shall be as consistent as practicable. The office shall negotiate and
5 administer collective bargaining agreements except that the department of health
6 services, subject to the approval of the federal centers for medicare and medicaid
7 services to use collective bargaining as the method of setting rates for
8 reimbursement of home care providers, shall negotiate and administer collective
9 bargaining agreements entered into with the collective bargaining unit specified in
10 s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements,
11 the office, or the department of health services with regard to collective bargaining
12 agreements entered into with the collective bargaining unit specified in s. 111.825
13 (2g), shall maintain close liaison with the legislature relative to the negotiation of
14 agreements and the fiscal ramifications of those agreements. Except with respect
15 to the collective bargaining units specified in s. 111.825 (1g), (1m), (2) (f), and (2g),
16 the office is responsible for the employer functions of the executive branch under this
17 subchapter, and shall coordinate its collective bargaining activities with operating
18 state agencies on matters of agency concern. The legislative branch shall act upon
19 those portions of tentative agreements negotiated by the office that require
20 legislative action. With respect to the collective bargaining units specified in s.
21 111.825 (1g), the University of Wisconsin-Madison is responsible for the employer
22 functions under this subchapter. With respect to the collective bargaining units
23 specified in s. 111.825 (1m), the University of Wisconsin Hospitals and Clinics Board
24 is responsible for the employer functions under this subchapter. With respect to the
25 collective bargaining unit specified in s. 111.825 (2) (f), the governing board of the

1 charter school established by contract under s. 118.40 (2r) ~~(em)~~ (b) 1. e. is responsible
2 for the employer functions under this subchapter. With respect to the collective
3 bargaining unit specified in s. 111.825 (2g), the department of health services is
4 responsible for the employer functions of the executive branch under this
5 subchapter.

****NOTE: This is reconciled s. 111.815 (1). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1187 and LRB-0851.

6 ***-1187/P5.416* SECTION 2454.** 111.815 (2) of the statutes is amended to read:
7 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the director of
8 the office shall, together with the appointing authorities or their representatives,
9 represent the state in its responsibility as an employer under this subchapter except
10 with respect to negotiations in the collective bargaining units specified in s. 111.825
11 (1g), (1m), (2) (f), and (2g). The director of the office shall establish and maintain,
12 wherever practicable, consistent employment relations policies and practices
13 throughout the state service.

14 ***-1187/P5.417* SECTION 2455.** 111.825 (1g) of the statutes is created to read:
15 111.825 (1g) Collective bargaining units at the University of
16 Wisconsin-Madison are structured with one or more collective bargaining units for
17 each of the following groups:

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

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

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

22 ***-1187/P5.418* SECTION 2456.** 111.825 (2) (a) of the statutes is amended to
23 read:

1 111.825 (2) (a) The program, project and teaching assistants of the University
2 of Wisconsin-Madison and the University of Wisconsin-Extension.

3 ***-0851/3.4* SECTION 2457.** 111.825 (2) (f) of the statutes is amended to read:

4 111.825 (2) (f) Instructional staff employed by the board of regents of the
5 University of Wisconsin System who provide services for a charter school established
6 by contract under s. 118.40 (2r) ~~(em)~~ (b) 1. e.

7 ***-1187/P5.419* SECTION 2458.** 111.825 (2) (g) of the statutes is amended to
8 read:

9 111.825 (2) (g) Research assistants of the University of Wisconsin-Madison
10 and University of Wisconsin-Extension.

11 ***-1187/P5.420* SECTION 2459.** 111.825 (3) of the statutes is amended to read:

12 111.825 (3) The commission shall assign employees to the appropriate
13 collective bargaining units set forth in subs. (1), (1g), (1m), (2), and (2g).

14 ***-1187/P5.421* SECTION 2460.** 111.825 (4) of the statutes is amended to read:

15 111.825 (4) Any labor organization may petition for recognition as the exclusive
16 representative of a collective bargaining unit specified in sub. (1), (1g), (1m), (2), or
17 (2g) in accordance with the election procedures set forth in s. 111.83, provided the
18 petition is accompanied by a 30% showing of interest in the form of signed
19 authorization cards. Each additional labor organization seeking to appear on the
20 ballot shall file petitions within 60 days of the date of filing of the original petition
21 and prove, through signed authorization cards, that at least 10% of the employees
22 in the collective bargaining unit want it to be their representative.

