

1 *~~0884/1.1~~* SECTION 1852. 86.302 (title) of the statutes is repealed and
2 recreated to read:

3 **86.302 (title) Local roads; inventory and assessment.**

4 *~~0884/1.2~~* SECTION 1853. 86.302 (1) of the statutes is renumbered 86.302 (1g)
5 and amended to read:

6 86.302 (1g) Except as provided in sub. (1m), beginning on January 1, 2001, the
7 board of every town, village and county, and the governing body of every city, shall
8 file with the department ~~and with the county clerk~~ not later than December 15 of
9 every ~~odd-numbered~~ year, a certified plat of ~~such town, village, city~~ the municipality
10 or county showing the ~~roads and streets~~ highways under ~~their~~ its jurisdiction and the
11 mileage thereof to be open and used for travel as of the succeeding January 1, ~~which~~
12 ~~may be used by the.~~ The department may use the plats in making computations of
13 transportation aids. One-half of the mileage of ~~roads or streets~~ highways on
14 boundary lines shall be considered as lying in each ~~town, village, city~~ municipality
15 or county.

16 *~~0884/1.3~~* SECTION 1854. 86.302 (1d) of the statutes is created to read:

17 86.302 (1d) (a) "Highway" has the meaning given in s. 340.01 (22).

18 (b) "Municipality" means a city, village or town.

19 *~~0884/1.4~~* SECTION 1855. 86.302 (1m) (a) of the statutes is renumbered
20 86.302 (1m) (a) 1. and amended to read:

21 86.302 (1m) (a) 1. ~~The board of a town, village or county and the governing body~~
22 ~~of a city need not file a certified plat under sub. (1) if the town, village,~~ In lieu of filing
23 a certified plat under sub. (1g), if a municipality or county ~~or city~~ has not added or
24 deleted jurisdictional mileage since filing its last preceding certified plat under sub.

1 (1) (1g), its board or governing body may file a certified statement to that effect with
2 the department.

3 *~~0884/1.5~~* SECTION 1856. 86.302 (1m) (a) 2. of the statutes is created to read:
4 86.302 (1m) (a) 2. Notwithstanding subd. 1., the department may require every
5 municipality and county to file a certified plat under sub. (1g) with the department
6 in the year after the year in which a federal decennial census is conducted.

7 *~~0884/1.6~~* SECTION 1857. 86.302 (1m) (b) of the statutes is amended to read:
8 86.302 (1m) (b) Upon incorporation of a village or city, the board of the village
9 and the governing body of the city shall file with the department ~~and with the county~~
10 ~~clerk~~ a certified plat of the village or city showing the ~~roads and streets~~ highways
11 under its jurisdiction and the mileage thereof to be open and used for travel as of the
12 date of incorporation, which may be used by the department in making computations
13 of transportation aids. ~~One-half of the mileage of roads or streets~~ highways on
14 boundary lines shall be considered as lying in the village or city.

15 *~~0884/1.7~~* SECTION 1858. 86.302 (2) of the statutes is amended to read:
16 86.302 (2) Not later than December 15, 2001, and biennially thereafter, each
17 municipality and county shall assess the physical condition of highways under its
18 jurisdiction, using a pavement rating system approved by the department and report
19 the results of that assessment to the department. The department shall assess the
20 accuracy of mileage or other data concerning highways reported by municipalities
21 and counties and may use field investigations to verify a portion of the data
22 constituting a valid random sample or such specialized sample as the department
23 considers appropriate. The department shall cooperate with and provide assistance
24 to local units of government in their ~~jurisdictional mileage determination~~ efforts.
25 ~~The department shall inventory and verify all road mileage in a county or~~

1 ~~municipality once every 10 years under this subsection. Information collected under~~
2 ~~this subsection is inadmissible as evidence, except to show compliance with this~~
3 ~~subsection.~~

4 *~~0884/1.8~~* SECTION 1859. 86.302 (3) of the statutes is amended to read:

5 86.302 (3) For the purposes of transportation aid determinations under s.
6 86.30, ~~the department shall use changes in the road highway~~ mileage of a ~~city,~~
7 ~~municipality or county, town or village~~ indicated on the certified plat filed under sub.
8 ~~(1) shall be used by the department (1g)~~ in making computations of transportation
9 aids to be paid beginning in the ~~next odd-numbered~~ year following the
10 ~~odd-numbered~~ year in which the certified plat is filed. ~~The department shall~~
11 ~~consider the following factors shall be considered by the department:~~

12 (a) New ~~roads~~ highways.

13 (b) Abandoned ~~roads~~ highways.

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

16 *~~0884/1.9~~* SECTION 1860. 86.303 (4) (b) of the statutes is amended to read:

17 86.303 (4) (b) In the case of municipalities formed within the previous 6 years,
18 the information needed for the determinations under this section shall be calculated
19 as follows: for those years for which the necessary data does not exist, the data for
20 the new municipality and the municipality from which it was formed shall be
21 combined and the sum shall be apportioned to each municipality in proportion to the
22 total mileage of ~~roads and streets~~ highways under their respective jurisdictions. In
23 making these calculations, the department shall use the certified plats filed under
24 s. 86.302 ~~(1)~~ (1g).

1 *~~-0882/1.1~~* **SECTION 1861.** 86.303 (6) (c) (intro.) of the statutes is amended to
2 read:

3 86.303 (6) (c) (intro.) The following other costs to the extent ~~to which~~ they are
4 highway related are reportable:

5 *~~-0882/1.2~~* **SECTION 1862.** 86.303 (6) (c) 4. of the statutes is amended to read:

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

7 *~~-0882/1.3~~* **SECTION 1863.** 86.303 (6) (cm) of the statutes is created to read:

8 86.303 (6) (cm) Some portion of law enforcement costs determined by the
9 department, in consultation with the representatives appointed under sub. (5) (am),
10 may be reported as eligible cost items. The department may establish different
11 portions under this paragraph for different classes of counties or municipalities.

12 *~~-1065/2.3~~* **SECTION 1864.** 87.30 (1) (d) of the statutes is created to read:

13 87.30 (1) (d) For an amendment to a floodplain zoning ordinance that affects
14 an activity that meets all of the requirements under s. 281.165 (1) to (5), the
15 department may not proceed under this subsection, or otherwise review the
16 amendment, to determine whether the ordinance, as amended, is insufficient.

17 *~~-2070/1.2~~* **SECTION 1865.** 88.15 of the statutes is created to read:

18 **88.15 Drainage board grants.** (1) From the appropriation under s. 20.115
19 (7) (d), the department of agriculture, trade and consumer protection shall make
20 grants to boards to assist boards to comply with this chapter and rules promulgated
21 under this chapter. A grant under this section may not exceed 60% of the costs
22 incurred by the board to comply with this chapter and rules promulgated under this
23 chapter.

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

1 ***-1785/1.30*** **SECTION 1866.** 91.01 (8) of the statutes is amended to read:

2 91.01 (8) “Local governing body having jurisdiction” means the city council,
3 village board or town board if that body has adopted ~~a certified~~ an ordinance under
4 subch. V that is certified under s. 91.06, 1997 stats.; or the county board where such
5 a city, village or town zoning ordinance is not in effect.

6 ***-1785/1.31*** **SECTION 1867.** 91.04 of the statutes is created to read:

7 **91.04 Acquisition of development rights agreements.** The department
8 shall maintain a list of nonprofit entities with which the department has entered into
9 agreements under s. 71.605 (3). The department shall make the list available to
10 owners who are interested in transferring their development rights and to the
11 department of revenue.

12 ***-1785/1.32*** **SECTION 1868.** 91.06 of the statutes is repealed.

13 ***-1785/1.33*** **SECTION 1869.** 91.11 (1) (a) of the statutes is amended to read:

14 91.11 (1) (a) The county in which the land is located has ~~a certified~~ in effect an
15 agricultural preservation plan ~~in effect~~ certified under s. 91.06, 1997 stats.; or

16 ***-1785/1.34*** **SECTION 1870.** 91.11 (1) (b) of the statutes is amended to read:

17 91.11 (1) (b) The land is in an area zoned for exclusive agricultural use under
18 an ordinance certified under ~~subch. V~~ s. 91.06, 1997 stats.

19 ***-1785/1.35*** **SECTION 1871.** 91.11 (2) of the statutes is amended to read:

20 91.11 (2) An owner of land located in a county with a population density of less
21 than 100 persons per square mile which has adopted ~~a certified~~ an exclusive
22 agricultural use zoning ordinance certified under s. 91.06, 1997 stats., may apply
23 under this subchapter even if the town in which the land is located has not approved
24 the ordinance.

25 ***-1785/1.36*** **SECTION 1872.** 91.11 (3) of the statutes is amended to read:

1 91.11 (3) In any county with a population density of 100 or more persons per
2 square mile, an owner may apply for a farmland preservation agreement under this
3 subchapter only if the county in which the land is located has ~~a certified~~ an exclusive
4 agricultural use zoning ordinance certified under ~~subch. V s. 91.06, 1997 stats.,~~ and
5 the town in which the land is located has approved the ordinance.

6 *~~1785/1.37~~* **SECTION 1873.** 91.11 (4) of the statutes is amended to read:

7 91.11 (4) In any city, town or village that has adopted ~~a certified~~ an exclusive
8 agricultural use zoning ordinance certified under ~~subch. V s. 91.06, 1997 stats.,~~ or
9 in any town that has approved ~~a certified~~ an exclusive agricultural use zoning
10 ordinance adopted by the county and certified under ~~subch. V s. 91.06, 1997 stats.,~~
11 an owner may apply for a farmland preservation agreement only if the land is in an
12 area zoned for exclusive agricultural use.

13 *~~1785/1.38~~* **SECTION 1874.** 91.13 (4) (a) of the statutes is amended to read:

14 91.13 (4) (a) Whether the farmland is designated an agricultural preservation
15 area in ~~a certified~~ an agricultural preservation plan ~~established~~ certified under
16 ~~subch. IV s. 91.06, 1997 stats.,~~ or is an area zoned for exclusive agricultural use under
17 an ordinance certified under ~~subch. V s. 91.06, 1997 stats.~~

18 *~~1785/1.39~~* **SECTION 1875.** 91.13 (8) (d) of the statutes is repealed.

19 *~~1785/1.40~~* **SECTION 1876.** 91.14 of the statutes is amended to read:

20 **91.14 Transition area agreements.** An owner may apply for a transition
21 area agreement under this subchapter if the farmland is located in an area identified
22 as a transition area under a ~~certified~~ county agricultural preservation plan certified
23 under ~~subch. IV s. 91.06, 1997 stats.~~ The provisions of this subchapter, except ss.
24 91.11 (1) (b) and (4), 91.13 (4) (a) and (10) and 91.15, apply to agreements under this

1 section. Agreements under this section shall be for not less than 5 nor more than 20
2 years, consistent with the county agricultural preservation plan.

3 ***-1785/1.41* SECTION 1877.** 91.19 (2) (c) 1. e. of the statutes is amended to
4 read:

5 91.19 (2) (c) 1. e. The proposed development or use is consistent with the
6 county's certified agricultural preservation plan certified under s. 91.06, 1997 stats.,
7 if a plan is in effect.

8 ***-1785/1.42* SECTION 1878.** 91.19 (6t) of the statutes is amended to read:

9 91.19 (6t) ~~The~~ After the effective date of this subsection [revisor inserts
10 date], the department shall relinquish land from a farmland preservation agreement
11 ~~land that has been subject to a farmland preservation agreement for at least 10 years~~
12 if the owner of the land so requests.

13 ***-1785/1.43* SECTION 1879.** 91.19 (7) of the statutes is amended to read:

14 91.19 (7) Whenever a farmland preservation agreement is relinquished under
15 sub. (2) or (6t) or all or part of the land is released from a farmland preservation
16 agreement under sub. (2) or (6p) or a transition area agreement is relinquished under
17 sub. (2) or, subject to subs. (12) and (13), a transition area agreement is relinquished
18 under sub. (1) or (1m), the department shall cause to be prepared and recorded a lien
19 against the property formerly subject to the agreement for the total amount of all
20 credits received by all owners of such lands under ~~subch. IX of ch. 71 ss. 71.59 and~~
21 71.60 during the last 10 years that the land was eligible for such credit, plus interest
22 at the rate of 9.3% per year compounded annually on the credits received from the
23 time the credits were received until the lien is paid for farmland preservation
24 agreements relinquished under sub. (6t) and 6% per year compounded annually on
25 the credits received from the time the credits were received until the lien is paid for

1 other agreements. No interest shall be compounded for any period during which the
2 farmland is subject to a subsequent farmland preservation agreement or transition
3 area agreement or is zoned for exclusive agricultural use under an ordinance
4 certified under ~~subch. V s. 91.06, 1997 stats.~~

5 ***-1785/1.44* SECTION 1880.** 91.19 (8) of the statutes is amended to read:

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

16 ***-1785/1.45* SECTION 1881.** 91.19 (10) of the statutes is amended to read:

17 91.19 (10) The lien may be paid and discharged at any time and shall become
18 payable to the state by the owner of record at the time the land or any portion of it
19 is sold by the owner of record to any person except the owner's child or if the land is
20 converted to a use prohibited by the former farmland preservation agreement. Upon
21 reentry in an agreement under this subchapter or upon zoning for exclusively
22 agricultural use under an ordinance certified under ~~subch. V s. 91.06, 1997 stats.~~, the
23 portion of the lien on the land reentered or so zoned shall be discharged. The
24 discharge of a lien does not affect the calculation of any subsequent lien under sub.
25 (7) or (8). The proceeds from the payment shall be paid into the general fund.

1 ***-1785/1.46*** SECTION 1882. 91.19 (12) of the statutes is amended to read:

2 91.19 (12) No lien may be filed under sub. (7) or (8), on the date of
3 relinquishment, release or termination, for tax credits paid on lands or any portion
4 of them which are zoned for exclusively agricultural use under an ordinance certified
5 under ~~subch. V~~ s. 91.06, 1997 stats.

