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1 b. Electric generating equipment or associated facilities that are located on the  
2 land on which an electric generating facility subject to a leased generation contract  
3 is to be constructed, and that are part of an electric generating facility on that land  
4 that is no longer used or useful for the provision of utility service and that has been  
5 retired from the provision of utility service.”

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6 **1300.** Page 1003, line 6: after that line insert:

K

7 **SECTION 3020h.** 200.49 (1) (a) of the statutes is amended to read:

8 200.49 (1) (a) “Minority business” means a ~~sole proprietorship, partnership,~~  
9 ~~limited liability company, joint venture or corporation that is at least 51% owned and~~  
10 ~~controlled by one or more minority group members and that is engaged in~~  
11 ~~construction or construction-related activities~~ business that is certified by the  
12 department of commerce under s. 560.036 (2).

13 **SECTION 3020i.** 200.49 (3) (intro.) of the statutes is amended to read:

14 200.49 (3) **REQUEST FOR PROPOSALS.** (intro.) The executive director shall request  
15 proposals for prime contracts from bondable general contractors or construction  
16 contractors that are ~~bona fide independent~~ minority businesses. Each proposal  
17 submitted shall include all of the following conditions:

18 **SECTION 3020j.** 200.49 (3) (b) of the statutes is amended to read:

19 200.49 (3) (b) A subcontracting plan that provides sufficient detail to enable  
20 the executive director to determine that the prime contractor has made or will make  
21 a good faith effort to award at least 20% of the total contract amount to ~~bona fide~~  
22 ~~independent~~ minority business subcontractors.

23 **SECTION 3020k.** 200.49 (4) of the statutes is repealed.”

✓

24 **1301.** Page 1003, line 6: after that line insert:

1           **SECTION 3020e.** 218.0101 (19m) of the statutes is created to read:

2           218.0101 (19m) “Low-speed vehicle” has the meaning given in s. 340.01 (27m).

3           **SECTION 3020j.** 218.0101 (23) (a) 2. of the statutes is amended to read:

4           218.0101 (23) (a) 2. Is engaged wholly or in part in the business of selling or  
5 leasing motor vehicles, including motorcycles and low-speed vehicles, whether or  
6 not the motor vehicles are owned by that person, firm or corporation.

7           **SECTION 3020n.** 218.0114 (5) (a) of the statutes is amended to read:

8           218.0114 (5) (a) A motor vehicle dealer or an applicant for a motor vehicle  
9 dealer license shall provide and maintain in force a bond or irrevocable letter of credit  
10 of not less than \$25,000 or, if the dealer or applicant sells or proposes to sell  
11 motorcycles or low-speed vehicles, or both, and not other types of motor vehicles, a  
12 bond or irrevocable letter of credit of not less than \$5,000. The bond or letter of credit  
13 shall be executed in the name of the department of transportation for the benefit of  
14 any person who sustains a loss because of an act of a motor vehicle dealer that  
15 constitutes grounds for the suspension or revocation of a license under ss. 218.0101  
16 to 218.0163.

17           **SECTION 3020q.** 218.0122 (3) of the statutes is amended to read:

18           218.0122 (3) This section does not apply to motorcycles or low-speed vehicles  
19 that are delivered in a crated, disassembled condition to the dealer or the dealer’s  
20 agent.

21           **SECTION 3020t.** 218.0171 (2) (b) 2. b. of the statutes is amended to read:

22           218.0171 (2) (b) 2. b. Accept return of the motor vehicle and refund to the  
23 consumer and to any holder of a perfected security interest in the consumer’s motor  
24 vehicle, as their interest may appear, the full purchase price plus any sales tax,  
25 finance charge, amount paid by the consumer at the point of sale and collateral costs,

1 less a reasonable allowance for use. Under this subdivision, a reasonable allowance  
2 for use may not exceed the amount obtained by multiplying the full purchase price  
3 of the motor vehicle by a fraction, the denominator of which is 100,000 or, for a  
4 motorcycle or low-speed vehicle, 20,000, and the numerator of which is the number  
5 of miles the motor vehicle was driven before the consumer first reported the  
6 nonconformity to the motor vehicle dealer.”.

7 ✓ **1302.** Page 1003, line 6: after that line insert:

8 “**SECTION 3023.** 221.0320 (2) (a) (intro.) of the statutes is amended to read:

9 221.0320 (2) (a) (intro.) A liability secured by warehouse receipts issued by  
10 warehouse keepers licensed and bonded in this state under ss. 99.02 and 99.03 or  
11 under the federal bonded warehouse act or holding a ~~registration certificate~~ license  
12 under ~~ch. 127 s. 126.26~~, if all of the following requirements are met:”.

13 ✓ **1303.** Page 1003, line 6: after that line insert:

14 “**SECTION 3020d.** 198.167 of the statutes is amended to read:

15 **198.167 Certified public accountant; annual report.** The directors of the  
16 district shall employ annually the commission or a certified public accountant  
17 licensed or certified under ch. 442 approved by said commission who shall be  
18 qualified to, and who shall with all due diligence, examine and report upon the  
19 system of accounts kept by the district, all the contracts of whatsoever kind made and  
20 entered into by the board of directors within the year immediately preceding, and the  
21 properties and investments of the district. ~~Said~~ The certified public accountant shall  
22 in the report make such recommendations and suggestions as to the certified public  
23 accountant shall seem proper and required for the good of the district, and the  
24 efficient and economical or advantageous management and operation of the public

1 utility or utilities of the district; and the certified public accountant shall in the  
2 report make such recommendations and suggestions as to the system of accounts  
3 kept, or in the certified public accountant's judgment to be kept, by the district, in  
4 connection with each public utility, the classification of the public utilities of the  
5 district and the establishment of a system of accounts for each class, the manner in  
6 which such accounts shall be kept, the form of accounts, records, and memoranda  
7 kept or to be kept, including accounts, records, and memoranda of receipts and  
8 expenditures of money, and depreciation and sinking fund accounts, as in the  
9 certified public accountant's judgment may be proper and necessary, and shall not  
10 conflict with the requirements of the commission.

11 **SECTION 3020h.** 214.76 (2) and (4) of the statutes are amended to read:

12 214.76 (2) The certified public accountant shall deliver the audit report to a  
13 committee composed of 3 or more members of the board of directors, none of whom  
14 may be an officer, employee or agent of the savings bank. The committee shall  
15 present the nature, extent and conclusions of the report at the next meeting of the  
16 board of directors. A written summary of the committee's presentation, together  
17 with a copy of the audit report and a list of all criticisms made by the certified public  
18 accountant conducting the audit and any response of any member of the board of  
19 directors or any officer of the savings bank, shall be personally served or sent by  
20 certified mail to all members of the board of directors.

21 (4) The audit report filed with the division shall be certified by the certified  
22 public accountant conducting the audit. If a savings bank fails to cause an audit to  
23 be made, the division shall order an audit to be made by an independent certified  
24 public accountant at the savings bank's expense. Instead of the audit required under  
25 sub. (1), the division may accept an audit or portion of an audit made exclusively for

1 a deposit insurance corporation or for a financial regulator of another state if the  
2 home office of the savings bank is located in that state.

3 **SECTION 3020p.** 215.523 (2) of the statutes is amended to read:

4 215.523 (2) Legal counsel, certified public accountants licensed or certified  
5 under ch. 442, or other persons as to matters the director or officer believes in good  
6 faith are within the person's professional or expert competence.

7 **SECTION 3020t.** 217.08 (2) of the statutes is amended to read:

8 217.08 (2) ANNUAL LICENSE FEE; ADDITIONS AND DELETIONS OF LOCATIONS. Each  
9 licensee shall file with the division on or before December 1 of each year a statement  
10 listing the locations of the offices of the licensee and the names and locations of the  
11 agents authorized by the licensee. Every licensee shall also on or before December  
12 1 of each year file a financial statement of its assets and liabilities as of a date not  
13 earlier than the preceding August 31 or, if the licensee is audited annually by an  
14 independent certified public accountant licensed or certified under ch. 442 at the end  
15 of each fiscal year, the licensee may submit financial statements certified by ~~said~~ the  
16 certified public accountant for the licensee's latest fiscal year. Such statement shall  
17 be accompanied by the annual licensee fee for the calendar year beginning the  
18 following January 1 in an amount determined under s. 217.05. The amount of the  
19 surety bond or deposit of securities required by s. 217.06 shall be adjusted to reflect  
20 the number of such locations. Licensees which do not pay the maximum license fee  
21 under s. 217.05 and which do not maintain a bond or deposit of securities in the  
22 maximum sum of \$300,000 as provided in s. 217.06 shall also file a supplemental  
23 statement setting forth any changes in the list of offices and agents with the division  
24 on or before April 1, July 1 and October 1 of each year, and the principal sum of the  
25 corporate surety bond or deposit of securities required by s. 217.06 shall be adjusted

1 to reflect any increase or decrease in the number of such locations. Any additional  
2 license fees which may become due under s. 217.05 shall be paid to the division.”

3 ✓ **1304.** Page 1003, line 6: after that line insert:

4 “SECTION 3020d. Chapter 218 (title) of the statutes is amended to read:

5 **CHAPTER 218**

6 **FINANCE COMPANIES, AUTO**

7 **DEALERS, ADJUSTMENT COMPANIES**

8 **AND, COLLECTION AGENCIES,**

9 **RENTAL-PURCHASE COMPANIES, AND**

10 **RENT-TO-OWN AGREEMENTS**

11 **SECTION 3020f.** Subchapter XI of chapter 218 [precedes 218.61] of the statutes  
12 is created to read:

13 **CHAPTER 218**

14 **SUBCHAPTER XI**

15 **RENTAL-PURCHASE COMPANIES AND**

16 **RENT-TO-OWN AGREEMENTS**

17 **218.61 Definitions.** In this subchapter:

18 (1) “Division” means the division of banking in the department of financial  
19 institutions.

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

22 (3) “Licensee” means a rental-purchase company holding a license issued by  
23 the division under this subchapter.

1           (4) “Rental property” means personal property rented under a rent-to-own  
2 agreement.

3           (5) “Rental-purchase company” means a person engaged in the business of  
4 entering into rent-to-own agreements in this state or acquiring or servicing  
5 rent-to-own agreements that are entered into in this state.

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

9           (a) The personal property that is rented under the agreement is to be used  
10 primarily for personal, family, or household purposes.

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

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

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

17           **218.612 Scope. (1) INAPPLICABILITY OF OTHER LAWS.** A rent-to-own agreement  
18 under this subchapter is not governed by the laws relating to a security interest, as  
19 defined in s. 401.201 (37), or a lease, as defined in s. 411.103 (1) (j), and is not  
20 governed by chs. 421 to 427 and 429.

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

22           (a) A lease or bailment of personal property that is incidental to the lease of real  
23 property.

24           (b) A lease of a motor vehicle, as defined in s. 218.0101 (22).

1 (c) A credit sale, as defined in 15 USC 1602 (g) and in the regulations  
2 promulgated under that section.

3 **218.614 Territorial application.** For the purposes of this subchapter, a  
4 rent-to-own agreement is entered into in this state if any of the following applies:

5 (1) A writing signed by a lessee and evidencing the obligation under the  
6 rent-to-own agreement or an offer of a lessee is received by a rental-purchase  
7 company in this state.

8 (2) The rental-purchase company induces a lessee who is a resident of this  
9 state to enter into the rent-to-own agreement by face-to-face solicitation or by mail  
10 or telephone solicitation directed to the particular lessee in this state.

11 **218.616 Obligation of good faith.** Every agreement or duty under this  
12 subchapter imposes an obligation of good faith in its performance or enforcement.  
13 In this section, "good faith" means honesty in fact in the conduct or transaction  
14 concerned and the observance of reasonable commercial standards of fair dealing.

15 **218.617 License required.** No person may operate as a rental-purchase  
16 company without a valid license issued by the division under this subchapter.

17 **218.618 Application for license; fees; bond.** (1) APPLICATION. (a) An  
18 application for a license under this subchapter shall be made to the division, in  
19 writing, in the form prescribed by the division. An application for a license under this  
20 subchapter shall include all of the following:

- 21 1. If the applicant is an individual, the applicant's social security number.  
22 2. If the applicant is not an individual, the applicant's federal employer  
23 identification number.

24 (b) The division may not disclose any information received under par. (a) 1. or  
25 2. to any person except as follows:



1           1. The division may disclose information received under par. (a) 1. or 2. to the  
2 department of revenue for the sole purpose of requesting certifications under s.  
3 73.0301.

4           2. The division may disclose information received under par. (a) 1. to the  
5 department of workforce development in accordance with a memorandum of  
6 understanding entered into under s. 49.857.

7           **(2) APPLICATION FEES.** At the time of applying to the division for a license under  
8 this subchapter, the applicant shall pay any applicable fee specified in the rules  
9 promulgated under s. 218.63 (3).

10           **(3) BOND.** The division may require any applicant or licensee to file with the  
11 division and maintain in force a bond, in a form prescribed by and acceptable to the  
12 division, and in an amount determined by the division.

13           **218.62 Issuance or denial of license. (1) INVESTIGATION.** Upon the filing  
14 of an application under s. 218.618 (1) and the payment of any applicable fee, the  
15 division shall perform an investigation. Except as provided in sub. (3), if the division  
16 finds that the character, general fitness, and financial responsibility of the applicant;  
17 the members of the applicant, if the applicant is a partnership, limited liability  
18 company, or association; and the officers and directors of the applicant, if the  
19 applicant is a corporation warrant the belief that the business will be operated in  
20 compliance with this subchapter, the division shall issue a license to the applicant.

21           **(2) DENIAL; NOTICE; HEARING.** Except as provided in sub. (3), the division may  
22 deny an application made under s. 218.618 (1) by providing written notice to the  
23 applicant stating the grounds for the denial. Except as provided in sub. (3), a person  
24 whose application is denied may request a hearing under s. 227.44 within 30 days

1 after the date of denial. The division may appoint a hearing examiner under s. 227.46  
2 to conduct the hearing.

3 (3) DENIAL; CHILD OR FAMILY SUPPORT OR TAX DELINQUENCY. The division may not  
4 issue a license under this subchapter if any of the following applies:

5 (a) The applicant fails to provide the information required under s. 218.618 (1)  
6 (a).

7 (b) The department of revenue certifies under s. 73.0301 that the applicant is  
8 liable for delinquent taxes. An applicant for whom a license is not issued under this  
9 paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and  
10 a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing  
11 under this section.

