

1 **SECTION 2342cc.** Subchapter VI (title) of chapter 218 [precedes 218.10] of the
2 statutes is amended to read:

3 **CHAPTER 218**

4 **SUBCHAPTER VI**

5 **MOBILE HOME RECREATIONAL**

6 **VEHICLE DEALERS**

7 **SECTION 2342cg.** 218.10 (1) of the statutes is repealed.

8 **SECTION 2342cL.** 218.10 (1m) of the statutes is created to read:

9 218.10 (1m) "Department" means the department of transportation, unless the
10 context requires otherwise.

11 **SECTION 2342cp.** 218.10 (1t) of the statutes is repealed.

12 **SECTION 2342ct.** 218.10 (2) of the statutes is repealed.

13 **SECTION 2342cx.** 218.10 (3) of the statutes is renumbered 218.10 (1g), and
14 218.10 (1g) (intro.) and (e), as renumbered, are amended to read:

15 218.10 (1g) (intro.) "~~Mobile home dealer~~" "Dealer", unless the context requires
16 otherwise, means a person who, for a commission or other thing of value, sells,
17 exchanges, buys or rents, or offers or attempts to negotiate a sale or exchange of an
18 interest in ~~mobile homes~~ a recreational vehicle or who is engaged wholly or in part
19 in the business of selling ~~mobile homes~~ recreational vehicles, whether or not the
20 ~~mobile homes~~ recreational vehicles are owned by the person, but does not include:

21 (e) A person transferring a ~~mobile home~~ recreational vehicle registered in that
22 person's name and used for that person's personal, family or household purposes, if
23 the transfer is an occasional sale and is not part of the business of the transferor.

24 **SECTION 2342gc.** 218.10 (4) of the statutes is renumbered 218.10 (1x) and
25 amended to read:

1 218.10 (1x) ~~“Mobile home manufacturer”~~ “Manufacturer” means any person
2 within or without this state who manufactures or assembles ~~mobile homes~~
3 recreational vehicles for sale in this state.

4 **SECTION 2342gg.** 218.10 (5) of the statutes is repealed.

5 **SECTION 2342gi.** 218.10 (6) of the statutes is renumbered 218.10 (8t) and
6 amended to read:

7 218.10 (8t) ~~“Mobile home salesperson”~~ “Salesperson”, unless the context
8 requires otherwise, means any person who is employed by a ~~mobile home~~
9 manufacturer or dealer to sell or lease ~~mobile homes~~ recreational vehicles.

10 **SECTION 2342gL.** 218.10 (7) of the statutes is amended to read:

11 218.10 (7) ~~“New mobile home recreational vehicle”~~ means a ~~mobile home~~
12 recreational vehicle which has never been occupied, used or sold for personal or
13 business use.

14 **SECTION 2342gp.** 218.10 (8) of the statutes is repealed.

15 **SECTION 2342gt.** 218.10 (8m) of the statutes is amended to read:

16 218.10 (8m) ~~“Recreational vehicle”~~ means a mobile home, as defined in s.
17 340.01 (29), that does not exceed the statutory size under s. 348.07 (2).

18 **SECTION 2342gx.** 218.10 (9) of the statutes is amended to read:

19 218.10 (9) ~~“Used mobile home recreational vehicle”~~ means a ~~mobile home~~
20 recreational vehicle which has previously been occupied, used or sold for personal or
21 business use.

22 **SECTION 2342Lc.** 218.101 of the statutes is repealed.

23 **SECTION 2342Lg.** 218.11 (title) of the statutes is amended to read:

24 **218.11 (title) ~~Mobile home~~ Recreational vehicle dealers regulated.**

25 **SECTION 2342LL.** 218.11 (1) of the statutes is amended to read:

1 218.11 (1) No person may engage in the business of selling ~~mobile homes to the~~
2 ~~ultimate recreational vehicles to a~~ consumer or to the retail market in this state
3 unless first licensed to do so by the ~~licensor as herein provided~~ department.

4 **SECTION 2342Lj.** 218.11 (2) (am) 2. of the statutes is amended to read:

5 218.11 (2) (am) 2. The ~~licensor~~ department shall deny an application for the
6 issuance or renewal of a license if the information required under subd. 1. is not
7 included in the application.

8 **SECTION 2342Lk.** 218.11 (2) (am) 3. of the statutes is amended to read:

9 218.11 (2) (am) 3. The ~~licensor~~ department of commerce may not disclose any
10 information received under subd. 1. to any person except to the department of
11 ~~industry, labor and job development~~ workforce development for purposes of
12 administering s. 49.22 or to the department of revenue for the sole purpose of
13 requesting certifications under s. 73.0301.

14 **SECTION 2342Lm.** 218.11 (2) (am) 1. of the statutes is amended to read:

15 218.11 (2) (am) 1. In addition to any other information required under par. (a)
16 and except as provided in subd. 4., an application by an individual for the issuance
17 or renewal of a license under this section shall include the individual's social security
18 number and, if the application is made by a person who is not an individual for the
19 issuance or renewal of a license under this section shall include the person's federal
20 employer identification number.

21 **SECTION 2342Ln.** 218.11 (2) (am) 4. of the statutes is created to read:

22 218.11 (2) (am) 4. If an applicant who is an individual does not have a social
23 security number, the applicant, as a condition of applying for or applying to renew
24 a license under this section, shall submit a statement made or subscribed under oath
25 or affirmation to the licensor that the applicant does not have a social security

1 number. The form of the statement shall be prescribed by the department of
2 workforce development. Any license issued or renewed in reliance upon a false
3 statement submitted by an applicant under this subdivision is invalid.

4 **SECTION 2342Lo.** 218.11 (2) (am) 4. of the statutes, as created by 1999
5 Wisconsin Act (this act), is amended to read:

6 218.11 (2) (am) 4. If an applicant who is an individual does not have a social
7 security number, the applicant, as a condition of applying for or applying to renew
8 a license under this section, shall submit a statement made or subscribed under oath
9 or affirmation to the licenser department that the applicant does not have a social
10 security number. The form of the statement shall be prescribed by the department
11 of workforce development. Any license issued or renewed in reliance upon a false
12 statement submitted by an applicant under this subdivision is invalid.

13 **SECTION 2342Lp.** 218.11 (2) (b) and (d) of the statutes are amended to read:

14 218.11 (2) (b) 1. The licenser department shall promulgate rules establishing
15 the license period under this section.

16 2. The licenser department may promulgate rules establishing a uniform
17 expiration date for all licenses issued under this section.

18 (d) If the licenser department issues a license under this section during the
19 license period, the fee for the license shall equal \$50 multiplied by the number of
20 calendar years, including parts of calendar years, during which the license remains
21 in effect. A fee determined under this paragraph may not exceed the license fee for
22 the entire license period under par. (c).

23 **SECTION 2342Lt.** 218.11 (3) of the statutes is amended to read:

24 218.11 (3) A license shall be issued only to persons whose character, fitness and
25 financial ability, in the opinion of the licenser department, is such as to justify the

1 belief that they can and will deal with and serve the buying public fairly and honestly,
2 will maintain a permanent office and place of business and an adequate service and
3 parts department during the license year, and will abide by all the provisions of law
4 and lawful orders of the ~~licensor~~ department.

5 **SECTION 2342Lx.** 218.11 (6) (intro.) and (d) of the statutes are amended to read:

6 218.11 (6) (intro.) The ~~licensor~~ department may deny, suspend or revoke a
7 license on the following grounds:

8 (d) Wilful failure to comply with any provision of this section or any rule
9 promulgated by the ~~licensor~~ department under this section.

10 **SECTION 2342pc.** 218.11 (6) (n) of the statutes is amended to read:

11 218.11 (6) (n) Having violated any law relating to the sale, distribution or
12 financing of ~~mobile homes~~ recreational vehicles.

13 **SECTION 2342pg.** 218.11 (7) of the statutes is amended to read:

14 218.11 (7) (a) The ~~licensor~~ department may without notice deny the application
15 for a license within 60 days after receipt thereof by written notice to the applicant,
16 stating the grounds for such denial. Within 30 days after such notice, the applicant
17 may petition the ~~department of administration~~ division of hearings and appeals, as
18 defined in s. 218.01 (1) (gm), to conduct a hearing to review the denial, and a hearing
19 shall be scheduled with reasonable promptness. ~~If the licensor is the department of~~
20 ~~transportation, the division of hearings and appeals shall conduct the hearing.~~ This
21 paragraph does not apply to denials of applications for licenses under sub. (6m).

22 (b) No license may be suspended or revoked except after a hearing thereon. The
23 ~~licensor~~ department shall give the licensee at least 5 days' notice of the time and
24 place of such hearing. The order suspending or revoking such license shall not be
25 effective until after 10 days' written notice thereof to the licensee, after such hearing

1 has been had; except that the ~~licensor~~ department, when in its opinion the best
2 interest of the public or the trade demands it, may suspend a license upon not less
3 than 24 hours' notice of hearing and with not less than 24 hours' notice of the
4 suspension of the license. Matters involving suspensions and revocations brought
5 before ~~the licensor~~ shall be heard and decided upon by the ~~department of~~
6 ~~administration~~. If the licensor is the department of transportation, the division of
7 hearings and appeals shall ~~conduct the hearing~~. This paragraph does not apply to
8 licenses that are suspended under sub. (6m).

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

14 SECTION 2342pL. 218.12 (title) of the statutes is amended to read:

15 218.12 (title) ~~Mobile home dealer~~ Recreational vehicle salespersons
16 regulated.

17 SECTION 2342pp. 218.12 (1) of the statutes is amended to read:

18 218.12 (1) No person may engage in the business of selling ~~mobile homes to the~~
19 ~~ultimate~~ recreational vehicles to a consumer or to the retail market in this state
20 without a license therefor from the ~~licensor~~ department. If a ~~mobile home~~ dealer acts
21 as a ~~mobile home~~ salesperson the dealer shall secure a ~~mobile home~~ salesperson's
22 license in addition to the license for engaging as a ~~mobile home~~ dealer.

23 SECTION 2342pr. 218.12 (2) (a) of the statutes is amended to read:

24 218.12 (2) (a) Applications for mobile home salesperson's license and renewals
25 thereof shall be made to the licensor on such forms as the licensor prescribes and

1 furnishes and shall be accompanied by the license fee required under par. (c) or (d).
2 ~~The Except as provided in par. (am) 3., the application shall include the applicant's~~
3 social security number. In addition, the application shall require such pertinent
4 information as the licensor requires.

5 **SECTION 2342ps.** 218.12 (2) (a) of the statutes, as affected by 1999 Wisconsin
6 Act (this act), is amended to read:

7 218.12 (2) (a) Applications for ~~mobile-home~~ a salesperson's license and
8 renewals thereof shall be made to the ~~licensor~~ department on such forms as the
9 ~~licensor~~ department prescribes and furnishes and shall be accompanied by the
10 license fee required under par. (c) or (d). Except as provided in par. (am) 3., the
11 application shall include the applicant's social security number. In addition, the
12 application shall require such pertinent information as the ~~licensor~~ department
13 requires.

14 **SECTION 2342pt.** 218.12 (2) (am) 1. of the statutes is amended to read:

15 218.12 (2) (am) 1. ~~The Except as provided in subd. 3., the licensor shall deny~~
16 an application for the issuance or renewal of a license if an individual has not
17 included his or her social security number in the application.

18 **SECTION 2342pu.** 218.12 (2) (am) 1. of the statutes, as affected by 1999
19 Wisconsin Act (this act), is amended to read:

20 218.12 (2) (am) 1. Except as provided in subd. 3., the ~~licensor~~ department shall
21 deny an application for the issuance or renewal of a license if an individual has not
22 included his or her social security number in the application.

23 **SECTION 2342pv.** 218.12 (2) (am) 3. of the statutes is created to read:

24 218.12 (2) (am) 3. If an applicant does not have a social security number, the
25 applicant, as a condition of applying for or applying to renew a license under this

1 section, shall submit a statement made or subscribed under oath or affirmation to
2 the licensor that the applicant does not have a social security number. The form of
3 the statement shall be prescribed by the department of workforce development. Any
4 license issued or renewed in reliance upon a false statement submitted by an
5 applicant under this subdivision is invalid.

6 **SECTION 2342pw.** 218.12 (2) (am) 3. of the statutes, as created by 1999
7 Wisconsin Act (this act), is amended to read:

8 218.12 (2) (am) 3. If an applicant does not have a social security number, the
9 applicant, as a condition of applying for or applying to renew a license under this
10 section, shall submit a statement made or subscribed under oath or affirmation to
11 the ~~licensor~~ department that the applicant does not have a social security number.
12 The form of the statement shall be prescribed by the department of workforce
13 development. Any license issued or renewed in reliance upon a false statement
14 submitted by an applicant under this subdivision is invalid.

15 **SECTION 2342pum.** 218.12 (2) (am) 2. of the statutes is amended to read:

16 218.12 (2) (am) 2. The ~~licensor~~ department of commerce may not disclose a
17 social security number obtained under par. (a) to any person except to the
18 department of workforce development for the sole purpose of administering s. 49.22
19 or to the department of revenue for the sole purpose of requesting certifications
20 under s. 73.0301.

21 **SECTION 2342px.** 218.12 (2) (b) and (d) of the statutes are amended to read:

22 218.12 (2) (b) 1. The licensor department shall promulgate rules establishing
23 the license period under this section.

24 2. The ~~licensor~~ department may promulgate rules establishing a uniform
25 expiration date for all licenses issued under this section.

1 (d) If the ~~licensor~~ department issues a license under this section during the
2 license period, the fee for the license shall equal \$4 multiplied by the number of
3 calendar years, including parts of calendar years, during which the license remains
4 in effect. A fee determined under this paragraph may not exceed the license fee for
5 the entire license period under par. (c).

6 **SECTION 2342tc.** 218.12 (3) of the statutes is amended to read:

7 218.12 (3) Every licensee shall carry his or her license when engaged in his or
8 her business and display the same upon request. The license shall name his or her
9 employer, and in case of a change of employer, the salesperson shall immediately
10 mail his or her license to the ~~licensor who~~ department, which shall endorse such
11 change on the license without charge.

12 **SECTION 2342tg.** 218.12 (5) of the statutes is amended to read:

13 218.12 (5) The provision of s. 218.01 (3) relating to the denial, suspension and
14 revocation of a motor vehicle salesperson's license shall apply to the denial,
15 suspension and revocation of a ~~mobile home~~ salesperson's license so far as applicable,
16 except that such provision does not apply to the denial, suspension or revocation of
17 a license under sub. (3m).

18 **SECTION 2342tL.** 218.12 (6) of the statutes is amended to read:

19 218.12 (6) The provisions of s. 218.01 (3) (g) and (5) shall apply to this section,
20 ~~mobile home~~ recreational vehicle sales practices and the regulation of ~~travel trailer~~
21 ~~or mobile home~~ recreational vehicle salespersons, as far as applicable.

22 **SECTION 2342tp.** 218.14 of the statutes is repealed.

23 **SECTION 2342tt.** 218.15 of the statutes is amended to read:

24 **218.15** (title) **Sale or lease of used primary housing units recreational**
25 **vehicles.** In the sale or lease of any used ~~primary housing unit~~ recreational vehicle,

1 the sales invoice or lease agreement shall contain the point of manufacture of the
2 used ~~primary housing unit~~ recreational vehicle, the name of the manufacturer and
3 the name and address of the previous owner.

4 **SECTION 2342tx.** 218.16 of the statutes is repealed.

5 **SECTION 2342xc.** 218.165 of the statutes is repealed.

6 **SECTION 2342xg.** 218.17 (1) of the statutes is repealed.

7 **SECTION 2342xL.** 218.17 (2) of the statutes is amended to read:

8 218.17 (2) In any court action brought by the ~~licensor~~ department for violations
9 of this subchapter, the ~~licensor~~ department may recover all costs of testing and
10 investigation, in addition to costs otherwise recoverable, if it prevails in the action.

11 **SECTION 2342xp.** 218.17 (3) of the statutes is amended to read:

12 218.17 (3) Nothing in this subchapter prohibits ~~the~~ an aggrieved customer
13 from bringing of a civil action against a ~~mobile home manufacturer,~~ dealer or
14 salesperson ~~by an aggrieved customer.~~ If judgment is rendered for the customer
15 based on an act or omission by the ~~manufacturer,~~ dealer or salesperson, which
16 constituted a violation of this subchapter, the plaintiff shall recover actual and
17 proper attorney fees in addition to costs otherwise recoverable.

18 **SECTION 2344a.** 221.0303 (2) of the statutes is amended to read:

19 **221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS**
20 **TERMINALS.** A bank may, directly or indirectly, acquire, place and operate, or
21 participate in the acquisition, placement and operation of, at locations other than its
22 main or branch offices, customer bank communications terminals, in accordance
23 with rules established by the division. The rules of the division shall provide that
24 any such customer bank communications terminal shall be available for use, on a
25 nondiscriminatory basis, by any state or national bank and by all customers

1 designated by a bank using the terminal. This subsection does not authorize a bank
2 which has its principal place of business outside this state to conduct banking
3 business in this state. The customer bank communications terminals also shall be
4 available for use, on a nondiscriminatory basis, by any credit union, savings and loan
5 association or savings bank, if the credit union, savings and loan association or
6 savings bank requests to share its use, subject to rules jointly established by the
7 division of banking, the office of credit unions and the division of savings ~~and loan~~
8 institutions. The division by order may authorize the installation and operation of
9 a customer bank communications terminal in a mobile facility, after notice and
10 hearing upon the proposed service stops of the mobile facility.

