

1 **84.555 Additional funding of major highway and rehabilitation**
2 **projects.** (1) Notwithstanding ss. 84.51 and 84.59, major highway projects, as
3 defined under s. 84.013 (1) (a), for the purposes of ss. 84.06 and 84.09, southeast
4 Wisconsin freeway rehabilitation projects under s. 84.014, and state highway
5 rehabilitation projects for the purposes specified in s. 20.395 (3) (cq), may be funded
6 with the proceeds of general obligation bonds issued under s. 20.866 (2) (uum) if all
7 of the following conditions are satisfied:

8 (a) The department's most recent estimate of the amount of federal funds, as
9 defined in s. 84.03 (2) (a) 1., that the department will be appropriated under s. 20.395
10 in the current state fiscal year is less than 95% of the amount of federal funds shown
11 in the schedule, as defined in s. 84.03 (2) (a) 2., for the appropriations under s. 20.395
12 in that fiscal year.

13 (b) The secretary has submitted a plan to the joint committee on finance for the
14 use of proceeds of general obligation bonds issued under s. 20.866 (2) (uum) and the
15 joint committee on finance has approved the plan, except that the secretary may not
16 submit, and the joint committee on finance may not approve, a plan for the use of an
17 amount of proceeds of general obligation bonds that exceeds the difference between
18 the amount of federal funds, as defined in s. 84.03 (2) (a) 1., actually available to the
19 department to be appropriated under s. 20.395 in the current state fiscal year and
20 the amount of federal funds shown in the schedule, as defined in s. 84.03 (2) (a) 2.,
21 for the appropriations under s. 20.395 in that fiscal year.

22 (2) The joint committee on finance may approve, or modify and approve, a plan
23 received under sub. (1) (b) using the procedure specified in s. 84.03 (2) (c). No plan
24 submitted under sub. (1) (b) may be implemented unless the joint committee on
25 finance has approved, or modified and approved, the plan.

1 (3) The secretary may submit a plan under sub. (1) (b) at any time during a
2 state fiscal year after the condition specified in sub. (1) (a) is satisfied for that fiscal
3 year.”.

4 ***b2823/2.1* 326.** Page 153, line 25: after that line insert:

5 ***b2823/2.1* “SECTION 258dd.** 84.013 (4) (b) of the statutes is amended to read:

6 84.013 (4) (b) The department may not, within any 6–year period, construct a
7 highway project consisting of separate contiguous projects which do not individually
8 qualify as major highway projects but which in their entirety would constitute a
9 major highway project without first submitting the project to the transportation
10 projects commission for its recommendations and report and without specific
11 authorization under sub. (3), except as provided in par. (c) and sub. (6) and s. 84.014
12 (2m).

13 ***b2823/2.1* SECTION 258dg.** 84.014 (1) (c) of the statutes, as created by 2001
14 Wisconsin Act 16, is amended to read:

15 84.014 (1) (c) “Reconstruction” means the rebuilding of highways and bridges,
16 including improvements to enhance highway safety, design, or capacity. The term
17 includes activities associated with such rebuilding, including design engineering,
18 traffic mitigation, property acquisition, and utility facility relocation and, with
19 respect to the Marquette interchange reconstruction project, includes the
20 construction or reconstruction of alternate routes for purposes of traffic mitigation.

21 The term does not include interim repairs.

22 ***b2823/2.1* SECTION 258dj.** 84.014 (2m) of the statutes is created to read:

1 84.014 (2m) Notwithstanding s. 84.013 (4) (b), the Marquette interchange
2 reconstruction project may include construction that consists of extending STH 794
3 in Milwaukee County as an alternate route for purposes of traffic mitigation.”.

4 ***b2825/1.1* 327.** Page 153, line 25: after that line insert:

5 ***b2825/1.1* “SECTION 257m.** 84.185 (3m) of the statutes is created to read:

6 84.185 (3m) REVIEW OF APPLICATIONS. The department shall accept, review, and
7 make determinations on applications for assistance under this section on a
8 continuing, year-round basis. The department shall make a determination on each
9 application for assistance under this section within a reasonable time after its
10 receipt by the department.”.

11 ***b2857/6.2* 328.** Page 153, line 25: after that line insert:

12 ***b2857/6.2* “SECTION 257bd.** 79.097 of the statutes is created to read:

13 **79.097 Consolidation and annexation aid.** Beginning with distributions
14 in 2004, municipalities that consolidate shall receive a payment in each of the 3 years
15 following the date on which the consolidation is certified and a town from which
16 territory is annexed shall receive a payment in each of the 3 years following the date
17 on which the annexation takes effect. The department of revenue shall promulgate
18 rules to administer this section.”.

19 ***b2900/2.20* 329.** Page 153, line 25: after that line insert:

20 ***b2900/2.20* “SECTION 258m.** 85.12 (3) of the statutes, as affected by 2001
21 Wisconsin Act 16, is amended to read:

22 85.12 (3) The department may contract with any local governmental unit, as
23 defined in s. ~~22.01~~ 16.97 (7), to provide that local governmental unit with services
24 under this section.”.

1 ***b2976/2.1* 330.** Page 153, line 25: after that line insert:

2 ***b2976/2.1* “SECTION 258r.** 84.02 (15) of the statutes is created to read:

3 **84.02 (15) TRAFFIC CONTROL SIGNAL EMERGENCY PREEMPTION DEVICES.** (a) In this
4 subsection:

5 1. “Additional cost” means the difference in cost between installation of a traffic
6 control signal that is equipped with an emergency preemption device and
7 confirmation signal and installation of a traffic control signal that is not so equipped,
8 and includes the difference in incidental costs such as electrical wiring.

9 2. “Authorized emergency vehicle” has the meaning given in s. 340.01 (3) (a),
10 (c), (g), or (i).

11 3. “Confirmation signal” means a white signal, located on or near a traffic
12 control signal equipped with an emergency preemption device, that is designed to be
13 visible to the operator of an approaching authorized emergency vehicle and that
14 confirms to the operator that the emergency preemption device has received a
15 transmission from the operator.

16 4. “Emergency preemption device” means an electrical device, located on or
17 within a traffic control signal, that is designed to receive an electronic, radio, or sonic
18 transmission from an approaching authorized emergency vehicle that alters the
19 normal sequence of the traffic control signal to provide or maintain a green signal for
20 the authorized emergency vehicle to proceed through the intersection.

21 5. “Political subdivision” means a county, city, village, or town.

22 6. “Traffic control signal” means any electrical device by which traffic is
23 alternately directed to stop and permitted to proceed by means of exhibiting different
24 colored lights successively.

1 (b) Before the department installs a new traffic control signal on a state trunk
2 highway within the corporate limits of any political subdivision, the department
3 shall do all of the following:

4 1. Notify the political subdivision of the planned traffic control signal
5 installation.

6 2. Notify the political subdivision of the additional cost of equipping the traffic
7 control signal with an emergency preemption device and confirmation signal.

8 3. Provide the political subdivision with the opportunity to request that the
9 traffic control signal be equipped with an emergency preemption device and
10 confirmation signal.

11 (c) If any political subdivision requests under par. (b) 3. that the department
12 equip the traffic control signal with an emergency preemption device and
13 confirmation signal, and one or more political subdivisions contributes a total of 50%
14 of the additional cost specified under par. (b) 2., the department shall equip the traffic
15 control signal with an emergency preemption device and confirmation signal when
16 the department installs the traffic control signal.

17 (d) Notwithstanding pars. (b) and (c), this subsection does not prohibit the
18 department from installing on any state trunk highway, at the department's
19 expense, any traffic control signal equipped with an emergency preemption device
20 and confirmation signal. The department may install a new traffic control signal
21 equipped with an emergency preemption device and confirmation signal under this
22 paragraph without providing notice and an opportunity to respond under par. (b) to
23 any political subdivision. The department shall install a confirmation signal with
24 every new emergency preemption device installed by the department under this
25 paragraph.

1 (e) Any new traffic control signal installed by the department after the effective
2 date of this paragraph [revisor inserts date], that is not equipped with an
3 emergency preemption device shall include all electrical wiring necessary to equip
4 the traffic control signal with an emergency preemption device and confirmation
5 signal.

6 (f) The department shall promulgate rules to implement and administer this
7 subsection. The rules shall include procedures and deadlines for the department's
8 notification of political subdivisions, and for political subdivisions' requests and
9 contributions to the department, under this subsection.

10 ***b2976/2.1* SECTION 258x.** 85.07 (7) (c) of the statutes is created to read:

11 85.07 (7) (c) Notwithstanding par. (b), the department shall, in each fiscal year,
12 expend federal funds available under 23 USC 152 for hazard elimination projects
13 that reduce the response time of emergency vehicles regardless of reduction in motor
14 vehicle accidents.”.

15 ***b2741/2.13* 331.** Page 154, line 4: after that line insert:

16 ***b2741/2.13* SECTION 259cd.** 88.11 (1) (intro.) of the statutes is amended to
17 read:

18 88.11 (1) (intro.) The department of ~~agriculture, trade and consumer protection~~
19 natural resources shall employ an engineer, who shall be the state drainage engineer,
20 to improve district operations. The department shall do all of the following:

21 ***b2741/2.13* SECTION 259ce.** 88.11 (1) (e) of the statutes is repealed.

22 ***b2741/2.13* SECTION 259cf.** 88.11 (1) (i) of the statutes is amended to read:

23 88.11 (1) (i) Establish, by rule, performance standards for drainage district
24 structures, ditches, maintenance and operations, in order to minimize adverse

1 effects on water quality. The performance standards shall be consistent with any
2 requirements imposed by the department of natural resources under s. 88.31.

3 ***b2741/2.13* SECTION 259cg.** 88.11 (1m) of the statutes is amended to read:

4 88.11 (1m) The department of ~~agriculture, trade and consumer protection~~
5 natural resources may perform any functions related to drainage districts that the
6 department considers appropriate.

7 ***b2741/2.13* SECTION 259ch.** 88.11 (2) of the statutes is amended to read:

8 88.11 (2) The state drainage engineer shall provide technical assistance to
9 improve district operations on the request of the department of natural resources,
10 drainage board, landowners in the district or the judge.

11 ***b2741/2.13* SECTION 259ci.** 88.11 (3) (intro.) of the statutes is amended to
12 read:

13 88.11 (3) (intro.) If the area proposed for drainage exceeds 200 acres in a single
14 project, the board or the petitioners, before the hearing on the report under s. 88.34,
15 88.36 or 88.77, shall procure a report of the department of ~~agriculture, trade and~~
16 ~~consumer protection~~ natural resources on all of the following:

17 ***b2741/2.13* SECTION 259cim.** 88.11 (4) of the statutes is amended to read:

18 88.11 (4) The board or the petitioners, with the aid of an engineer having the
19 qualifications specified in s. 88.21 (5), shall make the necessary survey and
20 evaluation as directed by the department of ~~agriculture, trade and consumer~~
21 ~~protection~~ natural resources for its report.

22 ***b2741/2.13* SECTION 259cj.** 88.11 (5) (intro.) of the statutes is amended to
23 read:

24 88.11 (5) (intro.) The report of the department of ~~agriculture, trade and~~
25 ~~consumer protection~~ natural resources under sub. (3) also shall include a report of

1 the college of agriculture and life sciences of the University of Wisconsin–Madison
2 on all of the following:

3 ***b2741/2.13* SECTION 259ck.** 88.11 (6) of the statutes is amended to read:

4 88.11 (6) A drainage district shall comply with the rules promulgated under
5 this section and any requirements imposed by the department of ~~agriculture, trade~~
6 ~~and consumer protection~~ natural resources under this section.

