

1           **\*b1150/1.3\* 918.** Page 1211, line 9: delete “\$4,000,000” and substitute  
2           “\$2,000,000”.

3           **\*b0774/2.2\* 919.** Page 1211, line 18: after that line insert:

4           **\*b0774/2.2\* SECTION 2400qc.** 251.02 (1) of the statutes is amended to read:  
5           251.02 (1) In counties with a population of less than 500,000, the county board  
6           shall establish a county health department that meets the requirements of this  
7           chapter. The county health department shall serve all areas of the county that are  
8           not served by a city health department that was established prior to January 1, 1994,  
9           or by a ~~town or village~~ multiple municipal local health department established under  
10          sub. (3m). No city health department may be established after ~~that date~~ January 1,  
11          1994, but a city-county health department may be established after that date.

12          **\*b0774/2.2\* SECTION 2400qd.** 251.02 (3m) of the statutes is repealed and  
13          recreated to read:

14          251.02 (3m) If a county has a population of at least 100,000 but less than  
15          500,000 and the county board of that county has, by July 1, 1985, abolished a county  
16          health commission or committee established under s. 141.10, 1991 stats., the  
17          governing body of a city, village or town in that county may, in concert with the  
18          governing body of another city, village or town in that county, establish a multiple  
19          municipal local health department and elect a local health officer consistent with  
20          this chapter.

21          **\*b0774/2.2\* SECTION 2400qe.** 251.03 (4m) of the statutes is repealed and  
22          recreated to read:

23          251.03 (4m) Subsections (1) to (4) do not apply to a city, village or town that  
24          establishes a multiple municipal local health department under s. 251.02 (3m). In

1 establishing a multiple municipal local health department as described under s.  
2 251.02 (3m), the relevant governing bodies shall agree on how many members of the  
3 local board of health are appointed by each governing body and how many of each  
4 governing body's appointees shall be members who are not elected officials or  
5 employes of the governing body. The members shall be appointed by the relevant  
6 governing bodies. A local board of health under this subsection shall elect a  
7 chairperson and clerk.

8 **\*b0774/2.2\* SECTION 2400qf.** 251.04 (1) of the statutes is amended to read:

9 251.04 (1) A city or county board of health shall govern each local health  
10 department other than a local health department as authorized in s. 251.02 (3m) and  
11 a city or county board of health or a board of health for a local health department as  
12 authorized in s. 251.02 (3m) shall assure the enforcement of state public health  
13 statutes and public health rules of the department as prescribed for a Level I local  
14 health department. A local board of health may contract or subcontract to provide  
15 public health services. The contractor's staff shall meet the appropriate  
16 qualifications for positions in a Level I local health department.

17 **\*b0774/2.2\* SECTION 2400qg.** 251.04 (2) of the statutes is amended to read:

18 251.04 (2) A city or county board of health or a board of health for a local health  
19 department as authorized in s. 251.02 (3m) shall assure that its local health  
20 department is a Level I, Level II or Level III local health department, as specified in  
21 s. 251.05 (1).

22 **\*b0774/2.2\* SECTION 2400qh.** 251.04 (3) of the statutes is amended to read:

23 251.04 (3) A city or county board of health or a board of health for a local health  
24 department as authorized in s. 251.02 (3m) may adopt those regulations, for its own  
25 guidance and for the governance of the local health department, that it considers

1 necessary to protect and improve public health. The regulations may be no less  
2 stringent than, and may not conflict with, state statutes and rules of the department.

3 **\*b0774/2.2\* SECTION 2400qi.** 251.06 (1) (a) 2. of the statutes is amended to  
4 read:

5 251.06 (1) (a) 2. A local health officer of a ~~village or town~~ multiple municipal  
6 local health department established under s. 251.02 (3m) shall be either a physician  
7 or a registered nurse. The local health officer shall be a voting member of the local  
8 board of health and shall take an oath of office. With respect to the levels of services  
9 of a Level I local health department, as specified in s. 251.05 (2) (a), the local health  
10 officer shall be authorized to act by and be directed by the county health officer of the  
11 county specified under s. 251.02 (3m).

12 **\*b0774/2.2\* SECTION 2400qim.** 251.06 (2) (c) (intro.) of the statutes is  
13 amended to read:

14 251.06 (2) (c) (intro.) A local health officer of a multiple municipal local health  
15 department of a ~~village or town~~ established under s. 251.02 (3m) shall be one of the  
16 following:

17 **\*b0774/2.2\* SECTION 2400qin.** 251.06 (2) (c) 1. of the statutes is amended to  
18 read:

19 251.06 (2) (c) 1. An employe of the multiple municipal local health department  
20 of the ~~village or town~~.

21 **\*b0774/2.2\* SECTION 2400qj.** 251.06 (4) (c) of the statutes is amended to read:

22 251.06 (4) (c) A local health officer of a ~~village or town~~ multiple municipal local  
23 health department established under s. 251.02 (3m) shall be appointed by the local  
24 board of health.

25 **\*b0774/2.2\* SECTION 2400qk.** 251.12 of the statutes is amended to read:

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

6           **\*b0774/2.2\* SECTION 2400qL.** 251.125 of the statutes is amended to read:

7           **251.125 Village health department, how financed.** If a village health  
8 department is established under s. 251.02 (2) ~~or (3m)~~ or if a multiple municipal local  
9 health department is established under s. 251.01 (3m) by the governing body of a  
10 village in concert with the governing body of another village or a city or town, the  
11 village board shall appropriate funds for the operation of the department.

12           **\*b0774/2.2\* SECTION 2400qm.** 251.127 of the statutes is amended to read:

13           **251.127 Town health department, how financed.** If a ~~town~~ multiple  
14 municipal local health department is established under s. 251.02 (3m) by the  
15 governing body of a town in concert with the governing body of another town or a city  
16 or village, the town board shall appropriate funds for the operation of the  
17 department.”.

18           **\*b0828/2.15\* 920.** Page 1211, line 18: after that line insert:

19           **\*b0828/2.15\* “SECTION 2400mf.** 252.07 (1) of the statutes is renumbered  
20 252.07 (1m) and amended to read:

21           252.07 (1m) Tuberculosis is a communicable disease caused by mycobacterium  
22 tuberculosis and is Infectious tuberculosis and suspect tuberculosis are subject to the  
23 reporting requirements specified in s. 252.05. Any laboratory that ~~performs a test~~  
24 receives a specimen for tuberculosis testing shall report all positive results obtained

1 by any appropriate procedure, including a procedure performed by an out-of-state  
2 laboratory, to the local health officer and to the department.

3 \*b0828/2.15\* SECTION 2400mg. 252.07 (1g) of the statutes is created to read:  
4 252.07 (1g) In this section:

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

9 (b) “Isolate” means a population of mycobacterium tuberculosis bacteria that  
10 has been obtained in pure culture medium.

11 (c) “Isolation” means the separation from other persons of a person with  
12 infectious tuberculosis in a place and under conditions that prevent the transmission  
13 of the infection.

14 (d) “Suspect tuberculosis” means an illness marked by symptoms and  
15 laboratory tests that may be indicative of tuberculosis, such as a prolonged cough,  
16 prolonged fever, hemoptysis, compatible roentgenographic findings or other  
17 appropriate medical imaging findings.

18 \*b0828/2.15\* SECTION 2400mh. 252.07 (1p) of the statutes is created to read:  
19 252.07 (1p) Any laboratory that performs primary culture for mycobacteria  
20 shall also perform organism identification for mycobacterium tuberculosis complex  
21 using an approved rapid testing procedure specified by the department by rule.

22 \*b0828/2.15\* SECTION 2400mi. 252.07 (1t) of the statutes is created to read:  
23 252.07 (1t) Any laboratory that identifies mycobacterium tuberculosis shall  
24 ensure that antimicrobial drug susceptibility tests are performed on the initial

1 isolate. The laboratory shall report the results of these tests to the local health officer  
2 and the department.

3 **\*b0828/2.15\* SECTION 2400mj.** 252.07 (2) of the statutes is amended to read:

4 252.07 (2) The department shall identify groups at risk for contracting or  
5 transmitting mycobacterium tuberculosis and shall recommend the protocol for  
6 screening members of those groups. ~~If necessary to prevent or control the~~  
7 ~~transmission of mycobacterium tuberculosis, the department may promulgate rules~~  
8 ~~that require screening of members of specific groups that are at risk for contracting~~  
9 ~~or transmitting mycobacterium tuberculosis.~~

10 **\*b0828/2.15\* SECTION 2400mk.** 252.07 (4) of the statutes is repealed.

11 **\*b0828/2.15\* SECTION 2400mL.** 252.07 (5) of the statutes is amended to read:

12 252.07 (5) Upon report of any person under sub. ~~(1)~~ (1m) or (1t), the local health  
13 officer shall at once investigate and make and enforce the necessary orders. If any  
14 person does not voluntarily comply with any order made by the local health officer  
15 with respect to that person, the local health officer or the department may order a  
16 medical evaluation, directly observed therapy or home isolation of that person.

17 **\*b0828/2.15\* SECTION 2400mm.** 252.07 (7) of the statutes is repealed.

18 **\*b0828/2.15\* SECTION 2400mn.** 252.07 (8) of the statutes is created to read:

19 252.07 (8) (a) The department or a local health officer may order the  
20 confinement to a facility of an individual who has a confirmed diagnosis of infectious  
21 tuberculosis or suspect tuberculosis if all of the following conditions are met:

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

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

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

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

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

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

21           **\*b0828/2.15\* SECTION 2400mo.** 252.07 (9) of the statutes is created to read:

22           252.07 (9) (a) The department or a local health officer may petition any court  
23 for a hearing to determine whether an individual with infectious or suspect  
24 tuberculosis should be confined for longer than 72 hours in a facility where proper  
25 care and treatment will be provided and spread of the disease will be prevented. The

1 department or local health officer shall include in the petition documentation that  
2 demonstrates all of the following:

3 1. That the individual named in the petition has infectious tuberculosis; that  
4 the individual has noninfectious tuberculosis but is at high risk of developing  
5 infectious tuberculosis; or that the individual has suspect tuberculosis.

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

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

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

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

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

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

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

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

22 (c) If the court orders confinement of an individual under this subsection, the  
23 individual shall remain confined until the department or local health officer, with the  
24 concurrence of a treating physician, determines that treatment is complete or that  
25 the individual is no longer a substantial threat to himself or herself or to the public

1 health. If the individual is to be confined for more than 6 months, the court shall  
2 review the confinement every 6 months.

3 (d) An individual who is the subject of a petition for a hearing under this  
4 subsection has the right to appear at the hearing, the right to present evidence and  
5 cross-examine witnesses and the right to be represented by adversary counsel. At  
6 the time of the filing of the petition the court shall assure that the individual who is  
7 the subject of the petition is represented by adversary counsel. If the individual  
8 claims or appears to be indigent, the court shall refer the individual to the authority  
9 for indigency determinations specified under s. 977.07 (1). If the individual is a child,  
10 the court shall refer that child to the state public defender who shall appoint counsel  
11 for the child without a determination of indigency, as provided in s. 48.23 (4). Unless  
12 good cause is shown, a hearing under this subsection may be conducted by telephone  
13 or live audiovisual means, if available.

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

17 **\*b0828/2.15\* SECTION 2400mp.** 252.07 (11) of the statutes is created to read:

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

23 **\*b0828/2.15\* SECTION 2400mq.** 252.073 of the statutes is repealed.

24 **\*b0828/2.15\* SECTION 2400mr.** 252.076 of the statutes is repealed.

25 **\*b0828/2.15\* SECTION 2400ms.** 252.08 (1) of the statutes is repealed.

1           **\*b0828/2.15\* SECTION 2400mt.** 252.08 (2) of the statutes is repealed.

2           **\*b0828/2.15\* SECTION 2400mu.** 252.08 (3) of the statutes is renumbered  
3 252.07 (10) and amended to read:

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

11           **\*b0828/2.15\* SECTION 2400mv.** 252.08 (4) of the statutes is repealed.

12           **\*b0828/2.15\* SECTION 2400mw.** 252.08 (5) of the statutes is repealed.

13           **\*b0828/2.15\* SECTION 2400mx.** 252.08 (6) of the statutes is repealed.

14           **\*b0828/2.15\* SECTION 2400my.** 252.09 of the statutes is repealed.”.

15           **\*b0828/2.16\* 921.** Page 1213, line 22: after that line insert:

16           **\*b0828/2.16\* “SECTION 2430L.** 252.10 (7) of the statutes, as affected by 1997  
17 Wisconsin Act 156, is amended to read:

18           252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis  
19 shall be purchased by the department from the appropriation under s. 20.435 (5) (e)  
20 and dispensed to patients through the public health dispensaries ~~or through health~~  
21 ~~care providers, as defined in s. 146.81 (1), other than massage therapists or~~  
22 ~~bodyworkers issued a license of registration under subch. X of ch. 440, social workers,~~  
23 ~~marriage and family therapists or professional counselors certified under ch. 457,~~  
24 ~~speech language pathologists or audiologists licensed under subch. II of ch. 459,~~

1 ~~speech and language pathologists licensed by the department of public instruction~~  
2 ~~or dietitians certified under subch. V of ch. 448, local health departments, physicians~~  
3 ~~or advanced practice nurse prescribers.”~~

4 \*b0773/2.28\* **922.** Page 1214, line 4: after that line insert:

5 \*b0773/2.28\* “SECTION 2432d. 252.12 (2) (a) 3. (intro.) of the statutes is  
6 amended to read:

7 252.12 (2) (a) 3. ‘Statewide public education campaign.’ (intro.) The  
8 department shall promote public awareness of the risk of contracting acquired  
9 immunodeficiency syndrome and measures for acquired immunodeficiency  
10 syndrome protection by development and distribution of information through clinics  
11 providing family planning services, as defined in s. ~~253.07 (1) (b)~~ 49.001 (1s), offices  
12 of physicians and clinics for sexually transmitted diseases and by newsletters, public  
13 presentations or other releases of information to newspapers, periodicals, radio and  
14 television stations and other public information resources. The information would  
15 be targeted at individuals whose behavior puts them at risk of contracting acquired  
16 immunodeficiency syndrome and would encompass the following topics:”

17 \*b1164/1.2\* **923.** Page 1214, line 7: delete “\$1,994,900” and substitute  
18 “\$1,933,600”.

19 \*b0767/1.4\* **924.** Page 1215, line 4: after that line insert:

20 \*b0767/1.4\* “SECTION 2432r. 252.14 (1) (ar) 4q. of the statutes is created to  
21 read:

22 252.14 (1) (ar) 4q. An athletic trainer licensed under subch. VI of ch. 448.”

23 \*b0773/2.29\* **925.** Page 1215, line 4: after that line insert:

24 \*b0773/2.29\* “SECTION 2435d. 253.02 (2) (a) of the statutes is repealed.

1           **\*b0773/2.29\* SECTION 2435e.** 253.02 (2) (g) of the statutes is amended to read:

2           253.02 (2) (g) Maternal and child health system coordination services that  
3           promote coordination of public and private sector activities in areas of the maternal  
4           and child health program described in pars. ~~(a)~~ (b) to (f).”.

5           **\*b0803/3.16\* 926.** Page 1215, line 4: after that line insert:

6           **\*b0803/3.16\* “SECTION 2434d.** 252.15 (1) (ab) of the statutes is amended to  
7           read:

8           252.15 (1) (ab) “Affected person” means an emergency medical technician, first  
9           responder, fire fighter, peace officer, correctional officer, person who is employed at  
10          a secured correctional facility, as defined in s. 938.02 (15m), ~~or at~~ a secured child  
11          caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined  
12          in s. 938.02 (15p), state patrol officer, jailer or keeper of a jail or person designated  
13          with custodial authority by the jailer or keeper, health care provider, employe of a  
14          health care provider or staff member of a state crime laboratory.