23 ***-1187/P5.422* SECTION 2461.** 111.84 (2) (c) of the statutes is amended to read:

24 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
25 (1) with the duly authorized officer or agent of the employer which is the recognized

1 or certified exclusive collective bargaining representative of employees specified in
2 s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified
3 exclusive collective bargaining representative of employees specified in s. 111.81 (7)
4 (b) to ~~(g)~~ (h) in an appropriate collective bargaining unit. Such refusal to bargain
5 shall include, but not be limited to, the refusal to execute a collective bargaining
6 agreement previously orally agreed upon.

7 ***-1258/2.4* SECTION 2462.** 111.91 (2) (n) of the statutes is amended to read:

8 111.91 (2) (n) The provision to employees of the health insurance coverage
9 required under s. 632.895 (11) to (14), (16), and (16m) ~~and (17)~~.

10 ***-1187/P5.423* SECTION 2463.** 111.915 of the statutes is amended to read:

11 **111.915 Labor proposals.** The Except with respect to a collective bargaining
12 unit specified in s. 111.825 (1g), the director of the office shall notify and consult with
13 the joint committee on employment relations, in such form and detail as the
14 committee requests, regarding substantial changes in wages, employee benefits,
15 personnel management, and program policy contract provisions to be included in any
16 contract proposal to be offered to any labor organization by the state or to be agreed
17 to by the state before such proposal is actually offered or accepted.

18 ***-1187/P5.424* SECTION 2464.** 111.92 (1) (am) of the statutes is created to
19 read:

20 111.92 (1) (am) Any tentative agreement reached between the University of
21 Wisconsin-Madison, acting for the state, and any labor organization representing a
22 collective bargaining unit specified in s. 111.825 (1g) shall, after official ratification
23 by the labor organization, be executed by the parties.

24 ***-0851/3.5* SECTION 2465.** 111.92 (1) (c) of the statutes is amended to read:

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

7 ***-1187/P5.425* SECTION 2466.** 111.93 (2) of the statutes is amended to read:

8 111.93 (2) All civil service and other applicable statutes concerning wages,
9 fringe benefits, hours and conditions of employment apply to employees specified in
10 s. 111.81 (7) (a) who are not included in collective bargaining units for which a
11 representative is recognized or certified and to employees specified in s. 111.81 (7)
12 (b) to (f) and (h) who are not included in a collective bargaining unit for which a
13 representative is certified.

14 ***-1187/P5.426* SECTION 2467.** 111.93 (3) of the statutes is amended to read:

15 111.93 (3) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),
16 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), if a collective bargaining agreement
17 exists between the employer and a labor organization representing employees in a
18 collective bargaining unit, the provisions of that agreement shall supersede the
19 provisions of civil service and other applicable statutes, as well as rules and policies
20 of the ~~board of regents~~ Board of Regents of the University of Wisconsin System and
21 rules and policies of the Board of Trustees of the University of Wisconsin-Madison,
22 related to wages, fringe benefits, hours, and conditions of employment whether or
23 not the matters contained in those statutes, rules, and policies are set forth in the
24 collective bargaining agreement.

25 ***-1187/P5.427* SECTION 2468.** 111.935 (2) of the statutes is amended to read:

SECTION 2468

1 111.935 (2) Notwithstanding s. 111.83 (2), the commission shall establish a
2 procedure whereby research assistants may determine whether to form themselves
3 into collective bargaining units under s. 111.825 (1g) (b) or (2) (g), (h), or (i) by
4 authorization cards in lieu of secret ballot. The procedure shall provide that once a
5 majority of research assistants have indicated their preference on the authorization
6 cards to form themselves into a collective bargaining unit, the collective bargaining
7 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.

8 ***-1465/P4.872* *-1059/P3.521* SECTION 2469.** 114.31 (6) of the statutes is
9 amended to read:

10 114.31 (6) TECHNICAL SERVICES TO MUNICIPALITIES. The secretary may, insofar
11 as is reasonably possible, offer the engineering or other technical service of the
12 department, to any municipality desiring them in connection with the construction,
13 maintenance or operation or proposed construction, maintenance or operation of an
14 airport. The secretary may assess reasonable costs for services including services
15 performed while acting as agent for a municipality. Such assessment shall include
16 properly allocated administrative costs. Municipalities are authorized to cooperate
17 with the secretary in the development of aeronautics and aeronautical facilities in
18 this state. ~~The department of commeree~~ Wisconsin Economic Development
19 Corporation and all other agencies are authorized and directed to make available
20 such facilities and services, and to cooperate as far as possible to promote the best
21 interests of aeronautics of the state.