7 ***b2741/2.13* SECTION 259cL.** 88.11 (7) of the statutes is amended to read:

8 88.11 (7) The department of ~~agriculture, trade and consumer protection~~
9 natural resources may issue a special order directing the immediate cessation of
10 work regulated under this section until the necessary plan approval is obtained or
11 until the project complies with this section.

12 ***b2741/2.13* SECTION 259cn.** 88.13 of the statutes is amended to read:

13 **88.13 Right to enter lands of drainage district.** Whenever necessary for
14 any purpose connected with the organization of a district or the construction,
15 maintenance or repair of drains and other works, members of the board,
16 representatives of the department of ~~agriculture, trade and consumer protection~~
17 natural resources, and persons intending to bid on or to whom contracts have been
18 let for the construction of the works within a district and their respective agents and
19 employees may go upon any lands proposed for inclusion or included within a district
20 or on adjoining lands, and are not guilty of trespass therefor but are liable for
21 unnecessary damage caused to crops or structures.

22 ***b2741/2.13* SECTION 259cp.** 88.15 of the statutes is amended to read:

23 **88.15 Drainage board grants. (1)** From the appropriation under s. ~~20.115~~
24 ~~(7) (d)~~ 20.370 (6) (dd), the department of ~~agriculture, trade and consumer protection~~
25 natural resources shall make grants to boards to assist boards to comply with this

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

4 (2) The department of ~~agriculture, trade and consumer protection~~ natural
5 resources shall promulgate rules for the administration of the program under this
6 section.

7 (3) The department of ~~agriculture, trade and consumer protection~~ natural
8 resources may not make grants under this section after June 30, 2006.

9 *b2741/2.13* SECTION 259cq. 88.19 (4) (a) (intro.) of the statutes is amended
10 to read:

11 88.19 (4) (a) (intro.) Subject to pars. (b) and (d), and subject to criteria and
12 standards under rules that the department of ~~agriculture, trade and consumer~~
13 ~~protection~~ natural resources shall promulgate, all of the following shall occur:

14 *b2741/2.13* SECTION 259cr. 88.19 (4) (d) of the statutes is amended to read:

15 88.19 (4) (d) Before any records may be destroyed under this subsection, the
16 secretary of the drainage board and the county zoning administrator shall give at
17 least 60 days' prior written notice of the proposed destruction to the state historical
18 society, which may preserve records that it determines to be of historical interest, and
19 shall give at least 60 days' prior written notice to the state drainage engineer, who
20 may preserve records determined to be of interest to the department of ~~agriculture,~~
21 ~~trade and consumer protection~~ natural resources.

22 *b2741/2.13* SECTION 259cs. 88.21 (5) of the statutes is amended to read:

23 88.21 (5) Employ legal counsel, engineers and other assistants. Any engineer
24 employed by the board shall be selected from a list of professional engineers approved
25 by the department of ~~agriculture, trade and consumer protection~~ natural resources.

1 The department of ~~agriculture, trade and consumer protection~~ natural resources
2 shall furnish each drainage board, upon request, a list of professional engineers
3 whom it considers qualified by training and experience to give competent advice in
4 drainage matters.

5 *b2741/2.13* SECTION 259ct. 88.24 (intro.) of the statutes is amended to read:

6 **88.24 Board to file annual report.** (intro.) On or before December 1 of each
7 year the board shall file with the department of ~~agriculture, trade and consumer~~
8 ~~protection~~ natural resources and the county zoning administrator a separate report,
9 for the preceding year ending August 31, on each drainage district under the board's
10 jurisdiction. The reports shall constitute part of the records of the districts reported
11 on, shall be verified by the oath of one or more of the board members, and shall
12 contain:

13 *b2741/2.13* SECTION 259cu. 88.32 (3m) of the statutes is amended to read:

14 88.32 (3m) If the area of the proposed district exceeds 200 acres, the report
15 shall be submitted to the department of ~~agriculture, trade and consumer protection~~
16 natural resources before it is filed with the court. Within 45 days after receipt of the
17 report, the department shall return it with a copy of the report prepared under s.
18 88.11 (3) and (5) with its recommendation for approval or disapproval for the creation
19 of the district.

20 *b2741/2.13* SECTION 259cv. 88.35 (7) of the statutes is amended to read:

21 88.35 (7) If the area of the district exceeds 200 acres, the report shall be
22 submitted to the department of ~~agriculture, trade and consumer protection~~ natural
23 resources. Within 45 days after its receipt, the department shall return it with a copy
24 of the report prepared under s. 88.11 (3) and (5) and the department's approval or
25 disapproval of the report prepared under sub. (6).

1 ***b2741/2.13* SECTION 259cw.** 88.77 (2) of the statutes is amended to read:

2 88.77 (2) If the undrained portion of the area proposed to be annexed to the
3 district exceeds 200 acres, the drainage board shall request the report described
4 under s. 88.11 (3) and (5) from the department of ~~agriculture, trade and consumer~~
5 ~~protection~~ natural resources on the annexation. Within 60 days after the request,
6 the department shall prepare and return a copy of the report and its approval or
7 disapproval, as provided under s. 88.35 (7).

8 ***b2741/2.13* SECTION 259ec.** 92.03 (2) of the statutes is amended to read:

9 92.03 (2) “Board” means the land and water conservation board ~~created under~~
10 ~~s. 15.135 (4).~~

11 ***b2741/2.13* SECTION 259ee.** 92.03 (3) of the statutes is amended to read:

12 92.03 (3) “Department” means the department of ~~agriculture, trade and~~
13 ~~consumer protection~~ natural resources.

14 ***b2741/2.13* SECTION 259ei.** 92.04 (2) (e) of the statutes is amended to read:

15 92.04 (2) (e) *Review joint evaluation plan.* The board shall review the
16 evaluation plan prepared under s. 92.14 (13). After its review, the board shall make
17 recommendations on the plan to the department ~~and to the department of natural~~
18 ~~resources.~~

19 ***b2741/2.13* SECTION 259ek.** 92.05 (1) of the statutes is amended to read:

20 92.05 (1) CENTRAL AGENCY. The department is the central agency of this state
21 responsible for setting and implementing statewide soil and water conservation
22 policies and administering the state’s soil and water conservation programs. The
23 department shall coordinate its soil and water conservation program with the
24 nonpoint source water pollution abatement program established under s. 281.65, the
25 inland lake protection and rehabilitation program established under ch. 33 and other

1 programs with objectives related to soil and water conservation administered by the
2 department of ~~natural resources~~ or by other state or federal agencies.

3 ***b2741/2.13* SECTION 259en.** 92.05 (3) (f) of the statutes is repealed.

4 ***b2741/2.13* SECTION 259ep.** 92.05 (3) (L) of the statutes is amended to read:

5 92.05 (3) (L) *Technical assistance; performance standards.* The department
6 shall provide technical assistance to county land conservation committees and local
7 units of government for the development of ordinances that implement standards
8 adopted under s. 92.07 (2), 92.105 (1), ~~92.15 (2) or (3)~~ or 281.16 (3). The department's
9 technical assistance shall include preparing model ordinances, providing data
10 concerning the standards and reviewing draft ordinances to determine whether the
11 draft ordinances comply with applicable statutes and rules.

12 ***b2741/2.13* SECTION 259fd.** 92.10 (1) of the statutes is amended to read:

13 92.10 (1) CREATION. There is created a land and water resource management
14 planning program. The department, board and land conservation committees jointly
15 shall develop and administer this program. The department shall consult with the
16 University of Wisconsin–Extension about the administration of this program.

17 ***b2741/2.13* SECTION 259fi.** 92.10 (4) (c) of the statutes is renumbered 92.10
18 (7) and amended to read:

19 92.10 (7) PLAN ASSISTANCE. The department University of
20 Wisconsin–Extension shall assist land conservation committees in preparing land
21 and water resource management plans.

22 ***b2741/2.13* SECTION 259fn.** 92.10 (5) (b) of the statutes is amended to read:

23 92.10 (5) (b) *Solicit comments.* The board shall solicit comments on land
24 conservation committee plans from the agencies identified as advisers to the board
25 under s. ~~15.135~~ 15.345 (4).

1 ***b2741/2.13* SECTION 259fp.** 92.10 (6) (a) 1. of the statutes is amended to read:

2 92.10 (6) (a) 1. Includes an assessment of water quality and soil erosion
3 conditions throughout the county, including any assessment available from the
4 department of ~~natural resources~~.

5 ***b2741/2.13* SECTION 259ft.** 92.10 (8) of the statutes is amended to read:

6 92.10 (8) DUTIES OF THE DEPARTMENT OF ~~NATURAL RESOURCES~~. The department
7 of ~~natural resources~~ shall provide counties with assistance in land and water
8 resource management planning, including providing available water quality data
9 and information, providing training and support for water resource assessments and
10 appraisals and providing related program information.

11 ***b2741/2.13* SECTION 259hc.** 92.14 (2) (j) of the statutes is repealed.

12 ***b2741/2.13* SECTION 259he.** 92.14 (3) (intro.) of the statutes is amended to
13 read:

14 92.14 (3) BASIC ALLOCATIONS TO COUNTIES. (intro.) To help counties fund their
15 land and water conservation activities, the department shall award an annual grant
16 from the appropriation under s. ~~20.115 (7) (e)~~ 20.370 (6) (ac) or ~~(ad)~~ (as) or s. 20.866
17 (2) (we) to any county land conservation committee that has a land and water
18 resource management plan approved by ~~the department~~ under s. 92.10 (4) (d), and
19 that, by county board action, has resolved to provide any matching funds required
20 under sub. (5g). The county may use the grant for land and water resource
21 management planning and for any of the following purposes, consistent with the
22 approved land and water resource management plan:

23 ***b2741/2.13* SECTION 259hg.** 92.14 (6) (b) of the statutes is amended to read:

24 92.14 (6) (b) The department ~~and the department of natural resources~~ shall
25 prepare an annual grant allocation plan identifying the amounts to be provided to

1 counties under this section and ss. 281.65 and 281.66. In the allocation plan, the
2 ~~departments~~ department shall attempt to provide funding under this section for an
3 average of 3 staff persons per county with full funding for the first staff person, 70%
4 funding for the 2nd staff person and 50% funding for any additional staff persons and
5 to provide an average of \$100,000 per county for cost-sharing grants. The
6 department shall submit that plan to the board.

7 ***b2741/2.13* SECTION 259hi.** 92.14 (6) (d) of the statutes is amended to read:

8 92.14 (6) (d) The board shall review the annual allocation plan submitted to
9 it under par. (b) and make recommendations to the department of ~~agriculture, trade~~
10 ~~and consumer protection and the department of natural resources~~ on approval,
11 modification or disapproval of the plan.

12 ***b2741/2.13* SECTION 259hk.** 92.14 (6) (h) 3. of the statutes is amended to
13 read:

14 92.14 (6) (h) 3. Nothing in this paragraph affects the authority of the
15 department of ~~natural resources~~ to act under ch. 283.

16 ***b2741/2.13* SECTION 259hm.** 92.14 (6) (m) of the statutes is amended to read:

17 92.14 (6) (m) The department of ~~agriculture, trade and consumer protection~~
18 ~~and the department of natural resources~~ and the University of Wisconsin-Extension
19 shall assist counties in conducting the activities for which grants under sub. (3) may
20 be used.