15          **\*b0803/3.16\* SECTION 2435d.** 252.15 (2) (a) 7. a. of the statutes is amended to  
16          read:

17          252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an  
18          emergency medical technician, first responder, fire fighter, peace officer, correctional  
19          officer, person who is employed at a secured correctional facility, as defined in s.  
20          938.02 (15m), ~~or at~~ a secured child caring institution, as defined in s. 938.02 (15g),  
21          or a secured group home, as defined in s. 938.02 (15p), state patrol officer, jailer or  
22          keeper of a jail or person designated with custodial authority by the jailer or keeper  
23          who, during the course of providing care or services to an individual; or a peace  
24          officer, correctional officer, state patrol officer, jailer or keeper of a jail or person

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

11 \*b0828/2.17\* **927.** Page 1215, line 4: after that line insert:

12 \*b0828/2.17\* “SECTION 2432jk. 252.14 (1) (d) of the statutes is amended to  
13 read:

14 252.14 (1) (d) “Inpatient health care facility” means a hospital, nursing home,  
15 community-based residential facility, county home, county mental health complex,  
16 tuberculosis sanatorium or other place licensed or approved by the department  
17 under ~~ss. s.~~ 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073~~  
18 and ~~252.076~~ or a facility under s. 45.365, 48.62, 51.05, 51.06, 233.40, 233.41, 233.42  
19 or 252.10.”.

20 \*b0872/2.2\* **928.** Page 1215, line 4: after that line insert:

21 \*b0872/2.2\* “SECTION 2434n. 253.02 (2m) (intro.) of the statutes is amended  
22 to read:

23 253.02 (2m) (intro.) Nothing in this section authorizes the performance,  
24 promotion, encouragement or counseling in favor of, or referral either directly or

1 through an intermediary for, voluntary termination of pregnancy. Nothing in this  
2 section prohibits the ~~providing of nondirective information explaining~~ promotion,  
3 encouragement or counseling in favor of, or referral either directly or through an  
4 intermediary for, any of the following:

5 **\*b0872/2.2\* SECTION 2434p.** 253.02 (2m) (c) of the statutes is repealed.”.

6 **\*b0773/2.30\* 929.** Page 1215, line 22: after that line insert:

7 **\*b0773/2.30\* “SECTION 2435qg.** 253.07 of the statutes is repealed.

8 **\*b0773/2.30\* SECTION 2438p.** 253.10 (3) (c) 2. g. of the statutes is repealed.”.

9 **\*b0773/2.31\* 930.** Page 1215, line 25: delete “, and”.

10 **\*b0773/2.32\* 931.** Page 1216, line 1: delete “information on family planning,  
11 as defined in”.

12 **\*b0773/2.33\* 932.** Page 1216, line 2: delete that line.

13 **\*b0773/2.34\* 933.** Page 1217, line 8: after that line insert:

14 **\*b0773/2.34\* “SECTION 2439g.** 253.10 (7) of the statutes is amended to read:

15 253.10 (7) AFFIRMATIVE DEFENSE. No person is liable under sub. (5) or (6) or  
16 under s. 441.07 (1) (f), 448.02 (3) (a) or 457.26 (2) (gm) for failure under sub. (3) (c)  
17 2. d. to provide the printed materials described in sub. (3) (d) to a woman or for failure  
18 under sub. (3) (c) 2. d., e., or f. ~~or g.~~ to describe the contents of the printed materials  
19 if the person has made a reasonably diligent effort to obtain the printed materials  
20 under sub. (3) (e) and s. 46.245 and the department and the county department under  
21 s. 46.215, 46.22 or 46.23 have not made the printed materials available at the time  
22 that the person is required to give them to the woman.”.

23 **\*b0713/1.4\* 934.** Page 1233, line 19: after that line insert:



1           (9) “Tobacco vending machine operator” means a person who acquires tobacco  
2 products or stamped cigarettes from manufacturers, as defined in s. 134.66 (1) (e),  
3 or permittees, stores them and sells them through the medium of tobacco vending  
4 machines that he or she owns, operates or services and that are located on premises  
5 that are owned or under the control of other persons.

6           (10) “Tobacco vending machine premises” means any area in which a tobacco  
7 vending machine is located.

8           **\*b0713/1.4\* SECTION 2485j.** 254.916 of the statutes is created to read:

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

1 to measure overall levels of compliance and shall stratify the sample so as to measure  
2 compliance by type of retail outlet, including all of the following:

- 3 1. A private place of business other than a retail establishment.
- 4 2. A barroom, as defined in s. 125.51 (3m) (a), that is located on premises  
5 described in a license issued under s. 125.26 or 125.51 (3).

6 (b) The department, in consultation with retailers, shall establish standards  
7 for procedures and training for conducting investigations under this section.

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

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

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

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

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

20 1. If questioned about his or her age during the course of an investigation, the  
21 minor shall state his or her true age.

22 2. A minor may not be used for the purposes of an investigation at a retail outlet  
23 at which the minor is a regular customer.

24 3. The appearance of a minor may not be materially altered so as to indicate  
25 greater age.

1           4. A photograph or videotape of the minor shall be made before and after the  
2 investigation, or series of investigations, and shall be retained for 2 years.

3           5. Except investigations conducted under a grant received under 42 USC  
4 300x-21, within 24 hours after the completion of a sale or other distribution of  
5 cigarettes or tobacco products, the employe of the governmental regulatory authority  
6 supervising the minor under sub. (2) shall inform the person who sold or distributed  
7 the cigarettes or tobacco products to the minor of the investigation.

8           6. The results of an investigation, including the issuance of any citation by a  
9 governmental regulatory authority for a violation that occurs during the conduct of  
10 the investigation, shall be made known to the retailer or the retailer's employe or  
11 agent within 24 hours after the occurrence of the violation. This subdivision does not  
12 apply to investigations conducted under a grant received under 42 USC 300x-021.

13           7. Except with respect to investigations conducted under 42 USC 300x-021 or  
14 21 CFR part 897, all of the following information shall be reported to the department,  
15 and to the retailer, within 7 days after the conduct of an investigation under this  
16 section:

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

19           b. The date of birth of the minor.

20           c. The date and time of the investigation.

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

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

24           (b) An investigation under this section conducted by a governmental regulatory  
25 authority shall be conducted in strict conformity with this section.

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

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

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

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

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

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

23           (10) This section does not limit the authority of the department to investigate  
24 establishments in jurisdictional areas of governmental regulatory authorities if the  
25 department investigates in response to an emergency, for the purpose of monitoring

1 and evaluating the governmental regulatory authority's investigation and  
2 enforcement program or at the request of the governmental regulatory authority.

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

9 \*b0713/1.4\* SECTION 2485L. 254.92 (2) (b) of the statutes is created to read:

10 254.92 (2) (b) A person under 18 years of age, but not under 15 years of age,  
11 may purchase, attempt to purchase or possess cigarettes or tobacco products in the  
12 course of his or her participation in an investigation under s. 254.916 that is  
13 conducted in accordance with s. 254.916 (3) (a)."

14 \*b0828/2.18\* 935. Page 1233, line 19: after that line insert:

15 \*b0828/2.18\* "SECTION 2485t. 255.05 (1) (a) of the statutes is amended to read:

16 255.05 (1) (a) "Institution" means any hospital, nursing home, county home,  
17 county mental hospital, ~~tuberculosis sanatorium~~, community-based residential  
18 facility or other place licensed or approved by the department under ss. s. 49.70,  
19 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 and 252.076~~."

20 \*b0777/2.17\* 936. Page 1234, line 14: after "may" insert ", beginning July 1,  
21 2000,".

22 \*b0777/2.18\* 937. Page 1234, line 24: delete that line and substitute  
23 "\$500,000 in fiscal year 2000-01 and in each fiscal year thereafter."

1           **\*b0777/2.19\* 938.** Page 1235, line 2: delete that line and substitute “under  
2 s. 255.10, \$500,000 in”.

3           **\*b0777/2.20\* 939.** Page 1235, line 4: delete lines 4 to 6.

4           **\*b0777/2.21\* 940.** Page 1235, line 11: delete lines 11 to 15.

5           **\*b0777/2.22\* 941.** Page 1236, line 12: delete “beginning in fiscal year  
6 2000-01,”.

7           **\*b0759/1.4\* 942.** Page 1238, line 10: after that line insert:

8           **\*b0759/1.4\* “SECTION 2487x.** 281.165 of the statutes is created to read:

9           **281.165 Compliance with water quality standards for wetlands.** An  
10 activity shall be considered to comply with the water quality standards that are  
11 applicable to wetlands and that are promulgated as rules under s. 281.15 and is  
12 exempt from any prohibition, restriction, requirement, permit, license, approval,  
13 authorization, fee, notice, hearing, procedure or penalty specified under s. 29.601 (3)  
14 or chs. 30, 31, 281, 283, 289 to 292 or 299 or specified under any rule promulgated,  
15 order issued or ordinance adopted under any of those sections or chapters, if the  
16 activity meets all of the following requirements:

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

19           (2) The site of the activity is zoned for industrial use and is in the vicinity of  
20 a manufacturing facility.

21           (3) The site of the activity is within the corporate limits of a city on January  
22 1, 1999.

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

4           (5) The site of the activity is located in Trempealeau County.”.

5           **\*b1199/2.3\* 943.** Page 1239, line 2: after that line insert:

6           **\*b1199/2.3\* “SECTION 2490z.** 281.57 (10t) of the statutes is created to read:

7           281.57 (10t) LOAN FOR A DRINKING WATER TREATMENT PLANT. Notwithstanding  
8 subs. (2), (4) to (10) and (12), during the 1999–2001 biennium, the department shall  
9 provide a loan of \$1,100,000 to the village of Marathon for the upgrading or  
10 replacement of a drinking water treatment plant. The department may not charge  
11 any interest on the loan. The department may not require the municipality to repay  
12 the loan until the municipality receives a grant from the federal environmental  
13 protection agency for the upgrading or replacement of the drinking water treatment  
14 plant. If the federal environmental protection agency denies the grant or a portion  
15 of the grant, the village of Marathon shall repay the amount of the loan that exceeds  
16 the amount of the grant.”.

17           **\*b1141/2.16\* 944.** Page 1276, line 4: after that line insert:

18           **\*b1141/2.16\* “SECTION 2554r.** 285.53 (1) (a) of the statutes is amended to read:

19           285.53 (1) (a) *Applicability.* This subsection applies to a medical waste  
20 incinerator, as defined in s. 287.07 (7) (e) 1. ~~er. (8) (a) 5.~~, that has a capacity of 5 tons  
21 or more per day.

22           **\*b1141/2.16\* SECTION 2554rm.** 285.53 (2) of the statutes is amended to read:

1           285.53 (2) CONTINUOUS MONITORING. A person operating or responsible for the  
2 operation of a medical waste incinerator, as defined in s. 287.07 (7)(e) 1. ~~er. (8)(a) 5.~~,  
3 shall continuously monitor emissions from the medical waste incinerator.

4           **\*b1141/2.16\* SECTION 2554t.** 285.55 (1) of the statutes is amended to read:

5           285.55 (1) In this section, “medical waste incinerator” means a facility for solid  
6 waste treatment, as defined in s. 289.01 (39), that burns medical waste, as defined  
7 in s. 287.07 (7)(e) 1. ~~er. (8)(a) 4.~~

8           **\*b1141/2.16\* SECTION 2554u.** 285.55 (4) (intro.) of the statutes is amended to  
9 read:

10           285.55 (4) (intro.) Subsection (2) does not apply to the issuance of an air  
11 pollution control permit or a license under s. 289.31 for the construction or  
12 modification of a medical waste incinerator by one or more hospitals, as defined in  
13 s. 50.33 (2), clinics, as defined in s. 287.07 (7)(e) 1. ~~a. (8)(a) 1.~~, or nursing homes, as  
14 defined in s. 50.01 (3), if all of the following apply:

15           **\*b1141/2.16\* SECTION 2555e.** 285.63 (10) (a) of the statutes is amended to  
16 read:

17           285.63 (10) (a) In this subsection, “medical waste incinerator” has the meaning  
18 given in s. 287.07 (7)(e) 1. ~~er. (8)(a) 5.~~

19           **\*b1141/2.16\* SECTION 2555f.** 285.63 (10) (c) 4. of the statutes is repealed.”.

20           **\*b1141/2.19\* 945.** Page 1278, line 17: delete the material beginning with  
21 that line and ending with page 1279, line 7, and substitute:

22           **\*b1141/2.19\* “SECTION 2560wm.** 287.23 (4) (intro.) of the statutes is amended  
23 to read:

1           287.23 (4) APPLICATION. (intro.) A responsible unit that seeks assistance under  
2 the program shall submit an application to the department. To qualify for a full  
3 grant, the responsible unit must submit the application no later than October 1 in  
4 the year preceding the year for which the assistance is sought. For the purpose of  
5 this subsection ~~and sub. (5p)~~, if an application is postmarked, it is considered to be  
6 submitted on the date that it is postmarked. An application shall include all of the  
7 following:

8           **\*b1141/2.19\* SECTION 2560x.** 287.23 (5) (intro.) of the statutes is renumbered  
9 287.23 (5) and amended to read:

10           287.23 (5) GRANT AWARD. The department shall award a grant to each eligible  
11 responsible unit that submits a complete grant application under sub. (4) for  
12 expenses allowable under sub. (3) (b). ~~Except as provided under sub. (5m) or (5p),~~  
13 ~~the amount of the grant shall be determined as follows:~~ For the grant for 2000, the  
14 department shall award to a responsible unit the proportion of the total amount  
15 available for grants under this section for 2000 that is equal to the proportion of the  
16 total amount awarded under this section for 1999 that the responsible unit received  
17 for 1999. For the grant for 2001, the department shall award to a responsible unit  
18 the proportion of the total amount available for grants for 2001 that is equal to the  
19 proportion of the total amount awarded under this section for 1999 that the  
20 responsible unit received for 1999.

21           **\*b1141/2.19\* SECTION 2560y.** 287.23 (5) (a) to (c) of the statutes are repealed.

22           **\*b1141/2.19\* SECTION 2562m.** 287.23 (5e) to (5s) of the statutes are repealed.”.

23           **\*b1141/2.17\* 946.** Page 1278, line 15: after that line insert:

24           **\*b1141/2.17\* “SECTION 2559b.** 287.01 (2) of the statutes is repealed.

1           **\*b1141/2.17\* SECTION 2559bm.** 287.01 (5) of the statutes is repealed.

2           **\*b1141/2.17\* SECTION 2559c.** 287.01 (6) of the statutes is repealed.

3           **\*b1141/2.17\* SECTION 2559cm.** 287.01 (8) of the statutes is repealed.

4           **\*b1141/2.17\* SECTION 2559d.** 287.01 (9) of the statutes is repealed.

5           **\*b1141/2.17\* SECTION 2559e.** 287.03 (1) (e) of the statutes is created to read:

6           287.03 (1) (e) Promulgate by rule a model recycling ordinance for  
7 municipalities and counties.

8           **\*b1141/2.17\* SECTION 2559f.** 287.07 (1m) (title) of the statutes is amended to

9 read:

10           287.07 (1m) (title) BATTERIES, MAJOR APPLIANCES AND OIL AND TIRES.

11           **\*b1141/2.17\* SECTION 2559fm.** 287.07 (1m) (c) of the statutes is created to

12 read:

13           287.07 (1m) (c) Dispose of a waste tire, as defined in s. 289.55 (1) (c), in a solid  
14 waste disposal facility or burn a waste tire, as defined in s. 289.55 (1) (c), without  
15 energy recovery in a solid waste treatment facility in this state.

16           **\*b1141/2.17\* SECTION 2559g.** 287.07 (2) of the statutes is repealed.

17           **\*b1141/2.17\* SECTION 2559gm.** 287.07 (3) of the statutes is repealed.

18           **\*b1141/2.17\* SECTION 2559h.** 287.07 (4) of the statutes is repealed.

19           **\*b1141/2.17\* SECTION 2559i.** 287.07 (7) (a) of the statutes, as affected by 1997

20 Wisconsin Act 27, is repealed.

21           **\*b1141/2.17\* SECTION 2559j.** 287.07 (7) (b) 1. b. of the statutes is amended to

22 read:

23           287.07 (7) (b) 1. b. "Operating solid waste treatment facility" means a solid  
24 waste treatment facility that has an operating permit or license issued under s.