11 **SECTION 2345a.** 221.0321 (5) of the statutes is amended to read:

12 221.0321 (5) CERTAIN SECURED LOANS. A bank may make loans secured by
13 assignment or transfer of stock certificates or other evidence of the borrower's
14 ownership interest in a corporation formed for the cooperative ownership of real
15 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage
16 involving a one-family residence, apply to a proceeding to enforce the lender's rights
17 in security given for a loan under this subsection. The division shall promulgate joint
18 rules with the office of credit unions and the division of savings ~~and loan~~ institutions
19 that establish procedures for enforcing a lender's rights in security given for a loan
20 under this subsection.

21 **SECTION 2347a.** 223.105 (3) (a) of the statutes is amended to read:

22 223.105 (3) (a) To assure compliance with such rules as may be established
23 under s. 220.04 (7) the division of banking, the office of credit unions and the division
24 of savings ~~and loan~~ institutions shall, at least once every 18 months, examine the
25 fiduciary operations of each organization which is under its respective jurisdiction

1 and is subject to examination under sub. (2). If a particular organization subject to
2 examination under sub. (2) is not otherwise under the jurisdiction of one of the
3 foregoing agencies, such examination shall be conducted by the division of banking.

4 **SECTION 2348a.** 223.105 (4) of the statutes is amended to read:

5 223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations
6 licensed under ch. 221 or this chapter, any organization engaged in fiduciary
7 operations as defined in this section shall, as required by rule, notify the division of
8 banking, the office of credit unions or the division of savings and ~~loan~~ institutions of
9 that fact, directing the notice to the agency then exercising regulatory authority over
10 the organization or, if there is none, to the division of banking. Any organization
11 which intends to engage in fiduciary operations shall, prior to engaging in such
12 operations, notify the appropriate agency of this intention. The notifications
13 required under this subsection shall be on forms and contain information required
14 by the rules promulgated by the division of banking.

15 **SECTION 2349a.** 223.105 (5) of the statutes is amended to read:

16 223.105 (5) ENFORCEMENT REMEDY. The division of banking or the division of
17 savings and ~~loan~~ institutions or office of credit unions shall upon the failure of such
18 organization to submit notifications or reports required under this section or
19 otherwise to comply with the provisions of this section, or rules established by the
20 division of banking under s. 220.04 (7), upon due notice, order such defaulting
21 organization to cease and desist from engaging in fiduciary activities and may apply
22 to the appropriate court for enforcement of such order.

23 **SECTION 2350a.** 223.105 (6) of the statutes is amended to read:

24 223.105 (6) SUNSET. Except for an organization regulated by the office of credit
25 unions or the division of savings and ~~loan~~ institutions or an organization authorized

1 by the division of banking to operate as a bank or trust company under ch. 221 or this
2 chapter, an organization may not begin activity as a fiduciary operation under this
3 section after May 12, 1992. An organization engaged in fiduciary operations under
4 this section on May 12, 1992, may continue to engage in fiduciary operations after
5 that date.

6 **SECTION 2342xs.** 218.21 (2) (intro.) of the statutes is amended to read:

7 218.21 (2) (intro.) Application for a motor vehicle salvage dealer's license shall
8 be made upon the form prescribed by the department and except as provided in sub.
9 (2f), shall contain:

10 **SECTION 2342xu.** 218.21 (2f) of the statutes is created to read:

11 218.21 (2f) (a) If an applicant who is an individual does not have a social
12 security number, the applicant, as a condition of applying for or applying to renew
13 a motor vehicle salvage dealer's license, shall submit a statement made or subscribed
14 under oath or affirmation to the department that the applicant does not have a social
15 security number. The form of the statement shall be prescribed by the department
16 of workforce development.

17 (b) Any motor vehicle salvage dealer's license issued or renewed in reliance
18 upon a false statement submitted by an applicant under par. (a) is invalid.

19 **SECTION 2342xw.** 218.21 (2m) (a) of the statutes is amended to read:

20 218.21 (2m) (a) The department shall deny an application for the issuance or
21 renewal of a license if ~~the~~ any information required under sub. (2) (ag) or (am) is not
22 included in the application.

23 **SECTION 2342xy.** 218.31 (1) (intro.) of the statutes is amended to read:

1 218.31 (1) (intro.) Application for a motor vehicle auction dealer's license shall
2 be made upon the form prescribed by the department and, except as provided in sub.
3 (1f), shall contain:

4 **SECTION 2342yc.** 218.31 (1f) of the statutes is created to read:

5 218.31 (1f) (a) If an applicant who is an individual does not have a social
6 security number, the applicant, as a condition of applying for or applying to renew
7 a motor vehicle auction dealer's license, shall submit a statement made or subscribed
8 under oath or affirmation to the department that the applicant does not have a social
9 security number. The form of the statement shall be prescribed by the department
10 of workforce development.

11 (b) Any motor vehicle auction dealer's license issued or renewed in reliance
12 upon a false statement submitted by an applicant under par. (a) is invalid.

13 **SECTION 2342ye.** 218.31 (1m) (a) of the statutes is amended to read:

14 218.31 (1m) (a) The department shall deny an application for the issuance or
15 renewal of a license if the any information required under sub. (1) (ag) or (am) is not
16 included in the application.

17 **SECTION 2342yg.** 218.41 (2) (am) 1. (intro.) of the statutes is amended to read:

18 218.41 (2) (am) 1. (intro.) In addition to any other information required under
19 this subsection and except as provided in subd. 3., an application for a license under
20 this section shall include the following:

21 **SECTION 2342yi.** 218.41 (2) (am) 3. of the statutes is created to read:

22 218.41 (2) (am) 3. If an applicant who is an individual does not have a social
23 security number, the applicant, as a condition of applying for or applying to renew
24 a license under this section, shall submit a statement made or subscribed under oath
25 or affirmation to the department that the applicant does not have a social security

1 number. The form of the statement shall be prescribed by the department of
2 workforce development. Any license issued or renewed in reliance upon a false
3 statement submitted by an applicant under this subdivision is invalid.

4 **SECTION 2342yk.** 218.41 (3m) (b) 1. of the statutes is amended to read:

5 218.41 (3m) (b) 1. A license shall be denied if the applicant fails to provide ~~the~~
6 any information required under sub. (2) (am) 1. ~~a. or b.~~

7 **SECTION 2342yL.** 218.51 (3) (am) 1. (intro.) of the statutes is amended to read:

8 218.51 (3) (am) 1. (intro.) In addition to any other information required under
9 par. (a) and except as provided in subd. 3., an application for a buyer identification
10 card shall include the following:

11 **SECTION 2342ym.** 218.51 (3) (am) 3. of the statutes is created to read:

12 218.51 (3) (am) 3. If an applicant for the issuance or renewal of a buyer
13 identification card is an individual who does not have a social security number, the
14 applicant, as a condition of applying for or applying to renew the buyer identification
15 card, shall submit a statement made or subscribed under oath or affirmation to the
16 department that the applicant does not have a social security number. The form of
17 the statement shall be prescribed by the department of workforce development. Any
18 buyer identification card issued or renewed in reliance upon a false statement
19 submitted by an applicant under this subdivision is invalid.

20 **SECTION 2342yp.** 218.51 (4m) (b) 1. of the statutes is amended to read:

21 218.51 (4m) (b) 1. A buyer identification card shall be denied if the applicant
22 fails to provide ~~the~~ any information required under sub. (3) (am) 1. ~~a. or b.~~

23 **SECTION 2343d.** 220.06 (1) of the statutes is amended to read:

24 220.06 (1) In this section, "licensee" means a person licensed by the division
25 under ch. 138, 217 or 218 or under s. 224.92.

1 SECTION 2351. 224.30 (1) (title) of the statutes is created to read:

2 224.30 (1) (title) DEFINITION.

3 SECTION 2352. 224.30 (2) (title) of the statutes is created to read:

4 224.30 (2) (title) ELECTRONIC FORMS AND SIGNATURES.

5 SECTION 2353. 224.30 (3) of the statutes is created to read:

6 224.30 (3) COMPUTER DATABASES, NETWORKS AND SYSTEMS; ACCESS AND USE FEES.

7 ✓ The department may by rule establish fees to be paid by members of the public for
8 accessing or using the department's computer databases, computer networks or
9 computer systems. Every fee established under this paragraph shall be based upon
10 the reasonable cost of the service provided by the department, together with a
11 reasonable share of the costs of developing and maintaining the department's
12 computer databases, computer networks and computer systems.

13 NP Δ

14 SECTION 2353c. 224.72 (2) (c) 1. (intro.) of the statutes is amended to read:

15 224.72 (2) (c) 1. (intro.) ~~An~~ Except as provided in par. (d), an application shall
16 include the following:

17 SECTION 2353e. 224.72 (2) (d) of the statutes is created to read:

18 224.72 (2) (d) *Social security number exceptions.* 1. If an applicant who is an
19 individual does not have a social security number, the applicant, as a condition of
20 applying for or applying to renew a registration under this section, shall submit a
21 statement made or subscribed under oath or affirmation to the division that the
22 applicant does not have a social security number. The form of the statement shall
23 be prescribed by the department of workforce development.

24 2. Any certificate of registration issued or renewed in reliance upon a false
25 statement submitted by an applicant under subd. 1. is invalid.

1 **224.92 License required.** No person may engage in business as a
2 nondepository lender in this state without a license issued under this subchapter.

3 **224.923 License application.** An application for a license under this
4 subchapter shall be made to the division in writing on a form to be prescribed by the
5 division. An application for a license under this subchapter shall state the full name
6 and business address of the applicant and each officer, director and person in control
7 of the applicant. The application also shall contain the applicant's federal employer
8 identification number. In addition, the application shall contain the applicant's
9 business plan, 3 years of detailed financial projections and other relevant
10 information, all as prescribed by the division.

11 **224.927 Disclosure of certain application information.** The division may
12 not disclose an applicant's federal employer identification number received under s.
13 224.923, except as follows:

14 (1) The division may disclose the information to the department of revenue for
15 the sole purpose of requesting certification under s. 73.0301.

16 (2) The division may disclose the information to the department of workforce
17 development in accordance with a memorandum of understanding under s. 49.857.

18 **224.93 License approval.** After a review of information regarding the
19 directors, officers and controlling persons of the applicant for a license, a review of
20 the applicant's business plan, including at least three years of detailed financial
21 projections and other information considered relevant by the division, the division
22 may approve an application for a license if the division determines that all of the
23 following conditions are met:

24 (1) The applicant has at least \$500,000 in capital and the amount of capital is
25 adequate for the applicant to transact business as a nondepository lender.

1 (2) Each director, officer and person in control of the applicant is of good
2 character and sound financial standing; the directors and officers of the applicant are
3 competent to perform their functions with respect to the applicant and the directors
4 and officers of the applicant are collectively adequate to manage the business of the
5 applicant as a nondepository lender.

6 (3) The business plan of the applicant will be honestly and efficiently conducted
7 in accordance with the intent and purpose of this subchapter.

8 (4) The proposed activity of the applicant possesses a reasonable prospect for
9 success.

10 (5) The applicant has paid to the division the application fee prescribed by the
11 division, together with the actual cost incurred by the division in investigating the
12 application.

13 **224.935 Expiration of license.** (1) GENERALLY. Except as provided under
14 sub. (2), a license issued under this subchapter expires on the June 30 following the
15 date on which the license was issued.

16 (2) CHANGE IN CONTROL OF LICENSEE. A change in the identity or number of
17 individuals that are in control of a licensee terminates the licensee's license under
18 this subchapter, unless the licensee applies to the division for and receives a renewal
19 of the license no later than 15 days after the change in control.

20 **224.94 Renewal of license.** Except as provided under s. 224.935 (2), a
21 licensee shall renew its license by submitting to the division a renewal application
22 and the renewal fee as prescribed by the division not less than 60 days before the date
23 on which the license expires. A renewal application is subject to the same criteria
24 as the criteria for approval of an original license.

1 **224.95 Denial of or disciplinary action relating to license. (1)**

2 MANDATORY DENIAL. The division shall deny an application for issuance or renewal
3 of a license under this subchapter if any of the following applies:

4 (a) The applicant has failed to provide its federal employer identification
5 number under s. 224.923.

6 (b) The department of revenue has certified under s. 73.0301 that the applicant
7 is liable for delinquent taxes. An applicant whose application for issuance or renewal
8 of a license is denied under this paragraph is entitled to a notice under s. 73.0301 (2)

9 (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to a notice or hearing
10 under sub. (4).

11 (c) The applicant is an individual who has failed to comply, after appropriate
12 notice, with a subpoena or warrant issued by the department of workforce
13 development or a county child support agency under s. 59.53 (5) and related to
14 paternity or child support proceedings or who is delinquent in making court-ordered
15 payments of child or family support, maintenance, birth expenses, medical expenses
16 or other expenses related to the support of a child or former spouse, as provided in
17 a memorandum of understanding entered into under s. 49.857. An applicant whose
18 application for issuance or renewal of a license is denied under this paragraph is
19 entitled to a notice and a hearing under s. 49.857 but is not entitled to a notice or
20 hearing under sub. (4).

21 (2) DISCRETIONARY DENIAL OR DISCIPLINARY ACTION. The division may deny an
22 application for issuance or renewal of a license under this subchapter or may revoke,
23 suspend or limit a license issued under this subchapter if the division finds that the
24 applicant or nondepository lender did any of the following:

1 (a) Made a material misstatement in an application for issuance or renewal of
2 a license issued under this subchapter or in information provided to the division.

3 (b) Demonstrated a lack of competency to act as a nondepository lender.

4 (c) Violated any provision of this subchapter or any rule of the division.

5 (3) DISCIPLINARY ORDERS. The division may issue general or special orders
6 necessary to prevent or correct actions by a nondepository lender that constitute
7 cause under this section for revoking, suspending or limiting a license.

8 (4) APPEAL OF DENIAL OR DISCIPLINARY ACTION. A person whose application for
9 issuance or renewal of a license under this subchapter has been denied or whose
10 license has been revoked, suspended or limited under this section may request a
11 hearing under s. 227.42 within 30 days after the date of denial, revocation,
12 suspension or limitation. Failure of a person to request a hearing within the time
13 provided under this subsection is a waiver of the person's right to a hearing on the
14 denial, revocation, suspension or limitation.

15 **224.96 Required loan loss reserve.** Each licensee shall provide for a loan
16 loss reserve sufficient to cover projected loan losses that are not guaranteed by the
17 U.S. government or any agency of the U.S. government.

18 **224.97 Division review of nondepository lender operations.** The
19 division may, at any reasonable time, examine the books of account, records,
20 condition and affairs of a nondepository lender licensed under this subchapter. The
21 division shall examine the books of account, records, condition and affairs of every
22 nondepository lender licensed under this subchapter at least once during every 12
23 month period. The division shall prepare a report of each examination conducted
24 under this section. As part of an examination under this section or as part of the
25 preparation of an examination report, the division may examine under oath any

1 person in control, officer, director, agent, employe or customer of the nondepository
2 lender. The division may require a nondepository lender that is examined under this
3 section to pay to the division a reasonable fee for the costs of conducting the
4 examination.

5 **224.98 Powers of licensee.** A licensee may do any of the following:

6 (1) Participate in the loan guaranty program under 15 USC 636 (a).

7 (2) Participate in any other government program for which the licensee is
8 eligible and which has as its function the provision or facilitation of financing or
9 management assistance to business firms.

10 **224.985 Required records and reports.** (1) RECORD KEEPING. A licensee
11 shall keep books, accounts, and other records in such a form and manner as required
12 by rule of the division. These records shall be kept at a location and shall be
13 preserved for a length of time as prescribed by rule of the division.

14 (2) ANNUAL REPORT. Not more than 90 days after the close of a licensee's fiscal
15 year or upon request of the division, every licensee shall file with the division a report
16 containing all of the following:

17 (a) Financial statements, including the balance sheet, the statement of income
18 or loss, the statement of changes in capital accounts and the statement of changes
19 in financial position of the licensee. The licensee shall ensure that the financial
20 statements have been audited by an independent certified public account and
21 prepared in accordance with generally accepted account principles.

22 (b) Other relevant information requested by the division.

23 **224.99 Rule making.** The division may promulgate rules for the efficient
24 administration of this subchapter.

25 **SECTION 2353m.** 227.01 (1) of the statutes is amended to read:

1 227.01 (1) "Agency" means the Wisconsin land council or a board, commission,
2 committee, department or officer in the state government, except the governor, a
3 district attorney or a military or judicial officer.

4 **SECTION 2353n.** 227.01 (1) of the statutes, as affected by 1999 Wisconsin Act
5 (this act), is amended to read:

6 227.01 (1) "Agency" means ~~the Wisconsin land council~~ or a board, commission,
7 committee, department or officer in the state government, except the governor, a
8 district attorney or a military or judicial officer.