6 ***-1785/1.47*** SECTION 1883. 91.19 (13) of the statutes is amended to read:

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

12 ***-1785/1.48*** SECTION 1884. 91.21 (3) of the statutes is amended to read:

13 91.21 (3) If the owner or a successor in title of the land upon which a farmland
14 preservation agreement has been recorded under this chapter fails to comply with
15 s. 91.13 (8) ~~(d)~~ ~~or~~ (dm), such person shall be given one year to restore compliance
16 before the remedies of sub. (1) shall be applicable.

17 ***-1785/1.49*** SECTION 1885. 91.25 of the statutes is created to read:

18 **91.25 Phaseout of agreements.** The department may not enter into, or
19 extend, an agreement under this subchapter after the effective date of this section
20 [revisor inserts date].

21 ***-1785/1.50*** SECTION 1886. Subchapter III of chapter 91 [precedes 91.31] of
22 the statutes is repealed.

23 ***-1785/1.51*** SECTION 1887. Subchapter IV of chapter 91 [precedes 91.51] of
24 the statutes is repealed.

25 ***-1785/1.52*** SECTION 1888. 91.71 of the statutes is repealed.

1 ***-1785/1.53*** SECTION 1889. 91.73 (2) of the statutes is repealed.

2 ***-1785/1.54*** SECTION 1890. 91.75 (intro.) of the statutes is amended to read:

3 **91.75 Ordinance standards.** (intro.) A zoning ordinance shall be deemed an
4 “exclusive agricultural use ordinance” if it includes those jurisdictional,
5 organizational or enforcement provisions necessary for its proper administration, if
6 the land in exclusive agricultural use districts is limited to agricultural use ~~and is~~
7 ~~identified as an agricultural preservation area under any agricultural preservation~~
8 ~~plans adopted under subch. IV~~ and if the regulations on the use of agricultural lands
9 in such districts meet the following standards which, except for sub. (4), are
10 minimum standards:

11 ***-1785/1.55*** SECTION 1891. 91.75 (1) of the statutes is repealed and recreated
12 to read:

13 91.75 (1) A minimum lot size is specified.

14 ***-1785/1.56*** SECTION 1892. 91.75 (6) of the statutes is amended to read:

15 91.75 (6) For purposes of farm consolidation and if permitted by local
16 regulation, farm residences or structures which existed prior to the adoption of the
17 ordinance may be separated from a larger farm parcel. ~~Farm residences or~~
18 ~~structures with up to 5 acres of land which are separated from a larger farm parcel~~
19 ~~under this section are not subject to the lien under s. 91.19 (8) to (10), as required in~~
20 ~~s. 91.77 (2) or 91.79.~~

21 ***-1785/1.57*** SECTION 1893. 91.77 (2) of the statutes is repealed.

22 ***-1785/1.58*** SECTION 1894. 91.78 of the statutes is repealed.

23 ***-1785/1.59*** SECTION 1895. 91.79 of the statutes is repealed.

24 ***-1785/1.60*** SECTION 1896. 91.80 (1) of the statutes is amended to read:

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

6 ***-1243/2.1*** SECTION 1897. 92.04 (2) (b) of the statutes is amended to read:

7 92.04 (2) (b) *Review and approve land and water resource management plans.*
8 The board shall review and approve or disapprove land and water resource
9 management plans prepared under s. 92.10 ~~and make recommendations to the~~
10 ~~department on approval or disapproval of those plans.~~

11 ***-1785/1.61*** SECTION 1898. 92.08 (1) of the statutes is amended to read:

12 92.08 (1) Every land conservation committee shall prepare annually for its
13 county a plan which describes the soil and water resource activities to be undertaken
14 by that county and the dollar amounts required for personnel to administer and
15 implement activities in that county related to soil conservation activities required
16 under ~~ss. 92.104 and s. 92.105~~ to claim a farmland preservation credit under ~~subch.~~
17 ~~IX of ch. 71 ss. 71.59 and 71.60~~, activities required under s. 92.17 related to shoreland
18 management or activities required under s. 281.65 (8m) related to the development
19 or implementation of animal waste or construction site erosion ordinances. The land
20 conservation committee shall submit that plan to the county board of that county and
21 to the department.

22 ***-1243/2.2*** SECTION 1899. 92.10 (4) (d) of the statutes is amended to read:

23 92.10 (4) (d) *Plan review.* The department, in consultation with the
24 department of natural resources, shall review ~~and approve or disapprove~~ land and
25 water resource management plans submitted by the land conservation committees,

1 summarize the plans and make recommendations to the board on approval or
2 disapproval of the plans. The department may require land conservation committees
3 to indicate specific projects to be funded under each plan and the related
4 cost-sharing rates.

5 *~~1243/2.3~~* SECTION 1900. 92.10 (5) (a) of the statutes is amended to read:

6 92.10 (5) (a) *Plan review.* The board shall review and approve or disapprove
7 land and water resource management plans submitted by the land conservation
8 committees ~~and make recommendations to the department.~~

9 *~~1243/2.4~~* SECTION 1901. 92.10 (6) (a) of the statutes is repealed and
10 recreated to read:

11 92.10 (6) (a) *Plan preparation.* A land conservation committee shall prepare
12 a land and water resource management plan that, at a minimum, does all of the
13 following:

- 14 1. Assesses water quality and soil erosion conditions throughout the county.
- 15 2. Specifies water quality and soil erosion control goals and identifies the areas
16 that may not be meeting those goals.
- 17 3. Identifies applicable performance standards and prohibitions related to the
18 control of pollution from nonpoint sources, as defined in s. 281.65 (2) (b), and to soil
19 erosion control, including those under this chapter and chs. 281 and 283 and ss.
20 59.692 and 59.693.
- 21 4. Includes a multiyear description of planned county activities, and priorities
22 for those activities, related to land and water resources, including those designed to
23 meet the goals specified under subd. 2. and to ensure compliance with the standards
24 and prohibitions identified under subd. 3.
- 25 5. Describes a system to monitor the progress of activities described in the plan.

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

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

5 *–1785/1.62* **SECTION 1902.** 92.104 of the statutes is repealed.

6 *–1785/1.63* **SECTION 1903.** 92.105 (1) of the statutes is amended to read:

7 92.105 (1) **ESTABLISHMENT.** A land conservation committee shall establish soil
8 and water conservation standards. The standards ~~and specifications~~ for agricultural
9 facilities and practices that are constructed or begun on or after October 14, 1997,
10 and, if cost-sharing is available to the farmer under s. 92.14, 281.16 (5) or 281.65 or
11 from any other source, for agricultural facilities and practices that are constructed
12 or begun before that date shall be consistent with the performance standards,
13 prohibitions, conservation practices and technical standards under s. 281.16 (3). ~~It~~
14 Beginning on January 1, 2001, the standards shall be consistent with the tolerable
15 erosion level established under s. 92.04 (2) (i) and with nutrient management rules
16 promulgated under s. 92.05 (3) (k). A land conservation committee shall submit
17 these standards to the board for review.

18 *–1785/1.64* **SECTION 1904.** 92.105 (2) of the statutes is amended to read:

19 92.105 (2) **GUIDELINES; REVIEW.** The board shall develop guidelines to be used
20 for the establishment and administration of soil and water conservation standards.
21 The board shall review and shall approve or disapprove submitted soil and water
22 conservation standards based on the guidelines it develops. If the board approves
23 soil and water conservation standards, it shall notify ~~any appropriate zoning~~
24 authority the land conservation committee of its approval.

25 *–1785/1.65* **SECTION 1905.** 92.105 (3) of the statutes is amended to read:

1 92.105 (3) APPROVED STANDARDS REQUIRED FOR FARMLAND PRESERVATION CREDIT.

2 A farmland preservation credit may not be allowed under ~~subch. IX of ch. 71 ss. 71.59~~
3 ~~and 71.60~~ for claims relating to any land to which this section applies unless the land
4 conservation committee for the county where the property is located establishes soil
5 and water conservation standards which are approved by the board.

6 *~~1785/1.66~~* SECTION 1906. 92.105 (5) of the statutes is amended to read:

7 92.105 (5) NONCOMPLIANCE. If the land conservation committee determines
8 that farming operations on land to which this section applies do not comply with soil
9 and water conservation standards, it shall issue a notice of noncompliance to the
10 farmer and send a copy of the notice to ~~any appropriate zoning authority. If no~~
11 ~~appropriate zoning authority exists, it shall send a copy to the department of~~
12 revenue. This notice of noncompliance remains in effect until canceled. If actions
13 are taken to comply with the soil and water conservation standards in a manner
14 satisfactory to the land conservation committee, it shall cancel the notice of
15 noncompliance by notifying the farmer and by sending a copy of the cancellation to
16 ~~any appropriate zoning authority. If no appropriate zoning authority exists or if the~~
17 ~~original notice was sent to the department of revenue, it shall send a copy of the~~
18 ~~cancellation to the department of revenue.~~

19 *~~1785/1.67~~* SECTION 1907. 92.105 (6) of the statutes is amended to read:

20 92.105 (6) ELIGIBILITY FOR FARMLAND PRESERVATION CREDIT. A farmland
21 preservation credit may not be allowed under ~~subch. IX of ch. 71 ss. 71.59 and 71.60~~
22 if a notice of noncompliance is in effect with respect to a claimant to which this section
23 applies at the time the claim is filed.

24 *~~1785/1.68~~* SECTION 1908. 92.105 (7) (a) (title) of the statutes is repealed.

1 ***-1785/1.69*** **SECTION 1909.** 92.105 (7) (a) of the statutes is renumbered 92.105
2 (7) and amended to read:

3 92.105 (7) **APPLICABILITY.** This section and soil and water conservation
4 standards established under this section apply only to a person claiming a farmland
5 preservation credit under ~~subch. IX of ch. 71 ss. 71.59 and 71.60~~, land related to that
6 claim and farming operations on that land ~~and apply only as provided under pars.~~
7 ~~(b) to (d).~~

8 ***-1785/1.70*** **SECTION 1910.** 92.105 (7) (b) to (d) of the statutes are repealed.

9 ***-1785/1.71*** **SECTION 1911.** 92.14 (2) (e) of the statutes is amended to read:
10 92.14 (2) (e) Promoting compliance with the requirements under ~~ss. 92.104 and~~
11 ~~s. 92.105~~ by persons claiming a farmland preservation credit under ~~subch. IX of ch.~~
12 ~~71 ss. 71.59 and 71.60.~~

13 ***-1785/1.72*** **SECTION 1912.** 92.14 (3) (a) of the statutes is amended to read:

14 92.14 (3) (a) Compliance with requirements under ~~ss. 92.104 and s. 92.105~~ by
15 persons claiming a farmland preservation credit under ~~subch. IX of ch. 71 ss. 71.59~~
16 ~~and 71.60.~~

17 ***-1785/1.73*** **SECTION 1913.** 92.14 (4) (b) of the statutes is amended to read:

18 92.14 (4) (b) Implementing land and water resource management projects
19 undertaken to comply with the requirements under ~~ss. 92.104 and s. 92.105~~ by
20 persons claiming a farmland preservation credit under ~~subch. IX of ch. 71 ss. 71.59~~
21 ~~and 71.60.~~

22 ***-1785/1.74*** **SECTION 1914.** 92.14 (6) (c) 1. of the statutes is amended to read:

23 92.14 (6) (c) 1. Cost-effectiveness of an activity, including but not limited to
24 technical assistance, educational assistance, management practices, and satisfying

1 the requirements under ~~ss. 92.104 and s. 92.105~~ for claiming farmland preservation
2 credits under subch. IX of ch. 71 ss. 71.59 and 71.60.

3 ***-0099/1.2* SECTION 1915.** 93.06 (1n) of the statutes is created to read:

4 93.06 (1n) ELECTRONIC PROCESSING. (a) Accept and process by electronic means
5 applications and payments for licenses, permits, registrations and certificates that
6 are issued by the department.

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

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

12 ***-0100/1.3* SECTION 1916.** 93.06 (12) of the statutes is created to read:

13 93.06 (12) FEDERAL DAIRY POLICY REFORM. Provide assistance to organizations
14 to seek the reform of federal milk marketing orders and other federally authorized
15 dairy pricing policies for the benefit of milk producers in this state.

16 ***-0100/1.4* SECTION 1917.** 93.06 (12) of the statutes, as created by 1999
17 Wisconsin Act (this act), is repealed.

18 ***-0103/1.3* SECTION 1918.** 93.06 (13) of the statutes is created to read:

19 93.06 (13) PLANT PROTECTION AGREEMENTS. Enter into cooperative agreements
20 with corporations, associations, foundations and individuals to carry out plant
21 protection activities under ch. 94.

22 ***-0239/1.1* SECTION 1919.** 93.12 (9) of the statutes is amended to read:

23 93.12 (9) The department shall recognize the accreditation, certification or
24 registration of a laboratory by the department of natural resources under s. 299.11

1 and shall accept the results of any test conducted by a laboratory accredited, certified
2 or registered to conduct that category of test under that section.

3 ***-0091/5.4* SECTION 1920.** 93.135 (1) (b) of the statutes is amended to read:
4 93.135 (1) (b) A license under s. 94.10 (2) or (3) ~~or (4)~~.

5 ***-0094/2.2* SECTION 1921.** 93.60 of the statutes is repealed.

***NOTE: This is reconciled s. 93.60. This SECTION has been affected by drafts with
the following LRB numbers: LRB-0094 and LRB-0101.

6 ***-0091/5.5* SECTION 1922.** 94.10 of the statutes is repealed and recreated to
7 read:

8 **94.10 Nursery stock; inspection and licensing. (1) DEFINITIONS.** In this
9 section:

10 (b) “Nonprofit organization” means an organization described in section 501 (c)
11 of the Internal Revenue Code that is exempt from federal income tax under section
12 501 (a) of the Internal Revenue Code.