12 (c) The applicant fails to comply, after appropriate notice, with a subpoena or  
13 warrant issued by the department of workforce development or a county child  
14 support agency under s. 59.53 (5) and related to paternity or child support  
15 proceedings or is delinquent in making court-ordered payments of child or family  
16 support, maintenance, birth expenses, medical expenses, or other expenses related  
17 to the support of a child or former spouse, as provided in a memorandum of  
18 understanding entered into under s. 49.857. An applicant whose application is  
19 denied under this paragraph for delinquent payments is entitled to a notice and  
20 hearing under s. 49.857 but is not entitled to any other notice or hearing under this  
21 section.

22 **218.622 License; other business.** (1) LICENSED LOCATIONS. A license issued  
23 under this subchapter shall specify the location at which the licensee is permitted  
24 to conduct business. A separate license shall be required for each place of business  
25 maintained by the licensee.

1           (2) ASSIGNMENT. A license issued under this subchapter is not assignable.

2           (3) POSTING. A licensee shall post its license in a conspicuous place at the  
3 location specified in the license.

4           (4) TERM OF LICENSE; FEE. Every license shall remain in force until suspended  
5 or revoked in accordance with this subchapter or surrendered by the licensee. Every  
6 licensee shall, on or before June 1 of each year, pay to the division the annual license  
7 fee specified in rules promulgated under s. 218.63 (3) and, if required by the division,  
8 provide a rider or endorsement to increase the amount of any bond required under  
9 s. 218.618 (3).

10          (5) OTHER BUSINESS PROHIBITED. No licensee may conduct business as a  
11 rental–purchase company within any office, room, or place of business in which any  
12 other business is solicited or engaged in, unless the licensee is authorized to do so,  
13 in writing, by the division.

14          **218.624 Revocation, suspension, and restriction of license. (1)**  
15 DISCRETIONARY SUSPENSION OR REVOCATION. The division may issue an order  
16 suspending or revoking any license issued under this subchapter if the division finds  
17 that any of the following applies:

18           (a) The licensee has violated any of the provisions of this subchapter, any rules  
19 promulgated under s. 218.63 (3), or any lawful order of the division under s. 218.63  
20 (1).

21           (b) A fact or condition exists that, if it had existed at the time of the original  
22 application for the license, would have warranted the division in refusing to issue the  
23 license.

24           (c) The licensee has made a material misstatement in an application for a  
25 license or in information furnished to the division.

1 (d) The licensee has failed to pay the annual license fee required under s.  
2 218.622 (4) or has failed to maintain in effect any bond required under s. 218.618 (3).

3 (e) The licensee has failed to provide any additional information, data, and  
4 records required by the division, within the time period prescribed under s. 218.626  
5 (2).

6 (f) The licensee has failed to pay any penalties due under s. 218.682 (1) or (2)  
7 within 30 days after receiving notice, by certified mail, that the penalties are due.

8 **(2) MANDATORY RESTRICTION OR SUSPENSION; CHILD OR FAMILY SUPPORT.** The  
9 division shall restrict or suspend a license issued under this subchapter if the  
10 division finds that the licensee is an individual who fails to comply, after appropriate  
11 notice, with a subpoena or warrant issued by the department of workforce  
12 development or a county child support agency under s. 59.53 (5) and related to  
13 paternity or child support proceedings or who is delinquent in making court-ordered  
14 payments of child or family support, maintenance, birth expenses, medical expenses,  
15 or other expenses related to the support of a child or former spouse, as provided in  
16 a memorandum of understanding entered into under s. 49.857. A licensee whose  
17 license is restricted or suspended under this subsection is entitled to a notice and  
18 hearing only as provided in a memorandum of understanding entered into under s.  
19 49.857 and is not entitled to any other notice or hearing under this section.

20 **(3) MANDATORY REVOCATION; DELINQUENT TAXES.** The division shall revoke a  
21 license issued under this subchapter if the department of revenue certifies under s.  
22 73.0301 that the licensee is liable for delinquent taxes. A licensee whose license is  
23 revoked under this subsection for delinquent taxes is entitled to a notice under s.  
24 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any  
25 other notice or hearing under this section.

1           (4) REVOCATION AND SUSPENSION PROCEDURE. Except as provided in subs. (2) and  
2 (3), the following procedure applies to every order of the division that suspends or  
3 revokes a license issued under this subchapter:

4           (a) The division shall provide a written notice to the licensee of the division's  
5 intent to issue an order suspending or revoking the licensee's license. The notice  
6 shall specify the grounds for and the effective date of the proposed order.

7           (b) The licensee may file with the division a written response to the allegations  
8 contained in the notice within 20 days after receiving the notice. The licensee's  
9 written response may contain a request for a contested case hearing under s. 227.42.  
10 If the written response does not contain a request for a contested case hearing under  
11 s. 227.42, the right to a contested case hearing is waived.

12           (c) If a written response containing a request for a contested case hearing under  
13 s. 227.42 is received by the division within the time provided under par. (b) and if,  
14 in the opinion of the division, the matter satisfies all of the conditions specified in s.  
15 227.42 (l) (a) to (d), the matter shall be scheduled for a contested case hearing to  
16 commence within 60 days after the date on which the division receives the written  
17 response.

18           (d) If the licensee fails to file a written response within the time provided under  
19 par. (b), files a timely written response but fails to request a contested case hearing  
20 under s. 227.42 or files a timely written response requesting a contested case hearing  
21 but, in the opinion of the division, the matter fails to satisfy all of the conditions  
22 specified in s. 227.42 (l) (a) to (d), the division may issue an order suspending or  
23 revoking the license. If the licensee files a timely written response containing a  
24 proper request for a contested case hearing under s. 227.42, any order of the division

1 suspending or revoking the licensee's license shall be stayed pending completion of  
2 proceedings under ch. 227.

3 **218.626 Modification of license. (1) CHANGE IN PLACE OF BUSINESS.** No  
4 licensee may change its place of business to another location without the prior  
5 approval of the division. A licensee shall provide the division with at least 15 days'  
6 prior written notice of a proposed change under this subsection and shall pay any  
7 applicable fees specified in the rules promulgated under s. 218.63 (3). Upon approval  
8 by the division of the new location, the division shall issue an amended license,  
9 specifying the date on which the amended license is issued and the new location.

10 **(2) OTHER CHANGES.** Except as provided in sub. (1), a licensee shall notify the  
11 division of any material change to the information provided in the licensee's original  
12 application for a license under this subchapter or provided in a previous notice of  
13 change filed by the licensee with the division under this subsection. A licensee shall  
14 provide the notice required under this subsection within 10 days after the change.  
15 The licensee shall provide any additional information, data, and records about the  
16 change to the division within 20 days after the division requests the information,  
17 data, or records. The division shall determine the cost of investigating and  
18 processing the change. The licensee shall pay the division's cost within 30 days after  
19 the division demands payment.

20 **(3) DIVISION APPROVAL OF OTHER CHANGES.** Any change that is subject to the  
21 notice requirement under sub. (2) is subject to the approval of the division. In  
22 reviewing the change, the division shall apply the same criteria as the criteria for  
23 approval of an original license application.

24 **218.628 Annual report; records. (1) ANNUAL REPORT.** On or before March  
25 31 of each year, a licensee shall file a report with the division giving such reasonable

1 and relevant information as the division may require concerning the business and  
2 operations conducted by the licensee. The licensee shall make the report in the form  
3 prescribed by the division.

4 (2) BOOKS AND RECORDS. A licensee shall keep such books and records in the  
5 licensed location as, in the opinion of the division, will enable the division to  
6 determine whether the provisions of this subchapter are being observed. Every  
7 licensee shall preserve its records of a rent-to-own agreement for at least 3 years  
8 after making the final entry with respect to the rent-to-own agreement.

9 **218.63 Powers and duties of division; administration.** (1) ORDERS. The  
10 division may issue any general order, as defined in s. 217.02 (3), or special order, as  
11 defined in s. 217.02 (10), in execution of or supplementary to this subchapter, except  
12 that the division may not issue a general order or special order that conflicts with this  
13 subchapter.

14 (2) INVESTIGATIONS AND EXAMINATIONS. For the purpose of discovering violations  
15 of this subchapter, the division may cause an investigation or examination to be  
16 made of the business of a licensee transacted under this subchapter. The place of  
17 business, books of accounts, papers, records, safes, and vaults of the licensee shall  
18 be open to the division for the purpose of an investigation or examination, and the  
19 division has authority to examine under oath all persons whose testimony is required  
20 for an investigation or examination. The division shall determine the cost of an  
21 investigation or examination. The licensee shall pay the cost of an investigation or  
22 examination. The licensee shall pay the cost of any hearing held for the purpose of  
23 this subsection, including witness fees, unless the division or a court finds that the  
24 licensee has not violated any provision of this subchapter. The licensee shall pay all  
25 costs owing under this subsection within 30 days after the division demands

1 payment. The state may maintain an action for the recovery of any costs owing under  
2 this subsection.

3 (3) RULES. The division may promulgate rules for the administration of this  
4 subchapter.

5 (4) TESTIMONIAL POWERS AND POWERS TO SECURE EVIDENCE. The division has the  
6 same power to conduct hearings, take testimony, and secure evidence as is provided  
7 in ss. 217.17 and 217.18.

8 (5) ENFORCEMENT. The division has the duty, power, jurisdiction, and authority  
9 to investigate, ascertain, and determine whether this subchapter or any lawful  
10 orders issued under sub. (1) are being violated. The division may report violations  
11 of this subchapter to the attorney general or the district attorney of the proper county  
12 for prosecution.

13 **218.632 General requirements of disclosure. (1) FORM, LOCATION, SIZE, AND**  
14 **TIME OF DISCLOSURE.** The information required under s. 218.634 to be included in a  
15 rent-to-own agreement shall satisfy all of the following requirements:

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

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

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

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

21 (e) The information shall be disclosed before the time that the lessee becomes  
22 legally obligated under the rent-to-own agreement.

23 (2) ACCURACY OF DISCLOSURE. The information required under s. 218.634 must  
24 be accurate as of the time that it is disclosed to the lessee. If any information



1 subsequently becomes inaccurate as a result of any act, occurrence, or agreement by  
2 the lessee, the resulting inaccuracy is not a violation of this subchapter.

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

8 (4) SINGLE INSTRUMENT. In a rent-to-own agreement, the lessee's payment  
9 obligations shall be evidenced by a single instrument, which shall include the  
10 signature of the rental-purchase company, the signature of the lessee, and the date  
11 on which the instrument is signed.

12 **218.634 Required provisions of rent-to-own agreement.** A  
13 rental-purchase company shall include all of the following information, to the extent  
14 applicable, in every rent-to-own agreement:

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

20 (2) CASH PRICE. The price at which the rental-purchase company would sell the  
21 rental property to the lessee if the lessee were to pay for the rental property in full  
22 on the date on which the rent-to-own agreement is executed, along with a statement  
23 that, if the lessee intends to acquire ownership of the rental property and is able to  
24 pay for the property in full or is able to obtain credit to finance the purchase, the  
25 lessee may be able to purchase similar property from a retailer at a lower cost.

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

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

7           (5) PERIODIC RENTAL PAYMENTS TO ACQUIRE OWNERSHIP. The total number, total  
8 dollar amount, and timing of all periodic rental payments necessary to acquire  
9 ownership of the rental property.

10          (6) OTHER CHARGES AND FEES TO ACQUIRE OWNERSHIP. The dollar amount, both  
11 itemized and in total, of all taxes, liability damage waiver fees, fees for optional  
12 services, processing fees, application fees, and delivery charges that the lessee would  
13 incur if the lessee were to rent the rental property until the lessee acquires  
14 ownership, assuming that the lessee does not add or decline the liability damage  
15 waiver or optional services after signing the rent-to-own agreement.

16          (7) TOTAL PAYMENTS TO ACQUIRE OWNERSHIP. The total of all charges to be paid  
17 by the lessee to acquire ownership of the rental property, which shall consist of the  
18 sum of the total dollar amount of all periodic rental payments disclosed under sub.  
19 (5) and the total dollar amount of all other charges and fees disclosed under sub. (6),  
20 along with a statement that this is the amount a lessee will pay to acquire ownership  
21 of the rental property if the tax rates do not change and if the lessee does not add or  
22 decline the liability damage waiver or optional services after signing the  
23 rent-to-own agreement.

24          (8) OTHER CHARGES. An itemized description of any other charges or fees that  
25 the rental-purchase company may charge the lessee.

1           **(9) SUMMARY OF EARLY-PURCHASE OPTION.** A statement summarizing the terms  
2 of the lessee's option to acquire ownership of the rental property, including a  
3 statement indicating that the lessee has the right to acquire ownership of the rental  
4 property at any time after the first payment by paying all past-due payments and  
5 fees and an amount not to exceed an amount equal to the cash price of the rental  
6 property multiplied by a fraction that has as its numerator the number of periodic  
7 rental payments remaining under the rent-to-own agreement and that has as its  
8 denominator the total number of periodic rental payments.

9           **(10) RESPONSIBILITY FOR THEFT OR DAMAGE.** A statement that, unless otherwise  
10 agreed, the lessee is responsible for the fair market value of the rental property,  
11 determined according to the early-purchase option formula under sub. (9), if the  
12 rental property is stolen, damaged, or destroyed while in the possession of or subject  
13 to the control of the lessee. The statement shall indicate that the fair market value  
14 will be determined as of the date on which the rental property is stolen, damaged,  
15 or destroyed.

16           **(11) SERVICE AND WARRANTY.** A statement that during the term of the  
17 rent-to-own agreement, the rental-purchase company is required to service the  
18 rental property to maintain it in good working condition, as long as no other person  
19 has serviced the rental property. In lieu of servicing the rental property, the  
20 rental-purchase company may, at its option, replace the rental property. The  
21 rental-purchase company's obligation to provide service is limited to defects in the  
22 property not caused by improper use or neglect by the lessee or harmful conditions  
23 outside the control of the rental-purchase company or manufacturer.

1           (12) TERMINATION AT OPTION OF LESSEE. A statement that the lessee may  
2 terminate the agreement at any time without penalty by voluntarily surrendering  
3 or returning the rental property in good repair.

4           (13) RIGHT TO REINSTATE. A brief explanation of the lessee's right to reinstate  
5 a rent-to-own agreement under s. 218.654.

6           (14) RENTAL, NOT PURCHASE. A statement that the lessee will not own the rental  
7 property until the lessee has made all payments necessary to acquire ownership or  
8 has exercised the lessee's early-purchase option. The rental-purchase company  
9 shall also include a notice reading substantially as follows: "You are renting this  
10 property. You will not own the property until you make all payments necessary to  
11 acquire ownership or until you exercise your early-purchase option. If you do not  
12 make your payments as scheduled or exercise your early-purchase option, the lessor  
13 may repossess the property."

