

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

3 **(2g)** “Educational agency” means a school district, charter school sponsor,
4 secured correctional facility, private school, cooperative educational service agency,
5 technical college district, private college, public library system, public library board,
6 the Wisconsin Center for the Blind and Visually Impaired, or the Wisconsin School
7 for the Deaf.

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

11 **(3d)** “Political subdivision” means any city, village, town, or county.

12 **(3g)** “Private college” means a private, regionally accredited, 4–year, nonprofit
13 college or university that is incorporated in this state or that has its regional
14 headquarters and principal place of business in this state or a tribally controlled
15 college in this state.

16 **(3j)** “Private school” has the meaning given in s. 115.001 (3r).

17 **(3m)** “Public library system” has the meaning given in s. 43.01 (5).

18 **(3r)** “Secured correctional facility” means the Southern Oaks Girls School, the
19 Ethan Allen School, the Youth Leadership Training Center, and the Lincoln Hills
20 School.

21 **(4)** “Telecommunications” has the meaning given in s. 16.97 (10).

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

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

24 **115.998 Technology for educational achievement in Wisconsin.** The
25 department shall do all of the following:

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

7 (2) Identify the best methods of providing preservice and in-service training
8 for teachers related to educational technology.

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

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

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

20 (6) No later than October 1 of each even-numbered year, submit a biennial
21 report concerning the department's activities under this subchapter to the governor,
22 and to the appropriate standing committees of the legislature under s. 13.172 (3).

23 (7) Coordinate the purchasing of educational technology materials, supplies,
24 equipment, and contractual services for school districts, cooperative educational
25 service agencies, technical college districts, and the board of regents of the

1 University of Wisconsin System by the department under s. 16.72 (8), and establish
2 standards and specifications for purchases of educational technology hardware and
3 software by school districts, cooperative educational service agencies, technical
4 college districts, and the board of regents of the University of Wisconsin System.

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

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

15 **115.999 Educational technology training programs, grants, aids and**
16 **loans. (1) EDUCATIONAL TECHNOLOGY TRAINING AND TECHNICAL ASSISTANCE GRANTS.**
17 From the appropriation under s. 20.255 (4) (et), the department shall award grants
18 to cooperative educational service agencies and to consortia consisting of 2 or more
19 school districts, charter school sponsors, secured correctional facilities, or
20 cooperative educational service agencies, or one or more school districts, charter
21 school sponsors, secured correctional facilities, or cooperative educational service
22 agencies and one or more public library boards, to provide technical assistance and
23 training in the use of educational technology. An applicant for a grant shall submit
24 to the department a plan that specifies the school districts, charter school sponsors,
25 secured correctional facilities, and public library boards that will participate in the

1 program and describes how the funds will be allocated. The department shall do all
2 of the following:

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

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

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

11 (2) EDUCATIONAL TECHNOLOGY BLOCK GRANTS. (b) 1. In this paragraph,
12 “equalized valuation per member” means equalized valuation, as defined in s.
13 121.004 (2), divided by membership, as defined in s. 121.004 (5), except as follows:

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

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

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

22 2. From the appropriations under s. 20.255 (4) (f), (im), (jm), (js), and (mp),
23 annually the department shall pay \$5,000 to each eligible school district and \$5,000
24 to the department of corrections for each eligible correctional facility. The
25 department of corrections shall allocate funds received under this subsection among

1 the eligible secured correctional facilities as it deems appropriate. The department
2 shall distribute the balance in the appropriation to eligible school districts and to
3 charter school sponsors in proportion to the weighted membership of each school
4 district and in proportion to the number of pupils attending each charter school on
5 the 3rd Friday of September. The weighted membership for a school district shall
6 be determined by dividing the statewide average equalized valuation per member by
7 the school district's equalized valuation per member and multiplying the result by
8 the school district's membership, as defined in s. 121.004 (5).

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

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

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

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

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

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

1 building construction services under s. 16.85 (15). The department shall determine
2 the interest rate on loans under this subsection. The interest rate shall be as low as
3 possible but shall be sufficient to fully pay all interest expenses incurred by the state
4 in making the loans and to provide reserves that are reasonably expected to be
5 required in the judgment of the department to ensure against losses arising from
6 delinquency and default in the repayment of the loans. The term of a loan under this
7 subsection may not exceed 10 years.

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

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

17 **115.9995 Educational telecommunications access program.** (1) Except
18 as provided in s. 196.218 (4t), the department shall promulgate rules establishing an
19 educational telecommunications access program to provide educational agencies
20 with access to data lines and video links.

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

22 (a) Allow an educational agency to make a request to the department for access
23 to either one data line or one video link, except that any educational agency may
24 request access to additional data lines if the agency shows to the satisfaction of the
25 department that the additional data lines are more cost-effective than a single data

1 line and except that a school district that operates more than one high school or a
2 public library board that operates more than one library facility may request access
3 to both a data line and a video link and access to more than one data line or video link.

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

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

12 (d) Require an educational agency to pay the department not more than \$250
13 per month for each data line or video link that is provided to the educational agency
14 under the program established under sub. (1), except that the charge may not exceed
15 \$100 per month for each data line or video link that relies on a transport medium that
16 operates at a speed of 1.544 megabits per second.

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

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

20 **(2g)** An educational agency that is provided access to a data line under the
21 program established under sub. (1) may not do any of the following:

22 (a) Provide access to the data line to any business entity, as defined in s. 13.62
23 (5).

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

4 (2r) (a) A public library board that is provided access to a data line under the
5 program established under sub. (1) may enter into a shared service agreement with
6 a political subdivision that provides the political subdivision with access to any
7 excess bandwidth on the data line that is not used by the public library board, except
8 that a public library board may not sell, resell, or transfer in consideration for money
9 or anything of value to a political subdivision access to any excess bandwidth. A
10 shared service agreement under this paragraph is not valid unless the agreement
11 allows the public library board to cancel the agreement at any time after providing
12 notice to the political subdivision.

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

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

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

24 (6) (a) From the appropriation under s. 20.255 (4) (s) or (tm), the department
25 may award an annual grant to a school district or private school that had in effect

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

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

16 *b2748/1.1* **365.** Page 159, line 17: after that line insert:

17 *b2748/1.1* “SECTION 280m. 118.12 (4) of the statutes is created to read:

18 118.12 (4) If a school board enters into a contract that grants to one vendor the
19 exclusive right to sell soft drinks in one or more schools of the school district, the
20 contract may not prohibit the sale of milk in any school and, to the maximum extent
21 possible, the school board shall ensure that milk is available to pupils in each school
22 covered by the contract whenever and wherever the soft drinks are available to
23 pupils.”.

24 *b2873/2.4* **366.** Page 159, line 17: after that line insert:

1 ***b2873/2.4*** “**SECTION 280p.** 118.15 (3) (d) of the statutes is created to read:
2 118.15 (3) (d) Any child excused in writing by his or her parent or guardian and
3 by the principal of the school that the child attends for the purpose of serving as an
4 election official under s. 7.30 (2) (am). A principal may not excuse a child under this
5 paragraph unless the child has at least a 3.0 grade point average or the equivalent.
6 The principal shall allow the child to take examinations and complete course work
7 missed during the child’s absences under this paragraph. The principal shall
8 promptly notify the municipal clerk or the board of election commissioners of the
9 municipality that appointed the child as an election official if the child ceases to be
10 enrolled in school or if the child no longer has at least a 3.0 grade point average or
11 the equivalent.”.

12 ***b2992/1.2* 367.** Page 160, line 3: after that line insert:

13 ***b2992/1.2*** “**SECTION 281b.** 118.30 (1g) (a) 1. of the statutes is amended to
14 read:

15 118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil
16 academic standards in mathematics, science, reading and writing, geography, and
17 history. ~~If the governor has issued~~ The school board may adopt the pupil academic
18 standards issued by the governor as an executive order under s. 14.23, the school
19 board ~~may adopt these standards no. 326, dated January 13, 1998.~~

20 ***b2992/1.2* SECTION 281d.** 118.30 (1g) (a) 3. of the statutes is created to read:

21 118.30 (1g) (a) 3. By January 1, 2003, or by January 1 of the first school year
22 in which the private school participates in the program under s. 119.23, whichever
23 is later, the governing body of each private school participating in the program under
24 s. 119.23 shall adopt pupil academic standards in mathematics, science, reading and

1 writing, geography, and history. The governing body of the private school may adopt
2 the pupil academic standards issued by the governor as executive order no. 326,
3 dated January 13, 1998.