1 285.60 or 289.31 prior to May 11, 1990, except for a medical waste incinerator, as  
2 defined in ~~par. (e) 1. or sub. (8) (a) 5.~~

3 \*b1141/2.17\* SECTION 2559jm. 287.07 (7) (b) 2. of the statutes is amended to  
4 read:

5 287.07 (7) (b) 2. ~~A~~ The prohibition in sub. (3) (b), (c), (e), (f), (g), (h) or (j) or (4)  
6 (b), (c), (f), (g), (h) or (i) (1m) (c) does not apply to a person who converts into fuel or  
7 burns at an operating solid waste treatment facility a the type of material identified  
8 in ~~one of those paragraphs that paragraph~~ that was converted into fuel or burned at  
9 the operating solid waste treatment facility during April, 1990, and either is  
10 generated in the operating solid waste treatment facility's current service area or is  
11 generated by the owner of the operating solid waste treatment facility.

12 \*b1141/2.17\* SECTION 2559k. 287.07 (7) (b) 3. of the statutes, as created by  
13 1997 Wisconsin Act 27, is amended to read:

14 287.07 (7) (b) 3. ~~The prohibitions in subs. (3) and (4) do~~ prohibition in sub. (1m)  
15 (c) does not apply to a person who converts into fuel or burns at an operating solid  
16 waste treatment facility ~~any~~ the material identified in ~~those subsections that~~  
17 paragraph if the person converted into fuel or burned the material at the operating  
18 solid waste treatment facility during April, 1990, and the material is generated  
19 outside of this state.

20 \*b1141/2.17\* SECTION 2559L. 287.07 (7) (bg) of the statutes is amended to  
21 read:

22 287.07 (7) (bg) The prohibitions in ~~subs. sub. (1m) to (4)~~ do not apply to a person  
23 who burns solid waste at a facility that uses solid waste as a supplemental fuel if less  
24 than 30% of heat input to the facility is derived from the solid waste burned as  
25 supplemental fuel.

1           **\*b1141/2.17\* SECTION 2559m.** 287.07 (7) (c) of the statutes is repealed.

2           **\*b1141/2.17\* SECTION 2559mm.** 287.07 (7) (d) of the statutes, as affected by  
3 1997 Wisconsin Act 27, is repealed.

4           **\*b1141/2.17\* SECTION 2559n.** 287.07 (7) (e) of the statutes is repealed.

5           **\*b1141/2.17\* SECTION 2559p.** 287.07 (7) (f) of the statutes is amended to read:

6           287.07 (7) (f) The ~~prohibitions in subs. (2) and (3) do~~ prohibition in sub. (1m)  
7 (c) does not apply to the beneficial reuse of a material waste tires within a solid waste  
8 disposal facility if the beneficial reuse of the material waste tires is approved in the  
9 solid waste disposal facility's plan of operation under s. 289.30.

10           **\*b1141/2.17\* SECTION 2559pm.** 287.07 (7) (g) of the statutes is repealed.

11           **\*b1141/2.17\* SECTION 2559q.** 287.07 (7) (h) of the statutes is repealed.

12           **\*b1141/2.17\* SECTION 2559qm.** 287.07 (8) (a) of the statutes is renumbered  
13 287.07 (8) (am), and 287.07 (8) (am) (intro.), as renumbered, is amended to read:

14           287.07 (8) (am) (intro.) A generator of medical waste that sends waste to a  
15 medical waste incinerator shall develop policies concerning reduction of medical  
16 waste, as ~~defined in sub. (7) (e) 1. eg.,~~ including all of the following:

17           **\*b1141/2.17\* SECTION 2559r.** 287.07 (8) (a) of the statutes is created to read:

18           287.07 (8) (a) In this subsection:

19           1. "Clinic" means a place, other than a residence, that is used primarily for the  
20 provision of nursing, medical, podiatric, dental, chiropractic, optometric or  
21 veterinary care and treatment.

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

23           3. "Infectious waste" means solid waste that contains pathogens with sufficient  
24 virulence and in sufficient quantity that exposure of a susceptible human or animal  
25 to the solid waste could cause the human or animal to contract an infectious disease.

1           4. "Medical waste" means containers, packages and materials that contain  
2 infectious waste or that are from a treatment area and are mixed with infectious  
3 waste.

4           5. "Medical waste incinerator" means a solid waste treatment facility that  
5 primarily burns infectious waste and other waste that contains or may be mixed with  
6 infectious waste.

7           6. "Nursing home" has the meaning given in s. 50.01 (3).

8           7. "Treatment area" means a room or area in a hospital or clinic the primary  
9 use of which is to provide emergency care, diagnosis or radiological treatment; an  
10 obstetrics delivery room in a hospital, other than a patient's room; or a room or area  
11 in a hospital, clinic or nursing home, identified by the department by rule, in which  
12 infectious waste is generated.

13           **\*b1141/2.17\* SECTION 2559rm.** 287.09 of the statutes is repealed.

14           **\*b1141/2.17\* SECTION 2559s.** 287.095 of the statutes is amended to read:

15           **287.095 ~~Responsible-unit~~ Local governmental liability.** (1) DEFINITION.

16 In this section, "~~responsible-unit~~ local official" means any officer, official, agent or  
17 employe of a ~~responsible-unit~~ municipality or county engaged in the planning,  
18 management, operation or approval of a recycling program or recycling site or  
19 facility.

20           (2) EXEMPTION FROM LIABILITY. No ~~responsible-unit~~ local official is liable for civil  
21 damages as a result of good faith actions taken by the ~~responsible-unit~~ local official  
22 within the scope of duties relating to the ~~responsible-unit's~~ municipality or county  
23 recycling program or recycling site or facility.

24           **\*b1141/2.17\* SECTION 2559t.** 287.10 of the statutes is repealed."

1           **\*b1141/2.18\* 947.** Page 1278, line 16: delete that line and substitute:

2           **\*b1141/2.18\*** “SECTION 2559v. 287.11 of the statutes, as affected by 1997  
3           Wisconsin Act 27, is repealed.

4           **\*b1141/2.18\*** SECTION 2560e. 287.19 (1) (b) (intro.) of the statutes is amended  
5           to read:

6           287.19 (1) (b) *Recycling programs.* (intro.) With respect to local recycling  
7           programs ~~created under s. 287.09 (2) (a):~~

8           **\*b1141/2.18\*** SECTION 2560m. 287.21 (intro.) of the statutes is amended to  
9           read:

10           **287.21 Statewide education program.** (intro.) The department shall  
11           collect, prepare and disseminate information and conduct educational and training  
12           programs designed to assist in the implementation of solid waste management  
13           programs under ss. 287.01 to 287.31, enhance municipal and county solid waste  
14           management programs ~~under s. 287.09 (2) (a)~~ and inform the public of the  
15           relationship among an individual’s consumption of goods and services, the  
16           generation of different types and quantities of solid waste and the implementation  
17           of the solid waste management priorities in s. 287.05 (12). The department shall  
18           prepare the information and programs on a statewide basis for the following groups:

19           **\*b1141/2.18\*** SECTION 2560w. 287.23 of the statutes, as affected by 1999  
20           Wisconsin Act .... (this act), is repealed.”.

21           **\*b0975/2.5\* 948.** Page 1279, line 10: after that line insert:

22           **\*b0975/2.5\*** “SECTION 2565b. 287.42 (4) of the statutes is created to read:

23           287.42 (4) Award a grant of \$50,000 in each fiscal year to a private, nonprofit,  
24           industry-supported organization that is described in section 501 (c) (3) of the

1 Internal Revenue Code and that provides waste reduction and recycling assistance  
2 through business-to-business peer exchange. An organization that is awarded a  
3 grant must be instrumental in assisting and encouraging companies and institutions  
4 to reduce their operating costs through improved production and solid waste  
5 management practices and must be in existence on the effective date of this  
6 subsection .... [revisor inserts date].

7 **\*b0975/2.5\* SECTION 2565d.** 287.46 (4) of the statutes, as affected by 1997  
8 Wisconsin Acts 27 and 1999 Wisconsin Act .... (this act), is repealed.

9 **\*b0975/2.5\* SECTION 2565e.** 287.46 (4) (a) of the statutes is amended to read:  
10 287.46 (4) (a) ~~From the appropriations~~ Subject to par. (b), from the  
11 appropriation under s. 20.143 (1) (L) ~~and (tm)~~, the department of commerce shall  
12 provide financial assistance awarded by the board under this subchapter. ~~Subject~~  
13 ~~to par. (b), from the appropriation under s. 20.143 (1) (tm), the department of~~  
14 ~~commerce shall~~ and pay contracts entered into by the board under s. 287.42 (3) and  
15 (3m) and grants awarded by the board under s. 287.42 (4).

16 **\*b0975/2.5\* SECTION 2565f.** 287.46 (4) (b) of the statutes is amended to read:  
17 287.46 (4) (b) In any biennium, the department of commerce may not expend  
18 more than 10% of the amount ~~appropriated~~ credited to the appropriation account  
19 under s. 20.143 (1) (tm) for (L) in that biennium for contracts with and financial  
20 assistance to responsible units and other local units of government.”.

21 **\*b1141/2.20\* 949.** Page 1279, line 10: after that line insert:

22 **\*b1141/2.20\* “SECTION 2564c.** 287.25 of the statutes is repealed.

23 **\*b1141/2.20\* SECTION 2564e.** 287.27 (1) of the statutes is amended to read:

1           287.27 (1) DEFINITION. In this section, “materials recovery facility” means a  
2 facility where the materials specified in sub. (4) (b) or s. 287.07 (3), 1997 stats., or s.  
3 287.07 (4), 1997 stats., not mixed with other solid waste, are processed for reuse or  
4 recycling by conversion into a consumer product or a product which is used as a raw  
5 material in a commercial or industrial process. “Materials recovery facility” does not  
6 include a facility operated by a pulp or paper mill which utilizes fiber or paper that  
7 has been separated from waste for use as a raw material in a commercial product.

8           **\*b1141/2.20\* SECTION 2564g.** 287.27 (2) of the statutes is amended to read:

9           287.27 (2) REPORTS BY MATERIALS RECOVERY FACILITIES. Annually, the owner or  
10 operator of a materials recovery facility shall report to the department the amount  
11 of each of the materials specified in s. 287.07 (3), 1997 stats., or s. 287.07 (4), 1997  
12 stats., and any other materials specified by the department under sub. (4) (b) that  
13 the materials recovery facility receives and that were recovered from waste  
14 generated in this state.

15           **\*b1141/2.20\* SECTION 2567e.** 287.91 (2) of the statutes is amended to read:

16           287.91 (2) Notwithstanding sub. (1) and s. ~~287.95 (3) (a)~~, the attorney general  
17 may enforce s. 287.07 (3) and (4) (1m) (c) by seeking injunctive relief against any  
18 person violating those provisions.

19           **\*b1141/2.20\* SECTION 2567g.** 287.95 (2) (a) of the statutes is repealed.

20           **\*b1141/2.20\* SECTION 2567h.** 287.95 (2) (b) of the statutes is renumbered  
21 287.95 (2) and amended to read:

22           287.95 (2) (b) ~~After December 31, 1994, any~~ Any person who violates s. 287.07  
23 ~~(2)~~ or 287.08 may be required to forfeit \$50 for a first violation, may be required to  
24 forfeit \$200 for a 2nd violation and may be required to forfeit not more than \$2,000  
25 for a 3rd or subsequent violation.

1           **\*b1141/2.20\* SECTION 2567j.** 287.95 (3) of the statutes is repealed.

2           **\*b1141/2.20\* SECTION 2567L.** 287.95 (4) of the statutes is amended to read:

3           287.95 (4) The department may follow the procedures for the issuance of a  
4 citation under ss. 23.50 to 23.99 to collect a forfeiture for the violations under subs.  
5 (1), and (2) ~~(b) and (3) (b).~~”.

6           **\*b1029/1.1\* 950.** Page 1282, line 21: after that line insert:

7           **\*b1029/1.1\* “SECTION 2581r.** 292.13 (1) (intro.) of the statutes is amended to  
8 read:

9           292.13 (1) EXEMPTION FROM LIABILITY FOR GROUNDWATER CONTAMINATION. (intro.)  
10 A person, ~~other than a state agency,~~ is exempt from s. 292.11 (3), (4) and (7) (b) and  
11 (c) with respect to the existence of a hazardous substance in the groundwater on  
12 property possessed or controlled by the person if all of the following apply:

13           **\*b1029/1.1\* SECTION 2581w.** 292.13 (1m) (intro.) of the statutes is amended  
14 to read:

15           292.13 (1m) EXEMPTION FROM LIABILITY FOR SOIL CONTAMINATION. (intro.) A  
16 person, ~~other than a state agency,~~ is exempt from s. 292.11 (3), (4) and (7) (b) and (c)  
17 with respect to the existence of a hazardous substance in the soil on property  
18 possessed or controlled by the person if all of the following apply:”.

19           **\*b0917/2.2\* 951.** Page 1300, line 1: delete lines 1 to 5.

20           **\*b0917/2.3\* 952.** Page 1302, line 6: delete lines 6 to 13.

21           **\*b0817/1.3\* 953.** Page 1303, line 20: after that line insert:

22           **\*b0817/1.3\* “SECTION 2648c.** 292.70 of the statutes is created to read:

23           **292.70 Indemnification for disposal of polychlorinated biphenyls. (1)**

24           DEFINITION. In this section, “PCBs” has the meaning given in s. 299.45 (1) (a).

1           **(2) INDEMNIFICATION AGREEMENTS CONCERNING DISPOSAL OF CONTAMINATED**  
2           **SEDIMENTS.** Subject to sub. (4), the department may enter into an agreement with a  
3           municipality under which this state agrees to indemnify the municipality and its  
4           agencies, officials, employes and agents against liability for damage to persons,  
5           property or the environment resulting from the municipality's acceptance for  
6           disposal of sediments that are from the Great Lakes basin and are contaminated  
7           with PCBs, if the sediments are disposed of in a manner approved by the department.

8           **(3) INDEMNIFICATION AGREEMENTS CONCERNING TREATMENT OF CONTAMINATED**  
9           **LEACHATE.** Subject to sub. (4), the department may enter into an agreement with a  
10          municipality under which this state agrees to indemnify the municipality and its  
11          agencies, officials, employes and agents against any liability for damage to persons,  
12          property or the environment resulting from the municipality's conveyance or  
13          treatment of leachate that is contaminated with PCBs and that is from a landfill that  
14          accepts sediments contaminated with PCBs, if the leachate is treated in a manner  
15          approved by the department.

16          **(4) REQUIREMENTS.** The department may enter into an agreement under sub.  
17          (2) or (3) only if all of the following apply:

18               (a) The agreement is approved by the governor, the attorney general, the  
19               secretary and the governing body of the municipality.

20               (b) The agreement specifies a method for determining whether the  
21               municipality is liable for damage described in sub. (2) or (3).

22               (c) The agreement requires the municipality to notify the department and the  
23               attorney general when a claim or lawsuit to which the agreement may apply is filed  
24               against the political subdivision.

1 (d) The agreement authorizes the attorney general to intervene on behalf of the  
2 municipality and this state in any lawsuit to which the agreement may apply.

3 (e) The agreement requires the operator of the solid waste disposal facility or  
4 wastewater treatment facility to minimize risks related to PCBs.

5 (f) The agreement authorizes the department to require the operator of the  
6 solid waste disposal facility or wastewater treatment facility to operate in a manner  
7 specified by the department in order to minimize risks related to PCBs.

8 (5) LIMITATION. The department may include in an agreement under sub. (4)  
9 a limitation on the amount that this state will pay to a municipality under the  
10 agreement.

11 (6) IMMUNITY. This section and any agreement entered into under sub. (3) or  
12 (4) may not be construed as consent to sue this state.