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

18           **218.636 Prohibited provisions of rent-to-own agreement.** A  
19 rental-purchase company may not include any of the following provisions in a  
20 rent-to-own agreement:

21           (1) CONFESSION. A confession of judgment.

22           (2) SECURITY. A provision granting the rental-purchase company a security  
23 interest in any property except the rental property delivered by the rental-purchase  
24 company under the rent-to-own agreement.

1           (3) REPOSSESSION. A provision authorizing the rental–purchase company or an  
2 agent of the rental–purchase company to enter the lessee’s premises or to commit a  
3 breach of the peace in the repossession of rental property provided by the  
4 rental–purchase company under the rent–to–own agreement.

5           (4) WAIVER. A waiver of a defense or counterclaim, a waiver of any right to  
6 assert any claim that the lessee may have against the rental–purchase company or  
7 against an agent of the rental–purchase company, or a waiver of any provision of this  
8 subchapter.

9           (5) OVERPAYMENT. A provision requiring periodic rental payments totaling more  
10 than the total dollar amount of all periodic rental payments necessary to acquire  
11 ownership, as disclosed in the rental–purchase agreement.

12           (6) INSURANCE. A provision requiring the lessee to purchase insurance from the  
13 rental–purchase company to insure the rental property.

14           (7) ATTORNEY FEES. A provision requiring the lessee to pay attorney fees.

15           **218.638 Liability waiver.** A rental–purchase company may offer a liability  
16 waiver to the lessee. The terms of the waiver shall be provided to the lessee in  
17 writing, and the face of the writing shall clearly disclose that the lessee is not  
18 required to purchase the waiver. The fee for the waiver may not exceed 10% of the  
19 periodic rental payment due under the rent–to–own agreement. The lessee shall be  
20 entitled to cancel the waiver at the end of any rental term.

21           **218.64 Early–purchase option.** An early–purchase option under a  
22 rent–to–own agreement shall permit the lessee to purchase the rental property at  
23 any time after the initial periodic rental payment for an amount determined  
24 according to the early–purchase option formula under s. 218.634 (9). As a condition  
25 of exercising the early–purchase option, the rental–purchase company may require

1 the lessee to be current on the payments under the lessee's rent-to-own agreement  
2 or to pay any past-due rental charges and other outstanding fees that are owed.

3 **218.642 Receipts and statements. (1) RECEIPTS.** A rental-purchase  
4 company shall provide a written receipt to a lessee for any payment made by the  
5 lessee in cash, or upon the request of the lessee, for any other type of payment.

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

15 **(3) STATEMENT DUE TO 3RD PARTY.** Subject to sub. (4), upon the written request  
16 of a lessee, made during the term of or no later than one year after the termination  
17 of a rent-to-own agreement, a rental-purchase company shall provide a written  
18 statement to any person designated by the lessee, showing the lessee's payment  
19 history under the rent-to-own agreement.

20 **(4) FEE FOR STATEMENT.** A lessee or, if appropriate, a lessee's designee is entitled  
21 to receive one statement under subs. (2) and (3) without charge once every 12  
22 months. A rental-purchase company shall provide an additional statement if the  
23 lessee pays the rental-purchase company's reasonable costs of preparing and  
24 furnishing the statement.

1           **218.644 Price cards displayed.** (1) PRICE CARDS; GENERALLY. Except as  
2 provided under sub. (2), a rental–purchase company shall display a card or tag that  
3 clearly and conspicuously states all of the following information on or next to any  
4 property displayed or offered by the rental–purchase company for rent under a  
5 rent–to–own agreement:

6           (a) The cash price that an individual would pay to purchase the property.

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

9           (c) The total number and total dollar amount of all periodic rental payments  
10 necessary to acquire ownership of the property under a rent–to–own agreement.

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

12           (2) EXCEPTIONS. If property is offered for rent under a rent–to–own agreement  
13 through a catalog, or if the size of the property is such that displaying a card or tag  
14 on or next to the property is impractical, a rental–purchase company may make the  
15 disclosures required under sub. (1) in a catalog or list that is readily available to  
16 prospective lessees.

17           **218.646 Advertising.** (1) DISCLOSURE REQUIRED. Except as provided under  
18 sub. (2), if an advertisement for a rent–to–own agreement refers to or states the  
19 amount of a payment for a specific item of property, the rental–purchase company  
20 shall ensure that the advertisement clearly and conspicuously states all of the  
21 following:

22           (a) That the transaction advertised is a rent–to–own agreement.

23           (b) The total number and total dollar amount of all periodic rental payments  
24 necessary to acquire ownership of the property.

1 (c) That the lessee does not acquire ownership of the property if the lessee fails  
2 to make all periodic rental payments or other payments necessary to acquire  
3 ownership of the property.

4 (2) EXCEPTION. Subsection (1) does not apply to an in-store display or to an  
5 advertisement that is published in the yellow pages of a telephone directory or in a  
6 similar directory of businesses.

7 **218.648 Referral transactions. (1) PROHIBITED REFERRAL TRANSACTIONS.** No  
8 rental-purchase company may induce any individual to enter into a rent-to-own  
9 agreement by giving or offering to give a rebate or discount to the individual in  
10 consideration of the individual giving to the rental-purchase company the names of  
11 prospective lessees if the earning of the rebate or discount is contingent on the  
12 occurrence of any event that takes place after the time that the individual enters into  
13 the rent-to-own agreement.

14 (2) AUTHORIZED REFERRAL TRANSACTIONS. After entering into a rent-to-own  
15 agreement, a rental-purchase company may give or offer to give a rebate or discount  
16 to the lessee under the rent-to-own agreement in consideration of the lessee giving  
17 to the rental-purchase company the names of prospective lessees. A rebate or  
18 discount under this subsection may be contingent on the occurrence of any event that  
19 takes place after the time that the names are given to the rental-purchase company.

20 **218.65 Termination of rent-to-own agreement.** The termination date of  
21 a rent-to-own agreement is the earlier of the following:

22 (1) The day specified in the rent-to-own agreement as the day on which the  
23 rental term ends, unless a different day has been established pursuant to the terms  
24 of the rent-to-own agreement.

25 (2) The date on which the lessee voluntarily surrenders the rental property.



1           **218.652 Late payment, grace period, and late fees. (1) LATE FEE;**  
2           GENERALLY. If a lessee fails to make a periodic rental payment when due under a  
3           rent-to-own agreement or if, at the end of any rental term, the lessee fails to return  
4           the rental property or to renew the rent-to-own agreement for an additional term,  
5           the rental-purchase company may require the lessee to pay a late fee. Except as  
6           provided under sub. (4), this subsection does not apply if the lessee's failure to return  
7           the rental property or failure to renew the rent-to-own agreement at the end of the  
8           rental term is due to the lessee's exercise of an early-purchase option under the  
9           rent-to-own agreement or is due to the lessee making all periodic rental payments  
10          necessary to acquire ownership of the rental property.

11           **(2) GRACE PERIODS.** The following grace periods shall apply to periodic rental  
12          payments made with respect to a rental-purchase agreement:

13           (a) For an agreement that is renewed on a weekly basis, no late fee may be  
14          assessed for a periodic rental payment that is made within 2 days after the date on  
15          which the payment is due.

16           (b) For an agreement that is renewed for a term that is longer than one week,  
17          no late fee may be assessed for a periodic rental payment that is made within 5 days  
18          after the date on which the payment is due.

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

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

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

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

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

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

6 **218.654 Reinstatement of terminated rent-to-own agreement. (1)**  
7 REINSTATEMENT, GENERALLY. A lessee may reinstate a terminated rent-to-own  
8 agreement without losing any rights or options previously acquired if all of the  
9 following conditions apply:

10 (a) The lessee returned or surrendered the rental property within 5 days after  
11 the termination of the rent-to-own agreement.

12 (b) Not more than 21 days have passed after the date on which the rental  
13 property was returned to the rental-purchase company or, if the lessee has paid  
14 two-thirds or more of the total number of periodic rental payments necessary to  
15 acquire ownership of the rental property, not more than 45 days have passed since  
16 the date on which the rental property was returned to the rental-purchase company.

17 (2) AUTHORIZED CONDITIONS ON REINSTATEMENT. As a condition of reinstatement  
18 under this section, the rental-purchase company may require the payment of all  
19 past-due rental charges, any applicable late fees, a reinstatement fee not to exceed  
20 \$5, and the periodic rental payment for the next term.

21 (3) EFFECT OF REPOSSESSION ON REINSTATEMENT. Nothing in this section prohibits  
22 a rental-purchase company from attempting to repossess rental property upon  
23 termination of a rent-to-own agreement, but repossession efforts do not affect the  
24 lessee's right to reinstate the rent-to-own agreement as long as the rental property

1 is voluntarily returned or surrendered within 5 days after the termination of the  
2 rent-to-own agreement.

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

8 **218.656 Reduced periodic rental payment due to reduced income. (1)**

9 REDUCTION IN AMOUNT OF PERIODIC RENTAL PAYMENTS; REQUIRED EVIDENCE. (a)

10 *Reduction in amount of periodic rental payments.* If a lessee's monthly income is  
11 reduced by 25% or more due to pregnancy, disability, involuntary job loss, or  
12 involuntary reduction in the amount of hours worked or wages earned, the  
13 rental-purchase company shall reduce the amount of each periodic rental payment  
14 due under the rent-to-own agreement by the same percentage that the lessee's  
15 monthly income is reduced or by 50%, whichever is less, for the period of time during  
16 which the lessee's income is reduced. This paragraph applies only if all of the  
17 following conditions are satisfied:

18 1. The total dollar amount of periodic rental payments made by the lessee  
19 under the rent-to-own agreement equals more than 50% of the total dollar amount  
20 of periodic rental payments necessary to acquire ownership of the rental property.

21 2. The lessee has provided the rental-purchase company with reasonable  
22 evidence of the amount and cause of the reduction in the lessee's monthly income.

23 (b) *Evidence of continued reduction in income.* At reasonable intervals after  
24 reducing the amount of a periodic rental payment under par. (a), a rental-purchase  
25 company may require the lessee to provide evidence of the lessee's monthly income

1 and evidence that the cause of the reduction in the lessee's monthly income has not  
2 abated.

3 (2) INCREASE IN NUMBER OF PERIODIC RENTAL PAYMENTS. Except as provided in  
4 sub. (4), if a rental-purchase company reduces the amount of a periodic rental  
5 payment under sub. (1) (a), the rental-purchase company may increase the total  
6 number of periodic rental payments necessary to acquire ownership of the rental  
7 property.

8 (3) INCREASE IN AMOUNT OF PERIODIC RENTAL PAYMENTS. Except as provided in  
9 sub. (4), if a rental-purchase company reduces the amount of a periodic rental  
10 payment under sub. (1) (a) and if, subsequently, the lessee's monthly income is  
11 increased, the rental-purchase company may increase, by the same percentage that  
12 the lessee's monthly income is increased, the amount of each periodic rental payment  
13 due after the date on which the lessee's monthly income is increased.

14 (4) LIMITATION ON INCREASES. If a rental-purchase company, under sub. (2) or  
15 (3), increases the amount or number of periodic rental payments due under a  
16 rent-to-own agreement, the increase affects only the rights or duties of the lessee  
17 to the extent authorized in sub. (2) or (3). No rental-purchase company, acting under  
18 sub. (2) or (3), may increase the total dollar amount of periodic rental payments  
19 necessary to acquire ownership of the rental property, or the amount of a periodic  
20 rental payment, to greater than the amount disclosed in the rent-to-own agreement.

21 **218.658 Default and right to cure. (1) DEFAULT, GENERALLY.** A lessee is in  
22 default under a rent-to-own agreement if any of the following occurs:

23 (a) The lessee fails to return the rental property within 7 days after the date  
24 on which the last term for which a periodic rental payment was made expires, unless

1 the lessee has exercised an early-purchase option or has made all periodic rental  
2 payments necessary to acquire ownership of the rental property.

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

5 (2) **DEFAULT; NECESSARY FOR LESSEE LIABILITY.** No cause of action shall accrue  
6 against a lessee with respect to the lessee's obligations under a rent-to-own  
7 agreement except upon default and the expiration of any applicable period of time  
8 allowed for cure of the default.

9 (3) **NOTICE OF DEFAULT; GENERAL REQUIREMENT.** Except as provided in sub. (4),  
10 as a condition precedent to bringing an action against a lessee arising out of the  
11 lessee's default, a rental-purchase company shall provide a written notice of the  
12 default and of the right to cure the default to the lessee. The notice shall specify the  
13 default and the action required to cure the default and shall inform the lessee that,  
14 if the default is not cured within 15 days after the notice is given, the rental-purchase  
15 company will have the right to bring an action against the lessee.

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

21 (a) The lessee was in default.

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

24 (c) The lessee cured the default.

1           (5) REQUEST FOR VOLUNTARY SURRENDER OF PROPERTY. A rental–purchase  
2 company may request the voluntary return or surrender of rental property prior to  
3 the declaration of a default and the sending of written notice of default and right to  
4 cure. A request under this subsection is subject to the requirements of s. 218.66.

5           **218.66 Rental–purchase company collection practices.** In attempting to  
6 recover possession of rental property or to collect past–due periodic rental payments  
7 or other charges owed under a rent–to–own agreement, a rental–purchase company  
8 may not do any of the following:

9           (1) USE OF FORCE. Use or threaten to use force or violence to cause physical harm  
10 to the lessee or the lessee’s property or to a person related to the lessee.

11           (2) CRIMINAL PROSECUTION. Threaten criminal prosecution. It is not a violation  
12 of this subsection for a rental–purchase company to inform a lessee of the existence  
13 of s. 943.20 (1) (e) and the consequences of violating that section.

14           (3) DISCLOSURE OF FALSE INFORMATION. Disclose or threaten to disclose  
15 information adversely affecting the lessee’s reputation for creditworthiness with  
16 knowledge or reason to know that the information is false.

17           (4) COMMUNICATION WITH LESSEE’S EMPLOYER. Initiate or threaten to initiate  
18 communication with the lessee’s employer prior to obtaining final judgment against  
19 the lessee, except for the purpose of enforcing an assignment of earnings authorized  
20 under s. 218.68. This subsection does not prohibit a rental–purchase company from  
21 communicating with a lessee’s employer solely to verify employment status or  
22 earnings or to determine if the employer has an established debt counseling service  
23 or procedure.

24           (5) DISCLOSURE OF INFORMATION RELATING TO LESSEE’S REPUTATION. Disclose or  
25 threaten to disclose to a person other than the lessee or the lessee’s spouse

1 information affecting the lessee's reputation, whether or not for creditworthiness,  
2 with knowledge or reason to know that the other person does not have a legitimate  
3 business need for the information, except that this subsection does not prohibit any  
4 of the following:

5 (a) The disclosure to another person of information permitted to be disclosed  
6 to that person by statute.