4 *b2992/1.2* SECTION 281f. 118.30 (1g) (b) of the statutes is amended to read:

5 118.30 (1g) (b) Each school board operating high school grades ~~and~~, each
6 operator of a charter school under s. 118.40 (2r) that operates high school grades, and
7 the governing body of each private school participating in the program under s.
8 119.23 that operates high school grades shall adopt a high school graduation
9 examination that is designed to measure whether pupils meet the pupil academic
10 standards adopted by the school board ~~or~~, operator of the charter school, or governing
11 body of the private school under par. (a). If the school board ~~or~~, operator of the charter
12 school, or governing body of the private school has adopted the pupil academic
13 standards issued as executive order no. 326, dated January 13, 1998, the school
14 board ~~or~~, operator of the charter school, or governing body of the private school may
15 adopt the high school graduation examination developed by the department under
16 sub. (1) (b). If a school board ~~or~~, operator of a charter school, or governing body of a
17 private school develops and adopts its own high school graduation examination, it
18 shall notify the department annually by October 1 that it intends to administer the
19 examination in the following school year.

20 *b2992/1.2* SECTION 281h. 118.30 (1g) (c) of the statutes is amended to read:

21 118.30 (1g) (c) Each school board operating elementary grades ~~and~~, each
22 operator of a charter school under s. 118.40 (2r) that operates elementary grades, and
23 the governing body of each private school participating in the program under s.
24 119.23 that operates elementary grades may develop or adopt its own examination
25 designed to measure pupil attainment of knowledge and concepts in the 4th grade

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

5 *b2992/1.3* **368.** Page 160, line 18: after that line insert:

6 *b2992/1.3* “**SECTION 283c.** 118.30 (1s) of the statutes is created to read:

7 118.30 (1s) Annually the governing body of each private school participating
8 in the program under s. 119.23 shall do all of the following:

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

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

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

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

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

23 (d) If the private school operates high school grades, beginning in the 2004–05
24 school year administer the high school graduation examination adopted by the

1 governing body of the private school under sub. (1g) (b) to all pupils attending the
2 11th and 12th grades at the private school under s. 119.23. The governing body of
3 the private school shall administer the examination at least twice each school year
4 and may administer the examination only to pupils attending the 11th and 12th
5 grades.

6 ***b2992/1.3* SECTION 283g.** 118.30 (2) (b) 1. of the statutes is amended to read:

7 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
8 subch. V of ch. 115, the school board ~~or~~, operator of the a charter school under s. 118.40
9 (2r), or governing body of a private school participating in the program under s.
10 119.23 shall comply with s. 115.77 (1m) (bg).

11 ***b2992/1.3* SECTION 283n.** 118.30 (2) (b) 2. of the statutes is amended to read:

12 118.30 (2) (b) 2. According to criteria established by the state superintendent
13 by rule, the school board ~~or~~, operator of the a charter school under s. 118.40 (2r), or
14 governing body of a private school participating in the program under s. 119.23 may
15 determine not to administer an examination under this section to a limited-English
16 proficient pupil, as defined under s. 115.955 (7), may permit the pupil to be examined
17 in his or her native language, or may modify the format and administration of an
18 examination for such pupils.

19 ***b2992/1.3* SECTION 283r.** 118.30 (2) (b) 5. of the statutes is created to read:

20 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
21 body of a private school participating in the program under s. 119.23 shall excuse the
22 pupil from taking an examination administered under sub. (1s).

23 ***b2992/1.3* SECTION 283w.** 118.30 (6) of the statutes is amended to read:

24 118.30 (6) A school board ~~and~~, an operator of a charter school under s. 118.40
25 (2r), and the governing body of a private school participating in the program under

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

9 *b2992/1.4* **369.** Page 160, line 19: delete “of the statutes is” and substitute
10 “1. and 2. of the statutes are”.

11 *b2992/1.5* **370.** Page 161, line 7: after that line insert:

12 *b2992/1.5* “SECTION 284d. 118.33 (1) (f) 2m. of the statutes is created to read:
13 118.33 (1) (f) 2m. By September 1, 2004, the governing body of each private
14 school participating in the program under s. 119.23 shall develop a policy specifying
15 criteria for granting a high school diploma to pupils attending the private school
16 under s. 119.23. The criteria shall include the pupil’s score on the examination
17 administered under s. 118.30 (1s) (d), the pupil’s academic performance, and the
18 recommendations of teachers.”.

19 *b2992/1.6* **371.** Page 161, line 8: delete lines 8 to 11 and substitute:

20 *b2992/1.6* “SECTION 284e. 118.33 (1) (f) 3. of the statutes is amended to read:
21 118.33 (1) (f) 3. Beginning on September 1, ~~2003~~ 2005, neither a school board
22 nor an operator of a charter school under s. 118.40 (2r) may grant a high school
23 diploma to any pupil unless the pupil has satisfied the criteria specified in the school
24 board’s or charter school’s policy under subd. 1. or 2. Beginning on September 1,

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

5 *b2992/1.6* SECTION 284f. 118.33 (6) (c) of the statutes is created to read:

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

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

21 *b2992/1.6* SECTION 284g. 118.40 (4) (a) 3. and 4. of the statutes are created
22 to read:

23 118.40 (4) (a) 3. Permit public inspection and copying of any record, as defined
24 in s. 19.32 (2), of the charter school to the same extent as is required of, and subject

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

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

6 ***b2992/1.6* SECTION 284h.** 118.40 (4) (b) (intro.) and 1. of the statutes are
7 consolidated, renumbered 118.40 (4) (b) and amended to read:

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

10 ***b2992/1.6* SECTION 284i.** 118.40 (4) (b) 2. of the statutes is repealed.

11 ***b2992/1.6* SECTION 284k.** 119.23 (2) (a) 6. and 7. of the statutes are created
12 to read:

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

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

20 ***b2992/1.6* SECTION 284L.** 119.23 (10) of the statutes is created to read:

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

24 ***b2725/5.13* 372.** Page 161, line 11: after that line insert:

1 ***b2725/5.13*** “SECTION 284d. 120.18 (1) (i) of the statutes is amended to read:
2 120.18 (1) (i) A description of the educational technology used by the school
3 district, including the uses made of the technology, the cost of the technology and the
4 number of persons using or served by the technology. In this paragraph, “educational
5 technology” has the meaning given in s. 44.70 (3) 115.997 (3).”.

6 ***b2774/2.3* 373.** Page 161, line 11: after that line insert:

7 ***b2774/2.3*** “SECTION 284g. 119.23 (4) (b) 2. of the statutes is repealed and
8 recreated to read:

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

14 ***b2774/2.3* SECTION 284k.** 119.23 (4p) of the statutes is created to read:

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

18 ***b2837/1.5* 374.** Page 161, line 11: after that line insert:

19 ***b2837/1.5*** “SECTION 284fc. 120.13 (2) (g) of the statutes is amended to read:
20 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
21 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
22 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.89, 632.895 (9) to ~~(14)~~ (15), 632.896,
23 and 767.25 (4m) (d).”.

24 ***b2876/1.1* 375.** Page 161, line 11: after that line insert:

1 ***b2876/1.1*** “SECTION 284k. 118.51 (10) of the statutes is amended to read:

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

10 ***b2918/2.4* 376.** Page 161, line 11: after that line insert:

11 ***b2918/2.4*** “SECTION 284j. 119.85 of the statutes is created to read:

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

14 ***b2947/3.18* 377.** Page 161, line 11: after that line insert:

15 ***b2947/3.18*** “SECTION 284c. 119.32 (3) of the statutes is amended to read:

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

21 ***b2947/3.18* SECTION 284h.** 119.42 (1) of the statutes is amended to read:

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

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

3 *b2725/5.14* **378.** Page 163, line 7: after that line insert:

4 *b2725/5.14* “SECTION 287d. 121.15 (3m) (a) 2. of the statutes, as affected by
5 2001 Wisconsin Act 16, is amended to read:

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

11 *b2881/1.2* **379.** Page 166, line 24: after that line insert:

12 *b2881/1.2* “SECTION 300m. 134.17 (4) of the statutes is amended to read:

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

15 *b2798/3.2* **380.** Page 167, line 16: after that line insert:

16 *b2798/3.2* “SECTION 303g. 134.74 of the statutes is created to read:

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

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

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

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

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

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

10 ***b2853/1.3* 381.** Page 167, line 16: after that line insert:

11 ***b2853/1.3*** “SECTION 303b. 134.65 (1) of the statutes is amended to read:

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

20 ***b2853/1.3* SECTION 303c.** 134.65 (1r) of the statutes is created to read:

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

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

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

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

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

10 ***b2853/1.3* SECTION 303d.** 134.65 (2) (a) of the statutes is amended to read:

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

17 ***b2853/1.3* SECTION 303e.** 134.65 (5) of the statutes is amended to read:

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

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

5 ***b2853/1.3* SECTION 303f.** 134.66 (1) (am) of the statutes is created to read:

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

7 ***b2853/1.3* SECTION 303g.** 134.66 (2) (a) of the statutes is amended to read:

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

17 ***b2853/1.3* SECTION 303h.** 134.66 (2) (am) of the statutes is amended to read:

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

1 ***b2853/1.3* SECTION 303i.** 134.66 (2) (d) of the statutes is amended to read:
2 134.66 (2) (d) No manufacturer, direct marketer, distributor, jobber, subjobber
3 or retailer, or their employees or agents, may provide cigarettes or tobacco products
4 for nominal or no consideration to any person under the age of 18.

