

1           **SECTION 2337k.** 85.285 of the statutes is created to read:

2           **85.285 Extrication training grants.** From the appropriation under s. 20.395  
3 (5) (ds), the department shall award a grant of \$375,000 in fiscal year 2002–03 and  
4 in each fiscal year thereafter to a nonprofit corporation that has experience providing  
5 training that meets the standards of the National Fire Protection Association and  
6 that prepares trained individuals to teach extrication techniques for all types of  
7 vehicles to rescue personnel. A grant made under this section may be used to provide  
8 training, acquire extrication equipment, or develop extrication training curricula.  
9 The department may not award a grant under this section unless the recipient of the  
10 grant enters into a written agreement with the department that specifies the  
11 conditions for use of the grant proceeds, including the use of any training curriculum  
12 developed with grant proceeds.

13           **SECTION 2338.** 85.51 (title) of the statutes is amended to read:

14           **85.51 (title) State traffic patrol services; special events fee.**

15           **SECTION 2339.** 85.51 of the statutes is renumbered 85.51 (1) (a) and amended  
16 to read:

17           85.51 (1) (a) ~~The Except as provided in par. (b), the department may charge the~~  
18 ~~an event sponsor, as defined by rule, a fee, in an amount calculated under a uniform~~  
19 ~~method established by rule, for security and traffic enforcement services provided by~~  
20 ~~the state traffic patrol at any public event for which an admission fee is charged for~~  
21 ~~spectators if the event is organized by a private organization.~~ The department may  
22 not impose a fee for such services except as provided in this section paragraph.

23           **(3) USE OF FEES.** All moneys received under this ~~subsection~~ section shall be  
24 deposited in the general fund and credited to the appropriation account under s.  
25 20.395 (5) (dg).

1           **SECTION 2339g.** 85.51 (1) (title) of the statutes is created to read:

2           85.51 (1) (title) SPECIAL EVENTS FEE.

3           **SECTION 2339m.** 85.51 (1) (b) of the statutes is created to read:

4           85.51 (1) (b) Paragraph (a) does not apply to farm progress days subject to s.  
5           85.511.

6           **SECTION 2340.** 85.51 (2) of the statutes is created to read:

7           85.51 (2) SECURITY AND TRAFFIC ENFORCEMENT SERVICES FEE. The department  
8           may charge any person a fee, in an amount calculated under a uniform method  
9           established by rule, for security and traffic enforcement services provided by the  
10          state traffic patrol during that person's installation, inspection, removal, relocation,  
11          or repair of a utility facility, as defined in s. 30.40 (19), located on a highway, as  
12          defined in s. 340.01 (22), if that person requests such services in writing.

13          **SECTION 2340i.** 85.511 of the statutes is created to read:

14          **85.511 Farm progress days. (1)** The department is prohibited from charging  
15          any sponsor of farm progress days for any costs incurred by the department  
16          associated with farm progress days.

17          **(2)** The department shall promulgate rules specifying eligibility as a sponsor  
18          under sub. (1) and determining the conditions that shall be satisfied to qualify as  
19          farm progress days under sub. (1).

20          **SECTION 2340k.** 85.517 of the statutes is created to read:

21          **85.517 Database redesign; division of motor vehicles.** By January 2,  
22          2002, and biennially by January 2 thereafter, the department shall submit to the  
23          joint committee on finance, and to the appropriate standing committees of the  
24          legislature under s. 13.172 (3), a report on the progress of the division of motor  
25          vehicles database redesign. The report shall include all of the following:

1           (1) The identification of all portions of the database redesign that have been  
2 completed and all portions planned for completion within 12 months following the  
3 report.

4           (2) The identification of any change in data processing, administrative, or other  
5 process efficiencies realized from those portions of the database redesign that have  
6 been completed, or anticipated from those portions of the database redesign that are  
7 planned for completion within 12 months following the report.

8           (3) A timetable for completion of the database redesign, including the  
9 identification of all portions of the database redesign that remain to be completed  
10 and their projected dates of completion.

11           (4) Any recommended statutory changes or funding levels to facilitate the  
12 database redesign or any data processing, administrative, or other process  
13 efficiencies associated with the database redesign.

14           **SECTION 2340q.** 85.53 (3) of the statutes is amended to read:

15           85.53 (3) Grants under this section shall be paid from the appropriations under  
16 s. 20.395 (5) (jr) and (jt). The amount of a grant may not exceed 80% of the amount  
17 expended by an eligible applicant for services related to the program.

18           **SECTION 2340t.** 85.56 of the statutes is created to read:

19           **85.56 Joint committee on finance review of transportation safety**  
20 **contracts.** The department may not enter into any contract relating to alcohol or  
21 traffic enforcement activities to be funded in whole or in part with federal  
22 transportation safety funds unless the department first notifies the joint committee  
23 on finance in writing of the proposed contract. If the cochairpersons of the committee  
24 do not notify the department within 14 working days after the date of the  
25 department's notification that the committee has scheduled a meeting to review the

1 proposed contract, the department may enter into the proposed contract. If, within  
2 14 working days after the date of the department's notification, the chairpersons of  
3 the committee notify the department that the committee has scheduled a meeting to  
4 review the proposed contract, the department may enter into the proposed contract  
5 only upon approval of the committee.

6 **SECTION 2340vg.** 86.03 (5m) of the statutes is created to read:

7 **86.03 (5m) TREES AND OTHER VEGETATION BLOCKING VIEW OF BUSINESS OR SIGN.**

8 (a) In this subsection, "vegetation" means any tree, shrub, hedge, or other foliage.

9 (b) Notwithstanding any other provision of this section, if any vegetation  
10 located in the right-of-way of any highway under the jurisdiction of the department  
11 prevents the operator of a vehicle traveling on a highway at the posted speed limit  
12 from viewing for 6 uninterrupted seconds a business premises located adjacent to the  
13 highway right-of-way, a sign located on a business premises adjacent to the highway  
14 right-of-way that advertises the business to motorists on the adjacent highway, or  
15 any sign erected under this chapter or s. 84.30 that is permitted to be located in or  
16 adjacent to the highway right-of-way, any person who maintains a majority  
17 ownership interest in the business adjacent to the highway right-of-way or in any  
18 business advertised on a sign identified in this paragraph may trim or remove any  
19 obstructing vegetation located in the highway right-of-way if all of the following  
20 requirements are met:

21 1. The person obtains a permit from the department under par. (c).

22 2. The person pays for the cost of trimming or removing the obstructing  
23 vegetation, including the cost of cleanup and disposal, and for replacing any removed  
24 vegetation, including the cost of purchasing and planting the replacement  
25 vegetation.

1           3. If the person has removed vegetation, the person replaces the removed  
2 vegetation with comparable vegetation along the same highway right-of-way,  
3 provided that the person may not locate replacement vegetation in a manner that  
4 obstructs, or will obstruct in the foreseeable future, the view from the highway of  
5 another existing business or sign identified in this paragraph.

6           4. No state funds are expended for the trimming, removal, or replacement of  
7 vegetation under this paragraph.

8           5. With respect to a sign identified in this paragraph, the owner of the land on  
9 which the sign is erected does not object to the trimming or removal of vegetation.

10           (c) The department shall issue permits to eligible applicants for the trimming  
11 or removal of vegetation located in a highway right-of-way under par. (b). Any  
12 permit issued under this paragraph shall specify the vegetation or the portion of the  
13 highway right-of-way to which the permit applies. The department shall grant or  
14 deny an application for a permit within 30 days of receipt of the application.

15           **SECTION 2340y.**<sup>↓</sup> 86.193 of the statutes is created to read:

16           **86.193 Agricultural tourism signs.** (1) In this section, “agricultural  
17 tourism facility” means a facility located in this state that is open to the public at  
18 least 4 days a week for a minimum of 3 months and which does any of the following:

19           (a) Markets Wisconsin farm products.

20           (b) Processes and markets agricultural products, of which at least 50% are  
21 grown and produced in this state.

22           (c) Promotes tourism by providing tours and on-site sales or samples of  
23 Wisconsin agricultural products.

24           (2) The department shall develop and, no later than March 1, 2002, implement  
25 a plan, consistent with federal and state laws, to promote and maximize the erection

1 of agricultural tourism signs on highways in this state to identify and provide  
2 directional information to any agricultural tourism facility.

3 (3) (a) Except as provided in par. (b), the department may assess and collect  
4 from an agricultural tourism facility the actual costs of erection of any agricultural  
5 tourism sign that identifies and provides directional information to the facility.

6 (b) A local authority shall permit erection of a trailblazer sign that identifies  
7 and provides directional information to an agricultural tourism facility on a highway  
8 under the jurisdiction of the local authority if the facility is located more than 5 miles  
9 from the highway and the local authority assesses and collects from the facility the  
10 actual costs of erection of the trailblazer sign. The department shall promulgate  
11 rules defining "trailblazer sign" for purposes of this paragraph.

12 (4) In developing and implementing the plan under sub. (2), the department  
13 shall consult with the department of agriculture, trade and consumer protection.

14 SECTION 2341. 86.30 (2) (a) 3. (intro.) of the statutes is renumbered 86.30 (2)  
15 (a) 3. and amended to read:

16 86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a  
17 municipality as determined under s. 86.302, the mileage aid payment shall be an  
18 amount equal to the following: \$1,704 in calendar year 2001, \$1,755 in calendar year  
19 2002, and \$1,825 in calendar year 2003 and thereafter.

20 SECTION 2342. 86.30 (2) (a) 3. g. of the statutes is repealed.

21 SECTION 2343. 86.30 (2) (a) 3. h. of the statutes is repealed.

22 SECTION 2344. 86.30 (9) (b) of the statutes is amended to read:

23 86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),  
24 the amounts for aids to counties are ~~\$78,744,300 in calendar years 1998 and 1999,~~  
25 ~~and \$84,059,500 in calendar year years 2000 and 2001,~~ \$86,581,300 in calendar year

1        2002, and \$90,044,600 in calendar year 2003 and thereafter. These amounts, to the  
2        extent practicable, shall be used to determine the statewide county average  
3        cost-sharing percentage in the particular calendar year.

4        **SECTION 2345.** 86.30 (9) (c) of the statutes is amended to read:

5        86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),  
6        the amounts for aids to municipalities are \$247,739,100 in calendar years 1998 and  
7        1999, and \$264,461,500 in calendar year years 2000 and 2001, \$272,395,300 in  
8        calendar year 2002, and \$283,291,100 in calendar year 2003 and thereafter. These  
9        amounts, to the extent practicable, shall be used to determine the statewide  
10       municipal average cost-sharing percentage in the particular calendar year.

11       **SECTION 2345m.** 86.30 (10c) of the statutes is created to read:

12       86.30 (10c) AID PAYMENTS FOR CALENDAR YEAR 2002. (a) 1. For calendar year 2002,  
13       the department shall determine the percentage change between the amount of  
14       moneys appropriated for distribution under this section to counties for calendar year  
15       2002 and the amount of moneys appropriated for distribution under this section to  
16       counties for calendar year 2001.

17       2. Notwithstanding sub. (2) (a), (b), and (d) and s. 86.303 (5) (e), (f), (h), and (i),  
18       the amount of aid payable to each county in calendar year 2002 shall be the amount  
19       paid to that county for calendar year 2001, plus an amount equal to the percentage  
20       determined under subd. 1. of the amount paid to the county for calendar year 2001.

21       (b) 1. For calendar year 2002, the department shall determine the percentage  
22       change between the amount of moneys appropriated for distribution under this  
23       section to municipalities for calendar year 2002 and the amount of moneys  
24       appropriated for distribution under this section to municipalities for calendar year  
25       2001.

1           2. Notwithstanding sub. (2) (a), (b), and (d) and s. 86.303 (5) (e), (f), (h), and (i),  
2 the amount of aid payable to each municipality in calendar year 2002 shall be the  
3 amount paid to that municipality for calendar year 2001, plus an amount equal to  
4 the percentage determined under subd. 1. of the amount paid to the municipality for  
5 calendar year 2001.

6           **SECTION 2345n.** 86.30 (10g) of the statutes is created to read:

7           **86.30 (10g) AID PAYMENTS FOR CALENDAR YEAR 2003.** (a) 1. For calendar year 2003,  
8 the department shall determine the percentage change between the amount of  
9 moneys appropriated for distribution under this section to counties for calendar year  
10 2003 and the amount of moneys appropriated for distribution under this section to  
11 counties for calendar year 2002.

12           2. Notwithstanding sub. (2) (a), (b), and (d) and s. 86.303 (5) (e), (f), (h), and (i),  
13 the amount of aid payable to each county in calendar year 2003 shall be the amount  
14 paid to that county for calendar year 2002, plus an amount equal to the percentage  
15 determined under subd. 1. of the amount paid to the county for calendar year 2002.