21 ***b2741/2.13* SECTION 259hn.** 92.14 (6) (n) of the statutes is created to read:

22 92.14 (6) (n) The University of Wisconsin-Extension shall assist the
23 department in the administration of the program under this section.

24 ***b2741/2.13* SECTION 259hp.** 92.14 (8) of the statutes is amended to read:

1 92.14 (8) RULES. ~~In consultation with the department of natural resources, the~~
2 The department shall promulgate rules to administer this section ~~and the~~
3 department's duties under s. 281.65.

4 ***b2741/2.13* SECTION 259hq.** 92.14 (12) of the statutes is amended to read:

5 92.14 (12) ANNUAL REPORT. Annually, the department, ~~in cooperation with the~~
6 ~~department of natural resources,~~ shall submit a report on the progress of the
7 program under this section and s. 281.65 to the board.

8 ***b2741/2.13* SECTION 259hr.** 92.14 (13) of the statutes is amended to read:

9 92.14 (13) EVALUATION PLAN. The department, ~~jointly with the department of~~
10 ~~natural resources,~~ shall prepare a plan, which includes water quality monitoring and
11 analysis, for evaluating the program administered under this section and s. 281.65
12 and submit the plan to the board. The board shall make recommendations to the
13 department ~~and the department of natural resources~~ on the plan. The department
14 shall review and ~~approve or disapprove~~ decide whether to modify the plan and shall
15 notify the board of its final action on the plan. The department shall implement ~~any~~
16 part of the plan for which the plan gives it responsibility.

17 ***b2741/2.13* SECTION 259ht.** 92.14 (14) of the statutes is amended to read:

18 92.14 (14) APPLICATION, ALLOCATION, REPORTING AND EVALUATION. The
19 department, ~~jointly with the department of natural resources,~~ shall develop a single
20 set of grant application, reporting and evaluation forms for use by counties receiving
21 grants under this section and ss. 281.65 and 281.66. The department, ~~jointly with~~
22 ~~the department of natural resources,~~ shall implement a single process for grant
23 application, funding allocation, reporting and evaluation for counties receiving
24 grants under this section and ss. 281.65 and 281.66.

25 ***b2741/2.13* SECTION 259hv.** 92.14 (14m) of the statutes is amended to read:

1 92.14 (14m) COORDINATION. The department of ~~agriculture, trade and~~
2 ~~consumer protection and the department of natural resources, jointly,~~ shall review
3 applications from counties for grants under sub. (5r) and, for projects and activities
4 selected to receive funding shall determine whether to provide funding under this
5 section or under s. 281.65 or 281.66.

6 ***b2741/2.13* SECTION 259hw.** 92.14 (15) of the statutes is repealed.

7 ***b2741/2.13* SECTION 259hx.** 92.15 of the statutes is renumbered 93.38.

8 ***b2741/2.13* SECTION 259ic.** 92.18 (4) of the statutes is repealed.

9 ***b2741/2.13* SECTION 259id.** 92.18 (5) of the statutes is amended to read:

10 92.18 (5) Any training required under this section may be conducted by the
11 department ~~or the department of natural resources~~ or by another person with the
12 approval of the department.”.

13 ***b2798/3.1* 332.** Page 154, line 4: after that line insert:

14 ***b2798/3.1* “SECTION 259p.** 93.01 (1m) of the statutes is amended to read:

15 93.01 (1m) “Business” includes any business, except that of banks, savings
16 banks, credit unions, savings and loan associations, and insurance companies.
17 “Business” includes public utilities and telecommunications carriers to the extent
18 that their activities, beyond registration, notice, and reporting activities, are not
19 regulated by the public service commission and includes public utility and
20 telecommunications carrier methods of competition or trade and advertising
21 practices that are exempt from regulation by the public service commission under s.
22 196.195, 196.196, 196.202, 196.203, 196.219, or 196.499 or by other action of the
23 commission.”.

24 ***b2871/1.2* 333.** Page 154, line 4: after that line insert:

1 ***b2871/1.2*** “**SECTION 259m.** 93.01 (1r) of the statutes is created to read:

2 93.01 (1r) “Civil investigative demand” means a written document prepared
3 by the department that is related to the enforcement of chs. 93 to 100 and that orders
4 a person to do any of the following:

5 (a) Provide originals or copies of documents, records, or reports in the person’s
6 custody.

7 (b) Answer specific questions submitted by the department in the form of
8 written depositions, interrogatories, or requests for admissions.

9 (c) Allow employees of the department to review and copy documents, records,
10 or reports in the person’s custody.”.

11 ***b2913/2.5* 334.** Page 154, line 4: after that line insert:

12 ***b2913/2.5*** “**SECTION 259d.** 93.07 (1) of the statutes is amended to read:

13 93.07 (1) REGULATIONS. To make and enforce such regulations, not inconsistent
14 with law, as it may deem necessary for the exercise and discharge of all the powers
15 and duties of the department, and to adopt such measures and make such
16 regulations as are necessary and proper for the ~~enforcement by the state of~~
17 department to carry out its duties and powers under chs. 93 to 100, ~~which regulations~~
18 ~~shall have the force of law.”.~~

19 ***b2947/3.14* 335.** Page 154, line 4: after that line insert:

20 ***b2947/3.14*** “**SECTION 259c.** 93.02 of the statutes is amended to read:

21 **93.02 Staff.** The secretary shall appoint all staff necessary for the carrying out
22 of the duties of the department, all of whom shall be under the classified service
23 ~~except the deputy secretary, the executive assistant and, subject to s. 230.08 (4) (a),~~
24 ~~the administrators of divisions. Each such deputy secretary, executive assistant or,~~

1 Any administrator shall be appointed by the secretary with the approval of the
2 board.”.

3 *b2871/1.3* **336.** Page 154, line 17: after that line insert:

4 *b2871/1.3* “SECTION 259u. 93.14 (1m) of the statutes is created to read:

5 93.14 (1m) (a) Any person who has been served with a department complaint,
6 notice, order, or other process as authorized in s. 93.18 (5) shall be subject to the
7 department’s authority and jurisdiction, as limited by par. (b).

8 (b) The department’s jurisdiction may not exceed the jurisdiction granted to
9 courts under s. 815.05.

10 *b2871/1.3* SECTION 259v. 93.14 (3) of the statutes is amended to read:

11 93.14 (3) Any person who shall unlawfully fail to attend as a witness, fail to
12 comply with a subpoena, order, or civil investigative demand, or refuse to testify may
13 be coerced as provided in s. 885.12.

14 *b2871/1.3* SECTION 259w. 93.15 (1) of the statutes is amended to read:

15 93.15 (1) The department may, by general or special order, require persons
16 ~~engaged in business~~ to file with the department, at such time and in such manner
17 as the department may direct, sworn or unsworn reports or sworn or unsworn
18 answers in writing to specific questions, as to any matter which the department may
19 investigate.

20 *b2871/1.3* SECTION 259x. 93.15 (2) of the statutes is amended to read:

21 93.15 (2) The department or any of its authorized agents may have access to
22 and may copy any document, or any part thereof, ~~which~~ of a document, that is in the
23 possession or under the control of any person ~~engaged in business~~, if such the

1 document, or such part ~~thereof of the document~~, is relevant to any matter ~~which that~~
2 the department may investigate.”.

3 *b2913/2.6* **337.** Page 154, line 17: after that line insert:

4 *b2913/2.6* “SECTION 259sd. 93.07 (23) of the statutes is created to read:

5 93.07 (23) CONSUMER PROTECTION ADMINISTRATION. To administer ss. 100.01 to
6 100.03, 100.05 to 100.07, 100.14, 100.183 to 100.19, 100.201, 100.206, 100.208,
7 100.21, 100.22, 100.235, 100.265, 100.27, 100.285 to 100.297, 100.30, 100.33 to
8 100.36, 100.45, 100.47, 100.48, and 100.51 and to enforce ss. 100.206, 100.21, 100.30,
9 and 100.51.

10 *b2913/2.6* SECTION 259se. 93.07 (24) of the statutes is amended to read:

11 93.07 (24) ENFORCEMENT OF LAWS. To enforce or assist in the enforcement of chs.
12 88 and 93 to 100 and all other laws entrusted to its administration, and especially:

13 (a) To enforce the laws administered by the department regarding the
14 production, manufacture and sale, offering or exposing for sale or having in
15 possession with intent to sell, of any dairy, food or drug product.

16 (b) To enforce the laws administered by the department regarding the
17 adulteration or misbranding of any articles of food, drink, condiment or drug.

18 (c) To inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article
19 of food, drink, condiment or drug made or offered for sale within this state which it
20 may suspect or have reason to believe, under the laws administered by the
21 department, to be impure, unhealthful, misbranded, adulterated or counterfeit, or
22 in any way unlawful.

23 (d) To prosecute or cause to be prosecuted, under the laws administered by the
24 department, any person engaged in the manufacture or sale, offering or exposing for

1 sale or having in possession with intent to sell, of any adulterated dairy product or
2 of any adulterated, misbranded, counterfeit, or otherwise unlawful article or articles
3 of food, drink, condiment or drug.

4 ***b2913/2.6* SECTION 259sf.** 93.18 (3) of the statutes is amended to read:

5 93.18 (3) The department of justice, after acting pursuant to s. 100.37 or 100.41
6 to 100.43 to order the sale or distribution of any substance, article, furnishing, fabric,
7 product or related material ceased, shall give written notice of its finding to the
8 manufacturer, seller or other person responsible for placing the item in the channels
9 of trade in this state. After such notice no person may sell, remove or otherwise
10 dispose of such item except as directed by the department. Any person affected by
11 such notice may demand a prompt hearing to determine the validity of the
12 department's findings. The hearing, if requested, shall be held as expeditiously as
13 possible but not later than 30 days after notice. A request for hearing does not
14 operate to stay enforcement of the order during the pendency of the hearing. The
15 person petitioning for a hearing shall be entitled to the same rights specified under
16 sub. (2).

17 ***b2913/2.6* SECTION 259sh.** 93.18 (7) of the statutes is created to read:

18 93.18 (7) The department of justice shall follow the procedures under subs. (1),
19 (2), (4), (5), and (6) in enforcing the provisions of ch. 100 that are administered by the
20 department of justice.

21 ***b2913/2.6* SECTION 259sj.** 93.20 (1) of the statutes is amended to read:

22 93.20 (1) DEFINITION. In this section, "action" means an action that is
23 commenced in court by, or on behalf of, the department of agriculture, trade and
24 consumer protection to enforce chs. 88, 91 to 100 or 127 or an action that is
25 commenced in court by the department of justice to enforce ch. 100.

1 ***b2913/2.6* SECTION 259sm.** 93.22 (1) of the statutes is amended to read:

2 93.22 (1) In cases arising under chs. 88 and 93 to ~~100 99~~ and ss. 100.206, 100.21,
3 100.30, and 100.51, the department may be represented by its attorney.

4 ***b2913/2.6* SECTION 259sp.** 93.22 (2) of the statutes is amended to read:

5 93.22 (2) The department may, with the approval of the governor, appoint
6 special counsel to prosecute or assist in the prosecution of any case arising under chs.
7 88 and 93 to ~~100 99~~ and ss. 100.206, 100.21, 100.30, and 100.51. The cost of such
8 special counsel shall be charged to the appropriation for the department.”.