5 ***b2853/1.3* SECTION 303j.** 134.66 (2) (e) of the statutes is amended to read:
6 134.66 (2) (e) No retailer or direct marketer may sell cigarettes in a form other
7 than as a package or container on which a stamp is affixed under s. 139.32 (1).

8 ***b2853/1.3* SECTION 303k.** 134.66 (3m) of the statutes is created to read:
9 134.66 (3m) DEFENSE OF DIRECT MARKETER. Proof of any of the following facts
10 by a direct marketer who sells cigarettes or tobacco products to a person under the
11 age of 18 is a defense to any prosecution for a violation under sub. (2) (a):

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

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

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

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

21 ***b2853/1.3* SECTION 315bb.** 139.30 (1m) of the statutes is created to read:

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

25 ***b2853/1.3* SECTION 315bc.** 139.30 (2n) of the statutes is created to read:

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

3 ***b2853/1.3* SECTION 315bd.** 139.30 (2p) of the statutes is created to read:

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

8 ***b2853/1.3* SECTION 315be.** 139.30 (3) of the statutes is amended to read:

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

14 ***b2853/1.3* SECTION 315bf.** 139.30 (8s) of the statutes is created to read:

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

18 ***b2853/1.3* SECTION 315bg.** 139.30 (10) of the statutes is amended to read:

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

22 ***b2853/1.3* SECTION 315bh.** 139.32 (1) of the statutes is amended to read:

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

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

5 ***b2853/1.3* SECTION 315bi.** 139.32 (4) of the statutes is repealed.

6 ***b2853/1.3* SECTION 315bj.** 139.32 (5) of the statutes is amended to read:

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

10 ***b2853/1.3* SECTION 315bk.** 139.32 (5m) of the statutes is amended to read:

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

13 ***b2853/1.3* SECTION 315bL.** 139.32 (6) of the statutes is amended to read:

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

18 ***b2853/1.3* SECTION 315bm.** 139.321 (1) (intro.) of the statutes is amended
19 to read:

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

23 ***b2853/1.3* SECTION 315bn.** 139.321 (1) (a) 1. of the statutes is amended to
24 read:

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

3 ***b2853/1.3* SECTION 315bp.** 139.33 (3) of the statutes is amended to read:

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

18 ***b2853/1.3* SECTION 315bq.** 139.34 (1) (a) of the statutes is amended to read:

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

24 ***b2853/1.3* SECTION 315br.** 139.34 (1) (b) of the statutes is repealed.

1 ***b2853/1.3* SECTION 315bs.** 139.34 (1) (c) (intro.) of the statutes is amended
2 to read:

3 139.34 (1) (c) (intro.) ~~Subject to ss. 111.321, 111.322 and 111.335, no~~ No permit
4 under this section may be granted to any person to whom any of the following applies:

5 ***b2853/1.3* SECTION 315bt.** 139.34 (1) (c) 1. to 6. of the statutes are repealed.

6 ***b2853/1.3* SECTION 315bu.** 139.34 (1) (c) 1m. of the statutes is created to
7 read:

8 139.34 (1) (c) 1m. Subject to ss. 111.321, 111.322, and 111.335, the person has
9 an arrest record or a conviction record.

10 ***b2853/1.3* SECTION 315bv.** 139.34 (1) (c) 2m. of the statutes is created to read:

11 139.34 (1) (c) 2m. Subject to ss. 111.321, 111.322, and 111.335, the person has
12 been convicted of a felony, or as a repeat or habitual offender, unless pardoned.

13 ***b2853/1.3* SECTION 315bw.** 139.34 (1) (c) 3m. of the statutes is created to
14 read:

15 139.34 (1) (c) 3m. The person has not submitted proof as provided under s.
16 77.61 (11).

17 ***b2853/1.3* SECTION 315bx.** 139.34 (1) (cm) of the statutes is created to read:

18 139.34 (1) (cm) The requirements under par. (c) apply to all partners of a
19 partnership, all members of limited liability company, all agents of a limited liability
20 company or corporation, and all officers of a corporation. Subject to ss. 111.321,
21 111.322, and 111.335, if a business entity has been convicted of a crime, the entity
22 may not be issued a permit under this subsection unless the entity has terminated
23 its relationship with the individuals whose actions directly contributed to the
24 conviction.

25 ***b2853/1.3* SECTION 315by.** 139.34 (4) of the statutes is amended to read:

1 139.34 (4) A separate permit shall be required of and issued to each class of
2 permittee and the holder of any permit shall perform only the operations thereby
3 authorized. Such permit shall not be transferable from one person to another or from
4 one premises to another. A separate permit shall be required for each place where
5 cigarettes are stamped or where cigarettes are stored for sale at wholesale ~~or~~
6 through vending machines or multiple retail outlets, or by direct marketing.

7 ***b2853/1.3* SECTION 315bz.** 139.34 (6) of the statutes is amended to read:

8 139.34 (6) A vending machine operator or a multiple retailer may acquire
9 unstamped cigarettes ~~from the manufacturers thereof~~ and affix the stamps to
10 packages or other containers only if the vending machine operator or multiple
11 retailer also holds a permit as a distributor or direct marketer.

12 ***b2853/1.3* SECTION 315cb.** 139.34 (8) of the statutes is amended to read:

13 139.34 (8) The holder of a warehouse permit is entitled to store cigarettes on
14 the premises described in the permit. The warehouse permit shall not authorize the
15 holder to sell cigarettes. Unstamped cigarettes stored in a warehouse for a
16 manufacturer, direct marketer, or distributor may be delivered only to a person
17 holding a permit as a manufacturer, direct marketer, or distributor.

18 ***b2853/1.3* SECTION 315cc.** 139.345 of the statutes is created to read:

19 **139.345 Direct marketing.** (1) (a) No person may sell cigarettes to
20 consumers in this state as a direct marketer or solicit sales of cigarettes to consumers
21 in this state by direct marketing unless the person has obtained a permit from the
22 department to make such sales or solicitations. The person shall file an application
23 for a permit under this subsection with the department, in the manner prescribed
24 by the department, and shall submit the following fee with the application:

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

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

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

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

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

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

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

4 (b) No person may sell cigarettes in excess of the number of cigarette sales
5 specified in his or her permit under sub. (1) (a) unless the person pays the permit fee
6 under sub. (1) (a) that is applicable to the excess sales. Any person who sells
7 cigarettes in excess of the number of cigarette sales specified in his or her permit
8 shall pay a penalty to the department of \$5,000 or an amount that is equal to \$50 for
9 every 200 cigarettes, or fraction of 200 cigarettes, whichever is greater.

10 (3) (a) No person may sell cigarettes to consumers in this state by direct
11 marketing unless the tax imposed under s. 139.31 (1) is paid on such cigarettes and
12 stamps are affixed to the cigarette packages or containers as provided under s.
13 139.32.

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

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

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

21 (b) The person receives from the consumer, at the time of purchase, a notarized
22 copy of a government issued identification, the name specified on the identification
23 matches the name of the consumer, and the birth date on the identification verifies
24 that the purchaser is at least 18 years of age. In this paragraph, "government issued

1 identification” includes a valid driver’s license, state identification card, passport, or
2 military identification.