16           (b) 1. For calendar year 2003, the department shall determine the percentage  
17 change between the amount of moneys appropriated for distribution under this  
18 section to municipalities for calendar year 2003 and the amount of moneys  
19 appropriated for distribution under this section to municipalities for calendar year  
20 2002.

21           2. Notwithstanding sub. (2) (a), (b), and (d) and s. 86.303 (5) (e), (f), (h), and (i),  
22 the amount of aid payable to each municipality in calendar year 2003 shall be the  
23 amount paid to that municipality for calendar year 2002, plus an amount equal to  
24 the percentage determined under subd. 1. of the amount paid to the municipality for  
25 calendar year 2002.



1           **SECTION 2346m.** 86.31 (2) (f) of the statutes is created to read:

2           86.31 (2) (f) With respect to town road improvements, the department shall  
3 give priority to town road improvements under subs. (3) and (3m) that fund  
4 improvements of town roads that have been damaged as a result of heavy motor truck  
5 loads.

6           **SECTION 2347f.** 86.31 (3g) of the statutes is amended to read:

7           86.31 (3g) COUNTY TRUNK HIGHWAY IMPROVEMENTS. From the appropriation  
8 under s. 20.395 (2) (fr), the department shall allocate ~~\$5,000,000~~ \$5,250,000 in each  
9 fiscal year, beginning in fiscal year 2001-02, to fund county trunk highway  
10 improvements with eligible costs totaling more than \$250,000. The funding of  
11 improvements under this subsection is in addition to the allocation of funds for  
12 entitlements under sub. (3).

13           **SECTION 2347k.** 86.31 (3m) of the statutes is amended to read:

14           86.31 (3m) TOWN ROAD IMPROVEMENTS. From the appropriation under s. 20.395  
15 (2) (fr), the department shall allocate ~~\$2,000,000 in fiscal year 1999-2000 and~~  
16 ~~\$500,000 in each following fiscal year~~ \$750,000 in each fiscal year, beginning in fiscal  
17 year 2001-02, to fund town road improvements with eligible costs totaling \$100,000  
18 or more. The funding of improvements under this subsection is in addition to the  
19 allocation of funds for entitlements under sub. (3).

20           **SECTION 2347r.** 86.31 (3r) of the statutes is amended to read:

21           86.31 (3r) MUNICIPAL STREET IMPROVEMENTS. From the appropriation under s.  
22 20.395 (2) (fr), the department shall allocate ~~\$1,250,000 in fiscal year 1999-2000,~~  
23 ~~and \$750,000 in each fiscal year thereafter~~ \$1,000,000 in each fiscal year, beginning  
24 in fiscal year 2001-02, to fund municipal street improvement projects having total

1 estimated costs of \$250,000 or more. The funding of improvements under this  
2 subsection is in addition to the allocation of funds for entitlements under sub. (3).

3 **SECTION 2348m.** 86.31 (3s) of the statutes is created to read:

4 **86.31 (3s) WEST CANAL STREET RECONSTRUCTION.** Notwithstanding limitations  
5 on the amount and use of aids provided under this section, or on eligibility  
6 requirements for receiving aids under this section, and subject to s. 84.03 (3) (b), the  
7 department shall award a grant of \$2,500,000 to the city of Milwaukee for the  
8 purpose specified under s. 84.03 (3) (a). Notwithstanding subs. (3) (b), (3g), (3m), and  
9 (3r), payment of the grant under this subsection shall be made from the  
10 appropriation under s. 20.395 (2) (fr) before making any other allocation of funds  
11 under subs. (3) (b), (3g), (3m), and (3r), and the allocation of funds under subs. (3) (b),  
12 (3g), (3m), and (3r) shall be reduced proportionately to reflect the amount of the grant  
13 made under this subsection. This subsection does not apply after December 31, 2005.

14 **SECTION 2349m.** 86.315 (1) of the statutes is amended to read:

15 **86.315 (1)** From the appropriation under s. 20.395 (1) (fu), the department  
16 shall annually, on March 10, pay to counties having county forests established under  
17 ch. 28, for the improvement of public roads within the county forests which are open  
18 and used for travel and which are not state or county trunk highways or town roads  
19 and for which no aids are paid under s. 86.30, the amount of \$336 per mile of road  
20 designated in the comprehensive county forest land use plan as approved by the  
21 county board and the department of ~~natural resources~~ forestry. If the amount  
22 appropriated under s. 20.395 (1) (fu) is insufficient to make the payments required  
23 under this subsection, the department shall prorate the amount appropriated in the  
24 manner it considers desirable.

25 **SECTION 2351h.** 88.15 (2m) of the statutes is created to read:

1           88.15 (2m) The department of agriculture, trade and consumer protection shall  
2 create and maintain a secure Internet site on which drainage districts may post  
3 engineering projects in order to obtain bids electronically for engineering services.  
4 The department shall promulgate rules that specify fees designed to cover the costs  
5 of creating and maintaining the Internet site.

6           **SECTION 2380g.** 92.14 (5g) of the statutes is renumbered 92.14 (5g) (a) and  
7 amended to read:

8           92.14 (5g) (a) ~~If Except as provided in par. (b), if a grant under sub. (3) provides~~  
9 funding for salary and fringe benefits for more than one county staff person, a county  
10 shall provide matching funds, as determined by the department by rule, equal to 30%  
11 of the cost of salary and fringe benefits for the 2nd staff person and 50% of the cost  
12 of salary and fringe benefits for any additional staff persons for whom the grant  
13 provides funding.

14           **SECTION 2380i.** 92.14 (5g) (b) of the statutes is created to read:

15           92.14 (5g) (b) For a grant awarded for a year before 2010, the department shall  
16 require a county to provide matching funds for priority watershed project staff equal  
17 to not less than 10% nor more than 30% of the staff funding that was provided to the  
18 county for 1997 for a priority watershed that was designated before July 1, 1998.  
19 This paragraph does not apply to matching funds for priority watershed project staff  
20 after the termination date that was in effect on October 6, 1998, for the priority  
21 watershed project.

22           **SECTION 2382.** 93.06 (8) of the statutes is amended to read:

23           93.06 (8) PRESCRIBE CONDITIONS OF LICENSES. Except as provided in s. 93.135,  
24 issue any permit, certificate, registration or license on a temporary or conditional  
25 basis, contingent upon pertinent circumstances or acts. If the temporary or

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1 conditional permit, certificate, registration or license is conditioned upon compliance  
2 with chs. 93 to 100, ch. ~~127 126~~, a rule promulgated by the department or a regulation  
3 adopted under s. 97.41 (7) within a specified period of time and the condition is not  
4 met within the specified period, the permit, certificate, registration or license shall  
5 be void.

6 **SECTION 2383.** 93.06 (12) of the statutes is created to read:

7 **93.06 (12) FEDERAL AGRICULTURAL POLICY REFORM.** Provide at least \$50,000 in  
8 each fiscal year to organizations to seek the reform of federal agricultural policy for  
9 the benefit of agricultural producers in this state. This subsection does not apply  
10 after June 30, 2005.

11 **SECTION 2385.** 93.135 (1) (rm) of the statutes is amended to read:

12 93.135 (1) (rm) A ~~registration certificate~~ license under s. ~~100.03 (2)~~ 126.56.

13 **SECTION 2386.** 93.135 (1) (s) of the statutes is amended to read:

14 93.135 (1) (s) A license under s. ~~127.02 (1)~~ 126.26.

15 **SECTION 2387.** 93.135 (1) (sm) of the statutes is amended to read:

16 93.135 (1) (sm) A license under s. ~~127.03 (1)~~ 126.11.

17 **SECTION 2388.** 93.20 (1) of the statutes is amended to read:

18 93.20 (1) **DEFINITION.** In this section, "action" means an action that is  
19 commenced in court by, or on behalf of, the department of agriculture, trade and  
20 consumer protection to enforce chs. 88, 91 to 100 or ~~127 126~~.

21 **SECTION 2389.** 93.21 (5) (a) of the statutes is amended to read:

22 93.21 (5) (a) In this subsection, "license" means a permit, certificate,  
23 registration or license issued by the department under chs. 91 to 100 or ch. ~~127 126~~.

24 **SECTION 2390.** 93.23 (1) (h) of the statutes is repealed.

25 **SECTION 2390p.** 93.32 of the statutes is created to read:

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1           **93.32 Agriculture in the classroom program.** From the appropriation  
2 account under s. 20.115 (4) (q), the department shall provide grants to the  
3 organization that conducts an agriculture in the classroom program in cooperation  
4 with the federal department of agriculture to help teachers educate students about  
5 agriculture.

6           **SECTION 2392.** 93.47 (2) of the statutes is amended to read:

7           **93.47 (2)** The department may award grants from the appropriation accounts  
8 under s. 20.115 (4) (c) and ~~(i)~~ (8) (g) to individuals or organizations to fund  
9 demonstration projects designed to encourage the use of sustainable agriculture.  
10 The department shall promulgate rules to govern the sustainable agriculture grant  
11 program under this section.

12           **SECTION 2393.** 93.48 of the statutes is repealed.

13           **SECTION 2394.**<sup>↓</sup> 93.50 (1) (g) of the statutes is amended to read:

14           **93.50 (1) (g)** "Procurement contract" has the meaning given for "vegetable  
15 procurement contract" in s. ~~100.03 (1) (vm)~~ 126.55 (15).

16           **SECTION 2394p.**<sup>↓</sup> 93.80 of the statutes is created to read:

17           **93.80 Arsenic in wood. (1)** The department, jointly with the department of  
18 commerce, shall review scientific evidence to determine whether there is a  
19 substantial likelihood that wood treated with copper, chromium, and arsenic is  
20 harmful to the environment or to human health. The departments shall report the  
21 results of their review to the legislature under s. 13.172 (2) no later than June 30,  
22 2002.

23           **(2)** If the department and the department of commerce determine under sub.  
24 (1) that there is a substantial likelihood that wood treated with copper, chromium,  
25 and arsenic is harmful to the environment or to human health, the departments

1 jointly shall promulgate rules that phase in restrictions on the use of wood treated  
2 with copper, chromium, and arsenic. The departments may not prohibit the use of  
3 wood treated with copper, chromium, and arsenic for a purpose unless there is a  
4 substitute wood preservative that may be used for that purpose and that is less  
5 harmful.

6 (3) Any person who violates a rule promulgated under sub. (2) may be required  
7 to forfeit not more than \$500 for each violation.

8 **SECTION 2395t.** 94.715 of the statutes is created to read:

9 **94.715 Pest management for schools. (1) DEFINITIONS.** In this section:

10 (a) "Active ingredient" has the meaning given in s. 94.67 (1).

11 (b) "Federal act" has the meaning given in s. 94.67 (13).

12 (c) "Inert ingredient" has the meaning given in s. 94.67 (16).

13 (cm) "Integrated pest management" means a comprehensive strategy of pest  
14 control with the main objective of achieving desired levels of pest control in an  
15 environmentally responsible manner to reduce or eliminate reliance on pesticides by  
16 using a combination of nonchemical pest controls, which may include monitoring,  
17 increased sanitation, physical barriers, and the use of natural pest enemies, to  
18 address conditions that support pests and judiciously using lowest risk pesticides  
19 when necessary after all other practical methods have failed.

20 (d) "Pest" has the meaning given in s. 94.67 (24).

21 (e) "Pesticide" has the meaning given in s. 94.67 (25), except that "pesticide"  
22 does not include a germicide, sanitizer, or disinfectant.

23 (2) **REQUIREMENTS FOR SCHOOL BOARDS.** A school board shall do all of the  
24 following:

25 (a) Propose a pest management plan that complies with sub. (4).

1 (am) Before proposing a plan under par. (a), obtain training under s. 36.25 (43)  
2 for at least one member of the school board or school district employee who will be  
3 involved in developing the pest management plan.

4 (b) After public notice and a hearing on the proposed plan under par. (a) and  
5 no later than the first day of the 7th month beginning after the effective date of this  
6 paragraph .... [revisor inserts date], adopt a pest management plan that complies  
7 with sub. (4) and submit a copy of the plan to the department.

8 (c) No later than the first day of the 13th month beginning after the effective  
9 date of this paragraph .... [revisor inserts date], implement the pest management  
10 plan adopted under par. (b).

11 (d) Provide public notice and a hearing before modifying the pest management  
12 plan adopted under par. (b) and notify the department of any modifications to the  
13 plan.

14 (dm) Authorize pesticide application in a school or on school grounds to be  
15 conducted only by persons who are certified in the applicable pesticide use categories  
16 under s. 94.705.

17 (e) When the use of a pesticide is determined to be necessary in a school or on  
18 school grounds, use pesticide in accordance with integrated pest management  
19 practices.