9 ***b2741/2.14* 338.** Page 154, line 18: after that line insert:

10 ***b2741/2.14* “SECTION 260h.** 93.38 (3m) of the statutes is created to read:

11 93.38 (3m) The department shall provide technical assistance to county land
12 conservation committees and local units of government for the development of
13 ordinances under sub. (2) or (3). The department’s technical assistance shall include
14 preparing model ordinances, providing data concerning the standards under s.
15 281.16 (3) and reviewing draft ordinances to determine whether the draft ordinances
16 comply with applicable statutes and rules.

17 ***b2741/2.14* SECTION 260hp.** 93.70 of the statutes is renumbered 281.52.”.

18 ***b2851/1.3* 339.** Page 154, line 18: after that line insert:

19 ***b2851/1.3* “SECTION 260cm.** 93.75 of the statutes is repealed.”.

20 ***b2745/1.2* 340.** Page 154, line 18: delete that line.

21 ***b2796/3.1* 341.** Page 155, line 7: after that line insert:

22 ***b2796/3.1* “SECTION 262r.** 100.155 of the statutes is created to read:

23 **100.155 Sale of gift certificates; period of validity. (1) PERIOD OF VALIDITY.**

24 No person engaged in the business of selling goods or services may sell a gift

1 certificate unless the period of validity for the redemption of the gift certificate is at
2 least 2 years.

3 (2) REMEDIES. (a) The department may commence an action to restrain the
4 violation of this section. The court may, before the entry of final judgment, make such
5 orders or judgments as may be necessary to restore any pecuniary loss suffered by
6 any person because of the violation of this section.

7 (b) The court may order a person who commits a violation of this section to pay
8 the reasonable and necessary costs of investigation and of prosecution incurred by
9 the department, including attorney fees, related to the violation, notwithstanding s.
10 814.04 (1).”.

11 *b2913/2.7* **342.** Page 155, line 7: after that line insert:

12 *b2913/2.7* “SECTION 262m. 100.07 (6) of the statutes is amended to read:

13 100.07 (6) ~~Action~~ Upon request of the department, an action to enjoin violation
14 of this section may be commenced and prosecuted by the department of justice in the
15 name of the state in any court having equity jurisdiction.”.

16 *b2871/1.4* **343.** Page 155, line 13: after that line insert:

17 *b2871/1.4* “SECTION 263b. 100.207 (1) of the statutes is renumbered 100.207
18 (1) (intro.) and amended to read:

19 100.207 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,
20 “telecommunications:

21 (b) “Telecommunications service” has the meaning given in s. 196.01 (9m).

22 *b2871/1.4* SECTION 263d. 100.207 (1) (am) of the statutes is created to read:

23 100.207 (1) (am) “Telecommunications provider” has the meaning given in s.
24 196.01 (8p).

1 ***b2871/1.4* SECTION 263f.** 100.207 (3) (a) of the statutes is amended to read:

2 100.207 (3) (a) A person may not engage in negative option billing or negative
3 enrollment of telecommunications services, including unbundled
4 telecommunications services. A person may not bill a customer for, or enroll a
5 customer in, any telecommunications service that the customer did not affirmatively
6 order unless that service is required to be provided by law, the federal
7 communications commission, or the public service commission. A customer's failure
8 to refuse a person's proposal to provide a telecommunications service is not an
9 affirmative request for that telecommunications service. A customer's request to be
10 enrolled in a particular telecommunications service is an affirmative request to be
11 enrolled only in that particular telecommunications service.

12 ***b2871/1.4* SECTION 263h.** 100.207 (3g) of the statutes is created to read:

13 100.207 (3g) BILLING FOR OTHER SERVICES. (a) A telecommunications provider
14 may not bill a customer for any goods or services, other than telecommunications
15 services, unless the customer consented to the billing.

16 (b) If a customer consents to being billed under par. (a), all of the following shall
17 apply:

18 1. The telecommunications provider shall distinguish the billing for the other
19 goods or services from the billing for the telecommunications service in a conspicuous
20 manner.

21 2. The telecommunications provider shall provide a detailed itemized listing
22 of the charges for the goods or services if requested to do so by the customer.

23 3. The telecommunication provider shall disclose to the customer at the time
24 of each billing that the customer's telecommunications service will not be affected
25 due to a failure to pay the billing.

1 ***b2871/1.4* SECTION 263j.** 100.207 (5g) of the statutes is created to read:

2 100.207 (5g) RESTRICTIONS ON CONTRACTS. No telecommunications provider
3 may place in a contract entered into with a customer located in this state a clause that
4 provides that a law of a state other than this state applies to the parties or terms of
5 the contract or the rights and remedies under the contract, unless the law of the other
6 state is in conformity with the law of this state.

7 ***b2871/1.4* SECTION 263L.** 100.207 (5m) of the statutes is created to read:

8 100.207 (5m) RECORD REQUIREMENTS. Any person who provides
9 telecommunications service to any customer in this state shall maintain each billing
10 and collection record that is made in providing the telecommunications service for
11 a period of 5 years beginning on the date that the record is made.

12 ***b2871/1.4* SECTION 263n.** 100.207 (6) (b) 1. of the statutes is amended to
13 read:

14 100.207 (6) (b) 1. The department of justice, after consulting with the
15 department of agriculture, trade and consumer protection, or any district attorney
16 upon informing the department of agriculture, trade and consumer protection, may
17 commence an action in circuit court in the name of the state to restrain by temporary
18 or permanent injunction any violation of this section. Injunctive relief may include
19 an order directing telecommunications providers, as defined in s. 196.01 (8p), to
20 discontinue telecommunications service provided to a person violating this section
21 or ch. 196. Temporary injunctive relief may include an order requiring that a person
22 who provides telecommunications services deposit in an escrow account any
23 payments that the provider has received or is expected to receive from customers as
24 a result of practices that may violate this section or ch. 196. Before entry of final
25 judgment, the court may make such orders or judgments as may be necessary to

1 restore to any person any pecuniary loss suffered because of the acts or practices
2 involved in the action if proof of these acts or practices is submitted to the satisfaction
3 of the court.

4 ***b2871/1.4* SECTION 263p.** 100.207 (6) (c) of the statutes is amended to read:

5 100.207 (6) (c) Any person who violates ~~subs. (2) to (4)~~ this section shall be
6 required to forfeit not less than \$25 nor more than ~~\$5,000~~ \$10,000 for each offense.
7 Each day of violation constitutes a separate offense. Forfeitures under this
8 paragraph shall be enforced by the department of justice, after consulting with the
9 department of agriculture, trade and consumer protection, or, upon informing the
10 department, by the district attorney of the county where the violation occurs.

11 ***b2871/1.4* SECTION 263r.** 100.207 (6) (em) 1. of the statutes is amended to
12 read:

13 100.207 (6) (em) 1. Before preparing any proposed rule under ~~this section~~ par.
14 (e), the department shall form an advisory group to suggest recommendations
15 regarding the content and scope of the proposed rule. The advisory group shall
16 consist of one or more persons who may be affected by the proposed rule, a
17 representative from the department of justice, and a representative from the public
18 service commission.

19 ***b2871/1.4* SECTION 263t.** 100.207 (6) (g) of the statutes is created to read:

20 100.207 (6) (g) Nothing in this subsection precludes the department from
21 seeking a remedy or penalty in accordance with the rules promulgated under sub.
22 (7). Practices in violation of sub. (3) may also constitute a violation of the rules
23 promulgated under sub. (7).

24 ***b2871/1.4* SECTION 263v.** 100.207 (7) of the statutes is created to read:

1 100.207 (7) ADMINISTRATION OF FEDERAL COMMUNICATIONS COMMISSION RULES.

2 The department shall administer and enforce the federal communications
3 commission's unauthorized carrier change rules and remedies under 47 CFR 64.1110
4 to 64.1190 and shall notify the federal communications commission, in accordance
5 with 47 CFR 64.1110 (a), of its intention to administer and enforce those rules and
6 remedies. In addition to the rules promulgated under sub. (6) (e), the department
7 shall promulgate rules that are consistent with the commission's unauthorized
8 carrier change rules and remedies under 47 CFR 64.1110 to 64.1190.”

9 ***b2913/2.8* 344.** Page 155, line 13: after that line insert:

10 ***b2913/2.8*** “SECTION 263bb. 100.171 (7) (b) of the statutes, as affected by
11 2001 Wisconsin Act (this act), is amended to read:

12 100.171 (7) (b) Whoever intentionally violates this section is guilty of a Class
13 I felony. A person intentionally violates this section if the violation occurs after the
14 department of justice or a district attorney has notified the person by certified mail
15 that the person is in violation of this section.

16 ***b2913/2.8* SECTION 263bd.** 100.171 (8) (intro.) of the statutes is amended to
17 read:

18 100.171 (8) ENFORCEMENT. (intro.) The department of justice shall investigate
19 violations of this section. The department of justice or any district attorney may on
20 behalf of the state:

21 ***b2913/2.8* SECTION 263bg.** 100.173 (4) (intro.) of the statutes is amended to
22 read:

1 100.173 (4) (intro.) The department of justice shall investigate violations of this
2 section. The department of justice, or any district attorney upon informing the
3 department of justice, may, on behalf of the state, do any of the following:

4 ***b2913/2.8* SECTION 263bj.** 100.173 (4) (a) of the statutes is amended to read:

5 100.173 (4) (a) Bring an action for temporary or permanent injunctive relief in
6 any court of competent jurisdiction for any violation of this section. The relief sought
7 by the department of justice or district attorney may include the payment by a
8 promoter into an escrow account of an amount estimated to be sufficient to pay for
9 ticket refunds. The court may, upon entry of final judgment, award restitution when
10 appropriate to any person suffering loss because of violations of this section if proof
11 of such loss is submitted to the satisfaction of the court.

12 ***b2913/2.8* SECTION 263bn.** 100.174 (5) (intro.) of the statutes is amended to
13 read:

14 100.174 (5) (intro). The department of justice or any district attorney may on
15 behalf of the state:

16 ***b2913/2.8* SECTION 263bq.** 100.174 (6) of the statutes is amended to read:

17 100.174 (6) The department of justice shall investigate violations of and
18 enforce this section.

19 ***b2913/2.8* SECTION 263bt.** 100.175 (5) (a) (intro.) of the statutes is amended
20 to read:

21 100.175 (5) (a) (intro.) No person may collect or by contract require a buyer to
22 pay more than \$100 for dating services before the buyer receives or has the
23 opportunity to receive those services unless the person selling dating services
24 establishes proof of financial responsibility by maintaining any of the following

1 commitments approved by the department of justice in an amount not less than
2 \$25,000:

3 ***b2913/2.8* SECTION 263bw.** 100.175 (5) (b) of the statutes is amended to read:

4 100.175 (5) (b) The commitment described in par. (a) shall be established in
5 favor of or made payable to the state, for the benefit of any buyer who does not receive
6 a refund under the contractual provision described in sub. (3). The person selling
7 dating services shall file with the department of justice any agreement, instrument
8 or other document necessary to enforce the commitment against the person selling
9 dating services or any relevant 3rd party, or both.

