

1 **SECTION 267kz.** 100.52 (1) (bn) of the statutes is created to read:

2 100.52 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the
3 department of justice.”.

4 **438.** Page 156, line 9: after that line insert:

5 “**SECTION 267n.** 101.03 of the statutes is amended to read:

6 **101.03 Testimonial powers of secretary and deputy.** The secretary ~~or any~~
7 ~~deputy secretary~~ may certify to official acts, and take testimony.”.

8 **439.** Page 156, line 20: after that line insert:

9 “**SECTION 269m.** 101.175 (3) (intro.) of the statutes is amended to read:

10 101.175 (3) (intro.) The department, in consultation with the department of
11 ~~agriculture, trade and consumer protection~~ justice, shall establish by rule quality
12 standards for local energy resource systems which do not impede development of
13 innovative systems but which do.”.

14 **440.** Page 157, line 22: after that line insert:

15 “**SECTION 274h.** 103.67 (1) of the statutes is amended to read:

16 103.67 (1) A minor 14 to 18 years of age ~~shall~~ may not be employed or permitted
17 to work in any gainful occupation during the hours that the minor is required to
18 attend school under s. 118.15 unless the minor has completed high school, except that
19 any minor may be employed in a public exhibitions exhibition as provided in s. 103.78
20 and a minor 16 years of age or over may be employed as an election inspector as
21 provided in s. 7.30 (2) (am).

22 **SECTION 274j.** 103.68 (1) of the statutes is amended to read:

23 103.68 (1) No minor shall be employed or permitted to work at any gainful
24 occupation other than domestic service ~~or~~, farm labor, or service as an election

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1 inspector under s. 7.30 (2) (am) for more than 8 hours in any one day nor more than
2 40 hours nor more than 6 days in any one week, nor during such hours as the minor
3 is required under s. 118.15 (2) to attend school.

4 **SECTION 274L.** 103.70 (2) of the statutes is amended to read:

5 103.70 (2) Minors may be employed without permits in any employment
6 limited to work in or around a home in work usual to the home of the employer, if the
7 employment is not in connection with or a part of the business, trade, or profession
8 of the employer, is in accordance with the minimum age stated in s. 103.67 (2) ~~(e)~~ (f),
9 and is not specifically prohibited by ss. 103.64 to 103.82 or by any order of the
10 department. Minors may also be employed without permits as election inspectors
11 as provided in s. 7.30 (2) (am).”

12 **441.** Page 157, line 22: after that line insert:

13 **“SECTION 274m.** 106.50 (5m) (d) of the statutes is amended to read:

14 106.50 (5m) (d) Nothing in this section requires that housing be made available
15 to an individual whose tenancy would constitute a direct threat to the safety of other
16 tenants or persons employed on the property or whose tenancy would result in
17 substantial physical damage to the property of others, if the risk of direct threat or
18 damage cannot be eliminated or sufficiently reduced through reasonable
19 accommodations. A claim that an individual’s tenancy poses a direct threat or a
20 substantial risk of harm or damage must be evidenced by behavior by the individual
21 ~~which that~~ caused harm or damage, ~~which that~~ directly threatened harm or damage,
22 or ~~which that~~ caused a reasonable fear of harm or damage to other tenants, persons
23 employed on the property, or the property. No claim that an individual’s tenancy
24 would constitute a direct threat to the safety of other persons or would result in

1 substantial damage to property may be based on the fact that a tenant has been or
2 may be the victim of domestic abuse, as defined in s. 813.12 (1) ~~(a)~~ (am).”.

3 **442.** Page 157, line 22: after that line insert:

4 **SECTION 274c.** 103.49 (5) (a) of the statutes is amended to read:

5 103.49 (5) (a) Each contractor, subcontractor, or contractor's or subcontractor's
6 agent performing work on a project that is subject to this section shall keep full and
7 accurate records clearly indicating the name and trade or occupation of every person
8 performing the work described in sub. (2m) and an accurate record of the number of
9 hours worked by each of those persons and the actual wages paid for the hours
10 worked. If requested by any person, a contractor, subcontractor, or contractor's or
11 subcontractor's agent performing work on a project that is subject to this section
12 shall permit that person to inspect and copy any of those records to the same extent
13 as if the record were maintained by the department, except that s. 19.36 (3) does not
14 limit the duty of a subcontractor or a contractor's or subcontractor's agent to permit
15 inspection and copying of a record under this paragraph. Before permitting the
16 inspection and copying of a record under this paragraph, a contractor, subcontractor,
17 or contractor's or subcontractor's agent shall delete from the record any personally
18 identifiable information, as defined in s. 19.62 (5), contained in the record about any
19 person performing the work described in sub. (2m) other than the trade or occupation
20 of the person, the number of hours worked by the person, and the actual wages paid
21 for those hours worked.

22 **SECTION 274cd.** 103.49 (6m) (a) of the statutes is renumbered 103.49 (6m) (ar).

23 **SECTION 274cf.** 103.49 (6m) (ag) of the statutes is created to read:

1 103.49 (6m) (ag) Any contractor, subcontractor, or contractor's or
2 subcontractor's agent who fails to pay the prevailing wage rate determined by the
3 department under sub. (3) or who pays less than 1.5 times the hourly basic rate of
4 pay for all hours worked in excess of the prevailing hours of labor is liable to any
5 affected employee in the amount of the employee's unpaid wages or unpaid overtime
6 compensation. An employee may recover that liability by filing a wage claim with
7 the department under s. 109.09 (1) or by commencing an action under s. 109.03 (5)
8 in any court of competent jurisdiction, for and in behalf of that employee and other
9 employees similarly situated. No employee may be a party plaintiff to an action
10 commenced under s. 109.03 (5) unless the employee consents in writing to become
11 a party and the consent is filed in the court in which the action is brought.
12 Notwithstanding s. 814.04 (1), the court shall, in addition to any judgment awarded
13 to the plaintiff, allow reasonable attorney fees and costs to be paid by the defendant.

14 **SECTION 274ch.** 103.49 (6m) (f) of the statutes is amended to read:

15 103.49 (6m) (f) Paragraph ~~(a)~~ (ar) does not apply to any person who fails to
16 provide any information to the department to assist the department in determining
17 prevailing wage rates under sub. (3) (a) or (am).

18 **SECTION 274cj.** 103.50 (6m) of the statutes is created to read:

19 103.50 (6m) RECORDS; INSPECTION. Each contractor, subcontractor, or
20 contractor's or subcontractor's agent performing work on a project that is subject to
21 this section shall keep full and accurate records clearly indicating the name and
22 trade or occupation of every person performing the work described in sub. (2m) and
23 an accurate record of the number of hours worked by each of those persons and the
24 actual wages paid for the hours worked. If requested by any person, a contractor,
25 subcontractor, or contractor's or subcontractor's agent performing work on a project

1 that is subject to this section shall permit that person to inspect and copy any of those
2 records to the same extent as if the record were maintained by the department,
3 except that s. 19.36 (3) does not limit the duty of a subcontractor or a contractor's or
4 subcontractor's agent to permit inspection and copying of a record under this
5 subsection. Before permitting the inspection and copying of a record under this
6 subsection, a contractor, subcontractor, or contractor's or subcontractor's agent shall
7 delete from the record any personally identifiable information, as defined in s. 19.62
8 (5), contained in the record about any person performing the work described in sub.
9 (2m) other than the trade or occupation of the person, the number of hours worked
10 by the person, and the actual wages paid for those hours worked.

11 **SECTION 274cm.** 103.50 (7) (a) of the statutes is renumbered 103.50 (7) (ar).

12 **SECTION 274cn.** 103.50 (7) (ag) of the statutes is created to read:

13 103.50 (7) (ag) Any contractor, subcontractor, or contractor's or subcontractor's
14 agent who fails to pay the prevailing wage rate determined under sub. (3) or (4) or
15 who pays less than 1.5 times the hourly basic rate of pay for all hours worked in
16 excess of the prevailing hours of labor is liable to any affected employee in the amount
17 of the employee's unpaid wages or unpaid overtime compensation. An employee may
18 recover that liability by filing a wage claim with the department of transportation
19 under par. (am) or by commencing an action under s. 109.03 (5) in any court of
20 competent jurisdiction, for and in behalf of that employee and other employees
21 similarly situated. No employee may be a party plaintiff to an action commenced
22 under s. 109.03 (5) unless the employee consents in writing to become a party and
23 the consent is filed in the court in which the action is brought. Notwithstanding s.
24 814.04 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow
25 reasonable attorney fees and costs to be paid by the defendant.

1 **SECTION 274cp.** 103.50 (7) (am) of the statutes is created to read:

2 103.50 (7) (am) An employee may also recover the liability specified in par. (ag)
3 by filing a wage claim with the department of transportation for and in behalf of that
4 employee and other employees similarly situated. On receipt of a wage claim filed
5 under this paragraph, the department of transportation shall investigate the wage
6 claim and, on completion of the investigation, may sue the employer on behalf of the
7 employee to collect the wage claim or refer the wage claim to the district attorney of
8 the county in which the work is located for prosecution and collection. If the
9 department of transportation decides not to sue the employer to collect the wage
10 claim or refer the wage claim to the district attorney, the department of
11 transportation shall refer the wage claim to the department of justice for prosecution
12 and collection. On receipt of a wage claim, a district attorney or the department of
13 justice shall investigate as necessary and, if the wage claim appears to be valid,
14 commence an action in the circuit court having appropriate jurisdiction to collect the
15 wage claim. The department of transportation may receive and investigate a wage
16 claim under this paragraph that is filed no later than 2 years after the date on which
17 the unpaid wages or unpaid overtime compensation was due. After receiving a wage
18 claim under this paragraph, the department of transportation may investigate any
19 unpaid wages or unpaid overtime compensation due from the contractor,
20 subcontractor, or agent against whom the wage claim was filed to any employee
21 during the period commencing 2 years before the date on which the wage claim was
22 filed.

23 **SECTION 274cr.** 103.50 (7) (f) of the statutes is amended to read:

1 103.50 (7) (f) Paragraph ~~(a)~~ (ar) does not apply to any person who fails to
2 provide any information to the department to assist the department in determining
3 prevailing wage rates under sub. (3) or (4).