20 (f) Except as provided in sub. (6), at least 72 hours in advance of each pesticide  
21 application in a school or on school grounds, provide written notification, in a font  
22 size no smaller than that routinely used for other notices to parents, of the name of  
23 the pesticide to be applied, the planned time and location of the application, the  
24 potential health effects of exposure to the pesticide, as indicated on its label, and the

1 name and telephone number of a person at the school who can be called for more  
2 information or to report health effects from exposure, to all of the following:

3 1. Each employee of the school district, or of a contractor with the school  
4 district, who may be present in the area of application within 72 hours after the  
5 application.

6 2. Each student who may be present in the area of application within 72 hours  
7 after the application.

8 3. The parents or guardians of the students under subd. 2.

9 (g) Post notice of each pesticide application in a school or on school grounds at  
10 the time of the application and for at least 72 hours following the application.

11 (h) Maintain a record of all of the following for each application of pesticide in  
12 a school or on school grounds:

13 1. The name and certification number of the person applying the pesticide.

14 2. The type of pesticide applied and its brand name, the name of the pesticide  
15 as registered under the federal act, the pesticide registration number assigned to the  
16 pesticide under the federal act, the manufacturer of the pesticide, and the pesticide's  
17 active ingredients and inert ingredients.

18 3. The date and time of the application and the amount of pesticide applied.

19 4. How the pesticide was applied, including any additives used and the type of  
20 application device used.

21 5. The street address of the place at which the pesticide was applied and a  
22 description of the area to which the pesticide was applied.

23 6. The purpose of the application, including the target pest and whether the  
24 application was preventive or reactive.



1           7. For an outdoor application, a description of the weather conditions at the  
2 time of the application.

3           8. The symptoms of acute poisoning from the pesticide, as indicated on its label.

4           (i) Make the information under par. (h) available to any person upon request  
5 and provide the information about pesticide applications to the department  
6 quarterly, except as provided in sub. (6m).

7           (j) Review liability and property insurance maintained by the school board to  
8 determine whether coverage is adequate for damage or loss caused by pesticides.

9           (k) Provide any information concerning pest management that is requested by  
10 the department.

11           **(3) PROHIBITIONS.** (a) A school district may not routinely use pesticides on a  
12 regularly scheduled basis in a school or on school grounds.

13           (b) A school district may not use pesticide fumigation in a school or on school  
14 grounds.

15           (c) A school district may not use pesticides for aesthetic or cosmetic purposes.

16           (d) A school district may not use a pesticide in a school or on school grounds  
17 unless nonchemical methods of pest control have failed to prevent unacceptable  
18 levels of pest activity and damage.

19           **(4) PEST MANAGEMENT PLAN.** A school board shall design its pest management  
20 plan required under sub. (2) (b) to prevent unacceptable levels of pest activity and  
21 damage while minimizing hazards to persons, property, and the environment. In the  
22 plan required under sub. (2) (b), a school board shall specify the pest management  
23 practices that will be used by the school district and shall include all of the following:

1 (a) A description of the methods that will be used to identify pest problems,  
2 including monitoring to determine whether pests are present in sufficient numbers  
3 to require treatment with pesticides.

4 (b) A description of the nonchemical methods that the school district will use  
5 to seek to prevent unacceptable levels of pest activity and damage.

6 (c) A description of the pesticides and methods of application that the school  
7 district may use if the methods under par. (b) fail to prevent unacceptable levels of  
8 pest activity and damage.

9 (d) A description of the other means that the school district will use to ensure  
10 compliance with subs. (2) (c) to (k) and (3).

11 **(6) EXEMPTION FROM ADVANCE NOTICE REQUIREMENT.** A school board is not  
12 required to provide advance notice of a pesticide application if the school district  
13 administrator, as defined in s. 115.001 (8), or the school principal declares that a pest  
14 emergency exists. If a pesticide is applied in a school or on school grounds without  
15 advance notice, the school board shall provide written notification of the name of the  
16 pesticide that was applied, the time and location of the application, the potential  
17 health effects of exposure to the pesticide, as indicated on its label, and the name and  
18 telephone number of a person at the school who can be called for more information  
19 or to report health effects from exposure, to all of the persons identified in sub. (2)  
20 (f) 1. to 3., as soon as possible after the application. The school board shall provide  
21 the notice in a font size no smaller than that routinely used for other notices to  
22 parents.

23 **(6m) EXEMPTION FROM REPORTING REQUIREMENT.** A school district is not required  
24 to provide quarterly reports to the department under sub. (2) (i) if the school district  
25 does not use pesticides and notifies the department that it does not use pesticides.

1 A school district shall begin to make the quarterly reports if it begins to use  
2 pesticides.

3 (7) ASSISTANCE AND COOPERATION. The department shall provide assistance to  
4 school districts in complying with subs. (2) to (4). The department shall consult with  
5 the department of health and family services and the department of public  
6 instruction concerning school pest management issues. The department and the  
7 board of regents of the University of Wisconsin System shall enter into a  
8 memorandum of understanding concerning school pest management and the  
9 provision of training by the University of Wisconsin-Extension to ensure cooperation  
10 between the department and the University of Wisconsin-Extension and to avoid  
11 duplication of activities. The University of Wisconsin-Extension and the cooperative  
12 educational service agencies shall cooperate in providing the training under s. 36.25  
13 (43).

14 (8) AVAILABILITY OF PLANS. The department shall retain pest management plans  
15 submitted under sub. (2) (b) and make the plans available to any person upon  
16 request.

17 (9) REPORT. On or before January 1 of each even-numbered year, the  
18 department, in cooperation with the University of Wisconsin-Extension and the  
19 department of health and family services, shall submit a report evaluating the  
20 program under this section to the legislature under s. 13.172 (2).

21 **SECTION 2397e.** 94.73 (3m) (r) of the statutes is amended to read:

22 94.73 (3m) (r) The cost of providing alternative sources of drinking water,  
23 except that, subject to sub. (6) (b) to (f), the department may reimburse a responsible  
24 person who applies for reimbursement a total of not more than ~~\$20,000~~ \$50,000 for  
25 the replacement or restoration of private wells or for connection to a public or private

1 water source if the department or the department of natural resources orders the  
2 well replacement or restoration or the connection in response to a discharge.

3 **SECTION 2398.** 95.15 of the statutes is repealed.

4 **SECTION 2399.** 95.60 (8) of the statutes is created to read:

5 95.60 (8) The department may provide training to veterinarians and other  
6 persons who issue fish health certificates for the purposes of this section. The  
7 department may charge fees to recover the cost of providing the training.

8 **SECTION 2400.** 97.20 (2) (d) 2. of the statutes is amended to read:

9 97.20 (2) (d) 2. The license applicant has filed all financial information required  
10 under s. 126.44 and any security required under s. ~~100.06~~ 126.47. If an applicant has  
11 not filed all financial information under s. 126.44 and any security required under  
12 s. ~~100.06~~ 126.47, the department may issue a conditional dairy plant license under  
13 s. 93.06 (8) which prohibits the licensed operator from purchasing milk or fluid milk  
14 products from milk producers or their agents, but allows the operator to purchase  
15 milk or fluid milk products from other sources.

16 **SECTION 2401.** 97.20 (3m) of the statutes is amended to read:

17 97.20 (3m) CONFIDENTIALITY. Any information kept by the department under  
18 this section or s. 97.24 that identifies individual milk producers who deliver milk to  
19 a dairy plant licensed under this section and that is a composite list for that dairy  
20 plant is not subject to inspection under s. 19.35 unless inspection is required under  
21 s. ~~100.06(4)~~ 126.70 or unless the department determines that inspection is necessary  
22 to protect the public health, safety or welfare.

23 **SECTION 2402.** 97.22 (10) of the statutes is amended to read:

24 97.22 (10) CONFIDENTIALITY. Any information obtained and kept by the  
25 department under this section, under s. 97.24 or 97.52, or under rules promulgated

1 under those sections, that pertains to individual milk producer production, milk fat  
2 and other component tests and quality records is not subject to inspection under s.  
3 19.35 except as required under s. ~~100.06 (4)~~ 126.70 or except as the department  
4 determines is necessary to protect the public health, safety or welfare.

5 **SECTION 2403.** <sup>↓</sup> 97.29 (4) of the statutes is amended to read:

6 97.29 (4) FOOD PROCESSING PLANTS BUYING VEGETABLES FROM PRODUCERS. The  
7 department may not issue or renew a license to operate a food processing plant to any  
8 applicant who is a vegetable contractor, as defined in s. ~~100.03 (1) (f)~~ 126.55 (14),  
9 unless the applicant has filed all financial information required under s. 126.58 and  
10 any security that is required under s. ~~100.03~~ 126.61. If an applicant has not filed all  
11 financial information required under s. 126.58 and any security that is required  
12 under s. ~~100.03~~ 126.61, the department may issue a conditional license under s. 93.06  
13 (8) that prohibits the licensed operator from procuring vegetables from a producer  
14 or a producer's agent, but allows the operator to procure vegetables from other  
15 sources.

16 **SECTION 2403e.** 97.60 of the statutes is created to read:

17 **97.60 Food advisory council.** The food advisory council shall meet at least  
18 quarterly and shall advise the department concerning issues related to providing a  
19 safe and wholesome food supply in this state, including all of the following:

- 20 (1) Food recalls.
- 21 (2) Rules that apply to retail food establishments and food processing plants.
- 22 (3) Food safety concerns and communications.
- 23 (4) Training.
- 24 (5) Partnerships between the department and the food industry.
- 25 (6) Enforcement and inspection.

1 (7) Other issues related to the food industry.

2 SECTION 2404. 100.03 of the statutes, as affected by 2001 Wisconsin Act .... (this  
3 act), is repealed.

4 SECTION 2405. 100.06 of the statutes, as affected by 2001 Wisconsin Act .... (this  
5 act), is repealed.

6 SECTION 2404g. 100.03 (1) (bm) of the statutes is amended to read:

7 100.03 (1) (bm) "Audited financial statement" means a financial statement  
8 that, in the accompanying opinion of an independent certified public accountant ~~or~~  
9 ~~a public accountant holding a certificate of authority~~ licensed or certified under ch.  
10 442, fairly and in all material respects represents the financial position of the  
11 contractor, the results of the contractor's operations and the contractor's cash flows  
12 in conformity with generally accepted accounting principles.

13 SECTION 2404r. 100.03 (1) (ym) 2. of the statutes is amended to read:

14 100.03 (1) (ym) 2. Reviewed according to generally accepted accounting  
15 principles by an independent certified public accountant ~~or a public accountant~~  
16 ~~holding a certificate of authority~~ licensed or certified under ch. 442.

17 SECTION 2405m. 100.06 (1g) (c) of the statutes is amended to read:

18 100.06 (1g) (c) The department shall require the applicant to file a financial  
19 statement of his or her business operations and financial condition that meets the  
20 requirements of par. (d). The licensee, during the term of his or her license, may be  
21 required to file such statements periodically. All such statements shall be  
22 confidential and shall not be open for public inspection, except that the department  
23 shall provide the name and address of an individual, the name and address of the  
24 individual's employer and financial information related to the individual contained  
25 in such statements if requested under s. 49.22 (2m) by the department of workforce

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1 development or a county child support agency under s. 59.53 (5). The department  
2 may require such statements to be certified by a certified public accountant licensed  
3 or certified under ch. 442. Such statements and audits, when made by the  
4 department, shall be paid for at cost.

5 **SECTION 2408.** 100.20 (2) (b) of the statutes is amended to read:

6 100.20 (2) (b) Notwithstanding par. (a), the department may not issue any  
7 order or promulgate any rule that regulates the provision of water or sewer service  
8 by a ~~mobile~~ manufactured home park operator, as defined in s. ~~196.01 (3t)~~ 101.91 (8),  
9 or ~~mobile~~ manufactured home park contractor, as defined in s. ~~196.01 (3q)~~ 101.91  
10 (6m), or enforce any rule to the extent that the rule regulates the provision of such  
11 water or sewer service.

12 **SECTION 2414.** 100.235 (1) (b) of the statutes is amended to read:

13 100.235 (1) (b) "Contractor" has the meaning given for "vegetable contractor"  
14 under s. ~~100.03 (1) (f)~~ 126.55 (14).

15 **SECTION 2415.** 100.235 (1) (em) of the statutes is renumbered 100.235 (1) (dm)  
16 and amended to read:

17 100.235 (1) (dm) "~~Registration~~ License year" has the meaning given under s.  
18 ~~100.03 (1) (y)~~ 126.55 (10m).

19 **SECTION 2416.** 100.235 (2) of the statutes is amended to read:

20 100.235 (2) CONTRACTOR MAY NOT PAY PRODUCER LESS THAN CONTRACTOR'S COST TO  
21 GROW. If a contractor and the contractor's affiliates and subsidiaries collectively grow  
22 more than 10% of the acreage of any vegetable species grown and procured by the  
23 contractor in any ~~registration~~ license year, the contractor shall pay a producer, for  
24 vegetables of that species tendered or delivered under a vegetable procurement  
25 contract, a price not less than the contractor's cost to grow that vegetable species in

1 the same growing region. For vegetables contracted on a tonnage basis and for  
2 open-market tonnage purchased, acreage under this subsection shall be determined  
3 using the state average yield per acre during the preceding registration license year.

