

1           283.33 (1) (am) A discharge from a discernible, confined, and discrete  
2 conveyance of storm water associated with a construction site, including a  
3 construction site for a building, that meets criteria in rules promulgated by the  
4 department.

5           \*~~0226/1.25~~**SECTION 2142.** 283.33 (3) (d) of the statutes is created to read:

6           283.33 (3) (d) If the department determines that rules promulgated under s.  
7 281.16 (2) prescribe performance standards that meet the requirements for  
8 establishing minimum standards under this subsection, the department's rules  
9 under s. 281.16 (2) satisfy the rule-making requirements under this subsection and  
10 shall apply as if they were promulgated under this subsection.

11           \*~~0226/1.26~~**SECTION 2143.** 283.33 (4) (a) (intro.) of the statutes is amended  
12 to read:

13           283.33 (4) (a) (intro.) In addition to obtaining a permit under this section, the  
14 owner or operator of an ~~industrial~~ activity described in sub. (1) (a) or (am) that  
15 discharges storm water through a municipal separate storm sewer system described  
16 in sub. (1) (b) to (cr) shall submit the following information to the owner or operator  
17 of the municipal separate storm sewer system:

18           \*~~0226/1.27~~**SECTION 2144.** 283.33 (5) of the statutes is amended to read:

19           283.33 (5) OTHER DISCHARGERS. A person who is required to obtain a permit  
20 under sub. (1) (a), (am), or (d) may apply for an individual permit or request coverage  
21 under a general permit issued by the department under s. 283.35.

22           \*~~0226/1.28~~**SECTION 2145.** 283.33 (7) of the statutes is amended to read:

23           283.33 (7) PETITIONS. The owner or operator of a municipal separate storm  
24 sewer system may petition the department to require a permit under this section for  
25 any discharge through the municipal separate storm sewer system. The department

**SECTION 2145**

1 may approve the petition only if a permit for the discharge is required under sub. (1)  
2 (a), ~~(am)~~, or (d).

3 ~~\*-0383/4.1~~**SECTION 2146.** 283.35 (1m) (c) of the statutes is amended to read:  
4 283.35 (1m) (c) Paragraph (b) does not apply after June 30, ~~2013~~ 2015.

5 ~~\*-0383/4.2~~**SECTION 2147.** 283.35 (1m) (d) of the statutes is repealed.

6 ~~\*-1313/1.1~~**SECTION 2148.** 285.69 (2) (a) 1. of the statutes is repealed.

7 ~~\*-1313/1.2~~**SECTION 2149.** 285.69 (2) (a) 2. of the statutes is repealed.

8 ~~\*-1313/1.3~~**SECTION 2150.** 285.69 (2) (a) 3. of the statutes is repealed.

9 ~~\*-1313/1.4~~**SECTION 2151.** 285.69 (2) (a) 4. of the statutes is repealed.

10 ~~\*-1313/1.5~~**SECTION 2152.** 285.69 (2) (a) 5. of the statutes is amended to read:

11 285.69 (2) (a) 5. That fees are not based on emissions by an air contaminant  
12 source in excess of 5,000 tons per year of each regulated pollutant, ~~except that,~~  
13 ~~subject to par. (b), this limitation does not apply to a major utility, as defined in s.~~  
14 ~~285.41 (1) (f), that owns or operates a phase I affected unit as listed in Table A of 42~~  
15 ~~USC 7651e.~~

16 ~~\*-1313/1.6~~**SECTION 2153.** 285.69 (2) (a) 6. of the statutes is repealed.

17 ~~\*-1313/1.7~~**SECTION 2154.** 285.69 (2) (a) 7. of the statutes is repealed.

18 ~~\*-1313/1.8~~**SECTION 2155.** 285.69 (2) (a) 9. of the statutes is repealed.

19 ~~\*-1313/1.9~~**SECTION 2156.** 285.69 (2) (a) 10. of the statutes is repealed.

20 ~~\*-1313/1.10~~**SECTION 2157.** 285.69 (2) (a) 11. of the statutes is repealed.

21 ~~\*-1313/1.11~~**SECTION 2158.** 285.69 (2) (a) 12. of the statutes is created to read:

22 285.69 (2) (a) 12. That the fee billed in 2013 equals \$37.51 per ton of emissions  
23 specified in subd. 8.

24 ~~\*-1313/1.12~~**SECTION 2159.** 285.69 (2) (a) 13. of the statutes is created to read:

1           285.69 (2) (a) 13. That the fee billed in 2014 equals \$46.71 per ton of emissions  
2 specified under subd. 8.

3           \*~~1313/1.13~~**SECTION 2160.** 285.69 (2) (a) 14. of the statutes is created to read:

4           285.69 (2) (a) 14. That the fee billed in 2015 equals \$59.81 per ton of emissions  
5 specified under subd. 8.

6           \*~~1313/1.14~~**SECTION 2161.** 285.69 (2) (a) 15. of the statutes is created to read:

7           285.69 (2) (a) 15. That the amount of the fee per ton of emissions specified under  
8 subd. 8. billed in a year after 2015 is 104 percent of the amount of the fee per ton billed  
9 in the previous year.

10          \*~~1313/1.15~~**SECTION 2162.** 285.69 (2) (b) of the statutes is repealed.

11          \*~~1313/1.16~~**SECTION 2163.** 285.69 (2) (e) of the statutes is amended to read:

12          285.69 (2) (e) Beginning in 2001 and ending in 2012, the owner or operator of  
13 a stationary source for which an operation permit is required shall pay to the  
14 department an annual fee of 86 cents per ton of actual emissions in the preceding  
15 year of all air contaminants on which the fee under par. (a) is based.

16          \*~~0559/1.1~~**SECTION 2164.** 285.69 (2m) (a) of the statutes is amended to read:

17          285.69 (2m) (a) The owner or operator of a stationary source for which an  
18 operation permit is required under s. 285.60 but not under the federal clean air act  
19 shall pay to the department a fee of \$300 \$725 per year, except as provided in par.  
20 (b).

21          \*~~1092/1.101~~**SECTION 2165.** 292.11 (2) (e) of the statutes is repealed.

22          \*~~1092/1.102~~**SECTION 2166.** 292.11 (7) (a) of the statutes is amended to read:

23          292.11 (7) (a) Subject to ss. 94.73 (2m) ~~and 101.144 (3)~~, in any case where action  
24 required under sub. (3) is not being adequately taken or the identity of the person  
25 responsible for the discharge is unknown, the department or its authorized

**SECTION 2166**

1 representative may identify, locate, monitor, contain, remove or dispose of the  
2 hazardous substance or take any other emergency action which it deems appropriate  
3 under the circumstances.

4 **\*-1092/1.103\*SECTION 2167.** 292.11 (7) (c) of the statutes is amended to read:

5 292.11 (7) (c) Subject to ss. 94.73 (2m) and ~~101.144 (3)~~, the department, for the  
6 protection of public health, safety or welfare, may issue an emergency order or a  
7 special order to the person possessing, controlling or responsible for the discharge of  
8 hazardous substances to fulfill the duty imposed by sub. (3).

9 **\*-1092/1.104\*SECTION 2168.** 292.12 (1) (a) of the statutes is amended to read:

10 292.12 (1) (a) “Agency with administrative authority” means the department  
11 of agriculture, trade and consumer protection with respect to a site over which it has  
12 jurisdiction under s. 94.73 (2), ~~the department of safety and professional services~~  
13 ~~with respect to a site over which it has jurisdiction under s. 101.144 (2) (a)~~, or the  
14 department of natural resources with respect to a site over which it has jurisdiction  
15 under s. 292.11 (7).

16 **\*-0386/2.2\*SECTION 2169.** 292.31 (7) (d) of the statutes is created to read:

17 292.31 (7) (d) The department may enter into an agreement with a responsible  
18 party under the federal Comprehensive Environmental Response, Compensation,  
19 and Liability Act, 42 USC 9601 to 9675, to provide management and technical  
20 support for a remedial action under the act. A responsible party shall reimburse the  
21 department for the costs the department incurs under an agreement, using the  
22 hourly billing rate calculated under s. NR 750.07 (2), Wis. Adm. Code.

23 **\*-1092/1.105\*SECTION 2170.** 292.99 (1) of the statutes is amended to read:

24 292.99 (1) Except as provided under sub. (1m) and s. 292.63 (10), any person  
25 who violates this chapter or any rule promulgated or any plan approval, license or

1 special order issued under this chapter shall forfeit not less than \$10 nor more than  
2 \$5,000 for each violation. Each day of continued violation is a separate offense.  
3 While an order is suspended, stayed or enjoined, this penalty does not accrue.

4 **\*-1092/1.106\*SECTION 2171.** 299.07 (1) (a) 6m. of the statutes is created to  
5 read:

6 299.07 (1) (a) 6m. A certification or registration under s. 292.63 (2) (g).

7 **\*-1092/1.107\*SECTION 2172.** 299.08 (1) (a) 6m. of the statutes is created to  
8 read:

9 299.08 (1) (a) 6m. A certification or registration under s. 292.63 (2) (g).

10 **\*-1092/1.108\*SECTION 2173.** 299.09 (1) of the statutes is amended to read:

11 299.09 (1) In this section, “approval” means a well driller license under s.  
12 280.15 (2m), certification for an incinerator operator under s. 285.51 (2), or  
13 certification for an operator of a solid waste disposal facility under s. 289.42 (1), or  
14 certification of a consultant under s. 292.63 (2) (g).

15 **\*-0374/P2.7\*SECTION 2174.** 301.08 (1) (c) 4. of the statutes is amended to read:

16 301.08 (1) (c) 4. If the department collects any moneys from a vendor under a  
17 contract under subd. 2., the department shall credit those moneys to the  
18 appropriation account under s. 20.410 (1) (~~ge~~) (~~gf~~).

19 **\*-1130/4.78\*SECTION 2175.** 301.235 (2) (a) 1. of the statutes is amended to  
20 read:

21 301.235 (2) (a) 1. Without limitation by reason of any other statute except s.  
22 ss. 13.48 (14) (am) and 16.848 (1), the power to sell and to convey title in fee simple  
23 to a nonprofit corporation any land and any existing buildings thereon owned by, or  
24 owned by the state and held for, the department or any of the institutions under the

1 jurisdiction of the department for such consideration and upon such terms and  
2 conditions as in the judgment of the secretary are in the public interest.

3 **\*-1130/4.79\*SECTION 2176.** 301.24 (4) of the statutes is amended to read:

4 301.24 (4) SALES. Except where a sale occurs under s. 13.48 (14) (am) or 16.848  
5 (1), the department, with the approval of the building commission, may sell and  
6 convey such lands under the jurisdiction of the department as the secretary deems  
7 to be in excess of the present or future requirements of the department for either the  
8 operation of its facilities or programs, for the maintenance of buffer zones adjacent  
9 to its facilities or for other public purposes. The proceeds of the sales shall be credited  
10 to the state building trust fund.