4 **SECTION 274ct.** 103.50 (8) of the statutes is amended to read:

5 103.50 (8) ENFORCEMENT AND PROSECUTION. The department of transportation
6 shall require adherence to subs. (2), (2m), and (6). The department of transportation
7 may demand and examine, and every contractor, subcontractor, and contractor's or
8 subcontractor's agent shall keep and furnish, upon request by the department of
9 transportation, copies of payrolls and other records and information relating to
10 compliance with this section. ~~Upon request of the department of transportation or~~
11 ~~upon complaint of alleged violation, the district attorney of the county in which the~~
12 ~~work is located shall investigate as necessary and prosecute violations in a court of~~
13 ~~competent jurisdiction.~~ Section 111.322 (2m) applies to discharge and other
14 discriminatory acts arising in connection with any proceeding under this section.”.

15 **443.** Page 157, line 22: after that line insert:

16 **“SECTION 274b.** 103.005 (16) of the statutes is amended to read:

17 103.005 (16) Each of the commissioners, or the secretary ~~or any deputy~~
18 ~~secretary~~ may certify to official acts, and take testimony.”.

19 **444.** Page 158, line 11: after that line insert:

20 **“SECTION 276h.** 109.03 (5) of the statutes is amended to read:

21 109.03 (5) ENFORCEMENT. Except as provided in sub. (1), no employer may by
22 special contract with employees or by any other means secure exemption from this
23 section. Each employee shall have a right of action against any employer for the full
24 amount of the employee's wages due on each regular pay day as provided in this

1 section and for increased wages as provided in s. 109.11 (2), in any court of competent
2 jurisdiction. An employee may bring an action against an employer under this
3 subsection without first filing a wage claim with the department of workforce
4 development under s. 109.09 (1) or with the department of transportation under s.
5 103.50 (7) (am). An employee who brings an action against an employer under this
6 subsection shall have a lien upon all property of the employer, real or personal,
7 located in this state as described in s. 109.09 (2).

8 **SECTION 276j.** 109.09 (1) of the statutes is amended to read:

9 109.09 (1) The department shall investigate and attempt equitably to adjust
10 controversies between employers and employees as to alleged wage claims. The
11 department may receive and investigate any wage claim ~~which~~ that is filed with the
12 department, or received by the department under s. 109.10 (4), no later than 2 years
13 after the date the wages are due. The department may, after receiving a wage claim,
14 investigate any wages due from the employer against whom the claim is filed to any
15 employee during the period commencing 2 years before the date the claim is filed.
16 The department shall enforce this chapter and ss. 66.0903, 103.02, 103.32, 103.49,
17 103.82, 104.12, and 229.8275. In pursuance of this duty, the department may sue the
18 employer on behalf of the employee to collect any wage claim or wage deficiency, and
19 ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except for actions
20 under s. 109.10, the department may refer such an action to the district attorney of
21 the county in which the violation occurs for prosecution and collection, and the
22 district attorney shall investigate as necessary and, if the wage claim or wage
23 deficiency appears to be valid, commence an action in the circuit court having
24 appropriate jurisdiction to collect the wage claim or wage deficiency. If the
25 department decides not to sue the employer to collect a wage claim or wage deficiency

1 arising under s. 66.0903 or 103.49 or refer such a wage claim or wage deficiency to
2 the district attorney, the department shall refer the wage claim or wage deficiency
3 to the department of justice, and the department of justice shall investigate as
4 necessary and, if the wage claim or wage deficiency appears to be valid, commence
5 an action in the circuit court having appropriate jurisdiction to collect the wage claim
6 or wage deficiency. Any number of wage claims or wage deficiencies against the same
7 employer may be joined in a single proceeding, but the court may order separate
8 trials or hearings. In actions that are referred to a district attorney under this
9 subsection, any taxable costs recovered by the district attorney shall be paid into the
10 general fund of the county in which the violation occurs and used by that county to
11 meet its financial responsibility under s. 978.13 (2) for the operation of the office of
12 the district attorney who prosecuted the action.”.

13 **445.** Page 158, line 22: after that line insert:

14 “SECTION 276p. 109.11 (1) (c) of the statutes is amended to read:

15 109.11 (1) (c) If an employer does not agree to compromise and settle a wage
16 claim under this subsection, the department may refer the wage claim to a district
17 attorney under s. 109.09 (1) or to the department of justice under s. 109.09 (1) or
18 109.10 (3) for commencement of an action in circuit court to collect the amount of
19 wages due and unpaid plus increased wages as specified in sub. (2) (b).”.

20 **446.** Page 159, line 3: after that line insert:

21 “SECTION 277gm. 111.91 (2) (n) of the statutes is amended to read:

22 111.91 (2) (n) The provision to employees of the health insurance coverage
23 required under s. 632.895 (11) to ~~(14)~~ (15).

24 SECTION 277hm. 111.91 (2) (qm) of the statutes is created to read:

1 111.91 (2) (qm) The requirements under s. 632.89 related to coverage of
2 treatment for nervous and mental disorders and alcoholism and other drug abuse
3 problems.”.

4 **447.** Page 159, line 3: after that line insert:

5 **“SECTION 277b.** 111.70 (1) (a) of the statutes is amended to read:

6 111.70 (1) (a) “Collective bargaining” means the performance of the mutual
7 obligation of a municipal employer, through its officers and agents, and the
8 representative of its municipal employees in a collective bargaining unit, to meet and
9 confer at reasonable times, in good faith, with the intention of reaching an
10 agreement, or to resolve questions arising under such an agreement, with respect to
11 wages, hours, and conditions of employment, and with respect to a requirement of
12 the municipal employer for a municipal employee to perform law enforcement and
13 fire fighting services under s. 61.66, and for a school district with respect to any
14 matter under sub. (4) (n), except as provided in sub. (4) (m) and s. 40.81 (3) and except
15 that a municipal employer shall not meet and confer with respect to any proposal to
16 diminish or abridge the rights guaranteed to municipal employees under ch. 164.
17 The duty to bargain, however, does not compel either party to agree to a proposal or
18 require the making of a concession. Collective bargaining includes the reduction of
19 any agreement reached to a written and signed document. The municipal employer
20 shall not be required to bargain on subjects reserved to management and direction
21 of the governmental unit except insofar as the manner of exercise of such functions
22 affects the wages, hours, and conditions of employment of the municipal employees
23 in a collective bargaining unit. In creating this subchapter the legislature recognizes
24 that the municipal employer must exercise its powers and responsibilities to act for

1 the government and good order of the jurisdiction which it serves, its commercial
2 benefit, and the health, safety, and welfare of the public to assure orderly operations
3 and functions within its jurisdiction, subject to those rights secured to municipal
4 employees by the constitutions of this state and of the United States and by this
5 subchapter.

6 **SECTION 277e.** 111.70 (4) (n) of the statutes is created to read:

7 111.70 (4) (n) *Mandatory subjects of bargaining.* In a school district, in addition
8 to any subject of bargaining on which the municipal employer is required to bargain
9 under sub. (1) (a), the municipal employer is required to bargain collectively with
10 respect to:

11 1. Time spent during the school day, separate from pupil contact time, to
12 prepare lessons, labs, or educational materials, to confer or collaborate with other
13 staff, or to complete administrative duties.

14 2. Time spent to perform the duties required of an individualized education
15 program team under s. 115.78 (2).”.

16 **448.** Page 159, line 3: after that line insert:

17 “**SECTION 277c.** 111.70 (1) (nc) 1. d. of the statutes is created to read:

18 111.70 (1) (nc) 1. d. A proposal to maintain all conditions of employment as the
19 conditions existed on the 90th day prior to the expiration of the previous collective
20 bargaining agreement between the parties or the 90th day prior to commencement
21 of negotiations if there is no previous collective bargaining agreement between the
22 parties.

23 **SECTION 277cm.** 111.70 (1) (nc) 1. e. of the statutes is created to read:

1 111.70 (1) (nc) 1. e. A proposal to maintain any provision relating to a subject
2 of collective bargaining on which the municipal employer was not required to bargain
3 that existed in the previous collective bargaining agreement between the parties or
4 that existed on the 90th day prior to the expiration of the previous collective
5 bargaining agreement between the parties.

6 **SECTION 277cp.** 111.70 (4) (cm) 5s. of the statutes is amended to read:

7 111.70 (4) (cm) 5s. 'Issues subject to arbitration.' In a collective bargaining unit
8 consisting of school district professional employees, the municipal employer or the
9 labor organization may petition the commission to determine whether the municipal
10 employer has submitted a timely qualified economic offer. The commission shall
11 appoint an investigator for that purpose. If the investigator, using the methodology
12 prescribed under subd. 8t., finds that the municipal employer has submitted a timely
13 qualified economic offer, the investigator shall determine whether a deadlock exists
14 between the parties with respect to all economic issues. If the municipal employer
15 submits a timely qualified economic offer applicable to any period beginning on or
16 after July 1, 1993, no economic issues are subject to interest arbitration under subd.
17 6. for that period, except that only the impact of contracting out or subcontracting
18 work that would otherwise be performed by municipal employees in the collective
19 bargaining unit is subject to interest arbitration under subd. 6. In such a collective
20 bargaining unit, economic issues concerning the wages, hours or conditions of
21 employment of the school district professional employees in the unit for any period
22 prior to July 1, 1993, are subject to interest arbitration under subd. 6. for that period.
23 In such a collective bargaining unit, noneconomic issues applicable to any period on
24 or after July 1, 1993, are subject to interest arbitration after the parties have
25 reached agreement and stipulate to agreement on all economic issues concerning the

1 wages, hours or conditions of employment of the school district professional
2 employees in the unit for that period. In such a collective bargaining unit, if the
3 commission's investigator finds that the municipal employer has submitted a timely
4 qualified economic offer and that a deadlock exists between the parties with respect
5 to all economic issues, the municipal employer may implement the qualified
6 economic offer. On the 90th day prior to expiration of the period included within the
7 qualified economic offer, if no agreement exists on that day, the parties are deemed
8 to have stipulated to the inclusion in a new or revised collective bargaining
9 agreement of all provisions of any predecessor collective bargaining agreement
10 concerning economic issues, or of all provisions of any existing collective bargaining
11 agreement concerning economic issues if the parties have reopened negotiations
12 under an existing agreement, as modified by the terms of the qualified economic offer
13 and as otherwise modified by the parties. In such a collective bargaining unit, on and
14 after that 90th day, a municipal employer that refuses to bargain collectively with
15 respect to the terms of that stipulation, applicable to the 90-day period prior to
16 expiration of the period included within the qualified economic offer, does not violate
17 sub. (3) (a) 4. Any such unilateral implementation after August 11, 1993, during the
18 90-day period prior to expiration of the period included within a qualified economic
19 offer, operates as a full, final and complete settlement of all economic issues between
20 the parties for the period included within the qualified economic offer. The failure
21 of a labor organization to recognize the validity of such a lawful qualified economic
22 offer does not affect the obligation of the municipal employer to submit economic
23 issues to arbitration under subd. 6. If the investigator determines that the municipal
24 employer has not submitted a timely qualified economic offer, either the municipal

1 employer or the labor organization may petition for arbitration under subd. 6. to
2 resolve any dispute relating to economic issues.