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

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

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

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

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

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

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

1 ***b2853/1.3* SECTION 315cd.** 139.35 (1) of the statutes is amended to read:

2 139.35 (1) TRANSFERS. No person may give, sell or lend any stamps to another
3 and no person may accept, purchase or borrow any stamps from another. All sales
4 and transfers of stamps may be made only by the secretary to permit holding
5 manufacturers, direct marketers, and distributors.

6 ***b2853/1.3* SECTION 315ce.** 139.37 (1) (a) of the statutes is amended to read:

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

1 ***b2853/1.3* SECTION 315cf.** 139.38 (1) of the statutes is amended to read:

2 139.38 (1) Every manufacturer located out of the state shall keep records of all
3 sales of cigarettes shipped into this state. Every manufacturer located in the state
4 shall keep records of production, sales and withdrawals of cigarettes. Every
5 distributor and direct marketer shall keep records of purchases and sales of
6 cigarettes. Every manufacturer, direct marketer, and distributor holding a permit
7 from the secretary with the right to purchase and apply stamps shall also keep
8 records of purchases and disposition of stamps. Every jobber, multiple retailer, and
9 vending machine operator shall keep records of all purchases and disposition of
10 cigarettes. Every warehouse operator shall keep records of receipts and withdrawals
11 of cigarettes. All such records shall be accurate and complete and be kept in a
12 manner prescribed by the secretary. These records shall be preserved on the
13 premises described in the permit or license in such a manner as to ensure
14 permanency and accessibility for inspection at reasonable hours by authorized
15 personnel of the department.

16 ***b2853/1.3* SECTION 315cg.** 139.38 (1m) of the statutes is created to read:

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

25 ***b2853/1.3* SECTION 315ch.** 139.38 (2) of the statutes is amended to read:

1 139.38 (2) (a) Except as provided in par. (b), every ~~permittee~~ manufacturer,
2 distributor, jobber, and direct marketer shall render a true and correct invoice of
3 every sale of cigarettes ~~at wholesale and every permittee~~ shall on or before the 15th
4 day of each calendar month file a verified report of all cigarettes purchased, sold,
5 received, warehoused or withdrawn during the preceding calendar month.

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

12 ***b2853/1.3* SECTION 315ci.** 139.395 of the statutes is amended to read:

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

21 ***b2853/1.3* SECTION 315cj.** 139.40 (2) of the statutes is amended to read:

22 139.40 (2) ~~If cigarettes which do not bear the proper tax stamps or on which~~
23 ~~the tax has not been paid~~ Cigarettes that are so seized they as provided under sub.
24 (1) may be given to law enforcement officers to use in criminal investigations or sold
25 to qualified buyers by the secretary, without notice. If the cigarettes are sold, after

1 deducting the costs of the sale and ~~the keeping of~~ storing the property, the proceeds
2 of the sale shall be paid into the state treasury, except that proceeds from the sale
3 of cigarettes seized from a direct marketer and obtained through the administration
4 of this subsection shall be credited to the appropriation account under s. 20.566 (1)
5 (gc). If the secretary finds that such cigarettes may deteriorate or become unfit for
6 use in criminal investigations or for sale or that those uses would otherwise be
7 impractical, the secretary may order them destroyed or give them to a charitable or
8 penal institution for free distribution to patients or inmates.”.

9 *b2913/2.13* **382.** Page 167, line 16: after that line insert:

10 *b2913/2.13* “**SECTION 312m.** 134.71 (12) of the statutes is amended to read:

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

18 *b2913/2.13* **SECTION 314m.** 136.03 (title) of the statutes is amended to read:

19 **136.03** (title) **Duties of the department of agriculture, trade and**
20 **consumer protection justice.**

21 *b2913/2.13* **SECTION 314p.** 136.03 (1) (intro.) of the statutes is amended to
22 read:

23 136.03 (1) (intro.) The department of ~~agriculture, trade and consumer~~
24 ~~protection~~ of justice shall investigate violations of this chapter and of rules and

1 orders issued under s. 136.04. The department of justice may subpoena persons and
2 records to facilitate its investigations, and may enforce compliance with such
3 subpoenas as provided in s. 885.12. The department of justice may ~~in~~ on behalf of
4 the state:

5 ***b2913/2.13* SECTION 314r.** 136.04 of the statutes is amended to read:

6 **136.04 Powers of the department of agriculture, trade and consumer**
7 **protection justice.** (1) The department of ~~agriculture, trade and consumer~~
8 ~~protection~~ justice may adopt such rules as may be required to carry out the purposes
9 of this chapter.

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

14 ***b2853/1.4* 383.** Page 168, line 9: after that line insert:

15 ***b2853/1.4* “SECTION 318b.** 139.44 (3) of the statutes is amended to read:

16 139.44 (3) Any permittee who fails to keep the records required by ss. 139.30
17 to 139.42 or 139.77 to 139.82 shall be fined not less than ~~\$100~~ \$500 nor more than
18 ~~\$500~~ \$1,000 for the first offense and shall be fined not less than \$1,000 nor more than
19 \$5,000 or imprisoned not more than ~~6 months~~ 180 days or both for the 2nd or
20 subsequent offense.

21 ***b2853/1.4* SECTION 318c.** 139.44 (4) of the statutes is amended to read:

22 139.44 (4) Any person who refuses to permit the examination or inspection
23 authorized in s. 139.39 (2) or 139.83 may be fined not ~~more~~ less than \$500 nor more

1 than \$1,000 or imprisoned not more than ~~90~~ 180 days or both. Such refusal shall be
2 cause for immediate suspension or revocation of permit by the secretary.

3 *b2853/1.4* SECTION 318dm. 139.44 (6m) of the statutes is created to read:

4 139.44 (6m) Any person who manufactures or sells cigarettes in this state
5 without holding the proper permit issued under this subchapter shall be fined not
6 less than \$1,000 nor more than \$10,000 or imprisoned not less than 6 months nor
7 more than 2 years or both.

8 *b2853/1.4* SECTION 318dn. 139.44 (6m) of the statutes, as created by 2001
9 Wisconsin Act ... (this act), is amended to read:

10 139.44 (6m) Any person who manufactures or sells cigarettes in this state
11 without holding the proper permit issued under this subchapter ~~shall be fined not~~
12 ~~less than \$1,000 nor more than \$10,000 or imprisoned not less than 6 months nor~~
13 ~~more than 2 years or both~~ is guilty of a Class I felony.

14 *b2853/1.4* SECTION 318e. 139.44 (7) of the statutes is amended to read:

15 139.44 (7) In addition to the penalties imposed for violation of ss. 139.30 to
16 139.41 or 139.75 to 139.83 or any of the rules of the department, the permit of any
17 person convicted of a 2nd or subsequent offense shall be automatically revoked ~~and,~~
18 he or she shall not be granted another permit for a period of ~~2~~ 5 years following such
19 revocation, ~~and, for the 5-year period following revocation, he or she shall not act as~~
20 the employee or agent of a permittee under this subchapter to perform acts
21 authorized by any permit issued to the permittee under this subchapter.”.

22 *b2853/1.5* 384. Page 168, line 10: delete lines 10 to 13 and substitute:

23 *b2853/1.5* “SECTION 318z. 139.44 (8) (a) to (c) of the statutes are amended
24 to read:

1 139.44 (8) (a) If the number of cigarettes does not exceed 6,000, a fine of not
2 more than ~~\$200~~ \$1,000 or imprisonment for not more than ~~6 months~~ one year in the
3 county jail or both.

4 (b) If the number of cigarettes exceeds 6,000 but does not exceed 36,000, ~~a fine~~
5 ~~of not more than \$1,000 or imprisonment for not more than one year in the county~~
6 ~~jail or both~~ the person is guilty of a Class I felony.

7 (c) If the number of cigarettes exceeds 36,000, ~~a fine of not more than \$10,000~~
8 ~~or imprisonment for not more than 3 years or both~~ the person is guilty of a Class H
9 felony.”.

10 ***b2853/1.6* 385.** Page 168, line 14: before that line insert:

11 ***b2853/1.6* “SECTION 319b.** 139.45 of the statutes is amended to read:

12 **139.45 Prosecutions by attorney general.** Upon request by the secretary
13 of revenue, the attorney general may represent this state or assist a district attorney
14 in prosecuting any case arising under this subchapter or under ss. 134.65 and 134.66.

15 ***b2853/1.6* SECTION 319c.** 139.75 (2) of the statutes is amended to read:

16 139.75 (2) “Consumer” means any individual who receives tobacco products for
17 his or her personal use or consumption or any person individual who has title to or
18 possession of tobacco products in storage for use or other consumption in this state
19 any purpose other than for sale or resale.