11 **\*-1130/4.80\*SECTION 2177.** 301.24 (4m) of the statutes is amended to read:

12 301.24 (4m) CORRECTIONAL INSTITUTION PROPERTY DISPOSITION. In addition to  
13 any other requirements under this section, except where a sale occurs under s. 13.48  
14 (14) (am) or 16.848 (1), the department may sell or otherwise transfer or dispose of  
15 the property acquired for the correctional institution under s. 46.05 (1o), 1985 stats.,  
16 only if the sale, transfer or disposition is approved by the joint committee on finance.  
17 The department shall submit a plan for any such proposed sale, transfer or  
18 disposition to the committee.

19 **\*-0336/P3.1\*SECTION 2178.** 301.26 (4) (d) 2. of the statutes is amended to read:

20 301.26 (4) (d) 2. Beginning on July 1, ~~2011~~ 2013, and ending on June 30, ~~2012~~  
21 2014, the per person daily cost assessment to counties shall be ~~\$284~~ \$297 for care in  
22 a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$284~~ \$297 for care  
23 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),  
24 ~~\$99~~ \$125 for departmental corrective sanctions services, and ~~\$40~~ \$41 for  
25 departmental aftercare services.

1           \*~~0336/P3.2~~**SECTION 2179.** 301.26 (4) (d) 3. of the statutes is amended to read:

2           301.26 (4) (d) 3. Beginning on July 1, ~~2012~~ 2014, and ending on June 30, ~~2013~~  
3           2015, the per person daily cost assessment to counties shall be ~~\$289~~ \$304 for care in  
4           a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$289~~ \$304 for care  
5           for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),  
6           ~~\$100~~ \$128 for departmental corrective sanctions services, and ~~\$40~~ \$41 for  
7           departmental aftercare services.

8           \*~~0238/2.2~~**SECTION 2180.** 301.26 (4) (e) of the statutes is amended to read:

9           301.26 (4) (e) For ~~foster care, group home care, and institutional child care to~~  
10          alternate care services for delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4)  
11          and (14), and 938.52 all payments and deductions made under this subsection and  
12          uniform fee collections under s. 301.03 (18) shall be credited to the appropriation  
13          account under s. 20.410 (3) (ho).

14          \*~~0238/2.3~~**SECTION 2181.** 301.26 (4) (ed) of the statutes is amended to read:

15          301.26 (4) (ed) For ~~foster care, group home care, and institutional child care to~~  
16          alternate care services for serious juvenile offenders under ss. 49.19 (10) (d), 938.48  
17          (4) and (14), and 938.52 all uniform fee collections under s. 301.03 (18) shall be  
18          credited to the appropriation account under s. 20.410 (3) (ho).

19          \*~~0378/P1.1~~**SECTION 2182.** 301.26 (7) (intro.) of the statutes is amended to  
20          read:

21          301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability  
22          of the appropriations under s. 20.410 (3) (cd) and (ko), the department shall allocate  
23          funds for community youth and family aids for the period beginning on July 1, ~~2011~~  
24          2013, and ending on June 30, ~~2013~~ 2015, as provided in this subsection to county  
25          departments under ss. 46.215, 46.22, and 46.23 as follows:

**SECTION 2183**

1           \***-0378/P1.2**\***SECTION 2183.** 301.26 (7) (a) of the statutes is amended to read:

2           301.26 (7) (a) For community youth and family aids under this section,  
3 amounts not to exceed \$45,478,000 for the last 6 months of ~~2011~~ 2013, \$90,956,100  
4 for ~~2012~~ 2014, and \$45,478,100 for the first 6 months of ~~2013~~ 2015.

5           \***-0378/P1.3**\***SECTION 2184.** 301.26 (7) (b) (intro.) of the statutes is amended  
6 to read:

7           301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall  
8 allocate \$2,000,000 for the last 6 months of ~~2011~~ 2013, \$4,000,000 for ~~2012~~ 2014, and  
9 \$2,000,000 for the first 6 months of ~~2013~~ 2015 to counties based on each of the  
10 following factors weighted equally:

11           \***-0839/P3.75**\***SECTION 2185.** 301.26 (7) (b) 2. of the statutes is amended to  
12 read:

13           301.26 (7) (b) 2. Each county's proportion of the total Part I juvenile arrests  
14 reported statewide under the uniform crime reporting system of the ~~office of justice~~  
15 ~~assistanee~~ department of justice during the most recent 3-year period for which that  
16 information is available.

17           \***-0378/P1.4**\***SECTION 2186.** 301.26 (7) (bm) of the statutes is amended to read:

18           301.26 (7) (bm) Of the amounts specified in par. (a), the department shall  
19 allocate \$6,250,000 for the last 6 months of ~~2011~~ 2013, \$12,500,000 for ~~2012~~ 2014,  
20 and \$6,250,000 for the first 6 months of ~~2013~~ 2015 to counties based on each county's  
21 proportion of the number of juveniles statewide who are placed in a juvenile  
22 correctional facility during the most recent 3-year period for which that information  
23 is available.

24           \***-0378/P1.5**\***SECTION 2187.** 301.26 (7) (c) of the statutes is amended to read:

1           301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate  
2           \$1,053,200 for the last 6 months of ~~2011~~ 2013, \$2,106,500 for ~~2012~~ 2014, and  
3           \$1,053,300 for the first 6 months of ~~2013~~ 2015 to counties based on each of the factors  
4           specified in par. (b) 1. to 3. weighted equally, except that no county may receive an  
5           allocation under this paragraph that is less than 93% nor more than 115% of the  
6           amount that the county would have received under this paragraph if the allocation  
7           had been distributed only on the basis of the factor specified in par. (b) 3.

8           \*~~0378/P1.6~~\***SECTION 2188.** 301.26 (7) (e) of the statutes is amended to read:

9           301.26 (7) (e) For emergencies related to community youth and family aids  
10          under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2011~~ 2013,  
11          \$250,000 for ~~2012~~ 2014, and \$125,000 for the first 6 months of ~~2013~~ 2015. A county  
12          is eligible for payments under this paragraph only if it has a population of not more  
13          than 45,000.

14          \*~~0378/P1.7~~\***SECTION 2189.** 301.26 (7) (h) of the statutes is amended to read:

15          301.26 (7) (h) For counties that are participating in the corrective sanctions  
16          program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2011~~ 2013,  
17          \$2,124,800 in ~~2012~~ 2014, and \$1,062,400 in the first 6 months of ~~2013~~ 2015 for the  
18          provision of corrective sanctions services for juveniles from that county. In  
19          distributing funds to counties under this paragraph, the department shall determine  
20          a county's distribution by dividing the amount allocated under this paragraph by the  
21          number of slots authorized for the program under s. 938.533 (2) and multiplying the  
22          quotient by the number of slots allocated to that county by agreement between the  
23          department and the county. The department may transfer funds among counties as  
24          necessary to distribute funds based on the number of slots allocated to each county.

25          \*~~0378/P1.8~~\***SECTION 2190.** 301.26 (8) of the statutes is amended to read:

**SECTION 2190**

1           301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the  
2           allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last  
3           6 months of ~~2011~~ 2013, \$1,333,400 in ~~2012~~ 2014, and \$666,700 in the first 6 months  
4           of ~~2013~~ 2015 for alcohol and other drug abuse treatment programs.

5           \*~~-0839/P3.76~~\***SECTION 2191.** 301.263 (3) of the statutes is amended to read:

6           301.263 (3) The department shall distribute 33% of the amounts distributed  
7           under sub. (1) based on each county's proportion of the violent Part I juvenile arrests  
8           reported statewide under the uniform crime reporting system of the ~~office of justice~~  
9           ~~assistance in the department of administration~~ department of justice, during the  
10          most recent 2-year period for which that information is available. The department  
11          shall distribute 33% of the amounts distributed under sub. (1) based on each county's  
12          proportion of the number of juveniles statewide who are placed in a juvenile  
13          correctional facility or a secured residential care center for children and youth during  
14          the most recent 2-year period for which that information is available. The  
15          department shall distribute 34% of the amounts distributed under sub. (1) based on  
16          each county's proportion of the total Part I juvenile arrests reported statewide under  
17          the uniform crime reporting system of the ~~office of justice assistance~~ department of  
18          justice, during the most recent 2-year period for which that information is available.

19          \*~~-0374/P2.8~~\***SECTION 2192.** 301.27 (1) of the statutes is amended to read:

20          301.27 (1) CHARGES. In compliance with the compensation plan established  
21          under s. 230.12 (3), the department may make and determine charges for meals,  
22          living quarters, laundry, and other services furnished to employees of the state  
23          correctional institutions and members of the employee's family maintained as such.  
24          All moneys received from each person on account of these services shall be used for  
25          operation of the institutions under s. 20.410 (1) (a) and (3) (a), and (hm) ~~and~~ (j). If

1 a chaplain employed in any institution administered by the department is not  
2 furnished a residence by the state, \$1,800 or 20% of the chaplain's salary, whichever  
3 is greater, is designated as his or her housing allowance.

4 **\*-0422/P4.36\*SECTION 2193.** 301.32 (1) of the statutes is amended to read:

5 301.32 (1) PROPERTY DELIVERED TO WARDEN OR SUPERINTENDENT; CREDIT AND DEBIT.

6 All money and other property delivered to an employee of any state correctional  
7 institution for the benefit of a prisoner or resident shall be delivered to the warden  
8 or superintendent, who shall enter the property upon his or her accounts to the credit  
9 of the prisoner or resident. The property may be used only under the direction and  
10 with the approval of the superintendent or warden and for the crime victim and  
11 witness assistance surcharge under s. 973.045 (4), the delinquency victim and  
12 witness assistance surcharge under s. 938.34 (8d) (c), the deoxyribonucleic acid  
13 analysis surcharge under s. 973.046 (1r), the child pornography surcharge under s.  
14 973.042, the drug offender diversion surcharge under s. 973.043, or the benefit of the  
15 prisoner or resident. If the money remains uncalled for for one year after the  
16 prisoner's or resident's death or departure from the state correctional institution, the  
17 superintendent shall deposit it in the general fund. If any prisoner or resident leaves  
18 property, other than money, uncalled for at a state correctional institution for one  
19 year, the superintendent shall sell the property and deposit the proceeds in the  
20 general fund, donate the property to a public agency or private, nonprofit  
21 organization or destroy the property. If any person satisfies the department, within  
22 5 years after the deposit, of his or her right to the deposit, the department shall direct  
23 the department of administration to draw its warrant in favor of the claimant and  
24 it shall charge the same to the appropriation made by s. 20.913 (3) (bm).

**SECTION 2194**

1           \***-0374/P2.9**\***SECTION 2194.** 301.32 (3) (a) of the statutes is renumbered 301.32  
2 (3).

3           \***-0374/P2.10**\***SECTION 2195.** 301.32 (3) (b) of the statutes is repealed.

4           \***-0374/P2.11**\***SECTION 2196.** 301.32 (3) (c) of the statutes is repealed.