13 (c) “Nursery” means premises in this state on which a person propagates or
14 grows nursery stock for sale. “Nursery” does not include heeling-in grounds or other
15 premises where a person holds nursery stock for purposes other than propagation or
16 growth.

17 (d) “Nursery dealer” means a person, other than a nursery grower, who sells,
18 offers for sale or distributes nursery stock from a location in this state.

19 (e) “Nursery grower” means a person who owns or operates a nursery.

20 (f) “Nursery stock” means plants and plant parts that can be propagated or
21 grown, including rooted Christmas trees, but excluding seeds, sod, cranberry
22 cuttings and annuals.

23 (g) “Officially inspected source” means any of the following:

- 1 1. A nursery dealer licensed under sub. (2).
- 2 2. A nursery grower licensed under sub. (3).
- 3 3. A source outside this state that the department recognizes under sub. (10)
- 4 as an officially inspected source.

5 (i) “Rooted Christmas tree” means an evergreen tree that is rooted in the soil
6 and grown for eventual harvest and sale as a Christmas tree.

7 (j) “Sell” means to transfer ownership, for consideration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (e) *Calculating annual purchases.* The amount of an applicant's license fee
23 under par. (c) for a license year shall be based on the applicant's purchases of nursery
24 stock during the applicant's preceding fiscal year, except that if the applicant made
25 no purchases of nursery stock during the preceding fiscal year the fee shall be based

1 on the applicant's good faith prediction of purchases during the license year for which
2 the applicant is applying.

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

4 1. A person whose only sales of nursery stock are retail sales totaling less than
5 \$250 annually.

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

8 (g) *Temporary permit; sales benefiting nonprofit organization.* The department
9 may issue a temporary permit authorizing the permit holder to sell nursery stock,
10 for the benefit of a nonprofit organization, for a period of not more than 7 consecutive
11 days. An applicant for a temporary permit shall apply on a form provided by the
12 department and shall pay a fee of \$5. The department may impose written conditions
13 on the temporary permit and may summarily suspend or revoke the permit if the
14 permit holder violates those conditions.

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

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

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

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

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

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

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

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

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

10 2. If the nursery grower annually sells more than \$5,000 but not more than
11 \$20,000 worth of nursery stock, \$75.

12 3. If the nursery grower annually sells more than \$20,000 but not more than
13 \$100,000 worth of nursery stock, \$125.

14 4. If the nursery grower annually sells more than \$100,000 but not more than
15 \$200,000 worth of nursery stock, \$200.

16 5. If the nursery grower annually sells more than \$200,000 but not more than
17 \$500,000 worth of nursery stock, \$350.

18 6. If the nursery grower annually sells more than \$500,000 but not more than
19 \$2,000,000 worth of nursery stock, \$600.

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

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

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

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

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

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

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

11 6. If the Christmas tree grower annually sells more than \$500,000 but not more
12 than \$2,000,000 worth of Christmas trees, \$450.

13 7. If the Christmas tree grower annually sells more than \$2,000,000 worth of
14 Christmas trees, \$900.

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

22 (e) *Calculating annual sales.* The amount of an applicant's license fee under
23 par. (c) or (cm) for a license year shall be based on the applicant's sales of nursery
24 stock during the applicant's preceding fiscal year, except that if the applicant made

1 no sales during the preceding fiscal year the fee shall be based on the applicant's good
2 faith prediction of sales during the license year for which the applicant is applying.

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

4 1. A nursery grower whose only sales of nursery stock are retail sales totaling
5 less than \$250 annually.

6 2. A person growing nursery stock for sale pursuant to a valid temporary permit
7 under par. (g).

8 (g) *Temporary permit; sales benefiting nonprofit organization.* The department
9 may issue a temporary permit authorizing the permit holder to sell nursery stock,
10 for the benefit of a nonprofit organization, for a period of not more than 7 consecutive
11 days. An applicant for a temporary permit shall apply on a form provided by the
12 department and shall pay a fee of \$5. The department may impose written conditions
13 on the temporary permit and may summarily suspend or revoke the permit if the
14 permit holder violates those conditions.

15 **(3m) NOTICE OF NEW LOCATIONS.** (a) The holder of a nursery dealer license shall
16 notify the department in writing before adding, during a license year, any new
17 location at which the license holder will hold nursery stock for sale. The license
18 holder shall specify the address of the new location in the notice.

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

23 **(4) NURSERY GROWERS AND DEALERS; RECORDS.** (a) *Nursery dealers; records of*
24 *nursery stock received.* A nursery dealer shall keep a record of every shipment of

1 nursery stock received by the nursery dealer. The nursery dealer shall include all
2 of the following in the record:

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

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

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

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

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

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

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

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

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

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

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

10 **(6) CARE OF NURSERY STOCK.** (a) *Adequate facilities.* A nursery grower or
11 nursery dealer shall maintain facilities that are reasonably adequate for the care and
12 keeping of nursery stock held for sale, so that the nursery grower or nursery dealer
13 can keep the nursery stock in healthy condition pending sale.

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

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

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

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

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

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

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

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

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

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

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

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

19 2. Remedy violations of this section.

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

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

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

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

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

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

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

- 19 1. Inspecting officially inspected sources of nursery stock.
- 20 2. Inspecting and certifying interstate shipments of nursery stock.

21 ***-0096/1.2*** **SECTION 1923.** 94.50 (2) of the statutes is amended to read:

22 **94.50 (2) GROWERS AND DEALERS; REGISTRATION.** No person may act as a grower
23 or a dealer unless he or she is registered with the department. Any person who acts
24 as a dealer and a grower shall register as both. Registrations shall be made annually
25 on a form provided by the department. Registrations expire on December 31 of each

1 year. A dealer shall pay to the department an annual registration fee of \$25. The
2 department shall assign a registration number to each person registered under this
3 subsection. All moneys collected under this subsection shall be credited to the
4 appropriation account under s. 20.115 (7) (ga).

5 ***-0096/1.3* SECTION 1924.** 94.50 (3) (b) of the statutes is amended to read:

6 94.50 (3) (b) The department shall upon request provide each registered grower
7 and dealer with shipment certificates and report forms required under par. (a). The
8 department shall stamp each shipment certificate and report form with the
9 registration number of the grower or dealer. A shipment certificate and report form
10 is valid only if used during the registration period for which the stamp registration
11 number of the grower or dealer was issued. The department may charge a reasonable
12 fee to recover the costs related to providing shipment certificates and report forms.
13 All moneys collected under this paragraph shall be credited to the appropriation
14 account under s. 20.115 (7) (ga).

15 ***-0095/3.3* SECTION 1925.** 94.64 (4) (a) 1. of the statutes is amended to read:

16 94.64 (4) (a) 1. A basic fee of ~~25~~ 23 cents per ton for fertilizer sold or distributed
17 from July 1, 1997, to June 30, 1999 beginning on the effective date of this subdivision
18 ... [revisor inserts date], and ending on June 30, 2001, and ~~32~~ 30 cents per ton for
19 fertilizer sold or distributed after June 30, ~~1999~~ 2001, with a minimum fee of \$25.

****NOTE: This is reconciled s. 94.64 (4) (a) 1. This SECTION has been affected by
drafts with the following LRB numbers: -0061/3 and -0095/1.

20 ***-0095/3.4* SECTION 1926.** 94.64 (4) (a) 6. of the statutes is created to read:

21 94.64 (4) (a) 6. Beginning on the effective date of this subdivision [revisor
22 inserts date], a weights and measures inspection fee of 2 cents per ton, with a
23 minimum fee of \$1.

****NOTE: This is reconciled s. 94.64 (4) (a) 6. This SECTION has been affected by drafts with the following LRB numbers: –0061/3 and –0095/1.

1 ***-0095/3.5* SECTION 1927.** 94.64 (4) (c) 6. of the statutes is created to read:
2 94.64 (4) (c) 6. The department shall credit the fee under par. (a) 6. to the
3 appropriation account under s. 20.115 (1) (j).

****NOTE: This is reconciled s. 94.64 (4) (c) 6. This SECTION has been affected by drafts with the following LRB numbers: –0061/3 and –0095/1.

4 ***-0095/3.6* SECTION 1928.** 94.681 (2) (a) 1. to 3. of the statutes are amended
5 to read:

6 94.681 (2) (a) 1. If the applicant sold less than \$25,000 of the product during
7 the preceding year for use in this state, \$265, except that the fee is \$215 for the license
8 years that begin on January 1, 1999, ~~and on January 1, 2000, January 1, 2001, and~~
9 January 1, 2002.

10 2. If the applicant sold at least \$25,000 but less than \$75,000 of the product
11 during the preceding year for use in this state, \$750, except that the fee is \$650 for
12 the license years that begin on January 1, 1999, ~~and on January 1, 2000, January~~
13 1, 2001, and January 1, 2002.

14 3. If the applicant sold at least \$75,000 of the product during the preceding year
15 for use in this state, \$1,500, except that the fee is \$1,200 for the license years that
16 begin on January 1, 1999, ~~and on January 1, 2000, January 1, 2001, and January 1,~~
17 2002.

18 ***-0095/3.7* SECTION 1929.** 94.681 (2) (b) 1. to 3. of the statutes are amended
19 to read:

20 94.681 (2) (b) 1. If the applicant sold less than \$25,000 of the product during
21 the preceding year for use in this state, \$315, except that the fee is \$265 for the license

1 years that begin on January 1, 1999, ~~and on January 1, 2000,~~ January 1, 2001, and
2 January 1, 2002.

3 2. If the applicant sold at least \$25,000 but less than \$75,000 of the product
4 during the preceding year for use in this state, \$860, except that the fee is \$760 for
5 the license years that begin on January 1, 1999, ~~and on January 1, 2000,~~ January
6 1, 2001, and January 1, 2002.

7 3. If the applicant sold at least \$75,000 of that product during the preceding
8 year for use in this state, \$3,060, except that the fee is \$2,760 for the license years
9 that begin on January 1, 1999, ~~and on January 1, 2000,~~ January 1, 2001, and
10 January 1, 2002.

11 ***-0095/3.8* SECTION 1930.** 94.681 (2) (c) 1. to 3. of the statutes are amended
12 to read:

13 94.681 (2) (c) 1. If the applicant sold less than \$25,000 of that product during
14 the preceding year for use in this state, \$320, except that the fee is \$270 for the license
15 years that begin on January 1, 1999, ~~and on January 1, 2000,~~ January 1, 2001, and
16 January 1, 2002.

17 2. If the applicant sold at least \$25,000 but less than \$75,000 of the product
18 during the preceding year for use in this state, \$890, except that the fee is \$790 for
19 the license years that begin on January 1, 1999, ~~and on January 1, 2000,~~ January
20 1, 2001, and January 1, 2002.

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

1 2002, the fee shall be \$2,760 plus 0.2% of the gross revenues from sales of the product
2 during the preceding year for use in this state.

3 ***-0095/3.9* SECTION 1931.** 94.704 (3) (a) 1. of the statutes is amended to read:
4 94.704 (3) (a) 1. A license fee of \$40, except that the license fee is \$30 for the
5 license years that begin on January 1, 1999, and on January 1, 2000, January 1,
6 2001, and January 1, 2002.

7 ***-0095/3.10* SECTION 1932.** 94.72 (6) (a) 1. and 2. of the statutes are amended
8 to read:

9 94.72 (6) (a) 1. For commercial feeds distributed in this state ~~during the years~~
10 ~~that begin on January 1, 1998, and on January 1, 1999, 15, beginning on the effective~~
11 ~~date of this subdivision [revisor inserts date], and ending on December 31, 2001,~~
12 a feed inspection fee of 13 cents per ton.

***NOTE: This is reconciled s. 94.72 (6) (a) 1. This SECTION has been affected by
drafts with the following LRB numbers: -0061/3 and -0095/1.

13 2. For commercial feeds distributed in this state on or after January 1, 2000,
14 25 2002, a feed inspection fee of 23 cents per ton.

***NOTE: This is reconciled s. 94.72 (6) (a) 2. This SECTION has been affected by
drafts with the following LRB numbers: -0061/3 and -0095/1.

15 ***-0095/3.11* SECTION 1933.** 94.72 (6) (a) 3. of the statutes is created to read:
16 94.72 (6) (a) 3. Beginning on the effective date of this subdivision [revisor
17 inserts date], for commercial feeds distributed in this state a weights and measures
18 inspection fee of 2 cents per ton.

***NOTE: This is reconciled s. 94.72 (6) (a) 3. This SECTION has been affected by
drafts with the following LRB numbers: -0061/3 and -0095/1.

19 ***-0102/1.3* SECTION 1934.** 95.21 (9) (c) of the statutes is created to read:
20 95.21 (9) (c) The department may provide training to persons who administer
21 local rabies control programs or who conduct rabies examinations under those

1 programs. The department may charge fees to cover the cost of training. The fees
2 collected under this paragraph shall be credited to the appropriation under s. 20.115
3 (2) (j).

4 ***-0567/1.1* SECTION 1935.** 97.30 (1) (bm) of the statutes is repealed and
5 recreated to read:

6 97.30 (1) (bm) Except as provided by the department by rule, “potentially
7 hazardous food” means a food that requires temperature control because it is in a
8 form capable of supporting any of the following:

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

12 ***-0239/1.2* SECTION 1936.** 97.34 (2) (c) of the statutes is amended to read:

13 97.34 (2) (c) The department may require testing of bottled drinking water for
14 substances subject to any standard under par. (b) and for any other substance if the
15 department determines that the water system used as the source of the bottled
16 drinking water has a potential of being contaminated, based on contamination of
17 other water systems or groundwater in the vicinity. The department shall adopt by
18 rule requirements for periodic sampling and analysis for the purposes of this
19 subsection. The department shall require all analyses to be conducted by a
20 laboratory accredited or certified under s. 299.11.