3 **SECTION 277cr.** 111.70 (4) (cm) 8t. of the statutes is created to read:

4 111.70 (4) (cm) 8t. 'Methodology for determining qualified economic offers.' The
5 commission shall prescribe by rule a methodology to be used in determining whether
6 a collective bargaining proposal submitted by a municipal employer to a labor
7 organization constitutes a qualified economic offer and whether such an offer is
8 timely."

9 **449.** Page 159, line 9: after that line insert:

10 "SECTION 279m. 115.28 (25) of the statutes is repealed."

11 **450.** Page 159, line 9: after that line insert:

12 "SECTION 279b. 115.29 (1) of the statutes is amended to read:

13 115.29 (1) DESIGNATE REPRESENTATIVE. Designate ~~the deputy state~~
14 ~~superintendent or another~~ any employee of the department as the state
15 superintendent's representative on any body on which the state superintendent is
16 required to serve, except the board of regents of the University of Wisconsin
System."

17 **451.** Page 159, line 17: after that line insert:

18 "SECTION 280m. Subchapter VIII of chapter 115 [precedes 115.997] of the
19 statutes is created to read:

21 **CHAPTER 115**

22 **SUBCHAPTER VIII**

23 **TECHNOLOGY FOR EDUCATIONAL**

24 **ACHIEVEMENT**

MS 308/17

1 **115.997 Definitions.** In this subchapter:

2 **(1d)** “Charter school sponsor” means an entity described under s. 118.40 (2r)

3 (b) that is sponsoring a charter school.

4 **(1m)** “Data line” means a data circuit that provides direct access to the
5 Internet.

6 **(2g)** “Educational agency” means a school district, charter school sponsor,
7 secured correctional facility, private school, cooperative educational service agency,
8 technical college district, private college, public library system, public library board,
9 the Wisconsin Center for the Blind and Visually Impaired, or the Wisconsin School
10 for the Deaf.

11 **(3)** “Educational technology” means technology used in the education or
12 training of any person or in the administration of an elementary or secondary school
13 and related telecommunications services.

14 **(3d)** “Political subdivision” means any city, village, town, or county.

15 **(3g)** “Private college” means a private, regionally accredited, 4–year, nonprofit
16 college or university that is incorporated in this state or that has its regional
17 headquarters and principal place of business in this state or a tribally controlled
18 college in this state.

19 **(3j)** “Private school” has the meaning given in s. 115.001 (3r).

20 **(3m)** “Public library system” has the meaning given in s. 43.01 (5).

21 **(3r)** “Secured correctional facility” means the Southern Oaks Girls School, the
22 Ethan Allen School, the Youth Leadership Training Center, and the Lincoln Hills
23 School.

24 **(4)** “Telecommunications” has the meaning given in s. ^{16.97}~~22.01~~ (10).

25 **(5)** “Universal service fund” means the trust fund established under s. 25.95.

1 (6) “Video link” means a 2–way interactive video circuit.

2 **115.998 Technology for educational achievement in Wisconsin.** The
3 department shall do all of the following:

4 (1) In cooperation with school districts, cooperative educational service
5 agencies, the technical college system board, and the board of regents of the
6 University of Wisconsin System, promote the efficient, cost–effective procurement,
7 installation, and maintenance of educational technology by school districts,
8 cooperative educational service agencies, technical college districts, and the
9 University of Wisconsin System.

10 (2) Identify the best methods of providing preservice and in–service training
11 for teachers related to educational technology.

12 (3) Enter into cooperative purchasing agreements under s. 16.73 (1) under
13 which participating school districts and cooperative educational service agencies
14 may contract for their professional employees to receive training concerning the
15 effective use of educational technology.

16 (4) In cooperation with the board of regents of the University of Wisconsin
17 System, the technical college system board, and other entities, support the
18 development of courses for the instruction of professional employees who are
19 licensed by the state superintendent concerning the effective use of educational
20 technology.

21 (5) Provide telecommunications access to educational agencies under the
22 program established under s. 115.9995.

23 (6) No later than October 1 of each even–numbered year, submit a biennial
24 report concerning the department’s activities under this subchapter to the governor,
25 and to the appropriate standing committees of the legislature under s. 13.172 (3).

1 (7) Coordinate the purchasing of educational technology materials, supplies,
2 equipment, and contractual services for school districts, cooperative educational
3 service agencies, technical college districts, and the board of regents of the
4 University of Wisconsin System by the department under s. 16.72 (8), and establish
5 standards and specifications for purchases of educational technology hardware and
6 software by school districts, cooperative educational service agencies, technical
7 college districts, and the board of regents of the University of Wisconsin System.

8 (8) Purchase educational technology equipment for use by school districts,
9 cooperative educational service agencies, and public educational institutions in this
10 state and permit the districts, agencies, and institutions to purchase or lease the
11 equipment, with an option to purchase the equipment at a later date. This paragraph
12 does not require the purchase or lease of any educational technology equipment from
13 the department.

14 (9) Administer, modify, or rescind any grant or award made by the Wisconsin
15 Advanced Telecommunications Foundation to fund a project described in s. 14.28 (3)
16 (a) 1. to 5., 1999 stats., to the extent allowed under a contract for making the grant
17 or award.

18 **115.999 Educational technology training programs, grants, aids and**
19 **loans. (1) EDUCATIONAL TECHNOLOGY TRAINING AND TECHNICAL ASSISTANCE GRANTS.**
20 From the appropriation under s. 20.255 (4) (et), the department shall award grants
21 to cooperative educational service agencies and to consortia consisting of 2 or more
22 school districts, charter school sponsors, secured correctional facilities, or
23 cooperative educational service agencies, or one or more school districts, charter
24 school sponsors, secured correctional facilities, or cooperative educational service
25 agencies and one or more public library boards, to provide technical assistance and

1 training in the use of educational technology. An applicant for a grant shall submit
2 to the department a plan that specifies the school districts, charter school sponsors,
3 secured correctional facilities, and public library boards that will participate in the
4 program and describes how the funds will be allocated. The department shall do all
5 of the following:

6 (a) Award grants to applicants on a competitive basis through one funding cycle
7 annually, except that the department shall ensure that at least one grant is awarded
8 annually to an applicant located in the territory of each cooperative educational
9 service agency.

10 (b) Give preference in awarding grants to consortia that include one or more
11 public library boards.

12 (c) To the extent possible, ensure that grants are equally distributed on a
13 statewide basis.

14 (2) EDUCATIONAL TECHNOLOGY BLOCK GRANTS. (b) 1. In this paragraph,
15 “equalized valuation per member” means equalized valuation, as defined in s.
16 121.004 (2), divided by membership, as defined in s. 121.004 (5), except as follows:

17 a. For a school district operating only high school grades, “equalized valuation
18 per member” means equalized valuation, as defined in s. 121.004 (2), divided by the
19 result obtained by multiplying membership, as defined in s. 121.004 (5), by 3.

20 b. For a school district operating only elementary grades, “equalized valuation
21 per member” means equalized valuation, as defined in s. 121.004 (2), divided by the
22 result obtained by multiplying membership, as defined in s. 121.004 (5), by 1.5.

23 c. If a school district’s equalized valuation per member is less than \$75,000, it
24 shall be considered to be \$75,000 for purposes of this paragraph.

1 2. From the appropriations under s. 20.255 (4) (f), (im), (jm), (js), and (mp),
2 annually the department shall pay \$5,000 to each eligible school district and \$5,000
3 to the department of corrections for each eligible correctional facility. The
4 department of corrections shall allocate funds received under this subsection among
5 the eligible secured correctional facilities as it deems appropriate. The department
6 shall distribute the balance in the appropriation to eligible school districts and to
7 charter school sponsors in proportion to the weighted membership of each school
8 district and in proportion to the number of pupils attending each charter school on
9 the 3rd Friday of September. The weighted membership for a school district shall
10 be determined by dividing the statewide average equalized valuation per member by
11 the school district's equalized valuation per member and multiplying the result by
12 the school district's membership, as defined in s. 121.004 (5).

13 (c) A school district is eligible for a grant under par. (b) 2. only if the annual
14 meeting in a common school district, or the school board in a unified school district
15 or in a school district operating under ch. 119, adopts a resolution requesting the
16 grant. A secured correctional facility is eligible for a grant under par. (b) 2. only if
17 the secretary of corrections submits a written request to the department. A charter
18 school sponsor is eligible for a grant under par. (b) 2. only if it submits a written
19 request to the department. A grant under this subsection may not be used to replace
20 funding available from other sources.

21 (d) A school district or secured correctional facility receiving a grant under par.
22 (b) shall deposit the moneys in a separate fund. The moneys may be used for any
23 purpose related to educational technology, except that a school district or secured
24 correctional facility may not use the moneys to pay the salary or benefits of any school
25 district or secured correctional facility employee. A charter school sponsor that

1 receives a grant under par. (b) may use the moneys for any purpose related to
2 educational technology that benefits the pupils attending the charter school, except
3 that a charter school sponsor may not use the moneys to pay the salary or benefits
4 of any charter school employee.

5 (e) The department shall distribute the grants under par. (b) 2. annually on the
6 first Monday in February.

7 (3) COMPUTER TRAINING. Annually, the department shall pay to the Racine
8 Unified School District the amount appropriated under s. 20.255 (4) (q) for training
9 teachers and pupils in computers, including training in use of the Internet, Web
10 design, computer animation, graphic design, and video skills.

11 (4) EDUCATIONAL TECHNOLOGY INFRASTRUCTURE FINANCIAL ASSISTANCE. (a)
12 *Financial assistance authorized.* The department may provide financial assistance
13 under this subsection to school districts and charter school sponsors from the
14 proceeds of public debt contracted under s. 20.866 (2) (zc) and to public library boards
15 from the proceeds of public debt contracted under s. 20.866 (2) (zcm). Financial
16 assistance under this subsection may be used only for the purpose of upgrading the
17 electrical wiring of school and library buildings in existence on October 14, 1997, and
18 installing and upgrading computer network wiring.

