***–0884/1.4* SECTION 1900.** 86.302 (1m) (a) of the statutes is renumbered 86.302 (1m) (a) 1. and amended to read:

86.302 **(1m)** (a) 1. ~~The board of a town, village or county and the governing body of a city need not file a certified plat under sub. (1) if the town, village,~~ In lieu of filing a certified plat under sub. (1g), if a municipality or county ~~or city~~ has not added or deleted jurisdictional mileage since filing its last preceding certified plat under sub. ~~(1)~~ (1g), its board or governing body may file a certified statement to that effect with the department.

***–0884/1.5* SECTION 1901.** 86.302 (1m) (a) 2. of the statutes is created to read:

86.302 **(1m)** (a) 2. Notwithstanding subd. 1., the department may require every municipality and county to file a certified plat under sub. (1g) with the department in the year after the year in which a federal decennial census is conducted.

***–0884/1.6* SECTION 1902.** 86.302 (1m) (b) of the statutes is amended to read:

86.302 **(1m)** (b) Upon incorporation of a village or city, the board of the village and the governing body of the city shall file with the department ~~and with the county clerk~~ a certified plat of the village or city showing the ~~roads and streets~~ highways under its jurisdiction and the mileage thereof to be open and used for travel as of the date of incorporation, which may be used by the department in making computations of transportation aids. One–half of the mileage of ~~roads or streets~~ highways on boundary lines shall be considered as lying in the village or city.

***–0884/1.7* SECTION 1903.** 86.302 (2) of the statutes is amended to read:

86.302 **(2)** Not later than December 15, 2001, and biennially thereafter, each municipality and county shall assess the physical condition of highways under its jurisdiction, using a pavement rating system approved by the department and report the results of that assessment to the department. The department shall assess the

accuracy of mileage or other data concerning highways reported by municipalities and counties and may use field investigations to verify a portion of the data constituting a valid random sample or such specialized sample as the department considers appropriate. The department shall cooperate with and provide assistance to local units of government in their ~~jurisdictional mileage determination~~ efforts. ~~The department shall inventory and verify all road mileage in a county or municipality once every 10 years~~ under this subsection. Information collected under this subsection is inadmissible as evidence, except to show compliance with this subsection.

***–0884/1.8* SECTION 1904.** 86.302 (3) of the statutes is amended to read:

86.302 **(3)** For the purposes of transportation aid determinations under s. 86.30, the department shall use changes in the ~~road~~ highway mileage of a ~~city,~~ municipality or county~~, town or village~~ indicated on the certified plat filed under sub. ~~(1) shall be used by the department~~ (1g) in making computations of transportation aids to be paid beginning in the ~~next odd–numbered~~ year following the ~~odd–numbered~~ year in which the certified plat is filed. The department shall consider the following factors ~~shall be considered by the department~~:

(a) New ~~roads~~ highways.

(b) Abandoned ~~roads~~ highways.

(c) Changes in jurisdictional mileage responsibilities for existing ~~roads~~ highways.

***–0884/1.9* SECTION 1905.** 86.303 (4) (b) of the statutes is amended to read:

86.303 **(4)** (b) In the case of municipalities formed within the previous 6 years, the information needed for the determinations under this section shall be calculated as follows: for those years for which the necessary data does not exist, the data for

the new municipality and the municipality from which it was formed shall be combined and the sum shall be apportioned to each municipality in proportion to the total mileage of ~~roads and streets~~ highways under their respective jurisdictions. In making these calculations, the department shall use the certified plats filed under s. 86.302 ~~(1)~~ (1g).

***–0882/1.1* SECTION 1906.** 86.303 (6) (c) (intro.) of the statutes is amended to read:

86.303 **(6)** (c) (intro.) The following other costs to the extent ~~to which~~ they are highway related are reportable:

***–0882/1.2* SECTION 1907.** 86.303 (6) (c) 4. of the statutes is amended to read:

86.303 **(6)** (c) 4. ~~Traffic police and street~~ Street lighting costs.

***–0882/1.3* SECTION 1908.** 86.303 (6) (cm) of the statutes is created to read:

86.303 **(6)** (cm) Some portion of law enforcement costs determined by the department, in consultation with the representatives appointed under sub. (5) (am), may be reported as eligible cost items. The department may establish different portions under this paragraph for different classes of counties or municipalities.

***–1065/2.3* SECTION 1909.** 87.30 (1) (d) of the statutes is created to read:

87.30 **(1)** (d) For an amendment to a floodplain zoning ordinance that affects an activity that meets all of the requirements under s. 281.165 (1) to (5), the department may not proceed under this subsection, or otherwise review the amendment, to determine whether the ordinance, as amended, is insufficient.

***–2070/1.2* SECTION 1910.** 88.15 of the statutes is created to read:

88.15 Drainage board grants. (1) From the appropriation under s. 20.115 (7) (d), the department of agriculture, trade and consumer protection shall make grants to boards to assist boards to comply with this chapter and rules promulgated

under this chapter. A grant under this section may not exceed 60% of the costs incurred by the board to comply with this chapter and rules promulgated under this chapter.

(2) The department of agriculture, trade and consumer protection shall promulgate rules for the administration of the program under this section.

***–1785/P3.30* SECTION 1911.** 91.01 (8) of the statutes is amended to read:

91.01 **(8)** "Local governing body having jurisdiction" means the city council, village board or town board if that body has adopted ~~a certified~~ an ordinance under subch. V that is certified under s. 91.06, 1997 stats.; or the county board where such a city, village or town zoning ordinance is not in effect.

***–1785/P3.31* SECTION 1912.** 91.04 of the statutes is created to read:

91.04 Acquisition of development rights agreements. The department shall maintain a list of nonprofit entities with which the department has entered into agreements under s. 71.605 (3). The department shall make the list available to owners who are interested in transferring their development rights and to the department of revenue.

***–1785/P3.32* SECTION 1913.** 91.06 of the statutes is repealed.

***–1785/P3.33* SECTION 1914.** 91.11 (1) (a) of the statutes is amended to read:

91.11 **(1)** (a) The county in which the land is located has ~~a certified~~ in effect an agricultural preservation plan ~~in effect~~ certified under s. 91.06, 1997 stats.; or

***–1785/P3.34* SECTION 1915.** 91.11 (1) (b) of the statutes is amended to read:

91.11 **(1)** (b) The land is in an area zoned for exclusive agricultural use under an ordinance certified under ~~subch. V~~ s. 91.06, 1997 stats.

***–1785/P3.35* SECTION 1916.** 91.11 (2) of the statutes is amended to read:

91.11 **(2)** An owner of land located in a county with a population density of less than 100 persons per square mile which has adopted ~~a certified~~ an exclusive agricultural use zoning ordinance certified under s. 91.06, 1997 stats., may apply under this subchapter even if the town in which the land is located has not approved the ordinance.

–1785/P3.36 **SECTION 1917.** 91.11 (3) of the statutes is amended to read:

91.11 **(3)** In any county with a population density of 100 or more persons per square mile, an owner may apply for a farmland preservation agreement under this subchapter only if the county in which the land is located has ~~a certified~~ an exclusive agricultural use zoning ordinance certified under ~~subch. V~~ s. 91.06, 1997 stats., and the town in which the land is located has approved the ordinance.

–1785/P3.37 **SECTION 1918.** 91.11 (4) of the statutes is amended to read:

91.11 **(4)** In any city, town or village that has adopted ~~a certified~~ an exclusive agricultural use zoning ordinance certified under ~~subch. V~~ s. 91.06, 1997 stats., or in any town that has approved ~~a certified~~ an exclusive agricultural use zoning ordinance adopted by the county and certified under ~~subch. V~~ s. 91.06, 1997 stats., an owner may apply for a farmland preservation agreement only if the land is in an area zoned for exclusive agricultural use.

–1785/P3.38 **SECTION 1919.** 91.13 (4) (a) of the statutes is amended to read:

91.13 **(4)** (a) Whether the farmland is designated an agricultural preservation area in ~~a certified~~ an agricultural preservation plan ~~established~~ certified under ~~subch. IV~~ s. 91.06, 1997 stats., or is an area zoned for exclusive agricultural use under an ordinance certified under ~~subch. V~~ s. 91.06, 1997 stats.

–1785/P3.39 **SECTION 1920.** 91.13 (8) (d) of the statutes is repealed.

–1785/P3.40 **SECTION 1921.** 91.14 of the statutes is amended to read:

91.14 Transition area agreements. An owner may apply for a transition area agreement under this subchapter if the farmland is located in an area identified as a transition area under a ~~certified~~ county agricultural preservation plan certified under ~~subch. IV~~ s. 91.06, 1997 stats. The provisions of this subchapter, except ss. 91.11 (1) (b) and (4), 91.13 (4) (a) and (10) and 91.15, apply to agreements under this section. Agreements under this section shall be for not less than 5 nor more than 20 years, consistent with the county agricultural preservation plan.

***–1785/P3.41* SECTION 1922.** 91.19 (2) (c) 1. e. of the statutes is amended to read:

91.19 **(2)** (c) 1. e. The proposed development or use is consistent with the county's ~~certified~~ agricultural preservation plan certified under s. 91.06, 1997 stats., if a plan is in effect.

***–1785/P3.42* SECTION 1923.** 91.19 (6t) of the statutes is amended to read:

91.19 **(6t)** ~~The~~ After the effective date of this subsection .... [revisor inserts date], the department shall relinquish land from a farmland preservation agreement ~~land that has been subject to a farmland preservation agreement for at least 10 years~~ if the owner of the land so requests.

***–1785/P3.43* SECTION 1924.** 91.19 (7) of the statutes is amended to read:

91.19 **(7)** Whenever a farmland preservation agreement is relinquished under sub. (2) or (6t) or all or part of the land is released from a farmland preservation agreement under sub. (2) or (6p) or a transition area agreement is relinquished under sub. (2) or, subject to subs. (12) and (13), a transition area agreement is relinquished under sub. (1) or (1m), the department shall cause to be prepared and recorded a lien against the property formerly subject to the agreement for the total amount of all credits received by all owners of such lands under ~~subch. IX of ch. 71~~ ss. 71.59 and

71.60 during the last 10 years that the land was eligible for such credit, plus interest at the rate of 9.3% per year compounded annually on the credits received from the time the credits were received until the lien is paid for farmland preservation agreements relinquished under sub. (6t) and 6% per year compounded annually on the credits received from the time the credits were received until the lien is paid for other agreements. No interest shall be compounded for any period during which the farmland is subject to a subsequent farmland preservation agreement or transition area agreement or is zoned for exclusive agricultural use under an ordinance certified under ~~subch. V~~ s. 91.06, 1997 stats.

***–1785/P3.44* SECTION 1925.** 91.19 (8) of the statutes is amended to read:

91.19 **(8)** Subject to subs. (12) and (13), upon the relinquishment of a farmland preservation agreement under sub. (1) or (1m), the department shall cause to be prepared and recorded a lien against the property formerly subject to the farmland preservation agreement for the total amount of the credits received by all owners thereof under ~~subch. IX of ch. 71~~ ss. 71.59 and 71.60 during the last 10 years that the land was eligible for such credit, plus 6% interest per year compounded from the time of relinquishment. No interest shall be compounded for any period during which the farmland is subject to a subsequent farmland preservation agreement or transition area agreement or is zoned for exclusive agricultural use under an ordinance certified under ~~subch. V~~ s. 91.06, 1997 stats.

***–1785/P3.45* SECTION 1926.** 91.19 (10) of the statutes is amended to read:

91.19 **(10)** The lien may be paid and discharged at any time and shall become payable to the state by the owner of record at the time the land or any portion of it is sold by the owner of record to any person except the owner's child or if the land is converted to a use prohibited by the former farmland preservation agreement. Upon

reentry in an agreement under this subchapter or upon zoning for exclusively agricultural use under an ordinance certified under ~~subch. V~~ s. 91.06, 1997 stats., the portion of the lien on the land reentered or so zoned shall be discharged. The discharge of a lien does not affect the calculation of any subsequent lien under sub. (7) or (8). The proceeds from the payment shall be paid into the general fund.

***–1785/P3.46* SECTION 1927.** 91.19 (12) of the statutes is amended to read:

91.19 **(12)** No lien may be filed under sub. (7) or (8), on the date of relinquishment, release or termination, for tax credits paid on lands or any portion of them which are zoned for exclusively agricultural use under an ordinance certified under ~~subch. V~~ s. 91.06, 1997 stats.

