

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16 **“SECTION 3324db.** 292.77 (4) of the statutes is repealed and recreated to read: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)
PJK
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1 **SECTION 3325k.** 295.33 (4) of the statutes is amended to read:

2 295.33 (4) No person may conduct drilling operations for the exploration for or
3 production of oil or gas ~~from~~ if the drilling extends beneath the beds of the Great
4 Lakes or bays or harbors that are adjacent to the Great Lakes, ~~unless all drilling~~
5 ~~operations originate from locations above and on the landward side of the ordinary~~
6 ~~high water mark and are conducted according to the terms of a written lease~~
7 ~~obtained from the department under,~~ notwithstanding s. 30.20 (2) (b).”.

8 **1363.** Page 1068, line 2: after that line insert:

9 - **SECTION 3325q.** 301.029 (2) (a) of the statutes is amended to read:

10 301.029 (2) (a) The department may not enter into any contract or other
11 agreement if, in the performance of the contract or agreement, a prisoner would
12 perform data entry or telemarketing services and have access to an individual's
13 financial transaction card numbers, checking or savings account numbers; or social
14 security number or to any personal identifying information, as defined in s. 943.201
15 (1) (b), of an individual who is not a prisoner.”.

16 **1364.** Page 1068, line 2: after that line insert:

17 - **SECTION 3327j.** 301.03 (2t) of the statutes is created to read:

18 301.03 (2t) Promote efficient use of resources for alcohol and other drug abuse
19 intervention and treatment services by doing all of the following:

20 (a) Developing one or more methods to evaluate the effectiveness of, and
21 developing performance standards for, alcohol and other drug abuse intervention
22 and treatment services that are administered by the department.

23 (b) Adopting policies to ensure that, to the extent possible under state and
24 federal law, funding for alcohol and other drug abuse intervention and treatment

1 services that are administered by the department is distributed giving primary
2 consideration to the effectiveness of the services in meeting department performance
3 standards for alcohol and other drug abuse services.

4 (c) Requiring every application for funding from the department for alcohol and
5 other drug abuse intervention or treatment services to include a plan for the
6 evaluation of the effectiveness of the services in reducing alcohol and other drug
7 abuse by recipients of the services.

8 (d) Requiring every person receiving funding from the department for alcohol
9 and other drug abuse intervention or treatment services to provide the department
10 the results of the evaluation conducted under par. (c).”.

11 ✓ **1365.** Page 1068, line 3: delete lines 3 to 9.

12 ✓ **1366.** Page 1069, line 25: after that line insert:

13 - “SECTION 3329x. 301.03 (25) of the statutes is created to read:

14 301.03 (25) Jointly, with the department of health and family services, develop
15 a gender-specific program for addressing the individual treatment needs of female
16 inmates.”.

17 ✓ **1367.** Page 1069, line 25: after that line insert:

18 - “SECTION 3330g. 301.03 (34) of the statutes is created to read:

19 301.03 (34) Comply with guidelines established by the U.S. attorney general
20 under 42 USC 13704 (2) in reporting, on a quarterly basis, information regarding the
21 death of any person in the custody of the department, including inmates incarcerated
22 in facilities located outside this state, and provide this information to the Wisconsin
23 attorney general at the same time that it is submitted to the U.S. attorney general.”.

24 ✓ **1368.** Page 1069, line 25: after that line insert:

1 – **SECTION 3330e.** 301.03 (32) of the statutes is created to read:

2 301.03 (32) On its Internet web site that is accessible to the public, publish
3 statistical information regarding adult corrections, including the total adult
4 population; adult population in each institution; commitments to the adult
5 correctional system; releases from the adult correctional system; average adult
6 inmate sentence length; and offenses, race, gender, educational level, marital status,
7 parental status, religion, and county of commitment of adult inmates.

8 – **SECTION 3330f.** 301.03 (33) of the statutes is created to read:

9 301.03 (33) On its Internet web site that is accessible to the public, publish
10 statistical information regarding juvenile corrections, including the total juvenile
11 population; juvenile population in each institution; average juvenile population;
12 admissions to the juvenile correctional system; releases from the juvenile
13 correctional system; and offenses, race, gender, average age, and county of
14 commitment of juveniles.”.

15 ✓ **1369.** Page 1069, line 25: after that line insert:

16 – **SECTION 3330c.** 301.03 (30) of the statutes is created to read:

17 301.03 (30) Create and maintain an inmate tracking system that includes the
18 inmate’s criminal history, medical and mental health history, alcohol and other drug
19 abuse history, victimization history, violence history, education and vocational
20 history, religion, marital status, and status of all of his or her children.

21 **SECTION 3330d.** 301.03 (31) of the statutes is created to read:

22 301.03 (31) Collect and maintain information that determines the number of
23 inmates that return to prison due to a probation or parole revocation and whether

1 the revocation is due to the inmate committing a new crime or violating a condition
2 or rule of probation or parole.”.

3 ✓ **1370.** Page 1070, line 1: delete lines 1 to 9.

4 ✓ **1371.** Page 1070, line 9: after that line insert:

5 –“SECTION 3333j. 301.047 of the statutes is created to read:

6 **301.047 Inmate rehabilitation and aftercare. (1) PROGRAM.** The
7 department may permit one or more nonprofit community-based organizations
8 meeting the requirements of this section to operate an inmate rehabilitation
9 program in any department facility if the department determines that operation of
10 that program does not constitute a threat to the security of the facility or the safety
11 of inmates or the public and that operation of the program is in the best interest of
12 the inmates.

13 **(2) PROGRAM REQUIREMENTS.** (a) An organization seeking to operate a
14 rehabilitation program under sub. (1) shall submit to the department a detailed
15 proposal for the operation of the program. The proposal shall include all of the
16 following:

17 1. A description of the services to be provided, including aftercare services, and
18 a description of the geographic area in which aftercare services will be provided.

19 2. A description of the activities to be undertaken and the approximate daily
20 schedule of programming for inmates participating in the program.

21 3. A statement of the qualifications of the individuals providing services.

22 4. A statement of the organization’s policies regarding eligibility of inmates to
23 participate in the program.

24 5. A statement of the goals of the program.

1 6. A description of the methods by which the organization will evaluate the
2 effectiveness of the program in attaining the goals under subd. 5.

3 7. Any other information specified by the department.

4 (b) An organization seeking to operate a rehabilitation program under sub. (1)
5 shall agree in writing to all of the following:

6 1. The organization may not receive compensation from the department for
7 services provided in the rehabilitation program.

8 2. The organization may not deny an inmate the opportunity to participate in
9 the program for any reason related to the inmate's religious beliefs or nonbelief.

10 3. An inmate may stop participating in the program at any time.

11 4. Upon the inmate's release, the organization shall provide community-based
12 aftercare services for each inmate who completes the program and who resides in the
13 geographic area described in par. (a) 1.

14 **(3) DUTIES AND AUTHORITY OF THE DEPARTMENT.** (a) The department shall
15 establish policies that provide an organization operating a rehabilitation program
16 under sub. (1) reasonable access to inmates.

17 (b) The department shall designate a specific portion of the facility for
18 operation of a rehabilitation program, if one is established, under sub. (1). To the
19 extent possible, inmates participating in the program shall be housed in the portion
20 of the facility in which the program is operated.

21 (c) The department may not require an inmate to participate in a rehabilitation
22 program under sub. (1).

23 (d) The department may not base any decision regarding an inmate's conditions
24 of confinement, including discipline, or an inmate's eligibility for release, on an

1 inmate's decision to participate or not to participate in a rehabilitation program
2 under sub. (1).

3 (e) The treatment of inmates, including the provision of housing, activities in
4 which an inmate may participate, freedom of movement, and work assignments,
5 shall be substantially the same for inmates who participate in a rehabilitation
6 program under sub. (1) and inmates who do not participate in such a program.

7 (f) The department may restrict an inmate's participation in a rehabilitation
8 program under sub. (1) only if the restriction is necessary for the security of the
9 facility or the safety of the inmates or the public.

10 (g) The department may suspend or terminate operation of a rehabilitation
11 program under sub. (1) if the organization operating the program fails to comply with
12 any of the requirements under this section and shall suspend or terminate the
13 operation of a program if the department determines that suspension or termination
14 of the program is necessary for the security of the facility or the safety of the inmates
15 or the public or is in the best interests of the inmates.