7 (b) An inquiry solely for the purpose of determining the location of the lessee  
8 or the rental property.

9 (6) DISCLOSURE OF INFORMATION REGARDING A DISPUTED DEBT. Disclose or threaten  
10 to disclose information concerning the existence of a debt known to be reasonably  
11 disputed by the lessee without disclosing the fact that the lessee disputes the debt.

12 (7) HARASSMENT. Communicate with the lessee or a person related to the lessee  
13 with such frequency, at such unusual hours, or in such a manner as can reasonably  
14 be expected to threaten or harass the lessee or a person related to the lessee, or  
15 engage in any other conduct that can reasonably be expected to threaten or harass  
16 the lessee or a person related to the lessee.

17 (8) USE OF OBSCENE OR THREATENING LANGUAGE. Use obscene or threatening  
18 language in communicating with the lessee or a person related to the lessee.

19 (9) USE OF THREAT TO ENFORCE FALSE RIGHT. Threaten to enforce a right with  
20 knowledge that the right does not exist.

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

24 (11) USE OF THREAT TO SUE. Threaten to file a civil action against the lessee  
25 unless the civil action is of a type that the rental-purchase company files in the

1 regular course of business or unless the rental–purchase company intends to file the  
2 civil action against the lessee.

3 **218.68 Assignment of earnings.** No rental–purchase company may take or  
4 arrange for an assignment of earnings' of an individual for payment or as security for  
5 payment of an obligation arising out of a rent–to–own agreement unless the  
6 assignment is revocable at will by the individual.

7 **218.682 Penalties. (1) FAILURE TO PAY FEES AND PROVIDE REPORTS, INFORMATION,**  
8 **AND NOTICES; GENERALLY.** A licensee that fails to file its annual report by the date  
9 specified in s. 218.628 (1), fails to pay the annual license fee by the date specified in  
10 s. 218.622 (4), fails to provide any required rider or endorsement to increase the  
11 amount of its bond by the date specified in s. 218.622 (4), fails to provide examination  
12 records by the date required by the division, fails to notify the division in writing of  
13 a relocation of the licensee's place of business by the date specified in s. 218.626 (1),  
14 or fails to provide notice to the division of other changes as required under s. 218.626  
15 (2) by the date specified in s. 218.626 (2) may be required to forfeit not more than \$50.  
16 Each day that a failure described in this subsection continues constitutes a separate  
17 offense.

18 **(2) FAILURE TO PROVIDE CERTAIN INFORMATION.** A licensee that fails to provide any  
19 additional information, data, or records requested by the division under s. 218.626  
20 (2) by the date specified in s. 218.626 (2) may be required to forfeit not more than  
21 \$100. Each day that a failure described in this subsection continues constitutes a  
22 separate offense.

23 **(3) MISDEMEANORS.** Any person who violates s. 218.63 (2) or any provision of  
24 ss. 218.617 to 218.628 other than those provisions described in subs. (1) and (2) may  
25 be fined not more than \$1,000, imprisoned for not more than 6 months, or both.



1           **218.684 Civil actions and defenses. (1) LIABILITY; GENERALLY.** Except as  
2 provided under subs. (2) to (6), a rental–purchase company that violates any  
3 provision of this subchapter is liable to a lessee damaged as a result of that violation  
4 for the costs of the action and, notwithstanding s. 814.04 (1), for reasonable attorney  
5 fees as determined by the court, plus an amount equal to the greater of the following:

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

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

11           **(2) LIABILITY; CERTAIN VIOLATIONS.** Except as provided in subs. (4) and (5), if a  
12 rental–purchase company violates s. 218.636, the lessee may retain the rental  
13 property under the rent–to–own agreement without obligation to pay any amount  
14 and may recover any amounts paid to the rental–purchase company under the  
15 rent–to–own agreement.

16           **(3) CLASS ACTION.** In the case of a class action, a rental–purchase company that  
17 violates this subchapter is liable to the members of the class in an amount  
18 determined by the court, except that the total recovery for all lessees whose recovery  
19 is computed under sub. (1) (b) may not exceed \$100,000 plus the costs of the action  
20 and, notwithstanding s. 814.04 (1), reasonable attorney fees as determined by the  
21 court. In determining the amount to award under this subsection, the court shall  
22 consider, among other relevant factors, the amount of actual damages sustained by  
23 the members of the class, the frequency and persistence of the violations by the  
24 rental–purchase company, the resources of the rental–purchase company, the  
25 number of persons damaged by the violation, the presence or absence of good faith

1 on the part of the rental–purchase company, and the extent to which the violation  
2 was intentional.

3 (4) DEFENSE; ERROR NOTIFICATION AND CORRECTION. A rental–purchase company  
4 is not liable for a violation of this subchapter resulting from an error by the  
5 rental–purchase company if, within 60 days after discovering the error, the  
6 rental–purchase company notifies the lessee of the error and makes any adjustments  
7 necessary to correct the error.

8 (5) DEFENSE; UNINTENTIONAL ERROR. A rental–purchase company is not liable  
9 for a violation of this subchapter if the rental–purchase company shows by a  
10 preponderance of the evidence that the violation was not intentional, that the  
11 violation resulted from a bona fide error notwithstanding the maintenance of  
12 procedures reasonably adopted to avoid the error, and that the rental–purchase  
13 company has acted to correct the error. A bona fide error under this subsection  
14 includes a clerical error, an error in making calculations, an error due to computer  
15 malfunction or to computer programming, or a printing error.

16 (6) LIABILITY FOR MULTIPLE VIOLATIONS. Multiple violations of this subchapter  
17 in connection with the same rent–to–own agreement shall entitle the lessee to only  
18 a single recovery under sub. (1), except that a violation of s. 218.66 that occurs after  
19 recovery has been granted with respect to that rent–to–own agreement may entitle  
20 the lessee to an additional recovery under sub. (1).

21 (7) NECESSARY PARTIES. If more than one lessee is a party to the same  
22 rent–to–own agreement, all of the lessees that are parties to the rent–to–own  
23 agreement shall be joined as plaintiffs in any action under sub. (1), and the lessees  
24 are entitled to only a single recovery under sub. (1).

1           **218.686 Limitation on actions.** An action brought by a lessee under this  
2 subchapter shall be commenced within one year after the date on which the alleged  
3 violation occurred, 2 years after the date on which the rent-to-own agreement was  
4 entered into, or one year after the date on which the last payment was made under  
5 the rent-to-own agreement, whichever is later.

6           **218.688 Venue. (1) GENERALLY.** The venue for a claim arising out of a  
7 rent-to-own agreement is any of the following counties:

8           (a) Where the lessee resides or is personally served.

9           (b) Where the rental property is located.

10           (c) Where the lessee sought or acquired the rental property or signed the  
11 document evidencing his or her obligation under the terms of the rent-to-own  
12 agreement.

13           **(2) CHANGE IN VENUE.** When it appears from the return of service of a summons  
14 or otherwise that the county in which an action is pending under sub. (1) is not a  
15 proper place of trial for the action, unless the defendant appears and waives the  
16 improper venue, the court shall transfer the action to any county that is a proper  
17 place of trial.

18           **(3) MULTIPLE DEFENDANTS.** If there are several defendants in an action arising  
19 out of a rent-to-own agreement, and if venue is based on residence, venue may be  
20 in the county of residence of any of the defendants.

21           **SECTION 3021v.** 220.02 (2) (b) of the statutes is amended to read:

22           220.02 (2) (b) The lending of money under s. 138.09 or those relating to finance  
23 companies, motor vehicle dealers, adjustment service companies, community  
24 currency exchanges, rental-purchase companies, and collection agencies under ch.  
25 218.

1           **SECTION 3021w.** 220.02 (3) of the statutes is amended to read:

2           220.02 (3) It is the intent of sub. (2) to give the division jurisdiction to enforce  
3 and carry out all laws relating to banks or banking in this state, including those  
4 relating to state banks, trust company banks, and also all laws relating to small loan  
5 companies or other loan companies or agencies, finance companies, motor vehicle  
6 dealers, adjustment service companies, community currency exchanges,  
7 rental-purchase companies, and collection agencies, and those relating to sellers of  
8 checks under ch. 217, whether doing business as corporations, individuals, or  
9 otherwise, but to exclude laws relating to credit unions.”.

10       ✓ **1305.** Page 1003, line 9: after that line insert:

11           **“SECTION 3024m.** 221.0616 (2) of the statutes is amended to read:

12           221.0616 (2) EXPERTS. Legal counsel, certified public accountants licensed or  
13 certified under ch. 442, or other persons as to matters that the director or officer  
14 believes in good faith are within the person’s professional or expert competence.”.

15       ✓ **1306.** Page 1003, line 12: after that line insert:

16           **“SECTION 3036e.** 229.64 (2) of the statutes is amended to read:

17           229.64 (2) The legislature determines that a district including a county with  
18 a population of more than ~~500,000~~ 600,000 serves a public purpose in that county and  
19 all counties that are contiguous to that county by providing recreation, by  
20 encouraging economic development and tourism, by reducing unemployment and by  
21 bringing needed capital into the multicounty area for the benefit of people in the  
22 multicounty area.

23           **SECTION 3036g.** 229.67 of the statutes is amended to read:

1           **229.67 Jurisdiction.** A district's jurisdiction is any county with a population  
2 of more than ~~500,000~~ 600,000 and all counties that are contiguous to that county and  
3 that are not already included in a different district. Once created, a district's  
4 jurisdiction is fixed even if the population of other counties within the district  
5 subsequently ~~exceed 500,000~~ exceeds 600,000. Once a county is included in a  
6 district's jurisdiction the county remains in the district until the district is dissolved  
7 under s. 229.71. In this section, "contiguous" includes a county that touches another  
8 county only at a corner."

9           ✓ **1307.** Page 1003, line 12: after that line insert:

10           "SECTION 3037h. 229.46 (1) (a) of the statutes is amended to read:

11           229.46 (1) (a) "Minority business" ~~has the meaning given in s. 200.49 (1) (a)~~  
12 means a business that is certified by the department of commerce under s. 560.036  
13 (2)."

14           ✓ **1308.** Page 1003, line 12: after that line insert:

15           "SECTION 3034d. 227.20 (1) of the statutes is amended to read:

16           227.20 (1) ~~An~~ Within 30 days after legislative review of a rule is completed  
17 under s. 227.19, the agency shall file a certified copy of each the proposed rule ~~it~~  
18 ~~promulgates~~ in the office of the secretary of state and in the office of the revisor. No  
19 rule is valid until the certified copies have been filed. A certified copy shall be typed  
20 or duplicated on 8 1/2 by 11 inch paper, leaving sufficient room for the secretary of  
21 state's stamp at the top of the first page. Forms that are filed need not comply with  
22 the specifications of this subsection.

23           **SECTION 3034j.** 227.24 (1) (c) of the statutes is amended to read:

1           227.24 (1) (c) A rule promulgated under par. (a) takes effect upon publication  
2 in the official state newspaper or on any later date specified in the rule and, except  
3 as provided under sub. (2), remains in effect only for ~~150~~ 90 days.

4           **SECTION 3034k.** 227.24 (2) (a) of the statutes is amended to read:

5           227.24 (2) (a) At the request of an agency, the joint committee for review of  
6 administrative rules may, at any time prior to the expiration date of a rule  
7 promulgated under sub. (1) (a), extend the effective period of the emergency rule or  
8 part of the emergency rule for a period specified by the committee not to exceed ~~60~~  
9 90 days. Any number of extensions may be granted under this paragraph, but the  
10 total period for all extensions may not exceed ~~120~~ 180 days.”.

11       ✓ **1309.** Page 1003, line 12: after that line insert:

12           **“SECTION 3035c.** 227.43 (1) (bd) of the statutes is created to read:

13           227.43 (1) (bd) Assign a hearing examiner to preside over any hearing of a  
14 contested case which is required to be conducted by the department of forestry and  
15 which is not conducted by the secretary of forestry.

16           **SECTION 3035g.** 227.43 (2) (am) of the statutes is created to read:

17           227.43 (2) (am) The department of forestry shall notify the division of hearings  
18 and appeals of every pending hearing to which the administrator of the division is  
19 required to assign a hearing examiner under sub. (1) (bd) after the department of  
20 forestry is notified that a hearing on the matter is required.

21           **SECTION 3035n.** 227.43 (3) (am) of the statutes is created to read:

22           227.43 (3) (am) The administrator of the division of hearings and appeals may  
23 set the fees to be charged for any services rendered to the department of forestry by

1 a hearing examiner under this section. The fees shall cover the total cost of the  
2 services less any costs covered by the appropriation under s. 20.505 (4) (f).

3 **SECTION 3035r.** 227.43 (4) (am) of the statutes is created to read:

4 227.43 (4) (am) The department of forestry shall pay all costs of the services  
5 of a hearing examiner assigned to the department under sub. (1) (bd), according to  
6 the fees set under sub. (3) (am).

7 **SECTION 3035w.** 227.46 (8) of the statutes is amended to read:

8 227.46 (8) If the hearing examiner assigned under s. 227.43 (1) (b) renders the  
9 final decision in a contested case and the decision is subject to judicial review under  
10 s. 227.52, the department of natural resources may petition for judicial review. If the  
11 hearing examiner assigned under s. 227.43 (1) (bd) renders the final decision in a  
12 contested case and the decision is subject to judicial review under s. 227.52, the  
13 department of forestry may petition for judicial review. If the hearing examiner  
14 assigned under s. 227.43 (1) (br) renders the final decision in a contested case and  
15 the decision is subject to judicial review under s. 227.52, the department of  
16 transportation may petition for judicial review.”

17 ✓ **1310.** Page 1003, line 24: after that line insert:

18 “**SECTION 3037p.** 229.70 (1) (a) of the statutes is amended to read:

19 229.70 (1) (a) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
20 means a business that is certified by the department of commerce under s. 560.036  
21 (2).

22 **SECTION 3037q.** 229.8273 (1) (b) of the statutes is amended to read:

1           229.8273 (1) (b) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
2           means a business that is certified by the department of commerce under s. 560.036  
3           (2).

4           **SECTION 3037r.** 229.845 (1) (a) of the statutes is amended to read:

5           229.845 (1) (a) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
6           means a business that is certified by the department of commerce under s. 560.036  
7           (2).”.

8           ✓ **1311.** Page 1004, line 9: after that line insert:

9           “**SECTION 3047p.** 230.08 (2) (dm) of the statutes is created to read:

10           230.08 (2) (dm) Instructional staff employed by the board of regents of the  
11           University of Wisconsin System who provide services for a charter school established  
12           by contract under s. 118.40 (2r) (cm).”.