***–1785/P3.47* SECTION 1928.** 91.19 (13) of the statutes is amended to read:

91.19 **(13)** No lien may be filed under sub. (7) or (8) for any amount of tax credits paid under ~~subch. IX of ch. 71~~ ss. 71.59 and 71.60 to any owner of farmland if, up to the date of relinquishment under sub. (1) or (1m) of the applicable farmland preservation agreement or transition area agreement, all of the requirements under this subchapter that relate to the agreement have been satisfied by the owner.

***–1785/P3.48* SECTION 1929.** 91.21 (3) of the statutes is amended to read:

91.21 **(3)** If the owner or a successor in title of the land upon which a farmland preservation agreement has been recorded under this chapter fails to comply with s. 91.13 (8) ~~(d) or~~ (dm), such person shall be given one year to restore compliance before the remedies of sub. (1) shall be applicable.

***–1785/P3.49* SECTION 1930.** 91.25 of the statutes is created to read:

91.25 Phaseout of agreements. The department may not enter into, or extend, an agreement under this subchapter after the effective date of this section .... [revisor inserts date].

***–1785/P3.50* SECTION 1931.** Subchapter III of chapter 91 [precedes 91.31] of the statutes is repealed.

***–1785/P3.51* SECTION 1932.** Subchapter IV of chapter 91 [precedes 91.51] of the statutes is repealed.

***–1785/P3.52* SECTION 1933.** 91.71 of the statutes is repealed.

***–1785/P3.53* SECTION 1934.** 91.73 (2) of the statutes is repealed.

***–1785/P3.54* SECTION 1935.** 91.75 (intro.) of the statutes is amended to read:

91.75 Ordinance standards. (intro.) A zoning ordinance shall be deemed an "exclusive agricultural use ordinance" if it includes those jurisdictional, organizational or enforcement provisions necessary for its proper administration, if the land in exclusive agricultural use districts is limited to agricultural use ~~and is identified as an agricultural preservation area under any agricultural preservation plans adopted under subch. IV~~ and if the regulations on the use of agricultural lands in such districts meet the following standards which, except for sub. (4), are minimum standards:

***–1785/P3.55* SECTION 1936.** 91.75 (1) of the statutes is repealed and recreated to read:

91.75 **(1)** A minimum lot size is specified.

***–1785/P3.56* SECTION 1937.** 91.75 (6) of the statutes is amended to read:

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

***–1785/P3.57* SECTION 1938.** 91.77 (2) of the statutes is repealed.

***–1785/P3.58* SECTION 1939.** 91.78 of the statutes is repealed.

***–1785/P3.59* SECTION 1940.** 91.79 of the statutes is repealed.

***–1785/P3.60* SECTION 1941.** 91.80 (1) of the statutes is amended to read:

91.80 **(1)** ORDINANCE. Any county, city, village or town may require by separate ordinance that land for which an owner ~~receives a zoning certificate under s. 71.59 (1) (b)~~ applies for a farmland preservation credit under ss. 71.59 and 71.60 be farmed in compliance with reasonable soil and water conservation standards established by the county land conservation committee.

***–1243/2.1* SECTION 1942.** 92.04 (2) (b) of the statutes is amended to read:

92.04 **(2)** (b) *Review and approve land and water resource management plans.* The board shall review and approve or disapprove land and water resource management plans prepared under s. 92.10 ~~and make recommendations to the department on approval or disapproval of those plans~~.

***–1785/P3.61* SECTION 1943.** 92.08 (1) of the statutes is amended to read:

92.08 **(1)** Every land conservation committee shall prepare annually for its county a plan which describes the soil and water resource activities to be undertaken by that county and the dollar amounts required for personnel to administer and implement activities in that county related to soil conservation activities required under ~~ss. 92.104 and~~ s. 92.105 to claim a farmland preservation credit under ~~subch. IX of ch. 71~~ ss. 71.59 and 71.60, activities required under s. 92.17 related to shoreland management or activities required under s. 281.65 (8m) related to the development or implementation of animal waste or construction site erosion ordinances. The land conservation committee shall submit that plan to the county board of that county and to the department.

***–1243/2.2* SECTION 1944.** 92.10 (4) (d) of the statutes is amended to read:

92.10 **(4)** (d) *Plan review.* The department, in consultation with the department of natural resources, shall review ~~and approve or disapprove~~ land and water resource management plans submitted by the land conservation committees, summarize the plans and make recommendations to the board on approval or disapproval of the plans. The department may require land conservation committees to indicate specific projects to be funded under each plan and the related cost–sharing rates.

***–1243/2.3* SECTION 1945.** 92.10 (5) (a) of the statutes is amended to read:

92.10 **(5)** (a) *Plan review.* The board shall review and approve or disapprove land and water resource management plans submitted by the land conservation committees ~~and make recommendations to the department~~.

***–1243/2.4* SECTION 1946.** 92.10 (6) (a) of the statutes is repealed and recreated to read:

92.10 **(6)** (a) *Plan preparation.* A land conservation committee shall prepare a land and water resource management plan that, at a minimum, does all of the following:

1. Assesses water quality and soil erosion conditions throughout the county.

2. Specifies water quality and soil erosion control goals and identifies the areas that may not be meeting those goals.

3. Identifies applicable performance standards and prohibitions related to the control of pollution from nonpoint sources, as defined in s. 281.65 (2) (b), and to soil erosion control, including those under this chapter and chs. 281 and 283 and ss. 59.692 and 59.693.

4. Includes a multiyear description of planned county activities, and priorities for those activities, related to land and water resources, including those designed to meet the goals specified under subd. 2. and to ensure compliance with the standards and prohibitions identified under subd. 3.

5. Describes a system to monitor the progress of activities described in the plan.

6. Includes a strategy to provide information and education related to soil and water resource management.

7. Describes methods for coordinating activities described in the plan with programs of other local, state and federal agencies.

***–1785/P3.62* SECTION 1947.** 92.104 of the statutes is repealed.

***–1785/P3.63* SECTION 1948.** 92.105 (1) of the statutes is amended to read:

92.105 **(1)** ESTABLISHMENT. A land conservation committee shall establish soil and water conservation standards. The standards ~~and specifications~~ for agricultural facilities and practices that are constructed or begun on or after October 14, 1997, and, if cost–sharing is available to the farmer under s. 92.14, 281.16 (5) or 281.65 or from any other source, for agricultural facilities and practices that are constructed or begun before that date shall be consistent with the performance standards, prohibitions, conservation practices and technical standards under s. 281.16 (3). ~~It~~ Beginning on January 1, 2001, the standards shall be consistent with the tolerable erosion level established under s. 92.04 (2) (i) and with nutrient management rules promulgated under s. 92.05 (3) (k). A land conservation committee shall submit these standards to the board for review.

***–1785/P3.64* SECTION 1949.** 92.105 (2) of the statutes is amended to read:

92.105 **(2)** GUIDELINES; REVIEW. The board shall develop guidelines to be used for the establishment and administration of soil and water conservation standards.

The board shall review and shall approve or disapprove submitted soil and water conservation standards based on the guidelines it develops. If the board approves soil and water conservation standards, it shall notify ~~any appropriate zoning authority~~ the land conservation committee of its approval.

***–1785/P3.65* SECTION 1950.** 92.105 (3) of the statutes is amended to read:

92.105 **(3)** APPROVED STANDARDS REQUIRED FOR FARMLAND PRESERVATION CREDIT. A farmland preservation credit may not be allowed under ~~subch. IX of ch. 71~~ ss. 71.59 and 71.60 for claims relating to any land to which this section applies unless the land conservation committee for the county where the property is located establishes soil and water conservation standards which are approved by the board.

***–1785/P3.66* SECTION 1951.** 92.105 (5) of the statutes is amended to read:

92.105 **(5)** NONCOMPLIANCE. If the land conservation committee determines that farming operations on land to which this section applies do not comply with soil and water conservation standards, it shall issue a notice of noncompliance to the farmer and send a copy of the notice to ~~any appropriate zoning authority. If no appropriate zoning authority exists, it shall send a copy to~~ the department of revenue. This notice of noncompliance remains in effect until canceled. If actions are taken to comply with the soil and water conservation standards in a manner satisfactory to the land conservation committee, it shall cancel the notice of noncompliance by notifying the farmer and by sending a copy of the cancellation to ~~any appropriate zoning authority. If no appropriate zoning authority exists or if the original notice was sent to the department of revenue, it shall send a copy of the cancellation to~~ the department of revenue.

***–1785/P3.67* SECTION 1952.** 92.105 (6) of the statutes is amended to read:

92.105 **(6)** ELIGIBILITY FOR FARMLAND PRESERVATION CREDIT. A farmland preservation credit may not be allowed under ~~subch. IX of ch. 71~~ ss. 71.59 and 71.60 if a notice of noncompliance is in effect with respect to a claimant to which this section applies at the time the claim is filed.

***–1785/P3.68* SECTION 1953.** 92.105 (7) (a) (title) of the statutes is repealed.

***–1785/P3.69* SECTION 1954.** 92.105 (7) (a) of the statutes is renumbered 92.105 (7) and amended to read:

92.105 **(7)** APPLICABILITY. This section and soil and water conservation standards established under this section apply only to a person claiming a farmland preservation credit under ~~subch. IX of ch. 71~~ ss. 71.59 and 71.60, land related to that claim and farming operations on that land ~~and apply only as provided under pars. (b) to (d)~~.

***–1785/P3.70* SECTION 1955.** 92.105 (7) (b) to (d) of the statutes are repealed.

***–1785/P3.71* SECTION 1956.** 92.14 (2) (e) of the statutes is amended to read:

92.14 **(2)** (e) Promoting compliance with the requirements under ~~ss. 92.104 and~~ s. 92.105 by persons claiming a farmland preservation credit under ~~subch. IX of ch. 71~~ ss. 71.59 and 71.60.

***–1785/P3.72* SECTION 1957.** 92.14 (3) (a) of the statutes is amended to read:

92.14 **(3)** (a) Compliance with requirements under ~~ss. 92.104 and~~ s. 92.105 by persons claiming a farmland preservation credit under ~~subch. IX of ch. 71~~ ss. 71.59 and 71.60.

***–1785/P3.73* SECTION 1958.** 92.14 (4) (b) of the statutes is amended to read:

92.14 **(4)** (b) Implementing land and water resource management projects undertaken to comply with the requirements under ~~ss. 92.104 and~~ s. 92.105 by

persons claiming a farmland preservation credit under ~~subch. IX of ch. 71~~ ss. 71.59 and 71.60.

***–1785/P3.74* SECTION 1959.** 92.14 (6) (c) 1. of the statutes is amended to read:

92.14 **(6)** (c) 1. Cost–effectiveness of an activity, including but not limited to technical assistance, educational assistance, management practices, and satisfying the requirements under ~~ss. 92.104 and~~ s. 92.105 for claiming farmland preservation credits under ~~subch. IX of ch. 71~~ ss. 71.59 and 71.60.

***–0099/1.2* SECTION 1960.** 93.06 (1n) of the statutes is created to read:

93.06 **(1n)** ELECTRONIC PROCESSING. (a) Accept and process by electronic means applications and payments for licenses, permits, registrations and certificates that are issued by the department.

(b) Accept and process by electronic means requests and payments for goods and services that the department is authorized to provide.

(c) Charge fees to cover the department's electronic processing costs under pars. (a) and (b). The fees under this paragraph are in addition to any other fees required to be paid to the department.

***–0100/1.3* SECTION 1961.** 93.06 (12) of the statutes is created to read:

93.06 **(12)** FEDERAL DAIRY POLICY REFORM. Provide assistance to organizations to seek the reform of federal milk marketing orders and other federally authorized dairy pricing policies for the benefit of milk producers in this state.

***–0100/1.4* SECTION 1962.** 93.06 (12) of the statutes, as created by 1999 Wisconsin Act .... (this act), is repealed.

***–0103/1.3* SECTION 1963.** 93.06 (13) of the statutes is created to read:

93.06 **(13)** PLANT PROTECTION AGREEMENTS. Enter into cooperative agreements with corporations, associations, foundations and individuals to carry out plant protection activities under ch. 94.