9 **SECTION 2353s.** 227.01 (13) (t) of the statutes is amended to read:

10 227.01 (13) (t) Ascertains and determines prevailing wage rates and prevailing
11 hours of labor under ~~ss. s. 20.924 (1) (j) 3. c., 66.293, 103.49 and or 103.50~~, except that
12 any action or inaction which ascertains and determines prevailing wage rates and
13 prevailing hours of labor under ~~ss. s. 20.924 (1) (j) 3. c., 66.293, 103.49 and or 103.50~~
14 is subject to judicial review under s. 227.40.

15 **SECTION 2353sm.** 227.01 (13) (zu) of the statutes is created to read:

16 227.01 (13) (zu) Establishes standards under subch. IX of ch. 254.

17 **SECTION 2355m.** 227.113 of the statutes is created to read:

18 **227.113 Incorporation of local, comprehensive planning goals.** Each
19 agency, where applicable and consistent with the laws that it administers, is
20 encouraged to design the rules promulgated by the agency to reflect a balance
21 between the mission of the agency and the goals specified in s. 1.13 (2).

22 **SECTION 2355mm.** 227.14 (1s) of the statutes is created to read:

23 227.14 (1s) EXCEPTION; PREPARATION OF CERTAIN RULES BASED ON FEDERAL FOOD
24 CODE. Notwithstanding sub. (1), if the department of agriculture, trade and
25 consumer protection or the department of health and family services prepares a

1 proposed rule based on the model food code published by the federal food and drug
2 administration, the proposed rule may be in the format of the model food code.

3 **SECTION 2356m.** 227.43 (1) (bg) of the statutes is amended to read:

4 227.43 (1) (bg) Assign a hearing examiner to preside over any hearing or review
5 under ss. 84.30 (18), 84.31 (6) (a), 85.013 (1), 86.073 (3), 86.16 (5), 86.195 (9) (b), 86.32
6 (1), 101.935 (2) (b), 101.951 (7) (a) and (b), 114.134 (4) (b), 114.135 (9), 114.20 (19),
7 175.05 (4) (b), 194.145 (1), 194.46, 218.01 (2) (bd) 2. and (c) 2., (3) (b), (c), (f) 1., (fm)
8 1. and (h) and (3c) (d), 218.11 (7) (a) and (b), 218.22 (4) (a) and (b), 218.32 (4) (a) and
9 (b), 218.41 (4), 218.51 (5) (a) and (b), 341.09 (2m) (d), 342.26, 343.69 and 348.25 (9).

10 **SECTION 2357a.** 227.52 (5) of the statutes is amended to read:

11 227.52 (5) Decisions of the division of savings ~~and loan~~ institutions.

12 **SECTION 2358a.** 227.53 (1) (b) 4. of the statutes is amended to read:

13 227.53 (1) (b) 4. The savings and loan review board, the division of savings ~~and~~
14 ~~loan~~ institutions, except if the petitioner is the division of savings ~~and loan~~
15 institutions, the prevailing parties before the savings and loan review board shall be
16 the named respondents.


17 **SECTION 2359a.** 227.53 (1) (b) 5. of the statutes is amended to read:

18 227.53 (1) (b) 5. The savings bank review board, the division of savings ~~and loan~~
19 institutions, except if the petitioner is the division of savings ~~and loan~~ institutions,
20 the prevailing parties before the savings bank review board shall be the named
21 respondents.

22 **SECTION 2359h.** 229.42 (7) (b) 1. of the statutes is amended to read:

23 229.42 (7) (b) 1. Subject to subds. 2. and 3., the terms of office of the members
24 of the board shall be 3 years, except that for the initial appointments for a newly
25 created district, as specified in the enabling resolution, 4 of the appointments shall

1 be for one year, 4 appointments, including the 3 members appointed under sub. (4)
2 (d), shall be for 2 years and 4 appointments shall be for 3 years. The cochairpersons
3 of the joint committee on finance or their designees shall serve on the board for a term
4 that is concurrent with their terms in office and the comptroller's appointment shall
5 be for the comptroller's tenure in his or her position. ~~No member who is an officer~~
6 ~~or employe of a private sector entity may serve more than 2 consecutive full terms.~~

 ~~8~~ SECTION 2359tb. 230.04 (19m) of the statutes is created to read:

9 230.04 (19m) The secretary shall ensure that no agency require that its
10 employes record their number of hours worked during any part of a pay period on a
11 form on which the employe's social security number is printed.

12 SECTION 2359ti. 230.046 (2) of the statutes is amended to read:

13 230.046 (2) SUPERVISORY TRAINING. After initial appointment to a supervisory
14 position, the each appointing authority shall ensure that each classified service
15 supervisor successfully completes a supervisory development program approved by
16 the secretary. A waiver of any part of the probationary period under s. 230.28 (1) (c)
17 may not be granted before completion of the development program. The program
18 shall include such subjects as state personnel policies, grievance handling,
19 discipline, performance evaluation, understanding the concerns of state employes
20 with children, the supervisor's role in management and the concept of the total
21 quality leadership process, including quality improvement through participatory
22 management.

23 SECTION 2359to. 230.046 (3) (intro.) of the statutes is amended to read:

24 230.046 (3) TRAINING PROGRAMS. (intro.) ~~The secretary, pursuant to sub. (5),~~
25 ~~may authorize~~ Each appointing authorities to authority may do any of the following:

no Δ

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~~2~~ SECTION 2359ts. 230.046 (4) of the statutes is amended to read:

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230.046 (4) RECORDS OF TRAINING PROGRAM PARTICIPATION. Each agency shall adopt a standardized system for measuring, recording, reporting, accumulating and recognizing employe participation in its training program. ~~The system may not take effect until approved by the secretary.~~

~~7~~

SECTION 2359tw. 230.046 (5) (intro.) of the statutes is amended to read:

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10

230.046 (5) INITIATION OF PROGRAMS. (intro.) Unless otherwise empowered by law, any agency desiring to initiate a training program under sub. (3) shall ~~certify to the secretary~~ ensure that:

~~11~~

SECTION 2359uc. 230.046 (10) of the statutes is repealed and recreated to read:

12

13

230.046 (10) DEPARTMENT FUNCTIONS. The department may do all of the following:

14

15

16

17

(a) Conduct ~~off-the-job~~ employe development and training programs relating to functions under this chapter or subch. V of ch. 111.

~~18~~

SECTION 2359uh. 230.046 (11) of the statutes is repealed.

19

20

SECTION 2359x. 230.08 (2) (e) 3e. of the statutes is created to read:

21

230.08 (2) (e) 3e. Corrections — 5.

~~21~~

SECTION 2360m. 230.08 (2) (e) 4. of the statutes is amended to read:

22

23

230.08 (2) (e) 4. Employment relations — ~~4~~ 3.

24

SECTION 2361. 230.08 (2) (e) 6. of the statutes is amended to read:

25

230.08 (2) (e) 6. Workforce development — ~~8~~ 7.

SECTION 2361d. 230.08 (2) (e) 8. of the statutes is amended to read:

~~1~~ 230.08 (2) (e) 8. Natural resources — ~~6~~ 7.

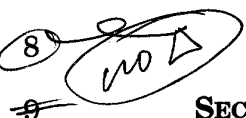
~~2~~ SECTION 2362p. 230.08 (2) (pm) of the statutes is amended to read:

~~3~~ 230.08 (2) (pm) ~~The~~ All employees of the state fair park director board.

~~4~~ SECTION 2363. 230.08 (2) (u) of the statutes is repealed.

~~5~~ SECTION 2365. 230.08 (2) (yr) of the statutes is created to read:

6 230.08 (2) (yr) The executive director of the governor's work-based learning
7 board.

~~8~~  SECTION 2367d. 230.28 (1) (am) of the statutes is amended to read:

10 230.28 (1) (am) All probationary periods for employes in supervisory or
11 management positions are one year unless waived after 6 months under par. (c). The
12 waiver under par. (c) may be exercised for an employe in a supervisory position only
13 if the employe has successfully completed the a supervisory development program
14 under s. 230.046 (2). However, persons who transfer or are reinstated to supervisory
15 or management positions consistent with conditions under sub. (4) and who had
16 previously obtained permanent status in class in a supervisory or management
17 position prior to the transfer or reinstatement shall serve a probationary period in
18 accordance with sub. (4).

19 SECTION 2367e. 231.03 (6) (intro.) of the statutes is amended to read:

20 231.03 (6) (intro.) Issue Subject to s. 231.08 (7), issue bonds of the authority,
21 and may refuse to issue bonds of the authority only if it determines that the issuance
22 would not be financially feasible, to do the following:

23 SECTION 2367m. 231.08 (1) of the statutes is amended to read:

24 231.08 (1) The Subject to sub. (7), the authority may from time to time issue
25 bonds for any corporate purpose. All such bonds or other obligations of the authority

1 issued under this chapter are declared to be negotiable for all purposes,
2 notwithstanding their payment from a limited source and without regard to any
3 other law. The authority shall employ the building commission as its financial
4 consultant to assist and coordinate the issuance of bonds and notes of the authority.

5 **SECTION 2367o.** 231.08 (7) of the statutes is created to read:

6 231.08 (7) Beginning on the effective date of this subsection [revisor inserts
7 date], the authority may not issue bonds for the purpose of purchasing a health
8 maintenance organization, as defined in s. 609.01 (2), or any other insurer, as defined
9 in s. 600.03 (27).

10 **SECTION 2367q.** 233.03 (12) of the statutes is amended to read:

11 233.03 (12) ~~Seek~~ Subject to s. 233.24, seek financing from, and incur
12 indebtedness to, the Wisconsin Health and Educational Facilities Authority.

13 **SECTION 2368m.** 233.20 (1) of the statutes is amended to read:

14 233.20 (1) ~~The~~ Subject to s. 233.24, the authority may issue bonds for any
15 corporate purpose. All bonds are negotiable for all purposes, notwithstanding their
16 payment from a limited source.

17 **SECTION 2368r.** 233.24 of the statutes is created to read:

18 **233.24 Limits on issuing bonds and incurring indebtedness.** Beginning
19 on the effective date of this section [revisor inserts date], the authority may not
20 issue bonds or incur indebtedness to the Wisconsin Health and Educational
21 Facilities Authority for the purpose of purchasing a health maintenance
22 organization, as defined in s. 609.01 (2), or any other insurer, as defined in s. 600.03
23 (27).

24 **SECTION 2369.** 233.27 of the statutes is amended to read:

1 **233.27 Limit on the amount of outstanding bonds.** The authority may not
2 issue bonds or incur indebtedness described under s. 233.03 (12) if, after the bonds
3 are issued or the indebtedness is incurred, the aggregate principal amount of the
4 authority's outstanding bonds, together with all indebtedness described under s.
5 233.03 (12) would exceed ~~\$50,000,000~~ \$106,500,000. Bonds issued to fund or refund
6 outstanding bonds, or indebtedness incurred to pay off or purchase outstanding
7 indebtedness, is not included in calculating compliance with the ~~\$50,000,000~~
8 \$106,500,000 limit.

9 **SECTION 2370.** 234.04 (2) of the statutes is amended to read:

10 234.04 (2) The authority may make or participate in the making and enter into
11 commitments for the making of long-term mortgage loans to eligible sponsors of
12 housing projects for occupancy by persons and families of low and moderate income,
13 or for the making of homeownership mortgage loans or housing rehabilitation loans
14 to persons and families of low and moderate income, an applicant under s. 234.59 or
15 other eligible beneficiaries as defined in s. 234.49. The loans may be made only upon
16 the determination by the authority that they are not otherwise available from
17 private lenders upon reasonably equivalent terms and conditions. The authority
18 may not make a loan to a person ~~if it receives a certification under s. 49.855 (7) that~~
19 ~~the person is delinquent in child support or maintenance payments or owes past~~
20 ~~support, medical expenses or birth expenses~~ whose name appears on the statewide
21 support lien docket under s. 49.854 (2)(b), unless the person provides to the authority
22 a payment agreement that has been approved by the county child support agency
23 under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2)
24 (a). The authority may employ, for such compensation as it determines, the services
25 of any financial institution in connection with any loan.

1 **SECTION 2370m.** 234.265 (2) of the statutes is amended to read:

2 234.265 (2) Records or portions of records consisting of personal or financial
3 information provided by a person seeking a grant or loan under s. 234.08, 234.49,
4 234.59, 234.61, 234.65, 234.67, 234.83, 234.84, ~~234.88~~, 234.90, 234.905, 234.907 or
5 234.91, seeking a loan under ss. 234.621 to 234.626, seeking financial assistance
6 under s. 234.66, seeking investment of funds under s. 234.03 (18m) or in which the
7 authority has invested funds under s. 234.03 (18m), unless the person consents to
8 disclosure of the information.

9 **SECTION 2371.** 234.49 (1)(c) of the statutes is renumbered 234.49 (1)(c) (intro.)
10 and amended to read:

11 234.49 (1) (c) (intro.) “Eligible beneficiary” means a any of the following:

12 1. A person for whom the authority has not received a certification from the
13 department of workforce development under s. 49.855 (7) or a whose name does not
14 appear on the statewide support lien docket under s. 49.854 (2) (b), except that a
15 person whose name appears on the statewide support lien docket is an “eligible
16 beneficiary” if the person provides to the authority a payment agreement that has
17 been approved by the county child support agency under s. 59.53 (5) and that is
18 consistent with rules promulgated under s. 49.858 (2) (a).

19 2. A family who or which falls within the income limits specified in par. (f).

20 **SECTION 2372c.** 234.51 (2) (intro.) of the statutes is amended to read:

21 234.51 (2) (intro.) Subject to agreements with bondholders, the authority shall
22 use moneys in the fund solely for the following purposes:

23 **SECTION 2372d.** 234.51 (2) (a) of the statutes is amended to read:

1 234.51 (2) (a) To pay all administrative costs, expenses and charges, including
2 origination fees and servicing fees, incurred in conducting the housing rehabilitation
3 loan program other than those described in ss. 234.53 (4) and 234.55 (2) (b); ~~or.~~

4 **SECTION 2372e.** 234.51 (2) (b) of the statutes is repealed and recreated to read:

5 234.51 (2) (b) To transfer annually to the general fund, beginning no later than
6 October 1, 2000, all moneys in the housing rehabilitation loan program
7 administration fund that are no longer required for the housing rehabilitation loan
8 program.

9 **SECTION 2372f.** 234.51 (2) (c) of the statutes is created to read:

10 234.51 (2) (c) To make the transfer under 1999 Wisconsin Act (this act),
11 section 9125 (1), to the Wisconsin development reserve fund under s. 234.93.

12 **SECTION 2372g.** 234.51 (2) (c) of the statutes, as created by 1999 Wisconsin Act
13 (this act), is repealed.

14 **SECTION 2373.** 234.52 (2) of the statutes is amended to read:

15 234.52 (2) Subject to agreements with bondholders, the authority shall use
16 moneys in the fund solely for transfer to the housing rehabilitation loan program
17 bond redemption fund in amounts equal to losses on housing rehabilitation loans
18 owned by that fund which are not made good by federal insurance or guarantee
19 payments, and solely for the purposes described in s. 234.55 (2) (a). Any balance
20 remaining after payment or due provision for payment of all outstanding bonds
21 issued under the authority of s. 234.50 shall be transferred to the housing
22 rehabilitation loan program administration fund ~~only for the purpose of deposit in~~
23 ~~the state general fund.~~

24 **SECTION 2374.** 234.55 (3) of the statutes is amended to read:

1 234.55 (3) Any balance remaining after satisfaction of all obligations under
2 sub. (2) shall be transferred to the housing rehabilitation loan program
3 administration fund ~~only for the purpose of deposit in the state general fund.~~

4 **SECTION 2375.** 234.59 (3) (c) of the statutes is amended to read:

5 234.59 (3) (c) The authority shall notify an eligible lender if ~~it receives a~~
6 ~~certification under s. 49.855 (7) that a person is delinquent in child support or~~
7 ~~maintenance payments or owes past support, medical expenses or birth expenses a~~
8 ~~person's name appears on the statewide support lien docket under s. 49.854 (2) (b).~~

9 An eligible lender may not make a loan to an applicant if it receives notification under
10 this paragraph concerning the applicant, unless the applicant provides to the lender
11 a payment agreement that has been approved by the county child support agency
12 under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2)
13 (a).

14 **SECTION 2377.** 234.65 (3) (f) of the statutes is amended to read:

15 234.65 (3) (f) ~~The authority has not received a certification under s. 49.855 (7)~~
16 ~~that the person receiving the loan is delinquent in child support or maintenance~~
17 ~~payments or owes past support, medical expenses or birth expenses~~ name of the
18 person receiving the loan does not appear on the statewide support lien docket under
19 s. 49.854 (2) (b). The condition under this paragraph is met for a person whose name
20 does appear if the person provides to the authority a payment agreement that has
21 been approved by the county child support agency under s. 59.53 (5) and that is
22 consistent with rules promulgated under s. 49.858 (2) (a).