10 ***b2913/2.8* SECTION 263bz.** 100.175 (7) (a) (intro.) of the statutes is amended
11 to read:

12 100.175 (7) (a) (intro.) The department of justice or any district attorney may
13 on behalf of the state:

14 ***b2913/2.8* SECTION 263gb.** 100.175 (7) (b) of the statutes is amended to read:

15 100.175 (7) (b) The department of justice may bring an action in circuit court
16 to recover on a financial commitment maintained under sub. (5) against a person
17 selling dating services or relevant 3rd party, or both, on behalf of any buyer who does
18 not receive a refund due under the contractual provision described in sub. (3).

19 ***b2913/2.8* SECTION 263gd.** 100.177 (1) (bm) of the statutes is created to read:

20 100.177 (1) (bm) Notwithstanding s. 93.01 (3), “department” means the
21 department of justice.

22 ***b2913/2.8* SECTION 263gg.** 100.178 (1) (b) of the statutes is amended to read:

23 100.178 (1) (b) Notwithstanding s. 93.01 (3), “department” means the
24 department of ~~health and family services~~ justice.

25 ***b2913/2.8* SECTION 263gj.** 100.18 (11) (a) of the statutes is amended to read:

1 100.18 (11) (a) The department of ~~agriculture, trade and consumer protection~~
2 justice shall enforce this section. Actions to enjoin violation of this section or any
3 regulations thereunder may be commenced and prosecuted by the department of of
4 justice in the name of the state in any court having equity jurisdiction. This remedy
5 is not exclusive.

6 ***b2913/2.8* SECTION 263gm.** 100.18 (11) (b) 3. of the statutes is amended to
7 read:

8 100.18 (11) (b) 3. No action may be commenced under this section more than
9 3 years after the occurrence of the unlawful act or practice which is the subject of the
10 action. No injunction may be issued under this section which would conflict with
11 general or special orders of the department of of justice or any statute, rule or
12 regulation of the United States or of this state.

13 ***b2913/2.8* SECTION 263gp.** 100.18 (11) (c) 1. of the statutes is amended to
14 read:

15 100.18 (11) (c) 1. Whenever the department of of justice has reason to believe that
16 a person is in possession, custody or control of any information or documentary
17 material relevant to the enforcement of this section it may require that person to
18 submit a statement or report, under oath or otherwise, as to the facts and
19 circumstances concerning any activity in the course of trade or commerce; examine
20 under oath that person with respect to any activity in the course of trade or
21 commerce; and execute in writing and cause to be served upon such person a civil
22 investigative demand requiring the person to produce any relevant documentary
23 material for inspection and copying.

24 ***b2913/2.8* SECTION 263gs.** 100.18 (11) (c) 2. of the statutes is amended to
25 read:

1 100.18 (11) (c) 2. The department of justice, in exercising powers under this
2 subsection, may issue subpoenas, administer oaths and conduct hearings to aid in
3 any investigation.

4 ***b2913/2.8* SECTION 263gu.** 100.18 (11) (c) 3. of the statutes is amended to
5 read:

6 100.18 (11) (c) 3. Service of any notice by the department of justice requiring
7 a person to file a statement or report, or service of a subpoena upon a person, or
8 service of a civil investigative demand shall be made in compliance with the rules of
9 civil procedure of this state.

10 ***b2913/2.8* SECTION 263gx.** 100.18 (11) (c) 4. of the statutes is amended to
11 read:

12 100.18 (11) (c) 4. If a person fails to file any statement or report, or fails to
13 comply with any civil investigative demand, or fails to obey any subpoena issued by
14 the department of justice, such person may be coerced as provided in s. 885.12, except
15 that no person shall be required to furnish any testimony or evidence under this
16 subsection which might tend to incriminate the person.

17 ***b2913/2.8* SECTION 263mb.** 100.18 (11) (d) of the statutes is amended to read:

18 100.18 (11) (d) ~~The department or the department of justice, after consulting~~
19 ~~with the department,~~ or any district attorney, upon informing the department of
20 justice, may commence an action in circuit court in the name of the state to restrain
21 by temporary or permanent injunction any violation of this section. The court may
22 in its discretion, prior to entry of final judgment, make such orders or judgments as
23 may be necessary to restore to any person any pecuniary loss suffered because of the
24 acts or practices involved in the action, provided proof thereof is submitted to the
25 satisfaction of the court. ~~The department and the~~ department of justice may

1 subpoena persons and require the production of books and other documents, ~~and the~~
2 ~~department of justice may request the department to exercise its authority under~~
3 ~~par. (c) to aid in the investigation of alleged violations of this section.~~

4 *b2913/2.8* SECTION 263mf. 100.18 (11) (e) of the statutes is amended to read:

5 100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this
6 section, ~~the department or~~ the department of justice may accept a written assurance
7 of discontinuance of any act or practice alleged to be a violation of this section from
8 the person who has engaged in such act or practice. The acceptance of such assurance
9 by ~~either the department or~~ the department of justice shall be deemed acceptance by
10 ~~the other state officials enumerated in par. (d) any district attorney~~ if the terms of
11 the assurance so provide. An assurance entered into pursuant to this section shall
12 not be considered evidence of a violation of this section, provided that violation of
13 such an assurance shall be treated as a violation of this section, and shall be
14 subjected to all the penalties and remedies provided therefor.

15 *b2913/2.8* SECTION 263mj. 100.182 (5) (a) of the statutes is amended to read:

16 100.182 (5) (a) Any district attorney, after informing the department of justice,
17 or the department of justice may seek a temporary or permanent injunction in circuit
18 court to restrain any violation of this section. Prior to entering a final judgment the
19 court may award damages to any person suffering monetary loss because of a
20 violation. The department of justice may subpoena any person or require the
21 production of any document to aid in investigating alleged violations of this section.

22 *b2913/2.8* SECTION 263mm. 100.182 (5) (b) of the statutes is amended to
23 read:

24 100.182 (5) (b) In lieu of instituting or continuing an action under this
25 subsection, the department of justice may accept a written assurance from a violator

1 of this section that the violation has ceased. If the terms of the assurance so provide,
2 its acceptance by the department of justice prevents all district attorneys from
3 prosecuting the violation. An assurance is not evidence of a violation of this section
4 but violation of an assurance is subject to the penalties and remedies of violating this
5 section.

6 ***b2913/2.8* SECTION 263mp.** 100.20 (2) (a) of the statutes is amended to read:

7 100.20 (2) (a) The department of justice, after public hearing, may issue
8 general orders forbidding methods of competition in business or trade practices in
9 business which are determined by the department of justice to be unfair. The
10 department of justice, after public hearing, may issue general orders prescribing
11 methods of competition in business or trade practices in business which are
12 determined by the department of justice to be fair.

13 ***b2913/2.8* SECTION 263mr.** 100.20 (2) (b) of the statutes is amended to read:

14 100.20 (2) (b) Notwithstanding par. (a), the department of justice may not issue
15 any order or promulgate any rule that regulates the provision of water or sewer
16 service by a manufactured home park operator, as defined in s. 101.91 (8), or
17 manufactured home park contractor, as defined in s. 101.91 (6m), or enforce any rule
18 to the extent that the rule regulates the provision of such water or sewer service.

19 ***b2913/2.8* SECTION 263mt.** 100.20 (3) of the statutes is amended to read:

20 100.20 (3) The department of justice, after public hearing, may issue a special
21 order against any person, enjoining such person from employing any method of
22 competition in business or trade practice in business which is determined by the
23 department of justice to be unfair or from providing service in violation of sub. (1t).
24 The department of justice, after public hearing, may issue a special order against any

1 person, requiring such person to employ the method of competition in business or
2 trade practice in business which is determined by the department of justice to be fair.

3 ***b2913/2.8* SECTION 263mv.** 100.20 (4) of the statutes is amended to read:

4 100.20 (4) ~~The if the department of justice may file a written complaint with~~
5 ~~the department alleging that the has reason to believe that a person named is~~
6 employing unfair methods of competition in business or unfair trade practices in
7 business or both. ~~Whenever such a complaint is filed, it shall be the duty of the~~
8 department of justice to proceed, after proper notice and in accordance with its rules,
9 to the hearing and adjudication of the ~~matters alleged, and a representative of the~~
10 department of justice designated by the attorney general may appear before the
11 department in such proceedings. ~~The department of justice shall be entitled to~~
12 judicial review of the decisions and orders of the department under ch. 227 matter.

13 ***b2913/2.8* SECTION 263mx.** 100.20 (6) of the statutes is amended to read:

14 100.20 (6) The department of justice may commence an action in circuit court
15 in the name of the state to restrain by temporary or permanent injunction the
16 violation of any order issued under this section. The court may in its discretion, prior
17 to entry of final judgment make such orders or judgments as may be necessary to
18 restore to any person any pecuniary loss suffered because of the acts or practices
19 involved in the action, provided proof thereof is submitted to the satisfaction of the
20 court. The department of justice may ~~use its authority in ss. 93.14 and 93.15 to~~
21 investigate violations of any order issued under this section.

22 ***b2913/2.8* SECTION 263mz.** 100.201 (6) (d) of the statutes is amended to read:

23 100.201 (6) (d) The failure to pay fees under this subsection within the time
24 provided under par. (c) is a violation of this section. The department of justice may

1 also commence an action to recover the amount of any overdue fees plus interest at
2 the rate of 2% per month for each month that the fees are delinquent.

3 *b2913/2.8* SECTION 263nb. 100.201 (8m) (intro.) of the statutes is amended
4 to read:

5 100.201 (8m) JURISDICTION. (intro.) This section shall apply to transactions,
6 acts or omissions which take place in whole or in part outside this state. In any action
7 or administrative proceeding the department of justice has jurisdiction of the person
8 served under s. 801.11 when any act or omission outside this state by the defendant
9 or respondent results in local injury or may have the effect of injuring competition
10 or a competitor in this state or unfairly diverts trade or business from a competitor,
11 if at the time:

12 *b2913/2.8* SECTION 263nd. 100.201 (9) (b) of the statutes is amended to read:

13 100.201 (9) (b) The department, after public hearing held under s. 93.18, may
14 issue a special order against any person requiring such person to cease and desist
15 from acts, practices or omissions determined by the department to violate this
16 section. Such orders shall be subject to judicial review under ch. 227. Any violation
17 of a special order issued hereunder shall be punishable as a contempt under ch. 785
18 in the manner provided for disobedience of a lawful order of a court, upon the filing
19 of an affidavit by the department of justice of the commission of such violation in any
20 court of record in the county where the violation occurred.

21 *b2913/2.8* SECTION 263nf. 100.201 (9) (c) of the statutes is amended to read:

22 100.201 (9) (c) The department of justice, in addition to or in lieu of any other
23 remedies herein provided, may apply to a circuit court for a temporary or permanent
24 injunction to prevent, restrain or enjoin any person from violating this section or any
25 special order of the department of agriculture, trade and consumer protection issued

1 ~~hereunder~~ under this section, without being compelled to allege or prove that an
2 adequate remedy at law does not exist.

3 ***b2913/2.8* SECTION 263nj.** 100.205 (7) of the statutes is amended to read:

4 100.205 (7) The department of justice, or any district attorney on informing the
5 department of justice, may commence an action in circuit court in the name of the
6 state to restrain by temporary or permanent injunction any violation of this section.
7 The court may, before entry of final judgment and after satisfactory proof, make
8 orders or judgments necessary to restore to any person any pecuniary loss suffered
9 because of a violation of this section. The department of justice may conduct
10 hearings, administer oaths, issue subpoenas and take testimony to aid in its
11 investigation of violations of this section.