***–0239/1.1* SECTION 1964.** 93.12 (9) of the statutes is amended to read:

93.12 **(9)** The department shall recognize the accreditation, certification or registration of a laboratory by the department of natural resources under s. 299.11 and shall accept the results of any test conducted by a laboratory accredited, certified or registered to conduct that category of test under that section.

***–0091/5.4* SECTION 1965.** 93.135 (1) (b) of the statutes is amended to read:

93.135 **(1)** (b) A license under s. 94.10 (2) or (3) ~~or (4)~~.

***–0094/1.2* SECTION 1966.** 93.60 of the statutes is repealed.

***–0101/1.6* SECTION 1967.** 93.60 of the statutes is amended to read:

93.60 Computer system equipment, staff and services transfers. The department may transfer to the appropriation account under s. 20.115 (8) (k) in each fiscal year an amount from the appropriation accounts under s. 20.115 (1) (g), (gb), (gh), (gm), (h), (hm), (j), (jm), (m), (r) and (s), (2) (g), (ha), (j), (k) and (m), (3) (g), ~~(h),~~ (i), (j), (ja), (L) and (m), (7) (g), (ga), (gm), (k) and (m) and (8) (ga), (gm), (h), (ha), (i), (kp), (ks), (m) and (pz). The total amount that the department transfers in each fiscal year from these appropriation accounts to the appropriation account under s. 20.115 (8) (k) may not exceed the amount specified in the schedule under s. 20.115 (8) (k) for each fiscal year. The amounts transferred from each appropriation account shall be based on the actual costs incurred by the department for computer system equipment, staff and services provided for the purpose of that appropriation account.

***–0091/5.5* SECTION 1968.** 94.10 of the statutes is repealed and recreated to read:

1 **94.10 Nursery stock; inspection and licensing. (1)** DEFINITIONS. In this
2 section:
3 (b) "Nonprofit organization" means an organization described in section 501 (c)
4 of the Internal Revenue Code that is exempt from federal income tax under section
5 501 (a) of the Internal Revenue Code.
6 (c) "Nursery" means premises in this state on which a person propagates or
7 grows nursery stock for sale. "Nursery" does not include heeling–in grounds or other
8 premises where a person holds nursery stock for purposes other than propagation or
9 growth.
10 (d) "Nursery dealer" means a person, other than a nursery grower, who sells,
11 offers for sale or distributes nursery stock from a location in this state.
12 (e) "Nursery grower" means a person who owns or operates a nursery.
13 (f) "Nursery stock" means plants and plant parts that can be propagated or
14 grown, including rooted Christmas trees, but excluding seeds, sod, cranberry
15 cuttings and annuals.
16 (g) "Officially inspected source" means any of the following:
17 1. A nursery dealer licensed under sub. (2).
18 2. A nursery grower licensed under sub. (3).
19 3. A source outside this state that the department recognizes under sub. (10)
20 as an officially inspected source.
21 (i) "Rooted Christmas tree" means an evergreen tree that is rooted in the soil
22 and grown for eventual harvest and sale as a Christmas tree.
23 (j) "Sell" means to transfer ownership, for consideration.
24 **(2)** NURSERY DEALER; ANNUAL LICENSE. (a) *License required.* Except as provided
25 in par. (f), no person may operate as a nursery dealer without an annual license from

the department. A nursery dealer license expires on February 20. A nursery dealer license may not be transferred to another person.

(b) *Applying for a license.* A person applying for a nursery dealer license under par. (a) shall apply on a form provided by the department. An applicant shall provide all of the following to the department:

1. The applicant's legal name and address and any other name under which the applicant does business.

2. The address of each location at which the applicant proposes to hold nursery stock for sale.

3. The license fee required under par. (c).

4. The surcharge required under par. (d), if any.

5. Other information reasonably required by the department for licensing purposes.

(c) *License fee.* A nursery dealer shall pay the following annual license fee, based on annual purchases calculated according to par. (e):

1. If the nursery dealer buys no more than $5,000 worth of nursery stock for resale, $30.

2. If the nursery dealer buys more than $5,000 but not more than $20,000 worth of nursery stock for resale, $50.

3. If the nursery dealer buys more than $20,000 but not more than $100,000 worth of nursery stock for resale, $100.

4. If the nursery dealer buys more than $100,000 but not more than $200,000 worth of nursery stock for resale, $150.

5. If the nursery dealer buys more than $200,000 but not more than $500,000 worth of nursery stock for resale, $200.

6. If the nursery dealer buys more than $500,000 but not more than $2,000,000 worth of nursery stock for resale, $300.

7. If the nursery dealer buys more than $2,000,000 worth of nursery stock for resale, $400.

(d) *Surcharge for operating without a license.* In addition to the fee required under par. (c), an applicant for a nursery dealer license shall pay a surcharge equal to the amount of that fee if the department determines that, within 365 days before submitting the application, the applicant operated as a nursery dealer without a license in violation of par. (a). Payment of the surcharge does not relieve the applicant of any other penalty or liability that may result from the violation, but does not constitute evidence of a violation of par. (a).

(e) *Calculating annual purchases.* The amount of an applicant's license fee under par. (c) for a license year shall be based on the applicant's purchases of nursery stock during the applicant's preceding fiscal year, except that if the applicant made no purchases of nursery stock during the preceding fiscal year the fee shall be based on the applicant's good faith prediction of purchases during the license year for which the applicant is applying.

(f) *Exemptions.* Paragraph (a) does not apply to any of the following:

1. A person whose only sales of nursery stock are retail sales totaling less than $250 annually.

2. A person selling or offering to sell nursery stock pursuant to a valid permit under par. (g).

(g) *Temporary permit; sales benefiting nonprofit organization.* The department may issue a temporary permit authorizing the permit holder to sell nursery stock, for the benefit of a nonprofit organization, for a period of not more than 7 consecutive

days. An applicant for a temporary permit shall apply on a form provided by the department and shall pay a fee of $5. The department may impose written conditions on the temporary permit and may summarily suspend or revoke the permit if the permit holder violates those conditions.

(3) NURSERY GROWER; ANNUAL LICENSE. (a) *License required.* Except as provided in par. (f), no person may operate as a nursery grower without an annual license from the department. A nursery grower license expires on February 20. A nursery grower license may not be transferred to another person.

(b) *Applying for a license.* A person applying for a nursery grower license under par. (a) shall apply on a form provided by the department. An applicant shall provide all of the following to the department:

1. The applicant's legal name and address and any other name under which the applicant does business.

2. The address of each location in this state at which the applicant operates a nursery or holds nursery stock for sale.

3. The license fee required under par. (c) or (cm).

4. The surcharge required under (d), if any.

5. Other information reasonably required by the department for licensing purposes.

(c) *License fee; general.* Except as provided in par. (cm), a nursery grower shall pay the following annual license fee, based on annual sales calculated according to par. (e):

1. If the nursery grower annually sells no more than $5,000 worth of nursery stock, $40.

2. If the nursery grower annually sells more than $5,000 but not more than $20,000 worth of nursery stock, $75.

3. If the nursery grower annually sells more than $20,000 but not more than $100,000 worth of nursery stock, $125.

4. If the nursery grower annually sells more than $100,000 but not more than $200,000 worth of nursery stock, $200.

5. If the nursery grower annually sells more than $200,000 but not more than $500,000 worth of nursery stock, $350.

6. If the nursery grower annually sells more than $500,000 but not more than $2,000,000 worth of nursery stock, $600.

7. If the nursery grower annually sells more than $2,000,000 worth of nursery stock, $1,200.

(cm) *License fee; Christmas tree growers.* A Christmas tree grower shall pay the following annual license fee, based on annual sales calculated according to par. (e):

1. If the Christmas tree grower annually sells no more than $5,000 worth of Christmas trees, $20.

2. If the Christmas tree grower annually sells more than $5,000 but not more than $20,000 worth of Christmas trees, $55.

3. If the Christmas tree grower annually sells more than $20,000 but not more than $100,000 worth of Christmas trees, $90.

4. If the Christmas tree grower annually sells more than $100,000 but not more than $200,000 worth of Christmas trees, $150.

5. If the Christmas tree grower annually sells more than $200,000 but not more than $500,000 worth of Christmas trees, $250.

1 6. If the Christmas tree grower annually sells more than $500,000 but not more
2 than $2,000,000 worth of Christmas trees, $450.
3 7. If the Christmas tree grower annually sells more than $2,000,000 worth of
4 Christmas trees, $900.
5 (d) *Surcharge for operating without a license.* In addition to the fee required
6 under par. (c) or (cm), an applicant for a nursery grower license shall pay a surcharge
7 equal to the amount of that fee if the department determines that, within 365 days
8 before submitting that application, the applicant operated as a nursery grower
9 without a license in violation of par. (a). Payment of the surcharge does not relieve
10 the applicant of any other penalty or liability that may result from the violation, but
11 does not constitute evidence of a violation of par. (a).
12 (e) *Calculating annual sales.* The amount of an applicant's license fee under
13 par. (c) or (cm) for a license year shall be based on the applicant's sales of nursery
14 stock during the applicant's preceding fiscal year, except that if the applicant made
15 no sales during the preceding fiscal year the fee shall be based on the applicant's good
16 faith prediction of sales during the license year for which the applicant is applying.
17 (f) *Exemptions.* Paragraph (a) does not apply to any of the following:
18 1. A nursery grower whose only sales of nursery stock are retail sales totaling
19 less than $250 annually.
20 2. A person growing nursery stock for sale pursuant to a valid temporary permit
21 under par. (g).
22 (g) *Temporary permit; sales benefiting nonprofit organization.* The department
23 may issue a temporary permit authorizing the permit holder to sell nursery stock,
24 for the benefit of a nonprofit organization, for a period of not more than 7 consecutive
25 days. An applicant for a temporary permit shall apply on a form provided by the

department and shall pay a fee of $5. The department may impose written conditions on the temporary permit and may summarily suspend or revoke the permit if the permit holder violates those conditions.

(3m) NOTICE OF NEW LOCATIONS. (a) The holder of a nursery dealer license shall notify the department in writing before adding, during a license year, any new location at which the license holder will hold nursery stock for sale. The license holder shall specify the address of the new location in the notice.

(b) The holder of a nursery grower license shall notify the department in writing before adding, during the license year, any new location at which the license holder will operate a nursery or hold nursery stock for sale. The license holder shall specify the address of the new location in the notice.

(4) NURSERY GROWERS AND DEALERS; RECORDS. (a) *Nursery dealers; records of nursery stock received.* A nursery dealer shall keep a record of every shipment of nursery stock received by the nursery dealer. The nursery dealer shall include all of the following in the record:

1. A description of the types of nursery stock, and the quantity of nursery stock of each type, included in the shipment.

2. The name and address of the source from which the nursery dealer received the shipment.

(b) *Nursery growers and dealers; records of shipments to other nursery growers and dealers.* Each nursery grower and nursery dealer shall record every shipment of nursery stock that the nursery grower or nursery dealer sells or distributes to another nursery grower or nursery dealer. The nursery grower or nursery dealer shall include all of the following in the record:

1. A description of the types of nursery stock, and the quantity of nursery stock of each type, included in the shipment.

2. The name and address of the nursery grower or nursery dealer receiving the shipment.

(c) *Records retained and made available.* A nursery grower or nursery dealer who is required to keep records under par. (a) or (b) shall retain those records for at least 3 years and shall make those records available to the department for inspection and copying upon request.

(5) LABELING NURSERY STOCK. (a) *Nursery stock shipped to dealer.* No person may sell or distribute any shipment of nursery stock to a nursery dealer, and no nursery dealer may accept a shipment of nursery stock, unless that shipment is labeled with all of the following:

1. The name and address of the person selling or distributing the shipment to the nursery dealer.

2. A certification, by the person under subd. 1., that all of the nursery stock included in the shipment is from officially inspected sources.

(b) *Growers and dealers to report unlabeled shipments.* Whenever any person tenders to a nursery grower or nursery dealer any shipment of nursery stock that is not fully labeled according to par. (a), the nursery grower or nursery dealer shall promptly report that unlabeled shipment to the department.

(c) *Nursery stock sold at retail.* A person selling nursery stock at retail shall ensure that the nursery stock is labeled with the common or botanical name of the nursery stock.

(6) CARE OF NURSERY STOCK. (a) *Adequate facilities.* A nursery grower or nursery dealer shall maintain facilities that are reasonably adequate for the care and

keeping of nursery stock held for sale, so that the nursery grower or nursery dealer can keep the nursery stock in healthy condition pending sale.