16 (h) 1. Except as provided in subd. 2., if an organization operating a
17 rehabilitation program under sub. (1) promotes or informs the department that the
18 organization intends to promote sectarian worship, instruction, or proselytization in
19 connection with the rehabilitation program, the department shall permit all other
20 religious organizations meeting the requirements of this section to operate an
21 inmate rehabilitation program under sub. (1).

22 2. The department is not required under subd. 1. to permit a religious
23 organization to operate an inmate rehabilitation program under sub. (1) if the
24 department determines that the organization's operation of that program

1 constitutes a threat to the security of the facility or the safety of the inmates or the
2 public.

3 (4) EVALUATION. The department shall evaluate or contract with a public or
4 private agency for an evaluation of the effectiveness of each rehabilitation program
5 operated under sub. (1) in reducing recidivism and alcohol and other drug abuse
6 among program participants. The department shall collect the data and information
7 necessary to evaluate the program. No later than 3 years from the date on which the
8 rehabilitation program begins operating, the department shall submit a report of the
9 evaluation to the governor and to the appropriate standing committees of the
10 legislature, as determined by the speaker of the assembly and the president of the
11 senate, under s. 13.172 (3).

12 (5) SUSPENSION OR TERMINATION OF AN INMATE'S PARTICIPATION. Notwithstanding
13 sub. (2) (b) 2., an organization operating a rehabilitation program under sub. (1) may
14 suspend or terminate an inmate's participation in a program for reasons unrelated
15 to religious beliefs, including the inmate's failure to participate meaningfully in the
16 program.

17 – SECTION 3334j. 301.065 of the statutes is created to read:

18 **301.065 Religious organizations; contract powers.** (1) RELIGIOUS
19 ORGANIZATIONS; LEGISLATIVE PURPOSE. The purpose of this section is to allow the
20 department to contract with, or award grants to, religious organizations, under any
21 program administered by the department relating to the prevention of delinquency
22 and crime or the rehabilitation of offenders, on the same basis as any other
23 nongovernmental provider, without impairing the religious character of such
24 organizations, and without diminishing the religious freedom of beneficiaries of
25 assistance funded under such program.

1 **(2) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.** If the department is
2 authorized under ch. 16 to contract with a nongovernmental entity, or to award
3 grants to a nongovernmental entity, religious organizations are eligible, on the same
4 basis as any other private organization, to be contractors and grantees under any
5 program administered by the department so long as the programs are implemented
6 consistently with the first amendment to the U.S. Constitution and article I, section
7 18, of the Wisconsin constitution. Except as provided in sub. (11), the department
8 may not discriminate against an organization that is or applies to be a contractor or
9 grantee on the basis that the organization does or does not have a religious character
10 or because of the specific religious nature of the organization.

11 **(3) RELIGIOUS CHARACTER AND FREEDOM.** (a) The department shall allow a
12 religious organization with which the department contracts or to which the
13 department awards a grant to retain its independence from government, including
14 the organization's control over the definition, development, practice, and expression
15 of its religious beliefs.

16 (b) The department may not require a religious organization to alter its form
17 of internal governance or to remove religious art, icons, scripture, or other symbols
18 to be eligible for a contract or grant.

19 **(4) RIGHTS OF BENEFICIARIES OF ASSISTANCE.** (a) If the department contracts with
20 or awards grants to a religious organization for the provisions of crime prevention
21 or offender rehabilitation assistance under a program administered by the
22 department, an individual who is eligible for this assistance shall be informed in
23 writing that assistance of equal value and accessibility is available from a
24 nonreligious provider upon request.

1 (b) The department shall provide an individual who is otherwise eligible for
2 assistance from an organization described under par. (a) with assistance of equal
3 value from a nonreligious provider if the individual objects to the religious character
4 of the organization described under par. (a) and requests assistance from a
5 nonreligious provider. The department shall provide such assistance within a
6 reasonable period of time after the date of the objection and shall ensure that it is
7 accessible to the individual.

8 **(6) NONDISCRIMINATION AGAINST BENEFICIARIES.** A religious organization may not
9 discriminate against an individual in regard to rendering assistance that is funded
10 under any program administered by the department on the basis of religion, a
11 religious belief or nonbelief, or a refusal to actively participate in a religious practice.

12 **(7) FISCAL ACCOUNTABILITY.** (a) Except as provided in par. (b), any religious
13 organization that contracts with, or receives a grant from, the department is subject
14 to the same laws and rules as other contractors and grantees regarding accounting,
15 in accord with generally accepted auditing principles, for the use of the funds
16 provided under such programs.

17 (b) If the religious organization segregates funds provided under programs
18 administered by the department into separate accounts, only the financial
19 assistance provided with those funds shall be subject to audit.

20 **(8) COMPLIANCE.** Any party that seeks to enforce its rights under this section
21 may bring a civil action for injunctive relief against the entity that allegedly commits
22 the violation.

23 **(9) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.** No funds provided
24 directly to religious organizations by the department may be expended for sectarian
25 worship, instruction, or proselytization.

1 (10) CERTIFICATION OF COMPLIANCE. Every religious organization that contracts
2 with, or receives a grant from, the department to provide delinquency and crime
3 prevention or offender rehabilitation services to eligible recipients shall certify in
4 writing that it has complied with the requirements of subs. (6) and (9) and submit
5 to the department a copy of this certification and a written description of the policies
6 the organization has adopted to ensure that it has complied with the requirements
7 under subs. (6) and (9).

8 (11) PREEMPTION. Nothing in this section may be construed to preempt any
9 other statute that prohibits or restricts the expenditure of federal or state funds by
10 or the granting of federal or state funds to religious organizations.”

11 ✓ **1372.** Page 1071, line 1: delete lines 1 to 4 and substitute:

12 “(b) “Correctional facility” means an institution or facility, or a portion of an
13 institution or facility, that is used to confine juveniles alleged or found to be
14 delinquent or a prison, jail, house of correction, or lockup facility but does not include
15 a secured group home, as defined in s. 938.02 (15p).”

16 ✓ **1373.** Page 1073, line 12: delete lines 12 to 19 and substitute:

17 “**SECTION 3344e.** 301.26 (7) (a) (intro.) of the statutes is renumbered 301.26 (7)
18 (a) and amended to read:

19 301.26 (7) (a) For community youth and family aids under this section,
20 amounts not to exceed ~~\$42,091,800~~ \$43,615,200 for the last 6 months of ~~1999,~~
21 ~~\$85,183,700 for 2000~~ 2001, \$87,760,300 for 2002, and ~~\$43,091,900~~ \$44,145,100 for
22 the first 6 months of ~~2001~~ 2003.

23 (b) Of ~~these~~ the amounts specified in par. (a), the department shall allocate
24 ~~\$1,000,000~~ \$2,000,000 for the last 6 months of ~~1999,~~ ~~\$3,000,000 for 2000~~ and

1 \$2,000,000 2001, \$4,000,000 for 2002, and \$2,000,000 for the first 6 months of 2001
2 2003 to counties based on each of the following factors weighted equally:

3 - **SECTION 3344f.** 301.26 (7) (a) 1. to 3. of the statutes are renumbered 301.26 (7)
4 (b) 1. to 3.

5 **SECTION 3344g.** 301.26 (7) (c) of the statutes is created to read:

6 301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate
7 \$523,300 for the last 6 months of 2001, \$1,576,600 for 2002, and \$1,053,300 for the
8 first 6 months of 2003 to counties based on each of the factors specified in par. (b) 1.
9 to 3. weighted equally, except that no county may receive an allocation under this
10 paragraph that is less than 93% nor more than 115% of the amount that the county
11 would have received under this paragraph if the allocation had been distributed only
12 on the basis of the factor specified in par. (b) 3.”.

13 **1374.** Page 1076, line 7: after that line insert:

14 **SECTION 3352u.** 301.46 (2s) of the statutes is created to read:

15 301.46 (2s) PROVIDING INFORMATION TO THE UNIVERSITY OF WISCONSIN SYSTEM.

16 (a) In this subsection:

17 1. “Board of regents” means the board of regents of the University of Wisconsin
18 System.

19 2. “University of Wisconsin employee” means a person employed by the board
20 of regents.

21 3. “University of Wisconsin student” means a person attending an institution
22 within the University of Wisconsin System.

23 (b) When a University of Wisconsin employee or student registers with the
24 department under s. 301.45 (2) or a person who is registered with the department

1 under s. 301.45 (2) becomes a University of Wisconsin employee or student, the
2 department shall immediately provide in writing the following information about
3 the person to the board of regents:

4 1. The person's name, including any aliases used by the person.