21 ***-0567/1.2* SECTION 1937.** 97.42 (4) (intro.) of the statutes is amended to read:

22 97.42 (4) RULES. (intro.) The department ~~shall~~ may issue reasonable rules
23 requiring or prescribing any of the following:

24 ***-0567/1.3* SECTION 1938.** 97.42 (4m) of the statutes is created to read:

1 97.42 (4m) FEDERAL REQUIREMENTS. Except as provided in rules promulgated
2 under sub. (4), the operator of an establishment that is required to be licensed under
3 this section shall comply with 9 CFR parts 307 to 311, 313 to 315, 416 and 417 and
4 part 381 subparts G, H, I, J, K, L, O and P as they apply to federally licensed
5 establishments.

6 *~~0061/4.1~~* **SECTION 1939.** 98.04 (1) of the statutes is amended to read:

7 98.04 (1) ~~Each~~ Except as provided in sub. (2), a municipality having a
8 population of more than 5,000, according to the ~~latest federal census~~ most recent
9 population estimate made by the department of administration under s. 16.96, shall
10 enforce the provisions of this chapter within its jurisdiction. For this purpose ~~it, a~~
11 municipality shall establish a municipal department of weights and measures. Each
12 municipal department of weights and measures shall have such number of qualified
13 sealers or inspectors as will ensure compliance with this chapter. Municipal sealers
14 or inspectors shall have the same authority as sealers or inspectors of the
15 department. The selection of municipal sealers or inspectors shall be from a list of
16 applicants whose qualifications have been certified by the state or local civil service
17 agency under the rules of the agency. ~~Such~~ The municipality shall procure and keep
18 at all times a complete set of standards of weight and measure conforming to the
19 state standards, ~~and such standards shall be submitted~~ and shall submit the
20 standards for certification at regular intervals as required by the department. ~~It~~ The
21 municipality shall keep a complete record of its work and annually shall file a report
22 thereof with the department. ~~Municipalities~~ The municipality may enact ordinances
23 ~~regulating that regulate~~ weights and measures and that are not in conflict with this
24 chapter or the rules of the department ~~and~~. The municipality may assess fees which

1 that do not exceed the actual cost of ~~the municipal~~ its weights and measures
2 program.

3 ***-0061/4.2* SECTION 1940.** 98.04 (2) of the statutes is repealed and recreated
4 to read:

5 98.04 (2) If a municipality is required to establish a department of weights and
6 measures under sub. (1), the municipality may contract with the department to
7 enforce the provisions of this chapter within the municipality's jurisdiction instead
8 of establishing its own department. The department may charge the municipality
9 fees sufficient to cover the department's costs under the contract. A municipality
10 may recover an amount not to exceed the cost of these fees by assessing fees on the
11 persons who receive services under the weights and measures program.

12 ***-0061/4.3* SECTION 1941.** 98.16 (2) (b) of the statutes, as affected by 1997
13 Wisconsin Act 27, section 2552f, is amended to read:

14 98.16 (2) (b) The fee for a license under par. (a) is ~~\$30~~ \$60, except that the
15 department may establish a different fee by rule.

16 ***-0061/4.4* SECTION 1942.** 98.245 (7) (title) and (a) of the statutes are repealed
17 and recreated to read:

18 98.245 (7) (title) METERS; LICENSING; FEES; TESTING. (a) In this subsection,
19 "meter servicer" means a person licensed under s. 98.18 to inspect and test meters
20 that are used to measure liquefied petroleum gas that is sold or delivered in a liquid
21 form and by liquid measure.

22 ***-0061/4.5* SECTION 1943.** 98.245 (7) (ag) and (ar) of the statutes are created
23 to read:

24 98.245 (7) (ag) *License required.* Beginning on the effective date of this
25 paragraph [revisor inserts date], no person may operate a meter to measure

1 liquefied petroleum gas that is for sale or delivery in liquid form and by liquid
2 measure unless the person holds an annual license issued by the department for the
3 meter. A separate license is required for each meter. A license is not transferable
4 between persons or meters. A license expires on July 31 of each year.

5 (ar) *License application; fees.* 1. An applicant for the license required under
6 par. (ag) shall apply on a form provided by the department. The license application
7 shall be accompanied by the applicable fees under subds. 2. and 3.

8 2. Unless the department establishes a different fee by rule, the fee for an
9 annual license required under par. (ag) is \$25 for each meter.

10 3. In addition to the license fee under subd. 2., an applicant shall pay a license
11 fee surcharge of \$200 for a meter if the department determines that within one year
12 before making the application the applicant operated the meter in violation of par.
13 (ag). Payment of this surcharge does not relieve the applicant of any other civil or
14 criminal liability that the applicant may incur because of the violation of par. (ag),
15 but does not constitute evidence of a violation of a law.

16 *~~0061/4.6~~* SECTION 1944. 98.245 (7) (b) 1. of the statutes is repealed and
17 recreated to read:

18 98.245 (7) (b) 1. A person who is required to hold a license under par. (ag) for
19 a meter shall have that meter inspected and tested annually by a meter servicer. The
20 meter servicer shall inspect and test the meter for accuracy according to the
21 standards, specifications, tolerances and procedures that the department
22 establishes by rule.

23 *~~0061/4.7~~* SECTION 1945. 98.245 (7) (b) 2. of the statutes is amended to read:

24 98.245 (7) (b) 2. ~~A~~ Within 15 days after a meter servicer inspects and tests a
25 meter under subd. 1., the meter servicing company servicer shall file with report the

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1 results to the department a report, for each meter, containing the results of the
2 testing under subd. 1. within 30 days after completing the testing in writing. If the
3 meter servicer fails to file the report within the 15 days, the department may assess
4 the meter servicer a fee of up to \$100 and may suspend or revoke the meter servicer's
5 license issued under s. 98.18.

6 ***-0061/4.8* SECTION 1946.** 98.245 (7) (b) 3. and 4. of the statutes are
7 consolidated, renumbered 98.245 (7) (b) 3m. and amended to read:

8 98.245 (7) (b) 3m. If the department determines that a meter has not been
9 inspected and tested under subd. 1. within the last year, the department shall notify
10 the owner. The owner shall have 30 days after being notified to have the meter tested.
11 issue a written notice to the operator of the meter. 4. Within 30 days after the
12 operator received the notice, the operator shall have the meter inspected and tested
13 as required under subd. 1. If the owner operator fails to have the owner's meter
14 tested as required under subd. 3. do so, the department may assess the owner
15 operator a fee of not more than up to \$100 for that meter and may suspend or revoke
16 the operator's license issued under par. (ag) for that meter.

17 ***-0061/4.9* SECTION 1947.** 98.245 (7) (b) 5. of the statutes is repealed.

18 ***-0063/2.12* SECTION 1948.** 100.261 of the statutes is created to read:

19 **100.261 Consumer information assessment.** (1) If a court imposes a fine
20 or forfeiture for a violation of this chapter, ch. 98, a rule promulgated under this
21 chapter or ch. 98 or an ordinance enacted under this chapter or ch. 98, the court shall
22 also impose a consumer information assessment in an amount equal to 15% of the
23 fine or forfeiture imposed. If multiple violations are involved, the court shall base
24 the consumer information assessment upon the the total of the fine or forfeiture

1 amounts for all violations. If a fine or forfeiture is suspended in whole or in part, the
2 court shall reduce the assessment in proportion to the suspension.

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

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

14 ***-0220/1.1* SECTION 1949.** 100.37 (2) (e) 2. e. of the statutes is created to read:
15 100.37 (2) (e) 2. e. Any fever thermometer containing elemental mercury.

16 ***-0196/7.1* SECTION 1950.** 100.48 (1) (a) of the statutes is renumbered 100.48
17 (1) (am).

18 ***-0196/7.2* SECTION 1951.** 100.48 (1) (ad) of the statutes is created to read:
19 100.48 (1) (ad) "All-terrain vehicle" has the meaning given in s. 340.01 (2g).

20 ***-0196/7.3* SECTION 1952.** 100.48 (1) (ag) of the statutes is created to read:
21 100.48 (1) (ag) "Boat" has the meaning given in s. 30.50 (2).

22 ***-0196/7.4* SECTION 1953.** 100.48 (1) (b) of the statutes is amended to read:
23 100.48 (1) (b) "Hour meter" means an instrument ~~on a piece of farm equipment~~
24 that measures and records the actual hours of operation of the ~~piece of farm~~
25 equipment vehicle or device to which the instrument is attached.

1 ***-0196/7.5* SECTION 1954.** 100.48 (1) (c) of the statutes is created to read:

2 100.48 (1) (c) "Snowmobile" has the meaning given in s. 350.01 (12).

3 ***-0196/7.6* SECTION 1955.** 100.48 (2) of the statutes is amended to read:

4 100.48 (2) No person may, either personally or through an agent, remove,
5 replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter
6 attached to farm equipment, a snowmobile, an all-terrain vehicle or a boat with the
7 intent to defraud by changing or affecting the number of hours of operation indicated
8 on the hour meter.

9 ***-0196/7.7* SECTION 1956.** 100.48 (3) (a) of the statutes is amended to read:

10 100.48 (3) (a) Nothing in this section shall prevent the service, repair or
11 replacement of an hour meter if the number of hours of operation indicated on the
12 hour meter remains the same as before the service, repair or replacement. If an hour
13 meter attached to farm equipment, a snowmobile, an all-terrain vehicle or a boat is
14 incapable of registering the same number of hours of operation as before its service,
15 repair or replacement, the hour meter shall be adjusted to read zero, and a sticker
16 shall be affixed by the owner of the ~~piece of farm equipment~~ vehicle or device to which
17 the hour meter is attached or an agent, in proximity to the hour meter, specifying the
18 number of hours of operation recorded on the hour meter prior to its service, repair
19 or replacement and the date on which it was serviced, repaired or replaced. No
20 person who services, repairs or replaces an hour meter attached to farm equipment,
21 a snowmobile, an all-terrain vehicle or a boat that is incapable of registering the
22 same number of hours of operation as before such service, repair or replacement may
23 fail to adjust the hour meter to read zero or fail to affix the sticker required by this
24 paragraph.

25 ***-0196/7.8* SECTION 1957.** 100.48 (4) (a) of the statutes is amended to read:

1 100.48 (4) (a) Any person who violates sub. (2) or (3) (b) with respect to an hour
2 meter attached to farm equipment may be fined not more than \$5,000 or imprisoned
3 for not more than one year in the county jail, or both, for each violation.

4 ***-0196/7.9*** SECTION 1958. 100.48 (4) (b) of the statutes is amended to read:

5 100.48 (4) (b) Any person who violates sub. (3) (a) with respect to an hour meter
6 attached to farm equipment may be required to forfeit not more than \$500 for each
7 violation.

8 ***-0196/7.10*** SECTION 1959. 100.48 (4) (c) of the statutes is created to read:

9 100.48 (4) (c) Any person who violates sub. (2) or (3) with respect to an hour
10 meter attached to a snowmobile, an all-terrain vehicle or boat may be fined not more
11 than \$5,000 or imprisoned for not more than one year in the county jail, or both, for
12 each violation.

13 ***-0030/2.113*** SECTION 1960. 101.01 (4) of the statutes is amended to read:

14 101.01 (4) “Employer” means any person, firm, corporation, state, county,
15 town, city, village, school district, sewer district, drainage district, family care
16 district and other public or quasi-public corporations as well as any agent, manager,
17 representative or other person having control or custody of any employment, place
18 of employment or of any employe.

19 ***-0423/1.1*** SECTION 1961. 101.09 (title) of the statutes is amended to read:

20 101.09 (title) **Storage of flammable and, combustible and hazardous**
21 **liquids.**

22 ***-0423/1.2*** SECTION 1962. 101.09 (1) (am) of the statutes is created to read:

23 101.09 (1) (am) “Federally regulated hazardous substance” means a hazardous
24 substance, as defined in 42 USC 9601 (14).

25 ***-0423/1.3*** SECTION 1963. 101.09 (2) (a) of the statutes is amended to read:

1 101.09 (2) (a) Except as provided under pars. (b) to (d), every person who
2 constructs, owns or controls a tank for the storage, handling or use of ~~flammable or~~
3 ~~combustible~~ liquid that is flammable or combustible or a federally regulated
4 hazardous substance shall comply with the standards adopted under sub. (3).

5 *~~0423/1.4~~* **SECTION 1964.** 101.09 (3) (a) of the statutes is amended to read:

6 101.09 (3) (a) The department shall promulgate by rule construction,
7 maintenance and abandonment standards applicable to tanks for the storage,
8 handling or use of ~~flammable and combustible~~ liquids that are flammable or
9 combustible or are federally regulated hazardous substances, and to the property
10 and facilities where the tanks are located, for the purpose of protecting the waters
11 of the state from harm due to contamination by ~~flammable and combustible~~ liquids
12 that are flammable or combustible or are federally regulated hazardous substances.

13 The rule shall comply with ch. 160. The rule may include different standards for new
14 and existing tanks, but all standards shall provide substantially similar protection
15 for the waters of the state. The rule shall include maintenance requirements related
16 to the detection and prevention of leaks. The rule may require any person supplying
17 heating oil to any noncommercial storage tank for consumptive use on the premises
18 to submit to the department, within 30 days after the department requests, the
19 location, contents and size of any such tank.

20 *~~0422/1.1~~* **SECTION 1965.** 101.09 (3) (b) of the statutes is repealed.

21 *~~0183/2.14~~* **SECTION 1966.** 101.123 (1) (b) of the statutes is amended to read:

22 101.123 (1) (b) “Inpatient health care facility” means a county home
23 established under s. 49.70, a county infirmary established under s. 49.72, or a
24 community-based residential facility or a nursing home licensed under s. 50.03 or
25 a tuberculosis sanatorium established under s. 58.06, 252.073 or 252.076.