13 (7) REVIEW AND PAYMENT. If a claim is filed under an agreement under sub. (2)  
14 or (3), the department shall review the claim to determine whether it is valid. A valid  
15 claim shall be paid from the appropriation under s. 20.370 (2) (fq).”.

16 \*b0901/1.1\* **954.** Page 1308, line 19: delete the material beginning with that  
17 line and ending with page 1309, line 11.

18 \*b1141/2.21\* **955.** Page 1313, line 16: after that line insert:

19 \*b1141/2.21\* “SECTION 2681m. 299.51 (1) (a) of the statutes is amended to  
20 read:

21 299.51 (1) (a) “Clinic” has the meaning given in s. 287.07 ~~(7) (c) 1. a.~~ (8) (a) 1.

22 \*b1141/2.21\* SECTION 2681n. 299.51 (1) (b) of the statutes is amended to read:

1           299.51 (1) (b) "Medical waste" means infectious waste, as defined in s. 287.07  
2           ~~(7)(e) 1. e. (8)(a) 3.~~, and other waste that contains or may be mixed with infectious  
3           waste."

4           **\*b0803/3.17\* 956.** Page 1314, line 14: after that line insert:

5           **\*b0803/3.17\* SECTION 2683d.** 301.01 (2) (b) of the statutes is amended to  
6           read:

7           301.01 (2) (b) Any resident of a secured correctional facility, ~~as defined in s.~~  
8           ~~938.02 (15m), or of a secured child caring institution, as defined in s. 938.02 (15g) or~~  
9           a secured group home.

10          **\*b0803/3.17\* SECTION 2684d.** 301.01 (3k) of the statutes is created to read:

11          301.01 (3k) "Secured child caring institution" has the meaning given in s.  
12          938.02 (15g).

13          **\*b0803/3.17\* SECTION 2685d.** 301.01 (3m) of the statutes is created to read:

14          301.01 (3m) "Secured correctional facility" has the meaning given in s. 938.02  
15          (15m).

16          **\*b0803/3.17\* SECTION 2686d.** 301.01 (3p) of the statutes is created to read:

17          301.01 (3p) "Secured group home" has the meaning given in s. 938.02 (15p).

18          **\*b0803/3.17\* SECTION 2687d.** 301.01 (4) of the statutes is amended to read:

19          301.01 (4) "State correctional institution" means a state prison under s. 302.01  
20          or a secured correctional facility, ~~as defined in s. 938.02 (15m), other than the~~  
21          Mendota Juvenile Treatment Center operated by the department.

22          **\*b0803/3.17\* SECTION 2688d.** 301.027 of the statutes is amended to read:

23          301.027    **Treatment program at one or more juvenile secured**  
24          **correctional institutions facilities.**    The department shall maintain a

1 cottage-based intensive alcohol and other drug abuse program at one or more  
2 juvenile secured correctional institutions facilities.”.

3 \*b0803/3.18\* **957**. Page 1315, line 8: after that line insert:

4 \*b0803/3.18\* “SECTION 2690d. 301.03 (10) (d) of the statutes is amended to  
5 read:

6 301.03 (10) (d) Administer the office of juvenile offender review in the division  
7 of juvenile corrections in the department. The office shall be responsible for decisions  
8 regarding case planning, the release of juvenile offenders from juvenile secured  
9 correctional institutions facilities, secured child caring institutions or secured group  
10 homes to aftercare placements and the transfer of juveniles to the Racine youthful  
11 offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d).

12 \*b0803/3.18\* SECTION 2691d. 301.03 (10) (e) of the statutes is amended to  
13 read:

14 301.03 (10) (e) Provide educational programs in all secured correctional  
15 facilities, ~~as defined in s. 938.02 (15m), other than the Mendota Juvenile Treatment~~  
16 Center operated by the department.

17 \*b0803/3.18\* SECTION 2692d. 301.03 (10) (f) of the statutes is amended to read:

18 301.03 (10) (f) Provide health services and psychiatric services for residents of  
19 all secured correctional facilities, ~~as defined in s. 938.02 (15m), other than the~~  
20 Mendota Juvenile Treatment Center operated by the department.”.

21 \*b0803/3.19\* **958**. Page 1316, line 18: after that line insert:

22 \*b0803/3.19\* “SECTION 2693d. 301.08 (1) (b) 3. of the statutes is amended to  
23 read:

1           301.08 (1) (b) 3. Contract with public, private or voluntary agencies for the  
2 supervision, maintenance and operation of secured correctional facilities, ~~as defined~~  
3 ~~in s. 938.02 (15m)~~, child caring institutions, as defined in s. 938.02 (2c), and secured  
4 child caring institutions, ~~as defined in s. 938.02 (15g)~~, for the placement of juveniles  
5 who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183  
6 or 938.34 (4d), (4h) or (4m). The department may designate a secured correctional  
7 facility, child caring institution or a secured child caring institution contracted for  
8 under this subdivision as a Type 2 secured correctional facility, as defined in s. 938.02  
9 (20), and may designate a child caring institution or secured child caring institution  
10 contracted for under this subdivision as a Type 2 child caring institution, as defined  
11 in s. 938.02 (19r).

12           **\*b0803/3.19\* SECTION 2694d.** 301.08 (1) (b) 4. of the statutes is created to read:

13           301.08 (1) (b) 4. Contract with not more than 5 counties or with not more than  
14 5 consortia of not more than 5 counties for the operation of not more than 5 secured  
15 group homes for the placement of juveniles who have been convicted under s. 938.183  
16 or adjudicated delinquent under s. 938.183 or 938.34 (4m). The contract shall specify  
17 that the county or counties operating a secured group home must comply with all  
18 rules of the department that are applicable to the treatment of juveniles who are  
19 placed in a secured correctional facility.”.

20           **\*b0737/1.2\* 959.** Page 1318, line 3: delete that line and substitute  
21 “conversion or has approved the construction or conversion of the building, structure  
22 or facility.”.

23           **\*b0737/1.3\* 960.** Page 1318, line 4: delete lines 4 and 5.

24           **\*b0803/3.20\* 961.** Page 1318, line 9: after that line insert:

1           **\*b0803/3.20\*** “SECTION 2699d. 301.205 of the statutes is amended to read:

2           **301.205 Reimbursement to visiting families.** The department may  
3 reimburse families visiting girls at a secured correctional facility, ~~as defined in s.~~  
4 ~~938.02 (15m)~~. If the department decides to provide the reimbursement, ~~the~~ the  
5 department shall establish criteria for the level of reimbursement, which shall  
6 include family income and size and other relevant factors.”

7           **\*b0803/3.21\* 962.** Page 1318, line 20: after that line insert:

8           **\*b0803/3.21\* “SECTION 2701d.** 301.26 (4) (cm) 1. of the statutes is amended to  
9 read:

10           301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall  
11 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations  
12 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile secured  
13 correctional institutions facilities, secured child caring institutions, ~~as defined in s.~~  
14 ~~938.02 (15g)~~, alternate care providers, aftercare supervision providers and corrective  
15 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the  
16 care of any juvenile 14 years of age or over who has been placed in a juvenile secured  
17 correctional facility based on a delinquent act that is a violation of s. 939.31, 939.32  
18 (1) (a), 940.03, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10  
19 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, 948.30 (2), 948.35 (1) (b)  
20 or 948.36 and for the care of any juvenile 10 years of age or over who has been placed  
21 in a juvenile secured ~~correctional institution or a facility~~ or secured child caring  
22 institution for attempting or committing a violation of s. 940.01 or for committing a  
23 violation of s. 940.02 or 940.05.

1           **\*b0803/3.21\* SECTION 2702d.** 301.26 (4) (cm) 2. of the statutes is amended to  
2 read:

3           301.26 (4) (cm) 2. Notwithstanding pars. (a), (b) and (bm), the department shall  
4 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations  
5 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing ~~juvenile~~ secured  
6 ~~correctional institutions~~ facilities, secured child caring institutions, ~~as defined in s.~~  
7 ~~938.02 (15g)~~, alternate care providers, aftercare supervision providers and corrective  
8 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the  
9 care of any juvenile 14 years of age or over and under 18 years of age who has been  
10 placed in a ~~juvenile~~ secured correctional facility under s. 48.366 based on a  
11 delinquent act that is a violation of s. 940.01, 940.02, 940.05 or 940.225 (1).”.

12           **\*b0803/3.22\* 963.** Page 1319, line 25: after that line insert:

13           **\*b0803/3.22\* “SECTION 2706d.** 301.26 (4) (dt) of the statutes is amended to  
14 read:

15           301.26 (4) (dt) ~~For~~ Except as provided in pars. (e) to (g), for serious juvenile  
16 offender services, all uniform fee collections under s. 301.03 (18) shall be credited to  
17 the appropriation account under s. 20.410 (3) (hm).”.

18           **\*b0803/3.23\* 964.** Page 1321, line 9: after that line insert:

19           **\*b0803/3.23\* “SECTION 2709L.** 301.26 (7) (a) 3. of the statutes, as created by  
20 1999 Wisconsin Act .... (this act), is amended to read:

21           301.26 (7) (a) 3. Each county’s proportion of the number of juveniles statewide  
22 who are placed in a ~~juvenile correctional institution or~~ secured correctional facility,  
23 a secured child caring institution, as defined in s. 938.02 (15g), or a secured group  
24 home during the most recent 3-year period for which that information is available.”.

1           **\*b0803/3.24\* 965.** Page 1322, line 12: after that line insert:

2           **\*b0803/3.24\* "SECTION 2710d.** 301.263 (3) of the statutes is amended to read:

3           301.263 (3) The department shall distribute 33% of the amounts distributed  
4 under sub. (1) based on each county's proportion of the violent Part I juvenile arrests  
5 reported statewide under the uniform crime reporting system of the office of justice  
6 assistance in the department of administration, during the most recent 2-year  
7 period for which that information is available. The department shall distribute 33%  
8 of the amounts distributed under sub. (1) based on each county's proportion of the  
9 number of juveniles statewide who are placed in a juvenile secured correctional  
10 institution or facility, a secured child caring institution, ~~as defined in s. 938.02 (15g),~~  
11 or a secured group home during the most recent 2-year period for which that  
12 information is available. The department shall distribute 34% of the amounts  
13 distributed under sub. (1) based on each county's proportion of the total Part I  
14 juvenile arrests reported statewide under the uniform crime reporting system of the  
15 office of justice assistance, during the most recent 2-year period for which that  
16 information is available."

17           **\*b0803/3.25\* 966.** Page 1323, line 13: after that line insert:

18           **\*b0803/3.25\* "SECTION 2712d.** 301.36 (1) of the statutes is amended to read:

19           301.36 (1) GENERAL AUTHORITY. The department shall investigate and  
20 supervise all of the state ~~correctional institutions~~ prisons under s. 302.01, all secured  
21 correctional facilities, all secured child caring institutions, all secured group homes  
22 and all secure detention facilities and familiarize itself with all of the circumstances  
23 affecting their management and usefulness.

24           **\*b0803/3.25\* SECTION 2713d.** 301.37 (1) of the statutes is amended to read:

1           301.37 (1) The department shall fix reasonable standards and regulations for  
2 the design, construction, repair and maintenance of all houses of correction,  
3 reforestation camps maintained under s. 303.07, jails as defined in s. 302.30,  
4 extensions of jails under s. 59.54 (14) (g), rehabilitation facilities under s. 59.53 (8),  
5 lockup facilities as defined in s. 302.30, work camps under s. 303.10, Huber facilities  
6 under s. 303.09 and, after consulting with the department of health and family  
7 services, all secured group homes and secure detention facilities, with respect to  
8 their adequacy and fitness for the needs which they are to serve.

9           **\*b0803/3.25\* SECTION 2714d.** 301.45 (1) (b) of the statutes is amended to read:

10           301.45 (1) (b) Is in prison, a secured correctional facility, ~~as defined in s. 938.02~~  
11 ~~(15m), or a secured child caring institution, as defined in s. 938.02 (15g), or a secured~~  
12 group home or is on probation, extended supervision, parole, supervision or aftercare  
13 supervision on or after December 25, 1993, for any violation, or for the solicitation,  
14 conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3),  
15 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or  
16 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the  
17 victim's parent.

18           **\*b0803/3.25\* SECTION 2715d.** 301.45 (1) (bm) of the statutes is amended to  
19 read:

20           301.45 (1) (bm) Is in prison, a secured correctional facility, ~~as defined in s.~~  
21 ~~938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or~~  
22 a secured group home or is on probation, extended supervision, parole, supervision  
23 or aftercare supervision on or after December 25, 1993, for a violation, or for the  
24 solicitation, conspiracy or attempt to commit a violation, of a law of this state that  
25 is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025,

1 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that is comparable to a  
2 violation of s. 940.30 or 940.31 if the victim was a minor and the person was not the  
3 victim's parent.

4 **\*b0803/3.25\* SECTION 2716d.** 301.45 (3) (a) 2. of the statutes is amended to  
5 read:

6 301.45 (3) (a) 2. If the person has been sentenced to prison or placed in a secured  
7 correctional facility ~~or~~, a secured child caring institution or a secured group home,  
8 he or she is subject to this subsection upon being released on parole, extended  
9 supervision or aftercare supervision.”.

10 **\*b0803/3.26\* 967.** Page 1323, line 18: after that line insert:

11 **\*b0803/3.26\* “SECTION 2717m.** 301.45 (5) (a) 2. of the statutes is amended to  
12 read:

13 301.45 (5) (a) 2. If the person has been sentenced to prison or placed in a secured  
14 correctional facility ~~or~~, a secured child caring institution or a secured group home,  
15 15 years after discharge from parole or aftercare supervision.”.

16 **\*b0771/3.2\* 968.** Page 1324, line 14: after that line insert:

17 **\*b0771/3.2\* “SECTION 2718ck.** 302.075 of the statutes is created to read:

18 **302.075 Drug detection dog units.** (1) The department shall establish and  
19 maintain 3 drug detection dog units. Each unit shall consist of one dog that is trained  
20 to use its sense of smell to detect the presence of controlled substances and one  
21 correctional officer trained to handle the dog. Each drug detection dog unit shall be  
22 based at a different state correctional institution but may be used to detect controlled  
23 substances at any state correctional institution. A drug detection dog unit  
24 correctional officer shall report directly to the secretary.

1           (2) A drug detection dog unit may investigate a state correctional institution  
2 for the presence of controlled substances at the request of the secretary, at the  
3 request of the warden, superintendent or other officer or employe of the institution  
4 or, if he or she receives credible information that controlled substances may be  
5 present in the institution, on the initiative of the unit correctional officer. The  
6 secretary shall establish the amount of advance notice that a drug detection dog unit  
7 must provide to the appropriate warden or superintendent that the unit will be at  
8 a state correctional institution.

9           (3) Notwithstanding s. 302.04, the warden, superintendent and other officers  
10 and employes of a state correctional institution shall at all times give a drug  
11 detection dog unit free access to and unrestrained ability to inspect all parts of the  
12 buildings and grounds of the institution, including visitation areas and areas to  
13 which prisoners may not have access.”.

14           **\*b0842/2.1\* 969.** Page 1340, line 20: after that line insert:

15           **\*b0842/2.1\* “SECTION 2734hdm.** 342.07 (1) of the statutes is renumbered  
16 342.07 (1) (intro.) and amended to read:

17           342.07 (1) Application for registration of and a new certificate of title for a  
18 repaired salvage vehicle must be accompanied by the all of the following:

19           (a) The required fees, a.

20           (b) A properly assigned salvage certificate of title or a properly assigned  
21 certificate of title by a dealer under s. 342.16 (1) (a) for the vehicle and any.

22           (c) Any other transfer document required by law, and by the.

23           (d) The certificate of inspection under sub. (4).

1           **\*b0842/2.1\* SECTION 2734hdp.** 342.07 (2) (a) of the statutes is amended to  
2 read:

3           342.07 (2) (a) To determine whether the vehicle is the same vehicle for which  
4 the salvage title in submitted under sub. (1) was issued;”.