23 **SECTION 2383.** 234.83 (2) (a) 3. of the statutes is amended to read:

24 234.83 (2) (a) 3. ~~The authority has not received a certification under s. 49.855~~
25 ~~(7) that the owner of the business is delinquent in making child support or~~

1 maintenance payments name of the owner of the business does not appear on the
2 statewide support lien docket under s. 49.854 (2) (b). The condition under this
3 subdivision is met for an owner whose name does appear if the owner of the business
4 provides to the authority a payment agreement that has been approved by the county
5 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
6 under s. 49.858 (2) (a).

7 **SECTION 2388b.** 234.88 of the statutes is repealed.

8 **SECTION 2389.** 234.90 (2) (b) of the statutes is amended to read:

9 234.90 (2) (b) The total outstanding principal amount of all loans to the
10 borrower that are guaranteed under this section will not exceed \$20,000 \$30,000.

11 **SECTION 2390.** 234.90 (3) (d) of the statutes is amended to read:

12 234.90 (3) (d) ~~The authority has not received a certification under s. 49.855 (7)~~
13 ~~that the farmer is delinquent in making child support or maintenance payments or~~
14 ~~owes past support, medical expenses or birth expenses~~ farmer's name does not
15 appear on the statewide support lien docket under s. 49.854 (2) (b). The condition
16 under this paragraph is met for a farmer whose name does appear if the farmer
17 provides to the authority a payment agreement that has been approved by the county
18 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
19 under s. 49.858 (2) (a).

20 **SECTION 2391.** 234.90 (3g) (c) of the statutes is amended to read:

21 234.90 (3g) (c) ~~The authority has not received a certification under s. 49.855~~
22 ~~(7) that the farmer is delinquent in making child support or maintenance payments~~
23 ~~or owes past support, medical expenses or birth expenses~~ farmer's name does not
24 appear on the statewide support lien docket under s. 49.854 (2) (b). The condition
25 under this paragraph is met for a farmer whose name does appear if the farmer

1 provides to the authority a payment agreement that has been approved by the county
2 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
3 under s. 49.858 (2) (a).

4 **SECTION 2392.** 234.905 (3) (d) of the statutes is amended to read:

5 234.905 (3) (d) ~~The authority has not received a certification under s. 49.855~~
6 ~~(7) that the farmer is delinquent in making child support or maintenance payments~~
7 ~~or owes past support, medical expenses or birth expenses~~ farmer's name does not
8 appear on the statewide support lien docket under s. 49.854 (2) (b). The condition
9 under this paragraph is met for a farmer whose name does appear if the farmer
10 provides to the authority a payment agreement that has been approved by the county
11 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
12 under s. 49.858 (2) (a).

13 **SECTION 2393.** 234.91 (2) (c) of the statutes is amended to read:

14 234.91 (2) (c) The total outstanding guaranteed principal amount of all loans
15 made to the borrower that are guaranteed under this section will not exceed \$100,000
16 ~~\$200,000, or \$50,000~~ \$100,000 if any of the loans is affected by any other state or
17 federal credit assistance program.

18 **SECTION 2393c.** 234.91 (5) (a) of the statutes is amended to read:

19 234.91 (5) (a) Subject to par. (c), the authority shall guarantee collection of a
20 percentage of the principal of a loan eligible for a guarantee under sub. (2). The
21 principal amount of an eligible loan that the authority may guarantee may not
22 exceed the borrower's net worth calculated at the time the loan is made or 25% of the
23 total loan outstanding principal amount, whichever is less, calculated at the time the
24 loan is made.

25 **SECTION 2394.** 234.93 (1) (cm) of the statutes is created to read:

1 234.93 (1) (cm) Any moneys transferred under 1999 Wisconsin Act (this act),
2 section 9125 (1), from the housing rehabilitation loan program administration fund.

3 **SECTION 2394r.** 234.93 (1) (e) of the statutes is repealed.

4 **SECTION 2396.** 234.93 (4) (a) 2. of the statutes is amended to read:

5 234.93 (4) (a) 2. To fund guarantees under all of the programs guaranteed by
6 funds from the Wisconsin development reserve fund, except for the program under
7 s. 234.935, 1997 stats., at a ratio of \$1 of reserve funding to \$4.50 of total outstanding
8 principal and outstanding guaranteed principal that the authority may guarantee
9 under all of those programs.

10 **SECTION 2397.** 234.93 (4) (a) 3. of the statutes is amended to read:

11 234.93 (4) (a) 3. To fund guarantees under the program under s. 234.935, 1997
12 stats., at a ratio of \$1 of reserve funding to \$4 of total principal and outstanding
13 guaranteed principal that the authority may guarantee under that program.

~~14~~ **SECTION 2398.** 234.935 of the statutes is repealed.

~~15~~ **SECTION 2398g.** 236.13 (1) (c) of the statutes is repealed and recreated to read:

16 236.13 (1) (c) A comprehensive plan under s. 66.0295 or, if the municipality,
17 town or county does not have a comprehensive plan, either of the following:

18 1. With respect to a municipality or town, a master plan under s. 62.23.

~~19~~ 2. With respect to a county, a development plan under s. 59.69.

~~20~~ **SECTION 2400em.** 250.01 (4) (a) 5. of the statutes is created to read:

21 250.01 (4) (a) 5. A multiple municipal local health department established
~~22~~ under s. 251.02 (3r).

~~23~~ **SECTION 2400gm.** 250.041 (1) (intro.) of the statutes is amended to read:

24 250.041 (1) (intro.) The Except as provided in sub. (1m), the department shall
25 require each applicant to provide the department with the applicant's social security

1 number, if the applicant is an individual, as a condition of issuing or renewing any
2 of the following:

3 **SECTION 2400gn.** 250.041 (1m) of the statutes is created to read:

4 250.041 (1m) If an individual who applies for or to renew a registration, license,
5 certification, approval, permit or certificate under sub. (1) does not have a social
6 security number, the individual, as a condition of obtaining the registration, license,
7 certification, approval, permit or certificate, shall submit a statement made or
8 subscribed under oath or affirmation to the department that the applicant does not
9 have a social security number. The form of the statement shall be prescribed by the
10 department of workforce development. A registration, license, certification,
11 approval, permit or certificate issued or renewed in reliance upon a false statement
12 submitted under this subsection is invalid.

13 **SECTION 2400gp.** 250.05 (8m) (a) of the statutes is amended to read:

14 250.05 (8m) (a) The Except as provided in par. (am), the department shall
15 require each applicant for registration under this section to provide the department
16 with the applicant's social security number as a condition of issuing or renewing the
17 registration.

18 **SECTION 2400gq.** 250.05 (8m) (am) of the statutes is created to read:

19 250.05 (8m) (am) If an individual who applies for or to renew a registration
20 under par. (a) does not have a social security number, the individual, as a condition
21 of obtaining registration, shall submit a statement made or subscribed under oath
22 or affirmation to the department that the applicant does not have a social security
23 number. The form of the statement shall be prescribed by the department of
24 workforce development. A registration issued or renewed in reliance upon a false
25 statement submitted under this paragraph is invalid.

1 **SECTION 2400gr.** 250.05 (8m) (c) of the statutes is amended to read:

2 250.05 (8m) (c) The Except as provided in par. (am), the department shall deny
3 an application for the issuance or renewal of registration under this section if the
4 applicant does not provide the information specified in par. (a).

5 **SECTION 2400h.** 250.10 of the statutes is amended to read:

6 **250.10 Grant for dental services.** From the appropriation under s. 20.435
7 (5) (de), the department shall provide funding in each fiscal year to the Marquette
8 University School of Dentistry for clinical education of Marquette University School
9 of Dentistry students through the provision of dental services by the students and
10 faculty of the Marquette University School of Dentistry in Waushara County and
11 Menroe County, in underserved areas and to underserved populations in the state,
12 as determined by the department in conjunction with the Marquette University
13 School of Dentistry; to inmates of correctional centers in Milwaukee County; and in
14 clinics in the city of Milwaukee. Beginning July 1, 2000, the department shall also
15 distribute to qualified applicants grants totaling \$25,000 for fluoride supplements,
16 \$25,000 for a fluoride mouth-rinse program and \$60,000 for a school-based dental
17 sealant program.

18 **SECTION 2400m.** 250.15 of the statutes is created to read:

19 **250.15 Grants for community health centers. (1) DEFINITION.** In this
20 section, “community health center” means a health care entity that provides primary
21 health care, health education and social services to low-income individuals.

22 **(2) GRANTS.** (a) From the appropriation under s. 20.435 (5) (fh), the department
23 shall award \$50,000 in each fiscal year as a grant to a community health center in
24 a 1st class city and shall award \$100,000 in each fiscal year as a grant to a
25 nurse-managed community health center in a first class city.

1 (b) From the appropriation under s. 20.435 (5) (fh), the department shall award
2 grants totaling \$3,500,000 in fiscal year 1999–2000 and totaling \$4,000,000 in fiscal
3 year 2000–01 and in each fiscal year thereafter, to community health centers that
4 receive federal grants under 42 USC 254b (e), (g) or (h). Each grant shall equal the
5 amount that results from multiplying the total amount available for grants under
6 this paragraph in the fiscal year in which the grants are to be awarded by the
7 quotient obtained by dividing the amount that the community health center received
8 under 42 USC 254b (e), (g) or (h) in the most recently concluded federal fiscal year
9 in which those grants were made by the total amount of federal grants under 42 USC
10 254b (e), (g) and (h) made in that federal fiscal year to community health centers in
11 this state.

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12 → **SECTION 2400mf.** 252.07 (1) of the statutes is renumbered 252.07 (1m) and
13 amended to read:

14 252.07 (1m) ~~Tuberculosis is a communicable disease caused by mycobacterium~~
15 ~~tuberculosis and is~~ Infectious tuberculosis and suspect tuberculosis are subject to the
16 reporting requirements specified in s. 252.05. Any laboratory that ~~performs a test~~
17 receives a specimen for tuberculosis testing shall report all positive results obtained
18 by any appropriate procedure, including a procedure performed by an out-of-state
19 laboratory, to the local health officer and to the department.

20 **SECTION 2400mg.** 252.07 (1g) of the statutes is created to read:

21 252.07 (1g) In this section:

22 (a) “Infectious tuberculosis” means tuberculosis disease of the respiratory
23 tract, capable of producing infection or disease in others as demonstrated by the
24 presence of acid-fast bacilli in the sputum or bronchial secretions or by chest
25 radiograph and clinical findings.


1 (b) "Isolate" means a population of mycobacterium tuberculosis bacteria that
2 has been obtained in pure culture medium.

3 (c) "Isolation" means the separation from other persons of a person with
4 infectious tuberculosis in a place and under conditions that prevent the transmission
5 of the infection.

6 (d) "Suspect tuberculosis" means an illness marked by symptoms and
7 laboratory tests that may be indicative of tuberculosis, such as a prolonged cough,
8 prolonged fever, hemoptysis, compatible roentgenographic findings or other
9 appropriate medical imaging findings.

10 **SECTION 2400mh.** 252.07 (1p) of the statutes is created to read:

11 252.07 (1p) Any laboratory that performs primary culture for mycobacteria
12 shall also perform organism identification for mycobacterium tuberculosis complex
13 using an approved rapid testing procedure specified by the department by rule.

14 
15 **SECTION 2400mi.** 252.07 (1t) of the statutes is created to read:

16 252.07 (1t) Any laboratory that identifies mycobacterium tuberculosis shall
17 ensure that antimicrobial drug susceptibility tests are performed on the initial
18 isolate. The laboratory shall report the results of these tests to the local health officer
19 and the department.

20 **SECTION 2400mj.** 252.07 (2) of the statutes is amended to read:

21 252.07 (2) The department shall identify groups at risk for contracting or
22 transmitting mycobacterium tuberculosis and shall recommend the protocol for
23 screening members of those groups. ~~If necessary to prevent or control the~~
24 ~~transmission of mycobacterium tuberculosis, the department may promulgate rules~~


1 ~~that require screening of members of specific groups that are at risk for contracting~~
2 ~~or transmitting mycobacterium tuberculosis.~~

3 SECTION 2400mk. 252.07 (4) of the statutes is repealed.

4 SECTION 2400mL. 252.07 (5) of the statutes is amended to read:

5 252.07 (5) Upon report of any person under sub. ~~(1)~~ (1m) or (1t), the local health
6 officer shall at once investigate and make and enforce the necessary orders. If any
7 person does not voluntarily comply with any order made by the local health officer
8 with respect to that person, the local health officer or the department may order a
9 medical evaluation, directly observed therapy or home isolation of that person.

10 SECTION 2400mn. 252.07 (7) of the statutes is repealed.

11  SECTION 2400mn. 252.07 (8) of the statutes is created to read:

12 252.07 (8) (a) The department or a local health officer may order the
13 confinement to a facility of an individual who has a confirmed diagnosis of infectious
14 tuberculosis or suspect tuberculosis if all of the following conditions are met:

15 1. The department or local health officer notifies a court in writing of the
16 confinement.

17 2. The department or local health officer provides to the court a written
18 statement from a physician that the individual has infectious tuberculosis or suspect
19 tuberculosis.

20 3. The department or local health officer provides to the court evidence that the
21 individual has refused to follow a prescribed treatment regimen or, in the case of an
22 individual with suspect tuberculosis, has refused to undergo a medical examination
23 to confirm whether the individual has infectious tuberculosis.
24

1 4. In the case of an individual with a confirmed diagnosis of infectious
2 tuberculosis, the department or local health officer determines that the individual
3 poses an imminent and substantial threat to himself or herself or to the public
4 health. The department or local health officer shall provide to the court a written
5 statement of that determination.

6 (b) If the department or local health officer orders the confinement of an
7 individual under this subsection, a law enforcement officer, or other person
8 authorized by the local public health officer, shall transport the individual, if
9 necessary, to a facility that the department or local health officer determines will
10 meet the individual's need for medical evaluation, isolation and treatment.

11 (c) No individual may be confined under this subsection for more than 72 hours,
12 excluding Saturdays, Sundays and legal holidays, without a court hearing under
13 sub. (9) to determine whether the confinement should continue.

14 **SECTION 2400mo.** 252.07 (9) of the statutes is created to read:

15 252.07 (9) (a) The department or a local health officer may petition any court
16 for a hearing to determine whether an individual with infectious or suspect
17 tuberculosis should be confined for longer than 72 hours in a facility where proper
18 care and treatment will be provided and spread of the disease will be prevented. The
19 department or local health officer shall include in the petition documentation that
20 demonstrates all of the following:

21 1. That the individual named in the petition has infectious tuberculosis; that
22 the individual has noninfectious tuberculosis but is at high risk of developing
23 infectious tuberculosis; or that the individual has suspect tuberculosis.

1 2. That the individual has failed to comply with the prescribed treatment
2 regimen or with any rules promulgated by the department under sub. (11); or that
3 the disease is resistant to the medication prescribed to the individual.

4 3. That all other reasonable means of achieving voluntary compliance with
5 treatment have been exhausted and no less restrictive alternative exists; or that no
6 other medication to treat the resistant disease is available.

7 4. That the individual poses an imminent and substantial threat to himself or
8 herself or to the public health.

9 (b) The department or local health officer shall give the individual written
10 notice of a hearing at least 48 hours before a scheduled hearing is to be held. Notice
11 of the hearing shall include all of the following information:

12 1. The date, time and place of the hearing.

13 2. The grounds, and underlying facts, upon which confinement of the individual
14 is being sought.

15 3. An explanation of the individual's rights specified under par. (d).


16 4. The proposed actions to be taken and the reasons for each action.

17 (c) If the court orders confinement of an individual under this subsection, the
18 individual shall remain confined until the department or local health officer, with the
19 concurrence of a treating physician, determines that treatment is complete or that
20 the individual is no longer a substantial threat to himself or herself or to the public
21 health. If the individual is to be confined for more than 6 months, the court shall
22 review the confinement every 6 months.

23 (d) An individual who is the subject of a petition for a hearing under this
24 subsection has the right to appear at the hearing, the right to present evidence and
25 cross-examine witnesses and the right to be represented by adversary counsel. At

1 the time of the filing of the petition the court shall assure that the individual who is
2 the subject of the petition is represented by adversary counsel. If the individual
3 claims or appears to be indigent, the court shall refer the individual to the authority
4 for indigency determinations specified under s. 977.07 (1). If the individual is a child,
5 the court shall refer that child to the state public defender who shall appoint counsel
6 for the child without a determination of indigency, as provided in s. 48.23 (4). Unless
7 good cause is shown, a hearing under this subsection may be conducted by telephone
8 or live audiovisual means, if available.

9 (e) An order issued by the court under this subsection may be appealed as a
10 matter of right. An appeal shall be heard within 30 days after the appeal is filed.
11 An appeal does not stay the order.

12  SECTION 2400mp. 252.07 (11) of the statutes is created to read:

13
14 252.07 (11) The department may promulgate any rules necessary for the
15 administration and enforcement of this section, including, if necessary to prevent or
16 control the transmission of mycobacterium tuberculosis, rules that require screening
17 of members of specific groups that are at risk for contracting or transmitting
18 mycobacterium tuberculosis.