1 ***-1465/P4.873* *-0805/P2.24* SECTION 2470.** 114.33 (10) of the statutes is
2 amended to read:

3 114.33 (10) Subject to the approval of the governor under this subsection, the
4 secretary may sell at public or private sale property of whatever nature owned by the
5 state and under the jurisdiction of the secretary when the secretary determines that
6 the property is no longer necessary for the state's use for airport purposes and, if real
7 property, ~~the real property is not the subject of a petition under s. 560.9810.~~ The
8 secretary shall present to the governor a full and complete report of the property to
9 be sold, the reason for the sale, and the minimum price for which the property should
10 be sold, together with an application for the governor's approval of the sale. The
11 governor shall investigate the proposed sale as he or she deems necessary and
12 approve or disapprove the application. Upon approval and receipt of the full
13 purchase price, the secretary shall by appropriate deed or other instrument transfer
14 the property to the purchaser. The funds derived from the sale shall be deposited in
15 the appropriate airport fund, and the expense incurred by the secretary in
16 connection with the sale shall be paid from that fund. This subsection does not apply
17 to real property that is sold under s. 16.848.

18 ***-1184/P1.1* SECTION 2471.** 115.001 (11) of the statutes is amended to read:

19 115.001 (11) SCHOOL NURSE. "School nurse" means a registered nurse licensed
20 under s. 441.06 or in a party state, as defined in s. 441.50 (2) (j), ~~who also meets the~~
21 ~~qualifications for school nurses prescribed by the department by rule.~~

22 ***-0841/P2.1* SECTION 2472.** 115.01 (10) (a) of the statutes is renumbered
23 115.01 (10).

24 ***-0841/P2.2* SECTION 2473.** 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)?

1 ***-1279/3.2* SECTION 2474.** 115.28 (12) of the statutes is created to read:

2 115.28 (12) STUDENT INFORMATION SYSTEM. (a) Working with the office of the
3 governor, establish a student information system to collect and maintain
4 information about pupils enrolled in public schools, including their academic
5 performance and demographic information, aggregated by school district, school,
6 and teacher. Annually by May 1, the state superintendent shall submit to the
7 governor a plan for the expenditure of moneys appropriated in s. 20.255 (1) (e) in the
8 succeeding fiscal year. The state superintendent may not expend or encumber
9 moneys appropriated under s. 20.255 (1) (e) in any fiscal year unless the governor
10 approves the plan for that fiscal year.

11 (b) Charge a fee, on a per pupil basis, to any school district that uses the system
12 under par. (a). The state superintendent may charge a fee to any other person that
13 uses the system. All fees shall be credited to the appropriation account under s.
14 20.255 (1) (jm).

15 ***-1213/1.17* SECTION 2475.** 115.28 (24) of the statutes is amended to read:

16 115.28 (24) PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to
17 school boards under ~~ss. s.~~ s. 115.36 and ~~115.361~~, and in awarding grants from federal
18 funds received under 20 USC 2301 to 2471, 20 USC 4601 to 4665 and 29 USC 2862
19 (b) (1) (B), to programs that provide more than one of the educational services

1 specified under s. 115.36, ~~115.361~~, 115.915, 118.01 (2) (d) 7. or 8. ~~or 118.153~~ or 20 USC
2 2301 to 2471, 20 USC 4601 to 4665 or 29 USC 2862 (b) (1) (B).

3 ***-1213/1.18* SECTION 2476.** 115.28 (35) of the statutes is repealed.

4 ***-1213/1.19* SECTION 2477.** 115.28 (39) of the statutes is amended to read:

5 115.28 (39) ALCOHOL AND OTHER DRUG ABUSE REPORT. ~~By July 1, 1998, and~~
6 biennially ~~Biennially~~ by July 1 thereafter, evaluate the effectiveness of the programs
7 under ~~ss. s.~~ s. 115.36 and ~~115.361~~ and submit a report to the legislature under s. 13.172
8 (2). ~~To satisfy this reporting requirement as it pertains to s. 115.361, the department~~
9 ~~may incorporate into the report under this subsection the report required under s.~~
10 ~~115.361 (2).~~

11 ***-1213/1.20* SECTION 2478.** 115.28 (45) of the statutes is repealed.

12 ***-1213/1.21* SECTION 2479.** 115.28 (46) of the statutes is repealed.

13 ***-1213/1.22* SECTION 2480.** 115.28 (47) of the statutes is repealed.