12 ***b2913/2.8* SECTION 263nm.** 100.205 (8) of the statutes is amended to read:

13 100.205 (8) The department of justice or any district attorney may commence
14 an action in the name of the state to recover a forfeiture to the state of not more than
15 \$10,000 for each violation of this section.

16 ***b2913/2.8* SECTION 263nn.** 100.207 (1) of the statutes is renumbered 100.207
17 (1) (intro.) and amended to read:

18 100.207 (1) ~~DEFINITION~~ DEFINITIONS (intro.) In this section,
19 “telecommunications;

20 (b) “Telecommunications service” has the meaning given in s. 196.01 (9m).

21 ***b2913/2.8* SECTION 263no.** 100.207 (1) (a) of the statutes is created to read:

22 100.207 (1) (a) Notwithstanding s. 93.01 (3), “department” means the
23 department of justice.

24 ***b2913/2.8* SECTION 263nq.** 100.207 (6) (b) 1. of the statutes is amended to
25 read:

1 100.207 (6) (b) 1. The department of justice, ~~after consulting with the~~
2 ~~department of agriculture, trade and consumer protection,~~ or any district attorney
3 upon informing the department of ~~agriculture, trade and consumer protection,~~ may
4 commence an action in circuit court in the name of the state to restrain by temporary
5 or permanent injunction any violation of this section. Injunctive relief may include
6 an order directing telecommunications providers, as defined in s. 196.01 (8p), to
7 discontinue telecommunications service provided to a person violating this section
8 or ch. 196. Before entry of final judgment, the court may make such orders or
9 judgments as may be necessary to restore to any person any pecuniary loss suffered
10 because of the acts or practices involved in the action if proof of these acts or practices
11 is submitted to the satisfaction of the court.

12 ***b2913/2.8* SECTION 263nt.** 100.207 (6) (b) 2. of the statutes is amended to
13 read:

14 100.207 (6) (b) 2. The department ~~may exercise its authority under ss. 93.14~~
15 ~~to 93.16 and 100.18 (11) (e) to~~ shall administer this section. The department and the
16 ~~department of justice~~ may subpoena persons and, require the production of books
17 and other documents, and ~~the department of justice may request the department of~~
18 ~~agriculture, trade and consumer protection to exercise its authority to aid in the~~
19 ~~investigation of~~ investigate alleged violations of this section.

20 ***b2913/2.8* SECTION 263nv.** 100.207 (6) (c) of the statutes is amended to read:

21 100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to
22 forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this
23 paragraph shall be enforced by the department of justice, ~~after consulting with the~~
24 ~~department of agriculture, trade and consumer protection,~~ or, upon informing the
25 department, by the district attorney of the county where the violation occurs.

1 ***b2913/2.8* SECTION 263nz.** 100.207 (6) (em) 1. of the statutes is amended to
2 read:

3 100.207 (6) (em) 1. Before preparing any proposed rule under this section, the
4 department shall form an advisory group to suggest recommendations regarding the
5 content and scope of the proposed rule. The advisory group shall consist of one or
6 more persons who may be affected by the proposed rule, ~~a representative from the~~
7 ~~department of justice~~ and a representative from the public service commission.

8 ***b2913/2.8* SECTION 263pb.** 100.207 (6) (em) 2. of the statutes is amended to
9 read:

10 100.207 (6) (em) 2. The department shall submit the recommendations under
11 subd. 1., if any, to the legislature as part of the report required under s. 227.19 (2)
12 and to the board of agriculture, trade and consumer protection.

13 ***b2913/2.8* SECTION 263pf.** 100.208 (2) (intro.) of the statutes is amended to
14 read:

15 100.208 (2) (intro.) The department of justice shall notify the public service
16 commission if any of the following conditions exists:

17 ***b2913/2.8* SECTION 263pj.** 100.208 (2) (b) of the statutes is amended to read:

18 100.208 (2) (b) The department of justice has issued an order under s. 100.20
19 (3) prohibiting a telecommunications provider from engaging in an unfair trade
20 practice or method of competition.

21 ***b2913/2.8* SECTION 263pm.** 100.209 (3) of the statutes is amended to read:

22 100.209 (3) RULES AND LOCAL ORDINANCES ALLOWED. This section does not
23 prohibit the department of justice from promulgating a rule or from issuing an order
24 consistent with its authority under this chapter that gives a subscriber greater rights

1 than the rights under sub. (2) or prohibit a city, village or town from enacting an
2 ordinance that gives a subscriber greater rights than the rights under sub. (2).

3 ***b2913/2.8* SECTION 263pp.** 100.209 (4) (b) of the statutes is amended to read:

4 100.209 (4) (b) The department of justice and the district attorneys of this state
5 have concurrent authority to institute civil proceedings under this section.

6 ***b2913/2.8* SECTION 263ps.** 100.2095 (6) (b) of the statutes is amended to
7 read:

8 100.2095 (6) (b) The department of justice may commence an action in the
9 name of the state to restrain by temporary or permanent injunction a violation of sub.
10 (3), (4) or (5). Before entry of final judgment, the court may make any necessary
11 orders to restore to any person any pecuniary loss suffered by the person because of
12 the violation.

13 ***b2913/2.8* SECTION 263pv.** 100.2095 (6) (c) of the statutes is amended to read:

14 100.2095 (6) (c) The department of justice or any district attorney may
15 commence an action in the name of the state to recover a forfeiture to the state of not
16 less than \$100 nor more than \$10,000 for each violation of sub. (3), (4) or (5).”.

17 ***b2913/2.9* 345.** Page 155, line 17: after that line insert:

18 ***b2913/2.9* “SECTION 264d.** 100.21 (2) (a) of the statutes is amended to read:

19 100.21 (2) (a) No person may make an energy savings or safety claim without
20 a reasonable and currently accepted scientific basis for the claim when the claim is
21 made. Making an energy savings or safety claim without a reasonable and currently
22 accepted scientific basis is also an unfair method of competition and trade practice
23 prohibited under s. 100.20.

1 ***b2913/2.9* SECTION 264h.** 100.21 (4) (a) (intro.) of the statutes is amended
2 to read:

3 100.21 (4) (a) (intro.) The department may, after public hearing, issue general
4 or special orders under ~~s. 100.20~~:

5 ***b2913/2.9* SECTION 264p.** 100.22 (4) (b) of the statutes is amended to read:

6 100.22 (4) (b) The department of justice may, without alleging or proving that
7 no other adequate remedy at law exists, bring an action to enjoin violations of this
8 section or a special order issued under this section in the circuit court for the county
9 where the alleged violation occurred.

10 ***b2913/2.9* SECTION 264t.** 100.235 (11) (a) of the statutes is amended to read:

11 100.235 (11) (a) *Forfeiture.* Any person who violates this section or any rule
12 promulgated or order issued under this section may be required to forfeit not less
13 than \$100 nor more than \$10,000. ~~Notwithstanding s. 165.25 (1), the department~~
14 ~~may commence an action to recover a forfeiture under this paragraph.”.~~

15 ***b2913/2.10* 346.** Page 156, line 3: after that line insert:

16 ***b2913/2.10* “SECTION 266m.** 100.26 (6) of the statutes is amended to read:

17 100.26 (6) ~~The department, the department of justice, after consulting with the~~
18 ~~department, or any district attorney may commence an action in the name of the~~
19 ~~state to recover a civil forfeiture to the state of not less than \$100 nor more than~~
20 ~~\$10,000 for each violation of~~ Any person violating an injunction issued under s.
21 100.18, 100.182 or 100.20 (6). ~~The department of agriculture, trade and consumer~~
22 ~~protection or any district attorney may commence an action in the name of the state~~
23 ~~to recover a civil~~ is subject to a forfeiture of not less than \$100 nor more than \$10,000
24 for each violation. Any person violating an order issued under s. 100.20 is subject

1 ~~to a forfeiture to the state~~ of not less than \$100 nor more than \$10,000 for each
2 violation of ~~an order issued under s. 100.20.~~”.

3 *b2750/2.1* **347.** Page 156, line 9: after that line insert:

4 *b2750/2.1* “**SECTION 267d.** 100.275 of the statutes is created to read:

5 **100.275 Mercury thermometers.** (1) Except as provided in sub. (2), no
6 manufacturer, wholesaler, or retailer may sell or give away a thermometer that
7 contains mercury.

8 (2) Subsection (1) does not apply to any of the following:

9 (a) A mercury thermometer used for food research and development or food
10 processing, including meat, dairy product, and pet food processing.

11 (b) A mercury thermometer used for the calibration of other thermometers,
12 apparatus, or equipment, unless a calibration standard that does not use mercury
13 is approved for that calibration by the National Institute of Standards and
14 Technology.

15 (c) A mercury thermometer that is a component of an agriculture climate
16 control system or industrial measurement system if the system is in use on the
17 effective date of this paragraph [revisor inserts date].

18 (d) A mercury thermometer that is a component of an agriculture climate
19 control system or industrial measurement system if a nonmercury alternative is not
20 available as a component of the system.

21 (e) An electronic thermometer that includes a battery that contains mercury,
22 if a person is not prohibited from selling that battery or offering that battery for sale
23 under s. 100.27.

1 (f) An antique or collectible mercury thermometer, manufactured before 1998,
2 on which advertising is displayed.

3 (3) Any person who violates this section may be required to forfeit not more
4 than \$200 for each violation. Each sale or gift of a thermometer in violation of this
5 section constitutes a separate violation.”.

6 *b2814/1.1* **348.** Page 156, line 9: after that line insert:

7 *b2814/1.1* “SECTION 267e. 100.264 (2) (intro.) of the statutes is amended to
8 read:

9 100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is
10 imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,
11 100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, 100.44 ~~or~~, 100.46, or 100.52 (10)
12 (b) or a rule promulgated under one of those sections, the person shall be subject to
13 a supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by
14 the defendant, for which the violation was imposed, was perpetrated against an
15 elderly person or disabled person and if the court finds that any of the following
16 factors is present:

17 *b2814/1.1* SECTION 267m. 100.52 (10) (a) of the statutes, as created by 2001
18 Wisconsin Act 16, is amended to read:

19 100.52 (10) (a) Except as provided in par. (b), a person who violates this section
20 may be required to forfeit not less than \$100 nor more than \$500 for each violation.

21 *b2814/1.1* SECTION 267s. 100.52 (10) (b) of the statutes, as created by 2001
22 Wisconsin Act 16, is amended to read:

23 100.52 (10) (b) A telephone solicitor that violates sub. (4) may be required to
24 forfeit not less than \$100 nor more than \$100 ~~\$100~~ \$1,000 for each violation.”.

1 ***b2913/2.11* 349.** Page 156, line 9: after that line insert:

2 ***b2913/2.11* "SECTION 267kb.** 100.261 (3) (b) of the statutes, as affected by
3 2001 Wisconsin Act 16, is amended to read:

4 100.261 (3) (b) The state treasurer shall deposit the consumer protection
5 assessment amounts imposed for a violation of ch. 98, a rule promulgated under ch.
6 98, or an ordinance enacted under ch. 98 in the general fund and shall credit them
7 to the appropriation account under s. 20.115 (1) (jb), subject to the limit under par.
8 (c).

9 ***b2913/2.11* SECTION 267kd.** 100.261 (3) (d) of the statutes is created to read:

10 100.261 (3) (d) The state treasurer shall deposit the consumer protection
11 assessment amounts imposed for a violation of this chapter, a rule promulgated
12 under this chapter, or an ordinance enacted under this chapter in the general fund
13 and shall credit them to the appropriation account under s. 20.455 (1) (g), subject to
14 the limit under par. (e).