19 (b) *Financial assistance applications, terms and conditions.* The department
20 shall establish application procedures for, and the terms and conditions of, financial
21 assistance under this subsection, including a condition requiring a charter school
22 sponsor to use financial assistance under this subsection for wiring upgrading and
23 installation that benefits pupils attending the charter school. The department shall
24 make a loan to a school district, charter school sponsor, or public library board in an
25 amount equal to 50% of the total amount of financial assistance for which the

1 department determines the school district, charter school sponsor, or public library
2 board is eligible and provide a grant to the school district, charter school sponsor, or
3 public library board for the remainder of the total. The terms and conditions of any
4 financial assistance under this subsection may include provision of professional
5 building construction services under s. 16.85 (15). The department shall determine
6 the interest rate on loans under this subsection. The interest rate shall be as low as
7 possible but shall be sufficient to fully pay all interest expenses incurred by the state
8 in making the loans and to provide reserves that are reasonably expected to be
9 required in the judgment of the department to ensure against losses arising from
10 delinquency and default in the repayment of the loans. The term of a loan under this
11 subsection may not exceed 10 years.

12 (c) *Repayment of loans.* The department shall credit all moneys received from
13 school districts and charter school sponsors for repayment of loans under this
14 subsection to the appropriation account under s. 20.255 (4) (h). The department shall
15 credit all moneys received from public library boards for repayment of loans under
16 this subsection to the appropriation account under s. 20.255 (4) (hb).

17 (d) *Funding for financial assistance.* The department, with the approval of the
18 governor and subject to the limits of s. 20.866 (2) (zc) and (zcm), may request that the
19 building commission contract public debt in accordance with ch. 18 to fund financial
20 assistance under this subsection.

21 **115.9995 Educational telecommunications access program.** (1) Except
22 as provided in s. 196.218 (4t), the department shall promulgate rules establishing an
23 educational telecommunications access program to provide educational agencies
24 with access to data lines and video links.

25 (2) The rules promulgated under sub. (1) shall do all of the following:

1 (a) Allow an educational agency to make a request to the department for access
2 to either one data line or one video link, except that any educational agency may
3 request access to additional data lines if the agency shows to the satisfaction of the
4 department that the additional data lines are more cost-effective than a single data
5 line and except that a school district that operates more than one high school or a
6 public library board that operates more than one library facility may request access
7 to both a data line and a video link and access to more than one data line or video link.

8 (b) Establish eligibility requirements for an educational agency to participate
9 in the program established under sub. (1), including a requirement that a charter
10 school sponsor use data lines and video links to benefit pupils attending the charter
11 school and a requirement that Internet access to material that is harmful to children,
12 as defined in s. 948.11 (1) (b), is blocked on the computers of secured correctional
13 facilities that are served by data links and video links subsidized under this section.

14 (c) Establish specifications for data lines and video links for which access is
15 provided to an educational agency under the program established under sub. (1).

16 (d) Require an educational agency to pay the department not more than \$250
17 per month for each data line or video link that is provided to the educational agency
18 under the program established under sub. (1), except that the charge may not exceed
19 \$100 per month for each data line or video link that relies on a transport medium that
20 operates at a speed of 1.544 megabits per second.

21 (e) Include the protections specified in s. 196.209 (4) (a) and (b).

22 (f) Ensure that secured correctional facilities that receive access under this
23 section to data lines and video links use them only for educational purposes.

24 **(2g)** An educational agency that is provided access to a data line under the
25 program established under sub. (1) may not do any of the following:

1 (a) Provide access to the data line to any business entity, as defined in s. 13.62
2 (5).

3 (b) Request access to an additional data line for purposes of providing access
4 to bandwidth to a political subdivision under a shared service agreement under sub.
5 (2r) (a).

6 (2r) (a) A public library board that is provided access to a data line under the
7 program established under sub. (1) may enter into a shared service agreement with
8 a political subdivision that provides the political subdivision with access to any
9 excess bandwidth on the data line that is not used by the public library board, except
10 that a public library board may not sell, resell, or transfer in consideration for money
11 or anything of value to a political subdivision access to any excess bandwidth. A
12 shared service agreement under this paragraph is not valid unless the agreement
13 allows the public library board to cancel the agreement at any time after providing
14 notice to the political subdivision.

15 (b) A political subdivision that obtains access to bandwidth under a shared
16 service agreement under par. (a) may not receive compensation for providing any
17 other person with access to the bandwidth.

18 (c) A public library board shall provide the department with written notice
19 within 30 days after entering into or modifying a shared service agreement under
20 par. (a).

21 (4) If the federal communications commission promulgates or modifies rules
22 that provide rate discounts for telecommunications services to educational agencies
23 under 47 USC 254, the governor shall submit a report to the joint committee on
24 finance that includes any recommended changes to statutes or rules with respect to
25 funding the program established under sub. (1).

1 (6) (a) From the appropriation under s. 20.255 (4) (s) or (tm), the department
2 may award an annual grant to a school district or private school that had in effect
3 on October 14, 1997, a contract for access to a data line or video link, as documented
4 by the department. The department shall determine the amount of the grant, which
5 shall be equal to the cost incurred by the state to provide telecommunications access
6 to a school district or private school under a contract entered into under s. ^{16.971 (12) or (15)} ~~16.974 (1)~~
7 ~~or (8)~~ less the amount that the school district or private school would be paying under
8 sub. (2) (d) if the school district or private school were participating in the program
9 established under sub. (1), except that the amount may not be greater than the cost
10 that a school district or private school incurs under the contract in effect on
11 October 14, 1997. A school district or private school receiving a grant under this
12 subsection is not eligible to participate in the program under sub. (1). No grant may
13 be awarded under this subsection after December 31, 2005.

14 (b) Notwithstanding par. (a), the department may award a school district that
15 operates more than one high school and that had in effect on October 14, 1997, a
16 contract for access to more than one data line or video link an annual grant for each
17 data line or video link serving each high school covered by that contract.”.

18 **452.** Page 159, line 17: after that line insert:

19 “SECTION 280m. 118.12 (4) of the statutes is created to read:

20 118.12 (4) If a school board enters into a contract that grants to one vendor the
21 exclusive right to sell soft drinks in one or more schools of the school district, the
22 contract may not prohibit the sale of milk in any school and, to the maximum extent
23 possible, the school board shall ensure that milk is available to pupils in each school

1 covered by the contract whenever and wherever the soft drinks are available to
2 pupils.”.

3 **453.** Page 159, line 17: after that line insert:

4 “**SECTION 280p.** 118.15 (3) (d) of the statutes is created to read:

5 118.15 (3) (d) Any child excused in writing by his or her parent or guardian and
6 by the principal of the school that the child attends for the purpose of serving as an
7 election official under s. 7.30 (2) (am). A principal may not excuse a child under this
8 paragraph unless the child has at least a 3.0 grade point average or the equivalent.
9 The principal shall allow the child to take examinations and complete course work
10 missed during the child’s absences under this paragraph. The principal shall
11 promptly notify the municipal clerk or the board of election commissioners of the
12 municipality that appointed the child as an election official if the child ceases to be
13 enrolled in school or if the child no longer has at least a 3.0 grade point average or
14 the equivalent.”.

15 **454.** Page 160, line 3: after that line insert:

16 “**SECTION 281b.** 118.30 (1g) (a) 1. of the statutes is amended to read:

17 118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil
18 academic standards in mathematics, science, reading and writing, geography, and
19 history. ~~If the governor has issued~~ The school board may adopt the pupil academic
20 standards issued by the governor as an executive order under s. 14.23, the school
21 board may adopt those standards no. 326, dated January 13, 1998.

22 **SECTION 281d.** 118.30 (1g) (a) 3. of the statutes is created to read:

23 118.30 (1g) (a) 3. By January 1, 2003, or by January 1 of the first school year
24 in which the private school participates in the program under s. 119.23, whichever

1 is later, the governing body of each private school participating in the program under
2 s. 119.23 shall adopt pupil academic standards in mathematics, science, reading and
3 writing, geography, and history. The governing body of the private school may adopt
4 the pupil academic standards issued by the governor as executive order no. 326,
5 dated January 13, 1998.

6 **SECTION 281f.** 118.30 (1g) (b) of the statutes is amended to read:

7 118.30 (1g) (b) Each school board operating high school grades and, each
8 operator of a charter school under s. 118.40 (2r) that operates high school grades, and
9 the governing body of each private school participating in the program under s.
10 119.23 that operates high school grades shall adopt a high school graduation
11 examination that is designed to measure whether pupils meet the pupil academic
12 standards adopted by the school board ~~or~~, operator of the charter school, or governing
13 body of the private school under par. (a). If the school board ~~or~~, operator of the charter
14 school, or governing body of the private school has adopted the pupil academic
15 standards issued as executive order no. 326, dated January 13, 1998, the school
16 board ~~or~~, operator of the charter school, or governing body of the private school may
17 adopt the high school graduation examination developed by the department under
18 sub. (1) (b). If a school board ~~or~~, operator of a charter school, or governing body of a
19 private school develops and adopts its own high school graduation examination, it
20 shall notify the department annually by October 1 that it intends to administer the
21 examination in the following school year.

22 **SECTION 281h.** 118.30 (1g) (c) of the statutes is amended to read:

23 118.30 (1g) (c) Each school board operating elementary grades and, each
24 operator of a charter school under s. 118.40 (2r) that operates elementary grades, and
25 the governing body of each private school participating in the program under s.

1 119.23 that operates elementary grades may develop or adopt its own examination
2 designed to measure pupil attainment of knowledge and concepts in the 4th grade
3 and may develop or adopt its own examination designed to measure pupil attainment
4 of knowledge and concepts in the 8th grade. If the school board ~~or~~, operator of the
5 charter school, or governing body of the private school develops or adopts an
6 examination under this paragraph, it shall notify the department.”.

7 **455.** Page 160, line 18: after that line insert:

8 “**SECTION 283c.** 118.30 (1s) of the statutes is created to read:

9 118.30 (1s) Annually the governing body of each private school participating
10 in the program under s. 119.23 shall do all of the following:

11 (a) 1. Except as provided in sub. (6), administer the 4th grade examination
12 adopted or approved by the state superintendent under sub. (1) (a) to all pupils
13 attending the 4th grade in the private school under s. 119.23.