19 SECTION 2400mq. 252.073 of the statutes is repealed.

20 SECTION 2400mr. 252.076 of the statutes is repealed.

21 SECTION 2400ms. 252.08 (1) of the statutes is repealed.

22 SECTION 2400mt. 252.08 (2) of the statutes is repealed.

23 SECTION 2400mu. 252.08 (3) of the statutes is renumbered 252.07 (10) and
24 amended to read:

1 252.07 (10) Inpatient care for isolated pulmonary tuberculosis patients, and
 2 inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are
 3 not eligible for federal medicare benefits, for medical assistance under subch. ~~V~~ IV
 4 of ch. 49 or for health care services funded by a relief block grant under subch. II of
 5 ch. 49 may be reimbursed if provided by a facility contracted by the department. If
 6 the patient has private health insurance, the state shall pay the difference between
 7 health insurance payments and total charges.

8

9 **SECTION 2400mv.** 252.08 (4) of the statutes is repealed.

10 **SECTION 2400mw.** 252.08 (5) of the statutes is repealed.

11 **SECTION 2400mx.** 252.08 (6) of the statutes is repealed.

12 **SECTION 2400my.** 252.09 of the statutes is repealed.

13 (c) From the appropriation under s. 20.435 (5) (fh), the department shall award
 14 \$25,000 in each fiscal year as a grant to HealthNet of Janesville, Inc.

15 **SECTION 2400qc.** 251.02 (1) of the statutes is amended to read:

16 251.02 (1) In counties with a population of less than 500,000, the county board
 17 shall establish a county health department that meets the requirements of this
 18 chapter. The county health department shall serve all areas of the county that are
 19 not served by a city health department that was established prior to January 1, 1994,
 20 ~~or~~ by a town or village health department established under sub. (3m) or by a
 21 multiple local health department established under sub. (3r). No city health
 22 department may be established after ~~that date~~ January 1, 1994, but a city-county
 23 health department may be established after that date.

24 **SECTION 2400qd.** 251.02 (3r) of the statutes is created to read:

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1 251.02 (3r) In a county described in sub. (3m), in addition to the local health
2 department required to be established under sub. (3m), the governing body of a city,
3 village or town in that county may, in concert with the governing body of another city,
4 village or town in that county, establish a multiple municipal local health
5 department and elect a local health officer consistent with this chapter.

6 **SECTION 2400qe.** 251.03 (4r) of the statutes is created to read:

7 251.03 (4r) Subsections (1) to (4m) do not apply to a city, village or town that
8 establishes a multiple municipal local health department under s. 251.02 (3r). In
9 establishing a multiple municipal local health department as described under s.
10 251.02 (3r), the relevant governing bodies shall agree on how many members of the
11 local board of health are appointed by each governing body and how many of each
12 governing body's appointees shall be members who are not elected officials or
13 employes of the governing body. The members shall be appointed by the relevant
14 governing bodies. A local board of health under this subsection shall elect a
15 chairperson and clerk.

16 **SECTION 2400qf.** 251.04 (1) of the statutes is amended to read:

17 251.04 (1) A city or county board of health shall govern each local health
18 department other than a local health department as authorized in s. 251.02 (3m) and
19 (3r) and a city or county board of health or a board of health for a local health
20 department as authorized in s. 251.02 (3m) and (3r) shall assure the enforcement of
21 state public health statutes and public health rules of the department as prescribed
22 for a Level I local health department. A local board of health may contract or
23 subcontract to provide public health services. The contractor's staff shall meet the
24 appropriate qualifications for positions in a Level I local health department.

25 **SECTION 2400qg.** 251.04 (2) of the statutes is amended to read:

1 251.04 (2) A city or county board of health or a board of health for a local health
2 department as authorized in s. 251.02 (3m) or (3r) shall assure that its local health
3 department is a Level I, Level II or Level III local health department, as specified in
4 s. 251.05 (1).

5 **SECTION 2400qh.** 251.04 (3) of the statutes is amended to read:

6 251.04 (3) A city or county board of health or a board of health for a local health
7 department as authorized in s. 251.02 (3m) or (3r) may adopt those regulations, for
8 its own guidance and for the governance of the local health department, that it
9 considers necessary to protect and improve public health. The regulations may be
10 no less stringent than, and may not conflict with, state statutes and rules of the
11 department.

12 **SECTION 2400qi.** 251.06 (1) (a) 2. of the statutes is amended to read:

13 251.06 (1) (a) 2. A local health officer of a village or town health department
14 established under s. 251.02 (3m) or of a multiple municipal local health department
15 established under s. 251.02 (3r) shall be either a physician or a registered nurse. The
16 local health officer shall be a voting member of the local board of health and shall take
17 an oath of office. With respect to the levels of services of a Level I local health
18 department, as specified in s. 251.05 (2) (a), the local health officer shall be
19 authorized to act by and be directed by the county health officer of the county
20 specified under s. 251.02 (3m).

21 **SECTION 2400qim.** 251.06 (2) (c) (intro.) of the statutes is amended to read:

22 251.06 (2) (c) (intro.) A local health officer of a local health department of a
23 village or town established under s. 251.02 (3m) or a local health officer of a multiple
24 municipal local health department established under s. 251.02 (3r) shall be one of the
25 following:

1 **SECTION 2400qin.** 251.06 (2) (c) 1. of the statutes is amended to read:

2 251.06 (2) (c) 1. An employe of the local health department of the village or town
3 or an employe of the multiple municipal local health department.

4 **SECTION 2400qj.** 251.06 (4) (c) of the statutes is amended to read:

5 251.06 (4) (c) A local health officer of a village or town health department
6 established under s. 251.02 (3m) and a local health officer of a multiple municipal
7 local health department established under s. 251.02 (3r) shall be appointed by the
8 local board of health.

9 **SECTION 2400qk.** 251.12 of the statutes is amended to read:

10 **251.12 City health department, how financed.** The common council shall
11 appropriate funds for the operation of a city health department that is established
12 as specified in s. 251.02 (1) and (2) and for the operation of a multiple municipal local
13 health department that is established under s. 251.02 (3r) by the governing body of
14 a city in concert with the governing body of another city or a village or town.

15 **SECTION 2400qL.** 251.125 of the statutes is amended to read:

16 **251.125 Village health department, how financed.** If a village health
17 department is established under s. 251.02 (2) or (3m) or if a multiple municipal local
18 health department is established under s. 251.01 (3r) by the governing body of a
19 village in concert with the governing body of another village or a city or town, the
20 village board shall appropriate funds for the operation of the department.

21 **SECTION 2400qm.** 251.127 of the statutes is amended to read:

22 **251.127 Town health department, how financed.** If a town health
23 department is established under s. 251.02 (3m) or if a multiple municipal local health
24 department is established under s. 251.02 (3r) by the governing body of a town in

1 concert with the governing body of another town or a city or village, the town board
2 shall appropriate funds for the operation of the department.

3 **SECTION 2421.** 252.10 (1) of the statutes is amended to read:

4 252.10 (1) ~~Counties with populations of more than 25,000 may establish and~~
5 ~~maintain public health dispensaries and, where necessary, branches of the~~
6 ~~dispensaries~~ A local health department may request from the department
7 certification to establish and maintain a public health dispensary for the diagnosis
8 and treatment of persons suffering from or suspected of having ~~mycobacterium~~
9 ~~tuberculosis or other pulmonary diseases.~~ Two or more counties local health
10 departments may jointly establish, operate and maintain public health dispensaries
11 in order to serve a total population of not less than 25,000. Counties. The department
12 shall certify a local health department to establish and maintain a public health
13 dispensary if the local health department meets the standards established by the
14 department by rule. The department of health and family services may withhold,
15 suspend or revoke a certification if the local health department fails to comply with
16 any rules promulgated by the department. The department shall provide the local
17 health department with reasonable notice of the decision to withhold, suspend or
18 revoke certification. The department shall offer the local health department an
19 opportunity to comply with the rules and an opportunity for a fair hearing. Certified
20 local health departments may contract with each other for public health dispensary
21 services. The department and department of revenue shall be notified of the
22 establishment of public health dispensaries and any contracts pertaining to the
23 dispensaries. If the provider of those services fails to comply, the department may
24 suspend or revoke the local health department's certification. The department may

1 establish, operate and maintain public health dispensaries and branches in areas of
2 the state where local authorities have not provided public health dispensaries.

3 **SECTION 2422.** 252.10 (3) of the statutes is repealed.

4 **SECTION 2423.** 252.10 (5) of the statutes is repealed.

5 **SECTION 2424.** 252.10 (6) (a) of the statutes is amended to read:

6 252.10 (6) (a) The state shall credit or reimburse each dispensary on an annual
7 or quarterly basis for the operation of public health dispensaries established and
8 maintained in accordance with this section and rules promulgated by the
9 department.

10 **SECTION 2425.** 252.10 (6) (b) of the statutes is amended to read:

11 252.10 (6) (b) The state department shall determine by rule the reimbursement
12 for each visit rate under par. (a) for services as ordered by a physician shall be \$6 or
13 a greater amount prescribed in rules promulgated by the department. If an X-ray
14 is taken, an additional \$6 or any greater amount prescribed in rules promulgated by
15 the department will be credited. Any X-ray taken outside a facility under this
16 section or outside a facility approved under s. 252.08 on individuals who have a
17 significant reaction to a test for mycobacterium tuberculosis shall qualify for state
18 aid in the same manner as an X-ray taken inside a facility, and the X-ray shall take
19 the place of the first X-ray eligible for reimbursement as part of a case finding and
20 preventive program under par. (e). The administration and reading of the test for
21 mycobacterium tuberculosis for diagnostic purposes shall be considered one visit.
22 Tests for mycobacterium tuberculosis given in school programs, employment health
23 programs, community preventive and case finding programs are not reimbursable
24 as a clinic visit.

25 **SECTION 2426.** 252.10 (6) (c) of the statutes is repealed.

1 **SECTION 2427.** 252.10 (6) (d) of the statutes is repealed.

2 **SECTION 2428.** 252.10 (6) (e) of the statutes is repealed.

3 **SECTION 2429.** 252.10 (6) (f) of the statutes is repealed.

4 **SECTION 2430.** 252.10 (6) (g) of the statutes is amended to read:

5 252.10 (6) (g) The reimbursement by the state under pars. (a) to (f) and (b) shall
6 apply only to funds that the department allocates for the reimbursement under the
7 appropriation under s. 20.435 (5) (e).

~~8~~ **SECTION 2430L.** 252.10 (7) of the statutes, as affected by 1997 Wisconsin Act
9 156, is amended to read:

10 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
11 shall be purchased by the department from the appropriation under s. 20.435 (5) (e)
12 and dispensed to patients through the public health dispensaries ~~or through health~~
13 ~~care providers, as defined in s. 146.81 (1), other than massage therapists or~~
14 ~~bodyworkers issued a license of registration under subch. X of ch. 440, social workers,~~
15 ~~marriage and family therapists or professional counselors certified under ch. 457,~~
16 ~~speech language pathologists or audiologists licensed under subch. II of ch. 459,~~
17 ~~speech and language pathologists licensed by the department of public instruction~~
18 ~~or dietitians certified under subch. V of ch. 448, local health departments, physicians~~
~~19 or advanced practice nurse prescribers.~~

20 **SECTION 2432.** 252.10 (9) of the statutes is amended to read:

21 252.10 (9) Public health dispensaries shall maintain such records as are
22 required by the department to enable them to carry out their responsibilities
23 designated in this section and in rules promulgated by the department. Records
24 ~~shall be submitted annually to the department as soon as possible after the close of~~

1 ~~each fiscal year and not later than August 15 following~~ may be audited by the
2 department.

3 **SECTION 2432g.** 252.12 (2) (a) 8. of the statutes is amended to read:

4 252.12 (2) (a) 8. 'Life care and early intervention services.' The department
5 shall award not more than ~~\$1,894,900~~ \$1,994,900 in each year in grants to applying
6 organizations for the provision of needs assessments; assistance in procuring
7 financial, medical, legal, social and pastoral services; counseling and therapy;
8 homecare services and supplies; advocacy; and case management services. These
9 services shall include early intervention services. The department shall also award
10 not more than \$74,000 in each year from the appropriation under s. 20.435 (7) (md)
11 for the services under this subdivision. The state share of payment for case
12 management services that are provided under s. 49.45 (25) (be) to recipients of
13 medical assistance shall be paid from the appropriation under s. 20.435 (5) (am).

14 **SECTION 2432h.** 252.12 (2) (c) of the statutes is renumbered 252.12 (2) (c) 1.

15 **SECTION 2432i.** 252.12 (2) (c) 2. of the statutes is created to read:

16 252.12 (2) (c) 2. From the appropriation under s. 20.435 (5) (am), the
17 department shall award \$75,000 in each fiscal year as grants for services to prevent
18 HIV. Criteria for award of the grants shall include the criteria specified under subd.
19 1. The department shall award 60% of the funding to applying organizations that
20 receive funding under par. (a) 8. and 40% of the funding to applying
21 community-based organizations that are operated by minority group members, as
22 defined in s. 560.036 (1) (f).

23 **SECTION 2432j.** 252.12 (2) (c) 3. of the statutes is created to read:

24 252.12 (2) (c) 3. From the appropriation under s. 20.435 (5) (am), the
25 department shall award to the African American AIDS task force of the Black Health

1 Coalition of Wisconsin, Inc., \$25,000 in each fiscal year as grants for services to
2 prevent HIV.

3 **SECTION 2432jk.** 252.14 (1) (d) of the statutes is amended to read:

4 252.14 (1) (d) "Inpatient health care facility" means a hospital, nursing home,
5 community-based residential facility, county home, county mental health complex,
6 tuberculosis sanatorium or other place licensed or approved by the department
7 under ss. s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, 58.06, 252.073
8 and ~~252.076~~ or a facility under s. 45.365, 48.62, 51.05, 51.06, 233.40, 233.41, 233.42
9 or 252.10.

10 **SECTION 2434d.** 252.15 (1) (ab) of the statutes is amended to read:

11 252.15 (1) (ab) "Affected person" means an emergency medical technician, first
12 responder, fire fighter, peace officer, correctional officer, person who is employed at
13 a secured correctional facility, as defined in s. 938.02 (15m), ~~or at a secured child~~
14 caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined
15 in s. 938.02 (15p), state patrol officer, jailer or keeper of a jail or person designated
16 with custodial authority by the jailer or keeper, health care provider, employe of a
17 health care provider or staff member of a state crime laboratory.

18 **SECTION 2435d.** 252.15 (2) (a) 7. a. of the statutes is amended to read:

19 252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an
20 emergency medical technician, first responder, fire fighter, peace officer, correctional
21 officer, person who is employed at a secured correctional facility, as defined in s.
22 938.02 (15m), ~~or at a secured child caring institution, as defined in s. 938.02 (15g),~~
23 or a secured group home, as defined in s. 938.02 (15p), state patrol officer, jailer or
24 keeper of a jail or person designated with custodial authority by the jailer or keeper
25

1 who, during the course of providing care or services to an individual; or a peace
2 officer, correctional officer, state patrol officer, jailer or keeper of a jail or person
3 designated with custodial authority by the jailer or keeper who, while searching or
4 arresting an individual or while controlling or transferring an individual in custody;
5 or a health care provider or an employe of a health care provider who, during the
6 course of providing care or treatment to an individual or handling or processing
7 specimens of body fluids or tissues of an individual; or a staff member of a state crime
8 laboratory who, during the course of handling or processing specimens of body fluids
9 or tissues of an individual; is significantly exposed to the individual may subject the
10 individual's blood to a test or a series of tests for the presence of HIV, antigen or
11 nonantigenic products of HIV or an antibody to HIV and may receive disclosure of
12 the results.

13 **SECTION 2433j.** 252.241 (1) of the statutes is amended to read:

14 252.241 (1) The Except as provided in sub. (1m), the department shall require
15 each applicant to provide the department with the applicant's social security
16 number, if the applicant is an individual, or the applicant's federal employer
17 identification number, if the applicant is not an individual, as a condition of issuing
18 or renewing a license under s. 252.23 (2) or (4) (a) or 252.24 (2) or (4) (a).

19 **SECTION 2433k.** 252.241 (1m) of the statutes is created to read:

20 252.241 (1m) If an individual who applies for or to renew a license under sub.
21 (1) does not have a social security number, the individual, as a condition of obtaining
22 the license, shall submit a statement made or subscribed under oath or affirmation
23 to the department that the applicant does not have a social security number. The
24 form of the statement shall be prescribed by the department of workforce

1 development. A license issued or renewed in reliance upon a false statement
2 submitted under this subsection is invalid.

3 **SECTION 2433L.** 252.241 (3) of the statutes is amended to read:

4 252.241 (3) ~~The~~ Except as provided in sub. (1m), the department shall deny an
5 application for the issuance or renewal of a license specified in sub. (1) if the applicant
6 does not provide the information specified in sub. (1).

7 **SECTION 2432r.** 252.14 (1) (ar) 4q. of the statutes is created to read:

8 252.14 (1) (ar) 4q. An athletic trainer licensed under subch. VI of ch. 448.