13           ✓ **1312.** Page 1004, line 12: delete lines 12 to 18.

14           ✓ **1313.** Page 1004, line 20: after that line insert:

15           “**SECTION 3051.** 230.08 (2) (e) 13. of the statutes is amended to read:

16           230.08 (2) (e) 13. Veterans affairs — 2 3.”.

17           ✓ **1314.** Page 1004, line 20: after that line insert:

18           “**SECTION 3050g.** 230.08 (2) (e) 4p. of the statutes is created to read:

19           230.08 (2) (e) 4p. Forestry — 1.

20           **SECTION 3050r.** 230.08 (2) (e) 8. of the statutes is amended to read:

21           230.08 (2) (e) 8. Natural resources — 7 6.”.

22           ✓ **1315.** Page 1004, line 21: delete lines 21 to 25.

23           ✓ **1316.** Page 1005, line 1: delete lines 1 to 16.



1 ✓ **1317.** Page 1005, line 18: delete “commandant of the” and substitute  
2 “commandants of the Wisconsin Veterans Home at King and the”.

3 ✓ **1318.** Page 1005, line 20: delete lines 20 to 25.

4 ✓ **1319.** Page 1006, line 1: delete lines 1 to 13.

5 ✓ **1320.** Page 1006, line 13: after that line insert:

6 “SECTION 3060p. 230.10 (2) of the statutes is amended to read:

7 230.10 (2) The compensation plan in effect at the time that a representative  
8 is recognized or certified to represent employees in a collective bargaining unit and  
9 the employee salary and benefit provisions under s. 230.12 (3) (e) in effect at the time  
10 that a representative is certified to represent employees in a collective bargaining  
11 unit under subch. V of ch. 111 constitute the compensation plan or employee salary  
12 and benefit provisions for employees in the collective bargaining unit until a  
13 collective bargaining agreement becomes effective for that unit. If a collective  
14 bargaining agreement under subch. V of ch. 111 expires prior to the effective date of  
15 a subsequent agreement, and a representative continues to be recognized or certified  
16 to represent employees specified in s. 111.81 (7) (a) or certified to represent  
17 employees specified in s. 111.81 (7) (b) ~~or (e)~~ to (f) in that collective bargaining unit,  
18 the wage rates of the employees in such a unit shall be frozen until a subsequent  
19 agreement becomes effective, and the compensation plan under s. 230.12 and salary  
20 and benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in the  
21 unit.”.

22 ✓ **1321.** Page 1007, line 14: after that line insert:

23 “SECTION 3061r. 230.143 of the statutes is created to read:

1           **230.143 Appointment; selective service registration.** A person who is  
2 required to register with the selective service system under 50 USC, Appendix,  
3 sections 451 to 473, but has not registered, may not receive any of the following  
4 during the period that the person is required to register:

5           (1) An original appointment to a position in the classified service.

6           (2) An appointment to a position described in s. 230.08 (2) (k).

7           (3) An appointment to a position as a corps enrollee with the Wisconsin  
8 conservation corps program under s. 106.215 (1) (c).

9           **SECTION 3061t.** 230.15 (1) of the statutes is amended to read:

10           230.15 (1) ~~Appointments~~ Subject to the restriction under s. 230.143,  
11 appointments to, and promotions in, the classified service shall be made only  
12 according to merit and fitness, which shall be ascertained so far as practicable by  
13 competitive examination. The administrator may waive competitive examination  
14 for appointments made under subs. (1m) and (2) and shall waive competitive  
15 examination for appointments made under sub. (2m).”

16 ✓ **1322.** Page 1007, line 14: after that line insert:

17           **SECTION 3072h.** 230.26 (4) of the statutes is amended to read:

18           230.26 (4) Fringe benefits specifically authorized by statutes, with the  
19 exception of deferred compensation plan participation under subch. VII of ch. 40,  
20 worker’s compensation, unemployment insurance, group insurance, retirement, and  
21 social security coverage, shall be denied employees hired under this section. Such  
22 employees may not be considered permanent employees and do not qualify for  
23 tenure, vacation, paid holidays, sick leave, performance awards, or the right to  
24 compete in promotional examinations.”

1 ✓ **1323.** Page 1007, line 14: after that line insert:

2 “SECTION 3078d. 230.35 (1) (a) (intro.) of the statutes is amended to read:

3 230.35 (1) (a) (intro.) Except as provided in subs. (1m) ~~and~~, (1r), and (1s),  
4 appointing authorities shall grant to each person in their employ, except  
5 limited-term employees, based on accumulated continuous state service, annual  
6 leave of absence without loss of pay at the rate of.”

7 ✓ **1324.** Page 1007, line 18: after that line insert:

8 “SECTION 3079e. 230.35 (2r) (b) of the statutes is amended to read:

9 230.35 (2r) (b) The secretary may establish, by rule, a catastrophic leave  
10 program that permits ~~classified~~ employees to donate certain types and amounts of  
11 leave credits to other ~~classified~~ employees who have been ~~granted an unpaid leave~~  
12 ~~of absence on account of~~ absent from pay status because of a catastrophic need for  
13 which ~~absence~~ there is no paid leave benefits or replacement income available. The  
14 secretary shall determine the types and amounts of leave credits that may be  
15 donated.

16 **SECTION 3079r.** 230.35 (2r) (c) of the statutes is amended to read:

17 230.35 (2r) (c) No ~~classified~~ employee may grieve under an agency’s grievance  
18 procedure any appointing authority’s decision relating to a catastrophic leave  
19 program under this subsection or appeal any such decision to the commission under  
20 s. 230.44 or 230.45 (1) (c).”

21 ✓ **1325.** Page 1007, line 18: after that line insert:

22 “SECTION 3079r. 230.35 (1s) of the statutes is created to read:

23 230.35 (1s) Annual leave of absence with pay for instructional staff employed  
24 by the board of regents of the University of Wisconsin System who provide services

1 for a charter school established by contract under s. 118.40 (2r) (cm) shall be  
2 determined by the governing board of the charter school established by contract  
3 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of  
4 Wisconsin–Parkside and subject to the terms of any collective bargaining agreement  
5 under subch. V of ch. 111 covering the instructional staff.”.

6 ✓ **1326.** Page 1007, line 21: delete “the naval militia.”.

7 ✓ **1327.** Page 1008, line 10: delete “. naval militia.”.

8 ✓ **1328.** Page 1008, line 16: after that line insert:

9 “SECTION 3080m. 230.36 (1m) (b) 1. (intro.) of the statutes is amended to read:

10 230.36 (1m) (b) 1. (intro.) A state forest ranger or field employee of the  
11 department of natural resources or the department of forestry who is subject to call  
12 for forest fire control duty or fire watcher employed at the Wisconsin Veterans Home  
13 at King or at the facilities operated by the department of veterans affairs under s.  
14 45.385, and lifeguard, at all times while.”.

15 ✓ **1329.** Page 1008, line 23: after that line insert:

16 “SECTION 3081d. 230.36 (1m) (b) 2. (intro.) of the statutes, as affected by 2001  
17 Wisconsin Act .... (this act), is amended to read:

18 230.36 (1m) (b) 2. (intro.) A conservation warden, state forest ranger,  
19 conservation patrol boat captain, conservation patrol boat engineer, member of the  
20 state patrol, state motor vehicle inspector, University of Wisconsin System police  
21 officer, security officer, or security person, other state facilities police officer, special  
22 tax agent, excise tax investigator employed by the department of revenue, and  
23 special criminal investigation agent employed by the department of justice at all  
24 times while:

1           **SECTION 3081t.** 230.36 (2m) (a) 5. of the statutes is amended to read:

2           230.36 (2m) (a) 5. A conservation field employee of the department of natural  
3 resources or the department of forestry who is subject to call for fire control duty.”.

4           ✓ **1330.** Page 1011, line 6: after that line insert:

5           “**SECTION 3095j.** 232.05 (2) (d) of the statutes is amended to read:

6           232.05 (2) (d) Seek to enter into contracts for the purchase of goods and services  
7 with minority businesses that are certified by the department of commerce under s.  
8 560.036 (2).”.

9           ✓ **1331.** Page 1011, line 6: after that line insert:

10          “**SECTION 3095r.** 233.10 (2) (b) of the statutes is amended to read:

11          233.10 (2) (b) The kinds of leave to which an employee of the authority is  
12 entitled, including paid annual leave of absence, paid sick leave, and unpaid leave  
13 of absence, except that unused sick leave accumulated prior to July 1, 1997, shall be  
14 carried over and made available for the employee’s use for appropriate sick leave  
15 purposes or for conversion as provided under s. 40.05 (4) (b), ~~(bd)~~, (be), (bm), or (bp).”.

16          ✓ **1332.** Page 1011, line 15: after that line insert:

17          “**SECTION 3097e.** 234.01 (4n) (a) 3m. d. of the statutes is amended to read:

18          234.01 (4n) (a) 3m. d. The facility is owned or controlled by a minority business  
19 that is certified by the department of commerce under s. 560.036 (2) or that is more  
20 than 50% owned or controlled by women or minorities.

21          **SECTION 3098v.** 234.65 (1) (g) of the statutes is amended to read:

22          234.65 (1) (g) In granting loans under this section the authority shall give  
23 preference to businesses ~~which~~ that are minority businesses certified by the  
24 department of commerce under s. 560.036 (2) or that are more than 50% owned or

1 controlled by women ~~or minorities~~, to businesses that, together with all of their  
2 affiliates, subsidiaries, and parent companies, have current gross annual sales of  
3 \$5,000,000 or less or that employ 25 or fewer persons, and to new businesses that  
4 have less than 50% of their ownership held or controlled by another business and  
5 have their principal business operations in this state.”.

6 ✓ **1333.** Page 1018, line 11: after that line insert:

7 “**SECTION 3127b.** 236.02 (2m) of the statutes is created to read:

8 236.02 (2m) “Correction instrument” means an instrument drafted by a  
9 licensed land surveyor that complies with the requirements of s. 236.295 and that,  
10 upon recording, corrects a subdivision plat or a certified survey map.

11 **SECTION 3127bm.** 236.15 (1) (a) of the statutes is amended to read:

12 236.15 (1) (a) The external boundaries of a subdivision shall be monumented  
13 in the field by monuments of concrete containing a ferrous rod one-fourth inch in  
14 diameter or greater imbedded its full length, not less than ~~30~~ 18 inches in length, not  
15 less than 4 inches square or 5 inches in diameter, and marked on the top with a cross,  
16 brass plug, iron rod, or other durable material securely embedded; or by iron rods or  
17 pipes at least ~~30~~ 18 inches long and 2 inches in diameter weighing not less than 3.65  
18 pounds per lineal foot. Solid round or square iron bars of equal or greater length or  
19 weight per foot may be used in lieu of pipes wherever pipes are specified in this  
20 section. These monuments shall be placed at all corners, at each end of all curves,  
21 at the point where a curve changes its radius, at all angle points in any line and at  
22 all angle points along the meander line, said points to be not less than 20 feet back  
23 from the ordinary high water mark of the lake or from the bank of the stream, except

1 that when such corners or points fall within a street, or proposed future street, the  
2 monuments shall be placed in the side line of the street.

3 **SECTION 3127c.** 236.15 (1) (c) of the statutes is amended to read:

4 236.15 (1) (c) All lot, outlot, park and public access corners and the corners of  
5 land dedicated to the public shall be monumented in the field by iron pipes at least  
6 24 18 inches long and one inch in diameter, weighing not less than 1.13 pounds per  
7 lineal foot, or by round or square iron bars at least 24 18 inches long and weighing  
8 not less than 1.13 pounds per lineal foot.

9 **SECTION 3127cm.** 236.15 (1) (d) of the statutes is amended to read:

10 236.15 (1) (d) The lines of lots, outlots, parks and public access and land  
11 dedicated to the public that extend to lakes or streams shall be monumented in the  
12 field by iron pipes at least 24 18 inches long and one inch in diameter weighing not  
13 less than 1.13 pounds per lineal foot, or by round or square iron bars at least 24 18  
14 inches long and weighing not less than 1.13 pounds per lineal foot. These  
15 monuments shall be placed at the point of intersection of the lake or stream lot line  
16 with a meander line established not less than 20 feet back from the ordinary high  
17 water mark of the lake or from the bank of the stream.

18 **SECTION 3127d.** 236.15 (1) (f) of the statutes is amended to read:

19 236.15 (1) (f) Any durable metal or concrete monuments may be used in lieu  
20 of the iron pipes listed in pars. (e) and (d) provided that they are uniform within the  
21 platted area and have a permanent magnet embedded near the top or bottom or both.

22 **SECTION 3127dm.** 236.18 (2) (d) of the statutes is created to read:

23 236.18 (2) (d) A county coordinate system as approved by the department of  
24 transportation or a coordinate system that is mathematically relatable to a  
25 Wisconsin coordinate system.

1           **SECTION 3127e.** 236.20 (1) (b) of the statutes is amended to read:

2           236.20 (1) (b) For processing under s. 236.12 (6) the original shall be on  
3 ~~muslin-backed white paper~~ 22 inches wide by 30 inches long ~~prepared with~~  
4 ~~nonfading black image. These sheets may be provided by the county through the~~  
5 ~~register of deeds on such terms as the county board determines~~ and on any material  
6 that is capable of clearly legible reproduction.

7           **SECTION 3127em.** 236.20 (1) (c) of the statutes is amended to read:

8           236.20 (1) (c) For processing under s. 236.12 (2), the original copy of the final  
9 plat ~~may be of any size~~ shall be 22 inches wide by 30 inches long and on any material  
10 that is capable of clearly legible reproduction.

11           **SECTION 3127f.** 236.20 (2) (b) of the statutes is amended to read:

12           236.20 (2) (b) All monuments erected, corners, and other points established in  
13 the field in their proper places. The material of which the monuments, corners, or  
14 other points are made shall be noted at the representation thereof or by legend,  
15 except lot, outlot, and meander corners need not be shown. The legend for metal  
16 monuments shall indicate the kind of metal, the outside diameter, length, and weight  
17 per lineal foot of the monuments.

18           **SECTION 3127fm.** 236.20 (2) (e) of the statutes is amended to read:

19           236.20 (2) (e) All lots and outlots in each block consecutively numbered within  
20 blocks and the subdivision and throughout numbered additions to the subdivision.