4 **SECTION 2417.** 100.235 (3) of the statutes is repealed.

5 **SECTION 2418.** 100.235 (4) of the statutes is amended to read:

6 100.235 (4) COST TO GROW; REPORT TO DEPARTMENT UPON REQUEST. If the  
7 department determines that a contractor and the contractor's affiliates and  
8 subsidiaries will collectively grow more than 10% of the acreage of any vegetable  
9 species grown and procured by the contractor during a registration license year, the  
10 department may require the contractor to file a statement of the contractor's cost to  
11 grow that vegetable species. The contractor shall file the report with the department  
12 within 30 days after the department makes its request, unless the department  
13 grants an extension of time. The department may permit the contractor to report  
14 different costs to grow for different growing regions if the contractor can define the  
15 growing regions to the department's satisfaction, and can show to the department's  
16 satisfaction that the contractor's costs to grow are substantially different between  
17 the growing regions.

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19 **SECTION 2420.** 100.26 (5) of the statutes is amended to read:

20 100.26 (5) Any person violating ~~s. 100.06 or any order or regulation of the~~  
21 ~~department thereunder, or s. 100.18 (9),~~ shall be fined not less than \$100 nor more  
22 than \$1,000 or imprisoned for not more than 2 years or both. Each day of violation  
23 constitutes a separate offense.

24 **SECTION 2422.** 100.261 (title) of the statutes is amended to read:

25 **100.261 (title) Consumer information protection assessment.**



1           **SECTION 2423.** 100.261 (1) of the statutes is amended to read:

2           100.261 (1) If a court imposes a fine or forfeiture for a violation of this chapter,  
3 ch. 98, a rule promulgated under this chapter or ch. 98 or an ordinance enacted under  
4 this chapter or ch. 98, the court shall also impose a consumer ~~information~~ protection  
5 assessment in an amount equal to ~~15%~~ 25% of the fine or forfeiture imposed. If  
6 multiple violations are involved, the court shall base the consumer ~~information~~  
7 protection assessment upon the the total of the fine or forfeiture amounts for all  
8 violations. If a fine or forfeiture is suspended in whole or in part, the court shall  
9 reduce the assessment in proportion to the suspension.

10           **SECTION 2424.** 100.261 (2) of the statutes is amended to read:

11           100.261 (2) If any deposit is made for a violation to which this section applies,  
12 the person making the deposit shall also deposit a sufficient amount to include the  
13 consumer ~~information~~ protection assessment required under this section. If the  
14 deposit is forfeited, the amount of the consumer ~~information~~ protection assessment  
15 shall be transmitted to the state treasurer under sub. (3). If the deposit is returned,  
16 the consumer ~~information~~ protection assessment shall also be returned.

17           **SECTION 2425.** 100.261 (3) (a) of the statutes is amended to read:

18           100.261 (3) (a) The clerk of court shall collect and transmit the consumer  
19 ~~information~~ protection assessment amounts to the county treasurer under s. 59.40  
20 (2) (m). The county treasurer shall then make payment to the state treasurer under  
21 s. 59.25 (3) (f) 2.

22           **SECTION 2426.** 100.261 (3) (b) 1. of the statutes is renumbered 100.261 (3) (b)  
23 and amended to read:

1           100.261 (3) (b) The state treasurer shall deposit the consumer protection  
2 assessment amounts in the general fund and shall credit them to the appropriation  
3 account under s. 20.115 (1) (jb), subject to the limit under ~~subd. 2~~ par. (c).

4           **SECTION 2427.** 100.261 (3) (b) 2. of the statutes is renumbered 100.261 (3) (c)  
5 and amended to read:

6           100.261 (3) (c) The amount credited to the appropriation account under s.  
7 20.115 (1) (jb) may not exceed ~~\$85,000~~ \$185,000 in each fiscal year.

8           **SECTION 2429d.** <sup>↓</sup> 100.264 (2) (intro.) of the statutes is amended to read:

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

17           **SECTION 2430L.** <sup>↓</sup> 100.30 (5r) of the statutes is created to read:

18           100.30 (5r) PRIVATE CAUSE OF ACTION; SALE OF TOBACCO PRODUCTS. Any person  
19 who is injured or threatened with injury as a result of a sale or purchase of cigarettes  
20 or other tobacco products in violation of this section may bring an action against the  
21 person who violated this section for temporary or permanent injunctive relief or an  
22 action against the person for 3 times the amount of any monetary loss sustained or  
23 an amount equal to \$2,000, whichever is greater, multiplied by each day of continued  
24 violation, together with costs, including accounting fees and reasonable attorney  
25 fees, notwithstanding s. 814.04 (1). An association of cigarette wholesalers may

1 bring the action on behalf of the person injured or threatened with injury and be  
2 entitled to the same relief as the person injured or threatened with injury.

3 **SECTION 2434.** 100.45 (1) (dm) of the statutes is amended to read:

4 100.45 (1) (dm) "State agency" means any office, department, agency,  
5 institution of higher education, association, society or other body in state  
6 government created or authorized to be created by the constitution or any law which  
7 is entitled to expend moneys appropriated by law, including the legislature and the  
8 courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
9 Center Sports and Entertainment Corporation, the University of Wisconsin  
10 Hospitals and Clinics Authority and, the Wisconsin Health and Educational  
11 Facilities Authority, and the Fox River Navigational System Authority.

12 **SECTION 2435.** 100.52 (title) of the statutes is created to read:

13 **100.52 (title) Telephone solicitations.**

14 **SECTION 2436.** 100.52 (1) (title) of the statutes is created to read:

15 100.52 (1) (title) DEFINITIONS.

16 **SECTION 2437b.** 100.52 (1) (a) of the statutes is created to read:

17 100.52 (1) (a) "Affiliate," when used in relation to any person, means another  
18 person who owns or controls, is owned or controlled by, or is under common  
19 ownership or control with such person.

20 **SECTION 2438b.** 100.52 (1) (b) of the statutes is created to read:

21 100.52 (1) (b) "Basic local exchange service" has the meaning in s. 196.01 (1g).

22 **SECTION 2439b.** 100.52 (1) (c) of the statutes is created to read:

23 100.52 (1) (c) "Nonprofit organization" means a corporation, association, or  
24 organization described in section 501 (c) (3), (4), (5), or (19) of the Internal Revenue

1 Code that is exempt from taxation under section 501 (a) of the Internal Revenue  
2 Code.

3 **SECTION 2440b.** 100.52 (1) (d) of the statutes is created to read:

4 100.52 (1) (d) “Nonresidential customer” means a person, other than a  
5 residential customer, who is furnished with telecommunications service by a  
6 telecommunications utility.

7 **SECTION 2440d.** 100.52 (1) (e) of the statutes is created to read:

8 100.52 (1) (e) “Nonsolicitation directory” means the directory established in  
9 rules promulgated by the department under sub. (2) (b).

10 **SECTION 2440f.** 100.52 (1) (f) of the statutes is created to read:

11 100.52 (1) (f) “Residential customer” means an individual who is furnished  
12 with basic local exchange service by a telecommunications utility, but does not  
13 include an individual who operates a business at his or her residence.

14 **SECTION 2440h.** 100.52 (1) (g) of the statutes is created to read:

15 100.52 (1) (g) “Telecommunications service” has the meaning given in s. 196.01  
16 (9m).

17 **SECTION 2440j.** 100.52 (1) (h) of the statutes is created to read:

18 100.52 (1) (h) “Telecommunications utility” has the meaning given in s. 196.01  
19 (10).

20 **SECTION 2440L.** 100.52 (1) (j) of the statutes is created to read:

21 100.52 (1) (j) “Telephone solicitor” means a person, other than a nonprofit  
22 organization or an employee or contractor of a nonprofit organization, that employs  
23 or contracts with an individual to make a telephone solicitation.

24 **SECTION 2440n.** 100.52 (2) of the statutes is created to read:

1           100.52 (2) NONSOLICITATION DIRECTORY LISTING. (a) Upon a request by a  
2 residential customer, the department shall include in the nonsolicitation directory  
3 a listing indicating that the residential customer does not want to receive any  
4 telephone solicitation made on behalf of a telephone solicitor.

5           (b) The department shall promulgate rules for establishing, maintaining, and  
6 semiannually updating a directory that includes listings of residential customers  
7 who do not wish to receive telephone solicitations made on behalf of telephone  
8 solicitors. The rules promulgated under this paragraph shall establish requirements  
9 and procedures for a residential customer to request a listing in the directory. The  
10 rules shall also require a residential customer who requests a listing in the directory  
11 to notify the department on a biennial basis if the residential customer wishes to  
12 continue to be included in the directory. The department shall eliminate a  
13 residential customer from the directory if the customer does not make the biennial  
14 notification.

15           (c) Except for copies of the nonsolicitation directory that are provided to  
16 registered telephone solicitors under par. (d), the nonsolicitation directory is not  
17 subject to inspection, copying, or receipt under s. 19.35 (1) and may not be released  
18 by the department.

19           (d) The department shall, on a semiannual basis, make the nonsolicitation  
20 directory available by electronic transmission only to telephone solicitors who are  
21 registered under sub. (3). Upon the request of a telephone solicitor registered under  
22 sub. (3), the department shall also provide a printed copy of the nonsolicitation  
23 directory to the telephone solicitor. A telephone solicitor who receives a copy of the  
24 directory, or to whom the directory is made available by electronic transmission,  
25 under this paragraph may not solicit or accept from any person, directly or indirectly,

1 anything of value in exchange for providing the person with any information  
2 included in the copy.

3 **SECTION 2441b.** 100.52 (3) of the statutes is created to read:

4 100.52 (3) REGISTRATION OF TELEPHONE SOLICITORS. (a) The department shall  
5 promulgate rules that require any telephone solicitor who requires an employee or  
6 contractor to make a telephone solicitation to a residential customer in this state to  
7 register with the department, obtain a registration number from the department,  
8 and pay a registration fee to the department. The amount of the registration fee shall  
9 be based on the cost of establishing the nonsolicitation directory, and the amount that  
10 an individual telephone solicitor is required to pay shall be based on the number of  
11 telephone lines used by the telephone solicitor to make telephone solicitations. The  
12 rules shall also require a telephone solicitor that registers with the department to  
13 pay an annual registration renewal fee to the department. The amount of the  
14 registration renewal fee shall be based on the cost of maintaining the nonsolicitation  
15 directory.

16 (b) The department shall promulgate rules that require an individual who  
17 makes a telephone solicitation on behalf of a telephone solicitor to identify at the  
18 beginning of the telephone conversation each of the following:

- 19 1. The telephone solicitor.
- 20 2. If different than the telephone solicitor, the person selling the property,  
21 goods, or services, or receiving the contribution, donation, grant, or pledge of money,  
22 credit, property, or other thing of any kind, that is the reason for the telephone  
23 solicitation.

24 **SECTION 2442b.** 100.52 (4) (title) of the statutes is created to read:

25 100.52 (4) (title) TELEPHONE SOLICITOR REQUIREMENTS.

1           **SECTION 2442d.** 100.52 (4) (a) 2. and 3. of the statutes are created to read:

2           100.52 (4) (a) 2. Make a telephone solicitation to a residential customer if the  
3           nonsolicitation directory that is provided or made available to the telephone solicitor  
4           under sub. (2) (d) includes a listing for the residential customer.

5           3. Make a telephone solicitation to a nonresidential customer if the  
6           nonresidential customer has provided notice by mail to the telephone solicitor that  
7           the nonresidential customer does not wish to receive telephone solicitations.

8           **SECTION 2442f.** 100.52 (4) (b) of the statutes is created to read:

9           100.52 (4) (b) A telephone solicitor may not do any of the following:

10          1. Require an employee or contractor to make a telephone solicitation to a  
11          person in this state unless the telephone solicitor is registered with the department  
12          under the rules promulgated under sub. (3) (a).

13          2. Require an employee or contractor to make a telephone solicitation that  
14          violates par. (a).

15          **SECTION 2442h.** 100.52 (4) (c) of the statutes is created to read:

16          100.52 (4) (c) A telephone solicitor or employee or contractor of a telephone  
17          solicitor that makes a telephone solicitation to a nonresidential customer shall, upon  
18          the request of the nonresidential customer, provide the mailing address for notifying  
19          the telephone solicitor that the nonresidential customer does not wish to receive  
20          telephone solicitations.