1 ***-0423/1.5*** SECTION 1967. 101.14 (5) of the statutes is amended to read:

2 101.14 (5) (a) Subject to par. (b), in addition to any fee charged by the
3 department by rule for plan review and approval for the construction of a new or
4 additional installation or change in operation of a previously approved installation
5 for the storage, handling or use of ~~flammable or combustible liquids~~ a liquid that is
6 flammable or combustible or a federally regulated hazardous substance, as defined
7 in s. 101.09 (1) (am), the department shall collect a groundwater fee of \$100 for each
8 plan review submittal. The moneys collected under this subsection shall be credited
9 to the environmental fund for environmental management.

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

15 ***-1359/3.1*** SECTION 1968. 101.143 (2) (h) of the statutes is created to read:

16 101.143 (2) (h) The department may promulgate a rule specifying information
17 and audit requirements to implement sub. (4) (c) 8.

18 ***-1668/1.2*** SECTION 1969. 101.143 (2) (i) of the statutes is created to read:

19 101.143 (2) (i) 1. The department may promulgate rules that specify a fee that
20 must be paid by a service provider as a condition of submitting a bid to conduct an
21 activity under sub. (3) (c) for which a claim for reimbursement under this section will
22 be submitted. Any fees collected under the rules shall be deposited in the petroleum
23 inspection fund.

24 2. If the department promulgates rules under subd. 1., the department may
25 purchase, or provide funding for the purchase of, insurance to cover the amount by

1 which the costs of conducting activities under sub. (3) (c) exceed the amount bid to
2 conduct those activities.

3 ***-1358/4.1* SECTION 1970.** 101.143 (2e) of the statutes is created to read:

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

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

18 (c) If the department promulgates rules under par. (a), the department shall
19 notify an owner or operator of a petroleum product storage system to which the rules
20 apply of the date on which the department determines that it is appropriate to begin
21 activities under sub. (3) (c) 3. or (g) with respect to a discharge from that system,
22 based on the department's estimate of when funds will be available to pay an award
23 to the owner or operator under the award priorities. Notwithstanding s. 292.11 (3)
24 and (7) (c), an owner or operator to whom rules under par. (a) apply is not required
25 to begin activities under sub. (3) (c) 3. or (g) until the date on which the department

1 determines it is appropriate to begin those activities. If an owner or operator begins
2 activities under sub. (3) (c) 3. or (g) before the date when the department determines
3 it is appropriate to begin those activities, the department may deny the payment of
4 interest costs to the owner or operator, as provided in the rules promulgated by the
5 department.

6 ***-1669/5.1* SECTION 1971.** 101.143 (3) (c) 2. of the statutes is amended to read:
7 101.143 (3) (c) 2. Prepare a remedial action plan that identifies specific
8 remedial action activities proposed to be conducted under subd. 3. and submit the
9 remedial action plan to the department for approval.

***NOTE: This is reconciled s. 101.143 (3) (c) 2. This SECTION has been affected by
drafts with the following LRB numbers: LRB-1358 and LRB-1669.

10 ***-1669/5.2* SECTION 1972.** 101.143 (3) (cs) of the statutes is created to read:
11 101.143 (3) (cs) *Review of remedial action plans.* The department shall review
12 and approve or disapprove remedial action plans submitted under par. (c) 2.

***NOTE: This is reconciled s. 101.143 (3) (cs). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1358 and LRB-1669.

13 ***-1669/5.3* SECTION 1973.** 101.143 (3) (d) of the statutes is amended to read:
14 101.143 (3) (d) *Review of site investigations, remedial action plans and*
15 *remedial action activities.* ~~The department of natural resources or, if the discharge~~
16 ~~is covered under s. 101.144 (2) (b), the department of commerce shall, at the request~~
17 ~~of the claimant, review the site investigation and the remedial action plan and advise~~
18 ~~the claimant on the adequacy of proposed remedial action activities in meeting the~~
19 ~~requirements of s. 292.11. The advice is not an approval of the remedial action~~
20 ~~activities.~~ The department of natural resources or, if the discharge is covered under
21 s. 101.144 (2) (b), the department of commerce shall complete a final review of the

1 remedial action activities within 60 days after the claimant notifies the appropriate
2 department that the remedial action activities are completed.

****NOTE: This is reconciled s. 101.143 (3) (d). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1358 and LRB-1669.

3 ***-1359/3.2* SECTION 1974.** 101.143 (4) (c) 8. of the statutes is amended to read:

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

8 ***-1388/6.1* SECTION 1975.** 101.143 (4) (d) 2. (intro.) of the statutes is amended
9 to read:

10 101.143 (4) (d) 2. (intro.) The department shall issue the award under this
11 paragraph without regard to fault in an amount equal to the amount of the eligible
12 costs that exceeds a the deductible amount of \$2,500 plus 5% of the eligible costs, but
13 not more than \$7,500 per occurrence, except that the deductible amount for a
14 petroleum product storage system that is owned by a school district or a technical
15 college district and that is used for storing heating oil for consumptive use on the
16 premises is 25% of eligible costs under par. (dg). An award issued under this
17 paragraph may not exceed the following for each occurrence:

18 ***-1669/5.4* SECTION 1976.** 101.143 (4) (d) 2. a. of the statutes is amended to
19 read:

20 101.143 (4) (d) 2. a. For an owner or operator of an underground petroleum
21 product storage tank system that is located at a facility at which petroleum is stored
22 for resale or an owner or operator of an underground petroleum product storage tank
23 system that handles an annual average of more than 10,000 gallons of petroleum per

1 month, \$1,000,000, except that, if the site is classified as medium priority or low
2 priority under s. 101.144 (3g) (a), an award issued under this paragraph may not
3 exceed \$100,000 for each occurrence.

4 ***-1669/5.5* SECTION 1977.** 101.143 (4) (d) 2. b. of the statutes is amended to
5 read:

6 101.143 (4) (d) 2. b. For an owner or operator other than an owner or operator
7 under subd. 2. a., c. or d., \$500,000, except that, if the site is classified as medium
8 priority or low priority under s. 101.144 (3g) (a), an award issued under this
9 paragraph may not exceed \$100,000 for each occurrence.

10 ***-1669/5.6* SECTION 1978.** 101.143 (4) (d) 2. d. of the statutes is amended to
11 read:

12 101.143 (4) (d) 2. d. For a school district or a technical college district with
13 respect to a discharge from a petroleum product storage system that is used for
14 storing heating oil for consumptive use on the premises where stored, \$190,000,
15 except that, if the site is classified as medium priority or low priority under s. 101.144
16 (3g) (a), an award issued under this paragraph may not exceed \$100,000 for each
17 occurrence.

18 ***-1388/6.2* SECTION 1979.** 101.143 (4) (dg) of the statutes is created to read:

19 101.143 (4) (dg) *Deductible; underground systems.* The amount of the
20 deductible for an award under par. (d) is as follows for each occurrence:

21 1. Except as provided under par. (di), for an owner or operator of an
22 underground petroleum product storage tank system that is located at a facility at
23 which petroleum is stored for resale or an owner or operator of an underground
24 petroleum product storage tank system that handles an annual average of more than
25 10,000 gallons of petroleum per month, \$10,000, plus \$2,500 if the eligible costs

1 exceed \$50,000, plus \$2,500 if the eligible costs exceed \$80,000, plus \$10,000 for each
2 whole \$100,000 by which eligible costs exceed \$150,000.

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

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

8 ***-1388/6.3* SECTION 1980.** 101.143 (4) (di) of the statutes is created to read:

9 101.143 (4) (di) *Rules concerning deductible for underground systems.* The
10 department may promulgate rules describing a class of owners and operators of
11 underground petroleum product storage tanks otherwise subject to par. (dg) 1. for
12 whom the deductible is the amount under par. (dg) 3. rather than the amount under
13 par. (dg) 1.

14 ***-1388/6.4* SECTION 1981.** 101.143 (4) (dm) 2. a. of the statutes is amended
15 to read:

16 101.143 (4) (dm) 2. a. For the owner or operator of a terminal, \$15,000 plus 5%
17 15% of the amount by which eligible costs exceed \$200,000.

18 ***-1432/7.49* SECTION 1982.** 101.143 (9m) of the statutes is created to read:

19 101.143 (9m) REVENUE OBLIGATIONS. (a) For purposes of subch. II of ch. 18, the
20 petroleum storage remedial action program is a special fund program, and the
21 petroleum inspection fund is a special fund. The petroleum inspection fund is a
22 segregated fund created by the imposition of fees, penalties or excise taxes. The
23 legislature finds and determines that a nexus exists between the petroleum storage
24 remedial action program and the petroleum inspection fund in that fees imposed on

1 users of petroleum are used to remedy environmental damage caused by petroleum
2 storage.

3 (b) Deposits, appropriations or transfers to the petroleum inspection fund for
4 the purposes of the petroleum storage remedial action program may be funded with
5 the proceeds of revenue obligations issued subject to and in accordance with subch.
6 II of ch. 18 and, if designated a higher education bond, in accordance with subch. IV
7 of ch. 18.

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

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

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

1 (h) Unless otherwise expressly provided in resolutions authorizing the
2 issuance of revenue obligations or in other agreements with the owners of revenue
3 obligations, each issue of revenue obligations under this subsection shall be on a
4 parity with every other revenue obligation issued under this subsection and in
5 accordance with subch. II of ch. 18 and, if designated a higher education bond, in
6 accordance with subch. IV of ch. 18.

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

13 ***-1417/3.1* SECTION 1983.** 101.143 (12) of the statutes is created to read:

14 101.143 (12) REPORT. No later than each January 1 and July 1, the department
15 of commerce and the department of natural resources shall submit to the governor
16 and to the appropriate standing committees of the legislature, under s. 13.172 (3),
17 a report concerning petroleum product storage systems and home oil tank systems
18 from which discharges have occurred for which remedial action activities are being
19 conducted. The departments shall provide all of the following information for each
20 petroleum product storage system and home oil tank system:

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

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

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

25 ***-1669/5.7* SECTION 1984.** 101.144 (2) (b) 1. of the statutes is amended to read:

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

 ***NOTE: This is reconciled s. 101.144 (2) (b) 1. This SECTION has been affected by
drafts with the following LRB numbers: LRB-1669 and LRB-1583.

5 ***-1669/5.8*** SECTION 1985. 101.144 (3g) of the statutes is created to read:

6 101.144 (3g) (a) The department of commerce and the department of natural
7 resources, shall attempt to reach an agreement that is consistent with par. (b) and
8 that specifies procedures and standards for determining whether the site of a
9 discharge of a petroleum product from a petroleum storage tank is classified as high
10 priority, medium priority or low priority. If the department of commerce and the
11 department of natural resources are unable to reach an agreement, they shall refer
12 the matters on which they are unable to agree to the secretary of administration for
13 resolution. The secretary of administration shall resolve any matters on which the
14 departments disagree in a manner that is consistent with par. (b). The department
15 of commerce shall promulgate rules incorporating any agreement between the
16 department of commerce and the department of natural resources under this
17 paragraph and any resolution of disagreements between the departments by the
18 secretary of administration under this paragraph.

19 (b) The department of commerce may not provide, in the rules under par. (a),
20 that all sites at which an enforcement standard, as defined in s. 160.01 (2), is
21 exceeded are classified as high priority. The department shall design the rules under
22 par. (a) to classify no more than 50% of sites as high priority. If 6 months after the

1 rules under par. (a) are in effect more than 50% of sites are classified as high priority,
2 the department shall revise the rules.

***NOTE: This is reconciled s. 101.144 (3g) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1669 and LRB-1583.

3 ***-1669/5.9* SECTION 1986.** 101.144 (3m) (a) 3. of the statutes is amended to
4 read:

5 101.144 (3m) (a) 3. Establishes ~~procedures, standards and~~ schedules for
6 determining whether the site of a discharge of a petroleum product from a petroleum
7 storage tank is classified as high priority, medium priority or low priority.

8 ***-0030/2.114* SECTION 1987.** 102.01 (2) (d) of the statutes is amended to read:

9 102.01 (2) (d) "Municipality" includes a county, city, town, village, school
10 district, sewer district, drainage district and family care district and other public or
11 quasi-public corporations.

12 ***-0030/2.115* SECTION 1988.** 102.04 (1) (a) of the statutes is amended to read:

13 102.04 (1) (a) The state, each county, city, town, village, school district, sewer
14 district, drainage district, family care district and other public or quasi-public
15 corporations therein.

16 ***-0183/2.15* SECTION 1989.** 102.26 (2m) of the statutes is repealed.

17 ***-0536/1.2* SECTION 1990.** 102.27 (2) (a) of the statutes is amended to read:

18 102.27 (2) (a) A benefit under this chapter is assignable under s. 46.10 (14) (e),
19 301.12 (14) (e), 767.23 (1) (L), 767.25 (4m) (c), 767.265 (1) or (2m), 767.51 (3m) (c) or
20 767.62 (4) (b) 3.

21 ***-1186/4.37* SECTION 1991.** 102.29 (9) of the statutes is amended to read:

22 102.29 (9) No participant in a work experience component of a job opportunities
23 and basic skills program who, under s. 49.193 (6) (a), is 1997 stats., was considered

1 to be an employe of the agency administering that program, or who, under s. 49.193
2 (6) (a), is 1997 stats., was provided worker's compensation coverage by the person
3 administering the work experience component, and who makes a claim for
4 compensation under this chapter may make a claim or maintain an action in tort
5 against the employer who provided the work experience from which the claim arose.
6 This subsection does not apply to injuries occurring after February 28, 1998.

7 ***-0183/2.16* SECTION 1992.** 102.42 (6) of the statutes is amended to read:

8 102.42 (6) TREATMENT REJECTED BY EMPLOYE. Unless the employe shall have
9 elected Christian Science treatment in lieu of medical, surgical, dental, or hospital
10 ~~or sanatorium~~ treatment, no compensation shall be payable for the death or
11 disability of an employe, if the death be caused, or insofar as the disability may be
12 aggravated, caused or continued by an unreasonable refusal or neglect to submit to
13 or follow any competent and reasonable medical, surgical or dental treatment or, in
14 the case of tuberculosis, by refusal or neglect to submit to or follow hospital ~~or~~
15 ~~sanatorium~~ or medical treatment when found by the department to be necessary.
16 The right to compensation accruing during a period of refusal or neglect to submit
17 to or follow hospital ~~or sanatorium~~ or medical treatment when found by the
18 department to be necessary in the case of tuberculosis shall be barred, irrespective
19 of whether disability was aggravated, caused or continued thereby.