(b) *Reasonable examinations.* Nursery growers and nursery dealers shall make reasonable examinations of nursery stock held for sale to determine whether that nursery stock is capable of reasonable growth, is infested with injurious pests or is infected with disease.

(7) PROHIBITIONS. (a) *Nursery dealers.* No nursery dealer may do any of the following:

1. Obtain, hold, sell, offer to sell or distribute nursery stock from any source other than an officially inspected source.

2. Misrepresent that the nursery dealer is a nursery grower.

(b) *Nursery growers and dealers.* No nursery grower or nursery dealer may do any of the following:

1. Sell, offer to sell or distribute any nursery stock that the nursery grower or nursery dealer knows, or has reason to know, is infested with plant pests or infected with plant diseases that may be spread by the sale or distribution of that nursery stock.

2. Sell, offer to sell or distribute any nursery stock that the nursery grower or nursery dealer knows, or has reason to know, will not survive or grow.

3. Misrepresent the name, origin, grade, variety, quality or hardiness of any nursery stock offered for sale or make any other false or misleading representation in the advertising or sale of nursery stock.

4. Conceal nursery stock to avoid inspection by the department, falsify any record required under this section or make any false or misleading statement to the department.

1 **(8)** DEPARTMENT INSPECTION. The department may inspect nurseries and
2 premises at which nursery stock is held for sale or distribution.

3 **(9)** DEPARTMENT ORDERS. (a) *Holding orders and remedial orders.* An
4 authorized employe or agent of the department may, by written notice, order a
5 nursery grower or nursery dealer to do any of the following:

6 1. Temporarily hold nursery stock pending inspection by the department.

7 2. Remedy violations of this section.

8 3. Refrain from importing weeds or pests that threaten agricultural production
9 or the environment in this state.

10 4. Permanently withhold nursery stock from sale or distribution, if the sale or
11 distribution would violate this section or an order issued under this section and the
12 violation cannot be adequately remedied in another manner.

13 5. Destroy or return, without compensation from the department, nursery
14 stock that is sold or distributed in violation of this section, or an order issued under
15 this section, if the violation cannot be adequately remedied in another manner.

16 (b) *Hearing.* If the recipient of an order under par. (a) requests a hearing on
17 that order, the department shall hold an informal hearing within 10 days unless the
18 recipient of the order consents to a later date for an informal hearing. The request
19 for a hearing is not a request under s. 227.42 (2). If a contested matter is not resolved
20 at the informal hearing, the recipient of the order is entitled to a class 2 contested
21 case hearing under ch. 227. The department is not required to stay an order under
22 par. (a) pending the outcome of any hearing under this paragraph.

23 **(10)** RECIPROCAL AGREEMENTS WITH OTHER STATES. (a) *General.* The department
24 may enter into reciprocal agreements with other states to facilitate interstate
25 shipments of nursery stock.

(b) *Officially inspected sources.* As part of an agreement under par. (a), the department may recognize sources of nursery stock in another state as officially inspected sources.

(c) *Inspection and certification standards.* An agreement under par. (a) may specify standards and procedures for all of the following:

1. Inspecting officially inspected sources of nursery stock.

2. Inspecting and certifying interstate shipments of nursery stock.

***–0096/1.2* SECTION 1969.** 94.50 (2) of the statutes is amended to read:

94.50 **(2)** GROWERS AND DEALERS; REGISTRATION. No person may act as a grower or a dealer unless he or she is registered with the department. Any person who acts as a dealer and a grower shall register as both. Registrations shall be made annually on a form provided by the department. Registrations expire on December 31 of each year. A dealer shall pay to the department an annual registration fee of $25. The department shall assign a registration number to each person registered under this subsection. <u>All moneys collected under this subsection shall be credited to the appropriation account under s. 20.115 (7) (ga).</u>

***–0096/1.3* SECTION 1970.** 94.50 (3) (b) of the statutes is amended to read:

94.50 **(3)** (b) The department shall upon request provide each registered grower and dealer with shipment certificates and report forms required under par. (a). The department shall stamp each shipment certificate and report form with the registration number of the grower or dealer. A shipment certificate and report form is valid only if used during the registration period for which the stamp registration number of the grower or dealer was issued. The department may charge a reasonable fee to recover the costs related to providing shipment certificates and report forms.

All moneys collected under this paragraph shall be credited to the appropriation account under s. 20.115 (7) (ga).

***–0061/3.3* SECTION 1971.** 94.64 (4) (a) 1. of the statutes is amended to read:

94.64 **(4)** (a) 1. A basic fee of 25 cents per ton for fertilizer sold or distributed from July 1, 1997, to June 30, 1999, and ~~32~~ 30 cents per ton for fertilizer sold or distributed after June 30, 1999, with a minimum fee of $25.

***–0095/1.1* SECTION 1972.** 94.64 (4) (a) 1. of the statutes is amended to read:

94.64 **(4)** (a) 1. A basic fee of 25 cents per ton for fertilizer sold or distributed ~~from July 1, 1997, to June 30, 1999~~ on or before June 30, 2000, and 32 cents per ton for fertilizer sold or distributed after June 30, ~~1999~~ 2000, with a minimum fee of $25.

***–0061/3.4* SECTION 1973.** 94.64 (4) (a) 6. of the statutes is created to read:

94.64 **(4)** (a) 6. A weights and measures inspection fee of 2 cents per ton, with a minimum fee of $1.

***–0061/3.5* SECTION 1974.** 94.64 (4) (c) 6. of the statutes is created to read:

94.64 **(4)** (c) 6. The department shall credit the fee under par. (a) 6. to the appropriation account under s. 20.115 (1) (j).

***–0095/1.2* SECTION 1975.** 94.681 (2) (a) 1. to 3. of the statutes are amended to read:

94.681 **(2)** (a) 1. If the applicant sold less than $25,000 of the product during the preceding year for use in this state, $265, except that the fee is $215 for the license years that begin on January 1, 1999, ~~and on~~ January 1, 2000, and January 1, 2001.

2. If the applicant sold at least $25,000 but less than $75,000 of the product during the preceding year for use in this state, $750, except that the fee is $650 for the license years that begin on January 1, 1999, ~~and on~~ January 1, 2000, and January 1, 2001.

3. If the applicant sold at least $75,000 of the product during the preceding year for use in this state, $1,500, except that the fee is $1,200 for the license years that begin on January 1, 1999, ~~and on~~ January 1, 2000, and January 1, 2001.

***–0095/1.3* SECTION 1976.** 94.681 (2) (b) 1. to 3. of the statutes are amended to read:

94.681 **(2)** (b) 1. If the applicant sold less than $25,000 of the product during the preceding year for use in this state, $315, except that the fee is $265 for the license years that begin on January 1, 1999, ~~and on~~ January 1, 2000, and January 1, 2001.

2. If the applicant sold at least $25,000 but less than $75,000 of the product during the preceding year for use in this state, $860, except that the fee is $760 for the license years that begin on January 1, 1999, ~~and on~~ January 1, 2000, and January 1, 2001.

3. If the applicant sold at least $75,000 of that product during the preceding year for use in this state, $3,060, except that the fee is $2,760 for the license years that begin on January 1, 1999, ~~and on~~ January 1, 2000, and January 1, 2001.

***–0095/1.4* SECTION 1977.** 94.681 (2) (c) 1. to 3. of the statutes are amended to read:

94.681 **(2)** (c) 1. If the applicant sold less than $25,000 of that product during the preceding year for use in this state, $320, except that the fee is $270 for the license years that begin on January 1, 1999, ~~and on~~ January 1, 2000, and January 1, 2001.

2. If the applicant sold at least $25,000 but less than $75,000 of the product during the preceding year for use in this state, $890, except that the fee is $790 for the license years that begin on January 1, 1999, ~~and on~~ January 1, 2000, and January 1, 2001.

3. If the applicant sold at least $75,000 of the product during the preceding year for use in this state, $3,060 plus 0.2% of the gross revenues from sales of the product during the preceding year for use in this state, except that for the license years that begin on January 1, 1999, ~~and on~~ January 1, 2000, and January 1, 2001, the fee shall be $2,760 plus 0.2% of the gross revenues from sales of the product during the preceding year for use in this state.

***–0095/1.5* SECTION 1978.** 94.704 (3) (a) 1. of the statutes is amended to read:

94.704 **(3)** (a) 1. A license fee of $40, except that the license fee is $30 for the license years that begin on January 1, 1999, ~~and on~~ January 1, 2000, and January 1, 2001.

***–0061/3.6* SECTION 1979.** 94.72 (6) (a) 1. of the statutes is amended to read:

94.72 **(6)** (a) 1. For commercial feeds distributed in this state during the ~~years that begin on January 1, 1998, and~~ year that begins on January 1, 1999, ~~15~~ a feed inspection fee of 13 cents per ton.

***–0095/1.6* SECTION 1980.** 94.72 (6) (a) 1. and 2. of the statutes are amended to read:

94.72 **(6)** (a) 1. For commercial feeds distributed in this state ~~during the years that begin on January 1, 1998, and on January 1, 1999~~ before January 1, 2001, 15 cents per ton.

2. For commercial feeds distributed in this state on or after January 1, ~~2000~~ 2001, 25 cents per ton.

***–0061/3.7* SECTION 1981.** 94.72 (6) (a) 2. of the statutes is amended to read:

94.72 **(6)** (a) 2. For commercial feeds distributed in this state on or after January 1, 2000, ~~25~~ a feed inspection fee of 23 cents per ton.

***–0061/3.8* SECTION 1982.** 94.72 (6) (a) 3. of the statutes is created to read:

94.72 **(6)** (a) 3. For commercial feeds distributed in this state on or after January 1, 2000, a weights and measures inspection fee of 2 cents per ton.

***–0102/1.3* SECTION 1983.** 95.21 (9) (c) of the statutes is created to read:

95.21 **(9)** (c) The department may provide training to persons who administer local rabies control programs or who conduct rabies examinations under those programs. The department may charge fees to cover the cost of training. The fees collected under this paragraph shall be credited to the appropriation under s. 20.115 (2) (j).

***–0567/1.1* SECTION 1984.** 97.30 (1) (bm) of the statutes is repealed and recreated to read:

97.30 **(1)** (bm) Except as provided by the department by rule, "potentially hazardous food" means a food that requires temperature control because it is in a form capable of supporting any of the following:

1. Rapid and progressive growth of infectious or toxigenic microorganisms.
2. Growth and toxin production of Clostridium botulinum.
3. In raw shell eggs, growth of Salmonella enteritidis.

***–0239/1.2* SECTION 1985.** 97.34 (2) (c) of the statutes is amended to read:

97.34 **(2)** (c) The department may require testing of bottled drinking water for substances subject to any standard under par. (b) and for any other substance if the department determines that the water system used as the source of the bottled drinking water has a potential of being contaminated, based on contamination of other water systems or groundwater in the vicinity. The department shall adopt by rule requirements for periodic sampling and analysis for the purposes of this subsection. The department shall require all analyses to be conducted by a laboratory <u>accredited or</u> certified under s. 299.11.

***–0567/1.2* SECTION 1986.** 97.42 (4) (intro.) of the statutes is amended to read:

97.42 **(4)** RULES. (intro.) The department ~~shall~~ may issue reasonable rules requiring or prescribing any of the following:

***–0567/1.3* SECTION 1987.** 97.42 (4m) of the statutes is created to read:

97.42 **(4m)** FEDERAL REQUIREMENTS. Except as provided in rules promulgated under sub. (4), the operator of an establishment that is required to be licensed under this section shall comply with 9 CFR parts 307 to 311, 313 to 315, 416 and 417 and part 381 subparts G, H, I, J, K, L, O and P as they apply to federally licensed establishments.