5           \***-1130/4.81**\***SECTION 2197.** 302.04 of the statutes is amended to read:

6           **302.04 Duties of warden and superintendents.** Except as provided in s.  
7 ss. 13.48 (14) (am) and 16.848 (1), the warden or the superintendent of each state  
8 prison shall have charge and custody of the prison and all lands, belongings,  
9 furniture, implements, stock and provisions and every other species of property  
10 within the same or pertaining thereto. The warden or superintendent shall enforce  
11 the rules of the department for the administration of the prison and for the  
12 government of its officers and the discipline of its inmates.

13           \***-0422/P4.37**\***SECTION 2198.** 302.12 (2) of the statutes is amended to read:

14           302.12 (2) Money accruing under this section remains under the control of the  
15 department, to be used for the crime victim and witness assistance surcharge under  
16 s. 973.045 (4), the deoxyribonucleic acid analysis surcharge under s. 973.046 (1r), the  
17 drug offender diversion surcharge under s. 973.043, and the benefit of the inmate or  
18 the inmate's family or dependents, under rules promulgated by the department as  
19 to time, manner and amount of disbursements. The rules shall provide that the  
20 money be used for the reasonable support of the inmate's family or dependents before  
21 it is allocated for the drug offender diversion surcharge.

22           \***-0422/P4.38**\***SECTION 2199.** 302.13 of the statutes is amended to read:

23           **302.13 Preservation of property an inmate brings to prison.** The  
24 department shall preserve money and effects, except clothes, in the possession of an  
25 inmate when admitted to the prison and, subject to the crime victim and witness

1 assistance surcharge under s. 973.045 (4), the deoxyribonucleic acid analysis  
2 surcharge under s. 973.046 (1r), the child pornography surcharge under s. 973.042,  
3 and the drug offender diversion surcharge under s. 973.043, shall restore the money  
4 and effects to the inmate when discharged.

5 ~~\*-0839/P3.77\*~~**SECTION 2200.** 302.43 of the statutes is amended to read:

6 **302.43 Good time.** Every inmate of a county jail is eligible to earn good time  
7 in the amount of one-fourth of his or her term for good behavior if sentenced to at  
8 least 4 days, but fractions of a day shall be ignored. An inmate shall be given credit  
9 for time served prior to sentencing under s. 973.155, including good time under s.  
10 973.155 (4). An inmate who violates any law or any regulation of the jail, or neglects  
11 or refuses to perform any duty lawfully required of him or her, may be deprived by  
12 the sheriff of good time under this section, except that the sheriff shall not deprive  
13 the inmate of more than 2 days good time for any one offense without the approval  
14 of the court. An inmate who files an action or special proceeding, including a petition  
15 for a common law writ of certiorari, to which s. 807.15 applies shall be deprived of  
16 the number of days of good time specified in the court order prepared under s. 807.15  
17 (3). This section does not apply to a person who is confined in the county jail in  
18 connection with his or her participation in a substance abuse treatment program  
19 that meets the requirements of s. ~~16.964 (12) (e)~~ 165.95 (3), as determined by the  
20 ~~office of justice assistance~~ department of justice under s. ~~16.964 (12) (j)~~ 165.95 (9) and  
21 (10).

22 ~~\*-0374/P2.12\*~~**SECTION 2201.** 304.075 of the statutes is repealed.

23 ~~\*-1531/P2.3\*~~**SECTION 2202.** 321.40 (5) (c) of the statutes is amended to read:

24 321.40 (5) (c) No guard member may receive a tuition grant under sub. (3) for  
25 any semester in which he or she received a payment under s. 45.20 (2) or 45.205 (2).

**SECTION 2203**

1           \*~~0546/P1.5~~**SECTION 2203.** 321.42 (1) (b) of the statutes is amended to read:

2           321.42 (1) (b) The costs and expenses of the defense under par. (a) shall be  
3 audited by the department of administration and charged to the appropriation under  
4 s. ~~20.455 (1) (b)~~ 20.505 (1) (d). If the jury or court finds that the member against  
5 whom the action is brought acted within the scope of his or her employment as a  
6 member, the judgment as to damages entered against the member shall be paid by  
7 the state.

8           \*~~0221/P3.15~~**SECTION 2204.** 321.60 (1) (a) 12. of the statutes is amended to  
9 read:

10           321.60 (1) (a) 12. A license or certificate of registration issued by the  
11 department of financial institutions, or a division of it, under ss. 138.09, 138.12,  
12 138.14, 202.13, 202.14, 217.06, 218.0101 to 218.0163, 218.02, 218.04, 218.05, 224.72,  
13 224.725, or 224.93 or subch. IV of ch. 551.

14           \*~~1265/P1.2~~**SECTION 2205.** 323.40 (3) (a) of the statutes is renumbered 323.40  
15 (3) (a) 1. and amended to read:

16           323.40 (3) (a) 1. Except as provided in par. (b), an individual who registers in  
17 writing with a local unit of government's emergency management program to  
18 provide his or her own labor without compensation, other than reimbursement for  
19 travel, lodging, or meals, during a disaster, an imminent threat of a disaster, or a  
20 related training exercise is considered an employee of the ~~local unit of government~~  
21 state for worker's compensation under ch. 102 for purposes of any claim relating to  
22 the labor provided.

23           \*~~1265/P1.3~~**SECTION 2206.** 323.40 (3) (a) 2. of the statutes is created to read:

24           323.40 (3) (a) 2. If an individual who is considered an employee of the state  
25 under subd. 1. files a claim for worker's compensation relating to the individual's

1 labor provided during a disaster, an imminent threat of a disaster, or a related  
2 training exercise, the local unit of government with which the individual is  
3 registered to provide that labor shall refer that claim to the department of military  
4 affairs, and, if the claim is payable under ch. 102, the department shall pay that  
5 claim from the appropriation under s. 20.465 (3) (am).

6 **\*-0317/1.7\*SECTION 2207.** 343.50 (8) (c) 3. of the statutes is renumbered  
7 343.50 (8) (c) 5.

8 **\*-0317/1.8\*SECTION 2208.** 343.50 (8) (c) 4. of the statutes is created to read:  
9 343.50 (8) (c) 4. Notwithstanding par. (b) and s. 343.14 (2j), the department  
10 may, upon request, provide to the department of revenue any applicant information,  
11 including social security numbers, maintained by the department of transportation  
12 and identified in s. 343.14 (2), including providing electronic access to the  
13 information. Any information obtained by the department of revenue under this  
14 subdivision is subject to the confidentiality provisions of s. 71.78.

15 **\*-0157/1.1\*SECTION 2209.** 348.21 (3) (b) 1. b. of the statutes is amended to  
16 read:

17 348.21 (3) (b) 1. b. ~~Two~~ Three cents for each pound of total excess load if the  
18 excess is over 2,000 pounds and not over 3,000 pounds.

19 **\*-0157/1.2\*SECTION 2210.** 348.21 (3) (b) 1. c. of the statutes is amended to read:

20 348.21 (3) (b) 1. c. ~~Three~~ Five cents for each pound of total excess load if the  
21 excess is over 3,000 pounds and not over 4,000 pounds.

22 **\*-0157/1.3\*SECTION 2211.** 348.21 (3) (b) 1. d. of the statutes is amended to  
23 read:

24 348.21 (3) (b) 1. d. ~~Five~~ Eight cents for each pound of total excess load if the  
25 excess is over 4,000 pounds and not over 5,000 pounds.

**SECTION 2212**

1           \*~~0157/1.4~~\***SECTION 2212.** 348.21 (3) (b) 1. e. of the statutes is amended to read:  
2           348.21 (3) (b) 1. e. ~~Seven~~ Fifteen cents for each pound of total excess load if the  
3 excess is over 5,000 pounds.

4           \*~~0157/1.5~~\***SECTION 2213.** 348.21 (3) (b) 2. b. of the statutes is amended to  
5 read:

6           348.21 (3) (b) 2. b. ~~Four~~ Five cents for each pound of total excess load if the  
7 excess is over 2,000 pounds and not over 3,000 pounds.

8           \*~~0157/1.6~~\***SECTION 2214.** 348.21 (3) (b) 2. c. of the statutes is amended to read:  
9           348.21 (3) (b) 2. c. ~~Six~~ Eight cents for each pound of total excess load if the excess  
10 is over 3,000 and not over 4,000 pounds.

11           \*~~0157/1.7~~\***SECTION 2215.** 348.21 (3) (b) 2. d. of the statutes is amended to  
12 read:

13           348.21 (3) (b) 2. d. ~~Eight~~ Twelve cents for each pound of total excess load if the  
14 excess is over 4,000 pounds and not over 5,000 pounds.

15           \*~~0157/1.8~~\***SECTION 2216.** 348.21 (3) (b) 2. e. of the statutes is amended to read:  
16           348.21 (3) (b) 2. e. ~~Ten~~ Eighteen cents for each pound of total excess load if the  
17 excess is over 5,000 pounds.

18           \*~~0157/1.9~~\***SECTION 2217.** 348.21 (3g) (a) (intro.) of the statutes is amended  
19 to read:

20           348.21 (3g) (a) (intro.) For ~~a the first conviction or a 2nd conviction within a~~  
21 ~~12-month period~~, a forfeiture of not less than \$150 nor more than \$250 plus an  
22 amount equal to whichever of the following applies:

23           \*~~0157/1.10~~\***SECTION 2218.** 348.21 (3g) (b) (intro.) of the statutes is amended  
24 to read:



1 (b) The agreement has an initial term of 4 months or less and is renewable with  
2 each payment after the initial term.

3 (c) The agreement does not obligate or require the lessee to renew the  
4 agreement beyond the initial term.

5 (d) The agreement permits, but does not obligate, the lessee to acquire  
6 ownership of the rental property.

7 (5) “Rental–purchase company” means a person engaged in the business of  
8 entering into rental–purchase agreements in this state or acquiring rental–purchase  
9 agreements that are entered into in this state.

10 **420.02 Notice to the department.** (1) NOTICE. (a) Except as provided in  
11 par. (b), a rental–purchase company shall file notice with the department, in the form  
12 and manner prescribed by the department, within 30 days after commencing  
13 business in this state. A separate notice is required for each place of business  
14 maintained by the rental–purchase company.

15 (b) A rental–purchase company that generates less than 75 percent of its total  
16 revenues in this state from transactions involving rental–purchase agreements may  
17 elect not to file notice with the department under par. (a) and, upon informing the  
18 department of this election in a manner prescribed by the department, shall not be  
19 governed by the provisions of this chapter.

20 (2) FEE. For each location for which a notice is filed under sub. (1), the  
21 rental–purchase company shall pay to the department an annual fee of \$1,000. If a  
22 rental–purchase company fails to timely pay the annual fee, the department shall  
23 order the rental–purchase company to cease operating until the annual fee is paid.

1           **420.03 General requirements of disclosure. (1) FORM, LOCATION, SIZE, AND**  
2           **TIME OF DISCLOSURE.** The information that is required to be disclosed under s. 420.04  
3           shall satisfy all of the following:

4           (a) The information shall be clearly and conspicuously disclosed.

5           (b) The information shall be disclosed in writing.

6           (c) Except as provided in par. (f), the information shall be disclosed in the  
7           rental–purchase agreement above the line for the lessee’s signature. Multiple pages  
8           or backs of pages may be used as long as the face of the rental–purchase agreement  
9           is signed by the lessee and other pages are signed or initialed by the lessee.