20 ***b2853/1.6* SECTION 319d.** 139.75 (3g) of the statutes is created to read:

21 139.75 (3g) “Direct marketer” means any person who solicits or sells tobacco
22 products to consumers in this state by direct marketing.

23 ***b2853/1.6* SECTION 319e.** 139.75 (3r) of the statutes is created to read:

1 139.75 (3r) “Direct marketing” means publishing or making accessible an offer
2 for the sale of tobacco products to consumers in this state, or selling tobacco products
3 to consumers in this state, using any means by which the consumer is not physically
4 present at the time of sale on a premise that sells tobacco products.

5 ***b2853/1.6* SECTION 319f.** 139.75 (4) (a) of the statutes is amended to read:

6 139.75 (4) (a) Any person in this state engaged in the business of selling tobacco
7 products ~~in this state~~ who brings, or causes to be brought, into this state from outside
8 the state any tobacco products for sale;

9 ***b2853/1.6* SECTION 319g.** 139.75 (4) (c) of the statutes is amended to read:

10 139.75 (4) (c) Any person outside this state engaged in the business of selling
11 tobacco products ~~outside this state~~ who ships or transports tobacco products to
12 retailers in this state to be sold by those retailers.

13 ***b2853/1.6* SECTION 319h.** 139.75 (4) (cm) of the statutes is created to read:

14 139.75 (4) (cm) Any person outside this state engaged in the business of selling
15 tobacco products who ships or transports tobacco products to consumers in this state.

16 ***b2853/1.6* SECTION 319i.** 139.75 (5s) of the statutes is created to read:

17 139.75 (5s) “Person” means any individual, sole proprietorship, partnership,
18 limited liability company, corporation, or association, or any owner of a single-owner
19 entity that is disregarded as a separate entity under ch. 71.

20 ***b2853/1.6* SECTION 319j.** 139.75 (7) of the statutes is amended to read:

21 139.75 (7) “Retail outlet” means each place of business from which tobacco
22 products are sold to consumers by a retailer

23 ***b2853/1.6* SECTION 319k.** 139.75 (8) of the statutes is amended to read:

24 139.75 (8) “Retailer” means any person engaged in ~~the business of selling~~
25 tobacco products who sells, exposes for sale, or possesses with intent to sell, to

1 ultimate consumers any tobacco products by any means in which the consumer is
2 physically present at the time of sale on a premises that sells tobacco products.

3 ***b2853/1.6* SECTION 319L.** 139.76 (3) of the statutes is created to read:

4 139.76 (3) Except as provided in sub. (2), no person may possess tobacco
5 products in this state unless the tax imposed under sub. (1) is paid on such tobacco
6 products.

7 ***b2853/1.6* SECTION 319m.** 139.78 (1m) of the statutes is created to read:

8 139.78 (1m) Except as provided in s. 139.76 (2), no person other than a
9 distributor with a valid permit under s. 139.79 may import into this state tobacco
10 products for which the tax imposed under s. 139.76 (1) has not been paid.

11 ***b2853/1.6* SECTION 319n.** 139.79 (title) of the statutes is amended to read:

12 **139.79 (title) Permits; distributor; direct marketer; subjobber.**

13 ***b2853/1.6* SECTION 319p.** 139.79 (1) of the statutes is amended to read:

14 139.79 (1) No person may engage in the business of a distributor, direct
15 marketer, or subjobber of tobacco products at any place of business unless that
16 person has filed an application for and obtained a permit from the department to
17 engage in that business at such place.

18 ***b2853/1.6* SECTION 319q.** 139.79 (2) of the statutes is amended to read:

19 139.79 (2) Section 139.34 (1) ~~(b)~~ (c) to (f), (4) and (9) applies to the permits under
20 this section.

21 ***b2853/1.6* SECTION 319r.** 139.795 of the statutes is created to read:

22 **139.795 Direct marketing. (1) (a)** No person may sell tobacco products by
23 direct marketing to consumers in this state as a direct marketer or solicit sales of
24 tobacco products to consumers in this state by direct marketing unless the person has
25 obtained a permit from the department to make such sales or solicitations. The

1 person shall file an application for a permit under this subsection with the
2 department, in the manner prescribed by the department, and shall submit a \$500
3 fee with the application.

4 (b) No person may be issued a permit under this subsection unless the person
5 holds a valid distributor's permit under s. 139.79. Section 139.34 (1) (c) to (f), (7), and
6 (9), as it applies to permits issued under s. 139.34, applies to permits issued under
7 this subsection.

8 (c) A permit issued under this subsection expires on December 31 of each year.

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

17 (2) No person may sell tobacco products to consumers in this state by direct
18 marketing unless the tax imposed under s. 139.76, and under s. 77.52 or 77.53, has
19 been paid with regard to such products.

20 (3) No person may sell tobacco products to a consumer in this state by direct
21 marketing unless the person verifies the consumer's identity and that the consumer
22 is at least 18 years of age by any of the following methods:

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

1 (b) The person receives from the consumer, at the time of purchase, a notarized
2 copy of a government issued identification, the name specified on the identification
3 matches the name of the consumer, and the birth date on the identification verifies
4 that the purchaser is at least 18 years of age. In this paragraph, “government issued
5 identification” includes a valid driver’s license, state identification card, passport, or
6 military identification.

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

9 (4) Any person who, without having a valid permit under sub. (1), sells or
10 solicits sales of tobacco products to consumers in this state by direct marketing shall
11 pay a penalty to the department of \$5,000 or an amount that is equal to 50% of the
12 tax due on the tobacco products the person sold, without having a valid permit under
13 sub. (1), to consumers in this state by direct marketing, whichever is greater.

14 (5) No tobacco products may be shipped or delivered to a person who is under
15 18 years of age and no tobacco products may be shipped to a post-office box.

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

19 ***b2853/1.6* SECTION 319s.** 139.81 (1) of the statutes is amended to read:

20 139.81 (1) No person may sell ~~or take orders for~~ tobacco products ~~for resale or~~
21 solicit sales of tobacco products in this state ~~for any manufacturer or permittee~~
22 unless the person has filed an application for and obtained a valid certificate under
23 s. 73.03 (50) and a salesperson’s permit from the department. No ~~manufacturer or~~
24 ~~permittee~~ shall authorize any person to sell ~~or take orders for~~ tobacco products or
25 solicit sales of tobacco products in this state unless the person has filed an application

1 for and obtained a valid certificate under s. 73.03 (50) and a salesperson's permit.
2 No person shall authorize another person to sell tobacco products or solicit sales of
3 tobacco products in this state unless the person has filed an application for and
4 obtained a valid certificate under s. 73.03 (50) and a valid permit under s. 139.79.
5 Each application for a permit shall disclose the name and address of the employer
6 and shall remain effective only while the salesperson represents the named
7 employer. If the salesperson is thereafter employed by another ~~manufacturer or~~
8 ~~permittee person~~ the salesperson shall obtain a new salesperson's permit. Each
9 ~~manufacturer and~~ permittee shall notify the department within 10 days after the
10 resignation or dismissal of any salesperson holding a permit.

11 *b2853/1.6* SECTION 319t. 139.81 (2) of the statutes is amended to read:

12 139.81 (2) Section 139.34 (1) (b) (c) to (e) applies to the permits under this
13 section.”.

14 *b2959/1.1* 386. Page 170, line 15: after that line insert:

15 *b2959/1.1* “SECTION 329r. 146.50 (4) (title) of the statutes is amended to read:

16 146.50 (4) (title) AMBULANCE STAFFING AND OPERATIONAL PLANS; LIMITATIONS;
17 RULES.

18 *b2959/1.1* SECTION 329s. 146.50 (4) (c) of the statutes is renumbered 146.50
19 (4) (c) (intro.) and amended to read:

20 146.50 (4) (c) (intro.) Notwithstanding par. (a), the department may
21 promulgate rules that establish standards for approval by the department of
22 operational plans for the staffing of ambulances in which the primary services
23 provided are those which an emergency medical technician – intermediate is
24 authorized to provide or those which an emergency medical technician – paramedic

1 is authorized to provide. Rules promulgated by the department under this
2 paragraph may permit the department to approve an operational plan, for services
3 that an emergency medical technician–paramedic is authorized to provide, that is
4 submitted by an ambulance service provider that provided these services before
5 January 1, 2000, only if the operational plan specifies all of the following for the
6 transport of a patient in a prehospital setting:

7 ***b2959/1.1* SECTION 329t.** 146.50 (4) (c) 1. of the statutes is created to read:

8 146.50 (4) (c) 1. That the ambulance service provider ensures, in writing, that
9 the ambulance is staffed with at least 2 emergency medical technicians–paramedic,
10 licensed registered nurses, licensed physician assistants, or physicians or a
11 combination of any 2 of these, who are trained in the use of all skills authorized by
12 rule for an emergency medical technician–paramedic and are designated by the
13 medical director of the ambulance service.