***–0061/3.9* SECTION 1988.** 98.04 (1) of the statutes is amended to read:

98.04 **(1)** ~~Each~~ Except as provided in sub. (2), a municipality having a population of more than 5,000, according to the ~~latest federal census~~ most recent population estimate made by the department of administration under s. 16.96, shall enforce the provisions of this chapter within its jurisdiction. For this purpose ~~it~~, a municipality shall establish a municipal department of weights and measures. Each municipal department of weights and measures shall have such number of qualified sealers or inspectors as will ensure compliance with this chapter. Municipal sealers or inspectors shall have the same authority as sealers or inspectors of the department. The selection of municipal sealers or inspectors shall be from a list of applicants whose qualifications have been certified by the state or local civil service agency under the rules of the agency. ~~Such~~ The municipality shall procure and keep at all times a complete set of standards of weight and measure conforming to the state standards~~, and such standards shall be submitted~~ and shall submit the standards for certification at regular intervals as required by the department. ~~It~~ The municipality shall keep a complete record of its work and annually shall file a report

thereof with the department. ~~Municipalities~~ The municipality may enact ordinances ~~regulating~~ that regulate weights and measures and that are not in conflict with this chapter or the rules of the department ~~and~~. The municipality may assess fees ~~which~~ that do not exceed the actual cost of ~~the municipal~~ its weights and measures program.

***–0061/3.10* SECTION 1989.** 98.04 (2) of the statutes is repealed and recreated to read:

98.04 **(2)** If a municipality is required to establish a department of weights and measures under sub. (1), the municipality may contract with the department to enforce the provisions of this chapter within the municipality's jurisdiction instead of establishing its own department. The department may charge the municipality fees sufficient to cover the department's costs under the contract. A municipality may recover an amount not to exceed the cost of these fees by assessing fees on the persons who receive services under the weights and measures program.

***–0061/3.11* SECTION 1990.** 98.16 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 27, section 2552f, is amended to read:

98.16 **(2)** (b) The fee for a license under par. (a) is ~~$30~~ $60, except that the department may establish a different fee by rule.

***–0061/3.12* SECTION 1991.** 98.245 (7) (title) and (a) of the statutes are repealed and recreated to read:

98.245 **(7)** (title) METERS; LICENSING; FEES; TESTING. (a) In this subsection, "meter servicer" means a person licensed under s. 98.18 to inspect and test meters that are used to measure liquefied petroleum gas that is sold or delivered in a liquid form and by liquid measure.

1 ***–0061/3.13*** **SECTION 1992.** 98.245 (7) (ag) and (ar) of the statutes are created
2 to read:
3 98.245 **(7)** (ag) *License required.* Beginning on the effective date of this
4 paragraph .... [revisor inserts date], no person may operate a meter to measure
5 liquefied petroleum gas that is for sale or delivery in liquid form and by liquid
6 measure unless the person holds an annual license issued by the department for the
7 meter. A separate license is required for each meter. A license is not transferable
8 between persons or meters. A license expires on July 31 of each year.
9 (ar) *License application; fees.* 1. An applicant for the license required under
10 par. (ag) shall apply on a form provided by the department. The license application
11 shall be accompanied by the applicable fees under subds. 2. and 3.
12 2. Unless the department establishes a different fee by rule, the fee for an
13 annual license required under par. (ag) is $25 for each meter.
14 3. In addition to the license fee under subd. 2., an applicant shall pay a license
15 fee surcharge of $200 for a meter if the department determines that within one year
16 before making the application the applicant operated the meter in violation of par.
17 (ag). Payment of this surcharge does not relieve the applicant of any other civil or
18 criminal liability that the applicant may incur because of the violation of par. (ag),
19 but does not constitute evidence of a violation of a law.
20 ***–0061/3.14*** **SECTION 1993.** 98.245 (7) (b) 1. of the statutes is repealed and
21 recreated to read:
22 98.245 **(7)** (b) 1. A person who is required to hold a license under par. (ag) for
23 a meter shall have that meter inspected and tested annually by a meter servicer. The
24 meter servicer shall inspect and test the meter for accuracy according to the

standards, specifications, tolerances and procedures that the department establishes by rule.

***–0061/3.15* SECTION 1994.** 98.245 (7) (b) 2. of the statutes is amended to read:

98.245 **(7)** (b) 2. ~~A~~ Within 15 days after a meter servicer inspects and tests a meter under subd. 1., the meter ~~servicing company~~ servicer shall ~~file with~~ report the results to the department ~~a report, for each meter, containing the results of the testing under subd. 1. within 30 days after completing the testing~~ in writing. If the meter servicer fails to file the report within the 15 days, the department may assess the meter servicer a fee of up to $100 and may suspend or revoke the meter servicer's license issued under s. 98.18.

***–0061/3.16* SECTION 1995.** 98.245 (7) (b) 3. and 4. of the statutes are consolidated, renumbered 98.245 (7) (b) 3m. and amended to read:

98.245 **(7)** (b) 3m. If the department determines that a meter has not been inspected and tested under subd. 1. within the last year, the department shall ~~notify the owner. The owner shall have 30 days after being notified to have the meter tested.~~ issue a written notice to the operator of the meter. ~~4.~~ Within 30 days after the operator received the notice, the operator shall have the meter inspected and tested as required under subd. 1. If the ~~owner~~ operator fails to ~~have the owner's meter tested as required under subd. 3.~~ do so, the department may assess the ~~owner~~ operator a fee of ~~not more than~~ up to $100 for that meter and may suspend or revoke the operator's license issued under par. (ag) for that meter.

***–0061/3.17* SECTION 1996.** 98.245 (7) (b) 5. of the statutes is repealed.

***–0063/1.12* SECTION 1997.** 100.261 of the statutes is created to read:

100.261 Consumer information assessment. (1) If a court imposes a fine or forfeiture for a violation of this chapter, ch. 98, a rule promulgated under this

chapter or ch. 98 or an ordinance enacted under this chapter or ch. 98, the court shall also impose a consumer information assessment in an amount equal to 15% of the fine or forfeiture imposed. If multiple violations are involved, the court shall base the consumer information assessment upon the the total of the fine or forfeiture amounts for all violations. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the assessment in proportion to the suspension.

(2) If any deposit is made for a violation to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the consumer information assessment required under this section. If the deposit is forfeited, the amount of the consumer information assessment shall be transmitted to the state treasurer under sub. (3). If the deposit is returned, the consumer information assessment shall also be returned.

(3) The clerk of court shall collect and transmit the consumer information assessment amounts to the county treasurer under s. 59.40 (2) (m). The county treasure shall then make payment to the state treasurer under s. 59.25 (3) (f) 2. The state treasure shall deposit the assessment amounts in the general fund, and the amounts shall be credited to appropriation account under s. 20.115 (1) (jb).

***–0220/P1.1* SECTION 1998.** 100.37 (2) (e) 2. e. of the statutes is created to read:

100.37 **(2)** (e) 2. e. Any fever thermometer containing elemental mercury.

***–0196/5.1* SECTION 1999.** 100.48 (1) (a) of the statutes is renumbered 100.48 (1) (am).

***–0196/5.2* SECTION 2000.** 100.48 (1) (ad) of the statutes is created to read:

100.48 **(1)** (ad) "All–terrain vehicle" has the meaning given in s. 340.01 (2g).

***–0196/5.3* SECTION 2001.** 100.48 (1) (ag) of the statutes is created to read:

100.48 **(1)** (ag) "Boat" has the meaning given in s. 30.50 (2).

***–0196/5.4* SECTION 2002.** 100.48 (1) (b) of the statutes is amended to read:

100.48 **(1)** (b) "Hour meter" means an instrument ~~on a piece of farm equipment~~ that measures and records the actual hours of operation of the ~~piece of farm equipment~~ vehicle or device to which the instrument is attached.

***–0196/5.5* SECTION 2003.** 100.48 (1) (c) of the statutes is created to read:

100.48 **(1)** (c) "Snowmobile" has the meaning given in s. 350.01 (12).

***–0196/5.6* SECTION 2004.** 100.48 (2) of the statutes is amended to read:

100.48 **(2)** No person may, either personally or through an agent, remove, replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter attached to farm equipment, a snowmobile, an all–terrain vehicle or a boat with the intent to defraud by changing or affecting the number of hours of operation indicated on the hour meter.

***–0196/5.7* SECTION 2005.** 100.48 (3) (a) of the statutes is amended to read:

100.48 **(3)** (a) Nothing in this section shall prevent the service, repair or replacement of an hour meter if the number of hours of operation indicated on the hour meter remains the same as before the service, repair or replacement. If an hour meter attached to farm equipment, a snowmobile, an all–terrain vehicle or a boat is incapable of registering the same number of hours of operation as before its service, repair or replacement, the hour meter shall be adjusted to read zero, and a sticker shall be affixed by the owner of the ~~piece of farm equipment~~ vehicle or device to which the hour meter is attached or an agent, in proximity to the hour meter, specifying the number of hours of operation recorded on the hour meter prior to its service, repair or replacement and the date on which it was serviced, repaired or replaced. No person who services, repairs or replaces an hour meter attached to farm equipment,

1 a snowmobile, an all–terrain vehicle or a boat that is incapable of registering the
2 same number of hours of operation as before such service, repair or replacement may
3 fail to adjust the hour meter to read zero or fail to affix the sticker required by this
4 paragraph.

5 ***–0196/5.8* SECTION 2006.** 100.48 (4) (a) of the statutes is amended to read:

6 100.48 **(4)** (a) Any person who violates sub. (2) or (3) (b) with respect to an hour
7 meter attached to farm equipment may be fined not more than $5,000 or imprisoned
8 for not more than one year in the county jail, or both, for each violation.

9 ***–0196/5.9* SECTION 2007.** 100.48 (4) (b) of the statutes is amended to read:

10 100.48 **(4)** (b) Any person who violates sub. (3) (a) with respect to an hour meter
11 attached to farm equipment may be required to forfeit not more than $500 for each
12 violation.

13 ***–0196/5.10* SECTION 2008.** 100.48 (4) (c) of the statutes is created to read:

14 100.48 **(4)** (c) Any person who violates sub. (2) or (3) with respect to an hour
15 meter attached to a snowmobile, an all–terrain vehicle or boat may be fined not more
16 than $5,000 or imprisoned for not more than one year in the county jail, or both, for
17 each violation.

18 ***–0030/P4.113* SECTION 2009.** 101.01 (4) of the statutes is amended to read:

19 101.01 **(4)** "Employer" means any person, firm, corporation, state, county,
20 town, city, village, school district, sewer district, drainage district, family care
21 district and other public or quasi–public corporations as well as any agent, manager,
22 representative or other person having control or custody of any employment, place
23 of employment or of any employe.

24 ***–0423/1.1* SECTION 2010.** 101.09 (title) of the statutes is amended to read:

101.09 (title) **Storage of flammable ~~and~~, combustible and hazardous liquids.**

–0423/1.2 **SECTION 2011.** 101.09 (1) (am) of the statutes is created to read:

101.09 **(1)** (am) "Federally regulated hazardous substance" means a hazardous substance, as defined in 42 USC 9601 (14).

–0423/1.3 **SECTION 2012.** 101.09 (2) (a) of the statutes is amended to read:

101.09 **(2)** (a) Except as provided under pars. (b) to (d), every person who constructs, owns or controls a tank for the storage, handling or use of ~~flammable or combustible~~ liquid that is flammable or combustible or a federally regulated hazardous substance shall comply with the standards adopted under sub. (3).

–0423/1.4 **SECTION 2013.** 101.09 (3) (a) of the statutes is amended to read:

101.09 **(3)** (a) The department shall promulgate by rule construction, maintenance and abandonment standards applicable to tanks for the storage, handling or use of ~~flammable and combustible~~ liquids that are flammable or combustible or are federally regulated hazardous substances, and to the property and facilities where the tanks are located, for the purpose of protecting the waters of the state from harm due to contamination by ~~flammable and combustible~~ liquids that are flammable or combustible or are federally regulated hazardous substances. The rule shall comply with ch. 160. The rule may include different standards for new and existing tanks, but all standards shall provide substantially similar protection for the waters of the state. The rule shall include maintenance requirements related to the detection and prevention of leaks. The rule may require any person supplying heating oil to any noncommercial storage tank for consumptive use on the premises to submit to the department, within 30 days after the department requests, the location, contents and size of any such tank.

***–0422/1.1* SECTION 2014.** 101.09 (3) (b) of the statutes is repealed.

***–0183/1.15* SECTION 2015.** 101.123 (1) (b) of the statutes is amended to read:

101.123 **(1)** (b) "Inpatient health care facility" means a county home established under s. 49.70, a county infirmary established under s. 49.72~~,~~ or a community–based residential facility or a nursing home licensed under s. 50.03 ~~or a tuberculosis sanatorium established under s. 58.06, 252.073 or 252.076~~.