14 2. Beginning on July 1, 2003, if the governing body of the private school has
15 developed or adopted its own 4th grade examination, administer that examination
16 to all pupils attending the 4th grade in the private school under s. 119.23.

17 (am) 1. Except as provided in sub. (6), administer the 8th grade examination
18 adopted or approved by the state superintendent under sub. (1) (a) to all pupils
19 attending the 8th grade in the private school under s. 119.23.

20 2. Beginning on July 1, 2003, if the governing body of the private school has
21 developed or adopted its own 8th grade examination, administer that examination
22 to all pupils attending the 8th grade in the private school under s. 119.23.

23 (b) Administer the 10th grade examination to all pupils attending the 10th
24 grade in the private school under s. 119.23.

1 (d) If the private school operates high school grades, beginning in the 2004–05
2 school year administer the high school graduation examination adopted by the
3 governing body of the private school under sub. (1g) (b) to all pupils attending the
4 11th and 12th grades at the private school under s. 119.23. The governing body of
5 the private school shall administer the examination at least twice each school year
6 and may administer the examination only to pupils attending the 11th and 12th
7 grades.

8 **SECTION 283g.** 118.30 (2) (b) 1. of the statutes is amended to read:

9 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
10 subch. V of ch. 115, the school board ~~or~~ operator of ~~the~~ a charter school under s. 118.40
11 (2r), or governing body of a private school participating in the program under s.
12 119.23 shall comply with s. 115.77 (1m) (bg).

13 **SECTION 283n.** 118.30 (2) (b) 2. of the statutes is amended to read:

14 118.30 (2) (b) 2. According to criteria established by the state superintendent
15 by rule, the school board ~~or~~ operator of ~~the~~ a charter school under s. 118.40 (2r), or
16 governing body of a private school participating in the program under s. 119.23 may
17 determine not to administer an examination under this section to a limited–English
18 proficient pupil, as defined under s. 115.955 (7), may permit the pupil to be examined
19 in his or her native language, or may modify the format and administration of an
20 examination for such pupils.

21 **SECTION 283r.** 118.30 (2) (b) 5. of the statutes is created to read:

22 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
23 body of a private school participating in the program under s. 119.23 shall excuse the
24 pupil from taking an examination administered under sub. (1s).

25 **SECTION 283w.** 118.30 (6) of the statutes is amended to read:

1 118.30 (6) A school board ~~and~~, an operator of a charter school under s. 118.40
2 (2r), and the governing body of a private school participating in the program under
3 s. 119.23 is not required to administer the 4th and 8th grade examinations adopted
4 or approved by the state superintendent under sub. (1) if the school board ~~or~~, the
5 operator of the charter school, or the governing body of the private school administers
6 its own 4th and 8th grade examinations, the school board ~~or~~, operator of the charter
7 school, or governing body of the private school provides the state superintendent
8 with statistical correlations of those examinations with the examinations adopted or
9 approved by the state superintendent under sub. (1), and the federal department of
10 education approves.”.

11 **456.** Page 160, line 19: delete “of the statutes is” and substitute “1. and 2. of
12 the statutes are”.

13 **457.** Page 161, line 7: after that line insert:

14 “**SECTION 284d.** 118.33 (1) (f) 2m. of the statutes is created to read:

15 118.33 (1) (f) 2m. By September 1, 2004, the governing body of each private
16 school participating in the program under s. 119.23 shall develop a policy specifying
17 criteria for granting a high school diploma to pupils attending the private school
18 under s. 119.23. The criteria shall include the pupil’s score on the examination
19 administered under s. 118.30 (1s) (d), the pupil’s academic performance, and the
20 recommendations of teachers.”.

21 **458.** Page 161, line 8: delete lines 8 to 11 and substitute:

22 “**SECTION 284e.** 118.33 (1) (f) 3. of the statutes is amended to read:

23 118.33 (1) (f) 3. Beginning on September 1, ~~2003~~ 2005, neither a school board
24 nor an operator of a charter school under s. 118.40 (2r) may grant a high school

1 diploma to any pupil unless the pupil has satisfied the criteria specified in the school
2 board's or charter school's policy under subd. 1. or 2. Beginning on September 1,
3 2005, the governing body of a private school participating in the program under s.
4 119.23 may not grant a high school diploma to any pupil attending the private school
5 under s. 119.23 unless the pupil has satisfied the criteria specified in the governing
6 body's policy under subd. 2m.

7 **SECTION 284f.** 118.33 (6) (c) of the statutes is created to read:

8 118.33 (6) (c) 1. The governing body of each private school participating in the
9 program under s. 119.23 shall adopt a written policy specifying the criteria for
10 promoting a pupil who is attending the private school under s. 119.23 from the 4th
11 grade to the 5th grade and from the 8th grade to the 9th grade. The criteria shall
12 include the pupil's score on the examination administered under s. 118.30 (1s) (a) or
13 (am), unless the pupil has been excused from taking the examination under s. 118.30
14 (2) (b); the pupil's academic performance; the recommendations of teachers, which
15 shall be based solely on the pupil's academic performance; and any other academic
16 criteria specified by the governing body of the private school.

17 2. Beginning on September 1, 2003, the governing body of a private school
18 participating in the program under s. 119.23 may not promote a 4th grade pupil who
19 is attending the private school under s. 119.23 to the 5th grade, and may not promote
20 an 8th grade pupil who is attending the private school under s. 119.23 to the 9th
21 grade, unless the pupil satisfies the criteria for promotion specified in the governing
22 body's policy under subd. 1.

23 **SECTION 284g.** 118.40 (4) (a) 3. and 4. of the statutes are created to read:

24 118.40 (4) (a) 3. Permit public inspection and copying of any record, as defined
25 in s. 19.32 (2), of the charter school to the same extent as is required of, and subject

1 to the same terms and enforcement provisions that apply to, an authority under
2 subch. II of ch. 19.

3 4. Provide public access to meetings of the governing body of the charter school
4 to the same extent as is required of, and subject to the same terms and enforcement
5 provisions that apply to, a governmental body under subch. V of ch. 19.

6 **SECTION 284h.** 118.40 (4) (b) (intro.) and 1. of the statutes are consolidated,
7 renumbered 118.40 (4) (b) and amended to read:

8 118.40 (4) (b) *Restrictions.* A charter school may not ~~do any of the following:~~
9 ~~1. Charge charge~~ tuition.

10 **SECTION 284i.** 118.40 (4) (b) 2. of the statutes is repealed.

11 **SECTION 284k.** 119.23 (2) (a) 6. and 7. of the statutes are created to read:

12 119.23 (2) (a) 6. The governing body of the private school permits public
13 inspection and copying of any record, as defined in s. 19.32 (2), of the private school
14 to the same extent as is required of, and subject to the same terms and enforcement
15 provisions that apply to, an authority under subch. II of ch. 19.

16 7. The governing body of the private school provides public access to its
17 meetings to the same extent as is required of, and subject to the same terms and
18 enforcement provisions that apply to, a governmental body under subch. V of ch. 19.

19 **SECTION 284L.** 119.23 (10) of the statutes is created to read:

20 119.23 (10) Each private school participating in the program under this section
21 shall administer to the pupils attending the 3rd grade in the private school under this
22 section a standardized reading test developed by the department.”.

23 **459.** Page 161, line 11: after that line insert:

24 “**SECTION 284d.** 120.18 (1) (i) of the statutes is amended to read:

1 120.18 (1) (i) A description of the educational technology used by the school
2 district, including the uses made of the technology, the cost of the technology and the
3 number of persons using or served by the technology. In this paragraph, “educational
4 technology” has the meaning given in s. ~~44.70 (3)~~ 115.997 (3).”.

5 **460.** Page 161, line 11: after that line insert:

6 “**SECTION 284g.** 119.23 (4) (b) 2. of the statutes is repealed and recreated to
7 read:

8 119.23 (4) (b) 2. In the 2002–03 school year, \$2,000 for a pupil enrolled in the
9 elementary grades and \$3,000 for a pupil enrolled in the high school grades; and in
10 the 2003–04 school year and in each school year thereafter, \$1,000 for a pupil
11 enrolled in the elementary grades and \$1,500 for a pupil enrolled in the high school
12 grades.

13 **SECTION 284k.** 119.23 (4p) of the statutes is created to read:

14 119.23 (4p) If the appropriation under s. 20.255 (2) (fu) in any fiscal year is
15 insufficient to pay the full amount under subs. (4) and (4m), the state superintendent
16 shall prorate the payments.”.

17 **461.** Page 161, line 11: after that line insert:

18 “**SECTION 284fc.** 120.13 (2) (g) of the statutes is amended to read:

19 120.13 (2) (g) Every self–insured plan under par. (b) shall comply with ss.
20 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
21 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.89, 632.895 (9) to ~~(14)~~ (15), 632.896,
22 and 767.25 (4m) (d).”.

23 **462.** Page 161, line 11: after that line insert:

24 “**SECTION 284k.** 118.51 (10) of the statutes is amended to read:

1 **118.51 (10) PUPIL ASSIGNMENT.** A nonresident school board may assign pupils
2 accepted to attend public school in the school district under this section to a school
3 or program within the school district, except that until July 1, 2004, a nonresident
4 school board may not assign a pupil to a school or program in which the pupil will
5 receive less than 50% of his or her instruction from a licensed teacher who is present
6 in the same room as the pupil. The school board may give preference in attendance
7 at a school, program, class or grade to residents of the school district who live outside
8 the school's attendance area.”.

9 **463.** Page 161, line 11: after that line insert:

10 “**SECTION 284j.** 119.85 of the statutes is created to read:

11 **119.85 Enhanced capacity and quality aid.** Annually the state shall pay
12 to the board the amount appropriated under s. 20.255 (2) (ec).”.

13 **464.** Page 161, line 11: after that line insert:

14 “**SECTION 284c.** 119.32 (3) of the statutes is amended to read:

15 119.32 (3) Subject to confirmation by the board, the superintendent of schools
16 shall appoint the ~~deputy superintendent of schools~~, associate superintendent of
17 schools, ~~executive assistant to the superintendent of schools~~, assistant to the
18 superintendent of schools, assistant superintendent, division director, department
19 director and other supervisory or administrative employees designated by the board.