20 ***-0030/2.116* SECTION 1993.** 103.001 (6) of the statutes is amended to read:

21 103.001 (6) "Employer" means any person, firm, corporation, state, county,
22 town, city, village, school district, sewer district, drainage district, family care
23 district and other public or quasi-public corporations as well as any agent, manager,
24 representative or other person having control or custody of any employment, place
25 of employment or of any employe.

1 ***-1186/4.38*** **SECTION 1994.** 106.115 (1) (b) of the statutes is repealed.

2 ***-1922/5.13*** **SECTION 1995.** 106.115 (1) (f) of the statutes is repealed.

3 ***-1922/5.14*** **SECTION 1996.** 106.115 (1) (g) of the statutes is repealed.

4 ***-0400/7.18*** **SECTION 1997.** 106.115 (1) (i) of the statutes is amended to read:

5 106.115 (1) (i) The national and community service corps under 42 USC 12501

6 to 12682 and s. ~~46.22~~ 46.78.

7 ***-1922/5.15*** **SECTION 1998.** 106.115 (2) (e) of the statutes is repealed.

8 ***-1922/5.16*** **SECTION 1999.** 106.115 (2) (em) of the statutes is repealed.

9 ***-1922/5.17*** **SECTION 2000.** 106.12 (title) of the statutes is amended to read:

10 **106.12 (title) ~~Division of connecting education and work~~ Governor's**
11 **work-based learning board.**

12 ***-1922/5.18*** **SECTION 2001.** 106.12 of the statutes is renumbered 106.12 (2)
13 and amended to read:

14 106.12 (2) EMPLOYMENT AND EDUCATION PROGRAM ADMINISTRATION. ~~Based on the~~
15 ~~recommendations of the governor's council on workforce excellence, the division of~~
16 ~~connecting education and work~~ The board shall plan, coordinate, administer and
17 implement the department's ~~workforce excellence initiatives, programs, policies and~~
18 ~~funding,~~ the youth apprenticeship ~~and,~~ school-to-work, technical college study
19 grant and work-based learning programs under s. 106.13 (1) and such other
20 employment and education programs as the governor may by executive order assign
21 to the ~~division~~ board. Notwithstanding any limitations placed on the use of state
22 employment and education funds under this section or s. 106.13, ~~or 106.14, 106.15,~~
23 ~~106.20 or 106.21~~ or under an executive order assigning an employment and
24 education program to the ~~division~~ board, the ~~secretary~~ board may issue a general or

1 special order waiving any of those limitations on finding that the waiver will promote
2 the coordination of employment and education services.

3 ***-1922/5.19* SECTION 2002.** 106.12 (1) of the statutes is created to read:

4 106.12 (1) DEFINITION. In this section and ss. 106.13 and 106.14, “board” means
5 the governor’s work-based learning board.

6 ***-1922/5.20* SECTION 2003.** 106.12 (3) of the statutes is created to read:

7 106.12 (3) EXECUTIVE DIRECTOR. The governor shall appoint an executive
8 director of the board outside the classified service to serve at the pleasure of the
9 governor. The executive director shall be in charge of the board’s administrative
10 functions.

11 ***-1922/5.21* SECTION 2004.** 106.13 (title) of the statutes is amended to read:

12 **106.13 (title) Youth apprenticeship and, school-to-work technical**
13 **college study grant and work-based learning programs.**

14 ***-1922/5.22* SECTION 2005.** 106.13 (1) of the statutes is amended to read:

15 106.13 (1) The ~~department~~ board shall provide a youth apprenticeship
16 program and that includes the grant programs under subs. (3m) and (4), a
17 school-to-work program in accordance with 20 USC 6101 to 6251, that includes the
18 school-to-work program for children at risk under sub. (4m), a technical college
19 study grant program as described in sub. (4g) and, for youths who are eligible to
20 receive temporary assistance for needy families under 42 USC 601 to 619, a
21 work-based learning program.

22 ***-1922/5.23* SECTION 2006.** 106.13 (2) of the statutes is amended to read:

23 106.13 (2) The governor’s council on workforce excellence, the technical college
24 system board and the department of public instruction shall assist the ~~department~~
25 ~~of workforce development~~ board in providing the youth apprenticeship program ~~and,~~

1 the school-to-work program, the technical college study grant program and the
2 work-based learning program under sub. (1).

3 ***-1922/5.24* SECTION 2007.** 106.13 (2m) of the statutes is renumbered 106.13
4 (2m) (a) and amended to read:

5 106.13 (2m) (a) ~~After reviewing the recommendations of the governor's council~~
6 ~~on workforce excellence under s. 106.115 (2) (e), the department~~ The board shall
7 approve occupations, and maintain a list of approved occupations, for the youth
8 apprenticeship program, shall approve the curricula developed under par. (b) for
9 youth apprenticeship programs for those approved occupations and shall approve
10 statewide skill standards for the school-to-work program.

11 (b) From the appropriation under s. ~~20.445 (1) (ev)~~ 20.292 (1) (m), the
12 ~~department shall~~ technical college system board shall expend not more than
13 \$125,000 in each fiscal year to develop curricula for youth apprenticeship programs
14 for occupations approved under this subsection par. (a). In developing that curricula,
15 the technical college system board shall consult with the governor's work-based
16 learning board.

17 ***-1922/5.25* SECTION 2008.** 106.13 (3m) of the statutes is created to read:

18 106.13 (3m) (a) In this subsection, "local partnership" means one or more
19 school districts, or any combination of one or more school districts, other public
20 agencies, as defined in sub. (4) (a) 2., nonprofit organizations, as defined in sub. (4)
21 (a) 1., individuals or other persons, who have agreed to be responsible for
22 implementing and coordinating a local youth apprenticeship program.

23 (b) From the appropriation under s. 20.445 (7) (b), the board shall award grants
24 to applying local partnerships for the implementation and coordination of local youth
25 apprenticeship programs. A local partnership shall include in its grant application

1 the identity of each public agency, nonprofit organization, individual and other
2 person who is a participant in the local partnership, a plan to accomplish the
3 implementation and coordination activities specified in subds. 1. to 6. and the
4 identity of a fiscal agent who shall be responsible for receiving, managing and
5 accounting for the grant moncys received under this paragraph. A local partnership
6 that is awarded a grant under this paragraph may use the grant moneys awarded
7 for any of the following implementation and coordination activities:

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

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

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

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

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

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

22 *–1922/5.26* **SECTION 2009.** 106.13 (4) (b) of the statutes is amended to read:

23 106.13 (4) (b) From the appropriation under s. 20.445 ~~(1) (7)~~ (em), the
24 ~~department~~ board may award a grant to a public agency or a nonprofit organization,
25 or to an employer that is responsible for the on–the–job training and supervision of

1 a youth apprentice. A public agency or non-profit organization that receives a grant
2 under this subsection shall use the funds awarded under the grant to award training
3 grants to employers that provide on-the-job training and supervision for youth
4 apprentices. Subject to par. (c), a training grant provided under this subsection may
5 be awarded to an employer for each youth apprentice who receives at least 180 hours
6 of paid on-the-job training from the employer during a school year, as defined in s.
7 115.001 (13). The amount of a training grant may not exceed \$500 per youth
8 apprentice per school year. A training grant may not be awarded for any specific
9 youth apprentice for more than 2 school years.

10 ***-1922/5.27* SECTION 2010.** 106.13 (4) (c) of the statutes is amended to read:

11 106.13 (4) (c) Notwithstanding par. (b), the ~~department~~ board may award a
12 training grant under this subsection to an employer that provides less than 180
13 hours of paid on-the-job training for a youth apprentice during a school year, as
14 defined in s. 115.001 (13), if the ~~department~~ board determines that it would be
15 beneficial for the youth apprentice to receive on-the-job training from more than one
16 employer.

17 ***-1922/5.28* SECTION 2011.** 106.13 (4g) of the statutes is created to read:

18 106.13 (4g) (a) From the appropriation under s. 20.445 (7) (c), the board may
19 award study grants to high school graduates who meet or exceed a grade point
20 average determined by the board and who enroll full-time in a technical college
21 district school under ch. 38 within one year after graduation from high school.

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

1 *~~1922/5.29~~* SECTION 2012. 106.13 (5) of the statutes is amended to read:

2 106.13 (5) The ~~department~~ board shall promulgate rules to administer this
3 section.

4 *~~1922/5.30~~* SECTION 2013. 106.14 (1) of the statutes, as affected by 1997
5 Wisconsin Act 27, section 2679, is amended to read:

6 106.14 (1) ~~The department~~ From the appropriation under s. 20.445 (7) (g), the
7 board may award grants to nonprofit corporations and public agencies for the
8 provision of career counseling centers throughout the state.

9 *~~1922/5.31~~* SECTION 2014. 106.14 (3) of the statutes is amended to read:

10 106.14 (3) Any nonprofit corporation or public agency may apply for a grant to
11 operate a career counseling center under this section. The ~~department~~ board shall
12 review the applications submitted under this subsection according to procedures and
13 criteria established by the ~~department~~ board.

14 *~~1922/5.32~~* SECTION 2015. 106.14 (4) of the statutes is amended to read:

15 106.14 (4) Amounts awarded under sub. (3) may be paid in instalments and
16 shall range from 25% to 75% of the total cost of operating the career counseling
17 center, except that after 3 years of receiving grant funds under this section a grant
18 recipient may receive no more than 50% of the total cost of operating the career
19 counseling center. The ~~department~~ board shall require the grant recipient to provide
20 the remaining percentage share of the total project cost.

21 *~~1186/4.39~~* SECTION 2016. 106.18 of the statutes is repealed.

22 *~~0502/2.1~~* SECTION 2017. 106.215 (10) (g) 1. of the statutes is amended to
23 read:

24 106.215 (10) (g) 1. A person who is employed as a corps enrollee for a 6-month
25 to one-year period of continuous employment, as determined by standards adopted

1 by the board, and who receives a satisfactory employment evaluation upon
2 termination of employment is entitled to an incentive payment of \$500 prorated in
3 the same proportion as the number of hours of employment completed by that person
4 bears to 2,080 hours or an education voucher that is worth at least double the
5 monetary value of the prorated incentive payment, but not more than ~~\$2,600~~ \$2,800
6 prorated in the same proportion as the number of hours of employment completed
7 by that person bears to 2,080 hours. No corps enrollee may receive more than 2
8 incentive payments or 4 education vouchers.

9 ***-1922/5.33* SECTION 2018.** 108.20 (2m) of the statutes, as affected by 1997
10 Wisconsin Act 39, section 146, is amended to read:

11 108.20 (2m) From the moneys not appropriated under s. 20.445 (1) (ge), (gf) and
12 (gg) which are received by the administrative account as interest and penalties
13 under this chapter, the department shall pay the benefits chargeable to the
14 administrative account under s. 108.07 (5) and the interest payable to employers
15 under s. 108.17 (3m) and may pay interest due on advances to the unemployment
16 reserve fund from the federal unemployment account under title XII of the social
17 security act, 42 USC 1321 to 1324, may make payments to satisfy a federal audit
18 exception concerning a payment from the fund or any federal aid disallowance
19 involving the unemployment insurance program, or may make payments to the fund
20 if such action is necessary to obtain a lower interest rate or deferral of interest
21 payments on advances from the federal unemployment account under title XII of the
22 social security act or may transfer moneys from the appropriation account under s.
23 20.445 (1) (gd) to the appropriation under s. 20.445 (7) (k) for the payment of career
24 counseling center grants under s. 106.14, except that any interest earned pending
25 disbursement of federal employment security grants under s. 20.445 (1) (n) shall be

1 credited to the general fund. Any moneys reverting to the administrative account
2 from the appropriations under s. 20.445 (1) (ge) and (gf) shall be utilized as provided
3 in this subsection.

4 ***-0797/2.3* SECTION 2019.** 110.07 (1) (a) (intro.) of the statutes is amended to
5 read:

6 110.07 (1) (a) (intro.) The secretary shall employ not to exceed 385 more than
7 400 traffic officers. ~~Such~~ The state traffic patrol consists of the traffic officers, in
8 ~~addition to~~ the person designated to head them whose position shall be in the
9 classified service, ~~shall constitute the~~ and, if certified under s. 165.85 (4) (b) 1. as
10 qualified to be a law enforcement officer, the division administrator who is counted
11 under s. 230.08 (2) (e) 12. and whose duties include supervising the state traffic
12 patrol. Members of the state traffic patrol, and shall:

****NOTE: The treatment of this section by LRB-0797/1 is reconciled with
LRB-1494/P2, which should not appear in the compiled bill.

13 ***-1886/1.1* SECTION 2020.** 110.07 (2m) of the statutes is amended to read:

14 110.07 (2m) In addition to the primary powers granted by subs. (1) and (2), any
15 officer of the state traffic patrol shall have the powers of a peace officer under s. 59.28,
16 except that the officer shall have the arrest powers of a law enforcement officer under
17 s. 968.07, regardless of whether the violation is punishable by forfeiture or criminal
18 penalty. A state traffic officer shall at all times be available as a witness for the state
19 ~~but shall not conduct investigations for crimes under chs. 939 to 948.~~ The primary
20 duty of a state traffic officer shall be the enforcement of chs. 340 to 351 or of any other
21 law relating to the use or operation of vehicles upon the highway. No state traffic
22 officer shall be used in or take part in any dispute or controversy between employer
23 or employe concerning wages, hours, labor or working conditions; nor shall any such

1 officer be required to serve civil process. The department may assign state traffic
2 officers to safeguard state officers or other persons.