5 2. Information sufficient to identify the person, including date of birth, gender,
6 race, height, weight, and hair and eye color.

7 3. The statute that the person violated, the date of conviction, adjudication, or
8 commitment, and the county or, if the state is not this state, the state in which the
9 person was convicted, adjudicated, or committed.

10 4. The address at which the person is residing.

11 5. If the person is a University of Wisconsin employee, the name and address
12 of any institution at which the person works.

13 6. If the person is a University of Wisconsin student, the name and address of
14 the institution that the person attends.

15 7. The most recent date on which the information under s. 301.45 was updated.

16 (c) When an individual described in par. (b) (intro.) updates information under
17 s. 301.45 (4), the department shall immediately provide the updated information in
18 writing to the board of regents.

19 **SECTION 3352w.** 301.46 (5) (a) (intro.) of the statutes is amended to read:

20 301.46 (5) (a) (intro.) The department or a police chief or sheriff may provide
21 the information specified in par. (b) concerning a specific person required to register
22 under s. 301.45 to a person who is not provided notice or access under subs. sub. (2)
23 ~~to~~, (2m), (3), or (4) if, in the opinion of the department or the police chief or sheriff,
24 providing the information is necessary to protect the public and if the person
25 requesting the information does all of the following:"

1 ✓ **1375.** Page 1076, line 7: after that line insert:

2 "SECTION 3352r. 301.46 (4) (d) of the statutes is created to read:

3 301.46 (4) (d) The department shall coordinate with the department of health
4 and family services the sharing of address information of persons regarding whom
5 notification bulletins are issued under sub. (2m) (a) or (am)."

6 ✓ **1376.** Page 1077, line 8: delete lines 8 to 16.

7 ✓ **1377.** Page 1077, line 23: after that line insert:

8 "SECTION 3354j. 302.11 (1g) (b) 2. of the statutes is amended to read:

9 302.11 (1g) (b) 2. Refusal by the inmate to participate in counseling or
10 treatment that the social service and clinical staff of the institution determines is
11 necessary for the inmate, including pharmacological treatment using an
12 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious
13 child sex offender as defined in s. 304.06 (1q) (a). The parole commission may not
14 deny presumptive mandatory release to an inmate because of the inmate's refusal
15 to participate in a rehabilitation program under s. 301.047."

16 ✓ **1378.** Page 1078, line 3: delete lines 3 to 11.

17 ✓ **1379.** Page 1078, line 17: delete the material beginning with that line and
18 ending on page 1080, line 2.

19 ✓ **1380.** Page 1080, line 3: delete lines 3 to 6.

20 ✓ **1381.** Page 1080, line 7: delete lines 7 to 11.

21 ✓ **1382.** Page 1080, line 20: delete the material beginning with that line and
22 ending with page 1083, line 21.

1 ✓ **1383.** Page 1084, line 4: delete the material beginning with that line and
2 ending with page 1086, line 9.

3 ✓ **1384.** Page 1088, line 5: delete lines 5 to 11 and substitute:

4 “SECTION **3386d.** 302.18 (7) of the statutes is amended to read:

5 302.18 (7) Except as provided in s. 973.013 (3m), the department shall keep all
6 ~~prisoners~~ a person under 15 years of age who has been sentenced to the Wisconsin
7 state prisons in a secured juvenile correctional facilities or facility or a secured child
8 caring institutions institution, but the department may transfer ~~them~~ that person
9 to an adult correctional institutions institution after they attain the person attains
10 15 years of age. The department may not transfer any person under 18 years of age
11 to the correctional institution authorized in s. 301.16 (1n).”.

12 ✓ **1385.** Page 1088, line 12: delete lines 12 to 16.

13 ✓ **1386.** Page 1088, line 24: delete that line.

14 ✓ **1387.** Page 1089, line 1: delete lines 1 to 4.

15 ✓ **1388.** Page 1090, line 13: after that line insert:

16 “SECTION **3389gm.** 303.04 of the statutes is amended to read:

17 **303.04 Correctional farms.** The board of commissioners of public lands, the
18 department of natural resources, the department of forestry, and the department
19 may select from the state forest reserves a quantity of land not to exceed 5,000 acres
20 and convert the same into farms for the state prisons.”.

21 ✓ **1389.** Page 1093, line 12: delete lines 12 to 22.

22 ✓ **1390.** Page 1094, line 6: after that line insert:

23 “SECTION **3390u.** 340.01 (4) (a) of the statutes is amended to read:

1 340.01 (4) (a) Type 1 is a motor vehicle designed and used primarily for carrying
2 persons but which does not come within the definition of a low-speed vehicle, motor
3 bus, motorcycle, moped or motor bicycle.

4 **SECTION 3390v.** 340.01 (19d) of the statutes is created to read:

5 340.01 (19d) “Golf cart” means a vehicle whose speed attainable in one mile
6 does not exceed 20 miles per hour on a paved, level surface, and is used to convey one
7 or more persons and equipment to play the game of golf in an area designated as a
8 golf course.

9 **SECTION 3390x.** 340.01 (27m) of the statutes is created to read:

10 340.01 (27m) “Low-speed vehicle” means a low-speed vehicle, as defined in 49
11 CFR 571.3, that satisfies the equipment standards under 49 CFR 571.500 and which
12 was originally manufactured to meet the applicable equipment standards under 49
13 CFR 571.500. “Low-speed vehicle” does not include a golf cart.

14 **SECTION 3390y.** 341.067 of the statutes is amended to read:

15 **341.067 Registration of special vehicles.** The department shall register a
16 specially designed vehicle which is authorized for operation by a person holding a
17 special restricted operator’s license under s. 343.135 if the special vehicle meets the
18 equipment standards established under s. 347.02 (6) or (8).”.

19 **1391.** Page 1094, line 6: after that line insert:

20 **SECTION 3390v.** 341.09 (8) of the statutes is amended to read:

21 341.09 (8) The department may issue a temporary operation plate to a person
22 who is eligible for the issuance of a special plate for a motorcycle under s. 341.14 (1e)
23 if the department determines that the person’s disability is temporary. The plate
24 shall contain the information specified in sub. (1m) and comply with s. 341.13 (2m).

1 if applicable. The plate shall otherwise be similar to or identical to plates issued
2 under s. 341.14 (1e). No charge in addition to the registration fee may be made for
3 the issuance of a plate under this subsection.

4 **SECTION 3390v.** 341.13 (2m) of the statutes is created to read:

5 341.13 (2m) A registration plate issued for a motorcycle shall have a white
6 background and black lettering and shall be 4 inches by 7 inches in size. No plates
7 may be issued under this subsection until the manufacturer of such plates for the
8 department has depleted the existing stock of sheeting material used to manufacture
9 the plates or until July 1, 2003, whichever occurs first.”.

10 **1392.** Page 1094, line 6: after that line insert:

11 **SECTION 3390v.** 340.01 (3) (b) of the statutes is amended to read:

12 340.01 (3) (b) Conservation wardens' vehicles, state forest rangers' vehicles or
13 foresters' trucks, whether publicly or privately owned.”.

14 **1393.** Page 1094, line 20: on lines 20 and 21, delete “55., or 56.” and substitute
15 “or 55.”.

16 **1394.** Page 1095, line 4: on lines 4 and 20, delete “55., or 56.” and substitute
17 “or 55.”.

18 **1395.** Page 1098, line 7: delete lines 7 to 19.

19 **1396.** Page 1098, line 20: delete the material beginning with “statutes” and
20 ending with “(this act),” on line 21 and substitute “statutes”.

21 **1397.** Page 1098, line 24: delete “55., or 56.” and substitute “or 55.”.

22 **1398.** Page 1099, line 2: delete “55., or 56.” and substitute “or 55.”.

1 ✓ **1399.** Page 1101, line 10: delete the material beginning with that line and
2 ending on page 1103, line 14.

3 ✓ **1400.** Page 1103, line 14: after that line insert:

4 “SECTION 3406p. 341.14 (6w) of the statutes is created to read:

5 341.14 (6w) Upon application to register a motorcycle by any person who is a
6 resident of this state and a veteran of the U.S. armed forces, the department shall
7 issue to the person a special plate whose colors and design shall indicate that the
8 vehicle is owned by a veteran of the U.S. armed forces. The department shall specify
9 the design of the special plate. Notwithstanding s. 341.13 (2m), the special plate
10 shall be colored red, white, and blue and be 4 inches by 7 inches in size. An additional
11 fee of \$15 shall be charged for the issuance or reissuance of the plate.”