9 **SECTION 2435q.** 253.06 (9) of the statutes is created to read:

10 253.06 (9) COUNCIL. (a) In this subsection, "council" means the supplemental
11 food program for women, infants and children council under s. 15.197 (26).

12 (b) The council shall do all of the following:

13 1. Review all of the state statutes, administrative rules and department
14 policies regarding the program under this section.

15 2. Propose statutory, rule or policy changes that would limit the occurrences of
16 vendor suspensions and terminations under sub. (5) (b) 2.

17 3. Propose statutory and rule changes necessary to ensure compliance with
18 federal law.

19 4. Study the feasibility of distributing drafts to participants via the electronic
20 benefit transfer system established under s. 49.129 and advise the department and
21 the legislature regarding any policies necessary to ensure that no additional costs be
22 incurred by vendors under the electronic benefit transfer system.

23 5. Submit a report to the secretary and to the legislature in the manner
24 described under s. 13.172 (2) that details the council's recommendations for
25 increasing the number of vendors participating in the program under this section.

✓
1 (c) This subsection does not apply beginning on January 1, 2002.

2 SECTION 2439. 253.10 (3) (d) 1. of the statutes is amended to read:

3 253.10 (3) (d) 1. Geographically indexed materials that are designed to inform
4 a woman about public and private agencies, including adoption agencies, and
5 services that are available to provide information on family planning, as defined in
6 s. 253.07 (1) (a), including natural family planning information, to provide
7 ultrasound imaging services, to assist her if she has received a diagnosis that her
8 unborn child has a disability or if her pregnancy is the result of sexual assault or
9 incest and to assist her through pregnancy, upon childbirth and while the child is
10 dependent. The materials shall include a comprehensive list of the agencies
11 available, a description of the services that they offer and a description of the manner
12 in which they may be contacted, including telephone numbers and addresses, or, at
13 the option of the department, the materials shall include a toll-free, 24-hour
14 telephone number that may be called to obtain an oral listing of available agencies
15 and services in the locality of the caller and a description of the services that the
16 agencies offer and the manner in which they may be contacted. The materials shall
17 provide information on the availability of governmentally funded programs that
18 serve pregnant women and children. Services identified for the woman shall include
19 ~~aid to families with dependent children under s. 49.19,~~ medical assistance for
20 pregnant women and children under s. 49.47 (4) (am), ~~the job opportunities and basic~~
21 ~~skills program under s. 49.193,~~ the availability of family or medical leave under s.
22 103.10, the Wisconsin works program under ss. 49.141 to 49.161, child care services,
23 child support laws and programs and the credit for expenses for household and
24 dependent care and services necessary for gainful employment under section 21 of
25 the internal revenue code. The materials shall state that it is unlawful to perform

1 an abortion for which consent has been coerced, that any physician who performs or
2 induces an abortion without obtaining the woman's voluntary and informed consent
3 is liable to her for damages in a civil action and is subject to a civil penalty, that the
4 father of a child is liable for assistance in the support of the child, even in instances
5 in which the father has offered to pay for an abortion, and that adoptive parents may
6 pay the costs of prenatal care, childbirth and neonatal care. The materials shall
7 include information, for a woman whose pregnancy is the result of sexual assault or
8 incest, on legal protections available to the woman and her child if she wishes to
9 oppose establishment of paternity or to terminate the father's parental rights. The
10 materials shall state that fetal ultrasound imaging and auscultation of fetal heart
11 tone services are obtainable by pregnant women who wish to use them and shall
12 describe the services.

13 **SECTION 2439r.** 253.115 of the statutes is created to read:

14 **253.115 Newborn hearing screening programs.** (1) In this section:

15 (a) "Hearing loss" means an inability in one or both ears to detect sounds at 30
16 decibels hearing level or greater in the frequency region of 500 to 4,000 hertz, which
17 affects speech recognition and auditory comprehension.

18 (b) "Hertz" means a unit of frequency equal to one cycle per second.

19 (c) "Hospital" has the meaning given in s. 50.33 (2).

20 (d) "Infant" means a child from birth to 3 months of age.

21 (e) "Newborn hearing screening program" means a system of a hospital under
22 which an infant may be tested, using currently available medical techniques, to
23 determine if the infant has a hearing loss.

24 (2) Beginning July 1, 2002, the department shall annually collect information
25 from hospitals for the previous calendar year concerning the numbers of deliveries

1 in each hospital and the availability in each hospital of a newborn hearing screening
2 program. From this information, by July 31, 2003, and annually thereafter, the
3 department shall determine the percentage of deliveries in this state that are
4 performed in hospitals that have newborn hearing screening programs and shall
5 report this information to the appropriate standing committees of the legislature
6 under s. 13.172 (3).

7 (3) If, by August 5, 2003, the department determines that fewer than 88% of
8 all deliveries in this state are performed in hospitals that have a newborn hearing
9 screening program and so notifies the hospitals, every hospital shall, by January 1,
10 2004, have a newborn hearing screening program that is available to all infants who
11 are delivered in the hospital.

12 (4) From the appropriation under section 20.435 (5) (jk), the department shall
13 award up to \$333,000 in each fiscal year as grants to applying hospitals to fund the
14 costs of establishing newborn hearing screening programs, as follows:

15 (a) For the period from January 1, 2000, to June 30, 2001, the department shall
16 award moneys under this subsection only for payment of costs of capital equipment.

17 (b) For the period from July 1, 2001, to December 31, 2002, the department
18 shall award moneys under this subsection for payment of training or any other initial
19 costs of establishing a newborn hearing screening program.

20 **SECTION 2439s.** 253.115 (4) of the statutes, as created by 1999 Wisconsin Act
21 (this act), is repealed.

22 **SECTION 2440g.** 254.115 (1) (intro.) of the statutes is amended to read:

23 254.115 (1) (intro.) The Except as provided in sub. (1m), the department shall
24 require each applicant to provide the department with the applicant's social security
25 number, if the applicant is an individual, or the applicant's federal employer

1 identification number, if the applicant is not an individual, as a condition of issuing
2 or renewing any of the following:

3 **SECTION 2440h.** 254.115 (1m) of the statutes is created to read:

4 254.115 (1m) If an individual who applies for or to renew a certification,
5 certification card or permit under sub. (1) does not have a social security number, the
6 individual, as a condition of obtaining the certification, certification card or permit,
7 shall submit a statement made or subscribed under oath or affirmation to the
8 department that the applicant does not have a social security number. The form of
9 the statement shall be prescribed by the department of workforce development. A
10 certification, certification card or permit issued or renewed in reliance upon a false
11 statement submitted under this subsection is invalid.

12 **SECTION 2440i.** 254.115 (3) of the statutes is amended to read:

13 254.115 (3) The Except as provided in sub. (1m), the department shall deny an
14 application for the issuance or renewal of a certification, certification card or permit
15 specified in sub. (1) if the applicant does not provide the information specified in sub.
16 (1).

17 **SECTION 2441.** 254.31 (1) (b) of the statutes is created to read:

18 254.31 (1) (b) The tailings or waste produced by the extraction or concentration
19 of uranium or thorium from any ore processed primarily for its source material
20 content.

21 **SECTION 2442.** 254.31 (2) of the statutes is created to read:

22 254.31 (2) "Decommissioning" means conducting final operational activities at
23 a nuclear facility to dismantle site structures, to decontaminate site surfaces and
24 remaining structures, to stabilize and contain residual radioactive material and to
25 carry out any other activities necessary to prepare the site for postoperational care.

1 **SECTION 2443.** 254.31 (2m) of the statutes is created to read:

2 254.31 (2m) “General license” means a license, under requirements prescribed
3 by the department by rule, to possess, use, transfer or acquire by-product material
4 or devices or equipment utilizing by-product material without the filing of a license
5 application by a person or issuance of licensing confirmation by the department.

6 **SECTION 2444.** 254.31 (3) of the statutes is renumbered 254.31 (1) (intro.) and
7 amended to read:

8 254.31 (1) (intro.) “By-product material” means any radioactive of the
9 following:

10 (a) Radioactive material (except special nuclear material), yielded in or made
11 radioactive by exposure to the radiation incident to the process of producing or
12 utilizing special nuclear material.

13 **SECTION 2445.** 254.31 (3g) of the statutes is repealed and recreated to read:

14 254.31 (3g) “Ionizing radiation” means all radiations capable of producing ions
15 directly or indirectly in their passage through matter, including all of the following:

16 (a) Electromagnetic radiations, including X-rays and gamma rays.

17 (b) Particulate radiations, including electrons, beta particles, protons,
18 neutrons, alpha particles and other nuclear particles.

19 **SECTION 2446.** 254.31 (5) of the statutes is created to read:

20 254.31 (5) “Radiation generating equipment” means a system, manufactured
21 product or device or component part of such a product or device that, during
22 operation, is capable of generating or emitting ionizing radiation without the use of
23 radioactive material. “Radiation generating equipment” does not include a device
24 that emits nonionizing radiation.

25 **SECTION 2447.** 254.31 (6) of the statutes is amended to read:

1 254.31 (6) "Radiation installation" is any location or facility where radiation
2 ~~machines are generating equipment is~~ used or where radioactive material is
3 produced, transported, stored, disposed of or used for any purpose.

4 **SECTION 2448.** 254.31 (7) of the statutes is repealed.

5 **SECTION 2449.** 254.31 (8) of the statutes is renumbered 254.31 (9m) and
6 amended to read:

7 254.31 (9m) "Radioactive material" includes any solid, liquid or gaseous
8 substance which emits ionizing radiation spontaneously, including
9 accelerator-produced material, by-product material, naturally occurring material,
10 source material and special nuclear material.

11 **SECTION 2450.** 254.31 (9) of the statutes is amended to read:

12 254.31 (9) "Radiation source" means a radiation ~~machine~~ generating
13 equipment or radioactive material ~~as defined herein.~~

14 **SECTION 2451.** 254.31 (11g) of the statutes is created to read:

15 254.31 (11g) "Specific license" means a license, under requirements prescribed
16 by the department by rule, to possess, use, manufacture, produce, transfer or acquire
17 radioactive material or devices or equipment utilizing radioactive material.

18 **SECTION 2452.** 254.31 (11m) of the statutes is created to read:

19 254.31 (11m) "Transuranic" means a radioactive material having an atomic
20 number that is greater than 92.

21 **SECTION 2453.** 254.31 (12) of the statutes is amended to read:

22 254.31 (12) "X-ray tube" means any electron tube ~~which~~ that is contained in
23 a device and that is specifically designed for the conversion of electrical energy into
24 X-ray energy.

25 **SECTION 2454.** 254.33 of the statutes is amended to read:

1 **254.33 Public policy.** Since radiations and their sources can be instrumental
2 in the improvement of the health and welfare of the public if properly utilized, and
3 may be destructive or detrimental to life or health if carelessly or excessively
4 employed or may detrimentally affect the environment of the state if improperly
5 utilized, it is hereby declared to be the public policy of this state to encourage the
6 constructive uses of radiation and to prohibit and prevent exposure to radiation in
7 amounts which are or may be detrimental to health. It is further the policy for the
8 department to advise, consult and cooperate with ~~the department of commerce and~~
9 other agencies of the state, the federal government, other states and interstate
10 agencies and with affected groups, political subdivisions and industries; and, in
11 general, to conform as nearly as possible to nationally accepted standards in the
12 promulgation and enforcement of rules.

13 **SECTION 2455.** 254.335 of the statutes is created to read:

14 **254.335 Agreements with the U.S. nuclear regulatory commission**
15 **transition.** (1) The governor may, on behalf of the state, enter into agreements with
16 the U.S. nuclear regulatory commission, as provided in 42 USC 2021 (b), to
17 discontinue certain federal licensing and related regulatory authority with respect
18 to by-product material, source material and special nuclear material and to assume
19 state regulatory authority.

20 (2) Any person who, on the effective date of an agreement specified under sub.
21 (1), possesses a license issued by the U.S. nuclear regulatory commission that is
22 subject to the agreement is considered to possess a specific license issued under s.
23 254.365 (1) (a) or to fulfill requirements specified for a general license under s.
24 254.365 (1) (b). The specific license expires 90 days after the date of receipt by the
25 person from the department of a notice of expiration of the license or on the date of

1 expiration that was specified in the license issued by the U.S. nuclear regulatory
2 commission, whichever is earlier.

3 **SECTION 2456.** 254.34 (1) (intro.) of the statutes is amended to read:

4 254.34 (1) (intro.) The department ~~and the department of commerce is the state~~
5 radiation control agency and shall do all of the following:

6 **SECTION 2457.** 254.34 (1) (a) of the statutes is amended to read:

7 254.34 (1) (a) ~~Formulate, adopt and enforce, amend and repeal~~ Promulgate and
8 enforce rules, including registration and licensing of sources of ionizing radiation, as
9 may be necessary to prohibit and prevent unnecessary radiation. ~~Such exposure.~~
10 The rules may incorporate by reference the recommended standards of nationally
11 recognized bodies in the field of radiation protection and other fields of atomic energy,
12 under the procedure established by s. 227.21 (2). ~~The rules for by-product material,~~
13 source material and special nuclear material may be no less stringent than the
14 requirements under 42 USC 2011 to 2114 and regulations adopted under 42 USC
15 2011 to 2114.

16 **SECTION 2458.** 254.34 (1) (c) of the statutes is renumbered 254.34 (1) (c) (intro.)
17 and amended to read:

18 254.34 (1) (c) (intro.) Develop comprehensive policies and programs for the
19 evaluation ~~and~~, determination and reduction of hazards associated with the use of
20 radiation, ~~and for their amelioration. that are compatible with requirements of the~~
21 U.S. nuclear regulatory commission for the regulation of by-product material,
22 source material and special nuclear material. The department shall maintain all of
23 the following records:

24 **SECTION 2459.** 254.34 (1) (c) 1. of the statutes is created to read:

1 254.34 (1) (c) 1. Files of all license applications, issuances, denials, transfers,
2 renewals, modifications, suspensions and revocations under s. 254.365.

3 **SECTION 2460.** 254.34 (1) (c) 2. of the statutes is created to read:

4 254.34 (1) (c) 2. Files of all registrants under s. 254.35 and any related
5 administrative or judicial action.

6 **SECTION 2461.** 254.34 (2) (intro.) of the statutes is amended to read:

7 254.34 (2) (intro.) The department, ~~servng as the lead agency, and the~~
8 ~~department of commerce~~ may:

9 **SECTION 2462.** 254.34 (4) of the statutes is renumbered 254.34 (1) (h) 5. and
10 amended to read:

11 254.34 (1) (h) 5. ~~The department shall develop~~ Develop standards of
12 performance for the regional radon centers and, from the appropriation under s.
13 20.435 (5) (ed), ~~the department shall~~ allocate funds based on compliance with the
14 standards to provide radon protection information dissemination from the regional
15 radon centers.

16 **SECTION 2463.** 254.345 of the statutes is created to read:

17 **254.345 Assessment of Fee. (1)** The department may annually assess a fee
18 of 36% of the U.S. nuclear regulatory commission license application fee and
19 materials license annual fee, for any licensee of the U.S. nuclear regulatory
20 commission in this state. The fee amounts shall be used by the department for the
21 department's activities under this subchapter. The department may revise the fee
22 amounts by rule.

23 **(2)** This section does not apply after December 31, 2002.

24 **SECTION 2464.** 254.35 (1) of the statutes is amended to read:

1 254.35 (1) APPLICATION. ~~Every~~ For every site in this state ~~having that has~~ an
2 ionizing radiation installation, ~~that is~~ not exempted by this section or the rules of the
3 department ~~shall be registered by the department by January 1, 1964, by~~, the person
4 in control of ~~an~~ the installation, including installations in sites that are administered
5 by a state agency or in an institution under the jurisdiction of a state agency, ~~and no~~
6 ~~such shall, prior to operation, register the ionizing radiation installation with the~~
7 department. No ionizing radiation installation may be operated thereafter unless
8 the site has been duly registered by January 1 of each year and a notice of the
9 registration is possessed by the person in control. ~~Every site having an ionizing~~
10 ~~radiation installation established in this state after July 20, 1985, shall be registered~~
11 ~~prior to its operation.~~ The application for registration shall be made on forms
12 provided by the department which shall be devised to obtain any information that
13 is considered necessary for evaluation of hazards. Multiple radiation sources at a
14 single radiation installation and under the control of one person shall be listed on a
15 single registration form. Registration fees shall be levied in accordance with sub. (3).
16 Registration alone shall does not imply approval of manufacture, storage, use,
17 handling, operation or disposal of the radiation installation or radioactive materials,
18 but ~~shall serve~~ serves merely to inform the department of the location and character
19 of radiation sources. ~~The department shall furnish the department of commerce with~~
20 ~~a copy of each amended and new registration.~~ Persons engaged in manufacturing,
21 demonstration, sale, testing or repair of radiation sources ~~shall not be~~ are not
22 required to list such sources on the registration form.