21          **SECTION 2443b.** 100.52 (5) of the statutes is created to read:

22          100.52 (5) **NONPROFIT ORGANIZATION REQUIREMENTS.** A nonprofit organization or  
23          an employee or contractor of a nonprofit organization may not make a telephone  
24          solicitation to a residential customer if the residential customer has provided notice  
25          by telephone, mail, or facsimile transmission to the nonprofit organization that the

1 residential customer does not wish to receive telephone solicitations. A nonprofit  
2 organization may not require an employee or contractor to make a telephone  
3 solicitation that violates this subsection.

4 **SECTION 2444b.** 100.52 (6) of the statutes is created to read:

5 100.52 (6) EXCEPTIONS. Subsections (4) (a) 2. and 3. and (5) do not apply to a  
6 telephone solicitation that satisfies any of the following:

7 (a) The telephone solicitation is made to a recipient in response to the  
8 recipient's express written request for the telephone solicitation.

9 (b) The telephone solicitation is made to a recipient who is a current client of  
10 the person selling the property, goods, or services, or receiving the contribution,  
11 donation, grant, or pledge of money, credit, property, or other thing of any kind, that  
12 is the reason for the telephone solicitation. This paragraph does not apply if the  
13 recipient is a current client of an affiliate of such a person, but is not a current client  
14 of such a person.

15 **SECTION 2445b.** 100.52 (7) of the statutes is created to read:

16 100.52 (7) TERRITORIAL APPLICATION. This section applies to any interstate  
17 telephone solicitation received by a person in this state and to any intrastate  
18 telephone solicitation.

19 **SECTION 2446b.** 100.52 (8) of the statutes is created to read:

20 100.52 (8) PRIVATE CAUSE OF ACTION. Any person who suffers damages as the  
21 result of another person violating this section may bring an action against the person  
22 who violated this section to recover the amount of those damages.

23 **SECTION 2446d.** 100.52 (9) of the statutes is created to read:



1           100.52 (9) ENFORCEMENT. The department shall investigate violations of this  
2 section and may bring an action for temporary or permanent injunctive or other relief  
3 for any violation of this section.

4           **SECTION 2446f.** 100.52 (10) of the statutes is created to read:

5           100.52 (10) PENALTIES. (a) Except as provided in par. (b), a person who violates  
6 this section may be required to forfeit not less than \$100 nor more than \$500 for each  
7 violation.

8           (b) A telephone solicitor that violates sub. (4) or a nonprofit organization that  
9 violates sub. (5) may be required to forfeit not less than \$1,000 nor more than \$10,000  
10 for each violation.

11           **SECTION 2447x.** 101.02 (15) (a) of the statutes is amended to read:

12           101.02 (15) (a) The department has such supervision of every employment,  
13 place of employment and public building in this state as is necessary adequately to  
14 enforce and administer all laws and all lawful orders requiring such employment,  
15 place of employment or public building to be safe, and requiring the protection of the  
16 life, health, safety and welfare of every employe in such employment or place of  
17 employment and every frequenter of such place of employment, and the safety of the  
18 public or tenants in any such public building. This Except for the purposes of  
19 enforcing and administering s. 101.22, this paragraph does not apply to occupational  
20 safety and health issues covered by standards established and enforced by the  
21 federal occupational safety and health administration.

22           **SECTION 2446r.** 101.01 (11) of the statutes is amended to read:

23           101.01 (11) "Place of employment" includes every place, whether indoors or out  
24 or underground and the premises appurtenant thereto where either temporarily or  
25 permanently any industry, trade, or business is carried on, or where any process or

1 operation, directly or indirectly related to any industry, trade, or business, is carried  
2 on, and where any person is, directly or indirectly, employed by another for direct or  
3 indirect gain or profit, but does not include any place where persons are employed  
4 in private domestic service which does not involve the use of mechanical power or in  
5 farming. “Farming” includes those activities specified in s. 102.04 (3), ~~and also~~  
6 ~~includes;~~ the transportation of farm products, supplies, or equipment directly to the  
7 farm by the operator of said the farm or employees for use thereon, if such activities  
8 are directly or indirectly for the purpose of producing commodities for market, or as  
9 an accessory to such production; and the operation of a horse boarding facility or  
10 horse training facility that does not contain an area for the public to view a horse  
11 show and that is first operated on or after August 1, 2000. When used with relation  
12 to building codes, “place of employment” does not include an adult family home, as  
13 defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed  
14 building used as a community-based residential facility, as defined in s. 50.01 (1g),  
15 which serves 20 or fewer residents who are not related to the operator or  
16 administrator.

17       **SECTION 2446rb.** 101.01 (11) of the statutes, as affected by 2001 Wisconsin Act  
18 .... (this act), is amended to read:

19       101.01 (11) “Place of employment” includes every place, whether indoors or out  
20 or underground and the premises appurtenant thereto where either temporarily or  
21 permanently any industry, trade, or business is carried on, or where any process or  
22 operation, directly or indirectly related to any industry, trade, or business, is carried  
23 on, and where any person is, directly or indirectly, employed by another for direct or  
24 indirect gain or profit, but does not include any place where persons are employed  
25 in private domestic service which does not involve the use of mechanical power or in

1 farming. “Farming” includes those activities specified in s. 102.04 (3); and also  
2 includes the transportation of farm products, supplies, or equipment directly to the  
3 farm by the operator of the farm or employees for use thereon, if such activities are  
4 directly or indirectly for the purpose of producing commodities for market, or as an  
5 accessory to such production; ~~and the operation of a horse boarding facility or horse~~  
6 ~~training facility that does not contain an area for the public to view a horse show and~~  
7 ~~that is first operated on or after August 1, 2000.~~ When used with relation to building  
8 codes, “place of employment” does not include an adult family home, as defined in s.  
9 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building  
10 used as a community-based residential facility, as defined in s. 50.01 (1g), which  
11 serves 20 or fewer residents who are not related to the operator or administrator.

12 **SECTION 2447d.** <sup>↓</sup> 101.01 (12) of the statutes is amended to read:

13 101.01 (12) “Public building” means any structure, including exterior parts of  
14 such building, such as a porch, exterior platform, or steps providing means of ingress  
15 or egress, used in whole or in part as a place of resort, assemblage, lodging, trade,  
16 traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation  
17 to building codes, “public building” does not include a horse boarding facility or horse  
18 training facility that does not contain an area for the public to view a horse show, the  
19 initial construction of which was begun on or after August 1, 2000, or a previously  
20 constructed building used as a community-based residential facility as defined in s.  
21 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or  
22 administrator or an adult family home, as defined in s. 50.01 (1).

23 **SECTION 2447db.** <sup>↓</sup> 101.01 (12) of the statutes, as affected by 2001 Wisconsin Act

24 .... (this act), is amended to read:

1           101.01 (12) “Public building” means any structure, including exterior parts of  
2 such building, such as a porch, exterior platform, or steps providing means of ingress  
3 or egress, used in whole or in part as a place of resort, assemblage, lodging, trade,  
4 traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation  
5 to building codes, “public building” does not include ~~a horse boarding facility or horse~~  
6 ~~training facility that does not contain an area for the public to view a horse show, the~~  
7 ~~initial construction of which was begun on or after August 1, 2000, or a previously~~  
8 ~~constructed building used as a community-based residential facility as defined in s.~~  
9 ~~50.01 (1g) which serves 20 or fewer residents who are not related to the operator or~~  
10 ~~administrator or an adult family home, as defined in s. 50.01 (1).~~

11           **SECTION 2449.** 101.09 (3) (d) of the statutes is created to read:

12           101.09 (3) (d) The department shall promulgate a rule specifying fees for plan  
13 review and inspection of tanks for the storage, handling, or use of flammable or  
14 combustible liquids and for any certification or registration required under par. (c).

15           **SECTION 2449d.** 101.10 (2) of the statutes, as created by 2001 Wisconsin Act  
16 3, is amended to read:

17           101.10 (2) RULES. The department shall promulgate rules that prescribe  
18 reasonable standards relating to the safe storage and handling of anhydrous  
19 ammonia. The rules shall prescribe standards for the design, construction, repair,  
20 alteration, location, installation, inspection, and operation of anhydrous ammonia  
21 equipment. The Except as otherwise provided in this subsection, the rules  
22 promulgated under this subsection do not apply to ammonia manufacturing plants,  
23 refrigeration plants where ammonia is used solely as a refrigerant, facilities where  
24 ammonia is used in pollution control devices or is manufactured, electric generating  
25 or cogenerating facilities where ammonia is used as a refrigerant, and ammonia

1 transportation pipelines. If ammonia is used on the premises of a facility or plant  
2 described under this subsection for a purpose or in a manner that is not related to  
3 the applicable exemption from the rules promulgated under this subsection, the  
4 exemption does not apply to that use.

5 SECTION 2449f. 101.123 (title) of the statutes is repealed and recreated to read:

6 101.123 (title) **Smoking prohibited.**

7 SECTION 2449h. 101.123 (1) (i) of the statutes is amended to read:

8 101.123 (1) (i) "State institution" means a prison, ~~a secured correctional~~  
9 ~~facility,~~ a mental health institute as defined in s. 51.01 (12) or a center for the  
10 developmentally disabled as defined in s. 51.01 (3), ~~except that "state institution"~~  
11 ~~does not include a Type 2 secured correctional facility, as defined in s. 938.02 (20).~~

12 SECTION 2449j. 101.123 (1) (j) of the statutes is created to read:

13 101.123 (1) (j) "Type 1 secured correctional facility" has the meaning given in  
14 s. 938.02 (19).

15 SECTION 2449L. 101.123 (2) (br) of the statutes is created to read:

16 101.123 (2) (br) Notwithstanding par. (a) and sub. (3), no person may smoke  
17 in any enclosed, indoor area of a Type 1 secured correctional facility or on the grounds  
18 of a Type 1 secured correctional facility.

19 SECTION 2449n. 101.123 (4) (a) 2. of the statutes is amended to read:

20 101.123 (4) (a) 2. A person in charge or his or her agent may not designate an  
21 entire building as a smoking area or designate any smoking areas in the state capitol  
22 building, in the immediate vicinity of the state capitol, in a Type 1 secured  
23 correctional facility, on the grounds of a Type 1 secured correctional facility, in a  
24 motor bus, hospital or physician's office or on the premises, indoors or outdoors, of  
25 a day care center when children who are receiving day care services are present,

1 except that in a hospital or a unit of a hospital that has as its primary purpose the  
2 care and treatment of mental illness, alcoholism or drug abuse a person in charge or  
3 his or her agent may designate one or more enclosed rooms with outside ventilation  
4 as smoking areas for the use of adult patients who have the written permission of a  
5 physician. Subject to this subdivision and sub. (3) (b), a person in charge or his or  
6 her agent may not designate an entire room as a smoking area.

7 **SECTION 2449p.** 101.123 (4) (am) 3. of the statutes is amended to read:

8 101.123 (4) (am) 3. Except in a prison, ~~secured correctional facility~~, jail, or  
9 lockup facility, an entire building may not be designated as a smoking area.

10 **SECTION 2449r.** 101.123 (4) (bm) of the statutes is amended to read:

11 101.123 (4) (bm) The person in charge of a state institution, jail or lockup  
12 facility, or his or her agent, shall post notice of the designation of a smoking area  
13 under par. (am) in or near the area designated. If an entire room is designated a  
14 smoking area, the person in charge or his or her agent shall post notice of the  
15 designation conspicuously on or near all normally used entrances to the room. If an  
16 entire building in a prison, ~~secured correctional facility~~, jail, or lockup facility is  
17 designated a smoking area, the person in charge, or his or her agent, shall post notice  
18 of the designation on or near all normally used entrances to the building, but need  
19 not post notice of the designation on or near entrances to rooms within the building.

20 **SECTION 2449t.** 101.123 (8) (a) of the statutes is amended to read:

21 101.123 (8) (a) Any person who wilfully violates sub. (2) (a), (am) 1. ~~or~~, (bm),  
22 or (br) after being advised by an employee of the facility that smoking in the area is  
23 prohibited or any person in charge or his or her agent who wilfully fails to comply  
24 with sub. (5) shall forfeit not more than \$10.

25 **SECTION 2464f.** 101.143 (1) (e) 3. of the statutes is created to read:

1           101.143 (1) (e) 3. A person who formerly owned a farm tank and who satisfies  
2 the criteria in sub. (4) (ei) 1m. b.

3           **SECTION 2468p.** 101.143 (4) (a) 2. of the statutes is renumbered 101.143 (4) (a)  
4 2. (intro.) and amended to read:

5           101.143 (4) (a) 2. (intro.) The department may not issue an award before all  
6 eligible costs have been incurred and written approval is received under sub. (3) (c)  
7 4., unless except as follows:

8           a. The department may issue an award before all eligible costs have been  
9 incurred and written approval is received under sub. (3) (c) 4. if the department  
10 determines that the delay in issuing the award would cause a financial hardship to  
11 the owner or operator or the person.