10          (d) Except as provided in par. (f), the information shall be disclosed in not less  
11          than 8–point standard type.

12          (e) The information shall be disclosed before the time that the lessee becomes  
13          legally obligated under the rental–purchase agreement.

14          (f) The disclosures required by s. 420.04 (2), (3), (4), and (7) shall be printed in  
15          at least 10–point boldface type on the face of the rental–purchase agreement, and  
16          shall be grouped together in a box, in the form and order prescribed by the  
17          department.

18          **(2) ACCURACY OF DISCLOSURE.** The information required under s. 420.04 must  
19          be accurate as of the time that it is disclosed to the lessee. If any information  
20          subsequently becomes inaccurate as a result of any act, occurrence, or agreement by  
21          the lessee, the resulting inaccuracy is not a violation of any provision of this chapter  
22          relating to rental–purchase agreements.

23          **(3) COPY OF RENTAL–PURCHASE AGREEMENT.** The rental–purchase company shall  
24          provide the lessee with a copy of the completed rental–purchase agreement signed  
25          by the lessee. If more than one lessee is legally obligated under the same

1 rental-purchase agreement, delivery of a copy of the completed rental-purchase  
2 agreement to one of the lessees shall satisfy this subsection.

3 **420.04 Required provisions of rental-purchase agreement.** A  
4 rental-purchase company shall include all of the following information, to the extent  
5 applicable, in every rental-purchase agreement:

6 (1) DESCRIPTION. A brief description of the rental property, sufficient to identify  
7 the rental property to the lessee and the rental-purchase company, including any  
8 identification number, and a statement indicating whether the rental property is  
9 new or used. A statement that new rental property is used shall not be a violation  
10 of this subchapter.

11 (2) CASH PRICE. The cash price of the rental property.

12 (3) RENTAL PAYMENTS TO ACQUIRE OWNERSHIP. The total number, total dollar  
13 amount, and timing of all rental payments necessary to acquire ownership of the  
14 rental property, excluding any applicable taxes, application or processing charge,  
15 delivery fee, liability damage waiver fee, and fees for optional services.

16 (4) COST OF RENTAL SERVICES. The difference between the total dollar amount  
17 of payments necessary to acquire ownership of the rental property disclosed under  
18 sub. (3) and the cash price of the property disclosed under sub. (2). The  
19 rental-purchase company shall also include a statement substantially similar to the  
20 following: “The cost of rental services is the amount you will pay in addition to the  
21 cash price if you acquire ownership of the rented goods by making all payments  
22 necessary to acquire ownership.”

23 (5) PERIODIC PAYMENT. The rental payment and any applicable taxes and fees  
24 for optional services to which the lessee agrees.

1           **(6) UP-FRONT PAYMENT.** The total amount of the initial payment to be made by  
2 the lessee at the time that the rental–purchase agreement is executed or the rental  
3 property is delivered, including the initial rental payment, any application or  
4 processing charge, any delivery fee, and fees for other optional services to which the  
5 lessee agrees.

6           **(7) TOTAL PAYMENTS TO ACQUIRE OWNERSHIP.** The total of all charges to be paid  
7 by the lessee to acquire ownership of the rental property, which shall consist of the  
8 total dollar amount of all rental payments disclosed under sub. (3), and the total  
9 dollar amount of all required fees and taxes.

10          **(8) OTHER CHARGES.** An itemized description of any other charges or fees that  
11 the rental–purchase company may charge upon the occurrence of a contingency  
12 specified in the rental–purchase agreement, such as late fees.

13          **(9) SUMMARY OF EARLY–PURCHASE OPTION.** A statement summarizing the terms  
14 of the lessee’s options to acquire ownership of the rental property as provided in s.  
15 420.06 (3).

16          **(10) RESPONSIBILITY FOR THEFT OR DAMAGE.** A statement that, unless otherwise  
17 agreed, the lessee is responsible for the fair market value of the rental property,  
18 determined according to the early–purchase option formula under sub. (9), if the  
19 rental property is stolen, damaged, or destroyed while in the possession of or subject  
20 to the control of the lessee. The statement shall indicate that the fair market value  
21 will be determined as of the date on which the rental property is stolen, damaged,  
22 or destroyed.

23          **(11) SERVICE AND WARRANTY.** A statement that during the term of the rental–  
24 purchase agreement, the rental–purchase company is required to service the rental  
25 property and maintain it in good working condition, as long as no other person has

1 serviced the rental property. In lieu of servicing the rental property, the  
2 rental-purchase company may, at its option, replace the rental property with  
3 substitute property of comparable quality and condition. The rental-purchase  
4 company's obligation to provide service is limited to defects in the property not  
5 caused by improper use or neglect by the lessee or harmful conditions outside the  
6 control of the rental-purchase company or manufacturer.

7 **(12) TERMINATION AT OPTION OF LESSEE.** A statement that the lessee may  
8 terminate the agreement at any time without penalty by voluntarily surrendering  
9 or returning the rental property in good repair.

10 **(13) RIGHT TO REINSTATE.** A brief explanation of the lessee's right to reinstate  
11 a rental-purchase agreement under s. 420.07.

12 **(14) RENTAL, NOT PURCHASE.** A statement reading substantially as follows: "You  
13 are renting this property. You will not own the property until you make all payments  
14 necessary to acquire ownership or until you exercise your early-purchase option. If  
15 you do not make your payments as scheduled or exercise your early-purchase option,  
16 the rental-purchase company may repossess the property."

17 **(15) INFORMATION ABOUT RENTAL-PURCHASE COMPANY AND LESSEE.** The names of  
18 the rental-purchase company and the lessee, the rental-purchase company's  
19 business address and telephone number, the lessee's address, and the date on which  
20 the rental-purchase agreement is executed.

21 **(16) OPTIONAL SERVICES.** Space for a specific, separately signed or initialed,  
22 affirmative, written indication of the lessee's desire for any optional service for which  
23 a charge is assessed. The lessee's request must be obtained after a written disclosure  
24 of the cost of the optional service is made, and the disclosure of the cost and purpose  
25 of such service must be listed at or near the affirmation space. This requirement is

1 satisfied by a separate written agreement for an optional service that meets the  
2 requirements of this subsection.

3 **420.05 Prohibited provisions of rental–purchase agreements.** A  
4 rental–purchase agreement may not contain any of the following:

5 (1) CONFESSIOIN. A confession of judgment.

6 (2) REPOSSESSION. A provision authorizing a rental–purchase company, or an  
7 agent of the rental–purchase company, to enter the lessee’s residence without the  
8 lessee’s permission, or to commit a breach of the peace in the repossession of rental  
9 property provided by the rental–purchase company under the rental–purchase  
10 agreement.

11 (3) WAIVER. A waiver of a defense or counterclaim, a waiver of any right to  
12 assert any claim that the lessee may have against the rental–purchase company or  
13 an agent of the rental–purchase company, or a waiver of any provision of this chapter  
14 relating to rental–purchase agreements.

15 (4) OVERPAYMENT. A provision requiring rental payments totaling more than  
16 the total dollar amount of all rental payments necessary to acquire ownership, as  
17 disclosed in the rental–purchase agreement.

18 (5) INSURANCE. A provision requiring the lessee to purchase insurance from the  
19 rental–purchase company to insure the rental property.

20 (6) ATTORNEY FEES. A provision requiring the lessee to pay any attorney fees.

21 **420.06 Price and cost limitations.** (1) LIMITS ON CASH PRICES. The cash price  
22 for rental property offered by a rental–purchase company may not exceed the greater  
23 of the following:

24 (a) An amount equal to twice the actual purchase price of the rental property,  
25 including any applicable freight charges, paid by the rental–purchase company.

1 (b) The price at which property of like type and quality is offered, in the  
2 ordinary course of business, for sale for cash in the market area of the  
3 rental–purchase store where the property is offered for rental purchase.

4 (2) LIMITS ON COST OF RENTAL SERVICES AND OTHER CHARGES. The total amount  
5 charged by the rental–purchase company for all required charges or fees, excluding  
6 applicable taxes and any late fees or reinstatement fees, in a rental–purchase  
7 transaction shall not exceed twice the maximum cash price of the property as  
8 determined under sub. (1).

9 (3) ACQUISITION OF OWNERSHIP. At any time after the initial rental period under  
10 a rental–purchase agreement, if a lessee affirmatively elects an early–purchase  
11 option, the lessee may acquire ownership of the rental property by tendering an  
12 amount not to exceed 55 percent of the difference between the total of rental  
13 payments necessary to acquire ownership of the rental property and the total  
14 amount of rental payments paid for use of the rental property at that time, plus  
15 applicable taxes, except that the lessee’s early–purchase option amount may not be  
16 less than the amount of one rental payment. Before a lessee acquires ownership of  
17 the rental property as provided under this subsection, a rental–purchase company  
18 may first require the lessee to pay any accrued unpaid rental payments and fees.

19 (4) ANNUAL PERCENTAGE RATE DISCLOSURE NOT REQUIRED. A rental–purchase  
20 company shall not be required to disclose, in a rental–purchase agreement or  
21 otherwise, any percentage rate calculation, including a time–price differential, an  
22 annual percentage rate, or an effective annual percentage rate.

23 **420.07 Reinstatement of a rental–purchase agreement. (1)**

24 REINSTATEMENT GENERALLY. Subject to sub. (2), a lessee may reinstate a

1 rental-purchase agreement that has ended without losing any rights or options  
2 previously acquired if all of the following apply:

3 (a) The lessee voluntarily returned or surrendered the rental property within  
4 7 days after the expiration of the rental-purchase agreement.

5 (b) Not more than 120 days have passed after the date on which the  
6 rental-purchase agreement ended.

7 **(2) AUTHORIZED CONDITIONS ON REINSTATEMENT.** As a condition of reinstatement  
8 under sub. (1), the rental-purchase company may require the payment of all  
9 past-due rental charges, any applicable late fees, a reinstatement fee not to exceed  
10 \$5, and the rental payment for the next term.

11 **(3) EFFECT OF REPOSSESSION ON REINSTATEMENT.** Subject to s. 420.05 (2), nothing  
12 in this section prohibits a rental-purchase company from repossessing or attempting  
13 to repossess rental property when a rental-purchase agreement ends, but such  
14 efforts do not affect the lessee's right to reinstate as long as the rental property is  
15 voluntarily returned or surrendered within 7 days after the rental-purchase  
16 agreement ends.

17 **(4) PROPERTY AVAILABLE UPON REINSTATEMENT.** Upon reinstatement, the  
18 rental-purchase company shall provide the lessee with the same rental property, if  
19 the property is available and is in the same condition as when it was returned to the  
20 rental-purchase company, or with substitute property of comparable quality and  
21 condition.

22 **(5) NOTICE OF REINSTATEMENT RIGHTS.** If the lessee is entitled to reinstatement  
23 under subs. (1) and (2), within 15 days of repossession or voluntary return or  
24 surrender of the rental property, the rental-purchase company shall provide written  
25 notice to the lessee of the lessee's rights and obligations under this section.