3 ***-1886/1.2* SECTION 2021.** 110.07 (4) of the statutes is amended to read:

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

15 ***-0797/2.4* SECTION 2022.** 110.07 (6) of the statutes is created to read:

16 110.07 (6) The division administrator who is counted under s. 230.08 (2) (e) 12.
17 and whose duties include supervising the state traffic patrol shall be designated
18 superintendent of the state traffic patrol, if he or she is certified under s. 165.85 (4)
19 (b) 1. as qualified to be a law enforcement officer.

20 ***-0577/3.2* SECTION 2023.** 111.09 (2m) of the statutes is created to read:

21 111.09 (2m) The commission shall assess and collect a fee from any party who
22 requests that the commission assemble a panel of individuals who are not members
23 or employes of the commission to act as an arbitrator to resolve a dispute involving
24 the interpretation or application of a collective bargaining agreement under s.
25 111.10. Any fee assessed and collected under this subsection shall be in addition to

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

7 ***-0030/2.117* SECTION 2024.** 111.70 (1) (j) of the statutes is amended to read:

8 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
9 metropolitan sewerage district, school district, family care district or any other
10 political subdivision of the state ~~which~~ that engages the services of an employe and
11 includes any person acting on behalf of a municipal employer within the scope of the
12 person’s authority, express or implied.

13 ***-1356/5.1* SECTION 2025.** 111.70 (4) (m) (title), 1., 2. and 4. of the statutes are
14 amended to read:

15 111.70 (4) (m) (title) *Prohibited subjects of bargaining; school districts.*

16 1. Reassignment of municipal employes ~~who perform services for a board of~~
17 ~~school directors under ch. 119~~, with or without regard to seniority, as a result of a
18 decision of the ~~board of school directors~~ municipal employer to contract with ~~an~~
19 ~~individual or group~~ a person to operate a school as a charter school, as defined in s.
20 115.001 (1), or to convert a school to a charter school, or the impact of any such
21 reassignment on the wages, hours or conditions of employment of the municipal
22 employes who perform those services.

23 2. Reassignment of municipal employes ~~who perform services for a board of~~
24 ~~school directors~~, with or without regard to seniority, as a result of the decision of the
25 ~~board~~ municipal employer to close or reopen a school under s. ~~119.18 (23)~~ 118.36, or

1 the impact of any such reassignment on the wages, hours or conditions of
2 employment of the municipal employes who perform those services.

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

7 ***-0577/3.3* SECTION 2026.** 111.71 (2m) of the statutes is created to read:

8 111.71 (2m) The commission shall assess and collect a fee from any party who
9 requests that the commission assemble a panel of individuals who are not members
10 or employes of the commission to act as an arbitrator to resolve a dispute involving
11 the interpretation or application of a collective bargaining agreement under s. 111.70
12 (4) (c) 2. or (cm) 4. Any fee assessed and collected under this subsection shall be in
13 addition to any fee assessed and collected under sub. (2). The commission shall
14 promulgate rules establishing a schedule of fees to be paid under this subsection.
15 Fees required to be paid under this subsection shall be paid at the time of filing the
16 request and any such request may not be considered filed until the date that the fee
17 is paid. Fees collected under this subsection shall be credited to the appropriation
18 account under s. 20.425 (1) (h).

19 ***-2077/1.1* SECTION 2027.** 111.91 (2) (r) of the statutes is created to read:

20 111.91 (2) (r) The requirements related to offering point-of-service coverage
21 under s. 609.23.

22 ***-0577/3.4* SECTION 2028.** 111.94 (2m) of the statutes is created to read:

23 111.94 (2m) The commission shall assess and collect a fee from any party who
24 requests that the commission assemble a panel of individuals who are not members
25 or employes of the commission to act as an arbitrator to resolve a dispute involving

1 the interpretation or application of a collective bargaining agreement under s.
2 111.86. Any fee assessed and collected under this subsection shall be in addition to
3 any fee assessed and collected under sub. (2). The commission shall promulgate rules
4 establishing a schedule of fees to be paid under this subsection. Fees required to be
5 paid under this subsection shall be paid at the time of filing the request and any such
6 request may not be considered filed until the date that the fee is paid. Fees collected
7 under this subsection shall be credited to the appropriation account under s. 20.425
8 (1) (h).

9 ***-0597/1.3* SECTION 2029.** 114.20 (11) of the statutes is amended to read:

10 114.20 (11) ISSUANCE OF CERTIFICATE OF REGISTRATION; DISPLAY OF CERTIFICATE;
11 REFUNDS. Upon payment of a registration fee or transfer of registration fee, the
12 department shall issue evidence of registration which shall be displayed at all times
13 in the manner prescribed by the department. A refund may be made for aircraft
14 registration fees paid in error as determined by the department. ~~Refunds under this~~
15 ~~section shall be paid out of the appropriation under s. 20.395 (4) (aq).~~

16 ***-0674/1.3* SECTION 2030.** 115.28 (24) of the statutes is amended to read:

17 115.28 (24) PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to
18 local community organizations under sub. (21) and to school boards under ss. 115.36
19 and ~~115.362~~ 115.361, and in awarding grants from federal funds received under 20
20 USC 2301 to 2471, 20 USC 4601 to 4665 and 29 USC 1602 (b) (1), to programs that
21 provide more than one of the educational services specified under sub. (21), s. 115.36,
22 ~~115.362~~ 115.361, 115.915, 118.01 (2) (d) 7. or 8. or 118.153 or 20 USC 2301 to 2471,
23 20 USC 4601 to 4665 or 29 USC 1602 (b) (1).

24 ***-1579/1.1* SECTION 2031.** 115.28 (25) of the statutes is created to read:

1 115.28 (25) SCHOOL TECHNOLOGY RESOURCE GRANTS. Consult with the technology
2 for educational achievement in Wisconsin board before awarding school technology
3 resource grants under 20 USC 6842.

4 *~~0674/1.4~~* SECTION 2032. 115.28 (39) of the statutes is amended to read:

5 115.28 (39) ALCOHOL AND OTHER DRUG ABUSE REPORT. By July 1, 1998, and
6 biennially by July 1 thereafter, evaluate the effectiveness of the programs under ss.
7 115.36, and 115.361 ~~and 115.362~~ and submit a report to the legislature under s.
8 13.172 (2). To satisfy this reporting requirement as it pertains to s. 115.361, the
9 department may incorporate into the report under this subsection the report
10 required under s. 115.361 ~~(7)(e)~~ (2).

11 *~~0273/1.9~~* SECTION 2033. 115.355 of the statutes is amended to read:

12 115.355 Assistance to schools for instruction on adoption. The
13 department shall annually and upon request disseminate to appropriate public
14 school staff information about materials and services available through the state
15 adoption center under s. ~~48.551~~ 48.55 which may serve as resources for instruction
16 on adoption for pupils in grades kindergarten through 12.

17 *~~1265/7.21~~* SECTION 2034. 115.36 (3) (a) (intro.) of the statutes is amended
18 to read:

19 115.36 (3) (a) (intro.) The department shall, from the appropriation under s.
20 20.255 (2) ~~(g)~~ (kd), fund school district projects designed to assist minors
21 experiencing problems resulting from the use of alcohol or other drugs or to prevent
22 alcohol or other drug abuse by minors. The department shall:

23 *~~0674/1.5~~* SECTION 2035. 115.361 of the statutes is repealed and recreated
24 to read:

1 **115.361 Alcohol and other drug abuse prevention and intervention**
2 **programs.** (1) A school board may apply to the department for a grant to fund an
3 alcohol and other drug abuse prevention and intervention program. The department
4 shall pay grants awarded under this section from the appropriation under s. 20.255
5 (2) (dm) and shall promulgate rules to implement and administer this section.

6 (2) The department shall collect and analyze information about the programs
7 funded under this section, evaluate their effectiveness and submit a report of the
8 evaluation to the appropriate standing committees of the legislature under s. 13.172
9 (3) and to the governor by July 1, 2000, and biennially by July 1 thereafter.

10 ***-1569/4.2* SECTION 2036.** 115.3615 of the statutes is amended to read:

11 **115.3615 Head start supplement.** From the appropriation under s. 20.255
12 (2) ~~(eh)~~ (kh), the state superintendent shall distribute funds to agencies determined
13 by the state superintendent to be eligible for designation as head start agencies
14 under 42 USC 9836 to provide comprehensive health, educational, nutritional, social
15 and other services to economically disadvantaged children and their families. The
16 state superintendent shall distribute the funds in a manner consistent with 42 USC
17 9831 to 9852 except that there is no matching fund requirement. The state
18 superintendent shall give preference in funding under this section to ~~an agency that~~
19 is agencies that are receiving federal funds under 42 USC 9831 to 9852 and to
20 agencies that operate full-time or early head start programs. Funds distributed
21 under this section may be used to match available federal funds under 42 USC 9831
22 to 9852 only if the funds are used to secure additional federal funds for the purposes
23 under this section.

24 ***-0674/1.6* SECTION 2037.** 115.362 of the statutes is repealed.

25 ***-1977/2.2* SECTION 2038.** 115.363 of the statutes is created to read:

1 **115.363 Smoking prevention programs.** (1) The department shall award
2 grants to school districts for smoking prevention programs in grades kindergarten
3 to 8.

4 (2) The department shall award grants under this section from the
5 appropriation under s. 20.255 (2) (c). No grant may exceed \$10,000.

6 (3) The department shall promulgate rules to implement and administer this
7 section.

8 ***-2038/1.2* SECTION 2039.** 115.406 of the statutes is created to read:

9 **115.406 Grant program for staff development.** (1) From the
10 appropriation under s. 20.255 (2) (fL), the state superintendent shall award grants
11 for staff development to school districts, cooperative educational service agencies
12 and other persons.

13 (2) The state superintendent shall promulgate rules to implement and
14 administer this section, including rules concerning eligibility requirements, the
15 amounts of the grants that may be awarded and the uses to which the grants may
16 be put.

17 ***-1380/2.1* SECTION 2040.** 115.42 (1) (a) (intro.) of the statutes is amended to
18 read:

19 115.42 (1) (a) (intro.) ~~In the 1999-2000 school year the~~ The department shall
20 award a \$2,000 grant to any person who satisfies all of the following requirements:

21 ***-1380/2.2* SECTION 2041.** 115.42 (1) (a) 1. of the statutes is amended to read:

22 115.42 (1) (a) 1. The person is certified by the National Board for Professional
23 Teaching Standards ~~before July 1, 2000.~~

24 ***-1380/2.3* SECTION 2042.** 115.42 (1) (b) of the statutes is created to read:

1 ***-2105/1.36* SECTION 344.** 115.81 (9) (c) of the statutes is amended to read:
 2 115.81 (9) (c) Notwithstanding ss. 48.345, 48.363, 48.427 (3), 767.24 (3), 880.12,
 3 880.15, 938.183, 938.34 (4), (4d), (4h), (4m) and (4n), 938.345, 938.357 (4) and
 4 938.363, a surrogate parent has the authority to act as the child's parent in all
 5 matters relating to this subchapter.

Fix component

6 ***-1859/2.2* SECTION 345.** 115.88 (1m) (a) of the statutes is ^a amended to read:
 7 115.88 (1m) (a) If, upon receipt of the plan under s. 115.77 (4), the state
 8 superintendent is satisfied that the special education program has been maintained
 9 during the preceding school year in accordance with law, the state superintendent
 10 shall certify to the department of administration in favor of each county, cooperative
 11 educational service agency and school district maintaining such special education
 12 program a sum equal to ~~63%~~ of the amount expended by the county, agency and
 13 school district during the preceding year for salaries of personnel enumerated in sub.
 14 (1), including the salary portion of any authorized contract for physical or
 15 occupational therapy services, ~~except as provided in par. (b),~~ and other expenses
 16 approved by the state superintendent. ~~The department of administration shall pay~~
 17 ~~such amounts to the county, agency and school district~~ as costs eligible for
 18 reimbursement from the appropriation under s. 20.255 (2) (b).

****NOTE: This is reconciled s. 115.88 (1m) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-1724/1 and LRB-1859/1.

19 ***-1724/2.1* SECTION 346.** 115.88 (1m) (am) of the statutes is created to read:
 20 115.88 (1m) (am) ~~§~~ If the operator of a charter school established under s.
 21 118.40 (2r) operates a special education program and the state superintendent is
 22 satisfied that the operator of the charter school is complying with 20 USC 1400 to
 23 1491o as though the operator of the charter school were a local educational agency,

1 115.42 (1) (b) The department shall award the grant under this subsection in
2 the school year in which the person is certified under par. (a) 1.

3 ***-1380/2.4* SECTION 2043.** 115.42 (2) (intro.) of the statutes is amended to
4 read:

5 115.42 (2) (intro.) ~~In the 2000-01 school year the~~ The department shall award
6 a \$2,500 grant to each person who received a grant under sub. (1) in each of the 9
7 school years following the school year in which he or she received the grant if the
8 person satisfies all of the following requirements:

9 ***-0976/4.3* SECTION 2044.** 115.75 (1) (a) of the statutes is amended to read:

10 115.75 (1) (a) Subject to the requirements of par. (b), each alternative school
11 operating an American Indian language and culture education program under this
12 subchapter shall receive state aid, from the appropriation under s. 20.255 (2) ~~(ei)~~
13 (km), in an amount equal to ~~\$185~~ \$200 for each pupil who has completed the fall
14 semester in the program.

15 ***-0976/4.4* SECTION 2045.** 115.75 (3) of the statutes is amended to read:

16 115.75 (3) If the appropriation under s. 20.255 (2) ~~(ei)~~ (km) in any year is
17 insufficient to pay the full amount of aid under this section, state aid payments shall
18 be prorated among the alternative schools entitled to such aid.