14 ***b2959/1.1* SECTION 329u.** 146.50 (4) (c) 2. of the statutes is created to read:

15 146.50 (4) (c) 2. That the ambulance staff, as specified in subd. 1., is dispatched
16 from the same site, together, to the scene of an emergency. This subdivision does not
17 apply if the ambulance service provider, as of October 1, 2001, dispatched ambulance
18 staff from multiple sites to the scene of an emergency.

19 ***b2959/1.1* SECTION 329v.** 146.50 (4) (c) 3. of the statutes is created to read:

20 146.50 (4) (c) 3. That if an emergency medical technician–paramedic arrives
21 at the scene of an emergency prior to the arrival of the ambulance staff, as specified
22 in subd. 1., the emergency medical technician–paramedic may provide services using
23 all skills authorized by rule for an emergency medical technician–paramedic.”.

24 ***b2959/1.2* 387.** Page 171, line 12: after that line insert:

1 ***b2959/1.2*** **SECTION 333h.** 146.50 (13) (a) of the statutes is amended to read:
2 146.50 (13) (a) The department may promulgate rules necessary for
3 administration of this section, as limited under sub. (4) (c).”.

4 ***b2940/2.1*** **388.** Page 172, line 10: after that line insert:

5 ***b2940/2.1*** **SECTION 336g.** 146.83 (1) (b) of the statutes is amended to read:
6 146.83 (1) (b) Receive a copy of the patient’s health care records upon payment
7 of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

8 ***b2940/2.1*** **SECTION 336h.** 146.83 (1) (c) of the statutes is amended to read:

9 146.83 (1) (c) Receive a copy of the health care provider’s X–ray reports or have
10 the X–rays referred to another health care provider of the patient’s choice upon
11 payment of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

12 ***b2940/2.1*** **SECTION 336i.** 146.83 (3m) of the statutes is created to read:

13 146.83 (3m) The department shall, by rule, prescribe fees that are based on an
14 approximation of actual costs. The fees, plus applicable state tax, are the maximum
15 amount that a health care provider may charge under sub. (1) (b) for duplicate
16 patient health care records and under sub. (1) (c) for duplicate X–ray reports or the
17 referral of X–rays to another health care provider of the patient’s choice. The rule
18 shall also permit the health care provider to charge for actual postage or other actual
19 delivery costs.”.

20 ***b2974/1.2*** **389.** Page 172, line 10: after that line insert:

21 ***b2974/1.2*** **SECTION 336cc.** 150.01 (2g) of the statutes is created to read:
22 150.01 (2g) “Ambulatory surgery center” has the meaning given in 42 CFR
23 416.2.

24 ***b2974/1.2*** **SECTION 336cd.** 150.01 (8g) of the statutes is created to read:

1 150.01 (8g) “Construction” means the establishment, erection, building,
2 purchase, or other acquisition of a hospital or ambulatory surgery center.

3 ***b2974/1.2* SECTION 336ce.** 150.01 (9m) of the statutes is created to read:

4 150.01 (9m) “Critical access hospital” has the meaning given in s. 50.33 (1g).”.

5 ***b2974/1.3* 390.** Page 172, line 25: after that line insert:

6 ***b2974/1.3* “SECTION 336p.** Subchapter VI (title) of chapter 150
7 [precedes 150.93] of the statutes is amended to read:

8 **CHAPTER 150**

9 SUBCHAPTER VI

10 ~~MORATORIUM ON CONSTRUCTION~~

11 ~~OF HOSPITAL BEDS AND AMBULATORY~~

12 SURGERY CENTER LIMITATIONS

13 ***b2974/1.3* SECTION 336q.** 150.93 (1) of the statutes is renumbered 150.935
14 (1).

15 ***b2974/1.3* SECTION 336r.** 150.93 (2) to (5) of the statutes are repealed.

16 ***b2974/1.3* SECTION 336rd.** 150.935 of the statutes is created to read:

17 **150.935 Limitations on hospitals and ambulatory surgery centers. (2)**

18 As a condition of hospital approval under s. 50.35, no person may, by or on behalf of
19 a hospital, do any of the following:

20 (a) Increase, or obligate for a capital expenditure to increase, the number of
21 approved beds of the hospital that are available on the effective date of this
22 paragraph [revisor inserts date].

23 (b) Expand an existing service of the hospital, unless the primary purpose of
24 the expanded service is to provide free or reduced-cost health or dental care to

1 individuals who are determined by the department to be underserved or to have low
2 income.

3 (c) Engage in construction, except for the purpose of any of the following:

4 1. Consolidation of hospitals, if the consolidation does not increase the number
5 of available beds of the hospitals.

6 2. As a response to damage caused by a natural disaster, including an
7 earthquake, or by a fire.

8 3. To eliminate a threat to the safety to patients, staff, or the general public that
9 is due to a physical defect of the hospital.

10 (d) 1. Before January 1, 2003, engage in upgrading renovation, except for
11 routine maintenance or maintenance to eliminate a threat to the safety of patients,
12 staff, or the general public that is due to a physical defect of the hospital.

13 2. If a hospital seeks an opinion from the department concerning whether a
14 proposed project of the hospital violates subd. 1., the department shall issue the
15 opinion. If the hospital, after completing the project, is found to be in violation of
16 subd. 1., the violation does not affect the status of the hospital's approval under s.
17 50.35 unless the actual, completed project differs materially from the proposed
18 project for which the department issued an opinion.

19 (3) As a condition of hospital approval under s. 50.35, a hospital shall do all of
20 the following:

21 (a) If the hospital is certified under s. 49.45 (2) (a) 11. as a provider of medical
22 assistance or certified as a provider of services under medicare, as defined in s. 49.45

23 (3) (L) 1. b., or if the hospital obtains this certification, accept as patients individuals
24 who are medical assistance recipients or medicare beneficiaries.

1 (b) Operate a 24-hour emergency room or, for a hospital approved under s.
2 50.35 as of the effective date of this paragraph [revisor inserts date], have in effect
3 an agreement with another hospital with a 24-hour emergency room under which
4 that other hospital consents to receive patients in need of emergency care that are
5 transferred to it by the hospital that does not operate a 24-hour emergency room.
6 This paragraph does not apply to a hospital that is an inpatient facility, as defined
7 in s. 51.01 (10) or that is certified under s. 49.45 (2) (a) 11. as a rehabilitation hospital.

8 (4) No person may, by or on behalf of an ambulatory surgery center, do any of
9 the following:

10 (a) Expand an existing service of the ambulatory surgery center unless the
11 primary purpose of the new service is to provide free or reduced-cost health or dental
12 care to individuals who are determined by the department to be underserved or to
13 have low income.

14 (b) Engage in construction, except for the purposes of any of the following:

15 1. As a response to damage caused by a natural disaster, including an
16 earthquake, or by a fire.

17 2. To eliminate a threat to the safety of patients, staff, or the general public that
18 is due to a physical defect of the ambulatory surgery center.

19 (c) 1. Before January 1, 2003, engage in upgrading renovation, except for
20 routine maintenance or maintenance to eliminate a threat to the safety of patients,
21 staff, or the general public that is due to a physical defect of the ambulatory surgery
22 center.

23 2. If an ambulatory surgery center seeks an opinion from the department
24 concerning whether a proposed project of the ambulatory surgery center violates
25 subd. 1., the department shall issue the opinion. If the opinion of the department is

1 that the proposed project does not violate subd. 1., an ambulatory surgery center,
2 after completing the project, may not be found to be in violation of subd. 1. unless the
3 actual, completed project differs materially from the proposed project for which the
4 department issued the opinion.

5 (5) If an ambulatory surgery center is certified under s. 49.45 (2) (a) 11. as a
6 provider of medical assistance or certified as a provider of services under medicare,
7 as defined in s. 49.45 (3) (L) 1. b., or if an ambulatory surgery center obtains this
8 certification, the ambulatory surgery center shall accept as patients individuals who
9 are medical assistance recipients or medicare beneficiaries.