1           **420.08 Receipts and statements. (1) RECEIPTS.** A rental–purchase company  
2 shall provide a written receipt to the lessee for any payment made by the lessee in  
3 cash or, upon the request of the lessee, for any other type of payment.

4           **(2) STATEMENT DUE TO LESSEE.** Subject to sub. (4), upon the request of a lessee,  
5 a rental–purchase company shall provide a written statement to the lessee showing  
6 the lessee’s payment history on each rental–purchase agreement between the lessee  
7 and the rental–purchase company. A rental–purchase company is not required to  
8 provide a statement covering any rental–purchase agreement that ended more than  
9 one year prior to the date of the lessee’s request. A rental–purchase company may  
10 provide a single statement covering all rental–purchase agreements or separate  
11 statements for each rental–purchase agreement, at the rental–purchase company’s  
12 option.

13           **(3) STATEMENT DUE TO OTHER PARTIES.** Subject to sub. (4), upon the written  
14 request of a lessee, made during the term of or no later than one year after the  
15 rental–purchase agreement ended, a rental–purchase company shall provide a  
16 written statement to any person the lessee designates, showing the lessee’s payment  
17 history under the rental–purchase agreement.

18           **(4) FEE FOR STATEMENT.** A lessee or, if appropriate, a lessee’s designee, is entitled  
19 to receive one statement under subs. (2) and (3) without charge once every 12  
20 months. A rental–purchase company shall provide an additional statement if the  
21 lessee pays the rental–purchase company’s reasonable costs of preparing and  
22 furnishing the statement.

23           **420.09 Advertising disclosure required.** If an advertisement for a  
24 rental–purchase agreement states the amount of a payment for a specific item of

1 property, the advertisement shall also clearly and conspicuously state all of the  
2 following:

3 (1) That the transaction advertised is a rental–purchase agreement.

4 (2) The total number and total dollar amount of all rental payments necessary  
5 to acquire ownership of the property.

6 (3) That the lessee does not acquire ownership of the property if the lessee fails  
7 to make all payments necessary to acquire ownership of the property.

8 **420.10 Price cards displayed.** (1) PRICE CARDS GENERALLY. Except as  
9 provided in sub. (2), a card or tag that clearly and conspicuously states all of the  
10 following shall be displayed on or next to any property displayed or offered by a  
11 rental–purchase company for rent under a rental–purchase agreement:

12 (a) The cash price that a lessee would pay to purchase the property.

13 (b) The amount and timing of the rental payments.

14 (c) The total number and total amount of all rental payments necessary to  
15 acquire ownership of the property under a rental–purchase agreement.

16 (d) The cost of rental services under a rental–purchase agreement.

17 (e) Whether the property is new or used.

18 (2) EXCEPTIONS. If property is offered for rent under a rental–purchase  
19 agreement through a catalog, whether print or electronic, or if the size of the property  
20 is such that displaying a card or tag on or next to the property would be impractical,  
21 a rental–purchase company may make the disclosures required under sub. (1) in a  
22 catalog, list, or disclosure sheet if the catalog, list, or disclosure sheet is readily  
23 available to prospective lessees and provided upon request.

24 **420.11 Rule making.** The department may promulgate rules to administer  
25 and enforce the requirements of this chapter.

1           **420.12 Penalties.** (1) AWARD OF DAMAGES. Subject to sub. (3), a  
2 rental–purchase company that violates any provision of this chapter, rule  
3 promulgated under this chapter, or order issued under this chapter pertaining to a  
4 lessee is liable to the lessee in an amount equal to the greater of the following:

5           (a) The actual damages sustained by the lessee as a result of the violation.

6           (b) If the action is not brought as a class action, 25 percent of the total payments  
7 necessary for the lessee to acquire ownership of the rental property, but not less than  
8 \$100 nor more than \$1,000.

9           (c) If the action is brought as a class action, the amount the court determines  
10 to be appropriate, subject to sub. (2).

11           (2) DAMAGE LIMITATIONS IN CLASS ACTIONS. The total recovery by all lessees in  
12 any class action or series of class actions arising out of the same violation may not  
13 be more than the lesser of \$500,000 or 1 percent of the net worth of the  
14 rental–purchase company. In determining the amount of any award in a class action,  
15 the court shall consider, among other relevant factors, the amount of actual damages  
16 awarded, the frequency and persistence of the violation, the rental–purchase  
17 company’s resources, and the extent to which the rental–purchase company’s  
18 violation was intentional.

19           (3) UNINTENTIONAL VIOLATIONS. A rental–purchase company is not liable for any  
20 violation of this chapter if the rental–purchase company shows by a preponderance  
21 of the evidence that the violation was not intentional and resulted from a bona fide  
22 error, and the rental–purchase company maintained procedures reasonably adapted  
23 to avoid such an error.

24           (4) COSTS AND ATTORNEY FEES. If a court awards any monetary amount under  
25 sub. (1) to a lessee, the rental–purchase company shall also be liable to the lessee for

1 the costs of the action and, notwithstanding s. 814.04 (1), for reasonable attorney fees  
2 as determined by the court.

3 **420.13 Inapplicability of Consumer Act and ch. 409.** A rental–purchase  
4 company that has filed notice as provided under s. 420.02 (1) is not subject to the  
5 Wisconsin Consumer Act, chs. 421 to 427, or any related rule or order adopted under  
6 chs. 421 to 427, or to any provision of ch. 409, and any rental–purchase agreement  
7 entered into by such a rental–purchase company may not be construed or regulated  
8 as a security interest, credit sale, retail installment sale, conditional sale, or any  
9 other form of consumer credit, nor considered to be the creation of a debt or extension  
10 of credit.

11 **\*-1326/1.3\*SECTION 2221.** 421.202 (11) of the statutes is created to read:

12 421.202 (11) Any rental–purchase company that has filed notice as provided  
13 under s. 420.02 (1) and any rental–purchase agreement entered into by a such a  
14 rental–purchase company.

15 **\*-0221/P3.16\*SECTION 2222.** 440.03 (7m) of the statutes is amended to read:

16 440.03 (7m) The department may promulgate rules that establish procedures  
17 for submitting an application for a credential or credential renewal by electronic  
18 transmission. Any rules promulgated under this subsection shall specify procedures  
19 for complying with any requirement that a fee be submitted with the application.  
20 The rules may also waive any requirement in chs. 440 to 480 that an application  
21 submitted to the department, an examining board or an affiliated credentialing  
22 board be executed, verified, signed, sworn or made under oath, notwithstanding ss.  
23 440.26 (2) (b), ~~440.42 (2) (intro.)~~, 440.91 (2) (intro.), 443.06 (1) (a), 443.10 (2) (a),  
24 445.04 (2), 445.08 (4), 445.095 (1) (a), 448.05 (7), 450.09 (1) (a), 452.10 (1) and 480.08  
25 (2m).

**SECTION 2223**

1           \***-0221/P3.17\*SECTION 2223.** 440.03 (13) (b) 29. of the statutes is repealed.

2           \***-0221/P3.18\*SECTION 2224.** 440.03 (13) (b) 57m. of the statutes is repealed.

3           \***-0221/P3.19\*SECTION 2225.** 440.03 (13) (b) 58. of the statutes is repealed.

4           \***-0221/P3.20\*SECTION 2226.** 440.05 (intro.) of the statutes is amended to  
5 read:

6           **440.05 Standard fees.** (intro.) The following standard fees apply to all initial  
7 credentials, except as provided in ss. ~~440.42, 440.43, 440.44, 440.51, 444.03, 444.11,~~  
8 446.02 (2) (c), 447.04 (2) (c) 2., 449.17 (1m) (d), and 449.18 (2) (d):

9           \***-0221/P3.21\*SECTION 2227.** 440.08 (2) (a) 23m. of the statutes is repealed.

10          \***-0221/P3.22\*SECTION 2228.** 440.08 (2) (a) 35m. of the statutes is repealed.

11          \***-0221/P3.23\*SECTION 2229.** 440.08 (2) (a) 63p. of the statutes is repealed.

12          \***-0221/P3.24\*SECTION 2230.** 440.08 (2) (a) 63t. of the statutes is repealed.

13          \***-0221/P3.25\*SECTION 2231.** Subchapter IV (title) of chapter 440 [precedes  
14 440.41] of the statutes is renumbered subchapter II (title) of chapter 202 [precedes  
15 202.11].

16          \***-0221/P3.26\*SECTION 2232.** 440.41 (intro.) of the statutes is renumbered  
17 202.11 (intro.).

18          \***-0221/P3.27\*SECTION 2233.** 440.41 (1) of the statutes is renumbered 202.11  
19 (1).

20          \***-0221/P3.28\*SECTION 2234.** 440.41 (2) (intro.) of the statutes is renumbered  
21 202.11 (2) (intro.).

22          \***-0221/P3.29\*SECTION 2235.** 440.41 (2) (a) of the statutes is renumbered  
23 202.11 (2) (a).

24          \***-0221/P3.30\*SECTION 2236.** 440.41 (2) (b) of the statutes is renumbered  
25 202.11 (2) (b) and amended to read:

1           202.11 (2) (b) A benevolent, educational, philanthropic, humane, scientific,  
2           patriotic, social welfare or advocacy, public health, environmental conservation,  
3           civic, or other eleemosynary objective.

4           \*~~0221/P3.31~~\*SECTION 2237. 440.41 (3) of the statutes is renumbered 202.11  
5           (3) and amended to read:

6           202.11 (3) “Charitable sales promotion” means an advertising or sales  
7           campaign, that is conducted by a person who is regularly and primarily engaged in  
8           trade or commerce for profit other than in connection with soliciting, ~~which and that~~  
9           represents that the purchase or use of goods or services offered will benefit, in whole  
10          or in part, a charitable organization or charitable purpose.

11          \*~~0221/P3.32~~\*SECTION 2238. 440.41 (4) of the statutes is renumbered 202.11  
12          (4).

13          \*~~0221/P3.33~~\*SECTION 2239. 440.41 (5) of the statutes is renumbered 202.11  
14          (5) (intro.) and amended to read:

15          202.11 (5) (intro.) “Contribution” means a grant or pledge of money, credit,  
16          property, or other thing of any kind or value, except used clothing or household goods,  
17          to a charitable organization or for a charitable purpose. “Contribution” does not  
18          include income from ~~bingo~~ any of the following:

19                (a) Bingo or raffles conducted under ch. 563, ~~a.~~

20                (b) A government grant, ~~or a.~~

21                (c) A bona fide fee, due, or assessment paid by a member of a charitable  
22          organization, except that, if initial membership in a charitable organization is  
23          conferred solely as consideration for making a grant or pledge of money to the  
24          charitable organization in response to a solicitation, ~~the~~ that grant or pledge of  
25          money is a contribution.