12           **SECTION 2468r.** 101.143 (4) (a) 2. b. of the statutes is created to read:

13           101.143 (4) (a) 2. b. The department shall issue an award if the owner or  
14 operator or the person has incurred at least \$50,000 in unreimbursed eligible costs  
15 and has not submitted a claim during the preceding 12 months.

16           **SECTION 2469.** 101.143 (4) (a) 6. of the statutes is amended to read:

17           101.143 (4) (a) 6. In any fiscal year, the department may not award more than  
18 5% of the amount appropriated under s. 20.143 (3) (v) as awards for petroleum  
19 product storage systems described in par. (ei) 4.

20           **SECTION 2470.** 101.143 (4) (b) (intro.) of the statutes is amended to read:

21           101.143 (4) (b) *Eligible costs.* (intro.) Except as provided in par. (c) or (cc),  
22 eligible costs for an award under par. (a) include actual costs or, if the department  
23 establishes a usual and customary cost under par. (cm) for an item, usual and  
24 customary costs for the following items:

1           **SECTION 2470p.** 101.143 (4) (c) 8. (intro.) and a. of the statutes are consolidated,  
2           renumbered 101.143 (4) (c) 8. and amended to read:

3           101.143 (4) (c) 8. Interest costs incurred by an applicant that exceed interest  
4           at the following rate: ~~a. If the applicant has gross revenues of not more than~~  
5           ~~\$25,000,000 in the most recent tax year before the applicant submits a claim, 1%~~  
6           under the prime rate.

7           **SECTION 2470r.** 101.143 (4) (c) 8. d. of the statutes is repealed.

8           **SECTION 2471.** 101.143 (4) (cc) of the statutes is created to read:

9           101.143 (4) (cc) *Ineligibility for interest reimbursement.* 1. a. Except as  
10          provided in subd. 1m. or 2., if an applicant's final claim is submitted more than 120  
11          days after receiving written notification that no further remedial action is necessary  
12          with respect to the discharge, interest costs incurred by the applicant after the 60th  
13          day after receiving that notification are not eligible costs.

14          c. Except as provided in subd. 2., if an applicant does not complete the  
15          investigation of the petroleum product discharge by the first day of the 61st month  
16          after the month in which the applicant notified the department under sub. (3) (a) 3.  
17          or the first day of the 25th month beginning after the effective date of subd. 1. a.,  
18          whichever is later, interest costs incurred by the applicant after the later of those  
19          days are not eligible costs.

20          1m. If an applicant received written notification that no further remedial  
21          action is necessary with respect to a discharge before the effective date of this  
22          subdivision .... [revisor inserts date], and the applicant's final claim is submitted  
23          more than 120 days after the effective date of this subdivision .... [revisor inserts  
24          date], interest costs incurred by the applicant after the 120th day after the effective  
25          date of this subdivision .... [revisor inserts date], are not eligible costs.



1           2. Subdivision 1. does not apply to any of the following:

2           a. An applicant that is a local unit of government, if federal or state financial  
3 assistance other than under this section, has been provided for that expansion or  
4 redevelopment.

5           b. An applicant that is engaged in the expansion or redevelopment of  
6 brownfields, as defined in s. 560.13 (1) (a), if federal or state financial assistance  
7 other than under this section, has been provided for that expansion or  
8 redevelopment.

9           **SECTION 2472.** 101.143 (4) (d) 2. c. of the statutes is amended to read:

10           101.143 (4) (d) 2. c. For an owner or operator of a petroleum product storage  
11 system described in par. (ei) ~~1~~, \$100,000.

12           **SECTION 2473.** 101.143 (4) (dm) 2. c. of the statutes is amended to read:

13           101.143 (4) (dm) 2. c. For the owner or operator of a petroleum product storage  
14 system that is described in par. (ei) ~~1~~, \$2,500 plus 5% of eligible costs per occurrence.

15           **SECTION 2474.** 101.143 (4) (dm) 3. c. of the statutes is amended to read:

16           101.143 (4) (dm) 3. c. For an owner or operator of a petroleum product storage  
17 system described in par. (ei) ~~1~~, \$100,000.

18           **SECTION 2475.** 101.143 (4) (e) 2. of the statutes is amended to read:

19           101.143 (4) (e) 2. The department shall issue the award under this paragraph  
20 without regard to fault in an amount equal to the amount of the eligible costs that  
21 exceeds a deductible amount of \$10,000, except that the deductible amount for a  
22 petroleum product storage system that is owned by a school district or a technical  
23 college district and that is used for storing heating oil for consumptive use on the  
24 premises where stored is 25% of eligible costs and except that the deductible for a  
25 petroleum product storage system that is described in par. (ei) ~~1~~ is \$2,500 plus 5%

1 of the eligible costs, but not more than \$7,500 per occurrence without regard to when  
2 the eligible costs are incurred.

3 **SECTION 2476.** 101.143 (4) (e) 2m. of the statutes is amended to read:

4 101.143 (4) (e) 2m. An award issued under this paragraph may not exceed  
5 \$190,000 for each occurrence, except that an award under this paragraph to the  
6 owner or operator of a petroleum product storage system described in par. (ei) ~~1~~ may  
7 not exceed \$100,000 per occurrence.

8 **SECTION 2477.** 101.143 (4) (ei) 1. (intro.) of the statutes is renumbered 101.143  
9 (4) (ei) (intro.).

10 **SECTION 2478.** 101.143 (4) (ei) 1. a. of the statutes is renumbered 101.143 (4)  
11 (ei) 1m. a. and amended to read:

12 101.143 (4) (ei) 1m. a. The owner or operator of the farm tank owns a parcel  
13 of 35 or more acres of contiguous land, on which the farm tank is located, which is  
14 devoted primarily to agricultural use, as defined in s. 91.01 (1), including land  
15 designated by the department of natural resources as part of the ice age trail under  
16 s. 23.17, which during the year preceding submission of a first claim under sub. (3)  
17 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or  
18 which, during the 3 years preceding that submission produced gross farm profits, as  
19 defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres, on  
20 which the farm tank is located, of which at least 35 acres, during part or all of the  
21 year preceding that submission, were enrolled in the conservation reserve program  
22 under 16 USC 3831 to 3836.

23 **SECTION 2479.** 101.143 (4) (ei) 1. b. of the statutes is renumbered 101.143 (4)  
24 (ei) 2m.

25 **SECTION 2480.** 101.143 (4) (ei) 1m. (intro.) of the statutes is created to read:

1           101.143 (4) (ei) 1m. (intro.) One of the following conditions is satisfied:

2           **SECTION 2481b.** 101.143 (4) (ei) 1m. b. of the statutes is created to read:

3           101.143 (4) (ei) 1m. b. The claim is submitted by a person who, at the time that  
4 the notification was made under sub. (3) (a) 3., was the owner of the farm tank and  
5 owned a parcel of 35 or more acres of contiguous land, on which the farm tank is or  
6 was located, which was devoted primarily to agricultural use, as defined in s. 91.01  
7 (1), including land designated by the department of natural resources as part of the  
8 ice age trail under s. 23.17, which during the year preceding that notification  
9 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or  
10 which, during the 3 years preceding that notification, produced gross farm profits,  
11 as defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres, on  
12 which the farm tank is located, of which at least 35 acres, during part or all of the  
13 year preceding that notification, were enrolled in the conservation reserve program  
14 under 16 USC 3831 to 3836.

15           **SECTION 2482.** 101.143 (4) (ei) 2. of the statutes is renumbered 101.143 (4) (a)  
16 5m. and amended to read:

17           101.143 (4) (a) 5m. The department shall review claims related to discharges  
18 from farm tanks described in ~~subd. 1. par. (ei)~~ as soon as the claims are received. The  
19 department shall issue an award for an eligible discharge from a farm tank described  
20 in ~~subd. 1. par. (ei)~~ as soon as it completes the review of the claim.

21           **SECTION 2483k.** 101.143 (6s) of the statutes is amended to read:

22           101.143 (6s) **ARBITRATION.** Upon the request of a person who files an appeal of  
23 a decision of the department under this section, if the amount at issue is ~~\$20,000~~  
24 \$100,000 or less, the appeal shall be heard by one or more individuals designated by  
25 the department to serve as arbitrator under rules promulgated for this purpose by

1 the department. In such an arbitration, the arbitrator shall render a decision at the  
2 conclusion of the hearing, or within 5 business days after the conclusion of the  
3 hearing if the arbitrator determines that additional time is needed to review  
4 materials submitted during the hearing, affirming, modifying or rejecting the  
5 decision of the department. The arbitrator shall promptly file his or her decision with  
6 the department. The decision of the arbitrator is final and shall stand as the decision  
7 of the department. An arbitrator's decision may not be cited as precedent in any  
8 other proceeding before the department or before any court. A decision under this  
9 subsection is subject to review under ss. 227.53 to 227.57 only on the ground that the  
10 decision was procured by corruption, fraud or undue means. The record of a  
11 proceeding under this subsection shall be transcribed as provided in s. 227.44 (8).

12 **SECTION 2485.** 101.143 (9m) (g) 2. of the statutes is amended to read:

13 101.143 (9m) (g) 2. Revenue obligations issued under this subsection may not  
14 exceed \$270,000,000 \$342,000,000 in principal amount, excluding any obligations  
15 that have been defeased under a cash optimization program administered by the  
16 building commission. In addition to this limit on principal amount, the building  
17 commission may contract revenue obligations under this subsection as the building  
18 commission determines is desirable to fund or refund outstanding revenue  
19 obligations, to pay issuance or administrative expenses, to make deposits to reserve  
20 funds, or to pay accrued or capitalized interest.

21 **SECTION 2490.** 101.19 (1) (b) of the statutes is amended to read:

22 101.19 (1) (b) The required inspection of boilers, pressure vessels, refrigeration  
23 plants, ~~petroleum and~~ liquefied petroleum gas vessels, anhydrous ammonia tanks  
24 and containers, elevators, ski towing and lift devices, escalators, dumbwaiters, and  
25 amusement or thrill rides but not of amusement attractions.

1           **SECTION 2490b.** 101.19 (1) (ig) of the statutes is created to read:

2           101.19 (1) (ig) Authorizing crane operator certification programs under s.  
3           101.22 (2).

4           **SECTION 2490f.** 101.22 of the statutes is created to read:

5           **101.22 Crane operators. (1) DEFINITION.** In this section, “crane” means a  
6           power-operated hoisting machine that is used in construction, demolition, or  
7           excavation work, that has a power-operated winch and load line, and that has a  
8           power-operated boom that moves laterally by the rotation of the machine on a  
9           carrier. “Crane” does not include a forklift, a digger derrick truck, a bucket truck,  
10          a boom truck used for sign erection, or a machine with a movable bridge carrying a  
11          movable or fixed hoisting mechanism and traveling on an overhead, fixed, runway  
12          structure.

13          **(2) CERTIFICATION. (a) Certification required.** Except as provided in sub. (5),  
14          no individual may operate a crane with a lifting capacity of 15 tons or more in this  
15          state without a valid crane operator certificate, received from a crane operator  
16          certification program authorized by the department under sub. (3).

17          **(b) Employer liability.** No employer may permit an employee to perform work  
18          in violation of par. (a).

19          **(c) Contractor and subcontractor liability.** No person who is under a contract  
20          to construct an improvement to land may permit an agent of the person, or an  
21          independent contractor under contract with the person, to perform work on the  
22          improvement in violation of par. (a).

23          **(3) CERTIFICATION PROGRAMS. (a) Generally.** Except as provided in sub. (4), the  
24          department shall administer a program under which the department authorizes  
25          crane operator certification programs to grant certificates that satisfy sub. (2) (a).

1           (b) *Required components of certification programs.* The department may  
2 authorize a crane operator certification program only if all of the following are  
3 satisfied:

4           1. The program requires an individual who is applying for a certificate to  
5 satisfactorily complete a written examination regarding safe crane operation.

6           2. The program requires an individual who is applying for a certificate to meet  
7 physical standards necessary for safe crane operation, consistent with any national  
8 standard that the department determines is appropriate.

9           3. The program requires an individual who is applying for a certificate to  
10 satisfactorily complete a practical examination regarding safe crane operation,  
11 unless the individual is applying for recertification and provides sufficient evidence  
12 that the individual has safely completed at least 1,000 hours of crane operation  
13 during the 5-year period before the date of the application for recertification.

14           4. The program is consistent with any applicable certification and  
15 recertification requirements established by the federal occupational safety and  
16 health administration and, to the extent feasible, the National Commission for the  
17 Certification of Crane Operators.

18           5. The program issues a crane operator certificate that has a term of 5 years.

19           (c) *Rules.* The department shall promulgate rules to administer the program  
20 established under par. (a).

21           (d) *List.* The department shall maintain a list of crane operator certification  
22 programs authorized by the department.