12 ✓ **1401.** Page 1103, line 23: after that line insert:

13 “SECTION 3407e. 341.25 (title) of the statutes is amended to read:

14 341.25 (title) **Annual and biennial registration fees; ~~biennial~~**
15 **motorcycle fees.**

16 SECTION 3407h. 341.25 (1) (b) of the statutes is amended to read:

17 341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds
18 or less, except a specially designed vehicle under s. 341.067, which is designed for the
19 transportation of persons rather than property, and for each low-speed vehicle, a
20 biennial fee of \$23.

21 SECTION 3407p. 341.297 (1) of the statutes is amended to read:

22 341.297 (1) A motorcycle ~~or~~ moped, or low-speed vehicle, as specified in s.
23 341.25 (1) (b).

24 SECTION 3407r. 341.31 (1) (b) 5. of the statutes is amended to read:

1 341.31 (1) (b) 5. The vehicle is a motorcycle ~~which~~ or low-speed vehicle that has
2 been transferred or leased to the applicant and for which a current registration
3 ~~plates~~ plate had been issued to the previous owner; or

4 **SECTION 3407v.** 341.31 (4) (c) of the statutes is amended to read:

5 341.31 (4) (c) A person retaining a ~~set of plates~~ plate removed from a motorcycle
6 or low-speed vehicle may receive credit for the unused portion of the registration fee
7 paid when registering a ~~replacement motoreyele~~ vehicle of the same type.”.

8 **1402.** Page 1103, line 23: after that line insert:

9 **SECTION 3407g.** 341.145 (1) (f) of the statutes is created to read:

10 341.145 (1) (f) A registration plate of the same color and design as provided in
11 s. 341.14 (6w) for a vehicle specified in s. 341.14 (6w), which displays a registration
12 number composed of numbers or letters, or both, not exceeding 5 positions and not
13 less than one position, requested by an applicant.

14 **SECTION 3407n.** 341.145 (1g) (e) of the statutes is created to read:

15 341.145 (1g) (e) The department may issue personalized registration plates
16 under sub. (1) (f) to a person who qualifies for special plates under s. 341.14 (6w).

17 **SECTION 3407s.** 341.16 (1) (b) of the statutes is amended to read:

18 341.16 (1) (b) Upon satisfactory proof of the loss or destruction of a special plate
19 issued under s. 341.14 (6m) (a) ~~or~~, (6r) (b), or (6w) or a special personalized plate
20 issued under s. 341.145 (1) (b) ~~or~~, (c), or (f) and upon payment of a fee of \$5 for each
21 plate or, if the plate is for a special group specified under s. 341.14 (6r) (f) 35. to 47.
22 or 53., \$6 for each plate, the department shall issue a replacement.”.

23 **1403.** Page 1103, line 23: after that line insert:

24 **SECTION 3407m.** 341.65 (2) (b) of the statutes is amended to read:

1 341.65 (2) (b) Any municipal or university police officer, sheriff's deputy, county
2 traffic patrolman, state traffic officer, state forest ranger or conservation warden who
3 discovers any unregistered motor vehicle located upon any highway may cause the
4 motor vehicle to be immobilized with an immobilization device or removed to a
5 suitable place of impoundment. Upon immobilization or removal of the motor
6 vehicle, the officer, state forest ranger or conservation warden shall notify the sheriff
7 or chief of police of the location of the immobilized or impounded motor vehicle and
8 the reason for the immobilization or impoundment.”.

9 ✓ **1404.** Page 1104, line 13: after that line insert:

10 “SECTION 3408t. 342.15 (4) (a) of the statutes is amended to read:

11 342.15 (4) (a) If the vehicle being transferred is a motorcycle or low-speed
12 vehicle or an automobile registered under s. 341.27 or a motor home or a motor truck,
13 dual purpose motor home, or dual purpose farm truck which has a gross weight of
14 not more than 8,000 pounds or a farm truck which has a gross weight of not more than
15 12,000 pounds, the owner shall remove the registration plate or plates and retain and
16 preserve ~~them~~ the plate or plates for use on any other vehicle of the same type and
17 gross weight which may subsequently be registered in his or her name.

18 ✓ **SECTION 3408v.** 342.34 (1) (c) of the statutes is amended to read:

19 342.34 (1) (c) If the vehicle is a motorcycle or low-speed vehicle or an
20 automobile registered under s. 341.27 or a motor home or a motor truck, dual purpose
21 motor home, or dual purpose farm truck which has a gross weight of not more than
22 8,000 pounds or a farm truck which has a gross weight of not more than 12,000
23 pounds, the owner shall remove the registration plate or plates and retain and
24 preserve ~~them~~ the plate or plates for use on any other vehicle of the same type which

1 may subsequently be registered in his or her name. If the vehicle is not a motorcycle
2 or low-speed vehicle or an automobile registered under s. 341.27, or a motor home
3 or a motor truck, dual purpose motor home, or dual purpose farm truck which has
4 a gross weight of not more than 8,000 pounds or a farm truck which has a gross
5 weight of not more than 12,000 pounds, he or she shall remove and destroy the plate
6 or plates.

7 **SECTION 3408y.** 343.08 (1) (a) and (2) (a) of the statutes are amended to read:

8 343.08 (1) (a) The department must be satisfied that it is necessary for the
9 applicant to operate an automobile, farm truck, dual purpose farm truck, low-speed
10 vehicle, Type 1 motorcycle powered with an engine of not more than 125 cubic
11 centimeters displacement, Type 2 motorcycle, moped or motor bicycle owned and
12 registered by the applicant's parent or guardian or a farm truck leased to the
13 applicant's parent or guardian.

14 (2) (a) A restricted license issued pursuant to this section is valid only until the
15 licensee secures an operator's license issued pursuant to s. 343.03 or reaches 18 years
16 of age and, except as provided in par. (b), entitles the licensee to operate an
17 automobile, farm truck, dual purpose farm truck, low-speed vehicle, Type 1
18 motorcycle powered with an engine of not more than 125 cubic centimeters
19 displacement, Type 2 motorcycle, moped or motor bicycle owned and registered by
20 the licensee's parent or guardian or a farm truck leased to the licensee's parent or
21 guardian or any combination of these vehicles, depending on the restrictions placed
22 by the department on the particular license.”

23 **1405.** Page 1104, line 13: after that line insert:

24 **SECTION 3408t.** 342.40 (3) (a) of the statutes is amended to read:

1 342.40 (3) (a) Any municipal or university police officer, police officer appointed
2 under s. 16.84 (2), sheriff's deputy, county traffic patrolman, state traffic officer, state
3 forest ranger or conservation warden who discovers any motor vehicle, trailer,
4 semitrailer, or mobile home on any public highway or private or public property
5 which has been abandoned shall cause the vehicle to be removed to a suitable place
6 of impoundment. Upon removal of the vehicle the officer, state forest ranger or
7 conservation warden shall notify the sheriff or chief of police of the abandonment and
8 of the location of the impounded vehicle.”.

9 ✓ **1406.** Page 1106, line 2: after that line insert:

10 “~~SECTION 3409n.~~ 343.135 (2) (a) 1. of the statutes is amended to read:

11 343.135 (2) (a) 1. Motor bicycles or mopeds; ~~or~~.

12 **SECTION 3409r.** 343.135 (2) (a) 1m. of the statutes is created to read:

13 343.135 (2) (a) 1m. Low-speed vehicles.”.

14 ✓ **1407.** Page 1118, line 21: after that line insert:

15 “**SECTION 3427t.** 345.11 (1t) of the statutes is created to read:

16 345.11 (1t) The uniform traffic citation may be used by a traffic officer
17 employed under s. 110.07 for a violation of s. 167.10 (3) (a) when committed on a
18 highway.

19 ✓ **SECTION 3427tg.** 345.20 (2) (h) of the statutes is created to read:

20 345.20 (2) (h) Sections 23.50 to 23.85 apply to actions in circuit court to recover
21 forfeitures for violations of s. 167.10 (3) (a). No demerit points may be assessed
22 against the driving record of a person convicted of a violation of s. 167.10 (3) (a). No
23 report of conviction of a violation of s. 167.10 (3) (a) may be forwarded to the
24 department.”.