20 **SECTION 284h.** 119.42 (1) of the statutes is amended to read:

21 119.42 (1) In this section, “teacher” has the meaning given under s. 40.02 (55),
22 but excludes the superintendent of schools, ~~deputy superintendent of schools~~,
23 associate superintendent of schools, ~~executive assistant to the superintendent of~~

1 schools, assistant to the superintendent of schools, assistant superintendent,
2 division director and department director.”.

3 **465.** Page 163, line 7: after that line insert:

4 “**SECTION 287d.** 121.15 (3m) (a) 2. of the statutes, as affected by 2001 Wisconsin
5 Act 16, is amended to read:

6 121.15 (3m) (a) 2. “State school aids” means those aids appropriated under s.
7 20.255 (1) (b) and (2), other than s. 20.255 (2) (fm), (fu), (k), and (m), and under ss.
8 ~~20.275 (1) (d)~~, 20.255 (4) (es), (et) and (f) and 20.285 (1) (ee), (r) and (rc) and those aids
9 appropriated under s. ~~20.275 (1)~~ 20.255 (4) (s) that are used to provide grants or
10 educational telecommunications access to school districts under s. ~~44.73~~ 115.9995.”.

11 **466.** Page 166, line 24: after that line insert:

12 “**SECTION 300m.** 134.17 (4) of the statutes is amended to read:

13 134.17 (4) For each recording, the register of deeds shall receive the fee
14 specified for ~~filing~~ recording under s. 59.43 (2) (ag).”.

15 **467.** Page 167, line 16: after that line insert:

16 “**SECTION 303g.** 134.74 of the statutes is created to read:

17 **134.74 Nondisclosure of information on receipts. (1)** In this section:

18 (a) “Credit card” has the meaning given in s. 421.301 (15).

19 (b) “Debit card” means a plastic card or similar device that may be used to
20 purchase goods or services by providing the purchaser with direct access to the
21 purchaser’s account at a depository institution.

22 (c) “Depository institution” means a bank, savings bank, savings and loan
23 association, or credit union.

1 (2) Beginning on the first day of the 37th month beginning after the effective
2 date of this subsection [revisor inserts date], no person who is in the business of
3 selling goods at retail or selling services and who accepts a credit card or a debit card
4 for the purchase of goods or services may issue a credit card or debit card receipt, for
5 that purchase, on which is printed more than 5 digits of the credit card or debit card
6 number.

7 (3) This section does not apply to any person who issues a credit card or debit
8 card receipt that is handwritten or that is manually prepared by making an imprint
9 of the credit card or debit card.”.

10 **468.** Page 167, line 16: after that line insert:

11 “**SECTION 303b.** 134.65 (1) of the statutes is amended to read:

12 134.65 (1) No person, except a person who holds a valid permit under s. 139.345
13 or 139.795 and whose business premises is not physically located in this state, shall
14 in any manner, or upon any pretense, or by any device, directly or indirectly sell,
15 expose for sale, possess with intent to sell, exchange, barter, dispose of or give away
16 any cigarettes or tobacco products to any person not holding a license as herein
17 provided or a permit under ss. 139.30 to 139.41 or 139.79 without first obtaining a
18 license from the clerk of the city, village or town wherein such privilege is sought to
19 be exercised.

20 **SECTION 303c.** 134.65 (1r) of the statutes is created to read:

21 134.65 (1r) (a) No license under sub. (1) may be issued to any person to whom
22 any of the following applies:

23 1. Subject to ss. 111.321, 111.322, and 111.335, the person has an arrest record
24 or a conviction record.

1 2. Subject to ss. 111.321, 111.322, and 111.335, the person has been convicted
2 of a felony, or as a repeat or habitual offender, unless pardoned.

3 3. The person has not submitted proof as provided under s. 77.61 (11).

4 (b) The requirements under par. (a) apply to all partners of a partnership, all
5 members of limited liability company, all agents of a limited liability company or
6 corporation, and all officers of a corporation. Subject to ss. 111.321, 111.322, and
7 111.335, if a business entity has been convicted of a crime, the entity may not be
8 issued a license under sub. (1) unless the entity has terminated its relationship with
9 the individuals whose actions directly contributed to the conviction.

10 **SECTION 303d.** 134.65 (2) (a) of the statutes is amended to read:

11 134.65 (2) (a) ~~Except~~ Subject to sub. (1r), and except as provided in par. (b),
12 upon filing of a proper written application a license shall be issued on July 1 of each
13 year or when applied for and continue in force until the following June 30 unless
14 sooner revoked. The city, village or town may charge a fee for the license of not less
15 than \$5 nor more than \$100 per year which shall be paid to the city, village or town
16 treasurer before the license is issued.

17 **SECTION 303e.** 134.65 (5) of the statutes is amended to read:

18 134.65 (5) Any person violating this section shall be fined not more than \$100
19 \$1,000 nor less than ~~\$25~~ \$500 for the first offense and shall be fined not more than
20 ~~\$200~~ \$5,000 nor less than ~~\$25~~ \$1,000 or imprisoned not exceeding 180 days or both
21 for the 2nd or subsequent offense. ~~If upon such 2nd or subsequent violation, the~~
22 ~~person so violating this section was personally guilty of a failure to exercise due care~~
23 ~~to prevent violation thereof, the person shall be fined not more than \$300 nor less~~
24 ~~than \$25 or imprisoned not exceeding 60 days or both.~~ Conviction on a 2nd or
25 subsequent offense shall immediately terminate the license of the person convicted

1 of being personally guilty of such failure to exercise due care and the person shall not
2 be entitled to another license hereunder for a period of 5 years thereafter, nor shall
3 the person in that period act as the servant or agent of a person licensed hereunder
4 for the performance of the acts authorized by such license.

5 **SECTION 303f.** 134.66 (1) (am) of the statutes is created to read:

6 134.66 (1) (am) “Direct marketer” has the meaning given in s. 139.30 (2n).

7 **SECTION 303g.** 134.66 (2) (a) of the statutes is amended to read:

8 134.66 (2) (a) No retailer, direct marketer, manufacturer, distributor, jobber or
9 subjobber, no agent, employee or independent contractor of a retailer, direct
10 marketer, manufacturer, distributor, jobber or subjobber and no agent or employee
11 of an independent contractor may sell or provide for nominal or no consideration
12 cigarettes or tobacco products to any person under the age of 18, except as provided
13 in s. 254.92 (2) (a). A vending machine operator is not liable under this paragraph
14 for the purchase of cigarettes or tobacco products from his or her vending machine
15 by a person under the age of 18 if the vending machine operator was unaware of the
16 purchase.

17 **SECTION 303h.** 134.66 (2) (am) of the statutes is amended to read:

18 134.66 (2) (am) No retailer, direct marketer, manufacturer, distributor, jobber,
19 subjobber, no agent, employee or independent contractor of a retailer, direct
20 marketer, manufacturer, distributor, jobber or subjobber and no agent or employee
21 of an independent contractor may provide for nominal or no consideration cigarettes
22 or tobacco products to any person except in a place where no person younger than 18
23 years of age is present or permitted to enter unless the person who is younger than
24 18 years of age is accompanied by his or her parent or guardian or by his or her spouse
25 who has attained the age of 18 years.

1 **SECTION 303i.** 134.66 (2) (d) of the statutes is amended to read:

2 134.66 (2) (d) No manufacturer, direct marketer, distributor, jobber, subjobber
3 or retailer, or their employees or agents, may provide cigarettes or tobacco products
4 for nominal or no consideration to any person under the age of 18.

5 **SECTION 303j.** 134.66 (2) (e) of the statutes is amended to read:

6 134.66 (2) (e) No retailer or direct marketer may sell cigarettes in a form other
7 than as a package or container on which a stamp is affixed under s. 139.32 (1).

8 **SECTION 303k.** 134.66 (3m) of the statutes is created to read:

9 134.66 (3m) DEFENSE OF DIRECT MARKETER. Proof of any of the following facts
10 by a direct marketer who sells cigarettes or tobacco products to a person under the
11 age of 18 is a defense to any prosecution for a violation under sub. (2) (a):

12 (a) That the direct marketer used a mechanism, approved by the department
13 of revenue, for verifying the age of the purchaser.

14 (b) That the purchaser falsely represented that he or she had attained the age
15 of 18 and presented a copy or facsimile of a government issued identification.

16 (c) That the name and birthdate of the purchaser, as indicated by the purchaser,
17 matched the name and birthdate on the identification presented under par. (b).

18 (d) That the sale was made in good faith, in reasonable reliance on the
19 mechanism described in par. (a) and the representation and identification under
20 pars. (b) and (c), and in the belief that the purchaser had attained the age of 18.

21 **SECTION 315bb.** 139.30 (1m) of the statutes is created to read:

22 139.30 (1m) “Consumer” means any individual who receives cigarettes for his
23 or her personal use or consumption or any individual who has title to or possession
24 of cigarettes for any purpose other than for sale or resale.

25 **SECTION 315bc.** 139.30 (2n) of the statutes is created to read:

1 139.30 (2n) “Direct marketer” means any person who solicits or sells cigarettes
2 to consumers in this state by direct marketing.

3 **SECTION 315bd.** 139.30 (2p) of the statutes is created to read:

4 139.30 (2p) “Direct marketing” means publishing or making accessible an offer
5 for the sale of cigarettes to consumers in this state, or selling cigarettes to consumers
6 in this state, using any means by which the consumer is not physically present at the
7 time of sale on a premise that sells cigarettes.

8 **SECTION 315be.** 139.30 (3) of the statutes is amended to read:

9 139.30 (3) “Distributor” means any person who acquires unstamped cigarettes
10 from the manufacturer thereof or from the first importer of record thereof, affixes
11 stamps to the packages or other containers, stores them and sells them to other
12 permittees or to retailers for resale ~~or~~ and who acquires may acquire stamped
13 cigarettes from another permittee distributor for such sales.

14 **SECTION 315bf.** 139.30 (8s) of the statutes is created to read:

15 139.30 (8s) “Person” means any individual, sole proprietorship, partnership,
16 limited liability company, corporation, or association, or any owner of a single-owner
17 entity that is disregarded as a separate entity under ch. 71.

18 **SECTION 315bg.** 139.30 (10) of the statutes is amended to read:

19 139.30 (10) “Retailer” means any person who sells, exposes for sale or possesses
20 with intent to sell to consumers any cigarettes by any means in which the consumer
21 is physically present at the time of sale on a premises that sells cigarettes.