23           (4) **FEDERAL APPROVAL.** The department shall submit to the federal secretary  
24 of labor a plan for the certification of crane operators under this section, if required  
25 to do so under 29 USC 667 (b), and shall request the federal secretary of labor to

1 approve the plan. The plan submitted by the department shall be consistent with  
2 all of the provisions of this section. If no approval is required under 29 USC 667 (b)  
3 or if an approval that is consistent with all of the provisions of this section is granted  
4 and in effect, the department shall implement the program under this section. If  
5 approval is required under 29 USC 667 (b), the department may not implement the  
6 program under this section unless an approval that is consistent with all of the  
7 provisions of this section is granted and in effect.

8 (5) EXCEPTIONS. (a) *Lack of federal approval.* Subsection (2) (a) does not apply  
9 if approval of the department's plan for the certification of crane operators is required  
10 under 29 USC 667 (b) but is not granted and in effect.

11 (b) *Other exceptions.* Subsection (2) (a) does not apply to any of the following:

12 1. An individual who is receiving training as a crane operator, if the individual  
13 is under the direct supervision of a crane operator who holds a valid crane operator  
14 certificate, received from a crane operator certification program authorized by the  
15 department under sub. (3).

16 2. An individual who is a member of a uniformed service, as defined in s. 6.22  
17 (1) (c), or who is a member of the U.S. merchant marine, if the individual is  
18 performing work for the uniformed service of which the individual is a member or for  
19 the U.S. merchant marine, respectively.

20 3. An individual who is operating a crane for personal use on a premises that  
21 is owned or leased by the individual.

22 4. An individual who is operating a crane in an attempt to remedy an  
23 emergency.

24 5. An individual who is an employee or subcontractor of a public utility, as  
25 defined in s. 196.01 (5), a cooperative association organized under ch. 185 for the

1 purpose of producing or furnishing heat, light, power, or water to its members only,  
2 a telecommunications carrier, as defined in s. 196.01 (8m), a commercial mobile radio  
3 service provider, as defined in s. 196.01 (2g), or an alternative telecommunications  
4 utility under s. 196.01 (1d) (f), and who is operating a crane within the scope of his  
5 or her employment or contract.

6 6. An individual who is operating a crane in the construction, operation, or  
7 maintenance of an electric substation.

8 7. An individual who is affected by a collective bargaining agreement that  
9 contains provisions that are inconsistent with sub. (2) (a).

10 (6) PENALTIES. Any person who violates sub. (2) may be fined not more than  
11 \$500 or imprisoned for not more than 3 months or both.

12 **SECTION 2490r.** 101.563 of the statutes is created to read:

13 **101.563 Administration of fire dues program pending rule changes. (1)**  
14 ENTITLEMENT TO DUES. Notwithstanding ss. 101.573 (3) (a) and 101.575 (1) and (3) to  
15 (5) and except as provided in sub. (3), the department may not withhold payment of  
16 fire department dues under ss. 101.573 and 101.575 to a city, village, or town based  
17 upon the failure of that city, village, or town to satisfy all eligibility requirements  
18 under s. 101.575 (1) and (3) to (5) or to demonstrate to the department that the city,  
19 village, or town is eligible under s. 101.575 (1) and (3) to (5) to receive fire department  
20 dues.

21 (2) DISTRIBUTION OF DUES. Notwithstanding s. 101.573 (3) (a) and except as  
22 provided in sub. (3), on or before May 1 in each year, the department shall compile  
23 the fire department dues paid by all insurers under s. 601.93 and the dues paid by  
24 the state fire fund under s. 101.573 (1) and funds remaining under s. 101.573 (3) (b),  
25 withhold 0.5% and certify to the state treasurer the proper amount to be paid from



1 the appropriation under s. 20.143 (3) (L) to each city, village, and town entitled to fire  
2 department dues as provided under sub. (1) and s. 101.575. Annually, on or before  
3 August 1, the state treasurer shall pay the amounts certified by the department to  
4 each city, village, and town that is entitled to fire department dues as provided under  
5 sub. (1) and s. 101.575.

6 **(3) SUNSET PROVISION.** (a) This section does not apply on or after the date on  
7 which changes to the rules of the department of commerce relating to eligibility to  
8 receive payments of fire department dues first take effect, if all of the following are  
9 satisfied:

10 1. The changes are promulgated in consultation with the representatives of the  
11 Wisconsin fire service and volunteer fire departments in this state.

12 2. The changes are based on recommendations of the joint legislative audit  
13 committee that are derived from a legislative audit bureau performance evaluation  
14 audit of the department that relates to the payment of fire department dues and that  
15 is conducted at the direction of the joint legislative audit committee.

16 3. The changes are approved by the joint legislative audit committee before the  
17 date on which the changes take effect.

18 (b) When filing rules that are promulgated and approved in satisfaction of par.  
19 (a) 1. to 3. with the revisor of statutes under s. 227.20, the department shall include  
20 a separate statement indicating that the rules were promulgated and approved in  
21 satisfaction of par. (a) 1. to 3.

22 **SECTION 2495m.** 101.573 (4) of the statutes is amended to read:

23 101.573 (4) The department shall transmit to the treasurer of each city, village,  
24 and town entitled to fire department dues, a statement of the amount of dues payable  
25 to it ~~under this section~~, and the commissioner of insurance shall furnish to the state

1 treasurer, upon request, a list of the insurers paying dues under s. 601.93 and the  
2 amount paid by each.

3 **SECTION 2497m.** 101.575 (1) (am) of the statutes is amended to read:

4 101.575 (1) (am) If the department determines that a city, village, or town fire  
5 department has failed to satisfy the requirements of this subsection or subs. (3) to  
6 (6), the department shall notify the chief of the fire department, the governing body,  
7 and the highest elected official of the city, village, or town, in writing, that the fire  
8 department has 30 days to demonstrate to the department that the failure has been  
9 corrected. If the fire department makes this demonstration within the 30-day  
10 period, the department shall pay dues for that calendar year to the city, village, or  
11 town. If the fire department fails to make this demonstration within the 30-day  
12 period, the department shall nonetheless pay dues for that calendar year to that city,  
13 village, or town. The department and shall issue a notice of noncompliance to the  
14 chief of the fire department, the governing body, and the highest elected official of the  
15 city, village, or town. If the fire department cannot demonstrate to the department  
16 that the fire department has met all requirements within one year after receipt of  
17 the notice of noncompliance or prior to the next audit by the department, whichever  
18 is later, the city, village, or town shall not be entitled to dues under par. (a) for that  
19 year in which the city, village, or town becomes not entitled to dues and for all  
20 subsequent calendar years until the requirements are met.

21 **SECTION 2532.** Subchapter V (title) of chapter 101 [precedes 101.91] of the  
22 statutes is amended to read:

23 **CHAPTER 101**

## 1 SUBCHAPTER V

## 2 MANUFACTURED HOMES AND MOBILE HOMES;

## 3 REGULATION OF MANUFACTURERS

4 SECTION 2533. 101.91 (2b) of the statutes is renumbered 101.91 (3).

5 SECTION 2534. 101.91 (2d) of the statutes is renumbered 101.91 (4).

6 SECTION 2535. 101.91 (2f) of the statutes is renumbered 101.91 (5m).

7 SECTION 2536. 101.91 (2h) of the statutes is renumbered 101.91 (9).

8 SECTION 2537. 101.91 (2k) of the statutes is renumbered 101.91 (10).

9 SECTION 2538. 101.91 (5) of the statutes is renumbered 101.91 (11).

10 SECTION 2539. 101.91 (6) of the statutes is renumbered 101.91 (12).

11 SECTION 2539c. 101.9203 (1) of the statutes is amended to read:

12 101.9203 (1) The Except as provided in subs. (3) and (4), the owner of a  
13 manufactured home situated in this state or intended to be situated in this state  
14 shall make application for certificate of title under s. 101.9209 for the manufactured  
15 home if the owner has newly acquired the manufactured home.

16 SECTION 2539d. 101.9203 (4) of the statutes is created to read:

17 101.9203 (4) The owner of a manufactured home that is situated in this state  
18 or intended to be situated in this state is not required to make application for a  
19 certificate of title under s. 101.9209 if the owner of the manufactured home intends,  
20 upon acquiring the manufactured home, to permanently affix the manufactured  
21 home to land that the owner of the manufactured home owns.

22 SECTION 2539k. 101.9208 (1) (b) of the statutes is amended to read:

23 101.9208 (1) (b) ~~Upon filing an application under par. (a) or (d) before the first~~  
24 ~~day of the 2nd month beginning after September 1, 2000, an environmental impact~~  
25 ~~fee of \$5, by the person filing the application. Upon filing an application under par.~~

1 (a) or (d) ~~on or after September 1, 2000~~, an environmental impact fee of \$6 ~~\$9~~, by the  
2 person filing the application. All moneys collected under this subsection shall be  
3 credited to the environmental fund for environmental management. This paragraph  
4 does not apply after December 31, 2003.

5 **SECTION 2539n.** <sup>↓</sup> 101.9209 (1) (a) of the statutes is amended to read:

6 101.9209 (1) (a) If an owner transfers an interest in a manufactured home,  
7 other than by the creation of a security interest, the owner shall, at the time of the  
8 delivery of the manufactured home, execute an assignment and warranty of title to  
9 the transferee in the space provided therefor on the certificate, and cause the  
10 certificate to be mailed or delivered to the transferee. This paragraph does not apply  
11 if the owner has no certificate of title as a result of the exemption under s. 101.9203  
12 (4).

13 **SECTION 2539nc.** <sup>↓</sup> 101.9209 (2) of the statutes is amended to read:

14 101.9209 (2) ~~Promptly~~ Except as otherwise provided in this subsection,  
15 promptly after delivery to him or her of the manufactured home, the transferee shall  
16 execute the application for a new certificate of title in the space provided therefor on  
17 the certificate or as the department prescribes, and cause the certificate and  
18 application to be mailed or delivered to the department. This subsection does not  
19 apply to a transferee who is exempt from making application for a certificate of title  
20 under s. 101.9203 (4).

21 **SECTION 2539nf.** <sup>↓</sup> 101.9209 (3) of the statutes is amended to read:

22 101.9209 (3) A transfer by an owner is not effective until the applicable  
23 provisions of this section have been complied with. An owner who has delivered  
24 possession of the manufactured home to the transferee and has complied with the

1 provisions of this section requiring action by him or her is not liable as owner for any  
2 damages thereafter resulting from use of the mobile home.

3 **SECTION 2539nh.** 101.9209 (5) (a) and (b) of the statutes are amended to read:

4 101.9209 (5) (a) Any transferee of a mobile manufactured home who fails to  
5 make application for a new certificate of title immediately upon transfer to him or  
6 her of a manufactured home as required under sub. (2) may be required to forfeit not  
7 more than \$200.

8 (b) Any transferee of a manufactured home who, with intent to defraud, fails  
9 to make application for a new certificate of title immediately upon transfer to him  
10 or her of a manufactured home as required under sub. (2) may be fined not more than  
11 \$1,000 or imprisoned for not more than 30 days or both.

12 **SECTION 2539nj.** 101.921 (1) (a) of the statutes is amended to read:

13 101.921 (1) (a) Except as provided in par. (b), if a manufactured home dealer  
14 acquires a manufactured home and holds it for resale or accepts a manufactured  
15 home for sale on consignment, the manufactured home dealer may not submit to the  
16 department the certificate of title or application for certificate of title naming the  
17 manufactured home dealer as owner of the manufactured home. Upon transferring  
18 the manufactured home to another person, the manufactured home dealer shall  
19 immediately give the transferee, on a form prescribed by the department, a receipt  
20 for all title, security interest and sales tax moneys paid to the manufactured home  
21 dealer for transmittal to the department when required. ~~The~~ Unless the  
22 manufactured home has no certificate of title as a result of the exemption under s.  
23 101.9203 (4), the manufactured home dealer shall promptly execute the assignment  
24 and warranty of title, showing the name and address of the transferee and of any  
25 secured party holding a security interest created or reserved at the time of the resale

1 or sale on consignment, in the spaces provided therefor on the certificate or as the  
2 department prescribes. Within 7 business days following the sale or transfer, the  
3 manufactured home dealer shall mail or deliver the certificate or application for  
4 certificate to the department with the transferee's application for a new certificate,  
5 unless the transferee is exempt from making application for a certificate of title  
6 under s. 101.9203 (4). A nonresident who purchases a manufactured home from a  
7 manufactured home dealer in this state may not, unless otherwise authorized by rule  
8 of the department, apply for a certificate of title issued for the manufactured home  
9 in this state unless the manufactured home dealer determines that a certificate of  
10 title is necessary to protect the interests of a secured party. The manufactured home  
11 dealer is responsible for determining whether a certificate of title and perfection of  
12 security interest is required. The manufactured home dealer is liable for any  
13 damages incurred by the department or any secured party for the manufactured  
14 home dealer's failure to perfect a security interest that the manufactured home  
15 dealer had knowledge of at the time of sale.