21           **SECTION 3127g.** 236.21 (1) (b) of the statutes is amended to read:

22           236.21 (1) (b) A clear and concise description of the land surveyed, divided, and  
23 mapped by government lot, recorded private claim, quarter-quarter section, section,  
24 township, range, and county and by metes and bounds commencing with a  
25 monument at a section or quarter section corner of the quarter section ~~and that is not~~



1 at the center of the section, or commencing with a monument at the end of a boundary  
2 line of a recorded private claim or federal reservation in which the subdivision is  
3 located. If the land is located in a recorded subdivision or recorded addition thereto,  
4 the land shall be described by the number or other description of the lot, block or  
5 subdivision thereof, that has previously been tied to a corner marked and established  
6 by the U.S. public land survey.

7 **SECTION 3127gm.** 236.25 (2) (b) of the statutes is amended to read:

8 236.25 (2) (b) The plat is offered for record within ~~30 days~~ 6 months after the  
9 date of the last approval of the plat and within 24 months after the first approval;

10 **SECTION 3127h.** 236.295 (1) (intro.) of the statutes is amended to read:

11 236.295 (1) (intro.) Correction instruments ~~may~~ shall be recorded in the office  
12 of the register of deeds in the county in which the plat or certified survey map is  
13 recorded and may include any of the following:

14 **SECTION 3127hf.** 236.295 (1) (a) of the statutes is amended to read:

15 236.295 (1) (a) Affidavits to correct distances, angles, directions, bearings,  
16 chords, block or lot numbers, street names, or other details shown on a recorded plat  
17 or certified survey map. A correction instrument may not be used to reconfigure lots  
18 or outlots.

19 **SECTION 3127hm.** 236.295 (2) of the statutes is amended to read:

20 236.295 (2) Each affidavit in sub. (1) (a) correcting a plat ~~shall~~ or certified  
21 survey map that changes areas dedicated to the public or restrictions for the public  
22 benefit must be approved prior to recording by the governing body of the municipality  
23 or town in which the subdivision is located. The register of deeds shall note on the  
24 plat or certified survey map a reference to the page and volume in which the affidavit  
25 or instrument is recorded. The record of the affidavit or instrument, or a certified

1 copy of the record, is prima facie evidence of the facts stated in the affidavit or  
2 instrument.

3 **SECTION 3127im.** 236.34 (1) (intro.) of the statutes is amended to read:

4 236.34 (1) PREPARATION. (intro.) A certified survey map of not more than 4  
5 parcels of land consisting of lots or outlots may be recorded in the office of the register  
6 of deeds of the county in which the land is situated. A certified survey map may be  
7 used to change the boundaries of lots and outlots within a recorded plat, recorded  
8 assessor's plat under s. 70.27 or recorded, certified survey map if the ~~redivision~~  
9 reconfiguration does not result in a subdivision or violate a local subdivision  
10 regulation. A certified survey map may not alter ~~the exterior boundary of a recorded~~  
11 ~~plat, a recorded assessor's plat,~~ areas previously dedicated to the public or a  
12 restriction placed on the platted land by covenant, by grant of an easement, or by any  
13 other manner. A certified survey map that crosses the exterior boundary of a  
14 recorded plat or assessor's plat shall apply to the reconfiguration of fewer than 5  
15 parcels by a single owner, or if no additional parcels are created. Such a certified  
16 survey map must be approved in the same manner as a final plat of a subdivision  
17 must be approved under s. 236.10, must be monumented in accordance with s. 236.15  
18 (1), and shall contain owners' and mortgagees' certificates that are in substantially  
19 the same form as required under s. 236.21 (2) (a). A certified survey must meet the  
20 following requirements:

21 **SECTION 3127j.** 236.34 (1) (b) of the statutes is amended to read:

22 236.34 (1) (b) All corners shall be monumented in accordance with s. 236.15 (1)  
23 (c) ~~and~~, (d), and (g).

24 **SECTION 3127jm.** 236.34 (1) (c) of the statutes is amended to read:

1           236.34 (1) (c) The map shall be prepared in accordance with s. 236.20 (2) (a),  
2           (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3) (b) ~~en a, (d), and (e)~~ at a graphic scale  
3           of not more than 500 feet to ~~the~~ an inch, which shall be shown on each sheet showing  
4           layout features. The map shall be prepared with a binding margin 1.5 inches wide  
5           and a 0.5 inch margin on all other sides on durable white paper 8 1/2 inches wide by  
6           14 inches long with nonfading black image or reproduced with photographic silver  
7           haloid image on double matt polyester film of not less than 4 mil thickness which is  
8           8 1/2 inches wide by 14 inches long. When more than one sheet is used for any map,  
9           each sheet shall be numbered consecutively and shall contain a notation giving the  
10          total number of sheets in the map and showing the relationship of that sheet to the  
11          other sheets. "CERTIFIED SURVEY MAP" shall be printed on the map in prominent  
12          letters with the location of the land by government lot, recorded private claim,  
13          quarter-quarter section, section, township, range and county noted. Seals or  
14          signatures reproduced on images complying with this paragraph shall be given the  
15          force and effect of original signatures and seals.

16           **SECTION 3127k.** 236.34 (1) (d) 2. of the statutes is amended to read:

17           236.34 (1) (d) 2. A clear and concise description of the land surveyed, divided,  
18          and mapped by government lot, recorded private claim, quarter-quarter section,  
19          section, township, range and county; and by metes and bounds commencing with a  
20          monument at a section or quarter section corner of the quarter section ~~or~~ that is not  
21          the center of a section, or commencing with a monument at the end of a boundary line  
22          of a recorded private claim or federal reservation in which the ~~certified map land~~ is  
23          located; or if the land is located in a recorded subdivision or recorded addition to a  
24          recorded subdivision, then by the number or other description of the lot, block or

1 subdivision, which has previously been tied to a corner marked and established by  
2 the U.S. public land survey.

3 **SECTION 3127km.** 236.34 (1) (f) of the statutes is created to read:

4 236.34 (1) (f) Within 90 days of submitting a certified survey map for approval,  
5 the approving authority, or its agent authorized to approve certified survey maps,  
6 shall take action to approve, approve conditionally, or reject the certified survey map  
7 and shall state in writing any conditions of approval or reasons for rejection, unless  
8 the time is extended by agreement with the subdivider. Failure of the approving  
9 authority or its agent to act within the 90 days, or any extension of that period,  
10 constitutes an approval of the certified survey map and, upon demand, a certificate  
11 to that effect shall be made on the face of the map by the clerk of the authority that  
12 has failed to act.

13 **SECTION 3127L.** 236.34 (2) of the statutes is renumbered 236.34 (2) (a).

14 **SECTION 3127Lm.** 236.34 (2) (b) of the statutes is created to read:

15 236.34 (2) (b) If the certified survey map is approved by a local unit of  
16 government, the register of deeds may not accept the certified survey map for record  
17 unless all of the following apply:

18 1. The certified survey map is offered for record within 6 months after the date  
19 of the last approval of the map and within 24 months after the first approval of the  
20 map.

21 2. The certified survey map shows on its face all of the certificates and affidavits  
22 required under sub. (1).

23 **SECTION 3127m.** 236.45 (2) (a) (intro.) of the statutes is amended to read:

24 236.45 (2) (a) (intro.) To accomplish the purposes listed in sub. (1), any  
25 municipality, town or county which has established a planning agency may adopt

1 ordinances governing the subdivision or other division of land which are more  
2 restrictive than the provisions of this chapter. Such ordinances may include  
3 provisions regulating divisions of land into parcels larger than 1 1/2 acres or  
4 divisions of land into less than 5 parcels, and may prohibit the division of land in  
5 areas where such prohibition will carry out the purposes of this section. Such  
6 ordinances ~~may~~ shall make applicable to such divisions ~~any~~ all of the provisions of  
7 this chapter, or may provide other surveying, monumenting, mapping and approving  
8 requirements for such division. The governing body of the municipality, town, or  
9 county ~~may~~ shall require that a ~~map, plat or sketch~~ of such division be recorded with  
10 the register of deeds and kept in a book provided for that purpose. “COUNTY PLAT,”  
11 “MUNICIPAL PLAT,” or “TOWN PLAT” shall be printed on the map in prominent  
12 letters with the location of the land by government lot, recorded private claim,  
13 quarter-quarter section, section, township, range, and county noted. When so  
14 recorded, the lots included in the ~~map, plat or sketch~~ shall be described by  
15 reference to it ~~by lot number and by volume and page of the book provided for that~~  
16 ~~use~~ “COUNTY PLAT,” “MUNICIPAL PLAT,” or “TOWN PLAT,” the name of the plat  
17 and the lot and block in the plat, for all purposes, including those of assessment,  
18 taxation, devise, descent, and conveyance as defined in s. 706.01 (4). Such ordinance,  
19 insofar as it may apply to divisions of less than 5 parcels, shall not apply to:”.

20 ✓ **1334.** Page 1031, line 17: after that line insert:

21 “SECTION 3128pd. 250.01 (4) (a) 2. of the statutes is amended to read:

22 250.01 (4) (a) 2. A city-county health department established under s. 251.02

23 (1) (1m).

1           **SECTION 3128pe.** 251.01 (1) of the statutes is renumbered 251.01 (1r) and  
2 amended to read:

3           251.01 (1r) “County board of health” means a board of health for a single county  
4 health department or for a multiple county health department.

5           **SECTION 3128pf.** 251.01 (1g) of the statutes is created to read:

6           251.01 (1g) “City–county board of health” means a board of health for a  
7 city–county health department.

8           **SECTION 3128pg.** 251.01 (2) of the statutes is repealed.

9           **SECTION 3128ph.** 251.01 (3) of the statutes is amended to read:

10          251.01 (3) “County health officer” means the position of a local health officer  
11 in a single county health department or in a multiple county health department.

12          **SECTION 3128pi.** 251.01 (7m) of the statutes is created to read:

13          251.01 (7m) “Represented employee” means an employee in a collective  
14 bargaining unit for which a representative is recognized or certified under subch. IV  
15 of ch. 111.

16          **SECTION 3128pj.** 251.02 (1) of the statutes is amended to read:

17          251.02 (1) In counties with a population of less than 500,000, unless a county  
18 board establishes a city–county health department under sub. (1m) jointly with the  
19 governing body of a city or establishes a multiple county health department under  
20 sub. (3) in conjunction with another county, the county board shall establish a single  
21 county health department ~~that meets,~~ which shall meet the requirements of this  
22 chapter. The county health department shall serve all areas of the county that are  
23 not served by a city health department that was established prior to  
24 January 1, 1994, by a town or village health department established under sub.  
25 (3m), or by a multiple municipal local health department established under sub. (3r).

1     No ~~governing body of a city may establish a city health department may be~~  
2     established after January 1, 1994, ~~but a city-county health department may be~~  
3     established after that date.

4             **SECTION 3128pk.** 251.02 (1m) of the statutes is created to read:

5             251.02 (1m) Subject to sub. (1r), in counties with a population of less than  
6     500,000, the county board and the governing body of a city that has a city health  
7     department may jointly establish a city-county health department, which shall meet  
8     the requirements of this chapter. A city-county health department shall serve all  
9     areas of the county that are not served by a city health department that was  
10    established prior to January 1, 1994, by a town or village health department  
11    established under sub. (3m), or by a multiple municipal local health department  
12    established under sub. (3r). A city-county health department established under this  
13    subsection after the effective date of this subsection .... [revisor inserts date], is  
14    subject to the control of the city and county acting jointly under an agreement  
15    entered into under s. 66.0301 that specifies, in conformity with this chapter, all of the  
16    following:

17            (a) The powers and duties of the city-county health department.

18            (b) The powers and duties of the city-county board of health for the city-county  
19    health department.

20            (c) The relative powers and duties of the city and county with respect to  
21    governance of the city-county health department and the city-county board of  
22    health.

23            **SECTION 3128pL.** 251.02 (1r) of the statutes is created to read:

24            251.02 (1r) If a city that assigns represented employees to its city health  
25    department and if a county that assigns represented employees to its county health

1 department jointly establish a city–county health department under an agreement  
2 specified under sub. (1m), all of the following shall apply, but only if the represented  
3 employees at the city health department and at the county health department who  
4 perform similar functions are included in collective bargaining units that are  
5 represented by the same representative:

6 (a) The city–county health department shall offer employment to all city and  
7 county employees who are represented employees and who perform functions for the  
8 city and county that are transferred to the city–county health department in the  
9 agreement under sub. (1m).

10 (b) Notwithstanding s. 111.70 (4) (d), if, in any collective bargaining unit that  
11 is initially created at the city–county health department, all of the former city and  
12 county employees were represented by the same representative when they were  
13 employed by the city or county, that representative shall become the initial  
14 representative of the employees in the collective bargaining unit without the  
15 necessity of filing a petition or conducting an election.

16 (c) Unless otherwise prohibited by law, with respect to city–county health  
17 department employees who were formerly represented employees at the city or  
18 county, the city–county health department shall adhere to the terms of the collective  
19 bargaining agreements that covered these employees while they were employed by  
20 the city or county until such time that the city–county health department and the  
21 representative of the employees have entered into a collective bargaining agreement.

22 **SECTION 3128pm.** 251.02 (3) of the statutes is amended to read:

23 251.02 (3) A county board may, in conjunction with the county board of another  
24 county, establish a multiple county health department in conjunction with the  
25 county board of another county, which shall meet the requirements of this chapter.



1 A multiple county health department shall serve all areas of the respective counties  
2 that are not served by a city health department that was established prior to January  
3 1, 1994, by a town or village health department established under sub. (3m), or by  
4 a multiple municipal local health department established under sub. (3r).

5 **SECTION 3128pn.** 251.04 (1) of the statutes is amended to read:

6 251.04 (1) ~~A city or county board of health shall govern each local health~~  
7 ~~department other than a local health department~~ Except as authorized in s. 251.02  
8 (3m) and (3r) ~~and a, a city board of health shall govern a city health department, a~~  
9 ~~county board of health shall govern a county health department or multiple county~~  
10 ~~health department, and a city-county board of health shall govern a city-county~~  
11 ~~health department. A city or board of health, a county board of health, a city-county~~  
12 ~~board of health, or a board of health for a local health department as authorized in~~  
13 ~~s. 251.02 (3m) and (3r) shall assure the enforcement of state public health statutes~~  
14 ~~and public health rules of the department as prescribed for a Level I local health~~  
15 ~~department. A local board of health may contract or subcontract~~ with a public or  
16 private entity to provide public health services. The contractor's staff shall meet the  
17 appropriate qualifications for positions in a Level I local health department.

18 **SECTION 3128pp.** 251.08 of the statutes is amended to read:

19 **251.08 Jurisdiction of local health department.** The jurisdiction of the  
20 local health department shall extend to the entire area represented by the governing  
21 body of the county, city, village or town that established the local health department,  
22 except that the jurisdiction of a single or multiple county health department or of a  
23 city-county health department does not extend to cities, villages and towns that  
24 have local health departments. Cities, towns and villages having local health  
25 departments may by vote of their local boards of health determine to come under the

1 jurisdiction of the county health department. No part of any expense incurred under  
2 this section by a county health department may be levied against any property  
3 within any city, village or town that has a local health department and that has not  
4 determined to come under the jurisdiction of the county health department.