***–0423/1.5* SECTION 2016.** 101.14 (5) of the statutes is amended to read:

101.14 **(5)** (a) Subject to par. (b), in addition to any fee charged by the department by rule for plan review and approval for the construction of a new or additional installation or change in operation of a previously approved installation for the storage, handling or use of ~~flammable or combustible liquids~~ a liquid that is flammable or combustible or a federally regulated hazardous substance, as defined in s. 101.09 (1) (am), the department shall collect a groundwater fee of $100 for each plan review submittal. The moneys collected under this subsection shall be credited to the environmental fund for environmental management.

(b) Notwithstanding par. (a), an installation for the storage, handling or use of ~~flammable or combustible liquids~~ a liquid that is flammable or combustible or a federally regulated hazardous substance, as defined in s. 101.09 (1) (am), that has a capacity of less than 1,000 gallons is not subject to the groundwater fee under par. (a).

***–1359/3.1* SECTION 2017.** 101.143 (2) (h) of the statutes is created to read:

101.143 **(2)** (h) The department may promulgate a rule specifying information and audit requirements to implement sub. (4) (c) 8.

***–1668/P1.3* SECTION 2018.** 101.143 (2) (i) of the statutes is created to read:

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

2. If the department promulgates rules under subd. 1., the department may purchase, or provide funding for the purchase of, insurance to cover the amount by which the costs of conducting activities under sub. (3) (c) exceed the amount bid to conduct those activities.

***–1358/2.1* SECTION 2019.** 101.143 (2e) of the statutes is created to read:

101.143 **(2e)** AWARD PRIORITIES. (a) The department may promulgate rules for assigning an award priority to each occurrence that the department determines may result in an award under sub. (4), except for occurrences resulting from discharges from home oil tank systems, petroleum product storage systems that are described in sub. (4) (ei) 1. and petroleum product storage systems that are owned by school districts and that are used for storing heating oil for consumptive use on the premises where stored. If the department promulgates rules under this paragraph, it shall base the award priorities on environmental factors and any other factors that the department considers appropriate. The rules may only apply to occurrences for which remedial action plans are approved under sub. (3) (cs) after the effective date of the rules.

(b) If the department promulgates rules under par. (a), the department shall pay awards under sub. (4) for occurrences to which the rules apply in order of the award priorities under those rules.

(c) If the department promulgates rules under par. (a), the department shall notify an owner or operator of a petroleum product storage system to which the rules apply of the date on which the department determines that it is appropriate to begin activities under sub. (3) (c) or (g) with respect to a discharge from that system, based on the department's estimate of when funds will be available to pay an award to the owner or operator under the award priorities. Notwithstanding s. 292.11 (3) and (7) (c), an owner or operator to whom rules under par. (a) apply is not required to begin activities under sub. (3) (c) or (g) until the date on which the department determines it is appropriate to begin those activities. If an owner or operator begins activities under sub. (3) (c) or (g) before the date when the department determines it is appropriate to begin those activities, the department may deny the payment of interest costs to the owner or operator, as provided in the rules promulgated by the department.

***–1358/2.2* SECTION 2020.** 101.143 (3) (c) 2. of the statutes is amended to read:

101.143 **(3)** (c) 2. Prepare a remedial action plan that identifies specific remedial action activities proposed to be conducted under subd. 3. <u>and submit the remedial action plan to the department for approval.</u>

***–1669/3.1* SECTION 2021.** 101.143 (3) (c) 2. of the statutes is amended to read:

101.143 **(3)** (c) 2. Prepare a remedial action plan that identifies specific remedial action activities proposed to be conducted under subd. 3. <u>and submit the remedial action plan to the department for approval.</u>

***–1358/2.3* SECTION 2022.** 101.143 (3) (cs) of the statutes is created to read:

101.143 **(3)** (cs) *Review of remedial action plans.* The department shall review and approve or disapprove remedial action plans submitted under par. (c) 2.

***–1669/3.2* SECTION 2023.** 101.143 (3) (cs) of the statutes is created to read:

101.143 **(3)** (cs) *Review of remedial action plans.* The department shall review and approve or disapprove remedial action plans submitted under par. (c) 2.

–1358/2.4 **SECTION 2024.** 101.143 (3) (d) of the statutes is amended to read:

101.143 **(3)** (d) *Review of* ~~*site investigations, remedial action plans and remedial action activities.* The department of natural resources or, if the discharge is covered under s. 101.144 (2) (b), the department of commerce shall, at the request of the claimant, review the site investigation and the remedial action plan and advise the claimant on the adequacy of proposed remedial action activities in meeting the requirements of s. 292.11. The advice is not an approval of the remedial action activities.~~ The department of natural resources or, if the discharge is covered under s. 101.144 (2) (b), the department of commerce shall complete a final review of the remedial action activities within 60 days after the claimant notifies the appropriate department that the remedial action activities are completed.

–1669/3.3 **SECTION 2025.** 101.143 (3) (d) of the statutes is amended to read:

101.143 **(3)** (d) *Review of* ~~*site investigations, remedial action plans and remedial action activities.* The department of natural resources or, if the discharge is covered under s. 101.144 (2) (b), the department of commerce shall, at the request of the claimant, review the site investigation and the remedial action plan and advise the claimant on the adequacy of proposed remedial action activities in meeting the requirements of s. 292.11. The advice is not an approval of the remedial action activities.~~ The department of natural resources or, if the discharge is covered under s. 101.144 (2) (b), the department of commerce shall complete a final review of the remedial action activities within 60 days after the claimant notifies the appropriate department that the remedial action activities are completed.

–1359/3.2 **SECTION 2026.** 101.143 (4) (c) 8. of the statutes is amended to read:

101.143 **(4)** (c) 8. ~~Interest~~ Any interest costs incurred by an applicant with gross revenues that exceed $20,000,000 in the most recent tax year before the applicant submits a claim. For any other applicant, interest costs that exceed interest at ~~1% over the prime rate, as determined under rules promulgated by the department~~ 5%.

***–1388/6.1* SECTION 2027.** 101.143 (4) (d) 2. (intro.) of the statutes is amended to read:

101.143 **(4)** (d) 2. (intro.) The department shall issue the award under this paragraph without regard to fault in an amount equal to the amount of the eligible costs that exceeds ~~a~~ the deductible amount ~~of $2,500 plus 5% of the eligible costs, but not more than $7,500 per occurrence, except that the deductible amount for a petroleum product storage system that is owned by a school district or a technical college district and that is used for storing heating oil for consumptive use on the premises is 25% of eligible costs~~ under par. (dg). An award issued under this paragraph may not exceed the following for each occurrence:

***–1669/3.4* SECTION 2028.** 101.143 (4) (d) 2. a. of the statutes is amended to read:

101.143 **(4)** (d) 2. a. For an owner or operator of an underground petroleum product storage tank system that is located at a facility at which petroleum is stored for resale or an owner or operator of an underground petroleum product storage tank system that handles an annual average of more than 10,000 gallons of petroleum per month, $1,000,000, except that, if the site is classified as medium priority or low priority under s. 101.144 (3g), an award issued under this paragraph may not exceed $100,000 for each occurrence.

***–1669/3.5* SECTION 2029.** 101.143 (4) (d) 2. b. of the statutes is amended to read:

101.143 **(4)** (d) 2. b. For an owner or operator other than an owner or operator under subd. 2. a., c. or d., $500,000, except that, if the site is classified as medium priority or low priority under s. 101.144 (3g), an award issued under this paragraph may not exceed $100,000 for each occurrence.

***–1669/3.6* SECTION 2030.** 101.143 (4) (d) 2. d. of the statutes is amended to read:

101.143 **(4)** (d) 2. d. For a school district or a technical college district with respect to a discharge from a petroleum product storage system that is used for storing heating oil for consumptive use on the premises where stored, $190,000, except that, if the site is classified as medium priority or low priority under s. 101.144 (3g), an award issued under this paragraph may not exceed $100,000 for each occurrence.

***–1388/6.2* SECTION 2031.** 101.143 (4) (dg) of the statutes is created to read:

101.143 **(4)** (dg) *Deductible; underground systems.* The amount of the deductible for an award under par. (d) is as follows for each occurrence:

1. Except as provided under par. (di), for an owner or operator of an underground petroleum product storage tank system that is located at a facility at which petroleum is stored for resale or an owner or operator of an underground petroleum product storage tank system that handles an annual average of more than 10,000 gallons of petroleum per month, $10,000, plus $2,500 if the eligible costs exceed $50,000, plus $2,500 if the eligible costs exceed $80,000, plus $10,000 for each whole $100,000 by which eligible costs exceed $150,000.

2. For a school district or a technical college district with respect to a discharge from an underground petroleum product storage tank system that is used for storing heating oil for consumptive use on the premises, 25% of eligible costs.

3. For an owner or operator other than an owner or operator described in subd. 1. or 2., $2,500, plus 5% of eligible costs, but not more than $7,500.

***–1388/6.3* SECTION 2032.** 101.143 (4) (di) of the statutes is created to read:

101.143 **(4)** (di) *Rules concerning deductible for underground systems.* The department may promulgate rules describing a class of owners and operators of underground petroleum product storage tanks otherwise subject to par. (dg) 1. for whom the deductible is the amount under par. (dg) 3. rather than the amount under par. (dg) 1.

***–1388/6.4* SECTION 2033.** 101.143 (4) (dm) 2. a. of the statutes is amended to read:

101.143 **(4)** (dm) 2. a. For the owner or operator of a terminal, $15,000 plus ~~5%~~ 15% of the amount by which eligible costs exceed $200,000.

***–1432/5.49* SECTION 2034.** 101.143 (9m) of the statutes is created to read:

101.143 **(9m)** REVENUE OBLIGATIONS. (a) For purposes of subch. II of ch. 18, the petroleum storage remedial action program is a special fund program, and the petroleum inspection fund is a special fund. The petroleum inspection fund is a segregated fund created by the imposition of fees, penalties or excise taxes. The legislature finds and determines that a nexus exists between the petroleum storage remedial action program and the petroleum inspection fund in that fees imposed on users of petroleum are used to remedy environmental damage caused by petroleum storage.

(b) Deposits, appropriations or transfers to the petroleum inspection fund for the purposes of the petroleum storage remedial action program may be funded with the proceeds of revenue obligations issued subject to and in accordance with subch.

1 II of ch. 18 and, if designated a higher education bond, in accordance with subch. IV
2 of ch. 18.

3 (e) The department shall have all other powers necessary and convenient to
4 distribute the special fund revenues and to distribute the proceeds of the revenue
5 obligations in accordance with subch. II of ch. 18 and, if designated a higher
6 education bond, in accordance with subch. IV of ch. 18.

7 (f) The department may enter into agreements with the federal government or
8 its agencies, political subdivisions of this state, individuals or private entities to
9 insure or in any other manner provide additional security for the revenue obligations
10 issued under this subsection.

11 (g) Revenue obligations may be contracted by the building commission when
12 it reasonably appears to the building commission that all obligations incurred under
13 this subsection can be fully paid on a timely basis from moneys received or
14 anticipated to be received. Revenue obligations issued under this subsection may not
15 exceed $450,000,000 in principal amount. In addition to this limit on principal
16 amount, the building commission may contract revenue obligations under this
17 subsection as the building commission determines is desirable to fund or refund
18 outstanding revenue obligations, to pay issuance or administrative expenses, to
19 make deposits to reserve funds or to pay accrued or capitalized interest.

20 (h) Unless otherwise expressly provided in resolutions authorizing the
21 issuance of revenue obligations or in other agreements with the owners of revenue
22 obligations, each issue of revenue obligations under this subsection shall be on a
23 parity with every other revenue obligation issued under this subsection and in
24 accordance with subch. II of ch. 18 and, if designated a higher education bond, in
25 accordance with subch. IV of ch. 18.

(i) Recognizing its moral obligation to do so, the legislature expresses its expectation and aspiration that, if the legislature reduces the rate of the petroleum inspection fee and if the funds in the petroleum inspection fund are insufficient to pay the principal and interest on the revenue obligations issued under subch. II or IV of ch. 18 pursuant to this subsection, the legislature shall make an appropriation from the general fund sufficient to pay the principal and interest on the obligations.