1 ✓ **1408.** Page 1125, line 10: after that line insert:

2 "SECTION ~~3442d.~~ 346.16 (2) (a) of the statutes is amended to read:

3 346.16 (2) (a) Except as provided in par. (b), no pedestrian or person riding a
4 bicycle or other nonmotorized vehicle and no person operating a low-speed vehicle,
5 moped or motor bicycle may go upon any expressway or freeway when official signs
6 ~~have been erected~~ prohibiting such person from using the expressway or freeway
7 have been erected as provided in s. 349.105."

8 ✓ **1409.** Page 1129, line 6: after that line insert:

9 "SECTION ~~3445c.~~ 346.94 (18) of the statutes is created to read:

10 346.94 (18) LOW-SPEED VEHICLES ON ROADWAY. (a) A person may operate a
11 low-speed vehicle upon any roadway that is under the jurisdiction of a local
12 authority and that has a speed limit of 25 or less miles per hour.

13 (b) No person may operate a low-speed vehicle upon any roadway that is under
14 the jurisdiction of a local authority and that has a speed limit of more than 25 miles
15 per hour but not more than 35 miles per hour unless the roadway is designated for
16 low-speed vehicle operation by municipal or county ordinance enacted under s.
17 349.237 (1).

18 (c) No person may operate a low-speed vehicle upon any highway that has a
19 speed limit of more than 35 miles per hour. Except at crossings authorized under s.
20 349.237 (2), and at intersections where traffic is controlled by an official traffic
21 control device, no person may operate a low-speed vehicle upon a state trunk
22 highway or connecting highway. This paragraph does not apply to vehicles
23 registered under s. 341.26 (2m) or vehicles exempted from this paragraph by the
24 department by rule.

1 **SECTION 3445d.** 346.95 (8) of the statutes is created to read:

2 346.95 (8) Any person violating s. 346.94 (18) may be required to forfeit not less
3 than \$30 nor more than \$300.

4 **SECTION 3445e.** 347.02 (8) of the statutes is created to read:

5 347.02 (8) Notwithstanding the requirements of this chapter or s. 340.01
6 (27m), the department may, by rule, establish for low-speed vehicles special
7 equipment standards that differ from the equipment standards established under
8 this chapter. Special equipment standards established under this subsection shall
9 be identical to the federal standards established in 49 CFR 571.500, except that the
10 department may establish additional standards for equipment not required under
11 49 CFR 571.500.”.

12 **1410.** Page 1129, line 6: after that line insert:

13 **SECTION 3445dg.** 347.14 (2) of the statutes is amended to read:

14 347.14 (2) A stop lamp shall be so constructed as to be actuated upon
15 application of the service or foot brake or separate trailer brake and shall emit a red
16 ~~or amber~~ light. The stop lamp for a motorcycle may emit, in addition to the red light,
17 a blue light that is located in the center of the lamp and that comprises less than 10%
18 of the surface area of the lamp. A stop lamp under this subsection shall be plainly
19 visible and understandable from all distances up to 300 feet to the rear during
20 normal sunlight when viewed from the driver’s seat of the vehicle following.

21 **SECTION 3445dm.** 347.25 (4) of the statutes is amended to read:

22 347.25 (4) No Except as provided in s. 347.14 (2), no vehicle may be equipped
23 with or display any blue colored light or lamp unless the vehicle is used in police work

1 authorized by the state or a political subdivision of the state or is used by a fire
2 department as authorized under sub. (1s).”

3 **1411.** Page 1129, line 6: after that line insert:

4 “**SECTION 3445c.** 347.06 (1) of the statutes is amended to read:

5 347.06 (1) Except as provided in subs. (2) ~~and~~, (4), and (5), no person may
6 operate a vehicle upon a highway during hours of darkness unless all headlamps, tail
7 lamps, and clearance lamps with which such vehicle is required to be equipped are
8 lighted. Parking lamps as defined in s. 347.27 shall not be used for this purpose.

9 **SECTION 3445d.** 347.06 (5) of the statutes is created to read:

10 347.06 (5) A state forest ranger appointed under s. 28.92 may operate a vehicle
11 owned or leased by the department of forestry upon a highway during hours of
12 darkness without lighted headlamps, tail lamps, or clearance lamps in the
13 performance of his or her duties.”

14 **1412.** Page 1130, line 24: after that line insert:

15 “**SECTION 3445p.** 348.16 (3) of the statutes is amended to read:

16 348.16 (3) Any motor vehicle whose operation is pickup or delivery, including
17 operation for the purpose of moving or delivering supplies or commodities to or from
18 any place of business or residence that has an entrance on a class “B” highway, may
19 pick up or deliver on a class “B” highway ~~if the gross weight imposed on the highway~~
20 ~~by the wheels of any one axle does not exceed 16,500 pounds, subject to the approval~~
21 ~~of the county highway commissioner or the county highway committee in the case of~~
22 highways maintained by the county without complying with the gross vehicle weight
23 limitations imposed by sub. (2).”

24 **1413.** Page 1133, line 9: after that line insert:

1 **SECTION 3456.** 348.27 (10) of the statutes is amended to read:

2 **348.27 (10) TRANSPORTATION OF GRAIN OR COAL OR IRON.** The department may
3 issue annual or consecutive month permits for the transportation of loads of grain,
4 as defined in s. ~~127.01 (18)~~ 126.01 (13), coal, iron ore concentrates or alloyed iron on
5 a vehicle or a combination of 2 or more vehicles that exceeds statutory weight or
6 length limitations and for the return of the empty vehicle or combination of vehicles
7 over any class of highway for a distance not to exceed 5 miles from the Wisconsin state
8 line. If the roads desired to be used by the applicant involve streets or highways other
9 than those within the state trunk highway system, the application shall be
10 accompanied by a written statement of route approval by the officer in charge of
11 maintenance of the other highway. This subsection does not apply to highways
12 designated as part of the national system of interstate and defense highways.”

13 ✓ **1414.** Page 1134, line 14: after that line insert:

14 **SECTION 3456mg.** 349.06 (4) of the statutes is created to read:

15 **349.06 (4)** Any municipality or county may enact and enforce an ordinance that
16 regulates the equipment of a low-speed vehicle if the ordinance strictly conforms to
17 rules promulgated under s. 347.02 (8). An ordinance that incorporates by reference
18 existing and future amendments of rules promulgated under s. 347.02 (8) shall be
19 considered to be in strict conformity and not contrary to or inconsistent with s. 347.02
20 (8) and rules promulgated under that subsection.”

21 ✓ **1415.** Page 1134, line 15: delete lines 15 to 20.

22 ✓ **1416.** Page 1134, line 20: after that line insert:

23 **SECTION 3456nm.** 349.105 of the statutes is amended to read:

1 **349.105 Authority to prohibit certain traffic on expressways and**
2 **freeways.** The authority in charge of maintenance of an expressway or freeway
3 may, by order, ordinance or resolution, prohibit the use of such expressway or
4 freeway by pedestrians, persons riding bicycles or other nonmotorized traffic or by
5 persons operating low-speed vehicles, mopeds or motor bicycles. The state or local
6 authority adopting any such prohibitory regulation shall erect and maintain official
7 signs giving notice thereof on the expressway or freeway to which such prohibition
8 applies.”.

9 ✓ **1417.** Page 1134, line 22: after that line insert:

10 “**SECTION 3456s.** 349.237 of the statutes is created to read:

11 **349.237 Authority to regulate operation of low-speed vehicles.** The
12 governing body of any municipality or county may by ordinance do any of the
13 following:

14 (1) Designate any roadway under its jurisdiction having a speed limit of more
15 than 25 miles per hour but not more than 35 miles per hour upon which a low-speed
16 vehicle may be operated.

17 (2) Designate locations for low-speed vehicles to cross a state trunk highway
18 or connecting highway that is not a controlled-access highway. A municipality or
19 county may erect official signs or mark a crossing designated under this subsection
20 only as directed by the department.”.

21 ✓ **1418.** Page 1134, line 23: after that line insert:

22 “**SECTION 3457m.** 350.01 (9g) of the statutes is amended to read:

1 350.01 (9g) “Law enforcement officer” has the meaning specified under s.
2 165.85 (2) (c) and includes a person appointed as a conservation warden by the
3 department under s. 23.10 (1) or a state forest ranger appointed under s. 28.92.”.