23 **SECTION 2465.** 254.35 (2) of the statutes is amended to read:

24 254.35 (2) AMENDED REGISTRATION. If the person in control increases the
25 number of sources, source strength, rated output or energy of radiation produced in

1 any installation, he or she shall notify the department of the increase prior to
2 operation on the revised basis. The department shall record the change in the
3 registration. No registration is transferable from one premises to another or from
4 one person to another. If the person in control ~~transfers~~ intends to transfer control
5 of ownership of the radiation installation to another person ~~the registration also~~
6 ~~transfers to the other person, who, at least 15 days before the final transfer the~~
7 registrant shall notify the department of the transfer ~~within 15 days.~~ ~~The~~
8 ~~department shall record the change in the~~ and the intended transferee shall file
9 under sub. (1) an application for registration. If any installation is discontinued, the
10 person in control shall notify the department within 30 days of the discontinuance.

11 **SECTION 2466.** 254.35 (3) (title) of the statutes is amended to read:

12 254.35 (3) (title) ~~FEES~~ REGISTRATION FEES.

13 **SECTION 2467.** 254.35 (3) (a) of the statutes is amended to read:

14 254.35 (3) (a) An annual registration fee under pars. (b) to (f) ~~(fm)~~ (fm) shall be
15 levied for each site registration under this section. An additional penalty fee of \$10
16 \$25, regardless of the number of X-ray tubes or generally licensed devices, shall be
17 required for each registration whenever the annual fee for renewal is not paid prior
18 to expiration of the registration. No additional fee may be required for recording
19 changes in the registration information.

20 **SECTION 2468.** 254.35 (3) (b) of the statutes is amended to read:

21 254.35 (3) (b) For a ~~medical~~ site having an ionizing radiation installation
22 serving physicians and clinics, osteopaths and clinics, ~~and chiropractors~~ or hospitals
23 that possesses radioactive materials in any quantity, the fee shall be at least ~~\$25~~ \$36
24 for each site and at least ~~\$30~~ \$44 for each X-ray tube.

25 **SECTION 2469.** 254.35 (3) (c) of the statutes is amended to read:

1 254.35 (3) (c) For a ~~chiropractic~~, podiatric or veterinary site having an ionizing
2 radiation installation, the fee shall be at least ~~\$25~~ \$36 for each site and at least ~~\$30~~
3 \$44 for each X-ray tube.

4 **SECTION 2470.** 254.35 (3) (d) of the statutes is amended to read:

5 254.35 (3) (d) For a dental site having an ionizing radiation installation, the
6 fee shall be at least ~~\$25~~ \$36 for each site and at least ~~\$20~~ \$30 for each X-ray tube.

7 **SECTION 2471.** 254.35 (3) (f) of the statutes is amended to read:

8 254.35 (3) (f) For an industrial, school, research project or other site having an
9 ionizing radiation installation ~~and radioactive materials in any quantity~~, the fee
10 shall be at least ~~\$25~~ \$36 for each site and at least ~~\$30~~ \$44 for each X-ray tube.

11 **SECTION 2472.** 254.35 (3) (fm) of the statutes is created to read:

12 254.35 (3) (fm) For any site that has generally licensed devices that are not
13 exempted by the department, the fee shall be at least \$100 for each site and at least
14 \$50 for each device that contains at least 370 MBq or 10 mCi of cesium-137; 37 MBq
15 or 1.0 mCi of cobalt-60; 3.7 MBq or 0.1 mCi of strontium-90; or 37 MBq or 1.0 mCi
16 of a transuranic.

17 **SECTION 2473.** 254.35 (3) (g) of the statutes is amended to read:

18 254.35 (3) (g) The fees under this subsection shall be as stated unless the
19 department promulgates rules to increase the annual registration fee ~~after January~~
20 ~~1, 1986~~, for a site having an ionizing radiation installation ~~or~~, for an X-ray tube ~~or~~
21 for generally licensed devices that are not exempted by the department.

22 **SECTION 2474.** 254.35 (4) of the statutes is amended to read:

23 254.35 (4) EXEMPTIONS. ~~The department shall~~ After initial registration under
24 sub. (1), the department may exempt from annual registration any source licensed
25 by the nuclear regulatory commission and may exempt from registration any source

1 ~~of radiation installation which~~ of radiation that the department finds to be without
2 undue radiation hazard ~~as determined by standards established by the national~~
3 ~~committee on radiation protection and measurements or any comparable nationally~~
4 ~~recognized agency established for the purpose of recommending standards for~~
5 ~~radiation protection, and after the initial registration may exempt from subsequent~~
6 ~~annual radiation requirements any source of radiation devoted primarily to~~
7 ~~industrial purposes.~~

8 **SECTION 2475.** 254.36 of the statutes is renumbered 254.34 (1) (am) and
9 amended to read:

10 254.34 (1) (am) ~~*Radiation protection.*~~ The department shall promulgate a
11 radiation protection code. ~~Other departments and agencies of state government and~~
12 A rule identical to a rule specified under par. (a) may be promulgated by a state
13 agency other than the department and an ordinance identical to a rule specified
14 under par. (a) may be enacted by a local governmental units may adopt the identical
15 code unit, but no other rule, code or ordinance relating to this subject may be
16 promulgated or enacted may be promulgated or ordinance may be enacted that
17 differs from a rule under par. (a) and relates to the same subject area except as
18 provided under ss. 166.03 (2) (b) 6., 293.15 (8) and 293.25.

19 **SECTION 2476.** 254.365 of the statutes is created to read:

20 **254.365 Licensing of radioactive material. (1) LICENSE REQUIRED.** No
21 person may possess, use, manufacture, transport, store, transfer or dispose of
22 radioactive material or a device or item of equipment that uses radioactive material
23 or may operate a site that uses radioactive material that is not under the authority
24 of the U.S. nuclear regulatory commission unless one of the following applies:

25 (a) The person has a specific license issued by the department.

1 (b) The person meets general license requirements.

2 (c) The person possesses a license issued by another state or by the U.S. nuclear
3 regulatory commission that is reciprocally recognized by the department.

4 (d) The person is exempted from licensure under sub. (7).

5 (2) APPLICATION. Application for a license under sub. (1) (a) or for reciprocal
6 recognition under sub. (1) (c) shall be made on forms provided by the department.

7 (3) MODIFICATION OR TERMINATION OF LICENSE. Within 30 days after any change
8 to the information on a license issued under this section, the licensee shall inform the
9 department of the change and the department shall record the changed information.
10 Within 30 days after termination of an activity licensed under this section, the person
11 in control of the activity shall notify the department. The department may require
12 that the person in control submit to the department for approval a plan for
13 decommissioning the activity.

14 (4) RULES. The department shall promulgate rules for all of the following:

15 (a) The issuance, modification, suspension, termination and revocation of
16 specific licenses under sub. (1) (a) under the standards specified in s. 254.34 (1) (a).

17 (b) The requirements for a general license under sub. (1) (b).

18 (5) FEES AND CHARGES. (a) The department may assess fees, the amounts of
19 which are prescribed by the department by rule, for any of the following:

20 1. Issuance of an initial or renewal specific license under sub. (1) (a).

21 2. Annual license maintenance.

22 3. Issuance of a license amendment.

23 4. Termination of a license.

24 5. Issuance of reciprocal recognition of a license for radioactive materials of
25 another state or the U.S. nuclear regulatory commission.

1 (b) The department may assess a late payment charge of 25% of the specific
2 license renewal fee, in addition to the fee under par. (a) for renewal of a specific
3 license, if payment for renewal of a specific license is not made within 30 days after
4 the license expiration date.

5 (6) DENIAL, SUSPENSION OR REVOCATION OF LICENSURE. The department may, after
6 a hearing under ch. 227, refuse to issue a license or suspend or revoke a license for
7 failure by the licensee to comply with this subchapter, rules promulgated by the
8 department under this subchapter or any condition of the license.

9 (7) EXEMPTION. The department may exempt from licensing requirements of
10 this section radioactive material that the department finds is without undue
11 radiation hazard.

12 **SECTION 2477.** 254.37 (1) of the statutes is renumbered 254.37 (1) (intro.) and
13 amended to read:

14 254.37 (1) NOTIFICATION OF VIOLATION AND ORDER OF ABATEMENT. (intro.)
15 Whenever the department ~~or the department of commerce~~ finds, upon inspection and
16 examination, that a source of radiation as constructed, operated or maintained
17 results in a violation of this subchapter or of any rules promulgated under this
18 subchapter, it the department shall notify do all of the following:

19 (a) Notify the person in control that is causing, allowing or permitting the
20 violation as to the nature of the violation ~~and order.~~

21 (b) Order that, prior to a specified time, the person in control shall cease and
22 abate causing, allowing or permitting the violation and take such action as may be
23 necessary to have the source of radiation constructed, operated, or maintained in
24 compliance with this subchapter and rules promulgated under this subchapter.

25 **SECTION 2478.** 254.37 (2) of the statutes is amended to read:

1 254.37 (2) ORDERS. The department ~~or the department of commerce~~ shall issue
2 and enforce such orders or modifications of previously issued orders as may be
3 required in connection with proceedings under this subchapter. The orders shall be
4 subject to review by the department upon petition of the persons affected. Whenever
5 the department ~~or the department of commerce~~ finds that a condition exists ~~which~~
6 that constitutes an immediate threat to health due to violation of this subchapter or
7 any rule or order promulgated under this subchapter, it may issue an order reciting
8 the existence of the threat and the findings pertaining to the threat. The department
9 ~~or the department of commerce~~ may summarily cause the abatement of the violation.

10 **SECTION 2479.** 254.37 (3) of the statutes is amended to read:

11 254.37 (3) RULES. The department shall promulgate and enforce the rules
12 pertaining to ionizing radiation ~~in establishments principally engaged in furnishing~~
13 ~~medical, surgical, chiropractic and other health services to persons and animals. The~~
14 ~~department of commerce shall enforce the rules pertaining to ionizing radiation in~~
15 ~~industrial establishments. The department shall notify the department of commerce~~
16 ~~and deliver to it a copy of each new registration and at such time a decision shall be~~
17 ~~made as to which state agency shall enforce the rules pertaining to ionizing~~
18 ~~radiation.~~

19 **SECTION 2480.** 254.37 (4) of the statutes is amended to read:

20 254.37 (4) ENFORCEMENT JURISDICTION. ~~All orders issued under this subchapter~~
21 ~~shall be enforced by the attorney general. The circuit court of Dane county shall have~~
22 jurisdiction to enforce the orders by injunctional and other appropriate relief.

23 **SECTION 2481.** 254.38 (title) of the statutes is created to read:

24 **254.38 (title) Emergency authority.**

1 **SECTION 2482.** 254.38 of the statutes is renumbered 254.38 (1) and amended
2 to read:

3 254.38 (1) **IMPOUNDING MATERIALS.** The department ~~or department of commerce~~
4 may impound or order the sequestration of sources of radiation in the possession of
5 any person who is not equipped to observe or who fails to observe safety standards
6 to protect health that are established in rules promulgated by the department ~~or the~~
7 ~~department of commerce.~~

8 **SECTION 2483.** 254.38 (2) of the statutes is created to read:

9 254.38 (2) **EMERGENCY ORDERS.** If the department finds that an emergency
10 exists concerning a matter subject to regulation under this subchapter that requires
11 immediate action to protect the public health or safety, the department may issue an
12 emergency order without notice or hearing that recites the existence of the
13 emergency and requires such action as is necessary to mitigate the emergency. Any
14 person to whom the order is issued shall immediately comply with the order. A
15 person to whom an emergency order is issued shall be afforded a hearing within 30
16 days after receipt by the department of a written request for the hearing. An
17 emergency order is effective upon issuance and remains in effect for up to 90 days
18 after issuance, except that the order may be revoked or modified based on the results
19 of the hearing.

20 **SECTION 2484.** 254.39 (2) of the statutes is amended to read:

21 254.39 (2) This subchapter does not apply to on-site activities of any nuclear
22 reactor plant licensed by the ~~nuclear regulatory commission~~ U.S. nuclear regulatory
23 commission.

24 **SECTION 2485.** 254.45 of the statutes is repealed and recreated to read:

1 **254.45 Penalties. (1) GENERAL.** (a) Any person who violates this subchapter
2 or a rule promulgated under this subchapter or a condition of a license or registration
3 issued by the department under this subchapter may be required to forfeit not less
4 than \$100 nor more than \$100,000. Each day of continued violation constitutes a
5 separate offense.

6 (b) The amount of the forfeiture assessed under par. (a) shall be determined by
7 considering all of the following:

8 1. The wilfulness of the violation.

9 2. The person's previous violations, if any, of this subchapter, rules
10 promulgated under this subchapter or conditions of a license or registration issued
11 by the department under this subchapter.

12 3. The potential danger or actual or potential injury to the environment or to
13 public health caused by the violation.

14 4. The actual or potential costs of the damage or injury caused by the violation.

15 **(2) ASSESSMENT OF FORFEITURES; NOTICE.** The department may directly assess
16 forfeitures provided for in sub. (1). If the department determines that a forfeiture
17 should be assessed for a particular violation, the department shall send a notice of
18 assessment to the person. The notice shall specify the amount of the forfeiture
19 assessed and the violation and the statute or rule alleged to have been violated and
20 shall inform the person of the right to hearing under sub. (3).

21 **(3) HEARING.** A person upon whom a forfeiture is imposed may contest the
22 action by sending, within 10 days after receipt of notice of a contested action, a
23 written request for hearing under s. 227.44 to the division of hearings and appeals
24 created under s. 15.103 (1). The administrator of the division may designate a
25 hearing examiner to preside over the case and recommend a decision to the

1 administrator under s. 227.46. The decision of the administrator of the division shall
2 be the final administrative decision. The division shall commence the hearing within
3 30 days of receipt of the request for hearing and shall issue a final decision within
4 15 days after the close of the hearing. Proceedings before the division are governed
5 by ch. 227.

6 (4) FORFEITURE PAYMENT AND DISPOSITION. (a) A person against whom the
7 department has assessed a forfeiture shall pay the forfeiture to the department
8 within 10 days after receipt of the notice under sub. (2) or, if the person contests the
9 assessment, within 10 days after receipt of the final decision after exhaustion of
10 administrative review. If the person petitions for judicial review under ch. 227, the
11 person shall pay the forfeiture within 10 days after receipt of the final judicial
12 decision.

13 (b) The department shall remit all forfeitures paid to the state treasurer for
14 deposit in the school fund.

15 (5) ENFORCEMENT. The attorney general may bring an action in the name of the
16 state to collect any forfeiture imposed under this section if the forfeiture has not been
17 paid as required under sub. (4). The only issue to be contested in an action under this
18 subsection is whether the forfeiture has been paid.

19 **SECTION 2485t.** 255.05 (1) (a) of the statutes is amended to read:

20 255.05 (1) (a) "Institution" means any hospital, nursing home, county home,
21 county mental hospital, ~~tuberculosis sanatorium~~, community-based residential
22 facility or other place licensed or approved by the department under ss. s. 49.70,
23 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 and 252.076.~~

24 **SECTION 2485g.** Subchapter IX (title) of chapter 254 [precedes 254.911] of the
25 statutes is created to read:

CHAPTER 254**SUBCHAPTER IX****INVESTIGATIONS OF THE SALE OR****GIFT OF CIGARETTES OR****TOBACCO PRODUCTS TO MINORS**

SECTION 2485h. 254.911 of the statutes is created to read:

254.911 Definitions. In this subchapter:

(1) “Cigarette” has the meaning given in s. 139.30 (1).

(2) “Governmental regulatory authority” means the department; the local health department, state agency or law enforcement agency with which the department contracts under s. 254.916 (1) (a); or the person with whom the local health department, state agency or law enforcement agency contracts under s. 254.916 (1) (a).

(3) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

(4) “Retailer” has the meaning given in s. 134.66 (1) (g).

(5) “Retail outlet” means a place of business from which cigarettes or tobacco products are sold at retail to consumers.

(6) “State agency” has the meaning given in s. 1.12 (1) (b).

(7) “Tobacco products” has the meaning given in s. 139.75 (12).

(8) “Tobacco vending machine” is any mechanical device that automatically dispenses cigarettes or tobacco products when money or tokens are deposited in the device in payment for the cigarettes or tobacco products.

(9) “Tobacco vending machine operator” means a person who acquires tobacco products or stamped cigarettes from manufacturers, as defined in s. 134.66 (1) (e), or permittees, stores them and sells them through the medium of tobacco vending

1 machines that he or she owns, operates or services and that are located on premises
2 that are owned or under the control of other persons.

3 (10) "Tobacco vending machine premises" means any area in which a tobacco
4 vending machine is located.