## SECTION 2240

1           \*~~0221/P3.34~~SECTION 2240. 440.41 (6) of the statutes is renumbered 202.11  
2 (6) (intro.) and amended to read:

3           202.11 (6) (intro.) “Fund-raising counsel” means a person who, for  
4 compensation, plans, manages, advises, consults, or prepares material for, or with  
5 respect to, solicitation in this state for a charitable organization, but who does not  
6 solicit ~~and who does not~~ in this state or employ, engage, or provide any person who  
7 is paid to solicit ~~contributions~~ in this state. “Fund-raising counsel” does not include  
8 ~~an~~ any of the following:

9           (a) An attorney, investment counselor, or employee of a financial institution  
10 who, in the normal course of his or her work as an attorney, investment counselor,  
11 or employee of a financial institution, advises a person to make a contribution ~~or a~~.

12           (b) A bona fide employee, volunteer, or salaried officer of a charitable  
13 organization.

14           \*~~0221/P3.35~~SECTION 2241. 440.41 (7) of the statutes is renumbered 202.11  
15 (7) (intro.) and amended to read:

16           202.11 (7) (intro.) “Professional fund-raiser” means a person who, for  
17 compensation, solicits in this state or employs, engages, or provides, directly or  
18 indirectly, another person who is paid to solicit in this state. “Professional  
19 fund-raiser” does not include ~~an~~ any of the following:

20           (a) An attorney, investment counselor, or employee of a financial institution  
21 who, in the normal course of his or her work as an attorney, investment counselor,  
22 or employee of a financial institution, advises a person to make a charitable  
23 contribution, ~~a~~.

24           (b) A bona fide employee, volunteer, wholly owned subsidiary, or salaried officer  
25 of a charitable organization, ~~an~~.

1           (c) An employee of a temporary help agency who is placed with a charitable  
2 organization ~~or a~~.

3           (d) A bona fide employee of a person who employs another person to solicit in  
4 this state.

5           \*~~0221/P3.36~~\*SECTION 2242. 440.41 (8) of the statutes is renumbered 202.11  
6 (8).

7           \*~~0221/P3.37~~\*SECTION 2243. 440.41 (9) (intro.) of the statutes is renumbered  
8 202.11 (9) (intro.).

9           \*~~0221/P3.38~~\*SECTION 2244. 440.41 (9) (a) of the statutes is renumbered  
10 202.11 (9) (a).

11           \*~~0221/P3.39~~\*SECTION 2245. 440.41 (9) (b) of the statutes is renumbered  
12 202.11 (9) (b) and amended to read:

13           202.11 (9) (b) An announcement to the news media or by radio, television,  
14 telephone, telegraph, or other transmission of images or information concerning ~~the~~  
15 a request for contributions a contribution by or for a charitable organization or for  
16 a charitable purpose.

17           \*~~0221/P3.40~~\*SECTION 2246. 440.41 (9) (c) of the statutes is renumbered  
18 202.11 (9) (c) and amended to read:

19           202.11 (9) (c) The distribution or posting of a handbill, written advertisement,  
20 or other publication ~~which~~ that directly or by implication seeks ~~contributions a~~  
21 contribution.

22           \*~~0221/P3.41~~\*SECTION 2247. 440.41 (9) (d) (intro.) of the statutes is  
23 renumbered 202.11 (9) (d) (intro.) and amended to read:

24           202.11 (9) (d) (intro.) The sale of, or offer or attempt to sell, a membership or  
25 an advertisement, advertising space, book, card, tag, coupon, device, magazine,

1 merchandise, subscription, flower, ticket, candy, cookie, or other tangible item in  
2 connection with any of the following:

3 ~~\*-0221/P3.42~~**SECTION 2248.** 440.41 (9) (d) 1. of the statutes is renumbered  
4 202.11 (9) (d) 1.

5 ~~\*-0221/P3.43~~**SECTION 2249.** 440.41 (9) (d) 2. of the statutes is renumbered  
6 202.11 (9) (d) 2.

7 ~~\*-0221/P3.44~~**SECTION 2250.** 440.41 (9) (d) 3. of the statutes is renumbered  
8 202.11 (9) (d) 3.

9 ~~\*-0221/P3.45~~**SECTION 2251.** 440.41 (10) of the statutes is renumbered 202.11  
10 (10).

11 ~~\*-0221/P3.46~~**SECTION 2252.** 440.42 of the statutes is renumbered 202.12, and  
12 202.12 (1) (b) 3., (c) and (d), (2) (b), (c), (g) and (L) 1. and 2., (3) (a) 2., (5) (a) 1., 2., 3.,  
13 3m. and 5. and (7) (a), (b) and (c), as renumbered, are amended to read:

14 202.12 (1) (b) 3. Pays to the department a ~~\$15~~ the registration fee determined  
15 by the department under s. 202.08.

16 (c) The department shall issue a certificate of registration to each charitable  
17 organization that is registered under this subsection. Renewal applications shall be  
18 submitted to the department, ~~on in a form provided and manner prescribed~~ by the  
19 department, on or before the expiration date specified in s. 440.08 (2) (a) by August  
20 1 of each year and shall include a registration statement that complies with sub. (2)  
21 and the renewal fee determined by the department under s. ~~440.03 (9) (a)~~ 202.08.

22 (d) ~~Within 20 days after receiving~~ Upon the department's review of an  
23 application for registration or for renewal of a registration under this subsection, the  
24 department shall notify the charitable organization of any deficiencies in the  
25 application, registration statement, or fee payment.

1           (2) (b) The address and telephone number, and electronic mail address, if  
2           available of the charitable organization and the address and telephone number of  
3           any offices in this state or, if the charitable organization does not have an address,  
4           the name, address, and telephone number of the person having custody of its  
5           financial records.

6           (c) The names and the addresses of the officers, directors ~~and~~, trustees, and ~~the~~  
7           principal salaried employees of the charitable organization.

8           (g) A statement of whether the charitable organization has ever had its  
9           authority to solicit denied, suspended, revoked, or enjoined by a court or other  
10          governmental authority.

11          (L) 1. A copy of the charitable organization's charter, articles of organization,  
12          agreement of association, instrument of trust, constitution, or other organizational  
13          instrument and bylaws.

14          2. A statement of the place where and the date when the charitable  
15          organization was legally established, the form of its organization, and whether it has  
16          tax-exempt status.

17          (3) (a) 2. A statement of support, revenue, expenses, and changes in fund  
18          balance.

19          (5) (a) 1. A person that is exempt from filing a federal annual information  
20          return under section 6033 (a) ~~(2)~~ (3) (A) (i) and (iii) and (C) (i) of the ~~internal revenue~~  
21          code Internal Revenue Code.

22          2. A candidate for national, state, or local office or a political party or other  
23          committee or group required to file financial information with the federal elections  
24          commission or a filing officer under s. 11.02.

1           3. Except as provided in par. (b) and in rules promulgated under sub. (8), a  
2 charitable organization ~~which~~ that does not intend to raise or receive contributions  
3 in excess of \$5,000 during a fiscal year, if all of its functions, including solicitation,  
4 are performed by persons who are unpaid for their services and if no part of its assets  
5 or income inures to the benefit of, or is paid to, any officer or member of the charitable  
6 organization.

7           3m. A fraternal, civic, benevolent, patriotic, or social organization that solicits  
8 contributions solely from its membership.

9           5. A nonprofit, postsecondary educational institution accredited by a regional  
10 accrediting agency or association approved under 20 USC 1099b, or an educational  
11 institution and its authorized charitable foundations ~~which~~ that solicit contributions  
12 only from its students and their families, alumni, faculty, trustees, corporations,  
13 foundations, and patients.

14           (7) (a) Before a fund-raising counsel performs any material services for a  
15 charitable organization that is required to be registered under sub. (1), the charitable  
16 organization shall contract in writing with the fund-raising counsel, except as  
17 provided in par. (c). Requirements for the contract are specified in s. ~~440.43~~ 202.13  
18 (3).

19           (b) Before a professional fund-raiser performs any material services for a  
20 charitable organization that is required to be registered under sub. (1), the charitable  
21 organization shall contract in writing with the professional fund-raiser.  
22 Requirements for the contract are specified in s. ~~440.44~~ 202.14 (4).

23           (c) Paragraph (a) does not apply if the fund-raising counsel is exempt under  
24 s. ~~440.43~~ 202.13 (6) from contracting in writing with the charitable organization.

1           \*~~0221/P3.47~~**SECTION 2253.** 440.43 of the statutes is renumbered 202.13, and  
2           202.13 (1) (a), (b) 3. and (c), (3), (5) and (6), as renumbered, are amended to read:

3           202.13 (1) (a) Except as provided in sub. (6), no fund-raising counsel may at  
4           any time have custody of contributions from a solicitation for a charitable  
5           organization that is required to be registered under s. ~~440.42~~ 202.12 (1) unless the  
6           fund-raising counsel is registered with the department under this subsection.

7           (b) 3. Pays to the department a ~~\$50~~ the registration fee determined by the  
8           department under s. 202.08, except that no registration fee is required under this  
9           subdivision for an individual who is eligible for the veterans fee waiver program  
10          under s. 45.44.

11          (c) The department shall issue a certificate of registration to each fund-raising  
12          counsel that is registered under this subsection. Renewal applications shall be  
13          submitted to the department, ~~on in~~ a form provided and manner prescribed by the  
14          department, ~~on or before the date specified in s. 440.08 (2) (a) by September 1 of each~~  
15          even-numbered year and shall include the renewal fee determined by the  
16          department under s. ~~440.03 (9) (a)~~ 202.08 and evidence satisfactory to the  
17          department that the fund-raising counsel maintains a bond that is approved under  
18          sub. (2).

19          (3) CONTRACT. Except as provided in sub. (6), before a fund-raising counsel  
20          performs any material services for a charitable organization that is required to be  
21          registered under s. ~~440.42~~ 202.12 (1), the charitable organization and the  
22          fund-raising counsel shall contract in writing, and the fund-raising counsel shall  
23          file the contract with the department. The contract shall contain information that  
24          will enable the department to identify the services that the fund-raising counsel is

1 to provide, including whether the fund-raising counsel will at any time have custody  
2 of contributions.

3 (5) DEPARTMENT DISCLOSURE. The department shall not disclose information  
4 under sub. (4) (c) 1. except to the extent necessary for investigative or law  
5 enforcement purposes and except that the department may, if requested under s.  
6 49.22 (2m), disclose information regarding the name, address, or employer of or  
7 financial information related to an individual to the department of children and  
8 families or a county child support agency under s. 59.53 (5).

9 (6) EXCEPTIONS. This section does not apply to a fund-raising counsel who does  
10 not intend to earn more than \$1,000 per year as a fund-raising counsel, except that  
11 a fund-raising counsel who does not intend to earn more than \$1,000 but does earn  
12 more than \$1,000 in a year shall, beginning 30 days after actually earning more than  
13 \$1,000 in a year, comply with sub. (3) and, if the fund-raising counsel at any time has  
14 custody of contributions for a charitable organization that is required to be registered  
15 under s. ~~440.42~~ 202.12 (1), register under sub. (1).