10 (6) The department shall promulgate as a rule a definition of “upgrading
11 renovation,” for the purposes of subs. (2) (d) 1. and (4) (c) 1.

12 (7) The department may, under s. 50.35, revoke or suspend approval for a
13 hospital that violates sub. (2) or fails to comply with sub. (3) or 2002 Wisconsin Act
14 (this act), section 9123 (5qr), after giving reasonable notice, a fair hearing, and,
15 if appropriate as determined by the department, a reasonable opportunity to comply.

16 ***b2974/1.3* SECTION 336rf.** 150.935 (2) (d) 1. of the statutes, as created by
17 2001 Wisconsin Act (this act), is amended to read:

18 150.935 (2) (d) 1. ~~Before January 1, 2003, engage~~ Engage in upgrading
19 renovation, ~~as defined by rule by the department,~~ except for routine maintenance or
20 maintenance to eliminate a threat to the safety of patients, staff, or the general
21 public that is due to a physical defect of the hospital.”.

22 ***b2974/1.3* SECTION 336rh.** 150.935 (4) (c) 1. of the statutes, as created by
23 2001 Wisconsin Act (this act), is amended to read:

24 150.935 (4) (c) 1. ~~Before January 1, 2003, engage~~ Engage in upgrading
25 renovation, ~~as defined by rule by the department,~~ except for routine maintenance or

1 maintenance to eliminate a threat to the safety of patients, staff, or the general
2 public that is due to a physical defect of the ambulatory surgery center.

3 ***b2974/1.3* SECTION 336rL.** 150.935 (7) of the statutes, as created by 2001
4 Wisconsin Act (this act), is amended to read:

5 150.935 (7) The department may, under s. 50.35, revoke or suspend approval
6 for a hospital that violates sub. (2) or fails to comply with sub. (3) ~~or 2002 Wisconsin~~
7 ~~Act (this act), section 9123 (5qr),~~ after giving reasonable notice, a fair hearing,
8 and, if appropriate as determined by the department, a reasonable opportunity to
9 comply.”.

10 ***b2819/1.1* 391.** Page 173, line 16: after that line insert:

11 ***b2819/1.1* “SECTION 388nc.** 160.257 of the statutes is created to read:

12 **160.257 Exceptions for aquifer storage and recovery systems. (1)** In
13 this section:

14 (a) “Aquifer storage and recovery system” means all of the aquifer storage and
15 recovery wells and related appurtenances that are part of a municipal water system.

16 (b) “Aquifer storage and recovery well” means a well through which treated
17 drinking water is placed underground for the purpose of storing and later recovering
18 the water through the same well for use as drinking water.

19 (c) “Municipal water system” means a community water system, as defined in
20 s. 281.62 (1) (a), that is owned by a city, village, town, county, town sanitary district,
21 utility district, public inland lake protection and rehabilitation district, or municipal
22 water district, or by a privately owned water utility serving any of the foregoing.

23 (d) “Specified substance” means one of the following:

24 1. Chloroform.

1 2. Bromodichloromethane.

2 3. Dibromochloromethane.

3 4. Bromoform.

4 (e) “Treated drinking water” means potable water that has been treated so that
5 it complies with the primary drinking water standards promulgated under ss. 280.11
6 and 281.17 (8).

7 (2) Notwithstanding s. 160.19 (1) and (2), the department is not required to
8 promulgate or amend rules that define design or management criteria for aquifer
9 storage and recovery systems to minimize the amount of a specified substance in
10 groundwater or to maintain compliance with the preventive action limit for a
11 specified substance, however, the department shall promulgate rules that define
12 design or management criteria for aquifer storage and recovery systems to maintain
13 compliance with drinking water standards promulgated under ss. 280.11 and 281.17
14 (8).

15 (3) Notwithstanding s. 160.21 (2), the point of standards application for an
16 aquifer storage and recovery well with respect to a specified substance is 1,200 feet
17 from the aquifer storage and recovery well and at any other well that is within 1,200
18 feet from the aquifer storage and recovery well.”.

19 ***b2835/2.2* 392.** Page 173, line 16: after that line insert:

20 ***b2835/2.2*** “SECTION 338r. 165.755 (1) (b) of the statutes is amended to read:
21 165.755 (1) (b) A court may not impose the crime laboratories and drug law
22 enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar)
23 or (bm) or (5) (b) or for a violation of a state law or municipal or county ordinance

1 involving a nonmoving traffic violation, a headlamp violation under s. 347.065 (1),
2 or a safety belt use violation under s. 347.48 (2m).”.

3 ***b2913/2.14* 393.** Page 173, line 16: after that line insert:

4 ***b2913/2.14* “SECTION 338g.** 165.065 (2) of the statutes is amended to read:

5 165.065 (2) The assistant attorney general in charge of antitrust investigations
6 and prosecutions is to cooperate actively with the antitrust division of the U.S.
7 department of justice in everything that concerns monopolistic practices in
8 Wisconsin, and also to cooperate actively with the department of agriculture, trade
9 and consumer protection in the work which this agency is carrying on ~~under s. 100.20~~
10 ~~of the marketing law~~ with regard to monopolistic practices in the field of agriculture
11 and with the federal trade commission on matters arising in or affecting Wisconsin
12 which pertain to its jurisdiction.

13 ***b2913/2.14* SECTION 338m.** 165.25 (4) (ar) of the statutes, as affected by 2001
14 Wisconsin Act 16, section 2856b, is amended to read:

15 165.25 (4) (ar) The department of justice shall ~~furnish all legal services~~
16 ~~required by~~ represent the department of agriculture, trade and consumer protection
17 in any court action relating to the enforcement of ~~ss. 100.171, 100.173, 100.174,~~
18 ~~100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21,~~
19 ~~100.28, 100.37, 100.42, 100.50 and 100.51 and chs. 126, 136, 344, 704, 707, and 779~~
20 ch. 126 and 100.01 to 100.03, 100.05 to 100.07, 100.14, 100.183 to 100.19, 100.201,
21 100.22, 100.235, 100.27, 100.285 to 100.297, 100.33 to 100.36, 100.45, 100.47, and
22 100.48, together with any other services as are necessarily connected to the legal
23 services.

24 ***b2913/2.14* SECTION 338r.** 165.25 (11) of the statutes is created to read:

1 165.25 (11) CONSUMER PROTECTION ADMINISTRATION AND ENFORCEMENT.
2 Administer and enforce ss. 100.15 to 100.182, 100.20, 100.205, 100.207 to 100.2095,
3 100.28, 100.31, 100.37 to 100.44, 100.46, 100.50, and 100.52 and chs. 136, 344, 704,
4 707, and 779. The department may issue general or special orders in administering
5 and enforcing these provisions.”.

6 ***b2947/3.19* 394.** Page 173, line 16: after that line insert:

7 ***b2947/3.19* “SECTION 338dg.** 165.055 (1) of the statutes is renumbered
8 165.055 and amended to read:

9 **165.055 Appointments.** The attorney general may appoint ~~a deputy attorney~~
10 ~~general and assistants~~ assistant attorneys general, each of whom shall be an
11 attorney at law admitted to practice in this state. Such appointments shall be made
12 in writing and filed in the office of the secretary of state, and such appointees shall
13 take and subscribe the constitutional oath of office which shall also be filed.
14 Appointees shall perform such duties as the attorney general prescribes.

15 ***b2947/3.19* SECTION 338dh.** 165.055 (2) of the statutes is repealed.

16 ***b2947/3.19* SECTION 338di.** 165.055 (4) of the statutes is repealed.”.

17 ***b2947/3.20* 395.** Page 176, line 3: after that line insert:

18 ***b2947/3.20* “SECTION 340e.** 166.08 (4) (a) of the statutes is amended to read:

19 166.08 (4) (a) All state officers, subject to such regulations as the governor, or
20 other official authorized under the constitution or this section to exercise the powers
21 and discharge the duties of the office of governor, may issue, shall, ~~in addition to any~~
22 ~~deputy authorized to exercise all of the powers and discharge the duties of the office,~~
23 designate by title emergency interim successors and specify their order of succession.
24 The officer shall review and revise, as necessary, designations made pursuant to this

1 section to ensure their current status. The officer shall designate a sufficient number
2 of emergency interim successors so that there will be not less than 3 nor more than
3 ~~7 deputies or emergency interim successors or any combination of deputies or~~
4 ~~emergency interim successors~~, at any time.