5           **\*b0842/2.2\* 970.** Page 1341, line 9: after that line insert:

6           **\*b0842/2.2\* “SECTION 2734hgd.** 342.15 (2) of the statutes is amended to read:

7           342.15 (2) Except as provided in s. 342.16 ~~with respect to a vehicle which is not~~  
8 ~~a salvage vehicle~~, the transferee shall, promptly after delivery to him or her of the  
9 vehicle, execute the application for a new certificate of title in the space provided  
10 ~~therefor~~ on the certificate or as the department prescribes, and ~~cause~~ deliver or mail  
11 the certificate and application ~~to be mailed or delivered~~ to the department. A salvage  
12 vehicle purchaser shall comply with s. 342.065 (1) ~~(b)~~ (a).

13           **\*b0842/2.2\* SECTION 2734hgf.** 342.15 (3) of the statutes is amended to read:

14           342.15 (3) Except as provided in s. 342.16 ~~with respect to a vehicle which is not~~  
15 ~~a salvage vehicle~~ and as between the parties, a transfer by an owner is not effective  
16 until the provisions of this section have been complied with. An owner who has  
17 delivered possession of the vehicle to the transferee and has complied with the  
18 provisions of this section ~~requiring action by him or her~~ is not liable as owner for any  
19 damages thereafter resulting from operation of the vehicle.

20           **\*b0842/2.2\* SECTION 2734hgh.** 342.15 (6) of the statutes is amended to read:

21           342.15 (6) (a) Except as provided in s. 342.16 ~~with respect to a vehicle which~~  
22 ~~is not a salvage vehicle~~, any transferee of a vehicle who fails to make application for  
23 a new certificate of title immediately upon transfer to him or her of a vehicle may be  
24 required to forfeit not more than \$200. A certificate is considered to have been

1 applied for when the application accompanied by the required fee has been delivered  
2 to the department or deposited in the mail properly addressed with postage prepaid.

3 (b) Except as provided in s. 342.16 ~~with respect to a vehicle which is not a~~  
4 ~~salvage vehicle~~, any transferee of a vehicle who with intent to defraud fails to make  
5 application for a new certificate of title immediately upon transfer to him or her of  
6 a vehicle may be fined not more than \$1,000 or imprisoned for not more than 30 days  
7 or both. A certificate is considered to have been applied for when the application  
8 accompanied by the required fee has been delivered to the department or deposited  
9 in the mail properly addressed with postage prepaid.

10 \*b0842/2.2\* SECTION 2734hgj. 342.16 (1) (a) of the statutes is amended to  
11 read:

12 342.16 (1) (a) Except as provided in par. (c), if a dealer acquires a new or used  
13 vehicle that is not a salvage vehicle and holds it for resale, or acquires a salvage  
14 vehicle that is currently titled as a salvage vehicle and holds it for resale or accepts  
15 a vehicle for sale on consignment, the dealer may not submit to the department the  
16 certificate of title or application for certificate of title naming the dealer as owner of  
17 the vehicle. Upon transferring the vehicle to another person, the dealer shall  
18 immediately give the transferee on a form prescribed by the department a receipt for  
19 all title, registration, security interest and sales tax moneys paid to the dealer for  
20 transmittal to the department when required. The dealer shall promptly execute the  
21 assignment and warranty of title, showing the name and address of the transferee  
22 and of any secured party holding a security interest created or reserved at the time  
23 of the resale or sale on consignment, in the spaces provided therefor on the certificate  
24 or as the department prescribes. Within 7 business days following the sale or  
25 transfer, the dealer shall mail or deliver the certificate or application for certificate

1 to the department with the transferee's application for a new certificate. A  
2 nonresident who purchases a motor vehicle from a dealer in this state may not,  
3 unless otherwise authorized by rule of the department, apply for a certificate of title  
4 issued for the vehicle in this state unless the dealer determines that a title is  
5 necessary to protect the interests of a secured party. The dealer is responsible for  
6 determining whether a title and perfection of security interest is required. The  
7 dealer is liable for any damages incurred by the department or any secured party for  
8 the dealer's failure to perfect a security interest which the dealer had knowledge of  
9 at the time of sale.

10 **\*b0842/2.2\* SECTION 2734hgm.** 342.16 (1) (c) of the statutes is amended to  
11 read:

12 342.16 (1) (c) Except when all available spaces for a dealer's or wholesaler's  
13 reassignment on a certificate of title have been completed or as otherwise authorized  
14 by rules of the department, a dealer or wholesaler who acquires a new or used vehicle  
15 that is not a salvage vehicle and holds it for resale, or acquires a salvage vehicle that  
16 is currently titled as a salvage vehicle and holds it for resale or accepts a vehicle for  
17 sale on consignment may not apply for a certificate of title naming the dealer or  
18 wholesaler as owner of the vehicle. The rules may regulate the frequency of  
19 application by a dealer or wholesaler for transfer of registration or credits for  
20 registration from a previously registered vehicle to another vehicle that the dealer  
21 or wholesaler intends to register in his or her own name.

22 **\*b0842/2.2\* SECTION 2734hgo.** 342.16 (1) (d) of the statutes is amended to  
23 read:

24 342.16 (1) (d) Unless exempted by rule of the department, a dealer or  
25 wholesaler who acquires a new or used vehicle that is not a salvage vehicle and holds

1 it for resale or acquires a salvage vehicle currently titled as a salvage vehicle and  
2 holds it for resale shall make application for a certificate of title naming the dealer  
3 or wholesaler as owner of the vehicle when all of the available spaces for a dealer's  
4 or wholesaler's reassignment on the certificate of title for such vehicle have been  
5 completed.”.

6 \*b0985/1.1\* **971.** Page 1344, line 2: after that line insert:

7 \*b0985/1.1\* “SECTION 2747s. 343.43 (1) (f) of the statutes is amended to read:  
8 343.43 (1) (f) Reproduce by any means whatever a copy of a license, unless the  
9 reproduction is done pursuant to rules promulgated by the department and for a  
10 valid business or occupational purpose; or”.

11 \*b1015/1.1\* **972.** Page 1349, line 6: after that line insert:

12 \*b1015/1.1\* “SECTION 2761r. 348.15 (3) (bg) of the statutes is amended to read:  
13 348.15 (3) (bg) In the case of a vehicle or combination of vehicles transporting  
14 exclusively milk from the point of production to the primary market and the return  
15 of dairy supplies and dairy products from such primary market to the farm, the gross  
16 weight imposed on the highway by the wheels of any one axle may not exceed 21,000  
17 pounds or, for 2 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more  
18 consecutive axles ~~more than~~ 9 feet or more apart, a weight of 2,000 pounds more than  
19 is shown in par. (c), but not to exceed 80,000 pounds. This paragraph does not apply  
20 to the national system of interstate and defense highways, except for that portion of  
21 USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51  
22 and the I 90/94 interchange near Portage upon their federal designation as I 39.”.

23 \*b0731/1.1\* **973.** Page 1359, line 21: after that line insert:

24 \*b0731/1.1\* “SECTION 2818r. 409.104 (12m) of the statutes is created to read:

1           409.104 (12m) To a transfer of an interest under a rent-to-own agreement  
2 under ch. 435; or”.

3           **\*b0731/1.2\* 974.** Page 1362, line 23: after that line insert:

4           **\*b0731/1.2\* SECTION 2822no.** 421.202 (7m) of the statutes is created to read:  
5           421.202 (7m) A rent-to-own agreement under ch. 435;

6           **\*b0731/1.2\* SECTION 2822nt.** 421.301 (9) of the statutes is amended to read:

7           421.301 (9) “Consumer credit sale” means a sale of goods, services or an  
8 interest in land to a customer on credit where the debt is payable in instalments or  
9 a finance charge is imposed and includes any agreement in the form of a bailment  
10 of goods or lease of goods or real property if the bailee or lessee pays or agrees to pay  
11 as compensation for use a sum substantially equivalent to or in excess of the  
12 aggregate value of the goods or real property involved and it is agreed that the bailee  
13 or lessee will become, or for no other or a nominal consideration has the option to  
14 become, the owner of the goods or real property upon full compliance with the terms  
15 of the agreement. “Consumer credit sale” does not include a rent-to-own agreement  
16 under ch. 435.

17           **\*b0731/1.2\* SECTION 2822nu.** 421.301 (10) of the statutes is amended to read:

18           421.301 (10) “Consumer credit transaction” means a consumer transaction  
19 between a merchant and a customer in which real or personal property, services or  
20 money is acquired on credit and the customer’s obligation is payable in instalments  
21 or for which credit a finance charge is or may be imposed, whether such transaction  
22 is pursuant to an open-end credit plan or is a transaction involving other than  
23 open-end credit. The term includes consumer credit sales, consumer loans,

1 consumer leases and transactions pursuant to open-end credit plans. “Consumer  
2 credit transaction” does not include a rent-to-own agreement under ch. 435.

3 \*b0731/1.2\* SECTION 2822nv. 421.301 (11) of the statutes is amended to read:  
4 421.301 (11) “Consumer lease” means a lease of goods which a merchant makes  
5 to a customer for a term exceeding 4 months. “Consumer lease” does not include a  
6 rent-to-own agreement under ch. 435.”.

7 \*b0731/1.3\* 975. Page 1363, line 15: after that line insert:

8 \*b0731/1.3\* “SECTION 2822y. 423.201 of the statutes is amended to read:

9 423.201 Definition. “Consumer approval transaction” means a consumer  
10 transaction other than a sale or lease or listing for sale of real property or a sale of  
11 goods at auction 1) which is initiated by face-to-face solicitation away from a regular  
12 place of business of the merchant or by mail or telephone solicitation directed to the  
13 particular customer and 2) which is consummated or in which the customer’s offer  
14 to contract or other writing evidencing the transaction is received by the merchant  
15 away from a regular place of business of the merchant and involves the extension of  
16 credit or is a cash transaction in which the amount the customer pays exceeds \$25.  
17 “Consumer approval transaction” shall in no event include a catalog sale which is not  
18 accompanied by any other solicitation or a consumer loan conducted and  
19 consummated entirely by mail. “Consumer approval transaction” does not include  
20 a rent-to-own agreement under ch. 435.

21 \*b0731/1.3\* SECTION 2822z. Chapter 435 of the statutes is created to read:

22 CHAPTER 435

23 RENT-TO-OWN AGREEMENTS

1           **435.102 Scope. (1) INAPPLICABILITY OF OTHER LAWS.** A rent-to-own agreement  
2 under this chapter is not governed by the laws relating to a security interest, as  
3 defined in s. 401.201 (37), or a lease, as defined in s. 411.103 (1) (j).

4           **(2) EXCLUSIONS.** This chapter does not apply to any of the following:

5           (a) Any agreement between a rental-purchase company and any person other  
6 than a lessee.

7           (b) A lease or bailment of personal property if the property is intended to be  
8 used primarily for business, commercial or agricultural purposes.

9           (c) A lease or bailment of personal property which is incidental to the lease of  
10 real property.

11           (d) A lease of a motor vehicle, as defined in s. 218.01 (1) (m).

12           (e) A credit sale, as defined in 15 USC 1602 (g) and in the regulations  
13 promulgated under that section.

14           (f) A consumer lease, as defined in 15 USC 1667 (1) and in the regulations  
15 promulgated under that section.

16           **435.201 Definitions.** In this chapter:

17           (1) “Department” means the department of financial institutions.

18           (2) “Lessee” means an individual who rents personal property under a  
19 rent-to-own agreement.

20           (3) “Rental property” means property rented under a rent-to-own agreement.

21           (4) “Rental-purchase company” means a person who regularly provides the use  
22 of property through rent-to-own agreements and to whom rental payments are  
23 initially payable under the terms of a particular rent-to-own agreement.

1           (5) “Rent-to-own agreement” means an agreement between a  
2 rental-purchase company and a lessee for the use of personal property if all of the  
3 following conditions are met:

4           (a) The personal property is to be used primarily for personal, family or  
5 household purposes.

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

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

10          (d) The agreement permits, but does not obligate, the lessee to acquire  
11 ownership of the personal property.

12           **435.301 Registration. (1) REQUIREMENT; APPLICATION.** Every person engaging  
13 in business as a rental-purchase company in this state shall file a registration  
14 statement with the department within 30 days after the date on which the person  
15 commences business in this state and no later than February 28 of each year  
16 thereafter. Except during the first 30 days after the date on which the person  
17 commences business in this state, no person may engage in business as a  
18 rental-purchase company in this state without a valid unsuspended registration  
19 filed under this subsection. A registration statement under this section shall include  
20 all of the following information:

21           (a) The name of the rental-purchase company.

22           (b) The name under which the rental-purchase company transacts business.

23           (c) The address of the rental-purchase company’s principal office.

24           (d) The addresses of all stores or other retail locations in this state at which the  
25 rental-purchase company offers rent-to-own agreements to potential lessees.

1 (e) The address of the rental–purchase company’s designated agent upon whom  
2 service of process may be made in this state.

3 (2) RULES. The department shall promulgate rules and prescribe forms for the  
4 efficient administration of this section.

5 **435.302 Registration fees.** (1) WHEN DUE. Any rental–purchase company  
6 required to register under s. 435.301 shall pay a registration fee to the department  
7 when the rental–purchase company files the registration statement required under  
8 s. 435.301.

9 (2) AMOUNT. The amount of the registration fee shall be \$25 per store or other  
10 retail location in this state at which the rental–purchase company offers  
11 rent–to–own agreements to potential lessees. However, the registration fee shall not  
12 be less than \$50 nor more than \$750.

13 **435.303 Examination of books and records.** (1) PURPOSE OF EXAMINATION.  
14 The department may examine the books and records of any rental–purchase  
15 company for the purpose of determining compliance with this chapter.

16 (2) AVAILABILITY OF BOOKS AND RECORDS. A rental–purchase company shall make  
17 its books and records reasonably available for inspection by the department. If the  
18 rental–purchase company’s books and records are located outside of this state, the  
19 rental–purchase company shall, at the rental–purchase company’s option, either  
20 make the books and records available to the department at a convenient location in  
21 this state or pay the reasonable and necessary expenses for the department to  
22 examine the books and records at the location where they are maintained.

23 (3) METHOD OF BOOKKEEPING. A rental–purchase company shall use generally  
24 accepted accounting principles and practices in keeping its books and records so that

1 the department may determine if the rental-purchase company is in compliance  
2 with this chapter.

3 (4) DESTRUCTION OF RECORDS; WHEN AUTHORIZED. A rental-purchase company  
4 shall keep records relating to each rent-to-own agreement entered into by the  
5 rental-purchase company and the payments made under each rent-to-own  
6 agreement for at least 2 years after the date on which the rent-to-own agreement  
7 is terminated.

8 **435.304 Suspension or revocation of registration.** (1) GROUNDS. The  
9 department may issue an order suspending or revoking a rental-purchase  
10 company's registration if any of the following conditions is met:

11 (a) The rental-purchase company has violated any provision of this chapter,  
12 the violation is not isolated or inadvertent, and the department determines that the  
13 violation justifies the suspension or revocation of the registration.

14 (b) The department becomes aware that any fact or condition exists which, if  
15 it had existed at the time that the rental-purchase company first filed the  
16 registration statement, would have warranted the department's refusal to honor the  
17 registration.

18 (c) The rental-purchase company has failed to pay the registration fee under  
19 s. 435.302.

20 (2) PROCEDURE. The following procedure applies to every order of the  
21 department that suspends or revokes a registration under this chapter:

22 (a) The department shall provide a written notice to the rental-purchase  
23 company registered under s. 435.301 of the department's intent to issue an order  
24 suspending or revoking the rental-purchase company's registration. The notice  
25 shall specify the grounds for and the effective date of the proposed order.

1 (b) The rental-purchase company shall file with the department a written  
2 response to the allegations contained in the notice within 20 days after receiving the  
3 notice. The rental-purchase company's written response may contain a request for  
4 a hearing pursuant to s. 227.42. If the written response does not contain a request  
5 for a hearing pursuant to s. 227.42, the right to a hearing is waived.