5 **SECTION 3128pq.** 251.11 (1) of the statutes is amended to read:

6 251.11 (1) The local board of health of every multiple county health department  
7 established under s. 251.02 (3) and of every city-county health department  
8 established under s. 251.02 (1) (1m) shall annually prepare a budget of its proposed  
9 expenditures for the ensuing fiscal year and determine the proportionate cost to each  
10 participating county and city on the basis of equalized valuation. A certified copy of  
11 the budget, which shall include a statement of the amount required from each county  
12 and city, shall be delivered to the county board of each participating county and to  
13 the mayor or city manager of each participating city. The appropriation to be made  
14 by each participating county and city shall be determined by the governing body of  
15 the county and city. No part of the cost apportioned to the county shall be levied  
16 against any property within the city.

17 **SECTION 3128pr.** 251.11 (2) of the statutes is amended to read:

18 251.11 (2) The local board of health of ~~every a~~ multiple county health  
19 department established under s. 251.02 (3) ~~and of every city-county health~~  
20 ~~department established under s. 251.02 (1)~~ shall, under this section, determine the  
21 compensation for the employees of the multiple county health departments ~~and~~  
22 ~~city-county health departments~~ The local board of health of a city-county health  
23 department established under s. 251.02 (1m) shall, under this section, determine the  
24 compensation for the employees of the city-county health department.

25 **SECTION 3128ps.** 251.15 (2) of the statutes is amended to read:

1           251.15 (2) A city that had established a local health department prior to  
2 deciding to participate in a city–county health department established under s.  
3 251.02 (1) (1m) may withdraw from the city–county health department if the  
4 common council of the city gives written notice to the county board of the  
5 participating county.”.

6 ✓ **1335.** Page 1034, line 12: after that line insert:

7           “SECTION 3140c. 252.12 (2) (a) 8. of the statutes is amended to read:

8           252.12 (2) (a) 8. ‘Life care and early intervention services.’ The department  
9 shall award not more than \$1,994,900 in each fiscal year 2001–02 and not more than  
10 \$2,069,900 in each fiscal year thereafter in grants to applying state–designated HIV  
11 service organizations for the provision of needs assessments; assistance in procuring  
12 financial, medical, legal, social and pastoral services and housing assistance;  
13 counseling and therapy; homecare services and supplies; advocacy; and case  
14 management services. These services shall include early intervention services. The  
15 department shall also award not more than \$74,000 in each year from the  
16 appropriation under s. 20.435 (7) (md) for the services under this subdivision. The  
17 state share of payment for case management services that are provided under s.  
18 49.45 (25) (be) to recipients of medical assistance shall be paid from the  
19 appropriation under s. 20.435 (5) (am).”.

20 **1336.** Page 1034, line 12: after that line insert:

21           “SECTION 3140c. 252.12 (2) (a) 9. of the statutes is created to read:

22           252.12 (2) (a) 9. ‘Grant for family resource center.’ The department shall award  
23 a grant in each fiscal year to develop and implement an African–American family  
24 resource center in the city of Milwaukee that targets activities toward the prevention

1 and treatment of HIV infection and related infections, including hepatitis C virus  
2 infection, of minority group members, as defined in s. 560.036 (1) (f).”

3 ✓ **1337.** Page 1034, line 13: delete lines 13 to 21 and substitute:

4 “SECTION 3141d. 252.12 (2) (c) 2. of the statutes is amended to read:

5 252.12 (2) (c) 2. From the appropriation under s. 20.435 (5) (am), the  
6 department shall award \$75,000 in each fiscal year as grants for services to prevent  
7 HIV infection and related infections, including hepatitis C virus infection. Criteria  
8 for award of the grants shall include the criteria specified under subd. 1. The  
9 department shall award 60% of the funding to applying organizations that receive  
10 funding under par. (a) 8. and 40% of the funding to applying community-based  
11 organizations that are ~~operated by minority group members, as defined in s. 560.036~~  
12 ~~(1) (f) minority businesses certified by the department of commerce under s. 560.036~~  
13 ~~(2)~~.”.

14 ✓ **1338.** Page 1037, line 12: after that line insert:

15 “SECTION 3147w. 254.47 (1) of the statutes is amended to read:

16 254.47 (1) Except as provided in sub. (1g) and ss. 250.041 and 254.115, the  
17 department or a local health department granted agent status under s. 254.69 (2)  
18 shall issue permits to and regulate campgrounds and camping resorts, recreational  
19 and educational camps and public swimming pools. No person or state or local  
20 government who has not been issued a permit under this section may conduct,  
21 maintain, manage or operate a campground and camping resort, recreational camp  
22 and educational camp or public swimming pool, as defined by departmental rule.

23 SECTION 3147x. 254.47 (1g) of the statutes is created to read:

1           254.47 (1g) A campground permit is not required for camping at county or  
2 district fairs at which 4-H Club members exhibit, for the 4 days preceding the county  
3 or district fair, the duration of the county or district fair, and the 4 days following the  
4 county or district fair.”.

5 ✓ **1339.** Page 1043, line 12: after that line insert:

6           “SECTION 3160q. 280.25 of the statutes is created to read:

7           **280.25 Air filtration for residential wells.** The owner of a residential well,  
8 other than a driven well, that has a casing shall filter air that enters the well to  
9 prevent airborne bacteria from contaminating the well water if any of the following  
10 applies:

11           (1) The construction of the well begins after the effective date of this subsection  
12 .... [revisor inserts date].

13 ✓ (2) The water from the well tests positive for bacteria.”.

14 ✓ **1340.** Page 1045, line 11: after that line insert:

15           “SECTION 3161u. 281.57 (10e) of the statutes is created to read:

16           **281.57 (10e) LOAN FOR WATER TOWER IN THE VILLAGE OF ATHENS.**  
17 Notwithstanding subs. (2), (4) to (10), and (12), during the 2001–03 fiscal biennium,  
18 the department shall provide a loan of \$320,000 to the village of Athens for  
19 construction of a water tower and related costs, if the village applies for a loan. The  
20 department may not charge any interest on the loan.

21           **SECTION 3161uc.** 281.57 (10f) of the statutes is created to read:

22           **281.57 (10f) LOAN FOR WATER TOWER IN THE VILLAGE OF WESTON.**  
23 Notwithstanding subs. (2), (4) to (10), and (12), during the 2001–03 fiscal biennium,  
24 the department shall provide a loan of \$400,000 to the village of Weston for

1 construction of a water tower and related costs, if the village applies for a loan. The  
2 department may not charge any interest on the loan.”.

3 ✓ **1341.** Page 1049, line 20: after that line insert:

4 “SECTION 3173j. 281.65 (4e) of the statutes is created to read:

5 281.65 (4e) If the department issues a notice of discharge under ch. 283 to an  
6 animal feeding operation, the department shall provide a cost-sharing grant for the  
7 costs of measures needed to correct the unacceptable practices identified in the notice  
8 of discharge. Notwithstanding sub. (8) (f), the department may provide a  
9 cost-sharing grant under this subsection that exceeds 70% of the cost of the  
10 corrective measures in cases of economic hardship, as defined by the department by  
11 rule. If the department provides funds for a cost-sharing grant under this subsection  
12 from the appropriation account under s. 20.866 (2) (te), the department shall pay the  
13 grant to another governmental unit. If the department provides funds for a  
14 cost-sharing grant under this subsection from the appropriation account under s.  
15 20.370 (6) (aa), (ag), or (aq), the department may pay the funds to the landowner or  
16 operator or to another governmental unit.”.

17 ✓ **1342.** Page 1049, line 21: delete the material beginning with that line and  
18 ending with page 1050, line 3.

19 ✓ **1343.** Page 1050, line 17: substitute “2005” for “2006”.

20 ✓ **1344.** Page 1051, line 4: substitute “2005” for “2006”.

21 ✓ **1345.** Page 1054, line 12: after that line insert:

22 “SECTION 3200m. 281.69 (1b) (bn) of the statutes is created to read:

23 281.69 (1b) (bn) “Nonprofit conservation organization” has the meaning given  
24 in s. 23.0955 (1).”.

1 ✓ **1346.** Page 1054, line 20: delete “as defined in s. 23.0955 (1),” and substitute  
2 “as defined in ~~s. 23.0955 (1),~~”.

3 ✓ **1347.** Page 1055, line 6: after that line insert:

4 “SECTION 3207v. 281.74 of the statutes is created to read:

5 **281.74 Land spreading reduction pilot program.** If the Elcho Sanitary  
6 District charges not more than \$30 per thousand gallons to accept septic tank waste  
7 for treatment and not more than \$6 per thousand gallons to accept holding tank  
8 waste for treatment, the department shall provide the funds available under s.  
9 20.370 (6) (dc) to the Elcho Sanitary District.”.

10 ✓ **1348.** Page 1055, line 6: after that line insert:

11 “SECTION 3207p. 281.73 of the statutes is created to read:

12 **281.73 Wastewater and drinking water grant.** The department of natural  
13 resources shall provide a grant from the appropriation under s. 20.370 (6) (bk) to the  
14 Town of Swiss, Burnett County, and the St. Croix Band of Chippewa for design,  
15 engineering, and construction of wastewater and drinking water treatment  
16 facilities.”.

17 ✓ **1349.** Page 1055, line 6: after that line insert:

18 “SECTION 3206m. 281.69 (3) (b) 5. of the statutes is created to read:

19 281.69 (3) (b) 5. A wetland enhancement or restoration project under sub. (3m).

20 SECTION 3206r. 281.69 (3m) of the statutes is created to read:

21 281.69 (3m) GRANTS FOR WETLANDS. (a) The department shall provide grants  
22 of \$10,000 each from the appropriation under s. 20.370 (6) (ar) for lake management  
23 projects to eligible recipients, other than nonprofit conservation organizations, that  
24 have completed a comprehensive land use plan that includes a wetland

1 enhancement or restoration project. The grant shall be used for the implementation  
2 of the wetland enhancement or restoration project. The 75% limitation under sub.  
3 (2) (a) does not apply to these grants.

4 (b) The department shall provide up to 25 grants per fiscal year during fiscal  
5 years 2001–02 and 2002–03. The department shall award the grants to eligible  
6 recipients who qualify for the grants in the order in which the grant applications are  
7 received by the department.”.

8 ✓ **1350.** Page 1057, line 7: after that line insert:

9 “SECTION 3219L. 285.30 (5) (c) of the statutes is amended to read:

10 285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except  
11 that a motor vehicle owned by the United States is not exempt unless it comes under  
12 par. (a), (b), (d), (e), (f), (g) ~~or~~, (h), or (j).

13 SECTION 3219v. 285.30 (5) (j) of the statutes is created to read:

14 ✓ 285.30 (5) (j) A low-speed vehicle, as defined in s. 340.01 (27m).”.

15 ✓ **1351.** Page 1057, line 16: after that line insert:

16 “SECTION 3221. 285.60 (2m) of the statutes is created to read:

17 285.60 (2m) GENERAL CONSTRUCTION PERMITS. The department may, by rule,  
18 specify types of stationary sources that may obtain general construction permits. A  
19 general construction permit may cover numerous similar stationary sources. A  
20 general construction permit shall require any stationary source that is covered by  
21 the general construction permit to comply with ss. 285.61 to 285.69. The department  
22 shall issue a general construction permit using the procedures and criteria in ss.  
23 285.61, 285.63, 285.65, 285.66, and 285.69.”.

24 ✓ **1352.** Page 1057, line 21: after that line insert:



1           **SECTION 3222e.** 287.03 (1) (e) and (f) of the statutes are created to read:

2           287.03 (1) (e) Promulgate rules to implement s. 287.07 (7) (a) and (10) (a).

3           (f) Promulgate rules, for the purposes of s. 287.235 (1) (b), that specify the  
4           minimum elements of coordinated program delivery, including all of the following:

5           1. The joint provision of, a single program operated by the responsible unit for,  
6           or a single contract for, the collection from single-family residences of materials that  
7           are separated for recycling under an effective recycling program.

8           2. The joint provision of, a single program operated by the responsible unit for,  
9           or a single contract for, the processing and marketing of recyclable materials  
10          collected under an effective recycling program.

11          3. The joint or coordinated planning of solid waste management services within  
12          the responsible unit.

13          **SECTION 3222f.** 287.07 (7) (a) of the statutes is amended to read:

14          287.07 (7) (a) The prohibitions in subs. (3) and (4) do not apply with respect to  
15          solid waste, except medical waste, as defined in par. (c) 1. cg., ~~that is generated in a~~  
16          ~~region that has an effective recycling program, as determined under s. 287.11 if the~~  
17          solid waste contains no more than an incidental amount of materials specified in  
18          subs. (3) and (4), as provided by the department by rule. This paragraph does not  
19          apply to solid waste that is separated for recycling as part of an effective recycling  
20          program under s. 287.11.

21          **SECTION 3222g.** 287.07 (9) of the statutes is created to read:

22          287.07 (9) ACCEPTANCE BY SOLID WASTE FACILITY. (a) Except as provided under  
23          pars. (b) and (c), no person operating a solid waste facility may accept solid waste  
24          from a building containing 5 or more dwelling units or a commercial, retail,  
25          industrial, or governmental facility that does not provide for the collection of

1 materials that are subject to subs. (3) and (4) and that are separated from other solid  
2 waste by users or occupants of the building or facility.

3 (b) The department may grant exceptions to par. (a) on a case-by-case basis  
4 as necessary to protect public health.

5 (c) 1. Paragraph (a) does not apply to a person operating a solid waste facility  
6 if the person has implemented a program to minimize the acceptance of recyclable  
7 materials at the solid waste facility, and the program complies with the rules  
8 promulgated under subd. 2.

9 2. The department shall promulgate rules that specify minimum standards for  
10 a program that minimizes the acceptance of recyclable materials at a solid waste  
11 facility for the purposes of subd. 1.

12 **SECTION 3222h.** 287.07 (10) of the statutes is created to read:

13 287.07 (10) TRANSPORTATION TO FACILITY. (a) Except as provided in par. (b), no  
14 person operating a solid waste facility that provides a collection and transportation  
15 service may transport solid waste for delivery to a solid waste disposal facility or a  
16 solid waste treatment facility that converts solid waste into fuel or that burns solid  
17 waste if the solid waste contains more than incidental amounts of materials specified  
18 in subs. (3) and (4), as provided by the department by rule.