22 **SECTION 315bh.** 139.32 (1) of the statutes is amended to read:

23 139.32 (1) The tax imposed by s. 139.31 (1) shall be paid. To evidence the
24 payment, the department shall provide stamps. A person who has paid the tax shall
25 affix stamps of the proper denomination to each package in which cigarettes are

1 packed, prior to the first sale within this state. First sale does not include a sale by
2 a manufacturer to a distributor or to a direct marketer or by a distributor to a
3 permittee who has obtained department approval as provided for in s. 139.321 (1) (a)
4 2. The tax shall be paid only once on each package or container.

5 **SECTION 315bi.** 139.32 (4) of the statutes is repealed.

6 **SECTION 315bj.** 139.32 (5) of the statutes is amended to read:

7 139.32 (5) Manufacturers, direct marketers, and distributors having a permit
8 from the secretary shall receive a discount of 1.6% of the tax paid on stamp
9 purchases.

10 **SECTION 315bk.** 139.32 (5m) of the statutes is amended to read:

11 139.32 (5m) Distributors, direct marketers, and manufacturers shall pay to
12 the department the cost of printing and shipping those stamps.

13 **SECTION 315bL.** 139.32 (6) of the statutes is amended to read:

14 139.32 (6) Manufacturers, direct marketers, and distributors having a permit
15 from the secretary may purchase stamps on credit. The secretary may require
16 manufacturers, direct marketers, and distributors who purchase stamps on credit
17 to file under the conditions prescribed by the secretary by rule.

18 **SECTION 315bm.** 139.321 (1) (intro.) of the statutes is amended to read:

19 139.321 (1) (intro.) It is unlawful for any person to possess ~~in excess of 400~~
20 cigarettes unless the required stamps are properly affixed as provided in ss. 139.32
21 (1) and 139.33 (4).

22 **SECTION 315bn.** 139.321 (1) (a) 1. of the statutes is amended to read:

23 139.321 (1) (a) 1. Manufacturers, direct marketers, distributors or warehouse
24 operators possessing valid permits issued by the secretary.

25 **SECTION 315bp.** 139.33 (3) of the statutes is amended to read:

1 139.33 (3) No person other than a member of the armed forces, as specified in
2 this subsection, a licensed distributor, or a licensed direct marketer may import into
3 this state ~~more than 400~~ cigarettes on which the excise tax imposed by s. 139.31 has
4 not been paid and the container of which does not bear proper stamps. Within 15
5 days, any such person importing cigarettes shall file a declaration of such cigarettes
6 imported and shall remit therewith the tax on such cigarettes imposed by this
7 section. Members of the armed forces shall not be required to report or pay the tax
8 on cigarettes in their possession if such cigarettes are issued to them by the U.S.
9 government or any of its subdivisions or were purchased in any armed forces post
10 exchange or service store. If the use tax imposed by this section is not paid when due,
11 it shall become delinquent and the person liable for it shall pay, in addition, a penalty
12 of \$25 for each 200 cigarettes. Interest on the delinquent tax and penalty shall accrue
13 at the rate of 1.5% per month or each fraction of a month from the date the tax became
14 due until paid.

15 **SECTION 315bq.** 139.34 (1) (a) of the statutes is amended to read:

16 139.34 (1) (a) No person may manufacture cigarettes in this state or sell
17 cigarettes in this state as a distributor, jobber, vending machine operator, direct
18 marketer, or multiple retailer and no person may operate a warehouse in this state
19 for the storage of cigarettes for another person without first filing an application for
20 and obtaining the proper permit to perform such operations from the department.

21 **SECTION 315br.** 139.34 (1) (b) of the statutes is repealed.

22 **SECTION 315bs.** 139.34 (1) (c) (intro.) of the statutes is amended to read:

23 139.34 (1) (c) (intro.) ~~Subject to ss. 111.321, 111.322 and 111.335, no~~ No permit
24 under this section may be granted to any person to whom any of the following applies:

25 **SECTION 315bt.** 139.34 (1) (c) 1. to 6. of the statutes are repealed.

1 **SECTION 315bu.** 139.34 (1) (c) 1m. of the statutes is created to read:

2 139.34 (1) (c) 1m. Subject to ss. 111.321, 111.322, and 111.335, the person has
3 an arrest record or a conviction record.

4 **SECTION 315bv.** 139.34 (1) (c) 2m. of the statutes is created to read:

5 139.34 (1) (c) 2m. Subject to ss. 111.321, 111.322, and 111.335, the person has
6 been convicted of a felony, or as a repeat or habitual offender, unless pardoned.

7 **SECTION 315bw.** 139.34 (1) (c) 3m. of the statutes is created to read:

8 139.34 (1) (c) 3m. The person has not submitted proof as provided under s.
9 77.61 (11).

10 **SECTION 315bx.** 139.34 (1) (cm) of the statutes is created to read:

11 139.34 (1) (cm) The requirements under par. (c) apply to all partners of a
12 partnership, all members of limited liability company, all agents of a limited liability
13 company or corporation, and all officers of a corporation. Subject to ss. 111.321,
14 111.322, and 111.335, if a business entity has been convicted of a crime, the entity
15 may not be issued a permit under this subsection unless the entity has terminated
16 its relationship with the individuals whose actions directly contributed to the
17 conviction.

18 **SECTION 315by.** 139.34 (4) of the statutes is amended to read:

19 139.34 (4) A separate permit shall be required of and issued to each class of
20 permittee and the holder of any permit shall perform only the operations thereby
21 authorized. Such permit shall not be transferable from one person to another or from
22 one premises to another. A separate permit shall be required for each place where
23 cigarettes are stamped or where cigarettes are stored for sale at wholesale or,
24 through vending machines or multiple retail outlets, or by direct marketing.

25 **SECTION 315bz.** 139.34 (6) of the statutes is amended to read:

1 139.34 (6) A vending machine operator or a multiple retailer may acquire
2 unstamped cigarettes ~~from the manufacturers thereof~~ and affix the stamps to
3 packages or other containers only if the vending machine operator or multiple
4 retailer also holds a permit as a distributor or direct marketer.

5 **SECTION 315cb.** 139.34 (8) of the statutes is amended to read:

6 139.34 (8) The holder of a warehouse permit is entitled to store cigarettes on
7 the premises described in the permit. The warehouse permit shall not authorize the
8 holder to sell cigarettes. Unstamped cigarettes stored in a warehouse for a
9 manufacturer, direct marketer, or distributor may be delivered only to a person
10 holding a permit as a manufacturer, direct marketer, or distributor.

11 **SECTION 315cc.** 139.345 of the statutes is created to read:

12 **139.345 Direct marketing.** (1) (a) No person may sell cigarettes to
13 consumers in this state as a direct marketer or solicit sales of cigarettes to consumers
14 in this state by direct marketing unless the person has obtained a permit from the
15 department to make such sales or solicitations. The person shall file an application
16 for a permit under this subsection with the department, in the manner prescribed
17 by the department, and shall submit the following fee with the application:

18 1. If the person sells no more than 30,000 cigarettes annually to consumers in
19 this state by direct marketing, \$1,000.

20 2. If the person sells more than 30,000 but less than 600,001 cigarettes
21 annually to consumers in this state by direct marketing, \$5,000.

22 3. If the person sells more than 600,000 cigarettes annually to consumers in
23 this state by direct marketing, \$10,000.

24 (b) A permit issued under par. (a) expires on December 31 of each year.

1 (c) The department may not issue a permit to a person under par. (a) unless the
2 person certifies to the department that the person shall acquire stamped cigarettes
3 from a licensed wholesaler or distributor or unstamped cigarettes from the
4 manufacturer thereof or from the first importer of record thereof, pay the tax
5 imposed under this subchapter on all unstamped cigarettes and affix stamps to the
6 cigarette packages or containers as provided under s. 139.32 (1), store such packages
7 or containers, and sell only such packages or containers to consumers in this state
8 by direct marketing; or purchase cigarettes from a distributor, to the packages or
9 containers of which stamps have been affixed as provided under s. 139.32 (1), and sell
10 only such packages or containers to consumers in this state by direct marketing.

11 (d) No person may be issued a permit under this subsection unless the person
12 certifies to the department, in the manner prescribed by the department, that all
13 cigarette sales to consumers in this state shall be credit card or personal check
14 transactions; that the invoices for all shipments of cigarette sales from the person
15 shall bear the person's name and address and the permit number of the permit
16 ultimately issued under this subsection; and that the person shall provide the
17 department any information the department considers necessary to administer this
18 section.

19 (2) (a) No person may purchase tax stamps in excess of the number of cigarette
20 sales specified in his or her permit under sub. (1) (a) unless the person pays the
21 permit fee under sub. (1) (a) that is applicable to the excess amount.

22 (b) No person may sell cigarettes in excess of the number of cigarette sales
23 specified in his or her permit under sub. (1) (a) unless the person pays the permit fee
24 under sub. (1) (a) that is applicable to the excess sales. Any person who sells
25 cigarettes in excess of the number of cigarette sales specified in his or her permit

1 shall pay a penalty to the department of \$5,000 or an amount that is equal to \$50 for
2 every 200 cigarettes, or fraction of 200 cigarettes, whichever is greater.

3 (3) (a) No person may sell cigarettes to consumers in this state by direct
4 marketing unless the tax imposed under s. 139.31 (1) is paid on such cigarettes and
5 stamps are affixed to the cigarette packages or containers as provided under s.
6 139.32.

7 (b) No person may sell cigarettes to consumers in this state by direct marketing
8 unless the tax imposed under s. 77.52 or 77.53 is paid on the sale of such cigarettes.

9 (4) No person may sell cigarettes to a consumer in this state by direct
10 marketing unless the person verifies the consumer's identity and that the consumer
11 is at least 18 years of age by any of the following methods:

12 (a) The person uses a database, approved by the department, that includes
13 information based on public records to verify the consumer's age and identity.

14 (b) The person receives from the consumer, at the time of purchase, a notarized
15 copy of a government issued identification, the name specified on the identification
16 matches the name of the consumer, and the birth date on the identification verifies
17 that the purchaser is at least 18 years of age. In this paragraph, "government issued
18 identification" includes a valid driver's license, state identification card, passport, or
19 military identification.

20 (c) The person uses a mechanism, other than a mechanism under par. (a) or (b),
21 for verifying the age and identity of a consumer that is approved by the department.