6 (c) If a written response containing a request for a hearing pursuant to s. 227.42  
7 is received by the department within the time provided under par. (b) and if, in the  
8 opinion of the department, the matter satisfies one of the conditions under s. 227.42  
9 (1) (a) to (d), the matter shall be scheduled for a contested hearing to commence  
10 within 60 days after the date on which the department receives the written response.

11 (d) If the rental-purchase company fails to file a written response within the  
12 time provided under par. (b) or if the rental-purchase company files a timely written  
13 response but fails to request a hearing pursuant to s. 227.42, the department may  
14 issue an order suspending or revoking the rental-purchase company's registration  
15 under sub. (1). If the rental-purchase company files a timely written response  
16 containing a request for a hearing pursuant to s. 227.42, any order of the department  
17 suspending or revoking the rental-purchase company's registration shall be stayed  
18 pending completion of proceedings under ch. 227.

19 **435.401 General requirements of disclosure. (1) FORM, LOCATION, SIZE AND**  
20 **TIME OF DISCLOSURE.** All information required under s. 435.402 shall satisfy all of the  
21 following:

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

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

24 (c) The information shall be disclosed on the face of the rent-to-own agreement  
25 above the line for the lessee's signature.

1 (d) The information shall be disclosed in not less than 8-point standard type.

2 (e) The information shall be disclosed at or before the time that the lessee  
3 becomes legally obligated under the rent-to-own agreement.

4 (2) ACCURACY OF DISCLOSURE. All information required under s. 435.402 must  
5 be accurate as of the time that it is disclosed. If any information subsequently  
6 becomes inaccurate as a result of any act, occurrence or agreement by the lessee, the  
7 resulting inaccuracy is not a violation of this chapter.

8 (3) COPY OF RENT-TO-OWN AGREEMENT. The rental-purchase company shall  
9 provide the lessee with a copy of the completed rent-to-own agreement signed by the  
10 lessee. If more than one lessee is legally obligated under the same rent-to-own  
11 agreement, delivery of a copy of the completed rent-to-own agreement to one of the  
12 lessees shall satisfy this subsection.

13 **435.402 Required provisions of rent-to-own agreement.** A  
14 rental-purchase company shall include all of the following information, to the extent  
15 applicable, in every rent-to-own agreement:

16 (1) DESCRIPTION. A brief description of the rental property, sufficient to identify  
17 the rental property to the lessee and the rental-purchase company, including an  
18 identification number, and a statement indicating whether the rental property is  
19 new or used. A statement that incorrectly indicates that new rental property is used  
20 is not a violation of this chapter.

21 (2) CASH PRICE. The price at which the rental-purchase company would have  
22 sold the rental property to the lessee for cash on the date on which the rent-to-own  
23 agreement is executed.

24 (3) RENTAL PAYMENT. The periodic rental payment for the rental property.

1           (4) UP-FRONT PAYMENT. The payment required of the lessee at the time that the  
2 agreement is executed or the rental property is delivered, whichever is later,  
3 including the initial rental payment, any application or processing charge, any  
4 delivery fee, any charge for a liability damage waiver or for other optional services  
5 agreed to by the lessee, and the applicable tax.

6           (5) PAYMENT TO ACQUIRE OWNERSHIP. The total number, total dollar amount and  
7 due date of all rental payments necessary to acquire ownership of the rental property.

8           (6) OTHER CHARGES. A statement that the total dollar amount of all rental  
9 payments necessary to acquire ownership of the rental property does not include  
10 other charges that a lessee may incur, such as application, processing or delivery  
11 charges, and late payment, reinstatement, default and pickup fees. These charges  
12 shall be separately identified in the rental-purchase agreement and the amount of  
13 each charge and fee disclosed.

14           (7) RENTAL, NOT PURCHASE. A statement that the lessee will not own the rental  
15 property until the lessee has made the total amount of payments necessary to acquire  
16 ownership or has exercised the lessee's early-purchase option.

17           (8) SUMMARY OF EARLY-PURCHASE OPTION. A statement summarizing the terms  
18 of the lessee's option to acquire ownership of the rental property, including a  
19 statement indicating that the lessee has the right to exercise an early purchase  
20 option and indicating the price, or the formula or method for determining the price,  
21 at which the rental property may be purchased under the early-purchase option.

22           (9) RESPONSIBILITY FOR THEFT OR DAMAGE. A statement that, unless otherwise  
23 agreed, the lessee is responsible for the fair market value of the rental property,  
24 determined according to the early-purchase option formula or method, if, and as of

1 the time, the rental property is stolen, damaged or destroyed while in the possession  
2 of or subject to the control of the lessee.

3 (10) SERVICE AND WARRANTY. A statement identifying the party responsible for  
4 maintaining or servicing the rental property during the term of the rent-to-own  
5 agreement, together with a description of that responsibility, and a statement that  
6 if any part of a manufacturer's express warranty covers the rental property when the  
7 lessee acquires ownership of the rental property the manufacturer's express  
8 warranty will be transferred to the lessee, if the transfer is allowed by the terms of  
9 the manufacturer's express warranty.

10 (11) TERMINATION AT OPTION OF LESSEE. A statement that the lessee may  
11 terminate the agreement at any time without penalty by voluntarily surrendering  
12 or returning the rental property in good repair along with any past-due rental  
13 payments, fees and charges.

14 (12) RIGHT TO REINSTATE. A brief explanation of the lessee's right to reinstate  
15 a rent-to-own agreement under s. 435.405.

16 (13) GENERAL NOTICE. A notice reading substantially as follows: "You are  
17 renting this property. You will not own the property until you make all of the  
18 regularly scheduled rental payments necessary to acquire ownership or until you  
19 exercise your early-purchase option. If you do not make your rental payments as  
20 scheduled or exercise your early-purchase option, the lessor may repossess the  
21 property."

22 (14) INFORMATION ABOUT RENTAL-PURCHASE COMPANY AND LESSEE. The names of  
23 the rental-purchase company and the lessee, the rental-purchase company's  
24 business address and telephone number, the lessee's address and the date on which  
25 the rent-to-own agreement is executed.

1           **435.403 Prohibited provisions of rent-to-own agreement.** A  
2 rent-to-own agreement may not contain any of the following:

3           (1) **CONFESSION.** A confession of judgment.

4           (2) **SECURITY.** A provision granting the rental-purchase company a security  
5 interest in any property except rental property delivered by the rental-purchase  
6 company pursuant to the rent-to-own agreement.

7           (3) **REPOSSESSION.** A provision authorizing a rental-purchase company or an  
8 agent of the rental-purchase company to enter the lessee's premises or to commit a  
9 breach of the peace in the repossession of rental property delivered by the  
10 rental-purchase company pursuant to the rent-to-own agreement.

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

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

17           (6) **INSURANCE.** A provision requiring the purchase of insurance from the  
18 rental-purchase company to cover the rental property.

19           **435.404 Late payment, grace period and late fees.** (1) **LATE FEE;**  
20 **GENERALLY.** If a lessee fails to make any payment when due under a rent-to-own  
21 agreement or if, at the end of any rental term, the lessee fails to return the rental  
22 property or to renew the rent-to-own agreement for an additional term, the  
23 rental-purchase company may require the lessee to pay a late fee. However, except  
24 as provided under sub. (4), this subsection does not apply if the lessee's failure to  
25 return rental property or failure to renew the rent-to-own agreement at the end of

1 the rental term is due to the lessee's exercise of an early-purchase option under the  
2 rent-to-own agreement or due to the lessee's making all payments necessary to  
3 acquire ownership of the rental property.

4 (2) GRACE PERIODS. The following grace periods shall apply to rental payments  
5 made with respect to a rental-purchase agreement:

6 (a) For an agreement that is renewed on a weekly basis, no late fee may be  
7 assessed for a payment that is made within 2 days after the date on which the  
8 scheduled payment is due.

9 (b) For an agreement that is renewed for a term that is longer than one week,  
10 no late fee may be assessed for a payment that is made within 5 days after the date  
11 on which the scheduled payment is due.

12 (3) COLLECTION, RECORDING AND LIMITATION OF LATE FEES. Late fees are subject  
13 to all of the following limitations:

14 (a) A late fee may not exceed \$5 for each past-due rental payment.

15 (b) A late fee may be collected only once on each rental payment due, regardless  
16 of how long the payment remains past due.

17 (c) Payments received shall be applied first to the payment of any rent that is  
18 due and then to late fees and any other charges.

19 (d) A late fee may be collected at the time that the late fee accrues or at any time  
20 afterward.

21 (4) EFFECT OF OUTSTANDING LATE FEE ON TRANSFER OF OWNERSHIP. A  
22 rental-purchase company may require payment of any outstanding late fees before  
23 transferring ownership of rental property to a lessee.

24 **435.405 Reinstatement of terminated rent-to-own agreement. (1)**  
25 REINSTATEMENT, GENERALLY. A lessee shall have the right to reinstate a terminated

1 rent-to-own agreement without losing any rights or options previously acquired if  
2 all of the following conditions apply:

3 (a) The lessee returned or surrendered the rental property within 5 days after  
4 the termination of the agreement.

5 (b) Not more than 21 days have passed after the date that the rental property  
6 was returned to the rental-purchase company or, if the lessee has paid two-thirds  
7 or more of the total of rental payments necessary to acquire ownership of the rental  
8 property, not more than 45 days have passed since the date that the rental property  
9 was returned to the rental-purchase company.

10 (2) AUTHORIZED CONDITIONS ON REINSTATEMENT. As a condition of reinstatement  
11 under this section, the rental-purchase company may require the payment of all  
12 past-due rental charges, any applicable late fees, a reinstatement fee not to exceed  
13 \$5, and the rental payment for an additional term.

14 (3) EFFECT OF REPOSSESSION ON REINSTATEMENT. Nothing in this section shall  
15 prevent a rental-purchase company from attempting to repossess rental property  
16 upon termination of a rent-to-own agreement, but such efforts shall not affect the  
17 lessee's right to reinstate as long as the rental property is voluntarily returned or  
18 surrendered within 5 days after the termination of the rent-to-own agreement.

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

24 **435.406 Liability waiver.** A rental-purchase company may offer a liability  
25 waiver to the lessee. The terms of the waiver must be provided to the lessee in writing

1 and the face of the writing must clearly disclose that the lessee is not required to  
2 purchase the waiver. The fee for the waiver may not exceed 10% of the periodic rental  
3 payment.

4 **435.407 Early-purchase option.** A rental-purchase company shall offer an  
5 early-purchase option to every lessee who enters into a rent-to-own agreement with  
6 the rental-purchase company. The early-purchase option shall permit the lessee to  
7 purchase the rental property for cash at any time after the initial payment. As a  
8 condition of exercising the early-purchase option, the rental-purchase company  
9 may require the lessee to be current on the lessee's rent-to-own agreement or to pay  
10 any past-due rental charges and other outstanding fees that are owed.

11 **435.408 Referral transactions. (1) PROHIBITED REFERRAL TRANSACTIONS.** No  
12 rental-purchase company may induce any individual to enter into a rent-to-own  
13 agreement by giving or offering to give a rebate or discount to the individual in  
14 consideration of the individual's giving to the rental-purchase company the names  
15 of prospective lessees if the earning of the rebate or discount is contingent upon the  
16 occurrence of any event that takes place after the time that the individual enters into  
17 the rent-to-own agreement.

18 **(2) AUTHORIZED REFERRAL TRANSACTIONS.** A rental-purchase company may give  
19 or offer to give a rebate or discount to a lessee who rents personal property from the  
20 rental-purchase company in consideration of the lessee's giving to the  
21 rental-purchase company the names of prospective lessees. A rebate or discount  
22 under this subsection may be contingent upon the occurrence of any event that takes  
23 place after the time that the names are given to the rental-purchase company.

1           **435.409 Receipts and statements.** (1) RECEIPTS DUE UPON REQUEST. Upon  
2 the request of a lessee, a rental-purchase company shall provide a written receipt  
3 to the lessee for any payment made by the lessee.

4           (2) STATEMENT DUE UPON REQUEST. Upon the request of a lessee, a  
5 rental-purchase company shall provide a written statement to the lessee showing  
6 the lessee's payment history on each rent-to-own agreement between the lessee and  
7 the rental-purchase company. A rental-purchase company is not required to  
8 provide a statement covering any rent-to-own agreement that was terminated or  
9 completed more than one year prior to the date of the lessee's request. A  
10 rental-purchase company may provide a single statement covering all rent-to-own  
11 agreements or separate statements for each rent-to-own agreement, at the  
12 rental-purchase company's option.

13           **435.501 Price cards displayed.** (1) PRICE CARDS; GENERALLY. A card or tag  
14 that clearly and conspicuously states all of the following shall be displayed on or next  
15 to any property displayed or offered by a rental-purchase company for rent under a  
16 rent-to-own agreement:

17           (a) The price of the property if purchased in cash.

18           (b) The amount of the periodic rental payment and the term over which the  
19 payment must be made.

20           (c) The total number and total amount of rental payments that must be paid  
21 in order to acquire ownership of the property under a rent-to-own agreement.

22           (d) Whether the property is new or used.

23           (2) EXCEPTIONS. If property is offered for rent under a rent-to-own agreement  
24 through a catalog or if the size of the property is such that displaying a card or tag  
25 on or next to the property would be impractical, a rental-purchase company may

1 make the disclosures required by this section in a catalog or list, if the catalog or list  
2 is readily available to prospective lessees.

3 **435.502 Advertising. (1) DISCLOSURE REQUIRED.** Except as provided under  
4 sub. (2), if an advertisement for a rent-to-own agreement refers to or states the  
5 amount of a payment for any property and the right to acquire ownership of that  
6 property, the advertisement shall also clearly and conspicuously state all of the  
7 following:

8 (a) That the transaction advertised is a rent-to-own agreement.

9 (b) The total number and total dollar amount of rental payments that must be  
10 paid to acquire ownership.

11 (c) That the lessee does not acquire ownership of the property if the total dollar  
12 amount of payments necessary to acquire ownership is not paid.

13 **(2) EXCEPTION.** Subsection (1) does not apply to any in-store display or any  
14 advertisement that is published in the yellow pages of a telephone directory or in any  
15 similar directory of businesses.

16 **(3) ADVERTISER NOT LIABLE.** An owner or agent of the medium in which an  
17 advertisement for a rent-to-own agreement appears or through which an  
18 advertisement for a rent-to-own agreement is disseminated shall not be liable for  
19 any violation of sub. (1).

20 **435.601 Default and right to cure. (1) DEFAULT; GENERALLY.** A lessee is in  
21 default under a rent-to-own agreement if any of the following applies:

22 (a) The lessee fails to return rental property within 7 days after the date that  
23 the last rental term for which a rental payment was made expires, unless the lessee  
24 has exercised an early-purchase option or has made all payments necessary to  
25 acquire ownership of the rental property.

1 (b) The lessee materially breaches any other provision of the rent-to-own  
2 agreement.

3 (2) DEFAULT; NECESSARY FOR LESSEE LIABILITY. No cause of action shall accrue  
4 against a lessee with respect to the lessee's obligations under a rent-to-own  
5 agreement except by reason of a default.

6 (3) NOTICE OF DEFAULT; GENERAL REQUIREMENT. As a condition precedent to  
7 bringing an action against a lessee arising out of the lessee's default, a  
8 rental-purchase company shall provide a written notice of the default and of the  
9 right to cure the default to the lessee. The notice shall specify the default and the  
10 action required to cure the default and shall inform the lessee that if the default is  
11 not cured within 15 days after the notice is given the rental-purchase company will  
12 have the right to bring an action against the lessee.

13 (4) NOTICE OF DEFAULT; EXCEPTION. Notwithstanding sub. (3), a rental-purchase  
14 company is not required to provide a notice of default and right to cure as a condition  
15 precedent to bringing an action against a lessee if each of the following occurred twice  
16 during the 12 months before the date of the current default with respect to the same  
17 rent-to-own agreement:

18 (a) The lessee was in default.

19 (b) The rental-purchase company gave the lessee written notice of the default  
20 and of the lessee's right to cure under sub. (3).

21 (c) The lessee cured the default.