4 ✓ **1419.** Page 1140, line 11: after that line insert:

5 “SECTION 3483m. 350.12 (4) (b) (intro.) of the statutes, as affected by 2001
6 Wisconsin Act (this act), is amended to read:

7 350.12 (4) (b) *Trail aids and related costs.* (intro.) The moneys appropriated
8 under ~~s. ss.~~ 20.370 (1) (mq) and (5) (cb), (cr), (cs), and (cw) and 20.375 (3) (sg) shall
9 be used for development and maintenance, the cooperative snowmobile sign
10 program, major reconstruction or rehabilitation to improve bridges on existing
11 approved trails, trail rehabilitation, signing of snowmobile routes, and state
12 snowmobile trails, and areas and distributed as follows:”.

13 ✓ **1420.** Page 1140, line 19: after that line insert:

14 “SECTION 3484m. 350.12 (4) (bg) 1. of the statutes, as affected by 2001
15 Wisconsin Act (this act), is amended to read:

16 350.12 (4) (bg) 1. Of the moneys appropriated under s. 20.370 (5) (cs), the
17 department of natural resources shall make available in fiscal year 2001–02 and
18 each fiscal year thereafter an amount equal to the amount calculated under s. 25.29
19 (1) (d) 2. to make payments to itself, to the department of forestry, or to a county under
20 par. (bm) for trail maintenance costs incurred in the previous fiscal year that exceed
21 the maximum specified under par. (b) 1. before expending any of the amount for the
22 other purposes specified in par. (b).”.

23 ✓ **1421.** Page 1141, line 4: after that line insert:

24 “SECTION 3485c. 350.12 (4) (bm) (intro.) of the statutes is amended to read:

1 350.12 (4) (bm) *Supplemental trail aid payments; eligibility.* (intro.) A county
2 ~~or~~, the department of forestry, or the department of natural resources shall be eligible
3 for payments under par. (bg) if it applies for the aid and if all of the following apply:

4 **SECTION 3485g.** 350.12 (4) (bm) 1. of the statutes is amended to read:

5 350.12 (4) (bm) 1. The actual cost incurred by the department of forestry, the
6 department of natural resources, or the county in maintaining its trails that are
7 qualified under par. (b) 1. or 4. in the previous fiscal year exceeds the maximum of
8 \$250 per mile per ~~year~~ under par. (b) 1.

9 **SECTION 3485n.** 350.12 (4) (bm) 2. of the statutes is amended to read:

10 350.12 (4) (bm) 2. Of the actual cost incurred by the department of natural
11 resources, the department of forestry, or the county in maintaining its trails that are
12 qualified under par. (b) 1. or 4. for the fiscal year applicable under subd. 1., the actual
13 cost incurred in grooming the trails exceeds a maximum of \$130 per mile per year.

14 **SECTION 3485r.** 350.12 (4) (br) of the statutes is amended to read:

15 350.12 (4) (br) *Supplemental trail aid payments; insufficient funding.* If the
16 aid that is payable to counties ~~and~~, to the department of natural resources, and to
17 the department of forestry under par. (bm) exceeds the moneys available under par.
18 (bg), the department of natural resources may prorate the payments or may request
19 the joint committee on finance to take action under s. 13.101. The requirement of a
20 finding of emergency under s. 13.101 (3) (a) 1. does not apply to such a request.

21 **SECTION 3485w.** 350.12 (4) (c) 1. of the statutes is amended to read:

22 350.12 (4) (c) 1. Any moneys appropriated under s. 20.370 (1) (mq), (3) (aq) or
23 (9) (mw) or 20.375 (3) (sg) that lapse shall revert to the snowmobile account in the
24 conservation fund.”

1 ✓ **1422.** Page 1143, line 2: after that line insert:

2 “SECTION 3491d. 350.14 (1) of the statutes is amended to read:

3 350.14 (1) The snowmobile recreational council shall carry out studies and
4 make recommendations to the legislature, governor, department of natural
5 resources, department of forestry, and department of transportation on all matters
6 related to this chapter or otherwise affecting snowmobiles and snowmobiling.

7 SECTION 3491h. 350.145 (3) (a) 1. of the statutes is amended to read:

8 350.145 (3) (a) 1. Before June 30 of each even-numbered year, the department
9 shall consult with the department of forestry and the snowmobile recreational
10 council on the proposed changes for the succeeding biennium in the appropriations
11 and laws that affect snowmobiles and snowmobiling.

12 SECTION 3491p. 350.15 (3) (a) of the statutes is amended to read:

13 350.15 (3) (a) If a snowmobile accident results in the death of any person, or
14 in an injury that requires the treatment of a person by a physician, the operator of
15 each snowmobile involved in the accident shall give notice of the accident to a
16 ~~conservation warden or local law enforcement officer~~ as soon as possible and, within
17 10 days after the accident, shall file a written report of the accident with the
18 department on the form prescribed by it.

19 SECTION 3491t. 350.17 (1) of the statutes is amended to read:

20 350.17 (1) ~~Any officer of the state traffic patrol under s. 110.07 (1), inspector~~
21 ~~under s. 110.07 (3), warden of the department under s. 23.10, county sheriff or~~
22 ~~municipal peace officer~~ law enforcement officer may enforce the provisions of this
23 chapter.”

24 ✓ **1423.** Page 1143, line 6: after that line insert:

1 **SECTION 3492f.** 409.104 (12m) of the statutes is created to read:

2 409.104 (12m) To a transfer of an interest under a rent-to-own agreement
3 under subch. XI of ch. 218; or

4 **SECTION 3492r.** 421.202 (7m) of the statutes is created to read:

5 421.202 (7m) A rent-to-own agreement under subch. XI of ch. 218;”.

6 **1424.** Page 1143, line 6: after that line insert:

7 **SECTION 3492m.** 423.102 of the statutes is amended to read:

8 **423.102 Scope.** This chapter applies to all consumer transactions, except that
9 subch. II does not apply to cemetery preneed sales under ~~s.~~ ss. 440.92 and 440.922.”.

10 **1425.** Page 1145, line 10: after that line insert:

11 **SECTION 3504f.** 440.03 (7m) of the statutes is amended to read:

12 440.03 (7m) The department may promulgate rules that establish procedures
13 for submitting an application for a credential or credential renewal by electronic
14 transmission. Any rules promulgated under this subsection shall specify procedures
15 for complying with any requirement that a fee be submitted with the application.
16 The rules may also waive any requirement in chs. 440 to 480 that an application
17 submitted to the department, an examining board or an affiliated credentialing
18 board be executed, verified, certified, signed, sworn, or made under oath,
19 notwithstanding ss. 440.26 (2) (b), 440.42 (2) (intro.), 440.91 (2) (intro.), 443.06 (1)
20 (a), 443.10 (2) (a), 445.04 (2), 445.08 (4), 445.095 (1) (a), 448.05 (7), 450.09 (1) (a),
21 452.10 (1), and 480.08 (2m).

22 **SECTION 3504h.** 440.03 (13) of the statutes is renumbered 440.03 (13) (a) and
23 amended to read:

1 440.03 (13) (a) ~~The~~ Except as provided in par. (b), the department may conduct
2 an investigation to determine whether an applicant for a credential issued under chs.
3 440 to 480 satisfies any of the eligibility requirements specified for the credential,
4 including whether the applicant does not have an arrest or conviction record.

5 (c) In conducting an investigation under ~~this subsection~~ par. (a) or (b), the
6 department may require an applicant to provide any information that is necessary
7 for the investigation or, for the purpose of obtaining information related to an arrest
8 or conviction record of an applicant, to complete forms provided by the department
9 of justice or the federal bureau of investigation. The department shall charge the
10 applicant any fees, costs, or other expenses incurred in conducting the investigation
11 under ~~this subsection~~ par. (a) or (b).

12 **SECTION 3504k.** 440.03 (13) (b) of the statutes is created to read:

13 440.03 (13) (b) Before granting a credential to a cemetery authority, cemetery
14 salesperson, or preneed seller, or renewing such a credential, the department shall
15 conduct an investigation to determine whether a person specified in s. 440.93 (1)
16 (intro.) has been convicted of an offense specified in s. 440.93 (1) (d).”.

17 ✓ **1426.** Page 1145, line 15: after that line insert:

18 “**SECTION 3504w.** 440.05 (intro.) of the statutes is amended to read:

19 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
20 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, ~~442.06,~~ 444.03,
21 ~~444.05,~~ 444.11, 447.04 (2) (c) 2., 449.17, 449.18 and 459.46.”.