16 \*~~0221/P3.48~~ **SECTION 2254.** 440.44 of the statutes is renumbered 202.14, and  
17 202.14 (1) (a), (b) 3., (c) and (d), (3) (intro.), (4) (a), (7), (8), (9) (a) 2. and (10), as  
18 renumbered, are amended to read:

19 202.14 (1) (a) No professional fund-raiser may solicit in this state for a  
20 charitable organization that is required to be registered under s. ~~440.42~~ 202.12 (1)  
21 unless the professional fund-raiser is registered under this subsection.

22 (b) 3. Pays to the department a \$50 the registration fee determined by the  
23 department under s. 202.08, except that no registration fee is required under this  
24 subdivision for an individual who is eligible for the veterans fee waiver program  
25 under s. 45.44.

1 (c) The department shall issue a certificate of registration to each professional  
2 fund-raiser that is registered under this subsection. Renewal applications shall be  
3 submitted to the department, ~~on in~~ a form ~~provided~~ and manner prescribed by the  
4 department, ~~on or before the date specified in s. 440.08 (2) (a) by September 1 of each~~  
5 even-numbered year and shall include the renewal fee determined by the  
6 department under s. ~~440.03 (9) (a)~~ 202.08 and evidence satisfactory to the  
7 department that the professional fund-raiser maintains a bond that is approved  
8 under sub. (2).

9 (d) ~~Within 20 days after receiving~~ Upon the department's review of an  
10 application for registration or for renewal of a registration under this subsection, the  
11 department shall notify the professional fund-raiser of any deficiencies in the  
12 application, bond, or fee payment.

13 (3) (intro.) Before performing services under a contract with a charitable  
14 organization that is required to be registered under s. ~~440.42~~ 202.12 (1), a  
15 professional fund-raiser shall file with the department a completed solicitation  
16 notice in the form and manner prescribed by the department. The charitable  
17 organization on whose behalf the professional fund-raiser is acting shall file with the  
18 department a written confirmation that the solicitation notice and any  
19 accompanying material are true and complete to the best of its knowledge. The  
20 solicitation notice shall include all of the following:

21 (4) (a) A professional fund-raiser and a charitable organization that is  
22 required to be registered under s. ~~440.42~~ 202.12 (1) shall enter into a written contract  
23 that clearly states the respective obligations of the professional fund-raiser and the  
24 charitable organization and states the amount of gross revenue, raised under the  
25 contract, that the charitable organization will receive. The amount of the gross

1 revenue that the charitable organization will receive shall be expressed as a fixed  
2 percentage of the gross revenue or as an estimated percentage of the gross revenue,  
3 as provided in pars. (b) to (d).

4 (7) FINANCIAL REPORT. Within 90 days after completing services under a  
5 contract described in sub. (4), and on the anniversary of the signing of a contract  
6 described under sub. (4) lasting more than one year, the professional fund-raiser  
7 shall, if the charitable organization is required to be registered under s. ~~440.42~~  
8 202.12 (1), account in writing to the charitable organization for all contributions  
9 received and all expenses incurred under the contract. The charitable organization  
10 shall retain the accounting for at least 3 years and make it available to the  
11 department upon request.

12 (8) DEPOSITING CONTRIBUTIONS. A professional fund-raiser shall deposit, in its  
13 entirety, a contribution of money received by the professional fund-raiser, on behalf  
14 of a charitable organization required to be registered under s. ~~440.42~~ 202.12 (1), in  
15 an account at a financial institution within 5 days after its receipt. The account shall  
16 be in the name of the charitable organization. The charitable organization shall have  
17 sole control of all withdrawals from the account.

18 (9) (a) 2. The name and residence address of each employee, agent, or other  
19 person involved in the solicitation.

20 (10) NONDISCLOSURE. The department may not disclose information under sub.  
21 (9) (a) 1. to any person except to the extent necessary for investigative or law  
22 enforcement purposes and except that the department may, if requested under s.  
23 49.22 (2m), disclose information regarding the name, address, or employer of or  
24 financial information related to an individual to the department of children and  
25 families or a county child support agency under s. 59.53 (5).

1           \*~~0221/P3.49~~**SECTION 2255.** 440.45 of the statutes is renumbered 202.15 and  
2 amended to read:

3           **202.15 Charitable sales promotions.** If a commercial coventurer conducts  
4 a charitable sales promotion on behalf of a charitable organization that is required  
5 to be registered under s. ~~440.42~~ 202.12 (1), the commercial coventurer shall disclose  
6 in each advertisement for the charitable sales promotion the dollar amount, or  
7 percentage of price, per unit of goods or services purchased or used that will benefit  
8 the charitable organization or charitable purpose. If the actual dollar amount or  
9 percentage cannot reasonably be determined on the date of the advertisement, the  
10 commercial coventurer shall disclose an estimated dollar amount or percentage. The  
11 estimate shall be based upon all of the relevant facts known to the commercial  
12 coventurer and to the charitable organization regarding the charitable sales  
13 promotion.

14           \*~~0221/P3.50~~**SECTION 2256.** 440.455 of the statutes is renumbered 202.155,  
15 and 202.155 (1) (intro.) and (b), (2) and (3) (intro.), as renumbered, are amended to  
16 read:

17           202.155 (1) (intro.) Except as provided in sub. (4), if a professional fund-raiser  
18 or unpaid solicitor solicits a contribution for a charitable organization that is  
19 required to be registered under s. ~~440.42~~ 202.12 (1), the professional fund-raiser or  
20 unpaid solicitor shall, at the time of the solicitation or with a written confirmation  
21 of a solicitation, prior to accepting a contribution, make the following disclosures to  
22 the person from whom the contribution is solicited:

23           (b) That a financial statement of the charitable organization disclosing assets,  
24 liabilities, fund balances, revenue, and expenses for the preceding fiscal year will be  
25 provided to the person upon request.

**SECTION 2256**

1           (2) The financial statement under sub. (1) (b) shall, at a minimum, divide  
2 expenses into categories of management and general, program services and  
3 fund-raising. If the charitable organization is required to file an annual financial  
4 report under s. ~~440.42~~ 202.12 (3) (a), the financial statement under sub. (1) (b) shall  
5 be consistent with that annual financial report.

6           (3) (intro.) In addition to the requirements under subs. (1) and (2), except as  
7 provided in sub. (4), if a professional fund-raiser solicits on behalf of a charitable  
8 organization that is required to be registered under s. ~~440.42~~ 202.12 (1), all of the  
9 following apply:

10           \*~~0221/P3.51~~\***SECTION 2257.** 440.46 of the statutes is renumbered 202.16, and  
11 202.16 (1) (intro.), (b), (c), (e) and (g), as renumbered, are amended to read:

12           202.16 (1) (intro.) No person may, in the planning, management, or execution  
13 of a solicitation or charitable sales promotion, do any of the following:

14           (b) Imply that a contribution is for or on behalf of a charitable organization or  
15 use any emblem, device, or printed matter belonging to or associated with a  
16 charitable organization without first being authorized in writing to do so by the  
17 charitable organization.

18           (c) Use a name, symbol, or statement so closely related or similar to that used  
19 by another charitable organization that the use of the name, symbol, or statement  
20 would tend to confuse or mislead a person being solicited.

21           (e) Lead anyone in any manner to believe that another person sponsors,  
22 endorses, or approves a solicitation or charitable sales promotion if the other person  
23 has not sponsored, endorsed, or approved the solicitation or charitable sales  
24 promotion in writing.

1 (g) Represent directly or by implication that a charitable organization will  
2 receive a fixed or estimated percentage of the gross revenue raised greater than that  
3 established under s. ~~440.44~~ 202.14 (4).

4 \*~~0221/P3.52~~**SECTION 2258.** 440.47 of the statutes is renumbered 202.17, and  
5 202.17 (1), (2), (3) and (5), as renumbered, are amended to read:

6 202.17 (1) PUBLIC RECORDS. Except as provided in ss. ~~440.43~~ 202.13 (5) and  
7 ~~440.44~~ 202.14 (10), registration statements, applications, reports, contracts, and  
8 agreements of charitable organizations, fund-raising counsel, professional  
9 fund-raisers, and unpaid solicitors and all other documents and information  
10 retained by or filed with the department under this subchapter are available for  
11 inspection or copying under s. 19.35 (1).

12 (2) FISCAL RECORDS; INSPECTION; RETENTION. All charitable organizations,  
13 fund-raising counsels, professional fund-raisers, and unpaid solicitors shall keep  
14 true records concerning activities regulated by this subchapter in a form that will  
15 enable them accurately to provide the information required by this subchapter.  
16 Upon demand, those records shall be made available to the department for  
17 inspection and copying. The records shall be retained by the charitable organization,  
18 fund-raising counsel, professional fund-raiser, or unpaid solicitor for at least 3 years  
19 after the end of the fiscal year to which they relate.

20 (3) EXCHANGE OF INFORMATION. The department may exchange with the  
21 appropriate authority of any other state or of the United States information with  
22 respect to charitable organizations, fund-raising counsel, professional fund-raisers,  
23 unpaid solicitors, and commercial coventurers.

24 (5) SUBSTITUTE SERVICE UPON DEPARTMENT ~~OF FINANCIAL INSTITUTIONS.~~ A  
25 charitable organization, fund-raising counsel, professional fund-raiser, or

1 commercial coventurer that has its principal place of business outside of this state  
2 or is organized under laws other than the laws of this state and that is subject to this  
3 subchapter shall be considered to have irrevocably appointed the department of  
4 ~~financial institutions~~ as its agent for the service of process or notice directed to the  
5 charitable organization, fund-raising counsel, professional fund-raiser, or  
6 commercial coventurer or to any of its partners, principal officers, or directors in an  
7 action or proceeding brought under this subchapter. Service of process or notice upon  
8 the department of ~~financial institutions~~ shall be made by personally delivering to  
9 and leaving with the department of ~~financial institutions~~ a copy of the process or  
10 notice. That service shall be sufficient service if the department of ~~financial~~  
11 ~~institutions~~ immediately sends notice of the service and a copy of the process or notice  
12 to the charitable organization, fund-raising counsel, professional fund-raiser,  
13 commercial coventurer, or other person to whom it is directed by registered mail,  
14 with return receipt requested, at the last address known to the department of ~~of~~  
15 ~~financial institutions~~.

16 \*~~0221/P3.53~~\*SECTION 2259. 440.475 of the statutes is repealed.

17 \*~~0221/P3.54~~\*SECTION 2260. 440.48 of the statutes is renumbered 202.18, and  
18 202.18 (1) (b), (c) 1. and 2. (intro.) and a., (d) and (e), as renumbered, are amended  
19 to read:

20 202.18 (1) (b) Upon finding that a person has violated this subchapter or the  
21 applicable rules promulgated under s. 202.095 or this subchapter, the court may  
22 make any necessary order or judgment, including but not limited to injunctions,  
23 restitution, and, notwithstanding s. 814.04, award of reasonable attorney fees and  
24 costs of investigation and litigation, and, except as provided in par. (c), may impose  
25 a forfeiture of not less than \$100 nor more than \$10,000 for each violation.

1 (c) 1. A person who violates s. ~~440.47~~ 202.17 (4) (b) may be required to forfeit  
2 not more than \$5,000, unless the person establishes reasonable cause for the  
3 violation.