22 (5) REQUEST FOR VOLUNTARY SURRENDER OF PROPERTY. A rental-purchase  
23 company may request the voluntary return or surrender of rental property prior to  
24 the declaration of a default and the sending of written notice of default and right to  
25 cure. A request under this subsection is subject to the requirements of s. 435.602.

1           **435.602 Rental-purchase company collection practices.** In attempting  
2 to recover possession of rental property or to collect past-due rental payments or  
3 other charges owed under a rent-to-own agreement, a rental-purchase company  
4 may not do any of the following:

5           **(1) USE OF FORCE.** Use or threaten to use force or violence to cause physical harm  
6 to the lessee or the lessee's dependents or property.

7           **(2) CRIMINAL PROSECUTION.** Threaten criminal prosecution, unless the  
8 rental-purchase company reasonably believes, in good faith, that the lessee has  
9 violated a law of this state and, as a result of the violation, is subject to penalties  
10 including a fine or imprisonment or both and the rental-purchase company intends  
11 to seek the filing of criminal charges against the lessee.

12           **(3) DISCLOSURE OF FALSE INFORMATION.** Disclose or threaten to disclose  
13 information adversely affecting the lessee's reputation for credit worthiness with  
14 knowledge or reason to know that the information is false.

15           **(4) COMMUNICATION WITH LESSEE'S EMPLOYER.** Initiate or threaten to initiate  
16 communication with the lessee's employer prior to obtaining final judgment against  
17 the lessee, except as permitted by statute, including specifically s. 422.404. This  
18 subsection does not prohibit a rental-purchase company from communicating with  
19 a lessee's employer solely to verify employment status or earnings or to determine  
20 if the employer has an established debt counseling service or procedure.

21           **(5) DISCLOSURE OF INFORMATION REGARDING A DISPUTED DEBT.** Disclose or threaten  
22 to disclose information concerning the existence of a debt known to be reasonably  
23 disputed by the lessee without disclosing the fact that the lessee disputes the debt.

24           **(6) HARASSMENT.** Communicate with the lessee or a person related to the lessee  
25 with such frequency or at such unusual hours or in such a manner as can reasonably

1 be expected to threaten or harass the lessee or engage in any other conduct which can  
2 reasonably be expected to threaten or harass the lessee or a person related to the  
3 lessee.

4 (7) USE OF OBSCENE OR THREATENING LANGUAGE. Use obscene or threatening  
5 language in communicating with the lessee or a person related to the lessee.

6 (8) USE OF THREAT TO ENFORCE FALSE RIGHT. Threaten to enforce a right with  
7 knowledge that the right does not exist.

8 (9) USE OF FALSE PROCESS. Use a communication which simulates legal or  
9 judicial process or which gives the appearance of being authorized, issued or  
10 approved by a government, government agency or attorney-at-law when it is not.

11 (10) USE OF THREAT TO SUE. Threaten to file a civil action against the lessee  
12 unless such action is taken in the regular course of business or is intended with  
13 respect to the lessee in question.

14 **435.701 Civil actions and defenses. (1) LIABILITY; GENERALLY.** Except as  
15 provided under sub. (2), a rental-purchase company that violates any provision of  
16 this chapter is liable to a lessee damaged as a result of that violation for the costs of  
17 the action and for reasonable attorney fees as determined by the court, plus an  
18 amount equal to the greater of the following:

19 (a) The actual damages, including any incidental and consequential damages,  
20 sustained by the lessee as a result of the violation.

21 (b) An amount equal to 25% of the total amount of payments due in one month  
22 under the lessee's rent-to-own agreement, except that liability under this  
23 paragraph may not be less than \$100 nor more than \$1,000.

24 (2) LIABILITY; CERTAIN VIOLATIONS. If a rent-to-own agreement violates s.  
25 435.403, the lessee shall be entitled to retain the rental property without obligation

1 to pay any amount and to recover any sums paid to the rental-purchase company  
2 pursuant to the transaction.

3 (3) CLASS ACTION. In the case of a class action, a rental-purchase company that  
4 violates this chapter is liable to the members of the class in an amount determined  
5 by the court, except that the total recovery for all lessees whose recovery is computed  
6 pursuant to sub. (1) (b) may not exceed \$100,000 plus the costs of the action and  
7 reasonable attorney fees as determined by the court. In determining the amount to  
8 award under this subsection, the court shall consider, among other relevant factors,  
9 the amount of actual damages sustained by members of the class, the frequency and  
10 persistence of violations by the rental-purchase company, the resources of the  
11 rental-purchase company, the number of persons damaged by the violation, the  
12 presence or absence of good faith on the part of the rental-purchase company, and  
13 the extent to which the violation was intentional.

14 (4) DEFENSE; ERROR NOTIFICATION AND CORRECTION. A rental-purchase company  
15 is not liable for a violation of this chapter resulting from an error by the  
16 rental-purchase company if, within 60 days after discovering the error, the  
17 rental-purchase company notifies the lessee of the error and makes any adjustments  
18 necessary to correct the error.

19 (5) DEFENSE; UNINTENTIONAL ERROR. A rental-purchase company is not liable  
20 for a violation of this chapter if the rental-purchase company shows by a  
21 preponderance of the evidence that the violation was not intentional, that the  
22 violation resulted from a bona fide error notwithstanding the maintenance of  
23 procedures reasonably adapted to avoid these errors and that the rental-purchase  
24 company has acted to correct the error. A bona fide error under this subsection

1 includes a clerical error, an error in making calculations, an error due to computer  
2 malfunction or computer programming, or a printing error.

3 (6) NECESSARY PARTIES. If more than one lessee is a party to the same  
4 rent-to-own agreement, all of the lessees that are parties to the rent-to-own  
5 agreement shall be joined as plaintiffs in any action under sub. (1) and the lessees  
6 are entitled to only a single recovery under sub. (1).

7 (7) LIABILITY FOR MULTIPLE VIOLATIONS. Multiple violations of this chapter in  
8 connection with the same rent-to-own agreement shall only entitle the lessee to a  
9 single recovery under sub. (1), except that a violation of s. 435.602 that occurs after  
10 recovery has been granted with respect to that rent-to-own agreement may entitle  
11 the lessee to an additional recovery under sub. (1).

12 **435.702 Limitation on actions.** An action brought by a lessee under this  
13 chapter shall be commenced within one year after the date on which the alleged  
14 violation occurred, 2 years after the date on which the rent-to-own agreement was  
15 entered into, or one year after the date on which the last payment was made under  
16 the rent-to-own agreement, whichever is later.”

17 \*b0767/1.5\* **976.** Page 1365, line 25: after that line insert:

18 \*b0767/1.5\* **SECTION 2841mt.** 440.08 (2) (a) 14f. of the statutes is created to  
19 read:

20 440.08 (2) (a) 14f. Athletic trainer: July 1 of each even-numbered year; \$41.”

21 \*b0762/1.1\* **977.** Page 1375, line 12: after that line insert:

22 \*b0762/1.1\* **SECTION 2922g.** 440.947 of the statutes is created to read:

23 **440.947 Disclosures and representations for certain sales.** (1) In this  
24 section:

1 (a) "Cash advance item" means personal property or a service that is obtained  
2 by a person from a 3rd party and that is paid for by the person on behalf of, and  
3 subject to reimbursement from, a buyer of a casket, outer burial container or  
4 cemetery merchandise from the person. "Cash advance item" includes cemetery or  
5 crematory services, pallbearers, public transportation, clergy honoraria, flowers,  
6 musicians or vocalists, nurses, obituary notices, gratuities and death certificates.

7 (b) "Direct cremation service" means the disposition of human remains by  
8 cremation without any formal viewing, visitation or ceremony in which the body of  
9 the deceased is present.

10 (c) "Outer burial container" has the meaning given in s. 157.061 (11g).

11 (d) "Person" does not include a person issued a funeral director's license under  
12 ch. 445 or an operator of a funeral establishment, as defined in s. 445.01 (7).

13 (2) No person may sell or offer for sale a casket, outer burial container or  
14 cemetery merchandise unless the person has provided to the buyer, prior to the sale,  
15 a price list in a clearly legible and conspicuous format that includes each of the  
16 following:

17 (a) The name, address and telephone number of the person's place of business.

18 (b) The effective date of the price list.

19 (c) The price and a description of each type of casket, outer burial container and  
20 cemetery merchandise that the person usually offers for sale without special  
21 ordering. A description required under this paragraph shall enable a buyer to  
22 identify and understand the specific casket, outer burial container or cemetery  
23 merchandise that is offered for sale.

24 (d) If the person usually offers an outer burial container for sale without special  
25 ordering, a statement that is identical to the following: "State law does not require

1 that you buy a container to surround the casket in the grave. However, many  
2 cemeteries require that you have such a container so that the grave will not sink in.  
3 Either a grave liner or a burial vault will satisfy these requirements.”

4 (e) The price and a description of any direct cremation or burial service offered  
5 by the person and, if the person offers direct cremation service, a statement that is  
6 identical to the following: “If you want to arrange a direct cremation, you can use an  
7 alternative container. Alternative containers encase the body and can be made of  
8 materials like fiberboard or composition materials (with or without an outside  
9 covering). The containers that we provide are .... [insert a description of the  
10 containers offered for direct cremation].”

11 (f) The price and a description of any service offered by the person for the use  
12 any facilities, equipment or staff related to a viewing, funeral ceremony, memorial  
13 service or graveside service.

14 (g) The amount and a description of any basic service fee that is charged in  
15 addition to any price described under pars. (c), (e) or (f).

16 (3) A person who sells a casket, outer burial container or cemetery merchandise  
17 shall, immediately after completing the sale, provide the buyer with a form in a  
18 clearly legible and conspicuous format that includes each of the following:

19 (a) The price and a description of the casket, outer burial container or cemetery  
20 merchandise.

21 (b) The price and a description of any service specified in sub. (2) (e) or (f) that  
22 is sold in addition to the casket, outer burial container or cemetery merchandise.

23 (c) The amount and a description of any basic service fee that is charged in  
24 addition to any price described under par. (a) or (b).

1 (d) A statement that the buyer may be charged only for the items that he or she  
2 has selected or that are required by law and a description and explanation of any  
3 items that he or she is required by law to purchase.

4 (e) A description of any charge for a cash advance item, including any  
5 commission, discount or rebate that the person receives for a cash advance item from  
6 the 3rd party from which the cash advance item is obtained and that the person does  
7 not pass on to the buyer.

8 (4) No person who sells a casket, outer burial container or cemetery  
9 merchandise may do any of the following:

10 (a) Provide inaccurate information regarding the information specified in sub.  
11 (2) (c), (e), (f) or (g) to a prospective buyer who contacts the person by telephone.

12 (b) Represent that state or local law requires a prospective buyer to purchase  
13 a casket for a direct cremation service.

14 (c) Misrepresent to a prospective buyer any requirement under federal, state  
15 or local law or under the rules of any cemetery, mausoleum or crematory relating to  
16 the use of a casket, outer burial container or cemetery merchandise.

17 (d) Represent that any casket, outer burial container or cemetery merchandise  
18 will delay the natural decomposition of human remains for a long or indefinite period  
19 of time.

20 (e) Require a buyer to pay an additional fee or surcharge if the buyer purchases  
21 a casket, outer burial container or cemetery merchandise from a 3rd party.

22 (f) Alter a price specified in sub. (2) (c), (e), (f) or (g) based on the type of casket,  
23 outer burial container or cemetery merchandise purchased by a buyer.

24 (5) A person who sells a casket, outer burial container or cemetery merchandise  
25 shall retain a copy of the price list specified in sub. (2) (intro.) for at least one year

1 after the date of its last distribution to a prospective buyer and shall retain a copy  
2 of each form that is provided to a buyer under sub. (3) (intro.) for at least one year  
3 after completion of a sale. A person required to retain a copy under this subsection  
4 shall make the copy available for inspection by the department upon request.

5 \*b0762/1.1\* **SECTION 2922r.** 440.95 (3) of the statutes is amended to read:

6 440.95 (3) Except as provided in subs. (1) and (2), any person who violates s.  
7 440.91 or 440.947 or any rule promulgated under s. 440.91 may be fined not more  
8 than \$1,000 or imprisoned for not more than 6 months or both.”

9 \*b0763/1.1\* **978.** Page 1375, line 20: after that line insert:

10 \*b0763/1.1\* **SECTION 2923r.** 452.12 (3) (c) of the statutes is created to read:

11 452.12 (3) (c) The department shall promulgate rules that specify the  
12 responsibility and supervision requirements under this subsection and the most  
13 appropriate means for a broker to fulfill such requirements.”

14 \*b0767/1.6\* **979.** Page 1375, line 20: after that line insert:

15 \*b0767/1.6\* **SECTION 2923t.** Subchapter VI of chapter 448 [precedes 448.95]  
16 of the statutes is created to read:

17 **CHAPTER 448**

18 **SUBCHAPTER VI**

19 **ATHLETIC TRAINERS AFFILIATED**

20 **CREDENTIALING BOARD**

21 **448.95 Definitions.** In this subchapter:

22 (1) “Affiliated credentialing board” means the athletic trainers affiliated  
23 credentialing board.

1           **(2)** “Athlete” means a person participating in vigorous activities, sports, games  
2 or recreation.

3           **(3)** “Athletic injury” means any of the following:

4           (a) An injury or illness sustained by an athlete as a result of the athlete’s  
5 participation in exercise, sports, games or recreation.

6           (b) An injury or illness that impedes or prevents an athlete from participating  
7 in exercise, sports, games or recreation.

8           **(4)** “Athletic trainer” means an individual who engages in athletic training.

9           **(5)** “Athletic training” means doing any of the following:

10           (a) Preventing, recognizing and evaluating athletic injuries.

11           (b) Managing and administering the initial treatment of athletic injuries.

12           (c) Giving emergency care or first aid for an athletic injury.

13           (d) Rehabilitating and physically reconditioning athletic injuries.

14           **(5m)** “Consulting physician” means a person licensed as a physician under  
15 subch. II who consults with an athletic trainer while the athletic trainer is engaging  
16 in athletic training.

17           **(6)** “Licensee” means a person who is licensed as an athletic trainer under this  
18 subchapter.

19           **448.951 Use of title.** Except as provided in s. 448.952, no person may  
20 designate himself or herself as an athletic trainer or use or assume the title “athletic  
21 trainer”, “licensed athletic trainer”, “certified athletic trainer” or “registered athletic  
22 trainer” or append to the person’s name any other title, letters or designation which  
23 represents or may tend to represent the person as an athletic trainer unless the  
24 person is licensed under this subchapter.

1           **448.952 Applicability.** This subchapter does not require a license under this  
2 subchapter for any of the following:

3           (1) Any person lawfully practicing within the scope of a license, permit,  
4 registration or certification granted by this state or the federal government, if the  
5 person does not represent himself or herself as an athletic trainer.

6           (2) An athletic training student practicing athletic training within the scope  
7 of the student's education or training, if he or she clearly indicates that he or she is  
8 an athletic training student.

9           (3) An athletic trainer who is in this state temporarily with an individual or  
10 group that is participating in a specific athletic event or series of athletic events and  
11 who is licensed, certified or registered by another state or country or certified as an  
12 athletic trainer by the Board of Certification of the National Athletic Trainers  
13 Association.

14           **448.9525 Duties of affiliated credentialing board.** (1) The affiliated  
15 credentialing board shall do all of the following:

16           (a) Maintain a complete list of athletic trainers licensed under this subchapter  
17 that includes the address of each person on the list.

18           (b) Provide a copy of the list maintained under par. (a) to any person who  
19 requests a copy.

20           (c) Prescribe a form for the recording of a protocol required under s. 448.956(1).

21           (d) Promulgate rules establishing the minimum amount of liability insurance  
22 or surety bonding that a licensee must have to be eligible for renewal of his or her  
23 license.

1           (2) Subject to s. 448.956 (1), (4) and (5), the affiliated credentialing board and  
2 the medical examining board shall jointly promulgate rules relating to the minimum  
3 requirements of a protocol required under s. 448.956 (1).