22 (5) Any person who, without having a valid permit under sub. (1), sells or
23 solicits sales of cigarettes to consumers in this state by direct marketing shall pay
24 a penalty to the department of \$5,000 or an amount that is equal to \$50 for every 200

1 cigarettes, or fraction of 200 cigarettes, sold to consumers in this state by direct
2 marketing, whichever is greater.

3 (6) (a) No sale of cigarettes to a consumer in this state by direct marketing may
4 exceed 10 cartons for each invoice or 20 cartons in a 30 day period for each purchaser
5 or address.

6 (b) Any person who sells cigarettes that exceed the maximum amounts under
7 par. (a) shall pay a penalty to the department of \$5,000 or an amount that is equal
8 to \$50 for every 200 cigarettes, or major fraction of 200 cigarettes, sold above the
9 maximum amounts, whichever is greater.

10 (c) Any person who purchases cigarettes that exceed the maximum amounts
11 under par. (a) shall apply for a permit under s. 139.34 and shall pay a penalty to the
12 department of \$25 for every 200 cigarettes, or fraction of 200 cigarettes, purchased
13 above the maximum amounts.

14 (7) No cigarettes may be shipped to a person who is under 18 years of age and
15 no cigarettes may be shipped to a post-office box.

16 (8) All revenue collected from permits and penalties under this section shall
17 be credited to the appropriation account under s. 20.566 (1) (gc) to enforce and
18 administer this section.

19 **SECTION 315cd.** 139.35 (1) of the statutes is amended to read:

20 139.35 (1) TRANSFERS. No person may give, sell or lend any stamps to another
21 and no person may accept, purchase or borrow any stamps from another. All sales
22 and transfers of stamps may be made only by the secretary to permit holding
23 manufacturers, direct marketers, and distributors.

24 **SECTION 315ce.** 139.37 (1) (a) of the statutes is amended to read:

1 139.37 (1) (a) No person shall sell cigarettes or ~~take orders for cigarettes for~~
2 ~~resale~~ solicit cigarette sales in this state ~~for any manufacturer or permittee without~~
3 ~~first obtaining a~~ unless the person has filed an application for and obtained a valid
4 certificate under s. 73.03 (50) and a salesperson's permit from the department of
5 revenue. ~~No manufacturer or permittee shall authorize any person to sell cigarettes~~
6 ~~or take orders for cigarettes~~ solicit cigarette sales in this state ~~without first having~~
7 ~~such person secure~~ unless the person has filed an application for and obtained a valid
8 certificate under s. 73.03 (50) and a salesperson's permit. No person shall authorize
9 another person to sell cigarettes or solicit cigarette sales in this state unless the
10 person has filed an application for and obtained a valid certificate under s. 73.03 (50)
11 and a valid permit under s. 139.34. The department shall issue the required number
12 of permits to ~~manufacturers and~~ permittees who hold a valid certificate issued under
13 s. 73.03 (50). Each application for a permit shall disclose the name and address of
14 the employer and such permit shall remain effective only while the salesperson
15 represents such named employer. If such salesperson is thereafter employed by
16 another ~~manufacturer or permittee person~~, the salesperson shall obtain a new
17 salesperson's permit. Each ~~manufacturer and~~ permittee shall notify the department
18 within 10 days after the resignation or dismissal of any such salesperson holding a
19 permit.

20 **SECTION 315cf.** 139.38 (1) of the statutes is amended to read:

21 139.38 (1) Every manufacturer located out of the state shall keep records of all
22 sales of cigarettes shipped into this state. Every manufacturer located in the state
23 shall keep records of production, sales and withdrawals of cigarettes. Every
24 distributor and direct marketer shall keep records of purchases and sales of
25 cigarettes. Every manufacturer, direct marketer, and distributor holding a permit

1 from the secretary with the right to purchase and apply stamps shall also keep
2 records of purchases and disposition of stamps. Every jobber, multiple retailer, and
3 vending machine operator shall keep records of all purchases and disposition of
4 cigarettes. Every warehouse operator shall keep records of receipts and withdrawals
5 of cigarettes. All such records shall be accurate and complete and be kept in a
6 manner prescribed by the secretary. These records shall be preserved on the
7 premises described in the permit or license in such a manner as to ensure
8 permanency and accessibility for inspection at reasonable hours by authorized
9 personnel of the department.

10 **SECTION 315cg.** 139.38 (1m) of the statutes is created to read:

11 139.38 (1m) Records of purchases and sales of cigarettes under sub. (1) that
12 are kept by direct marketers shall indicate, for each shipment of cigarettes into this
13 state in the month preceding the report under sub. (2), the invoice date and number;
14 the quantity of cigarettes shipped; the brand name of the cigarettes shipped; the
15 manufacturer of the cigarettes shipped and the manufacturer's origin; the
16 purchaser's name, address, and birth date; the name of the person to whom the
17 cigarettes were shipped; the address to which the cigarettes were shipped; and any
18 other information the department requires.

19 **SECTION 315ch.** 139.38 (2) of the statutes is amended to read:

20 139.38 (2) (a) Except as provided in par. (b), every permittee manufacturer,
21 distributor, jobber, and direct marketer shall render a true and correct invoice of
22 every sale of cigarettes ~~at wholesale~~ and every permittee shall on or before the 15th
23 day of each calendar month file a verified report of all cigarettes purchased, sold,
24 received, warehoused or withdrawn during the preceding calendar month.

1 (b) The department may allow any jobber, multiple retailer, direct marketer,
2 or vending machine operator permittee who does not sell cigarettes, except for those
3 on which the tax under this chapter is paid, to file a quarterly report. The quarterly
4 report shall be filed on or before the 15th day of the next month following the close
5 of each calendar quarter. The report shall specify the number of cigarettes purchased
6 and sold during the preceding calendar quarter.

7 **SECTION 315ci.** 139.395 of the statutes is amended to read:

8 **139.395 Theft of tax moneys.** All cigarette tax moneys received by a
9 distributor, direct marketer, or manufacturer for the sale of cigarettes on which the
10 tax under this subchapter has become due and has not been paid are trust funds in
11 the hands of the distributor, direct marketer, or manufacturer and are the property
12 of this state. Any distributor, direct marketer, or manufacturer who fraudulently
13 withholds, appropriates or otherwise uses cigarette tax moneys that are the property
14 of this state is guilty of theft under s. 943.20 (1), whether or not the distributor, direct
15 marketer, or manufacturer has or claims to have an interest in those moneys.

16 **SECTION 315cj.** 139.40 (2) of the statutes is amended to read:

17 139.40 (2) ~~If cigarettes which do not bear the proper tax stamps or on which~~
18 ~~the tax has not been paid~~ Cigarettes that are so seized they as provided under sub.
19 (1) may be given to law enforcement officers to use in criminal investigations or sold
20 to qualified buyers by the secretary, without notice. If the cigarettes are sold, after
21 deducting the costs of the sale and ~~the keeping of storing~~ the property, the proceeds
22 of the sale shall be paid into the state treasury, except that proceeds from the sale
23 of cigarettes seized from a direct marketer and obtained through the administration
24 of this subsection shall be credited to the appropriation account under s. 20.566 (1)
25 (gc). If the secretary finds that such cigarettes may deteriorate or become unfit for

1 use in criminal investigations or for sale or that those uses would otherwise be
2 impractical, the secretary may order them destroyed or give them to a charitable or
3 penal institution for free distribution to patients or inmates.”.

4 **469.** Page 167, line 16: after that line insert:

5 “**SECTION 312m.** 134.71 (12) of the statutes is amended to read:

6 134.71 (12) APPLICATIONS AND FORMS. The department of agriculture, trade and
7 consumer protection, in consultation with the department of justice, shall develop
8 applications and other forms required under subs. (5) (intro.) and (8) (c). The
9 department of agriculture, trade and consumer protection shall print a sufficient
10 number of applications and forms to provide to counties and municipalities for
11 distribution to pawnbrokers, secondhand article dealers and secondhand jewelry
12 dealers at no cost.

13 **SECTION 314m.** 136.03 (title) of the statutes is amended to read:

14 **136.03** (title) **Duties of the department of agriculture, trade and**
15 **consumer protection justice.**

16 **SECTION 314p.** 136.03 (1) (intro.) of the statutes is amended to read:

17 136.03 (1) (intro.) The department of ~~agriculture, trade and consumer~~
18 ~~protection~~ of justice shall investigate violations of this chapter and of rules and
19 orders issued under s. 136.04. The department of justice may subpoena persons and
20 records to facilitate its investigations, and may enforce compliance with such
21 subpoenas as provided in s. 885.12. The department of justice may ~~in~~ on behalf of
22 the state:

23 **SECTION 314r.** 136.04 of the statutes is amended to read:

1 **136.04 Powers of the department of agriculture, trade and consumer**
2 **protection justice.** (1) The department of ~~agriculture, trade and consumer~~
3 ~~protection justice~~ may adopt such rules as may be required to carry out the purposes
4 of this chapter.

5 (2) The department of ~~agriculture, trade and consumer protection justice~~ after
6 public hearing may issue general or special orders to carry out the purposes of this
7 chapter and to determine and prohibit unfair trade practices in business or unfair
8 methods of competition in business pursuant to s. 100.20 (2) to (4).”.

9 **470.** Page 168, line 9: after that line insert:

10 “**SECTION 318b.** 139.44 (3) of the statutes is amended to read:

11 139.44 (3) Any permittee who fails to keep the records required by ss. 139.30
12 to 139.42 or 139.77 to 139.82 shall be fined not less than \$100 \$500 nor more than
13 \$500 \$1,000 for the first offense and shall be fined not less than \$1,000 nor more than
14 \$5,000 or imprisoned not more than ~~6 months~~ 180 days or both for the 2nd or
15 subsequent offense.

16 **SECTION 318c.** 139.44 (4) of the statutes is amended to read:

17 139.44 (4) Any person who refuses to permit the examination or inspection
18 authorized in s. 139.39 (2) or 139.83 may be fined not ~~more~~ less than \$500 nor more
19 than \$1,000 or imprisoned not more than ~~90~~ 180 days or both. Such refusal shall be
20 cause for immediate suspension or revocation of permit by the secretary.

21 **SECTION 318dm.** 139.44 (6m) of the statutes is created to read:

22 139.44 (6m) Any person who manufactures or sells cigarettes in this state
23 without holding the proper permit issued under this subchapter shall be fined not