4 2. (intro.) A person who, with intent to avoid, prevent, or interfere with a civil  
5 investigation under this subsection, does any of the following may be required to  
6 forfeit not more than \$5,000:

7 a. Alters or by any other means falsifies, removes from any place, conceals,  
8 withholds, destroys, or mutilates any documentary material in the possession,  
9 custody, or control of a person subject to notice of the taking of testimony or  
10 examination of documents under s. ~~440.47~~ 202.17 (4).

11 (d) A charitable organization, fund-raising counsel, professional fund-raiser,  
12 commercial coventurer, or any other person who violates the terms of an injunction  
13 or other order entered under this subsection may be required to forfeit, in addition  
14 to all other remedies, not less than \$1,000 nor more than \$10,000 for each violation.  
15 The department of justice may recover the forfeiture in a civil action. Each separate  
16 violation of an order entered under this subsection is a separate offense, except that  
17 each day of a violation through continuing failure to obey an order is a separate  
18 offense.

19 (e) No charitable organization may indemnify an officer, employee, or director  
20 for any costs, fees, restitution, or forfeitures assessed against that individual by the  
21 court under par. (b), (c), or (d) unless the court determines that the individual acted  
22 in good faith and reasonably believed the conduct was in or not opposed to the best  
23 interests of the charitable organization.

24 **\*-0469/1.58\*SECTION 2261.** Subchapter VI (title) of chapter 440 [precedes  
25 440.55] of the statutes is created to read:

**CHAPTER 440****SUBCHAPTER VI****EDUCATIONAL APPROVAL BOARD**

**\*-0469/1.59\*SECTION 2262.** Subchapter VI of chapter 440 [precedes 440.60] of the statutes is renumbered Subchapter VII of chapter 440.

**\*-0469/1.60\*SECTION 2263.** Subchapter VII of chapter 440 [precedes 440.70] of the statutes is renumbered Subchapter VIII of chapter 440.

**\*-0469/1.61\*SECTION 2264.** Subchapter VIII of chapter 440 [precedes 440.88] of the statutes is renumbered Subchapter IX of chapter 440.

**\*-0469/1.62\*SECTION 2265.** Subchapter IX of chapter 440 [precedes 440.90] of the statutes is renumbered Subchapter X of chapter 440.

**\*-0469/1.63\*SECTION 2266.** Subchapter X of chapter 440 [precedes 440.96] of the statutes is renumbered Subchapter XI of chapter 440.

**\*-0469/1.64\*SECTION 2267.** Subchapter XI of chapter 440 [precedes 440.97] of the statutes is renumbered Subchapter XII of chapter 440.

**\*-0469/1.65\*SECTION 2268.** Subchapter XII of chapter 440 [precedes 440.98] of the statutes is renumbered Subchapter XIII of chapter 440.

**\*-0469/1.66\*SECTION 2269.** Subchapter XIII of chapter 440 [precedes 440.9805] of the statutes is renumbered Subchapter XIV of chapter 440.

**\*-0469/1.67\*SECTION 2270.** Subchapter XIV of chapter 440 [precedes 440.99] of the statutes is renumbered Subchapter XV of chapter 440.

**\*-0469/1.68\*SECTION 2271.** 441.15 (2m) of the statutes is amended to read:  
441.15 (2m) Subsection (2) does not apply to a person granted a license to practice midwifery under subch. XIII XIV of ch. 440.

**\*-0469/1.69\*SECTION 2272.** 448.03 (2) (a) of the statutes is amended to read:

1           448.03 (2) (a) Any person lawfully practicing within the scope of a license,  
2           permit, registration, certificate or certification granted to practice midwifery under  
3           subch. ~~XIII~~ XIV of ch. 440, to practice professional or practical nursing or  
4           nurse–midwifery under ch. 441, to practice chiropractic under ch. 446, to practice  
5           dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to  
6           practice acupuncture under ch. 451 or under any other statutory provision, or as  
7           otherwise provided by statute.

8           \*~~0295/P1.2~~\***SECTION 2273.** 450.19 (5) of the statutes is repealed.

9           \*~~0469/1.70~~\***SECTION 2274.** 460.05 (1) (e) 1. of the statutes is amended to read:

10          460.05 (1) (e) 1. Graduated from a school of massage therapy or bodywork  
11          therapy approved by the educational approval board under s. ~~38.50~~ 440.55 that  
12          meets the requirements under s. 460.095 or completed a training program approved  
13          by the affiliated credentialing board under the rules promulgated under s. 460.04 (2)  
14          (b).

15          \*~~0221/P3.55~~\***SECTION 2275.** Chapter 461 (title) of the statutes is renumbered  
16          subchapter III (title) of chapter 202 [precedes 202.21].

17          \*~~0221/P3.56~~\***SECTION 2276.** 461.01 of the statutes is renumbered 202.21, and  
18          202.21 (intro.), (1) and (6) of the statutes, as renumbered, are amended to read:

19          **202.21 Definitions.** (intro.) In this ~~chapter~~ subchapter:

20          (1) “Applicant” means a professional employer organization or a professional  
21          employer group that applies for registration under s. ~~461.02~~ 202.22.

22          (6) “Registrant” means a professional employer organization or a professional  
23          employer group that is registered under s. ~~461.02~~ 202.22.

24          \*~~0221/P3.57~~\***SECTION 2277.** 461.02 (title) of the statutes is renumbered  
25          202.22 (title).

1           \*~~0221/P3.58~~**SECTION 2278.** 461.02 (1) of the statutes is renumbered 202.22  
2 (1), and 202.22 (1) (b), as renumbered, is amended to read:

3           202.22 (1) (b) No person may designate as the person’s title, or append to the  
4 person’s name the words or letters, “professional employer organization,” “P.E.O.,”  
5 “professional employer group,” “P.E.G.,” “staff leasing company,” “registered staff  
6 leasing company,” “employee leasing company,” or “administrative employer,” or  
7 other similar titles or letters, or use ~~these~~ those titles, words, or letters to describe  
8 the person’s business or represent that the person or the person’s business is  
9 registered or licensed as a “professional employer organization,” “P.E.O.,”  
10 “professional employer group,” “P.E.G.,” “staff leasing company,” “registered staff  
11 leasing company,” “employee leasing company,” or “administrative employer,” unless  
12 the person is registered ~~by the department~~ under this ~~chapter~~ section.

13           \*~~0221/P3.59~~**SECTION 2279.** 461.02 (2) of the statutes is renumbered 202.22  
14 (2), and 202.22 (2) (intro.), (d) and (e), as renumbered, are amended to read:

15           202.22 (2) APPLICATION FOR REGISTRATION. (intro.) Except as provided in sub.  
16 (7) (b), an applicant for registration under this section shall submit to the  
17 department an application for registration ~~on~~ in a form and manner prescribed by  
18 the department, together with the registration fee determined by the department  
19 under s. ~~440.03 (9) (a)~~ 202.08 and all of the following:

20           (d) A statement of ownership, which shall include the name and business  
21 experience of every controlling person, as defined in s. ~~461.01~~ 202.21 (3) (a), of the  
22 applicant.

23           (e) A statement of management, which shall include the name and business  
24 experience of every controlling person, as defined in s. ~~461.01~~ 202.21 (3) (b), of the  
25 applicant.

1           \*~~0221/P3.60~~\*SECTION 2280. 461.02 (3) of the statutes is repealed.

2           \*~~0221/P3.61~~\*SECTION 2281. 461.02 (4) of the statutes is renumbered 202.22  
3 (4), and 202.22 (4) (a), as renumbered, is amended to read:

4           202.22 (4) (a) ~~Renewal applications~~ A registrant shall be submitted ~~submit a~~  
5 renewal application, together with the ~~applicable~~ renewal fee determined by the  
6 department under s. ~~440.03 (9) (a)~~ 202.08, to the department ~~on~~ in a form ~~provided~~  
7 and manner prescribed by the department ~~on or before the applicable renewal date~~  
8 specified under s. 440.08 (2) (a) by July 1 of each year. Except as provided in pars.  
9 (b) and (c) and sub. (7) (b), ~~the~~ a registrant shall submit with each renewal  
10 application ~~shall be accompanied by~~ a financial statement, as ~~that term is used~~  
11 specified in sub. (2) (f) 1., updated to reflect the current financial condition of the  
12 registrant.

13           \*~~0221/P3.62~~\*SECTION 2282. 461.02 (5) (title) of the statutes is renumbered  
14 202.22 (5) (title).

15           \*~~0221/P3.63~~\*SECTION 2283. 461.02 (5) (a) of the statutes is renumbered  
16 202.22 (5) (a) and amended to read:

17           202.22 (5) (a) Except as provided in sub. (7) (b), a professional employer  
18 organization or professional employer group that is domiciled outside this state, that  
19 is registered or licensed as a professional employer organization or professional  
20 employer group in another state, that does not maintain an office in this state or  
21 directly solicit clients that are located or domiciled in this state, and that has no more  
22 than 50 employees performing services for clients in this state on any given day may  
23 apply for small operations registration under this section by ~~filing with~~ submitting  
24 to the department ~~a~~ an application for small operations registration in a form and  
25 manner prescribed by the department and paying the initial ~~credential~~ registration

1 fee determined by the department under s. ~~440.03 (9) (a)~~ 202.08. An applicant that  
2 is seeking small operations registration shall, in addition to the information required  
3 under sub. (2) (a) to (e), provide the department with information and documentation  
4 showing that the applicant meets the qualifications specified in this paragraph for  
5 small operations registration.

6 \*~~0221/P3.64~~\***SECTION 2284.** 461.02 (5) (b) of the statutes is repealed.

7 \*~~0221/P3.65~~\***SECTION 2285.** 461.02 (5) (c) of the statutes is repealed.

8 \*~~0221/P3.66~~\***SECTION 2286.** 461.02 (5) (d) of the statutes is renumbered  
9 202.22 (5) (d).

10 \*~~0221/P3.67~~\***SECTION 2287.** 461.02 (5) (e) of the statutes is renumbered  
11 202.22 (5) (e) and amended to read:

12 202.22 (5) (e) A professional employer organization or professional employer  
13 group registered under this subsection is not required to comply with the financial  
14 capability requirement under s. ~~461.03~~ 202.23.

15 \*~~0221/P3.68~~\***SECTION 2288.** 461.02 (6) of the statutes is renumbered 202.22  
16 (6) and amended to read:

17 202.22 (6) **PROFESSIONAL EMPLOYER GROUP REGISTRATION.** Except as provided in  
18 sub. (7) (b), 2 or more professional employer organizations that are part of a  
19 professional employer group may register under this section or renew a registration  
20 by providing the information required under sub. (2), (4), or (5) on a combined or  
21 consolidated basis, paying the initial ~~credential~~ registration or renewal fee  
22 determined by the department under s. ~~440.03 (9) (a)~~ 202.08, and guaranteeing each  
23 other's obligations. If a professional employer group provides a combined or  
24 consolidated financial statement under sub. (2) (f) 1. that includes the financial  
25 condition of entities that are not part of the professional employer group, the