5 ***b2947/3.20* SECTION 340m.** 166.08 (4) (b) (intro.) of the statutes is amended
6 to read:

7 166.08 (4) (b) (intro.) If any state officer is unavailable following an attack, ~~and~~
8 ~~if his or her deputy, if any, is also unavailable~~, the powers of his or her office shall be
9 exercised and the duties of his or her office shall be discharged by his or her
10 designated emergency interim successors in the order specified. The emergency
11 interim successor shall exercise the powers and discharge the duties of the office only
12 until any of the following occurs:

13 ***b2947/3.20* SECTION 340r.** 166.08 (4) (b) 3. of the statutes is amended to read:

14 166.08 (4) (b) 3. An officer, ~~the officer's deputy~~ or a preceding named emergency
15 interim successor becomes available to exercise, or resume the exercise of, the powers
16 and discharge the duties of the office.”.

17 ***b2820/1.2* 396.** Page 176, line 20: after that line insert:

18 ***b2820/1.2* “SECTION 342pb.** 174.001 (2j) of the statutes is created to read:

19 174.001 (2j) “Intergovernmental commission” means an intergovernmental
20 commission formed by contract under s. 66.0301 (2) by all of the municipalities in a
21 county with a population of 500,000 or more for the purpose of providing animal
22 control services.

23 ***b2820/1.2* SECTION 342pd.** 174.052 of the statutes is amended to read:

1 **174.052 Publication of the dog license requirement and rabies**
2 **vaccination requirement.** (1) JANUARY NOTICE. The Except as provided in sub.
3 (3), the county board of each county shall cause a class 1 notice under ch. 985 to be
4 published between January 1 and January 15 of each year in a newspaper having
5 general circulation in the county notifying the public that rabies vaccinations and
6 dog licenses are required under the statutes.

7 (2) MARCH NOTICE. The Except as provided in sub. (3), the county board of each
8 county shall cause a class 1 notice under ch. 985 to be published between March 1
9 and March 15 of each year in a newspaper having general circulation in the county
10 notifying the public that rabies vaccinations and dog licenses are required under the
11 statutes and that late fees may be assessed after April 1.

12 ***b2820/1.2* SECTION 342pf.** 174.052 (3) of the statutes is created to read:

13 174.052 (3) NOTICE IN CERTAIN POPULOUS COUNTIES. In a county in which an
14 agreement under s. 174.10 (2) is in effect, the intergovernmental commission shall
15 cause the notices under subs. (1) and (2) to be published.

16 ***b2820/1.2* SECTION 342ph.** 174.06 (3) of the statutes is renumbered 174.06
17 (3) (a) and amended to read:

18 174.06 (3) (a) ~~A~~ Except as provided in par. (b), a listing official who is not a
19 full-time, salaried municipal employee shall receive as compensation 50 cents for
20 each dog listed, or a greater amount established by the county board by ordinance
21 or resolution, to be audited and allowed by the county board as other claims against
22 the county and to be paid out of the dog license fund. A listing official who is a
23 full-time, salaried municipal employee shall receive this compensation from the
24 county board but shall be required to pay the compensation into the town, village,
25 or city treasury.

1 ***b2820/1.2* SECTION 342pj.** 174.06 (3) (b) of the statutes is created to read:
2 174.06 (3) (b) In a county in which an agreement under s. 174.10 (2) is in effect,
3 the intergovernmental commission shall pay the compensation required under par.
4 (a).

5 ***b2820/1.2* SECTION 342L.** 174.065 (1) of the statutes, as affected by 2001
6 Wisconsin Act 16, is amended to read:

7 174.065 (1) COLLECTING OFFICIAL. The collecting official is any city, village, or
8 town treasurer or other tax collecting officer or any person deputized by the treasurer
9 or tax collecting official, unless the common council or village or town board provides
10 by ordinance or resolution for the appointment of a different person. Veterinarians
11 and humane societies may voluntarily become collecting officials for a city, village,
12 or town if the governing body of the city, village, or town by resolution or ordinance
13 provides that veterinarians and humane societies may be collecting officials for the
14 city, village, or town. In a county in which an agreement under s. 174.10 (2) is in
15 effect, the intergovernmental commission is also a collecting official for a city, village,
16 or town if the governing body of the city, village, or town by resolution or ordinance
17 provides that the intergovernmental commission is a collecting official.

18 ***b2820/1.2* SECTION 342pn.** 174.07 (2) (e) of the statutes is created to read:
19 174.07 (2) (e) Notwithstanding pars. (a) to (d), in a county in which an
20 agreement under s. 174.10 (2) is in effect, all of the following apply:

- 21 1. The department shall provide tags and, upon request, license blanks to the
22 intergovernmental commission, rather than to the county clerk.
- 23 2. The intergovernmental commission shall pay the costs out of the dog license
24 fund.

1 3. The intergovernmental commission shall distribute tags and license blanks
2 to the other collecting officials.

3 ***b2820/1.2* SECTION 342pp.** 174.07 (3) (b) of the statutes is amended to read:

4 174.07 (3) (b) *Return of tags and licenses.* ~~The Except as provided in par. (bm),~~
5 the collecting official shall annually by December 31 return to the county clerk all
6 unused tags of the current license year, together with license books and all duplicate
7 licenses of the current year. The county clerk shall carefully check the returned tags,
8 duplicate licenses, and license blanks to ascertain whether all tags and license
9 blanks which were furnished by the county clerk have been accounted for, ~~and to~~
10 To enable the county clerk to do that, the county clerk shall charge each collecting
11 official with all tags and blank licenses furnished or delivered and credit those
12 returned. In case of discrepancy, the county clerk shall notify the department.

13 ***b2820/1.2* SECTION 342pr.** 174.07 (3) (bm) of the statutes is created to read:

14 174.07 (3) (bm) *Certain populous counties.* In a county in which an agreement
15 under s. 174.10 (2) is in effect, a collecting official who is not the intergovernmental
16 commission shall return unused tags, license books, and duplicate licenses to the
17 intergovernmental commission.

18 ***b2820/1.2* SECTION 342pt.** 174.08 of the statutes is renumbered 174.08 (1)
19 and amended to read:

20 174.08 (1) ~~Every Except as provided in sub. (2), every~~ collecting official shall
21 pay all dog license taxes to the town, village, or city treasurer or other tax collecting
22 officer who shall deduct any additional tax ~~which that~~ may have been levied by the
23 municipal governing body and pay the remainder to the county treasurer at the time
24 settlement is made with the county treasurer for collections of personal property
25 taxes, and shall at the same time report in writing to the county clerk the licenses

1 issued. The report shall be in the form prescribed by the department, and the forms
2 shall be furnished by the county clerks.

3 ***b2820/1.2* SECTION 342pv.** 174.08 (2) of the statutes is created to read:

4 174.08 (2) In a county in which an agreement under s. 174.10 (2) is in effect,
5 a collecting official who is not the intergovernmental commission shall pay all dog
6 license taxes to the intergovernmental commission and shall report the licenses
7 issued to the intergovernmental commission.

8 ***b2820/1.2* SECTION 342px.** 174.09 of the statutes is amended to read:

9 **174.09 Dog license fund; how disposed of and accounted for.** (1) The
10 Except as provided in sub. (3), the dog license taxes so paid to the county treasurer
11 shall be kept in a separate account and shall be known as the “dog license fund” and
12 shall be appropriated and disbursed for the purposes and in the manner following:
13 Within 30 days after receipt of the same, the county treasurer shall pay into the state
14 treasury 5% of the minimum tax as provided for under s. 174.05 (2) of all dog license
15 taxes which shall have been received by the county treasurer.

16 (2) ~~Expenses~~ Except as provided in sub. (3), expenses necessarily incurred by
17 the county in purchasing and providing books, forms, and other supplies required in
18 ~~the~~ administering of the dog license law, expenses incurred by the county under s.
19 95.21 (4) (b) and (8) and expenses incurred by the county pound or by a humane
20 society or other organization designated to provide a pound for collecting, caring for,
21 and disposing of dogs may be paid out of the dog license fund. The amount remaining
22 in the fund after deducting these expenses shall be available for and may be used as
23 far as necessary for paying claims allowed by the county to the owners of domestic
24 animals because of damages done by dogs during the license year for which the taxes
25 were paid. Any surplus in excess of \$1,000 which may remain from the dog license