***–1417/3.1* SECTION 2035.** 101.143 (12) of the statutes is created to read:

101.143 **(12)** REPORT. No later than each January 1 and July 1, the department of commerce and the department of natural resources shall submit to the governor and to the appropriate standing committees of the legislature, under s. 13.172 (3), a report concerning petroleum product storage systems and home oil tank systems from which discharges have occurred for which remedial action activities are being conducted. The departments shall provide all of the following information for each petroleum product storage system and home oil tank system:

(a) The date on which the record of the site investigation was received.

(b) The environmental risk factors, as defined by the department of commerce by rule, identified at the site.

(c) The year in which the approval under sub. (3) (c) 4. is expected to be issued.

***–1583/4.1* SECTION 2036.** 101.144 (2) (b) 1. of the statutes is amended to read:

101.144 **(2)** (b) 1. The site of the discharge is classified, as provided under sub. (3m) (a) 3., as medium priority or low priority, based on the threat that the discharge poses to public health, safety and welfare and to the environment, <u>subject to sub. (3m) (am)</u>.

***–1669/3.7* SECTION 2037.** 101.144 (2) (b) 1. of the statutes is amended to read:

101.144 **(2)** (b) 1. The site of the discharge is classified, as provided in rules promulgated under sub. ~~(3m) (a) 3.~~ (3g), as medium priority or low priority, based on the threat that the discharge poses to public health, safety and welfare and to the environment.

–1669/3.8 **SECTION 2038.** 101.144 (3g) of the statutes is created to read:

101.144 **(3g)** The department of commerce, after consultation with the department of natural resources, shall promulgate rules specifying procedures and standards for determining whether the site of a discharge of a petroleum product from a petroleum storage tank is classified as high priority, medium priority or low priority.

–1669/3.9 **SECTION 2039.** 101.144 (3m) (a) 3. of the statutes is amended to read:

101.144 **(3m)** (a) 3. Establishes ~~procedures, standards and~~ schedules for determining whether the site of a discharge of a petroleum product from a petroleum storage tank is classified as high priority, medium priority or low priority.

–1583/4.2 **SECTION 2040.** 101.144 (3m) (am) of the statutes is created to read:

101.144 **(3m)** (am) The department of commerce and the department of natural resources may not provide, in the standards under par. (a) 3., that all sites at which an enforcement standard, as defined in s. 160.01 (2), is exceeded are classified as high priority. The departments shall design the standards under par. (a) 3. to classify no more than 50% of sites as high priority. If 6 months after a memorandum of understanding under this subsection is in effect more than 50% of sites are classified as high priority, the departments shall revise the memorandum of understanding.

–0030/P4.114 **SECTION 2041.** 102.01 (2) (d) of the statutes is amended to read:

102.01 **(2)** (d) "Municipality" includes a county, city, town, village, school district, sewer district, drainage district and family care district and other public or quasi–public corporations.

***–0030/P4.115* SECTION 2042.** 102.04 (1) (a) of the statutes is amended to read:

102.04 **(1)** (a) The state, each county, city, town, village, school district, sewer district, drainage district, family care district and other public or quasi–public corporations therein.

***–0183/1.16* SECTION 2043.** 102.26 (2m) of the statutes is repealed.

***–0536/1.2* SECTION 2044.** 102.27 (2) (a) of the statutes is amended to read:

102.27 **(2)** (a) A benefit under this chapter is assignable under s. 46.10 (14) (e), 301.12 (14) (e), 767.23 (1) (L), 767.25 (4m) (c), 767.265 (1) or (2m), 767.51 (3m) (c) or 767.62 (4) (b) 3.

***–1186/3.38* SECTION 2045.** 102.29 (9) of the statutes is amended to read:

102.29 **(9)** No participant in a work experience component of a job opportunities and basic skills program who, under s. 49.193 (6) (a), ~~is~~ 1997 stats., was considered to be an employe of the agency administering that program, or who, under s. 49.193 (6) (a), ~~is~~ 1997 stats., was provided worker's compensation coverage by the person administering the work experience component, and who makes a claim for compensation under this chapter may make a claim or maintain an action in tort against the employer who provided the work experience from which the claim arose. This subsection does not apply to injuries occurring after February 28, 1998.

***–0183/1.17* SECTION 2046.** 102.42 (6) of the statutes is amended to read:

102.42 **(6)** TREATMENT REJECTED BY EMPLOYE. Unless the employe shall have elected Christian Science treatment in lieu of medical, surgical, dental~~,~~ or hospital

~~or sanatorium~~ treatment, no compensation shall be payable for the death or disability of an employe, if the death be caused, or insofar as the disability may be aggravated, caused or continued by an unreasonable refusal or neglect to submit to or follow any competent and reasonable medical, surgical or dental treatment or, in the case of tuberculosis, by refusal or neglect to submit to or follow hospital ~~or sanatorium~~ or medical treatment when found by the department to be necessary. The right to compensation accruing during a period of refusal or neglect to submit to or follow hospital ~~or sanatorium~~ or medical treatment when found by the department to be necessary in the case of tuberculosis shall be barred, irrespective of whether disability was aggravated, caused or continued thereby.

***–0030/P4.116* SECTION 2047.** 103.001 (6) of the statutes is amended to read:

103.001 **(6)** "Employer" means any person, firm, corporation, state, county, town, city, village, school district, sewer district, drainage district, family care district and other public or quasi–public corporations as well as any agent, manager, representative or other person having control or custody of any employment, place of employment or of any employe.

***–1186/3.39* SECTION 2048.** 106.115 (1) (b) of the statutes is repealed.

***–1922/4.14* SECTION 2049.** 106.115 (1) (f) of the statutes is repealed.

***–1922/4.15* SECTION 2050.** 106.115 (1) (g) of the statutes is repealed.

***–1922/4.16* SECTION 2051.** 106.115 (2) (e) of the statutes is repealed.

***–1922/4.17* SECTION 2052.** 106.115 (2) (cm) of the statutes is repealed.

***–1922/4.18* SECTION 2053.** 106.12 (title) of the statutes is amended to read:

106.12 (title) ~~**Division of connecting education and work**~~ **Governor's work–based learning board.**

***–1922/4.19* SECTION 2054.** 106.12 of the statutes is renumbered 106.12 (2) and amended to read:

106.12 **(2)** EMPLOYMENT AND EDUCATION PROGRAM ADMINISTRATION. ~~Based on the recommendations of the governor's council on workforce excellence, the division of connecting education and work~~ The board shall plan, coordinate, administer and implement ~~the department's workforce excellence initiatives, programs, policies and funding,~~ the youth apprenticeship ~~and~~, school–to–work, technical college study grant and work–based learning programs under s. 106.13 (1) and such other employment and education programs as the governor may by executive order assign to the ~~division~~ board. Notwithstanding any limitations placed on the use of state employment and education funds under this section or s. 106.13~~,~~ or 106.14~~, 106.15, 106.20 or 106.21~~ or under an executive order assigning an employment and education program to the ~~division~~ board, the ~~secretary~~ board may issue a general or special order waiving any of those limitations on finding that the waiver will promote the coordination of employment and education services.

***–1922/4.20* SECTION 2055.** 106.12 (1) of the statutes is created to read:

106.12 **(1)** DEFINITION. In this section and ss. 106.13 and 106.14, "board" means the governor's work–based learning board.

***–1922/4.21* SECTION 2056.** 106.12 (3) of the statutes is created to read:

106.12 **(3)** EXECUTIVE DIRECTOR. The governor shall appoint an executive director of the board outside the classified service to serve at the pleasure of the governor. The executive director shall be in charge of the board's administrative functions.

***–1922/4.22* SECTION 2057.** 106.13 (title) of the statutes is amended to read:

106.13 (title) **Youth apprenticeship ~~and~~, school–to–work technical college study grant and work–based learning programs.**

***–1922/4.23* SECTION 2058.** 106.13 (1) of the statutes is amended to read:

106.13 **(1)** The ~~department~~ board shall provide a youth apprenticeship program ~~and~~ that includes the grant programs under subs. (3m) and (4), a school–to–work program ~~in accordance with 20 USC 6101 to 6251~~, that includes the school–to–work program for children at risk under sub. (4m), a technical college study grant program as described in sub. (4g) and, for youths who are eligible to receive temporary assistance for needy families under 42 USC 601 to 619, a work–based learning program.

***–1922/4.24* SECTION 2059.** 106.13 (2) of the statutes is amended to read:

106.13 **(2)** The governor's council on workforce excellence, the technical college system board and the department of public instruction shall assist the ~~department of workforce development~~ board in providing the youth apprenticeship program ~~and~~, the school–to–work program, the technical college study grant program and the work–based learning program under sub. (1).

***–1922/4.25* SECTION 2060.** 106.13 (2m) of the statutes is renumbered 106.13 (2m) (a) and amended to read:

106.13 **(2m)** (a) ~~After reviewing the recommendations of the governor's council on workforce excellence under s. 106.115 (2) (e), the department~~ The board shall approve occupations, and maintain a list of approved occupations, for the youth apprenticeship program, shall approve the curricula developed under par. (b) for youth apprenticeship programs for those approved occupations and shall approve statewide skill standards for the school–to–work program.

(b) From the appropriation under s. ~~20.445 (1) (ev)~~ 20.292 (1) (m), the ~~department shall~~ technical college system board shall expend not more than $125,000 in each fiscal year to develop curricula for youth apprenticeship programs for occupations approved under ~~this subsection~~ par. (a). In developing that curricula, the technical college system board shall consult with the governor's work–based learning board.

***–1922/4.26* SECTION 2061.** 106.13 (3m) of the statutes is created to read:

106.13 **(3m)** (a) In this subsection, "local partnership" means one or more school districts, or any combination of one or more school districts, other public agencies, as defined in sub. (4) (a) 2., nonprofit organizations, as defined in sub. (4) (a) 1., individuals or other persons, who have agreed to be responsible for implementing and coordinating a local youth apprenticeship program.

(b) From the appropriation under s. 20.445 (7) (b), the board shall award grants to applying local partnerships for the implementation and coordination of local youth apprenticeship programs. A local partnership shall include in its grant application the identity of each public agency, nonprofit organization, individual and other person who is a participant in the local partnership, a plan to accomplish the implementation and coordination activities specified in subds. 1. to 6. and the identity of a fiscal agent who shall be responsible for receiving, managing and accounting for the grant moneys received under this paragraph. A local partnership that is awarded a grant under this paragraph may use the grant moneys awarded for any of the following implementation and coordination activities:

1. Recruiting employers to provide on–the–job training and supervision for youth apprentices and providing technical assistance to those employers.

2. Recruiting students to participate in the local youth apprenticeship program and monitoring the progress of youth apprentices participating in the program.

3. Coordinating youth apprenticeship training activities within participating school districts and among participating school districts, postsecondary institutions and employers.

4. Coordinating academic, vocational and occupational learning, school–based and work–based learning and secondary and postsecondary education for participants in the local youth apprenticeship program.

5. Assisting employers in identifying and training workplace mentors and matching youth apprentices and mentors.

6. Any other implementation or coordination activity that the board may direct or permit the local partnership to perform.

***–1922/4.27* SECTION 2062.** 106.13 (4) (b) of the statutes is amended to read:

106.13 **(4)** (b) From the appropriation under s. 20.445 ~~(1)~~ (7) (em), the ~~department~~ board may award a grant to a public agency or a nonprofit organization, or to an employer that is responsible for the on–the–job training and supervision of a youth apprentice. A public agency or non–profit organization that receives a grant under this subsection shall use the funds awarded under the grant to award training grants to employers that provide on–the–job training and supervision for youth apprentices. Subject to par. (c), a training grant provided under this subsection may be awarded to an employer for each youth apprentice who receives at least 180 hours of paid on–the–job training from the employer during a school year, as defined in s. 115.001 (13). The amount of a training grant may not exceed $500 per youth apprentice per school year. A training grant may not be awarded for any specific youth apprentice for more than 2 school years.

1 ***–1922/4.28*** **SECTION 2063.** 106.13 (4) (c) of the statutes is amended to read:

2 106.13 **(4)** (c) Notwithstanding par. (b), the ~~department~~ board may award a
3 training grant under this subsection to an employer that provides less than 180
4 hours of paid on–the–job training for a youth apprentice during a school year, as
5 defined in s. 115.001 (13), if the ~~department~~ board determines that it would be
6 beneficial for the youth apprentice to receive on–the–job training from more than one
7 employer.