19 (b) Paragraph (a) does not apply with respect to solid waste to which the  
20 prohibitions in subs. (3) and (4) do not apply because of sub. (7) (b), (bg), (c) 2., (d),  
21 (f), (g), or (h).

22 **SECTION 3222m.** 287.11 (4) of the statutes is created to read:

23 287.11 (4) PILOT PROGRAM FOR ALTERNATE METHOD OF COMPLIANCE. (a) The  
24 department shall administer a pilot program that provides an alternate method of

1 complying with sub. (2) (b). The department shall promulgate rules for the pilot  
2 program under this subsection that do all of the following:

3 1. Set goals for amounts of materials to be recycled as a percentage of solid  
4 waste generated in the geographic area served by a responsible unit.

5 2. Include a list of recyclable materials, including the materials identified  
6 under s. 287.07 (3) and (4), that a responsible unit may choose under this subsection  
7 to require to be separated for recycling under its recycling program.

8 3. Specify a procedure for a responsible unit to identify the materials that it will  
9 require to be separated for recycling under its recycling program.

10 4. Specify a procedure to be used by the department to determine whether a  
11 responsible unit has achieved the goals under par. (a).

12 (b) The department shall select 3 responsible units with a population of less  
13 than 5,000, 3 responsible units with a population of at least 5,000 but less than  
14 25,000, and 3 responsible units with a population of at least 25,000 to participate in  
15 the pilot program under this subsection.

16 (c) A responsible unit participating in the pilot program under this subsection  
17 shall be considered to comply with sub. (2) (b).

18 (d) The department shall submit reports on the pilot program under this  
19 subsection to the appropriate standing committees of the legislature, under s. 18.172  
20 (3), and to the joint committee on finance no later than January 1, 2003, and no later  
21 than January 1, 2005. The department shall include all of the following in its reports:

22 1. A description of the participation in the pilot program and of the results to  
23 the date of the report.

24 2. A description of any changes in the recycling percentage rate achieved by the  
25 participants.

1           3. A description of any cost or program efficiencies obtained by participants.

2           4. Any recommendations for statutory changes to modify the pilot program or  
3 to expand it statewide.

4           5. Any recommendations about whether s. 287.07 (3) and (4) should be modified  
5 and, if so, in what manner.

6           (e) The pilot program under this subsection ends on December 31, 2005.

7           **SECTION 3222p.** 287.23 (2) of the statutes is renumbered 287.23 (2) (a) and  
8 amended to read:

9           287.23 (2) (a) The department shall develop, implement, and administer a  
10 program to provide financial assistance to responsible units. The department shall  
11 develop criteria for reporting on and evaluating the program.

12           (b) Each year the department, in cooperation with the University of  
13 Wisconsin–Extension, shall audit review the recycling programs of at least 5% of the  
14 recipients of grants in the previous year to ensure that programs and activities  
15 funded by grants under this section meet the requirements of this section. do all of  
16 the following:

17           **SECTION 3222q.** 287.23 (2) (b) 1. to 3. of the statutes are created to read:

18           287.23 (2) (b) 1. Ensure compliance with s. 287.07 (1m), (2), (3), and (4).

19           2. Ensure compliance with s. 287.11 and rules promulgated under that section.

20           3. Identify activities, methods, or procedures that would enable the responsible  
21 units to make their recycling programs more efficient or effective.

22           **SECTION 3222r.** 287.23 (2) (c) of the statutes is created to read:

23           287.23 (2) (c) By June 30 annually, the department shall report to the joint  
24 committee on finance the number of recycling programs reviewed under par. (b)  
25 during the previous year.”.

1 **1353.** Page 1058, line 2: after that line insert:

2 "SECTION 3225c. 287.23 (5b) (title) and (intro.) of the statutes are amended to  
3 read:

4 287.23 (5b) (title) GRANT AWARD FOR 2000 AND 2001. (intro.) ~~The~~ For 2000 and  
5 2001, the department shall award a grant under this subsection to each eligible  
6 responsible unit that submits a complete grant application under sub. (4) for  
7 expenses allowable under sub. (3) (b). The department shall determine the amount  
8 of the grants under this subsection as follows:

9 SECTION 3225f. 287.23 (5d) of the statutes is created to read:

10 287.23 (5d) GRANT AMOUNT FOR YEARS AFTER 2001. (a) Beginning with grants for  
11 the year 2002, the department shall award a grant under this subsection to each  
12 eligible responsible unit that submits a complete grant application under sub. (4) for  
13 expenses allowable under sub. (3) (b).

14 (b) Except as provided in pars. (c), (d), (e), (f), and (g) and sub. (5p), the  
15 department shall award an eligible responsible unit a grant under this subsection  
16 equal to \$5.30 times the population of the responsible unit.

17 (c) A grant under this subsection may not exceed the allowable expenses under  
18 sub. (3) (b) that the responsible unit incurred in the year 2 years before the year for  
19 which the grant is made.

20 (d) For a county that is the responsible unit for at least 75% of the population  
21 of the county, the department shall award a grant under this subsection equal to the  
22 greater of \$100,000 or the amount determined under par. (a), but not more than the  
23 allowable expenses under sub. (3) (b).

1 (e) For grants for the year 2002, the department shall award a grant to a  
2 responsible unit that received an award in 2001 that is equal to at least 80% of the  
3 amount received in 2001.

4 (f) Beginning with grants for the year 2005, the department shall reduce a  
5 grant calculated under par. (b) by \$1.50 times the population of the responsible unit  
6 if the responsible unit is not eligible for a grant under s. 287.235.

7 (g) If the available funds are insufficient to pay the grant amounts determined  
8 under this subsection, the department shall achieve the necessary reduction in the  
9 total amount of the grants by reducing the amount of each grant determined under  
10 this subsection, except a grant determined under par. (d) or (e), by an equal  
11 percentage.”.

12 ✓ **1354.** Page 1058, line 6: after that line insert:

13 “**SECTION 3226c.** 287.23 (6) of the statutes is renumbered 287.23 (6) (a) and  
14 amended to read:

15 287.23 (6) (a) The Except as provided in par. (b), the department shall disburse  
16 a grant to the applicant after approval, but no later than June 1 of the year for which  
17 the grant is made.

18 **SECTION 3226d.** 287.23 (6) (b) of the statutes is created to read:

19 287.23 (6) (b) For grants for the year 2002, the department shall disburse a  
20 total of \$19,500,000 no later than June 1, 2002, and a total of \$5,000,000 after June  
21 30, 2002, but no later than December 1, 2002.

22 **SECTION 3226k.** 287.235 of the statutes is created to read:

1           **287.235 Recycling efficiency incentive grants.** (1) ELIGIBILITY. Beginning  
2 in fiscal year 2002–03 the department shall make a recycling efficiency incentive  
3 grant to a responsible unit that satisfies all of the following criteria:

4           (a) The responsible unit is one of the following:

5           1. A county.

6           2. A responsible unit, other than a county, with a population of 50,000 or more.

7           3. A responsible unit that is formed by the merger of 3 or more responsible units  
8 or that is the responsible unit for 3 or more municipalities.

9           (b) The responsible unit engages in coordinated program delivery, as specified  
10 under s. 287.03 (1) (f).

11           (2) GRANT AMOUNT. (a) Except as provided in pars. (b) and (c) and sub. (3) (a),  
12 the department shall provide a grant amount to an eligible responsible unit equal to  
13 \$1 times the population of the responsible unit.

14           (b) If the available funds are insufficient to pay the grant amount determined  
15 under par. (a), the department shall achieve the necessary reduction in the total  
16 amount of the grants by reducing the grant amount determined under par. (a) for  
17 each eligible responsible unit by an equal percentage.

18           (c) A grant under this section plus a grant under s. 287.23 may not exceed the  
19 allowable expenses under s. 287.23 (3) (b) that the responsible unit incurred in the  
20 year 2 years before the year for which the grants are made.

21           (3) APPLICATION AND PAYMENT. (a) Applications for grants under this subsection  
22 are due on October 1 of the year preceding the year for which the grant is sought.  
23 If a responsible unit submits its application after that date, the department shall  
24 reduce the grant, or deny the application, as provided in s. 287.23 (5p).

1 (b) The department shall disburse 50% of a grant to the applicant no later than  
2 June 1 of the year for which the grant is made and the balance no later than  
3 December 1 of the year for which the grant is made. For grants for 2002, the  
4 department shall disburse a total of \$3,800,000.

5 **SECTION 3227e.** 287.95 (3) (b) of the statutes is amended to read:

6 287.95 (3) (b) After December 31, 1996, any person who violates s. 287.07 (3)  
7 ~~and, (4), (9), or (10)~~ may be required to forfeit \$50 for a first violation, may be required  
8 to forfeit \$200 for a 2nd violation, and may be required to forfeit not more than \$2,000  
9 for a 3rd or subsequent violation.”

10 ✓ **1355.** Page 1058, line 7: delete lines 7 to 9.

11 ✓ **1356.** Page 1059, line 9: after that line insert:

12 “**SECTION 3228db.** 289.645 (3) (intro.) and (a) of the statutes are consolidated,  
13 renumbered 289.645 (3) and amended to read:

14 289.645 (3) AMOUNT OF RECYCLING FEE. The fee imposed under this section is  
15 as follows: ~~(a) For \$3 per ton for all solid waste other than high-volume industrial~~  
16 ~~waste, 30 cents per ton.”~~

17 ✓ **1357.** Page 1059, line 16: after that line insert:

18 “**SECTION 3229.** 292.11 (9) (e) 1m. f. of the statutes is amended to read:

19 292.11 (9) (e) 1m. f. The local governmental unit acquired the property using  
20 funds appropriated under s. 20.866 (2) (ta) or (tz).

21 **SECTION 3230.** 292.13 (1m) (intro.) of the statutes is amended to read:

22 292.13 (1m) EXEMPTION FROM LIABILITY FOR SOIL CONTAMINATION. (intro.) A  
23 person is exempt from s. 292.11 (3), (4) and (7) (b) and (c) with respect to the existence



1 of a hazardous substance in the soil, including sediments, on property possessed or  
2 controlled by the person if all of the following apply:

3 **SECTION 3231.** 292.15 (2) (a) 4. of the statutes is amended to read:

4 292.15 (2) (a) 4. The If the voluntary party owns or controls the property, the  
5 voluntary party maintains and monitors the property as required under rules  
6 promulgated by the department and any contract entered into under those rules.

7 **SECTION 3232.** 292.15 (2) (ae) 4. of the statutes is amended to read:

8 292.15 (2) (ae) 4. The If the voluntary party owns or controls the property, the  
9 voluntary party maintains and monitors the property as required under rules  
10 promulgated by the department and any contract entered into under those rules.

11 **SECTION 3234.** 292.15 (2) (ag) of the statutes is amended to read:

12 292.15 (2) (ag) *Property affected by off-site discharge.* Except as provided in  
13 sub. (6) or (7), for a property on which there exists a hazardous substance for which  
14 a voluntary party is exempt from liability under s. 292.13 (1) or (1m), a voluntary  
15 party is exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1),  
16 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31  
17 (8), and rules promulgated under those provisions, with respect to discharges of  
18 hazardous substances on or originating from the property, if the release of those  
19 hazardous substances occurred prior to the date on which the department approves  
20 the environmental investigation of the property under par. (a) 1., if par. (a) 1. and 4.  
21 to 6. apply and all of the following occur at any time before or after the date of  
22 acquisition:

23 1. The environment is restored to the extent practicable with respect to the  
24 discharges and the harmful effects from the discharges are minimized in accordance  
25 with rules promulgated by the department and any contract entered into under those

1 rules, except that this requirement does not apply with respect to the hazardous  
2 substance for which the voluntary party is exempt from liability under s. 292.13 (1)  
3 or (1m).

4 2. The voluntary party obtains a certificate of completion from the department  
5 stating that the environment has been satisfactorily restored to the extent  
6 practicable with respect to the discharges and that the harmful effects from the  
7 discharges have been minimized, except with respect to the hazardous substance for  
8 which the voluntary party is exempt from liability under s. 292.13 (1) or (1m).

9 3. The voluntary party obtains a written determination from the department  
10 under s. 292.13 (2) with respect to the hazardous substance for which the voluntary  
11 party is exempt from liability under s 292.13 (1) or (1m).

12 4. The voluntary party continues to satisfy the conditions under s. 292.13 (1)  
13 (d) to (g) or (1m) (d) to (g).

14 **SECTION 3236.** 292.15 (2) (b) 4. of the statutes is created to read:

15 292.15 (2) (b) 4. If the voluntary party does not own or control the property, the  
16 person who owns or controls the property fails to maintain and monitor the property  
17 as required under rules promulgated by the department or any contract entered into  
18 under those rules.”.

19 ✓ **1358.** Page 1060, line 6: after that line insert:

20 **“SECTION 3260b.** 292.35 (1) (am) of the statutes is created to read:

21 292.35 (1) (am) “Financial assistance” means money, other than a loan,  
22 provided by a governmental unit that is not a responsible party to pay a portion of  
23 the cost of investigation and remedial action for a site or facility.

1           **SECTION 3262b.** 292.35 (2) of the statutes is renumbered 292.35 (2) (intro.) and  
2 amended to read:

3           292.35 (2) **APPLICABILITY.** (intro.) This section only applies to a site or facility  
4 if ~~the~~ one of the following criteria is satisfied:

5           (a) The site or facility is owned by a local governmental unit. This section does  
6 not apply to a landfill until January 1, 1996.

7           **SECTION 3263b.** 292.35 (2) (b) of the statutes is created to read:

8           292.35 (2) (b) A local governmental unit that owns a portion of the site or  
9 facility commits itself, by resolution of its governing body, to paying more than 50%  
10 of the amount equal to the difference between the cost of investigation and remedial  
11 action for the site or facility and any financial assistance received for the site or  
12 facility.”.

13 ✓       **1359.** Page 1067, line 7: delete “municipalities” and substitute “the city of  
14 Platteville, the city of Fond du Lac and other municipalities that are”.

15 ✓       **1360.** Page 1067, line 14: delete that line and substitute:

16       “**SECTION 3324db.** 292.77 (4) of the statutes is repealed and recreated to read:  
17       292.77 (4) During the 2001–03 fiscal biennium, the department shall make  
18 \$150,000 available to the City of Platteville and \$250,000 available to the City of  
19 Fond du Lac under sub. (2).”.

20       **1361.** Page 1068, line 2: after that line insert:

21       “**SECTION 3327q.** 301.03 (2p) of the statutes is created to read:

22       301.03 (2p) Offer the same level of alcohol or other drug abuse treatment to  
23 female inmates as to male inmates.”.

24       **1362.** Page 1068, line 2: after that line insert:

(K)

(L)