14 ***-1187/P5.428* SECTION 2481.** 115.297 (1) (a) of the statutes is amended to
15 read:

16 115.297 (1) (a) "Agencies" means the department, the ~~board of regents~~ Board
17 of Regents of the University of Wisconsin System, ~~the Board of Trustees of the~~
18 University of Wisconsin-Madison, the technical college system board, and the
19 Wisconsin Association of Independent Colleges and Universities.

20 ***-1213/1.23* SECTION 2482.** 115.31 (1) (b) of the statutes is amended to read:

21 115.31 (1) (b) "Educational agency" means a school district, cooperative
22 educational service agency, state correctional institution under s. 302.01, juvenile
23 correctional facility, as defined in s. 938.02 (10p), secured residential care center for
24 children and youth, as defined in s. 938.02 (15g), the Wisconsin Center for the Blind
25 and Visually Impaired, the Wisconsin Educational Services Program for the Deaf

1 and Hard of Hearing, the Mendota Mental Health Institute, the Winnebago Mental
2 Health Institute, a state center for the developmentally disabled, or a private school,
3 ~~or a private, nonprofit, nonsectarian agency under contract with a school board~~
4 ~~under s. 118.153 (3) (c).~~

5 ***-1465/P4.874* *-0808/2.343* SECTION 2483.** 115.33 (2) (a) (intro.) of the
6 statutes is amended to read:

7 115.33 (2) (a) (intro.) The state superintendent may request the department
8 of ~~commerce~~ safety and professional services to inspect a public school if any of the
9 following occurs:

10 ***-1465/P4.875* *-0808/2.344* SECTION 2484.** 115.33 (2) (b) of the statutes is
11 amended to read:

12 115.33 (2) (b) The department of ~~commerce~~ safety and professional services
13 shall inspect the school within 30 days after receiving a request from the state
14 superintendent under par. (a).

15 ***-1465/P4.876* *-0808/2.345* SECTION 2485.** 115.33 (3) (a) of the statutes is
16 amended to read:

17 115.33 (3) (a) If the state superintendent determines that a school is not in
18 compliance, and the department of ~~commerce~~ safety and professional services, based
19 on its inspection of the school, concurs in the determination, the state
20 superintendent may order the school board to repair, improve, remodel or close the
21 school by a stated date. An order issued under this paragraph constitutes a
22 preliminary finding of noncompliance with the standard under s. 121.02 (1) (i).

23 ***-1465/P4.877* *-0808/2.346* SECTION 2486.** 115.33 (3) (b) 1. of the statutes
24 is amended to read:

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

13 ***-1195/2.133* SECTION 2487.** 115.347 (2) of the statutes is amended to read:

14 115.347 (2) Whenever a school district that is located in whole or in part in a
15 county that has converted to the client assistance for reemployment and economic
16 support data system submits a report under sub. (1) in the prescribed format, the
17 department of children and families shall determine which children enrolled in the
18 school district are members of Wisconsin Works groups participating under s. 49.147
19 (3) to (5) or of families receiving aid to families with dependent children or ~~food~~
20 ~~stamp~~ benefits under the supplemental nutrition assistance program under 7 USC
21 2011 to 2036 and shall provide the information to the school board as soon thereafter
22 as possible. The school board shall use the information to directly certify children
23 as eligible for free or reduced-price meals served by the school district under federal
24 school nutrition programs, pursuant to 42 USC 1758 (b) (2) (C) (ii) and (iii).

25 ***-1213/1.24* SECTION 2488.** 115.361 of the statutes is repealed.

1 *-1213/1.25* SECTION 2489. 115.366 of the statutes is repealed.

2 *-0046/3.3* SECTION 2490. 115.39 of the statutes is repealed.

3 *-1061/P1.2* SECTION 2491. 115.405 (2m) of the statutes is repealed.

4 *-1187/P5.429* SECTION 2492. 115.43 (2) (b) of the statutes is amended to
5 read:

6 115.43 (2) (b) From the appropriation under s. 20.255 (3) (fz), award precollege
7 scholarships, on a competitive basis, to economically disadvantaged pupils who
8 enroll in a technical college or in college or university classes or programs designed
9 to improve academic skills that are essential for success in postsecondary school
10 education. The state superintendent shall give preference to economically
11 disadvantaged pupils who are inadequately represented in the technical college and
12 University of Wisconsin Systems and the University of Wisconsin-Madison.

13 *-1213/1.26* SECTION 2493. 115.435 of the statutes is repealed.

14 *-1213/1.27* SECTION 2494. 115.45 of the statutes is repealed.