8 ***–1922/4.29*** **SECTION 2064.** 106.13 (4g) of the statutes is created to read:

9 106.13 **(4g)** (a) From the appropriation under s. 20.445 (7) (c), the board may
10 award study grants to high school graduates who meet or exceed a grade point
11 average determined by the board and who enroll full–time in a technical college
12 district school under ch. 38 within one year after graduation from high school.

13 (b) The board shall establish requirements, including a minimum grade point
14 average requirement, that a student must meet to be eligible to receive a study grant
15 under par. (a). Notwithstanding sub. (5), those requirements need not be
16 promulgated as rules.

17 ***–1922/4.30*** **SECTION 2065.** 106.13 (5) of the statutes is amended to read:

18 106.13 **(5)** The ~~department~~ board shall promulgate rules to administer this
19 section.

20 ***–1922/4.31*** **SECTION 2066.** 106.14 (1) of the statutes, as affected by 1997
21 Wisconsin Act 27, section 2679, is amended to read:

22 106.14 **(1)** ~~The department~~ From the appropriation under s. 20.445 (7) (g), the
23 board may award grants to nonprofit corporations and public agencies for the
24 provision of career counseling centers throughout the state.

25 ***–1922/4.32*** **SECTION 2067.** 106.14 (3) of the statutes is amended to read:

106.14 **(3)** Any nonprofit corporation or public agency may apply for a grant to operate a career counseling center under this section. The ~~department~~ board shall review the applications submitted under this subsection according to procedures and criteria established by the ~~department~~ board.

–1922/4.33 **SECTION 2068.** 106.14 (4) of the statutes is amended to read:

106.14 **(4)** Amounts awarded under sub. (3) may be paid in instalments and shall range from 25% to 75% of the total cost of operating the career counseling center, except that after 3 years of receiving grant funds under this section a grant recipient may receive no more than 50% of the total cost of operating the career counseling center. The ~~department~~ board shall require the grant recipient to provide the remaining percentage share of the total project cost.

–1186/3.40 **SECTION 2069.** 106.18 of the statutes is repealed.

–0502/2.1 **SECTION 2070.** 106.215 (10) (g) 1. of the statutes is amended to read:

106.215 **(10)** (g) 1. A person who is employed as a corps enrollee for a 6–month to one–year period of continuous employment, as determined by standards adopted by the board, and who receives a satisfactory employment evaluation upon termination of employment is entitled to an incentive payment of $500 prorated in the same proportion as the number of hours of employment completed by that person bears to 2,080 hours or an education voucher that is worth at least double the monetary value of the prorated incentive payment, but not more than ~~$2,600~~ $2,800 prorated in the same proportion as the number of hours of employment completed by that person bears to 2,080 hours. No corps enrollee may receive more than 2 incentive payments or 4 education vouchers.

***–1922/4.34* SECTION 2071.** 108.20 (2m) of the statutes, as affected by 1997 Wisconsin Act 39, section 146, is amended to read:

108.20 **(2m)** From the moneys not appropriated under s. 20.445 (1) (ge), (gf) and (gg) which are received by the administrative account as interest and penalties under this chapter, the department shall pay the benefits chargeable to the administrative account under s. 108.07 (5) and the interest payable to employers under s. 108.17 (3m) and may pay interest due on advances to the unemployment reserve fund from the federal unemployment account under title XII of the social security act, 42 USC 1321 to 1324, may make payments to satisfy a federal audit exception concerning a payment from the fund or any federal aid disallowance involving the unemployment insurance program, or may make payments to the fund if such action is necessary to obtain a lower interest rate or deferral of interest payments on advances from the federal unemployment account under title XII of the social security act <u>or may transfer moneys from the appropriation account under s. 20.445 (1) (gd) to the appropriation under s. 20.445 (7) (k) for the payment of career counseling center grants under s. 106.14</u>, except that any interest earned pending disbursement of federal employment security grants under s. 20.445 (1) (n) shall be credited to the general fund. Any moneys reverting to the administrative account from the appropriations under s. 20.445 (1) (ge) and (gf) shall be utilized as provided in this subsection.

***–0797/P1.2* SECTION 2072.** 110.07 (1) (a) (intro.) of the statutes is amended to read:

110.07 **(1)** (a) (intro.) The secretary shall employ not ~~to exceed~~ <u>more than</u> 385 traffic officers. ~~Such~~ <u>The state traffic patrol consists of the</u> traffic officers, ~~in addition to~~ the person designated to head them whose position shall be in the classified

service~~, shall constitute the~~ and, if certified under s. 165.85 (4) (b) 1. as qualified to be a law enforcement officer, the division administrator who is counted under s. 230.08 (2) (e) 12. and whose duties include supervising the state traffic patrol. Members of the state traffic patrol~~, and~~ shall:

***–1494/P2.1* SECTION 2073.** 110.07 (1) (a) (intro.) of the statutes is amended to read:

110.07 **(1)** (a) (intro.) The secretary shall employ not to exceed ~~385~~ 400 traffic officers. Such traffic officers, in addition to the person designated to head them whose position shall be in the classified service, shall constitute the state traffic patrol, and shall:

***–1886/P1.1* SECTION 2074.** 110.07 (2m) of the statutes is amended to read:

110.07 **(2m)** In addition to the primary powers granted by subs. (1) and (2), any officer of the state traffic patrol shall have the powers of a peace officer under s. 59.28, except that the officer shall have the arrest powers of a law enforcement officer under s. 968.07, regardless of whether the violation is punishable by forfeiture or criminal penalty. A state traffic officer shall at all times be available as a witness for the state ~~but shall not conduct investigations for crimes under chs. 939 to 948~~. The primary duty of a state traffic officer shall be the enforcement of chs. 340 to 351 or of any other law relating to the use or operation of vehicles upon the highway. No state traffic officer shall be used in or take part in any dispute or controversy between employer or employe concerning wages, hours, labor or working conditions; nor shall any such officer be required to serve civil process. The department may assign state traffic officers to safeguard state officers or other persons.

***–1886/P1.2* SECTION 2075.** 110.07 (4) of the statutes is amended to read:

110.07 **(4)** In addition to the primary powers granted by sub. (3), any inspector shall have the powers of a peace officer under s. 59.28, except that the inspector shall have the arrest powers of a law enforcement officer under s. 968.07, regardless of whether the violation is punishable by forfeiture or criminal penalty. An inspector shall at all times be available as a witness for the state ~~but shall not conduct investigations for crimes under chs. 939 to 948~~. The primary duty of an inspector shall be the enforcement of the provisions specified in sub. (3). No inspector may be used in or take part in any dispute or controversy between employer or employe concerning wages, hours, labor or working conditions; nor may an inspector be required to serve civil process. The department may assign inspectors to safeguard state officers or other persons.

***–0797/P1.3* SECTION 2076.** 110.07 (6) of the statutes is created to read:

110.07 **(6)** The division administrator who is counted under s. 230.08 (2) (e) 12. and whose duties include supervising the state traffic patrol shall be designated superintendent of the state traffic patrol, if he or she is certified under s. 165.85 (4) (b) 1. as qualified to be a law enforcement officer.

***–0577/3.2* SECTION 2077.** 111.09 (2m) of the statutes is created to read:

111.09 **(2m)** The commission shall assess and collect a fee from any party who requests that the commission assemble a panel of individuals who are not members or employes of the commission to act as an arbitrator to resolve a dispute involving the interpretation or application of a collective bargaining agreement under s. 111.10. Any fee assessed and collected under this subsection shall be in addition to any fee assessed and collected under sub. (2). The commission shall promulgate rules establishing a schedule of fees to be paid under this subsection. Fees required to be paid under this subsection shall be paid at the time of filing the request and any such

request may not be considered filed until the date that the fee is paid. Fees collected under this subsection shall be credited to the appropriation account under s. 20.425 (1) (h).

***–0030/P4.117* SECTION 2078.** 111.70 (1) (j) of the statutes is amended to read:

111.70 **(1)** (j) "Municipal employer" means any city, county, village, town, metropolitan sewerage district, school district, family care district or any other political subdivision of the state ~~which~~ that engages the services of an employe and includes any person acting on behalf of a municipal employer within the scope of the person's authority, express or implied.

***–1356/5.1* *–4790/2.1* SECTION 2079.** 111.70 (4) (m) (title), 1., 2. and 4. of the statutes are amended to read:

111.70 **(4)** (m) (title) *Prohibited subjects of bargaining; school districts.*

1. Reassignment of municipal employes ~~who perform services for a board of school directors under ch. 119~~, with or without regard to seniority, as a result of a decision of the ~~board of school directors~~ municipal employer to contract with ~~an individual or group~~ a person to operate a school as a charter school, as defined in s. 115.001 (1), or to convert a school to a charter school, or the impact of any such reassignment on the wages, hours or conditions of employment of the municipal employes who perform those services.

2. Reassignment of municipal employes ~~who perform services for a board of school directors~~, with or without regard to seniority, as a result of the decision of the ~~board~~ municipal employer to close or reopen a school under s. ~~119.18 (23)~~ 118.36, or the impact of any such reassignment on the wages, hours or conditions of employment of the municipal employes who perform those services.

4. Any decision of a ~~board of school directors~~ municipal employer to contract with a school or agency to provide educational programs under s. ~~119.235~~ 118.37, or the impact of any such decision on the wages, hours or conditions of employment of the municipal employes who perform services for the ~~board~~ municipal employer.

***–0577/3.3* SECTION 2080.** 111.71 (2m) of the statutes is created to read:

111.71 **(2m)** The commission shall assess and collect a fee from any party who requests that the commission assemble a panel of individuals who are not members or employes of the commission to act as an arbitrator to resolve a dispute involving the interpretation or application of a collective bargaining agreement under s. 111.70 (4) (c) 2. or (cm) 4. Any fee assessed and collected under this subsection shall be in addition to any fee assessed and collected under sub. (2). The commission shall promulgate rules establishing a schedule of fees to be paid under this subsection. Fees required to be paid under this subsection shall be paid at the time of filing the request and any such request may not be considered filed until the date that the fee is paid. Fees collected under this subsection shall be credited to the appropriation account under s. 20.425 (1) (h).

***–2077/1.1* SECTION 2081.** 111.91 (2) (r) of the statutes is created to read:

111.91 **(2)** (r) The requirements related to offering point–of–service coverage under s. 609.23.

***–0577/3.4* SECTION 2082.** 111.94 (2m) of the statutes is created to read:

111.94 **(2m)** The commission shall assess and collect a fee from any party who requests that the commission assemble a panel of individuals who are not members or employes of the commission to act as an arbitrator to resolve a dispute involving the interpretation or application of a collective bargaining agreement under s. 111.86. Any fee assessed and collected under this subsection shall be in addition to

any fee assessed and collected under sub. (2). The commission shall promulgate rules establishing a schedule of fees to be paid under this subsection. Fees required to be paid under this subsection shall be paid at the time of filing the request and any such request may not be considered filed until the date that the fee is paid. Fees collected under this subsection shall be credited to the appropriation account under s. 20.425 (1) (h).

***–0597/1.3* SECTION 2083.** 114.20 (11) of the statutes is amended to read:

114.20 **(11)** ISSUANCE OF CERTIFICATE OF REGISTRATION; DISPLAY OF CERTIFICATE; REFUNDS. Upon payment of a registration fee or transfer of registration fee, the department shall issue evidence of registration which shall be displayed at all times in the manner prescribed by the department. A refund may be made for aircraft registration fees paid in error as determined by the department. ~~Refunds under this section shall be paid out of the appropriation under s. 20.395 (4) (aq).~~

***–0674/1.3* SECTION 2084.** 115.28 (24) of the statutes is amended to read:

115.28 **(24)** PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to local community organizations under sub. (21) and to school boards under ss. 115.36 and ~~115.362~~ 115.361, and in awarding grants from federal funds received under 20 USC 2301 to 2471, 20 USC 4601 to 4665 and 29 USC 1602 (b) (1), to programs that provide more than one of the educational services specified under sub. (21), s. 115.36, ~~115.362~~ 115.361, 115.915, 118.01 (2) (d) 7. or 8. or 118.153 or 20 USC 2301 to 2471, 20 USC 4601 to 4665 or 29 USC 1602 (b) (1).

***–1579/1.1* SECTION 2085.** 115.28 (25) of the statutes is created to read:

115.28 **(25)** SCHOOL TECHNOLOGY RESOURCE GRANTS. Consult with the technology for educational achievement in Wisconsin board before awarding school technology resource grants under 20 USC 6842.