22 ✓ **1427.** Page 1146, line 15: after that line insert:

23 “**SECTION 3508m.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

1 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
2 442.06, 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, 449.18 and 459.46,
3 the renewal dates and renewal fees for credentials are as follows.”.

4 ✓ **1428.** Page 1146, line 19: delete lines 19 to 21 and substitute:

5 “SECTION **3510m.** 440.08 (2) (a) 2. of the statutes is repealed.”.

6 ✓ **1429.** Page 1149, line 8: after that line insert:

7 “SECTION **3532m.** 440.08 (2) (a) 26m. of the statutes is created to read:

8 440.08 (2) (a) 26m. Dentist, faculty member: October 1 of each odd-numbered
9 year; \$131.”.

10 ✓ **1430.** Page 1154, line 17: after that line insert:

11 “SECTION **3579c.** 440.08 (2) (a) 66m. of the statutes is created to read:

12 440.08 (2) (a) 66m. Real estate closing agent: January 1 of each odd-numbered
13 year; \$53.”.

14 ✓ **1431.** Page 1156, line 6: after that line insert:

15 “SECTION **3607.** 445.125 (1) (a) 2. of the statutes is amended to read:

16 445.125 (1) (a) 2. Notwithstanding s. 701.12 (1), such agreements may be made
17 irrevocable as to the first ~~\$2,500~~ \$3,000 of the funds paid under the agreement by
18 each depositor.”.

19 ✓ **1432.** Page 1156, line 6: after that line insert:

20 “SECTION **3608e.** 450.03 (1) (f) of the statutes is created to read:

21 450.03 (1) (f) A person who has successfully completed his or her second year
22 in, and is enrolled at, an accredited school of pharmacy and whose practice of
23 pharmacy is limited to performing duties under the direct supervision of a person
24 licensed as a pharmacist by the board.

1 **SECTION 3608f.** 450.03 (1) (g) of the statutes is created to read:

2 450.03 (1) (g) A person who has applied for a license under s. 450.05 whose
3 practice of pharmacy is limited to performing duties under the direct supervision of
4 a person licensed as a pharmacist by the board and during the period before which
5 the board takes final action on the person's application.

6 **SECTION 3608h.** 450.04 (3) (b) of the statutes is amended to read:

7 450.04 (3) (b) Has completed an internship in the practice of pharmacy under
8 s. ~~450.045~~ or has practical experience acquired in another state which is comparable
9 to that included in the an internship and which is approved and verified by the board
10 or by the agency which is the equivalent of the board in the state in which the
11 practical experience was acquired.

12 **SECTION 3608L.** 450.045 of the statutes is repealed.”.

13 **1433.** Page 1156, line 6: after that line insert:

14 **SECTION 3605pb.** 442.001 of the statutes is renumbered 442.001 (intro.) and
15 amended to read:

16 **442.001 Definition Definitions.** (intro.) In this chapter, ~~“examining:~~

17 **(3) “Examining board”** means the accounting examining board.

18 **SECTION 3605pd.** 442.001 (1) of the statutes is created to read:

19 442.001 (1) “Attest service” means any of the following:

20 (a) An audit or any other engagement that is performed or intended to be
21 performed in accordance with rules promulgated under s. 442.01 (1) (a).

22 (b) A review of a financial statement that is performed or intended to be
23 performed in accordance with rules promulgated under s. 442.01 (1) (b).

1 (c) An examination of prospective financial information that is performed or
2 intended to be performed in accordance with rules promulgated under s. 442.01 (1)
3 (c).

4 **SECTION 3605pf.** 442.001 (4) of the statutes is created to read:

5 442.001 (4) “Firm” means a proprietorship, partnership, limited liability
6 partnership, corporation, service corporation, or limited liability company.

7 **SECTION 3605ph.** 442.001 (5) of the statutes is created to read:

8 442.001 (5) “Member of a firm” means a director, manager, employee, officer,
9 owner, shareholder, principal, or partner of a firm.

10 **SECTION 3605pj.** 442.01 (1) of the statutes is created to read:

11 442.01 (1) The examining board shall promulgate rules that adopt by reference
12 all of the following:

13 (a) The statements on auditing standards issued by the Auditing Standards
14 Board of the American Institute of Certified Public Accountants.

15 (b) The statements on standards for accounting and review services issued by
16 the Accounting and Review Services Committee of the American Institute of
17 Certified Public Accountants.

18 (c) The statements on standards for attestation engagements issued by the
19 Auditing Standards Board, the Accounting and Review Services Committee, and the
20 Consulting Services Executive Committee of the American Institute of Certified
21 Public Accountants.

22 **SECTION 3605pl.** 442.01 (2) of the statutes is amended to read:

23 442.01 (2) No standard or rule relating to professional conduct or unethical
24 practice may be adopted until the examining board has held a public hearing with
25 reference thereto, subject to the rules promulgated under s. 440.03 (1). No rule or

1 standard shall become effective until 60 days after its adoption by the examining
2 board. Any person who has appeared at the public hearing and filed written protest
3 against any proposed standard or rule may, upon the adoption of such standard or
4 rule, obtain a review thereof under ch. 227. Thereafter every person practicing as
5 a certified public accountant in the state shall be governed and controlled by the rules
6 and standards prescribed by the examining board.

7 **SECTION 3605[✓]pn.** 442.01 (3) of the statutes is amended to read:

8 442.01 (3) ~~The~~ examining board shall record its proceedings.

9 **SECTION 3605[✓]pp.** 442.02 (title) of the statutes is amended to read:

10 **442.02 (title) Public Certified public accountant, definition.**

11 **SECTION 3605[✓]pr.** 442.02 (1m) (intro.) of the statutes is amended to read:

12 442.02 (1m) (intro.) A person shall be considered to be in practice as a certified
13 public accountant, within the meaning and intent of this chapter, if any of the
14 following conditions [✓]s met:

15 **SECTION 3605[✓]pt.** 442.02 (1m) (a) of the statutes is amended to read:

16 442.02 (1m) (a) The person holds himself or herself out to the public in any
17 manner as one skilled in the knowledge, science, and practice of accounting, and as
18 qualified and ready to render professional service therein as a certified public
19 accountant for compensation.

20 **SECTION 3605[✓]pv.** 442.02 (1m) (b) of the statutes is amended to read:

21 442.02 (1m) (b) The person maintains an office for the transaction of business
22 as a certified public accountant or, except as an employee of a certified public
23 accountant, practices accounting, as distinguished from bookkeeping, for more than
24 one employer.

25 **SECTION 3605[✓]px.** 442.02 (1m) (dm) of the statutes is created to read:

1 442.02 (1m) (dm) The person provides or offers to provide an attest service.

2 **SECTION 3605pz.** 442.02 (5m) of the statutes is amended to read:

3 442.02 (5m) Subsection (1m) (f) does not prohibit any officer, employee,
4 partner, or principal of any organization from affixing his or her signature to any
5 statement or report in reference to the affairs of that organization with any wording
6 designating the position, title, or office that he or she holds in that organization and
7 ~~does not prohibit any act of a public official or public employee in the performance~~
8 ~~of his or her duties.~~

9 **SECTION 3605rb.** 442.02 (6) of the statutes is amended to read:

10 442.02 (6) Every member of a partnership and every officer and director of a
11 corporation firm who, in the capacity of partner, officer or director as a member of the
12 firm, does any of the things enumerated in sub. (1m) (a) to (f), shall be considered to
13 be in practice as a certified public accountant.

14 **SECTION 3605rd.** 442.02 (7) of the statutes is renumbered 442.025 (1) and
15 amended to read:

16 442.025 (1) ~~Nothing contained in this chapter shall prevent the employment~~
17 Persons employed by a certified public accountant, ~~or by a public accountant, or by~~
18 ~~a firm or corporation furnishing public accounting services as principal, of persons~~
19 licensed under this chapter to serve as accountants in various capacities, as needed,
20 if all of the following conditions are met:

21 (a) The employees serving as accountants work under the control and
22 supervision of certified public accountants, ~~or accountants with certificates of~~
23 ~~authority granted under s. 442.06.~~

1 (b) ~~These~~ The employees serving as accountants shall do not issue any
2 statements or reports over their own names except office reports to their employer
3 that are customary.

4 (c) The employees serving as accountants are not in any manner held out to the
5 public as certified public accountants ~~as described in this chapter~~.