15 ***b2913/2.11* SECTION 267ke.** 100.261 (3) (e) of the statutes is created to read:

16 100.261 (3) (e) The amount credited to the appropriation account under s.
17 20.455 (1) (g) may not exceed \$185,000 in each fiscal year.

18 ***b2913/2.11* SECTION 267kf.** 100.263 of the statutes is amended to read:

19 **100.263 Recovery.** In addition to other remedies available under this chapter,
20 the court may award ~~the department~~ the reasonable and necessary costs of
21 investigation and an amount reasonably necessary to remedy the harmful effects of
22 the violation and the court may award ~~the department of justice~~ the reasonable and
23 necessary expenses of prosecution, including attorney fees, from any person who
24 violates this chapter. ~~The department and the department of justice~~ amounts

1 awarded under this subsection shall deposit be deposited in the state treasury for
2 deposit in the general fund ~~all moneys that the court awards to the department, the~~
3 ~~department of justice or the state under this section.~~ Ten percent of the money
4 deposited in the general fund that was awarded under this section for the costs of
5 investigation and the expenses of prosecution, including attorney fees, shall be
6 credited to the appropriation account under s. 20.455 (1) (gh).

7 *b2913/2.11* SECTION 267kh. 100.28 (4) (b) of the statutes is amended to read:

8 100.28 (4) (b) In lieu of or in addition to forfeitures under par. (a), the
9 department of justice may seek an injunction restraining any person from violating
10 this section.

11 *b2913/2.11* SECTION 267kj. 100.28 (4) (c) of the statutes is amended to read:

12 100.28 (4) (c) The department of justice, or any district attorney upon the
13 request of the department of justice, may commence an action in the name of the
14 state under par. (a) or (b).

15 *b2913/2.11* SECTION 267kL. 100.31 (4) of the statutes is amended to read:

16 100.31 (4) PENALTIES. For any violation of this section, the department of
17 justice or a district attorney may commence an action on behalf of the state to recover
18 a forfeiture of not less than \$100 nor more than \$10,000 for each offense. Each
19 delivery of a drug sold to a purchaser at a price in violation of this section and each
20 separate day in violation of an injunction issued under this section is a separate
21 offense.

22 *b2913/2.11* SECTION 267kn. 100.31 (5) of the statutes is amended to read:

23 100.31 (5) SPECIAL REMEDIES. The department of justice or a district attorney
24 may bring an action to enjoin a violation of this section without being compelled to
25 allege or prove that an adequate remedy at law does not exist. An action under this

1 subsection may be commenced and prosecuted by the department of justice or a
2 district attorney, in the name of the state, in a circuit court in the county where the
3 offense occurred or in Dane County, notwithstanding s. 801.50.

4 ***b2913/2.11* SECTION 267ko.** 100.37 (1) (am) of the statutes is created to read:

5 100.37 (1) (am) Notwithstanding s. 93.01 (3), “department” means the
6 department of justice.

7 ***b2913/2.11* SECTION 267kp.** 100.38 (5) of the statutes is amended to read:

8 100.38 (5) INSPECTION. The department of justice shall enforce this section by
9 inspection, chemical analyses or any other appropriate method and the department
10 of justice may promulgate such rules as are necessary to effectively enforce this
11 section.

12 ***b2913/2.11* SECTION 267kq.** 100.38 (6) of the statutes is amended to read:

13 100.38 (6) ENFORCEMENT. It is unlawful to sell any antifreeze which is
14 adulterated or misbranded. In addition to the penalties provided under sub. (7), the
15 department of justice may bring an action to enjoin violations of this section.

16 ***b2913/2.11* SECTION 267kr.** 100.41 (1) (bn) of the statutes is created to read:

17 100.41 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the
18 department of justice.

19 ***b2913/2.11* SECTION 267ks.** 100.42 (1) (cm) of the statutes is created to read:

20 100.42 (1) (cm) Notwithstanding s. 93.01 (3), “department” means the
21 department of justice.

22 ***b2913/2.11* SECTION 267kt.** 100.43 (1) (am) of the statutes is created to read:

23 100.43 (1) (am) Notwithstanding s. 93.01 (3), “department” means the
24 department of justice.

25 ***b2913/2.11* SECTION 267ku.** 100.44 (5) of the statutes is amended to read:

1 100.44 (5) ENFORCEMENT. For any violation of sub. (3), the department of justice
2 may, on behalf of the state, bring an action in any court of competent jurisdiction for
3 the recovery of forfeitures authorized under sub. (4), for temporary or permanent
4 injunctive relief and for any other appropriate relief. The court may make any order
5 or judgment that is necessary to restore to any person any pecuniary loss suffered
6 because of a violation of sub. (3) if proof of the loss is shown to the satisfaction of the
7 court.

8 ***b2913/2.11* SECTION 267kv.** 100.46 (1) of the statutes is amended to read:

9 100.46 (1) ENERGY CONSERVATION STANDARDS. The department of justice may by
10 rule adopt energy conservation standards for products that have been established in
11 or promulgated under 42 USC 6291 to 6309.

12 ***b2913/2.11* SECTION 267kw.** 100.46 (2) of the statutes is amended to read:

13 100.46 (2) PROHIBITED ACTS; ENFORCEMENT. No person may sell at retail, install
14 or cause to be installed any product that is not in compliance with rules promulgated
15 under sub. (1). In addition to other penalties and enforcement procedures, the
16 department of justice may apply to a court for a temporary or permanent injunction
17 restraining any person from violating a rule adopted under sub. (1).

18 ***b2913/2.11* SECTION 267kx.** 100.50 (6) (b) of the statutes is amended to read:

19 100.50 (6) (b) In lieu of or in addition to the remedy under par. (a), the
20 department of justice may seek an injunction restraining any person from violating
21 this section.

22 ***b2913/2.11* SECTION 267ky.** 100.50 (6) (c) of the statutes is amended to read:

23 100.50 (6) (c) The department of justice, or any district attorney upon the
24 request of the department of justice, may commence an action in the name of the
25 state under par. (a) or (b).

1 ***b2913/2.11* 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 ***b2947/3.15* 350.** Page 156, line 9: after that line insert:

5 ***b2947/3.15* “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 ***b2913/2.12* 351.** Page 156, line 20: after that line insert:

9 ***b2913/2.12* “SECTION 269m.** 101.175 (3) (intro.) of the statutes is amended
10 to read:

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

15 ***b2873/2.3* 352.** Page 157, line 22: after that line insert:

16 ***b2873/2.3* “SECTION 274h.** 103.67 (1) of the statutes is amended to read:

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

23 ***b2873/2.3* SECTION 274j.** 103.68 (1) of the statutes is amended to read:

1 103.68 (1) No minor shall be employed or permitted to work at any gainful
2 occupation other than domestic service ~~or~~, farm labor, or service as an election
3 inspector under s. 7.30 (2) (am) for more than 8 hours in any one day nor more than
4 40 hours nor more than 6 days in any one week, nor during such hours as the minor
5 is required under s. 118.15 (2) to attend school.

6 ***b2873/2.3* SECTION 274L.** 103.70 (2) of the statutes is amended to read:

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

14 ***b2892/3.1* 353.** Page 157, line 22: after that line insert:

15 ***b2892/3.1* “SECTION 274m.** 106.50 (5m) (d) of the statutes is amended to
16 read:

17 106.50 (5m) (d) Nothing in this section requires that housing be made available
18 to an individual whose tenancy would constitute a direct threat to the safety of other
19 tenants or persons employed on the property or whose tenancy would result in
20 substantial physical damage to the property of others, if the risk of direct threat or
21 damage cannot be eliminated or sufficiently reduced through reasonable
22 accommodations. A claim that an individual’s tenancy poses a direct threat or a
23 substantial risk of harm or damage must be evidenced by behavior by the individual
24 which ~~that~~ caused harm or damage, ~~which that~~ directly threatened harm or damage,

1 or ~~which~~ that caused a reasonable fear of harm or damage to other tenants, persons
2 employed on the property, or the property. No claim that an individual's tenancy
3 would constitute a direct threat to the safety of other persons or would result in
4 substantial damage to property may be based on the fact that a tenant has been or
5 may be the victim of domestic abuse, as defined in s. 813.12 (1) (a) (am).”.

6 *b2903/2.2* **354.** Page 157, line 22: after that line insert:

7 *b2903/2.2* **SECTION 274c.** 103.49 (5) (a) of the statutes is amended to read:

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

1 ***b2903/2.2* SECTION 274cd.** 103.49 (6m) (a) of the statutes is renumbered
2 103.49 (6m) (ar).

3 ***b2903/2.2* SECTION 274cf.** 103.49 (6m) (ag) of the statutes is created to read:

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

17 ***b2903/2.2* SECTION 274ch.** 103.49 (6m) (f) of the statutes is amended to read:

18 103.49 (6m) (f) Paragraph (a) (ar) does not apply to any person who fails to
19 provide any information to the department to assist the department in determining
20 prevailing wage rates under sub. (3) (a) or (am).

21 ***b2903/2.2* SECTION 274cj.** 103.50 (6m) of the statutes is created to read:

22 103.50 (6m) RECORDS; INSPECTION. Each contractor, subcontractor, or
23 contractor's or subcontractor's agent performing work on a project that is subject to
24 this section shall keep full and accurate records clearly indicating the name and
25 trade or occupation of every person performing the work described in sub. (2m) and

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

14 ***b2903/2.2* SECTION 274cm.** 103.50 (7) (a) of the statutes is renumbered
15 103.50 (7) (ar).

16 ***b2903/2.2* SECTION 274cn.** 103.50 (7) (ag) of the statutes is created to read:
17 103.50 (7) (ag) Any contractor, subcontractor, or contractor's or subcontractor's
18 agent who fails to pay the prevailing wage rate determined under sub. (3) or (4) or
19 who pays less than 1.5 times the hourly basic rate of pay for all hours worked in
20 excess of the prevailing hours of labor is liable to any affected employee in the amount
21 of the employee's unpaid wages or unpaid overtime compensation. An employee may
22 recover that liability by filing a wage claim with the department of transportation
23 under par. (am) or by commencing an action under s. 109.03 (5) in any court of
24 competent jurisdiction, for and in behalf of that employee and other employees
25 similarly situated. No employee may be a party plaintiff to an action commenced

1 under s. 109.03 (5) unless the employee consents in writing to become a party and
2 the consent is filed in the court in which the action is brought. Notwithstanding s.
3 814.04 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow
4 reasonable attorney fees and costs to be paid by the defendant.

5 ***b2903/2.2* SECTION 274cp.** 103.50 (7) (am) of the statutes is created to read:

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

1 during the period commencing 2 years before the date on which the wage claim was
2 filed.

3 ***b2903/2.2* SECTION 274cr.** 103.50 (7) (f) of the statutes is amended to read:
4 103.50 (7) (f) Paragraph (a) (ar) does not apply to any person who fails to
5 provide any information to the department to assist the department in determining
6 prevailing wage rates under sub. (3) or (4).