5 SECTION 2485j. 254.916 of the statutes is created to read:

6 **254.916 Department; authority.** (1) (a) In the administration of this
7 subchapter, the department may contract with local health departments, as agents
8 of the department, with a state agency or with law enforcement agencies of the state,
9 or of a county, city, village or town, to cause unannounced investigations to be
10 conducted at least annually at retail outlets, including sites of tobacco vending
11 machines, to survey overall levels of compliance with s. 134.66 (2) (a) and (am). A
12 person with whom the department contracts under this paragraph may contract
13 with another person to conduct the investigations. Except any survey conducted
14 under 21 CFR part 897, the survey under this subsection shall cover a range of retail
15 outlets that are not preselected on the basis of prior violations, in order to measure
16 overall levels of compliance as well as to identify violations. The survey shall be
17 conducted so as to provide a sample of retail outlets that reflects the distribution of
18 minors throughout the state and the distribution of the retail outlets throughout the
19 state where minors are likely to attempt to purchase cigarettes. The survey shall
20 include all types of retail outlets that are required to comply with s. 134.66 (2) (a) and
21 (am). The department shall use statistically sound sampling techniques in designing
22 the annual surveys so as to measure overall levels of compliance and shall stratify
23 the sample so as to measure compliance by type of retail outlet, including a private
24 place of business other than a retail establishment, but not including a barroom, as

1 defined in s. 125.51 (3m) (a), that is located on premises described in a license issued
2 under s. 125.26 or 125.51 (3).

3 (b) The department, in consultation with retailers and governmental
4 regulatory authorities, shall establish standards for procedures and training for
5 conducting investigations under this section.

6 (c) No retailer may be subject to unannounced investigations more than twice
7 annually unless the retailer is found to have violated s. 134.66 (2) (a) or (am) during
8 each investigation. Investigations conducted under sub. (12) may not be considered
9 unannounced investigations for purposes of this paragraph.

10 (2) With the permission of his or her parent or guardian, a person under 18
11 years of age, but not under 15 years of age, may buy, attempt to buy or possess any
12 cigarette or tobacco product if all of the following are true:

13 (a) The person commits the act for the purpose of conducting an investigation
14 under this section.

15 (b) The person is directly supervised during the conducting of the investigation
16 by an adult employe of a governmental regulatory authority.

17 (c) The person has prior written authorization to commit the act from a
18 governmental regulatory authority or a district attorney or from an authorized agent
19 of a governmental regulatory authority or a district attorney.

20 (3) (a) All of the following, unless otherwise specified, apply in conducting
21 investigations under this section:

22 (a) If questioned about his or her age during the course of an investigation, the
23 minor shall state his or her true age.

24 (b) A minor may not be used for the purposes of an investigation at a retail
25 outlet at which the minor is a regular customer.

1 (c) The appearance of a minor may not be materially altered so as to indicate
2 greater age.

3 (d) A photograph or videotape of the minor shall be made before or after the
4 investigation or series of investigations on the day of the investigation or series of
5 investigations. If a prosecution results from an investigation, the photograph or
6 videotape shall be retained until the final disposition of the case.

7 (e) A governmental regulatory authority shall make a good faith effort to make
8 known to the retailer or the retailer's employe or agent, within 72 hours after the
9 occurrence of the violation, the results of an investigation, including the issuance of
10 any citation by a governmental regulatory authority for a violation that occurs
11 during the conduct of the investigation. This paragraph does not apply to
12 investigations conducted under a grant received under 42 USC 300x-021.

13 (f) Except with respect to investigations conducted under 42 USC 300x-021 or
14 21 CFR part 897, all of the following information shall be reported to the department,
15 and to the retailer, within 10 days after the conduct of an investigation under this
16 section:

17 1. The name and position of the governmental regulatory authority employe
18 who directly supervised the investigation.

19 2. The age of the minor.

20 3. The date and time of the investigation.

21 4. A reasonably detailed description of the circumstances giving rise to a
22 violation, if any, or, if there is no violation, written notice to that effect.

23 5. Any other relevant information requested by the department.

1 (4) No results of an investigation conducted under this section may be included
2 in the survey specified under sub. (1) if it is proved that the requirements under sub.
3 (3) were not met in conducting the investigation.

4 (5) No evidence obtained during or otherwise arising from the course of an
5 investigation under this section that is used to prosecute a person for a violation of
6 s. 134.66 (2) (a) or (am) may be used in the prosecution of an alleged violation of s.
7 125.07 (3).

8 (6) The department shall compile the results of investigations performed under
9 this section and shall prepare an annual report that reflects the results for
10 submission with the state's application for federal funds under 42 USC 300x-21. The
11 report shall be published for public comment at least 60 days before the beginning
12 of negotiations under sub. (7).

13 (7) The department shall strive annually to negotiate with the federal
14 department of health and human services realistic and attainable interim
15 performance targets for compliance with 42 USC 300x-26.

16 (8) A governmental regulatory agency under this section shall meet standards
17 established by the department of health and family services. The department shall
18 annually evaluate the investigation program of each governmental regulatory
19 authority. If, at any time, a governmental regulatory authority fails to meet the
20 standards, the department of health and family services may terminate the contract
21 under sub. (1).

22 (9) The department shall provide education and training to governmental
23 regulatory authorities to ensure uniformity in the enforcement of this subchapter.

24 (10) This section does not limit the authority of the department to investigate
25 establishments in jurisdictional areas of governmental regulatory authorities if the

1 department investigates in response to an emergency, for the purpose of monitoring
2 and evaluating the governmental regulatory authority's investigation and
3 enforcement program or at the request of the governmental regulatory authority.

4 (11) The department shall hold a hearing under ch. 227 if any interested
5 person, in lieu of proceeding under ch. 68, appeals to the department alleging that
6 the person making an investigation of the appellant has a financial interest in a
7 regulated cigarette and tobacco product retailer, tobacco vending machine operator,
8 tobacco vending machine premises or tobacco vending machine which may interfere
9 with his or her ability to properly take that action.

10 (12) This section does not apply to surveys conducted by local units of
11 government that have not entered into a contract under sub. (1), to determine overall
12 levels of compliance with s. 134.66 (2) (a) and (am). No results obtained under such
13 surveys may be used for the purpose of issuing warnings or citations or any other
14 enforcement mechanism.

15 (13) The requirements of subs. (1) to (12) do not apply to investigations of retail
16 establishments conducted by the city of Madison, or the local health department or
17 law enforcement agency of the city of Madison, in its jurisdictional area to determine
18 compliance with and to enforce s. 134.66 (2).

19 **SECTION 2485L.** 254.92 (2) (b) of the statutes is created to read:

20 254.92 (2) (b) A person under 18 years of age, but not under 15 years of age,
21 may purchase, attempt to purchase or possess cigarettes or tobacco products in the
22 course of his or her participation in an investigation under s. 254.916 that is
23 conducted in accordance with s. 254.916 (3).

24 **SECTION 2486g.** 255.15 of the statutes is created to read:

1 **255.15 Statewide tobacco control program. (1) DEFINITIONS.** In this
2 section, "board" means the tobacco control board.

3

4

(1m) DUTIES. The board shall do all of the following:

5 (a) Appoint an executive director within the classified service who shall employ
6 staff within the classified service with appropriate programmatic and technical
7 expertise.

8 (b) Administer the grant program under sub. (3).

9 (c) Promulgate rules establishing criteria for recipients of grants awarded
10 under sub. (3), including performance-based standards for grant recipients that
11 propose to use the grant for media efforts. The board shall ensure that programs or
12 projects conducted under the grants are culturally sensitive.

13 (d) Provide a forum for the discussion, development, and recommendation of
14 public policy alternatives in the field of smoking cessation and prevention.

15 (e) Provide a clearinghouse of information on matters relating to tobacco issues
16 and how they are being met in different places throughout the nation such that both
17 lay and professional groups in the field of government, health care and education
18 may have additional avenues for sharing experiences and interchanging ideas in the
19 formulation of public policy on tobacco.

20 (f) Develop and prepare an annual plan regarding the allocation of funding for
21 a statewide tobacco control program based on successful tobacco control programs in
22 other states and based on recommendations of the U.S. Centers for Disease Control
23 regarding the allocation of funding for comprehensive tobacco control programs.

24 (3) USE OF FUNDS. (a) From the appropriation under s. 20.436(1)(tc), the board
25 shall distribute the following amounts to or for all of the following:

1 1. The board of regents of the University of Wisconsin System for the tobacco
2 research and intervention center at the University of Wisconsin–Madison,
3 \$1,000,000 in each fiscal year.

4 2. The Thomas T. Melvin youth tobacco prevention and education program
5 under s. 255.10, \$1,000,000 in fiscal year 1999–2000 and not less than \$1,000,000 in
6 fiscal year 2000–01 and in each fiscal year thereafter.

7 3. A youth smokeless tobacco cessation and prevention campaign developed by
8 the division within the department that has primary responsibility for
9 administering public health programs, \$92,000 in fiscal year 1999–2000.

10 4. The Medical College of Wisconsin for tobacco use prevention and cessation
11 activities, \$500,000 in fiscal year 2000–01 and in each fiscal year thereafter. Funds
12 distributed under this subdivision may only be used for activities directly related to
13 preventing individuals from smoking and assisting smokers to quit smoking.

~~14~~ (b) From the appropriation under s. 20.436 (1) (tc), the board may distribute
~~15~~ grants for any of the following:

16 1. Community–based programs to reduce tobacco use.

17 2. Community–based programs to reduce the burden of tobacco–related
18 diseases.

19 3. School–based programs relating to tobacco use cessation and prevention.

20 4. Enforcement of local laws aimed at reducing exposure to secondhand smoke
21 and restricting underage access to tobacco.

22 5. Grants for partnerships among statewide organizations and businesses that
23 support activities related to tobacco use cessation and prevention.

24 6. Marketing activities that promote tobacco use cessation and prevention.

1 7. Projects designed to reduce tobacco use among minorities and pregnant
2 women.

3 8. Other tobacco use cessation programs.

4 9. Surveillance of indicators of tobacco use and evaluation of the activities
~~5~~ funded under this section.

~~6~~ 10. Development of policies that restrict access to tobacco products and reduce
~~7~~ exposure to environmental tobacco smoke.

8 (c) No recipient of moneys distributed under par. (b) may expend more than
9 10% of those moneys for administrative costs.

~~10~~ (4) **REPORTS.** Not later than July 1, 2001, and annually thereafter, the board
11 shall submit to the governor and to the chief clerk of each house of the legislature for
12 distribution under s. 13.172 (2) a report that evaluates the success of the grant
13 program under sub. (3). The report shall specify the number of grants awarded
14 during the immediately preceding fiscal year and the purpose for which each grant
15 was made. The report shall also specify donations and grants accepted by the board
16 under sub. (5). ✓

17 (5) **FUNDS.** The board may accept for any of its purposes any donations and
18 grants of money, equipment, supplies, materials and services from any person. The
19 board shall include in the report under sub. (4) any donation or grant accepted by the
20 board under this subsection, including the nature, amount and conditions, if any, of
21 the donation or grant and the identity of the donor.

22 (6) **SUBCOMMITTEES.** The board may create subcommittees to assist in its work.
23 If the board creates subcommittees, one of the subcommittees shall address the issue
~~24~~ of populations most adversely affected by tobacco. ✓

25 **SECTION 2487.** 281.01 (15) of the statutes is amended to read:

1 281.01 (15) "Solid waste" means any garbage, refuse, sludge from a waste
2 treatment plant, water supply treatment plant or air pollution control facility and
3 other discarded or salvageable materials, including solid, liquid, semisolid, or
4 contained gaseous materials resulting from industrial, commercial, mining and
5 agricultural operations, and from community activities, but does not include solids
6 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
7 return flows or industrial discharges which are point sources subject to permits
8 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear
9 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
10 ~~(3)~~ (1).

11 **SECTION 2487p.** 281.16 (3) (e) of the statutes is amended to read:

12 281.16 (3) (e) An owner or operator of an agricultural facility or practice that
13 is in existence before October 14, 1997, may not be required by this state or a
14 municipality to comply with the performance standards, prohibitions, conservation
15 practices or technical standards under this subsection unless cost-sharing is
16 available, under ~~sub. (5)~~ or s. 92.14 or 281.65 or from any other source, to the owner
17 or operator. For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.105 (1),
18 92.15 (4) and 823.08 (3) (c) 2., the department of natural resources shall promulgate
19 rules that specify criteria for determining whether cost-sharing is available under
20 ~~sub. (5)~~ or s. 281.65 and the department of agriculture, trade and consumer
21 protection shall promulgate rules that specify criteria for determining whether
22 cost-sharing is available under s. 92.14 or from any other source. The rules may not
23 allow a determination that cost-sharing is available to meet local regulations under
24 s. 92.07 (2), 92.105 (1) or 92.15 that are consistent with or that exceed the
25 performance standards, prohibitions, conservation practices or technical standards

1 under this subsection unless the cost-sharing is at least 70% of the cost of compliance
2 or is from 70% to 90% of the cost of compliance in cases of economic hardship, as
3 defined in the rules.

4 **SECTION 2487r.** 281.16 (4) of the statutes is amended to read:

5 281.16 (4) APPLICATION TO ANIMAL FEEDING OPERATIONS. If the department issues
6 a notice of discharge under ch. 283 for an animal feeding operation, the performance
7 standards, prohibitions, conservation practices and technical standards under sub.
8 (3) apply to the animal feeding operation, except that if the animal feeding operation
9 is in existence before October 14, 1997, the performance standards, prohibitions,
10 conservation practices and technical standards only apply if the department
11 determines that cost-sharing is available to the owner or operator of the animal
12 feeding operation under ~~sub. (5)~~, s. 92.14 or 281.65 or from any other source.

13 **SECTION 2487t.** 281.16 (5) of the statutes is repealed.

14 **SECTION 2487x.** 281.165 of the statutes is created to read:

15 **281.165 Compliance with water quality standards for wetlands. (1)**
16 COMPLIANCE; EXEMPTION. An activity shall be considered to comply with the water
17 quality standards that are applicable to wetlands and that are promulgated as rules
18 under s. 281.15 and is exempt from any prohibition, restriction, requirement, permit,
19 license, approval, authorization, fee, notice, hearing, procedure or penalty specified
20 under s. 29.601 (3) or chs. 30, 31, 281, 283, 289 to 292 or 299 or specified under any
21 rule promulgated, order issued or ordinance adopted under any of those sections or
22 chapters, if the activity meets all of the requirements under either sub. (2) or (3).

23 (2) TREMPLEAU COUNTY. Subsection (1) applies to an activity that meets all
24 of the following requirements:

1 (a) The wetland area that will be affected by the activity is less than 15 acres
2 in size.

3 (b) The site of the activity is zoned for industrial use and is in the vicinity of
4 a manufacturing facility.

5 (c) The site of the activity is within the corporate limits of a city on January 1,
6 1999.

7 (d) The governing body of the city adopts a resolution stating that the
8 exemption under this section is necessary to protect jobs that exist in the city on the
9 date of the adoption of the resolution or is necessary to promote job creation.

10 (e) The site of the activity is located in Trempealeau County.

11 (3) DUNN COUNTY. (a) Subsection (1) applies to an activity that meets the
12 requirements under sub. (2) (c) and (d) and all of the following requirements:

13 1. The wetland area that will be affected by the activity is no more than 4.2
14 acres in size.

15 2. The site of the activity is zoned for technology park use and is in the vicinity
16 of a manufacturing facility.

17 3. The site of the activity is located in Dunn County.

18 (b) Before any person engages in the activity described in par. (a), the U.S.
19 Army Corps of Engineers shall have issued a permit for the activity that contains a
20 mitigation plan that requires the creation of at least 1.5 acres of wetland for each acre
21 of wetland affected by the activity.

22 SECTION 2490x. 281.57 (10r) of the statutes is created to read:

23 281.57 (10r) LOAN FOR REPLACEMENT OF A FAILED SEQUENTIAL BATCH REACTOR.
24 Notwithstanding subs. (2), (4) to (10) and (12), during the 1999–2001 biennium, the
25 department shall provide a loan of \$770,000 to a municipality for all of the

1 administrative, planning, design and construction costs incurred after January 1,
2 1997, for the replacement of a failed sequential batch reactor point source pollution
3 abatement facility for which the department has issued written concurrence on or
4 before March 26, 1999, that the construction of a new wastewater treatment plant
5 is the most cost-effective option, and for which the municipality has on or before
6 March 26, 1999, committed to work with the department towards securing
7 reimbursement of the loan from the federal environmental protection agency under
8 40 CFR 35.2032. The department may not charge any interest on the loan and may
9 not require the municipality to repay the loan until the municipality receives a grant
10 from the federal environmental protection agency for the replacement of the point
11 source pollution abatement facility. If the federal environmental protection agency
12 denies the grant or a portion of the grant, the department shall forgive the amount
13 of the loan that exceeds the amount of the grant.

~~14~~ **SECTION 2490z.** 281.57 (10t) of the statutes is created to read:

15 281.57 (10t) LOAN FOR A DRINKING WATER TREATMENT PLANT. Notwithstanding
16 subs. (2), (4) to (10) and (12), during the 1999–2001 biennium, the department shall
17 provide a loan of \$1,100,000 to the village of Marathon for the upgrading or
18 replacement of a drinking water treatment plant. The department may not charge
19 any interest on the loan. The department may not require the municipality to repay
20 the loan until the municipality receives a grant from the federal environmental
21 protection agency for the upgrading or replacement of the drinking water treatment
22 plant. If the federal environmental protection agency denies the grant or a portion
23 of the grant, the village of Marathon shall repay the amount of the loan that exceeds
~~24~~ the amount of the grant.

25 **SECTION 2491.** 281.58 (1) (ae) of the statutes is repealed.