19 ***-2105/1.36* SECTION 2046.** 115.81 (9) (c) of the statutes is amended to read:

20 115.81 (9) (c) Notwithstanding ss. 48.345, 48.363, 48.427 (3), 767.24 (3), 880.12,
21 880.15, 938.183, 938.34 (4), (4d), (4h), (4m) and (4n), 938.345, 938.357 (4) and
22 938.363, a surrogate parent has the authority to act as the child's parent in all
23 matters relating to this subchapter.

24 ***-1859/2.2* SECTION 2047.** 115.88 (1m) (a) of the statutes is ~~renumbered~~

25 ~~115.88 (1m)~~ and amended to read:

fix component

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~~PROGRAM AID~~ (2) If, upon receipt of the plan under s. 115.77 (4), the state superintendent is satisfied that the special education program has been maintained during the preceding school year in accordance with law, the state superintendent shall certify to the department of administration in favor of each county, cooperative educational service agency and school district maintaining such special education program a sum equal to ~~63%~~ of the amount expended by the county, agency and school district during the preceding year for salaries of personnel enumerated in sub. (1), including the salary portion of any authorized contract for physical or occupational therapy services, ~~except as provided in par. (b)~~, and other expenses approved by the state superintendent. ~~The department of administration shall pay such amounts to the county, agency and school district as costs eligible for~~

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reimbursement from the appropriation under s. 20.255 (2) (b). (c) *has been affected by *** NOTE: This is reconciled s. 115.88 (1m)(a). This SECTION has been affected by drafts with the following LRB #'s: *-1724/2.1* SECTION 2048. 115.88 (1m) (am) of the statutes is created to read: numbers*

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115.88 (1m) (am) If the operator of a charter school established under s. 118.40 (2r) operates a special education program and the state superintendent is satisfied that the operator of the charter school is complying with 20 USC 1400 to 1491o as though the operator of the charter school were a local educational agency, as defined in 20 USC 1401 (15), the state superintendent shall certify to the department of administration in favor of the operator of the charter school a sum equal to the amount that the operator of the charter school estimates it will expend during the current school year for salaries of full-time or part-time licensed teachers, licensed coordinators of special education, licensed school social workers, licensed school psychologists, paraprofessionals, licensed consulting teachers to work with any teacher of regular education programs who has a child with a disability in a class and any other personnel, as determined by the state

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1 superintendent. Certified costs under this paragraph are eligible for reimbursement
2 from the appropriation under s. 20.255 (2) (b).

***NOTE: This is reconciled s. 115.88 (1m) (am). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1724/1 and LRB-1859/1.

3 ***-1859/2.3* SECTION 2049.** 115.88 (1m) (b) of the statutes is repealed.

4 ***-1859/2.4* SECTION 2050.** 115.88 (2) of the statutes is amended to read:

5 115.88 (2) TRANSPORTATION AID. If upon receipt of the plan under s. 115.77 (4)
6 the state superintendent is satisfied that the transportation of children with
7 disabilities has been maintained during the preceding year in accordance with the
8 law, the state superintendent shall certify to the department of administration in
9 favor of each county, cooperative educational service agency or school district
10 transporting such pupils 63% of an amount equal to the amount expended for such
11 transportation as costs eligible for reimbursement from the appropriations under s.
12 20.255 (2) (b) and (br). Pupils for whom aid is paid under this subsection shall not
13 be eligible for aid under s. 121.58 (2) or (4). ~~The department of administration shall~~
14 ~~pay such amounts to the county, agency or school district from the appropriations~~
15 ~~under s. 20.255 (2) (b) and (br).~~ This subsection applies to any child with a disability
16 who requires special assistance in transportation, including any such child
17 attending regular classes who requires special or additional transportation. This
18 subsection does not apply to any child with a disability attending regular or special
19 classes who does not require any special or additional transportation.

20 ***-1724/2.2* SECTION 2051.** 115.88 (2m) of the statutes is created to read:

21 115.88 (2m) OTHER TRANSPORTATION AID. If the operator of a charter school
22 established under s. 118.40 (2r) transports children with disabilities and the state
23 superintendent is satisfied that the operator of the charter school is complying with

1 20 USC 1400 to 1491o as though the operator of the charter school were a local
2 educational agency, as defined in 20 USC 1401 (15), the state superintendent shall
3 certify to the department of administration in favor of the operator of the charter
4 school a sum equal to the amount that the operator of the charter school estimates
5 it will expend during the current school year for transportation under this subsection
6 as costs eligible for reimbursement from the appropriations under s. 20.255 (2) (b)
7 and (br).

****NOTE: This is reconciled s. 115.88 (2m). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1724/1 and LRB-1859/1.

8 ***-1724/2.3* SECTION 2052.** 115.88 (9) of the statutes is amended to read:

9 115.88 (9) DISTRIBUTION SCHEDULE. Each county, cooperative educational
10 service agency, operator of a charter school established under s. 118.40 (2r) and
11 school district entitled to state aid under this section shall receive 15% of its total aid
12 entitlement in each month from November to March and 25% of its total entitlement
13 in June.

14 ***-1859/2.5* SECTION 2053.** 115.882 of the statutes is repealed and recreated to
15 read:

16 **115.882 Payment of state aid.** Costs eligible for reimbursement from the
17 appropriations under s. 20.255 (2) (b) and (br) under ss. 115.88 (1m), (2) and (2m),
18 115.93 and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount
19 appropriated for reimbursement for such costs, not to exceed 100%.

****NOTE: This is reconciled s. 115.882. This SECTION has been affected by
LRB-1724/1 and LRB-1859/1.

*WDO - Change this NOTE to
Reconciliation NOTE*

20 ***-1859/2.6* SECTION 2054.** 115.93 (1) of the statutes is renumbered 115.93 and
21 amended to read:

1 **115.93 State aid.** ~~Except as provided under sub. (2), if~~ If upon receipt of the
2 reports under s. 115.92 (2) the state superintendent is satisfied that the school age
3 parents program has been maintained during the preceding school year in
4 accordance with the rules under s. 115.92 (3), the state superintendent shall certify
5 to the department of administration in favor of each school district maintaining the
6 program a sum equal to ~~63%~~ of the amount expended by the school district during
7 the preceding school year for salaries of teachers and instructional aides, special
8 transportation and other expenses approved by the state superintendent. ~~The~~
9 ~~department of administration shall pay such amounts to the school district~~ as costs
10 eligible for reimbursement from the appropriation under s. 20.255 (2) (b).

11 *~~1859/2.7~~* **SECTION 2055.** 115.93 (2) of the statutes is repealed.

12 *~~1381/3.1~~* **SECTION 2056.** 118.045 of the statutes is created to read:

13 **118.045 Commencement of school term.** (1) Except as provided in sub. (2),
14 beginning in 2001, no public school may commence the school term until September
15 1.

16 (2) Subsection (1) does not prohibit a school board from doing any of the
17 following:

18 (a) Holding athletic contests or practices before September 1.

19 (b) Scheduling in-service days or work days before September 1.

20 (c) Holding school year-round.

21 *~~2105/1.37~~* **SECTION 2057.** 118.125 (4) of the statutes is amended to read:

22 118.125 (4) **TRANSFER OF RECORDS.** Within 5 working days, a school district shall
23 transfer to another school or school district all pupil records relating to a specific
24 pupil if the transferring school district has received written notice from the pupil if
25 he or she is an adult or his or her parent or guardian if the pupil is a minor that the

1 pupil intends to enroll in the other school or school district or written notice from the
2 other school or school district that the pupil has enrolled or from a court that the pupil
3 has been placed in a juvenile secured correctional facility ~~or, as defined in s. 938.02~~
4 (15m), a secured child caring institution, as defined in s. 938.02 (15g), or a secured
5 group home, as defined in s. 938.02 (15p). In this subsection, “school” and “school
6 district” include any juvenile secured correctional facility, secured child caring
7 institution ~~as defined in s. 938.02 (15g)~~, secured group home, adult correctional
8 institution, mental health institute or center for the developmentally disabled, that
9 provides an educational program for its residents instead of or in addition to that
10 which is provided by public and private schools.

11 *~~1922/5.34~~* SECTION 2058. 118.153 (3m) of the statutes is renumbered 106.13
12 (4m) and amended to read:

13 106.13 (4m) (a) ~~After reviewing the recommendations of the governor’s council~~
14 ~~on workforce excellence under s. 106.115 (2) (em), the state superintendent~~ The
15 board may approve an innovative school-to-work program provided by a nonprofit
16 organization for children at risk, as defined in s. 118.153 (1) (a), in a county having
17 a population of 500,000 or more to assist those children at risk in acquiring
18 employability skills and occupational-specific competencies before leaving high
19 school. If the ~~state superintendent~~ board approves a program under this paragraph,
20 the ~~state superintendent~~ board may award a grant, from the appropriation under s.
21 ~~20.255 (3) (ef)~~ 20.445 (7) (ef), to the nonprofit organization providing the program and
22 the nonprofit organization shall use the funds received under the grant to provide
23 the program.

1 (b) The ~~state superintendent board~~ shall establish requirements for the
2 operation of the grant program under this subsection. ~~These~~ Notwithstanding sub.
3 (5), those requirements need not be promulgated as rules.

4 ***-1352/1.1* SECTION 2059.** 118.19 (3m) of the statutes is created to read:

5 118.19 (3m) The state superintendent may not renew a license issued under
6 s. 115.28 (7) (a) unless the person seeking renewal has received instruction in
7 educational technology, as determined by the state superintendent by rule.

8 ***-1859/2.8* SECTION 2060.** 118.255 (4) of the statutes is amended to read:

9 118.255 (4) If the state superintendent is satisfied that the health treatment
10 services program has been maintained during the preceding school year in
11 accordance with law, the state superintendent shall certify to the department of
12 administration in favor of each school board, cooperative educational service agency
13 and county children with disabilities education board maintaining such health
14 treatment services, an amount equal to ~~63%~~ of the amount expended for items listed
15 in s. 115.88 (1m) by the school board, cooperative educational service agency and
16 county children with disabilities education board during the preceding year for these
17 health treatment services. ~~The department of administration, upon such~~
18 ~~certification shall distribute the amounts to the appropriate school board,~~
19 ~~cooperative educational service agency and county children with disabilities~~
20 ~~education board~~ as costs eligible for reimbursement from the appropriation under s.
21 20.255 (2) (b).

22 ***-1351/3.1* SECTION 2061.** 118.30 (1) (b) of the statutes is amended to read:

23 118.30 (1) (b) ~~If the governor has issued pupil academic standards as an~~
24 ~~executive order under s. 14.23, the~~ The department shall develop a high school
25 graduation examination that is designed to measure whether pupils meet the pupil

1 academic standards issued by the governor as executive order no. 326, dated January
2 13, 1998.

3 ***-1351/3.2* SECTION 2062.** 118.30 (1g) (a) of the statutes is renumbered 118.30
4 (1g) (a) 1.

5 ***-1351/3.3* SECTION 2063.** 118.30 (1g) (a) 2. of the statutes is created to read:
6 118.30 (1g) (a) 2. By January 1, 2000, or by January 1 of the 1st school year of
7 operation, whichever is later, each operator of a charter school under s. 118.40 (2r)
8 shall adopt pupil academic standards in mathematics, science, reading and writing,
9 geography and history. The operator of the charter school may adopt the pupil
10 academic standards issued by the governor as executive order no. 326, dated January
11 13, 1998.

12 ***-1351/3.4* SECTION 2064.** 118.30 (1g) (b) of the statutes is amended to read:
13 118.30 (1g) (b) Each school board operating high school grades and each
14 operator of a charter school under s. 118.40(2r) that operates high school grades shall
15 adopt a high school graduation examination that is designed to measure whether
16 pupils meet the pupil academic standards adopted by the school board or operator
17 of the charter school under par. (a). If the school board or operator of the charter
18 school has adopted the pupil academic standards issued as ~~an~~ executive order under
19 s. 14.23 no. 326, dated January 13, 1998, the school board or operator of the charter
20 school may adopt the high school graduation examination developed by the
21 department under sub. (1) (b). If a school board or operator of a charter school
22 develops and adopts its own high school graduation examination, it shall notify the
23 department annually by October 1 that it intends to administer the examination in
24 the following school year.

25 ***-1351/3.5* SECTION 2065.** 118.30 (1g) (c) of the statutes is amended to read:

1 118.30 (1g) (c) Each school board operating elementary grades and each
2 operator of a charter school under s. 118.40(2r) that operates elementary grades may
3 develop or adopt its own examination designed to measure pupil attainment of
4 knowledge and concepts in the 4th grade and may develop or adopt its own
5 examination designed to measure pupil attainment of knowledge and concepts in the
6 8th grade. If the school board or operator of the charter school develops or adopts an
7 examination under this paragraph, it shall notify the department.

8 ***-1351/3.6*** SECTION 2066. 118.30 (1m) (intro.) of the statutes is amended to
9 read:

10 118.30 (1m) (intro.) Except as otherwise provided in this section ~~and in s.~~
11 ~~118.40 (2r) (d)~~, annually each school board shall do all of the following:

12 ***-1351/3.7*** SECTION 2067. 118.30 (1m) (b) of the statutes is amended to read:

13 118.30 (1m) (b) Administer the 10th grade examination to all pupils enrolled
14 in the school district, including pupils enrolled in charter schools located in the school
15 district, in the 10th grade. ~~This paragraph does not apply after the 2000-01 school~~
16 ~~year.~~

17 ***-1351/3.8*** SECTION 2068. 118.30 (1m) (d) of the statutes is renumbered
18 118.30 (1m) (d) 1. and amended to read:

19 118.30 (1m) (d) 1. If the school board operates high school grades, ~~beginning~~
20 in the 2000-01 school year administer the high school graduation examination
21 adopted by the school board under sub. (1g) (b) to pupils enrolled in the school
22 district, including pupils enrolled in charter schools located in the school district.
23 The school board shall administer the examination at least twice ~~each school year.~~
24 The school board shall determine the high school grades in which the examination
25 will be administered ~~each school year.~~