7 ***b2903/2.2* SECTION 274ct.** 103.50 (8) of the statutes is amended to read:
8 103.50 (8) ENFORCEMENT AND PROSECUTION. The department of transportation
9 shall require adherence to subs. (2), (2m), and (6). The department of transportation
10 may demand and examine, and every contractor, subcontractor, and contractor's or
11 subcontractor's agent shall keep and furnish, upon request by the department of
12 transportation, copies of payrolls and other records and information relating to
13 compliance with this section. ~~Upon request of the department of transportation or~~
14 ~~upon complaint of alleged violation, the district attorney of the county in which the~~
15 ~~work is located shall investigate as necessary and prosecute violations in a court of~~
16 ~~competent jurisdiction.~~ Section 111.322 (2m) applies to discharge and other
17 discriminatory acts arising in connection with any proceeding under this section.”.

18 ***b2947/3.16* 355.** Page 157, line 22: after that line insert:

19 ***b2947/3.16* “SECTION 274b.** 103.005 (16) of the statutes is amended to read:
20 103.005 (16) Each of the commissioners, or the secretary ~~or any deputy~~
21 ~~secretary~~ may certify to official acts, and take testimony.”.

22 ***b2903/2.3* 356.** Page 158, line 11: after that line insert:

23 ***b2903/2.3* “SECTION 276h.** 109.03 (5) of the statutes is amended to read:

1 109.03 (5) ENFORCEMENT. Except as provided in sub. (1), no employer may by
2 special contract with employees or by any other means secure exemption from this
3 section. Each employee shall have a right of action against any employer for the full
4 amount of the employee's wages due on each regular pay day as provided in this
5 section and for increased wages as provided in s. 109.11 (2), in any court of competent
6 jurisdiction. An employee may bring an action against an employer under this
7 subsection without first filing a wage claim with the department of workforce
8 development under s. 109.09 (1) or with the department of transportation under s.
9 103.50 (7) (am). An employee who brings an action against an employer under this
10 subsection shall have a lien upon all property of the employer, real or personal,
11 located in this state as described in s. 109.09 (2).

12 ***b2903/2.3* SECTION 276j.** 109.09 (1) of the statutes is amended to read:

13 109.09 (1) The department shall investigate and attempt equitably to adjust
14 controversies between employers and employees as to alleged wage claims. The
15 department may receive and investigate any wage claim ~~which~~ that is filed with the
16 department, or received by the department under s. 109.10 (4), no later than 2 years
17 after the date the wages are due. The department may, after receiving a wage claim,
18 investigate any wages due from the employer against whom the claim is filed to any
19 employee during the period commencing 2 years before the date the claim is filed.
20 The department shall enforce this chapter and ss. 66.0903, 103.02, 103.32, 103.49,
21 103.82, 104.12, and 229.8275. In pursuance of this duty, the department may sue the
22 employer on behalf of the employee to collect any wage claim or wage deficiency, and
23 ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except for actions
24 under s. 109.10, the department may refer such an action to the district attorney of
25 the county in which the violation occurs for prosecution and collection, and the

1 district attorney shall investigate as necessary and, if the wage claim or wage
2 deficiency appears to be valid, commence an action in the circuit court having
3 appropriate jurisdiction to collect the wage claim or wage deficiency. If the
4 department decides not to sue the employer to collect a wage claim or wage deficiency
5 arising under s. 66.0903 or 103.49 or refer such a wage claim or wage deficiency to
6 the district attorney, the department shall refer the wage claim or wage deficiency
7 to the department of justice, and the department of justice shall investigate as
8 necessary and, if the wage claim or wage deficiency appears to be valid, commence
9 an action in the circuit court having appropriate jurisdiction to collect the wage claim
10 or wage deficiency. Any number of wage claims or wage deficiencies against the same
11 employer may be joined in a single proceeding, but the court may order separate
12 trials or hearings. In actions that are referred to a district attorney under this
13 subsection, any taxable costs recovered by the district attorney shall be paid into the
14 general fund of the county in which the violation occurs and used by that county to
15 meet its financial responsibility under s. 978.13 (2) for the operation of the office of
16 the district attorney who prosecuted the action.”.

17 *b2903/2.4* **357.** Page 158, line 22: after that line insert:

18 *b2903/2.4* “SECTION 276p. 109.11 (1) (c) of the statutes is amended to read:

19 109.11 (1) (c) If an employer does not agree to compromise and settle a wage
20 claim under this subsection, the department may refer the wage claim to a district
21 attorney under s. 109.09 (1) or to the department of justice under s. 109.09 (1) or
22 109.10 (3) for commencement of an action in circuit court to collect the amount of
23 wages due and unpaid plus increased wages as specified in sub. (2) (b).”.

24 *b2837/1.4* **358.** Page 159, line 3: after that line insert:

1 ***b2837/1.4*** **SECTION 277gm.** 111.91 (2) (n) of the statutes is amended to read:
2 111.91 (2) (n) The provision to employees of the health insurance coverage
3 required under s. 632.895 (11) to ~~(14)~~ (15).

4 ***b2837/1.4*** **SECTION 277hm.** 111.91 (2) (qm) of the statutes is created to read:
5 111.91 (2) (qm) The requirements under s. 632.89 related to coverage of
6 treatment for nervous and mental disorders and alcoholism and other drug abuse
7 problems.”.

8 ***b2968/1.1*** **359.** Page 159, line 3: after that line insert:

9 ***b2968/1.1*** **SECTION 277b.** 111.70 (1) (a) of the statutes is amended to read:
10 111.70 (1) (a) “Collective bargaining” means the performance of the mutual
11 obligation of a municipal employer, through its officers and agents, and the
12 representative of its municipal employees in a collective bargaining unit, to meet and
13 confer at reasonable times, in good faith, with the intention of reaching an
14 agreement, or to resolve questions arising under such an agreement, with respect to
15 wages, hours, and conditions of employment, and with respect to a requirement of
16 the municipal employer for a municipal employee to perform law enforcement and
17 fire fighting services under s. 61.66, and for a school district with respect to any
18 matter under sub. (4) (n), except as provided in sub. (4) (m) and s. 40.81 (3) and except
19 that a municipal employer shall not meet and confer with respect to any proposal to
20 diminish or abridge the rights guaranteed to municipal employees under ch. 164.
21 The duty to bargain, however, does not compel either party to agree to a proposal or
22 require the making of a concession. Collective bargaining includes the reduction of
23 any agreement reached to a written and signed document. The municipal employer
24 shall not be required to bargain on subjects reserved to management and direction

1 of the governmental unit except insofar as the manner of exercise of such functions
2 affects the wages, hours, and conditions of employment of the municipal employees
3 in a collective bargaining unit. In creating this subchapter the legislature recognizes
4 that the municipal employer must exercise its powers and responsibilities to act for
5 the government and good order of the jurisdiction which it serves, its commercial
6 benefit, and the health, safety, and welfare of the public to assure orderly operations
7 and functions within its jurisdiction, subject to those rights secured to municipal
8 employees by the constitutions of this state and of the United States and by this
9 subchapter.

10 ***b2968/1.1* SECTION 277e.** 111.70 (4) (n) of the statutes is created to read:

11 111.70 (4) (n) *Mandatory subjects of bargaining.* In a school district, in addition
12 to any subject of bargaining on which the municipal employer is required to bargain
13 under sub. (1) (a), the municipal employer is required to bargain collectively with
14 respect to:

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

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

20 ***b2969/2.1* 360.** Page 159, line 3: after that line insert:

21 ***b2969/2.1* “SECTION 277c.** 111.70 (1) (nc) 1. d. of the statutes is created to
22 read:

23 111.70 (1) (nc) 1. d. A proposal to maintain all conditions of employment as the
24 conditions existed on the 90th day prior to the expiration of the previous collective

1 bargaining agreement between the parties or the 90th day prior to commencement
2 of negotiations if there is no previous collective bargaining agreement between the
3 parties.

4 *b2969/2.1* SECTION 277cm. 111.70 (1) (nc) 1. e. of the statutes is created to
5 read:

6 111.70 (1) (nc) 1. e. A proposal to maintain any provision relating to a subject
7 of collective bargaining on which the municipal employer was not required to bargain
8 that existed in the previous collective bargaining agreement between the parties or
9 that existed on the 90th day prior to the expiration of the previous collective
10 bargaining agreement between the parties.

11 *b2969/2.1* SECTION 277cp. 111.70 (4) (cm) 5s. of the statutes is amended to
12 read:

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

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

1 the parties for the period included within the qualified economic offer. The failure
2 of a labor organization to recognize the validity of such a lawful qualified economic
3 offer does not affect the obligation of the municipal employer to submit economic
4 issues to arbitration under subd. 6. If the investigator determines that the municipal
5 employer has not submitted a timely qualified economic offer, either the municipal
6 employer or the labor organization may petition for arbitration under subd. 6. to
7 resolve any dispute relating to economic issues.

8 *b2969/2.1* SECTION 277cr. 111.70 (4) (cm) 8t. of the statutes is created to
9 read:

10 111.70 (4) (cm) 8t. 'Methodology for determining qualified economic offers.' The
11 commission shall prescribe by rule a methodology to be used in determining whether
12 a collective bargaining proposal submitted by a municipal employer to a labor
13 organization constitutes a qualified economic offer and whether such an offer is
14 timely."

15 *b2725/5.11* **361.** Page 159, line 9: after that line insert:

16 *b2725/5.11* "SECTION 279m. 115.28 (25) of the statutes is repealed."

17 *b2947/3.17* **362.** Page 159, line 9: after that line insert:

18 *b2947/3.17* "SECTION 279b. 115.29 (1) of the statutes is amended to read:

19 115.29 (1) DESIGNATE REPRESENTATIVE. Designate ~~the deputy state~~
20 ~~superintendent or another~~ any employee of the department as the state
21 superintendent's representative on any body on which the state superintendent is
22 required to serve, except the board of regents of the University of Wisconsin
23 System."

24 *b2992/1.1* **363.** Page 159, line 17: after that line insert:

1 ***b2992/1.1* SECTION 280c.** 118.13 (1m) of the statutes is created to read:

2 118.13 (1m) No person who wishes to attend a private school under s. 119.23
3 or a charter school may be denied admission to that school and no pupil who is
4 attending a private school under s. 119.23 or a charter school may be denied
5 participation in, be denied the benefits of, or be discriminated against in any
6 curricular, extracurricular, pupil services, recreational, or other program or activity
7 of that school because of the person's sex, race, religion, national origin, ancestry,
8 creed, pregnancy, marital or parental status, sexual orientation, or physical, mental,
9 emotional, or learning disability.

10 ***b2992/1.1* SECTION 280e.** 118.13 (2) (am) of the statutes is created to read:

11 118.13 (2) (am) Each private school participating in the program under s.
12 119.23 and each charter school shall develop written policies and procedures to
13 implement this section and submit them to the state superintendent. The policies
14 and procedures shall provide for receiving and investigating complaints regarding
15 possible violations of this section, for making determinations as to whether this
16 section has been violated, and for ensuring compliance with this section.

17 ***b2992/1.1* SECTION 280g.** 118.13 (2) (b) of the statutes is amended to read:

18 118.13 (2) (b) Any person who receives a negative determination under par. (a)
19 or (am) may appeal the determination to the state superintendent.

20 ***b2992/1.1* SECTION 280i.** 118.13 (3) (a) 3. of the statutes is amended to read:

21 118.13 (3) (a) 3. Include in the department's biennial report under s. 15.04 (1)
22 (d) information on the ~~status of school district~~ compliance of school districts, charter
23 schools, and private schools with this section and ~~school district~~ the progress made
24 toward providing reasonable equality of educational opportunity for all pupils in this
25 state.