16 **SECTION 2539nL.** 101.9211 (1) of the statutes is amended to read:

17 101.9211 (1) If the interest of an owner in a manufactured home passes to  
18 another other than by voluntary transfer, the transferee shall, except as provided in  
19 sub. (2), promptly mail or deliver to the department the last certificate of title, if  
20 available, and ~~the~~ any documents required by the department to legally effect such  
21 transfer, ~~and.~~ The transferee shall also promptly mail or deliver to the department  
22 an application for a new certificate in the form that the department prescribes,  
23 unless the transferee is exempt from making application for a certificate of title  
24 under s. 101.9203 (4).

25 **SECTION 2539nn.** 101.9211 (2) of the statutes is amended to read:

1           101.9211 (2) If the interest of the owner is terminated or the manufactured  
2 home is sold under a security agreement by a secured party named in the certificate  
3 of title, the transferee shall promptly mail or deliver to the department the last  
4 certificate of title, unless there is no certificate of title as a result of the exemption  
5 under s. 101.9203 (4), an application for a new certificate in the form that the  
6 department prescribes, unless the transferee is exempt from making application for  
7 a certificate of title under s. 101.9203 (4), and a statement made by or on behalf of  
8 the secured party that the manufactured home was repossessed and that the interest  
9 of the owner was lawfully terminated or sold under the terms of the security  
10 agreement.

11           **SECTION 2539np.** 101.9211 (4) (a) 2. of the statutes is amended to read:

12           101.9211 (4) (a) 2. The title executed by such administrator, executor, guardian  
13 or trustee, except that this subdivision does not apply if there is no certificate of title  
14 as a result of the exemption under s. 101.9203 (4).

15           **SECTION 2539nr.** 101.9211 (4) (b) 1. (intro.) of the statutes is amended to read:

16           101.9211 (4) (b) 1. (intro.) The Except as provided under subd. 1m., the  
17 department shall transfer the decedent's interest in any manufactured home to his  
18 or her surviving spouse upon receipt of the title executed by the surviving spouse and  
19 a statement by the spouse that states all of the following:

20           **SECTION 2539nt.** 101.9211 (4) (b) 1m. of the statutes is created to read:

21           101.9211 (4) (b) 1m. The department may not require a surviving spouse to  
22 provide an executed title to a manufactured home under subd. 1. if the manufactured  
23 home has no certificate of title as a result of the exemption under s. 101.9203 (4).

24           **SECTION 2539nv.** 101.9211 (4) (b) 2. of the statutes is amended to read:

1           101.9211 (4) (b) 2. The transfer of a manufactured home under this paragraph  
2 shall not affect any liens upon the manufactured home.

3           **SECTION 2539nw.** 101.9212 (1) and (2) of the statutes are amended to read:

4           101.9212 (1) The Except as otherwise provided in this subsection, the  
5 department, upon receipt of a properly assigned certificate of title, with an  
6 application for a new certificate of title, the required fee and any other transfer  
7 documents required by law, to support the transfer, shall issue a new certificate of  
8 title in the name of the transferee as owner. The department may not require a  
9 person to provide a properly assigned certificate of title if the manufactured home  
10 for which the new certificate of title is requested has no certificate of title as a result  
11 of the exemption under s. 101.9203 (4).

12           **SECTION 2539ny.** 101.9218 (2) of the statutes is amended to read:

13           101.9218 (2) **FIXTURES EXCLUDED.** Notwithstanding ss. 101.921 to 101.9217, the  
14 method provided in ss. 101.921 to 101.9217 of perfecting and giving notice of security  
15 interests does not apply to a manufactured home that is a fixture to real estate or to  
16 a manufactured home that the owner intends, upon acquiring, to permanently affix  
17 to land that the owner of the manufactured home owns.

18           **SECTION 2540.** 101.93 (title) of the statutes is repealed and recreated to read:

19           **101.93 (title) Plumbing in manufactured homes.**

20           **SECTION 2540m.** 101.935 (2) (c) 2. of the statutes is amended to read:

21           101.935 (2) (c) 2. The department shall establish by rule the permit fee and  
22 renewal fee for a permit issued under this subsection. Beginning in fiscal year  
23 2002–03, the department may increase the fees to recover the cost of administering  
24 s. 101.937. An additional penalty fee, as established by the department by rule, is



1 required for each permit if the biennial renewal fee is not paid before the permit  
2 expires.

3 **SECTION 2541.** 101.937 (title) of the statutes is created to read:

4 **101.937 (title) Water and sewer service to manufactured home parks.**

5 **SECTION 2544m.** 102.29 (8r) of the statutes is amended to read:

6 102.29 (8r) No participant in a food stamp employment and training program  
7 under s. ~~49.124 (1m)~~ 49.13 who, under s. ~~49.124 (1m)~~ 49.13 (2) (d), is provided  
8 worker's compensation coverage by the department or by a Wisconsin works agency,  
9 as defined in s. 49.001 (9), and who makes a claim for compensation under this  
10 chapter may make a claim or maintain an action in tort against the employer who  
11 provided the employment and training from which the claim arose.

12 **SECTION 2557.** 103.49 (1) (f) of the statutes is amended to read:

13 103.49 (1) (f) "State agency" means any office, department, independent  
14 agency, institution of higher education, association, society or other body in state  
15 government created or authorized to be created by the constitution or any law,  
16 including the legislature and the courts. "State agency" also includes the University  
17 of Wisconsin Hospitals and Clinics Authority and the Fox River Navigational System  
18 Authority.

19 **SECTION 2558.** 103.49 (2) of the statutes is amended to read:

20 103.49 (2) PREVAILING WAGE RATES AND HOURS OF LABOR. Any contract hereafter  
21 made for the erection, construction, remodeling, repairing, or demolition of any  
22 project of public works, except contracts for the construction or maintenance of public  
23 highways, streets, and bridges, to which the state, or any state agency ~~or the~~  
24 ~~University of Wisconsin Hospitals and Clinics Authority~~ is a party shall contain a  
25 stipulation that no person performing the work described in sub. (2m) may be

1 permitted to work a greater number of hours per day or per week than the prevailing  
2 hours of labor, except that any such person may be permitted or required to work  
3 more than such prevailing hours of labor per day and per week if he or she is paid  
4 for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5  
5 times his or her hourly basic rate of pay; nor may he or she be paid less than the  
6 prevailing wage rate determined under sub. (3) in the same or most similar trade or  
7 occupation in the area wherein such project of public works is situated. A reference  
8 to the prevailing wage rates determined under sub. (3) and the prevailing hours of  
9 labor shall be published in the notice issued for the purpose of securing bids for the  
10 project. If any contract or subcontract for a project that is subject to this section is  
11 entered into, the prevailing wage rates determined under sub. (3) and the prevailing  
12 hours of labor shall be physically incorporated into and made a part of the contract  
13 or subcontract, except that for a minor subcontract, as determined by the  
14 department, the department shall prescribe by rule the method of notifying the  
15 minor subcontractor of the prevailing wage rates and prevailing hours of labor  
16 applicable to the minor subcontract. The prevailing wage rates and prevailing hours  
17 of labor applicable to a contract or subcontract may not be changed during the time  
18 that the contract or subcontract is in force.

19 **SECTION 2558i.** ↓ 103.49 (3) (ag) of the statutes is created to read:

20 103.49 (3) (ag) In defining under par. (a) the trades or occupations that are  
21 commonly employed on projects that are subject to this section, the department:

22 1. May not define swimming pool installer as a separate trade or occupation for  
23 purposes of determining the prevailing wage rates for the trades or occupations that  
24 are commonly employed in the construction of swimming pools.

1           2. Shall define metal building assembler as a separate trade or occupation for  
2 purposes of determining the prevailing wage rates for that trade or occupation and  
3 shall include among the typical duties of the trade or occupation reroofing and  
4 repairing existing prefabricated, packaged metal buildings and constructing  
5 prefabricated, packaged metal additions to existing prefabricated, packaged metal  
6 buildings.

7           **SECTION 2558j.** 103.49 (3) (ar) of the statutes is amended to read:

8           103.49 (3) (ar) In determining prevailing wage rates under par. (a) or (am), the  
9 department may not use data from projects that are subject to this section, s. 66.0903,  
10 103.50, or 229.8275, or 40 USC 276a unless the department determines that there  
11 is insufficient wage data in the area to determine those prevailing wage rates, in  
12 which case the department may use data from projects that are subject to this  
13 section, s. 66.0903, 103.50, or 229.8275, or 40 USC 276a. The department may also  
14 use data from a project that is subject to this section, s. 66.0903, 103.50, or 229.8275,  
15 or 40 USC 276a in determining prevailing wage rates under par. (a) or (am) if the  
16 department determines that the wage rate paid on that project is higher than the  
17 prevailing wage rate determined for that project.

18           **SECTION 2558m.** 103.49 (5) (a) of the statutes is amended to read:

19           103.49 (5) (a) Each contractor, subcontractor, or contractor's or subcontractor's  
20 agent performing work on a project that is subject to this section shall keep full and  
21 accurate records clearly indicating the name and trade or occupation of every person  
22 performing the work described in sub. (2m) and an accurate record of the number of  
23 hours worked by each of those persons and the actual wages paid for the hours  
24 worked. If requested by any person, a contractor, subcontractor, or contractor's or  
25 subcontractor's agent performing work on a project that is subject to this section

1 shall permit that person to inspect and copy any of those records to the same extent  
2 as if the record were maintained by the department, except that s. 19.36 (3) does not  
3 limit the duty of a subcontractor or a contractor's or subcontractor's agent to permit  
4 inspection and copying of a record under this paragraph. Before permitting the  
5 inspection and copying of a record under this paragraph, a contractor, subcontractor,  
6 or contractor's or subcontractor's agent shall delete from the record any personally  
7 identifiable information, as defined in s. 19.62 (5), contained in the record about any  
8 person performing the work described in sub. (2m).

9 **SECTION 2559.** 103.49 (7) (a) of the statutes is amended to read:

10 103.49 (7) (a) Except as provided under pars. (b) and (c), the department shall  
11 distribute to all state agencies ~~and to the University of Wisconsin Hospitals and~~  
12 ~~Clinics Authority~~ a list of all persons whom the department has found to have failed  
13 to pay the prevailing wage rate determined under sub. (3) or has found to have paid  
14 less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the  
15 prevailing hours of labor at any time in the preceding 3 years. The department shall  
16 include with any name the address of the person and shall specify when the person  
17 failed to pay the prevailing wage rate and when the person paid less than 1.5 times  
18 the hourly basic rate of pay for all hours worked in excess of the prevailing hours of  
19 labor. A state agency ~~or the University of Wisconsin Hospitals and Clinics Authority~~  
20 may not award any contract to the person unless otherwise recommended by the  
21 department or unless 3 years have elapsed from the date the department issued its  
22 findings or date of final determination by a court of competent jurisdiction,  
23 whichever is later.

24 **SECTION 2559d.** 103.50 (6m) of the statutes is created to read:

1           103.50 (6m) RECORDS; INSPECTION. Each contractor, subcontractor, or  
 2 contractor's or subcontractor's agent performing work on a project that is subject to  
 3 this section shall keep full and accurate records clearly indicating the name and  
 4 trade or occupation of every person performing the work described in sub. (2m) and  
 5 an accurate record of the number of hours worked by each of those persons and the  
 6 actual wages paid for the hours worked. If requested by any person, a contractor,  
 7 subcontractor, or contractor's or subcontractor's agent performing work on a project  
 8 that is subject to this section shall permit that person to inspect and copy any of those  
 9 records to the same extent as if the record were maintained by the department,  
 10 except that s. 19.36 (3) does not limit the duty of a subcontractor or a contractor's or  
 11 subcontractor's agent to permit inspection and copying of a record under this  
 12 subsection. Before permitting the inspection and copying of a record under this  
 13 subsection, a contractor, subcontractor, or contractor's or subcontractor's agent shall  
 14 delete from the record any personally identifiable information, as defined in s. 19.62  
 15 (5), contained in the record about any person performing the work described in sub.  
 16 (2m).

17           **SECTION 2559g.** 103.64 (1m) of the statutes is created to read:

18           103.64 (1m) "Farming" has the meaning given in s. 102.04 (3).

19           **SECTION 2559j.** 103.67 (2) (c) of the statutes is amended to read:

20           103.67 (2) (e) Minors 12 years of age or older may be employed in agricultural  
 21 pursuits farming.

22           **SECTION 2559k.** 103.67 (2) (j) of the statutes is amended to read:

23           103.67 (2) (j) Minors under 14 years of age may be employed as participants  
 24 in a restitution project under s. 938.245 (2) (a) 5., 938.32 (1t) (a), 938.34 (5), or 938.345  
 25 or, in a supervised work program or other community service work under s. 938.245

(G)

(H)