4           **448.953 Licensure of athletic trainers.** (1) The affiliated credentialing  
5 board shall grant an athletic trainer license to a person who does all of the following:

6           (a) Submits an application for the license to the department on a form provided  
7 by the department.

8           (b) Pays the fee specified in s. 440.05 (1).

9           (c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory  
10 to the affiliated credentialing board that he or she does not have an arrest or  
11 conviction record.

12           (d) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory  
13 to the affiliated credentialing board that he or she does not have a history of alcohol  
14 or other drug abuse.

15           (e) Submits evidence satisfactory to the affiliated credentialing board that he  
16 or she has received at least a bachelor's degree from an accredited college or  
17 university.

18           (f) Submits evidence satisfactory to the affiliated credentialing board that he  
19 or she has met the requirements for certification established by the National Athletic  
20 Trainers Association Board of Certification and has passed the certification  
21 examination administered by the National Athletic Trainers Association Board of  
22 Certification.

23           (g) Provides all of the following information:

1           1. A statement as to whether the person has been granted an athletic trainer  
2 credential from any licensing jurisdiction in the United States or in any foreign  
3 country.

4           2. If the person has been granted an athletic trainer credential from any  
5 licensing jurisdiction in the United States or in any foreign country, a description of  
6 any disciplinary actions initiated against the person by the licensing jurisdiction  
7 that issued the credential.

8           3. A statement as to whether the person has ever applied for an athletic trainer  
9 credential from any licensing jurisdiction in the United States or in any foreign  
10 country and had the application denied, along with a description of why the  
11 credential application was denied.

12           (h) Passes an examination under s. 448.954.

13           (2) The affiliated credentialing board may waive the requirements under sub.  
14 (1) (c) to (h) for an applicant for a license under sub. (1) who establishes to the  
15 satisfaction of the affiliated credentialing board all of the following:

16           (a) That he or she has been issued a credential as an athletic trainer by another  
17 licensing jurisdiction in the United States.

18           (b) That the jurisdiction that issued the credential under par. (a) has  
19 requirements for credentialing that are substantially equivalent to the  
20 requirements under sub. (1) (c) to (h).

21           (3) (a) The affiliated credentialing board shall issue a temporary license to a  
22 person who satisfies the requirements under sub. (1) (a) and (c) to (g) and who pays  
23 the fee specified in s. 440.05 (6). The temporary license is valid for one year and may  
24 not be renewed.

1 (b) If a person who is issued a temporary license under par. (a) submits, before  
2 the temporary license expires, evidence satisfactory to the affiliated credentialing  
3 board that he or she has passed the examination required under s. 448.954, the  
4 affiliated credentialing board shall issue the person a license under sub. (1).

5 (4) (a) The affiliated credentialing board shall issue a temporary license to a  
6 person who satisfies the requirements under sub. (1) (a), (c) to (e) and (g), pays the  
7 fee specified in s. 440.05 (6) and submits evidence satisfactory to the affiliated  
8 credentialing board that he or she has engaged in athletic training during each of the  
9 12 consecutive months immediately preceding the effective date of this paragraph  
10 .... [revisor inserts date]. The temporary license is valid for 2 years and shall be  
11 renewed once if a license holder submits evidence satisfactory to the affiliated  
12 credentialing board at the time of renewal that he or she has made significant  
13 progress toward satisfying the requirement under sub. (1) (f).

14 (b) If a person who is issued a temporary license under par. (a) satisfies the  
15 requirements under sub. (1) (f) and (h) before the temporary license expires, the  
16 affiliated credentialing board shall issue the person a license under  
17 sub. (1).

18 (5) An application form for a license under this section shall include all of the  
19 following:

20 (a) An affirmation by the applicant that the information that he or she is  
21 supplying on the application is true and complete.

22 (b) A statement that the applicant authorizes the affiliated credentialing board  
23 to have access to any of the following:

24 1. The applicant's records at the college or university at which he or she  
25 received the bachelor's degree required under sub. (1) (e).

1           2. The records of any credentialing authority in any licensing jurisdiction in the  
2 United States or in any foreign country that has granted the applicant a credential  
3 in athletic training.

4           **448.954 Examination.** (1) The affiliated credentialing board shall conduct  
5 or arrange for examinations for athletic trainer licensure at least semiannually and  
6 at times and places determined by the affiliated credentialing board. Examinations  
7 shall consist of written or oral tests, or both, requiring applicants to demonstrate  
8 minimum competency in subjects substantially related to athletic training.

9           (2) In lieu of an examination under sub. (1), the affiliated credentialing board  
10 may accept the results of an examination administered by the National Athletic  
11 Trainers Association Board of Certification.

12           **448.9545 Continuing education.** (1) (a) To be eligible for renewal of a license  
13 issued under s. 448.953 (1) or (2), a licensee shall, during the 2-year period  
14 immediately preceding the renewal date specified under s. 440.08 (2) (a), complete  
15 not less than 30 credit hours of continuing education in courses of study approved by  
16 the affiliated credentialing board.

17           (b) No more than 10 credit hours of the continuing education required under  
18 par. (a) may be on any of the following subject areas or combination of subject areas:

- 19           1. Management.
- 20           2. Risk management.
- 21           3. Personal growth.
- 22           4. Educational techniques.

23           (2) The affiliated credentialing board may approve any of the following courses  
24 for continuing education credit:

1 (a) A course that has been approved for continuing education credit by the  
2 National Athletic Trainers Association Board of Certification.

3 (b) Any course that satisfies all of the following:

4 1. The course is directly related to the practice of athletic training or sports  
5 medicine and lasts at least one hour.

6 2. Each member of the course faculty has expertise in the subject area of the  
7 course because he or she has received a degree from an accredited college or  
8 university relating to the subject area, has experience or special training in the  
9 subject area covered by the course or has previously taught the subject area covered  
10 by the course.

11 3. The course has specific written objectives describing the goals of the course  
12 for the participants.

13 4. The sponsor of the course keeps attendance records for the course and retains  
14 copies of those records for at least 4 years after the date of the course.

15 **448.955 Issuance of license; expiration and renewal.** (1) The renewal  
16 dates for licenses granted under this subchapter, other than temporary licenses  
17 granted under s. 448.953 (3) or (4), are specified under s. 440.08 (2) (a).

18 (2) Renewal applications shall be submitted to the department on a form  
19 provided, subject to sub. (3), by the department and shall include the renewal fee  
20 specified in s. 440.08 (2) (a) and evidence satisfactory to the affiliated credentialing  
21 board that the licensee has all of the following:

22 (a) Completed, during the 2-year period immediately preceding the renewal  
23 date specified in s. 440.08 (2) (a), the continuing education requirements specified  
24 in s. 448.9545.

25 (b) Current certification in cardiopulmonary resuscitation.

1 (c) Liability insurance or a surety bond in at least the minimum amount  
2 required by the rules promulgated under s. 448.9525 (1) (d).

3 (3) A renewal application form for renewal of a license issued under this  
4 subchapter shall include all of the following:

5 (a) A place for the licensee to describe his or her work history, including the  
6 average number of hours worked each week, for the 2-year period immediately  
7 preceding the renewal date specified in s. 440.08 (2) (a).

8 (c) A statement, signed by the licensee and the licensee's consulting physician,  
9 that a current copy of the protocol required under s. 448.956 (1) is on file at the place  
10 of employment of the athletic trainer and of the consulting physician.

11 **448.956 Practice requirements.** (1) (a) A licensee may engage in athletic  
12 training only in accordance with an evaluation and treatment protocol that is  
13 established by the athletic trainer and approved by the consulting physician in  
14 accordance with the rules promulgated under s. 448.9525 (2) and recorded on a  
15 protocol form prescribed by the affiliated credentialing board under s. 448.9525 (1)

16 (c).

17 (am) A protocol established under par. (a) shall require an athletic trainer to  
18 notify the consulting physician as soon as possible if a person being treated by the  
19 athletic trainer sustains new injuries.

20 (b) A licensee shall have a copy of the protocol established under par. (a) at his  
21 or her place of employment at all times.

22 (c) A protocol established under par. (a) shall be updated no later than 30 days  
23 before the date specified in s. 440.08 (2) (a) 14f.

24 (2) In addition to engaging in athletic training under a protocol established  
25 under sub. (1), a licensee may do any of the following:

1           (a) Monitor the general behavior and general physical response of a person to  
2 treatment and rehabilitation, including monitoring whether the person's behavior  
3 or response show abnormal characteristics and monitoring whether the person  
4 exhibits abnormal signs or symptoms.

5           (b) Suggest modifications in treatment or rehabilitation of an injured person  
6 to the consulting physician or any other health care provider who is providing  
7 treatment to the person.

8           (c) Develop and administer an athletic training program for a person. An  
9 athletic training program under this paragraph may include providing education  
10 and counseling to a person.

11           **(3)** When working on behalf of his or her primary employer, a licensee may, in  
12 accordance with a protocol established under sub. (1) (a), do all of the following:

13           (a) Treat and rehabilitate an athletic injury using cold, heat, light, sound,  
14 electricity, exercise, chemicals or mechanical devices.

15           (b) Evaluate and treat a person for an athletic injury that has not previously  
16 been diagnosed.

17           (c) Treat or rehabilitate an employe of the primary employer with an injury that  
18 is identical to an athletic injury and that has resulted from an occupational activity  
19 as directed, supervised and inspected by a physician, as defined in s. 448.01 (5), or  
20 by a person licensed under s. 446.02, who has the power to direct, decide and oversee  
21 the implementation of the treatment or rehabilitation.

22           **(4)** If a licensee or the consulting physician of the licensee determines that a  
23 patient's medical condition is beyond the scope of practice of the licensee, the licensee  
24 shall, in accordance with the protocol established under sub. (1) (a), refer the patient

1 to a health care practitioner who is licensed under ch. 446 or 447 or subch. II, III or  
2 IV of ch. 448 and who can provide appropriate treatment to the patient.

3 (5) A licensee shall modify or terminate treatment of a patient that is not  
4 beneficial to a patient or that the patient cannot tolerate.

5 **448.957 Disciplinary proceedings and actions.** (1) Subject to the rules  
6 promulgated under s. 440.03 (1), the affiliated credentialing board may make  
7 investigations and conduct hearings to determine whether a violation of this  
8 subchapter or any rule promulgated under this subchapter has occurred.

9 (2) Subject to the rules promulgated under s. 440.03 (1), the affiliated  
10 credentialing board may reprimand a licensee or may deny, limit, suspend or revoke  
11 a license granted under this subchapter if it finds that the applicant or licensee has  
12 done any of the following:

13 (a) Made a material misstatement in an application for a license or for renewal  
14 of a license.

15 (b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an offense the  
16 circumstances of which substantially relate to the practice of athletic training.

17 (c) Advertised in a manner that is false, deceptive or misleading.

18 (d) Advertised, practiced or attempted to practice under another's name.

19 (e) Subject to ss. 111.321, 111.322 and 111.34, practiced athletic training while  
20 the applicant's or licensee's ability to practice was impaired by alcohol or other drugs.

21 (f) Engaged in unprofessional or unethical conduct.

22 (g) Engaged in conduct while practicing athletic training that evidences a lack  
23 of knowledge or ability to apply professional principles or skills.

24 (h) Failed to cooperate with the affiliated credentialing board in an  
25 investigation under this section.

1 (i) Aided another person in violating this subchapter or any rule promulgated  
2 under this subchapter.

3 (j) Violated this subchapter or any rule promulgated under this subchapter.

4 (3) In addition to or in lieu of the penalties provided under sub. (2), the  
5 affiliated credentialing board may assess against an applicant or licensee a forfeiture  
6 of not more than \$10,000 for each violation specified under sub. (2).

7 **448.958 Injunctive relief.** If the affiliated credentialing board has reason to  
8 believe that any person is violating this subchapter or any rule promulgated under  
9 this subchapter, the affiliated credentialing board, the department, the attorney  
10 general or the district attorney of the proper county may investigate and may, in  
11 addition to any other remedies, bring an action in the name and on behalf of this state  
12 to enjoin the person from the violation.

13 **448.959 Penalties.** Any person who violates this subchapter or any rule  
14 promulgated under this subchapter may be fined not more than \$10,000 or  
15 imprisoned for not more than 9 months or both.

16 **\*b0767/1.6\* SECTION 2923v.** 450.10 (3) (a) 5q. of the statutes is created to read:  
17 450.10 (3) (a) 5q. An athletic trainer licensed under subch. VI of ch. 448.”.

18 **\*b1282/2.7\* 980.** Page 1375, line 20: after that line insert:

19 **\*b1282/2.7\* “SECTION 2923mm.** 445.125 (1) (a) 2. of the statutes is amended  
20 to read:

21 445.125 (1) (a) 2. Notwithstanding s. 701.12 (1), such agreements may be made  
22 irrevocable as to the first ~~\$2,000~~ \$2,500 of the funds paid under the agreement by  
23 each depositor.”.

1           **\*b1282/2.7\* SECTION 2923mn.** 445.125 (1) (a) 2. of the statutes, as affected by  
2 1999 Wisconsin Act .... (this act), is amended to read:

3           445.125 (1) (a) 2. Notwithstanding s. 701.12 (1), such agreements may be made  
4 irrevocable as to the first ~~\$2,500~~ \$3,000 of the funds paid under the agreement by  
5 each depositor.”.

6           **\*b0710/3.3\* 981.** Page 1376, line 21: after that line insert:

7           **\*b0710/3.3\* “SECTION 2929c.** 560.01 (2) (a) of the statutes is amended to read:

8           560.01 (2) (a) *State economic policy.* The department shall develop a state  
9 economic policy. The department shall promote and provide technical assistance,  
10 consultative services and other assistance to commercial, industrial and recreational  
11 development and expansion; facilitate the establishment and retention of business  
12 enterprises in this state, including small and minority business enterprises;  
13 encourage cooperation between financial institutions and business persons to  
14 encourage commercial, industrial and recreational business expansion in this state;  
15 encourage creation of jobs throughout the state and especially in urban and rural  
16 economically depressed areas; develop and coordinate state public and private  
17 economic development plans and federal economic development assistance  
18 programs affecting local governments and business and industry; advise, assist and  
19 cooperate with the biotechnology development finance company under s. 234.64;  
20 encourage the growth of tourism in the state; promote state products and industries  
21 in both foreign and domestic markets; provide informational clearinghouses for  
22 businesses and communities in their dealings with other state and federal agencies;  
23 advise the governor and legislature on the role of the state in state–local affairs;  
24 study the problems affecting local government relations as they impact on economic

1 development and make recommendations for relieving these problems; develop a  
2 state–local relations policy to facilitate closer coordination and cooperation between  
3 state and local governments; advise the governor and the legislature regarding  
4 problems faced by local governments; develop an improved pattern of state–local  
5 relations; and develop recommendations for legislative or administrative action as  
6 may appear necessary.”.

7 \*b0730/1.12\* **982.** Page 1376, line 21: after that line insert:

8 \*b0730/1.12\* “SECTION 2927a. 552.23 (1) of the statutes is amended to read:  
9 552.23 (1) If the target company is an insurance company subject to regulation  
10 by the commissioner of insurance, a banking corporation subject to regulation by the  
11 division of banking, a savings bank or savings and loan association subject to  
12 regulation by the division of savings and loan institutions, or a company subject to  
13 regulation by the public service commission, the department of transportation or the  
14 office of the commissioner of railroads, the division of securities shall promptly  
15 furnish a copy of the registration statement filed under this chapter to the regulatory  
16 agency having supervision of the target company. Any hearing under this chapter  
17 involving any such target company shall be held jointly with the regulatory agency  
18 having supervision, and any determination following the hearing shall be made  
19 jointly with that regulatory agency.”.

20 \*b1141/2.22\* **983.** Page 1378, line 12: after that line insert:

21 \*b1141/2.22\* “SECTION 2937p. 560.12 (1) (ae) of the statutes is amended to  
22 read:

23 560.12 (1) (ae) “Recyclable material” means a material identified in s. 287.07  
24 (3), 1997 stats., or s. 287.07 (4), 1997 stats., that is recovered from solid waste.”.