15 *-0046/3.4* SECTION 2495. 115.53 (3) (a) and (b) of the statutes are
16 consolidated, renumbered 115.53 (3) and amended to read:

17 115.53 (3) Arrange for otological or ophthalmic examination of any pupil or
18 prospective pupil of the school operated by the Wisconsin Educational Services
19 Program for the Deaf and Hard of Hearing. ~~The examination shall be paid for from~~
20 ~~the appropriation in s. 20.255 (1) (b), (gh) or (gs).~~ (b) ~~Arrange for ophthalmic or~~
21 ~~otological examination of any pupil or prospective pupil of~~ or the school operated by
22 the Wisconsin Center for the Blind and Visually Impaired. The examination shall
23 be paid for from the appropriation ~~in~~ under s. 20.255 (1) (b), ~~(gh)~~, (gL), or (gs).

24 *-0046/3.5* SECTION 2496. 115.53 (4) (unnumbered first par.) and (a) of the
25 statutes are consolidated, renumbered 115.53 (4) and amended to read:

1 115.53 (4) Apply to the board of directors of the University of Wisconsin
2 Hospitals and Clinics Authority for admission to the University of Wisconsin
3 Hospitals and Clinics of any pupil at the school operated by the Wisconsin
4 Educational Services Program for the Deaf and Hard of Hearing or the school
5 operated by the Wisconsin Center for the Blind and Visually Impaired. (a) The
6 application shall be accompanied by the report of a physician appointed by the
7 director of the Wisconsin Educational Services Program for the Deaf and Hard of
8 Hearing or the director of the Wisconsin Center for the Blind and Visually Impaired
9 and shall be in the same form as reports of other physicians for admission of patients
10 to such hospital.

11 ***-0046/3.6* SECTION 2497.** 115.53 (4) (b) of the statutes is repealed.

12 ***-1187/P5.430* SECTION 2498.** 116.01 of the statutes is amended to read:

13 **116.01 Purpose.** The organization of school districts in Wisconsin is such that
14 the legislature recognizes the need for a service unit between the school district and
15 the state superintendent. The cooperative educational service agencies are designed
16 to serve educational needs in all areas of Wisconsin by serving as a link both between
17 school districts and between school districts and the state. Cooperative educational
18 service agencies may provide leadership, coordination, and education services to
19 school districts, University of Wisconsin System institutions, the University of
20 Wisconsin-Madison, and technical colleges. Cooperative educational service
21 agencies may facilitate communication and cooperation among all public, private,
22 and tribal schools, and all public and private agencies and organizations, that
23 provide services to pupils.

24 ***-1187/P5.431* SECTION 2499.** 116.032 (1) of the statutes is amended to read:

1 116.032 (1) Subject to subs. (2) to (5), for the purpose of providing services to
2 pupils, a board of control may contract with school districts, University of Wisconsin
3 System institutions, the University of Wisconsin-Madison, technical college district
4 boards, private schools, tribal schools, and agencies or organizations that provide
5 services to pupils. A board of control may also contract with one or more school
6 boards to operate a charter school under s. 118.40 (3) (c).

7 ***-1213/1.28* SECTION 2500.** 117.15 (6) of the statutes is amended to read:

8 117.15 (6) The socioeconomic level and racial composition of the pupils who
9 reside or will reside in territory proposed to be detached from one school district and
10 attached to an adjoining school district, in territory proposed to be included in a new
11 school district under s. 117.105 or in school districts proposed to be consolidated or
12 in a school district proposed to be dissolved; the proportion of the pupils who reside
13 in such territory who are children at risk, ~~as defined under s. 118.153 (1) (a)~~; and the
14 effect that the pupils described in this paragraph will have on the present and future
15 socioeconomic level and racial composition of the affected school districts and on the
16 proportion of the affected school districts' enrollments that will be children at risk.

17 ***-0856/1.1* SECTION 2501.** 118.015 (2) of the statutes is repealed.

18 ***-0856/1.2* SECTION 2502.** 118.015 (3) (title) of the statutes is repealed.

19 ***-0856/1.3* SECTION 2503.** 118.015 (3) (intro.) of the statutes is repealed.

20 ***-0856/1.4* SECTION 2504.** 118.015 (3) (a) of the statutes is renumbered
21 118.015 (4) (am).

22 ***-0856/1.5* SECTION 2505.** 118.015 (3) (b) of the statutes is repealed.

23 ***-0856/1.6* SECTION 2506.** 118.015 (3) (c) of the statutes is repealed.

24 ***-0856/1.7* SECTION 2507.** 118.015 (3) (d) of the statutes is repealed.