6 **SECTION 3605rf.** 442.02 (8) of the statutes is renumbered 442.025 (2) and
7 amended to read:

8 442.025 (2) ~~Nothing contained in this chapter shall apply to a~~ A practicing
9 attorney, who, in connection with his or her professional work renders any
10 accounting service. /

11 **SECTION 3605rh.** 442.02 (9) of the statutes is renumbered 442.025 (3) and
12 amended to read:

13 442.025 (3) (intro.) ~~Nothing contained in this chapter shall apply to any~~
14 ~~persons who may be~~ A person employed by more than one person, ~~partnership or~~
15 ~~corporation,~~ for the purpose of keeping books, making trial balances, or statements,
16 and preparing ~~audits or~~ reports, if all of the following requirements are met:

17 (a) The ~~audits or~~ reports described in this subsection are not used or issued by
18 the employers as having been prepared by a certified public accountant.

19 (b) The persons employed as described in this subsection do not do any of the
20 things enumerated in ~~sub. s. 442.02 (1m) (f) without complying with sub. except as~~
21 authorized under s. 442.02 (5m).

22 **SECTION 3605rj.** 442.02 (10) of the statutes is renumbered 442.025 (4) and
23 amended to read:

24 442.025 (4) ~~Nothing contained in this chapter shall apply to~~ The holders of
25 state-granted certified public accountant certificates from other states who may be

1 temporarily in this state on professional business incident to their regular practice
2 in the states of their domicile, but with neither residence nor office in this state.

3 **SECTION 3605rL.** 442.025 of the statutes is created to read:

4 **442.025 Applicability.** This chapter does not require a certificate or license
5 under this chapter for any of the following:

6 (5) A public official or public employee in performing his or her duties.

7 (6) A person who performs services involving the use of accounting skills,
8 including management advisory services, the preparation of tax returns, and the
9 preparation of financial statements without issuing reports on the statements.

10 (7) A person who prepares financial statements and issues information thereon
11 that does not purport to be in compliance with the statement on standards for
12 accounting and review services issued by the American Institute of Certified Public
13 Accountants.

14 **SECTION 3605rn.** 442.03 (1) of the statutes is renumbered 442.03 and amended
15 to read:

16 **442.03 Licenses required.** No person may lawfully practice in this state as
17 a certified public accountant either in the person's own name, ~~or as an employee,~~ or
18 under an assumed name, ~~or as an officer, member or employee of a firm, or as an~~
19 ~~officer or employee of a corporation~~ a member of a firm, unless the person has been
20 granted by the examining board a certificate as a certified public accountant, and
21 unless the person, ~~firm or corporation, jointly and severally, has~~ and firm have
22 complied with all of the provisions of this chapter, including licensure.

23 **SECTION 3605rp.** 442.03 (2) of the statutes is repealed.

24 **SECTION 3605rr.** 442.03 (3) of the statutes is repealed.

25 **SECTION 3605rt.** 442.04 (3) of the statutes is repealed.

1 **SECTION 3605rv.** 442.04 (4) (b) of the statutes is repealed.

2 **SECTION 3605rx.** 442.04 (4) (bm) of the statutes is amended to read:

3 442.04 (4) (bm) ~~After December 31, 2000,~~ A person may not take the
4 examination leading to the certificate to practice as a certified public accountant
5 unless the person has completed at least 150 semester hours of education with an
6 accounting concentration at an institution, and has received a bachelor's or higher
7 degree with an accounting concentration from an institution, except as provided in
8 par. (c).

9 **SECTION 3605rz.** 442.04 (4) (c) of the statutes is amended to read:

10 442.04 (4) (c) If an applicant has a bachelor's or higher degree from an
11 institution but does not have ~~a resident major in accounting required in par. (b) or~~
12 an accounting concentration required in par. (bm), the examining board may review
13 such other educational experience from an institution as the applicant presents and,
14 if the examining board determines that such other experience provides the
15 reasonable equivalence of ~~a resident major in accounting required in par. (b) or an~~
16 accounting concentration required in par. (bm), the examining board shall approve
17 the applicant for examination.

18 **SECTION 3605tb.** 442.04 (5) of the statutes is amended to read:

19 442.04 (5) The examining board may not grant a certificate as a certified public
20 accountant to any person other than a person who is 18 years of age or older, does not
21 have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, and,
22 except as provided in s. 442.05, has successfully passed ~~a written~~ an examination
23 in such subjects affecting accountancy as the examining board considers necessary.
24 ~~If the person applying for the certificate passes the examination during the period~~
25 ~~beginning on May 17, 1996, and ending on December 31, 2000, the examining board~~

1 ~~may not grant the certificate unless the applicant has at least 3 years of public~~
2 ~~accounting experience or its equivalent, the sufficiency of the experience or the~~
3 ~~equivalency to be judged by the examining board. If the person applying for the~~
4 ~~certificate passes the examination after December 31, 2000, the The examining~~
5 board may not grant the certificate unless the applicant has at least ~~2 years~~ one year
6 of public accounting experience or its equivalent, the sufficiency of the experience or
7 the equivalency to be judged by the examining board. The examining board shall
8 ensure that evaluation procedures and examinations are nondiscriminatory, relate
9 directly to accountancy, and are designed to measure only the ability to perform
10 competently as an accountant. The examining board may use the examination
11 service provided by the American Institute of Certified Public Accountants.

12 **SECTION 3605td.** 442.06 of the statutes is repealed.

13 **SECTION 3605tf.** 442.07 (title) of the statutes is amended to read:

14 **442.07 (title) Requirements for practice as certified public accountant**
15 **or public accountant.**

16 **SECTION 3605th.** 442.07 (1) of the statutes is amended to read:

17 442.07 (1) Any person who has been issued a certificate of the person's
18 qualifications to practice as a certified public accountant, shall be styled and known
19 as a "certified public accountant" and no other person shall assume to use such title
20 or the abbreviation "C.P.A." or any other word, words, letters, or figures to indicate
21 that the person using the same is a certified public accountant. The terms "chartered
22 accountant" and "certified accountant" and the abbreviation "C.A." are specifically
23 prohibited to such other persons as being prima facie misleading to the public. ~~Any~~
24 ~~person who has been issued a certificate of authority, as herein provided, shall be~~
25 ~~styled and known as a "public accountant" and no other person, other than a certified~~

1 ~~public accountant, shall assume to use such designation or any other word, words,~~
2 ~~letters or figures to indicate that such person is entitled to practice as a public~~
3 ~~accountant.~~

4 **SECTION 3605tj.** 442.07 (2) of the statutes is repealed.

5 **SECTION 3605tL.** 442.07 (3) of the statutes is amended to read:

6 442.07 (3) Any ~~partnership, which~~ firm that is entitled to practice as certified
7 public accountants in this state or any other state, and every resident member ~~and~~
8 ~~resident manager of which~~ the firm who is a certified public accountant of this state,
9 after registering the ~~partnership~~ firm name with the examining board, may use the
10 designation “certified public accountants” in connection with the ~~partnership~~ firm
11 name. ~~Any partnership, every member and resident manager of which is a certified~~
12 ~~public accountant of this state or any other state or holds a certificate of authority~~
13 ~~under this chapter, after registering the partnership name with the examining~~
14 ~~board, may use the designation “public accountants” in connection with the~~
15 ~~partnership name. An assumed name, in use prior to September 21, 1935, may be~~
16 ~~used the same as a partnership name, provided the individual persons practicing as~~
17 ~~principals under that name hold certificates granted by the examining board and~~
18 ~~register the name with the examining board.~~

19 **SECTION 3605tn.** 442.08 of the statutes is repealed and recreated to read:

20 **442.08 Licensure.** (1) The department shall issue a license to an individual
21 who holds an unrevoked certificate as a certified public accountant, submits an
22 application for the license on a form provided by the department, and pays the fee
23 specified in s. 440.05 (1).

1 (2) The department shall issue a license to a firm that submits an application
2 for the license on a form provided by the department, pays the fee specified in s.
3 440.05 (1), and does each of the following:

4 (a) Identifies each office of the firm that is located in this state.

5 (b) If any person who holds an ownership interest in the firm is not licensed
6 under sub. (1), designates an individual licensed under sub. (1) as the individual
7 responsible for the firm's compliance with this chapter.

8 (c) Demonstrates, to the satisfaction of the department, each of the following:

9 1. That all attest services provided by the firm in this state are under the charge
10 of an individual licensed under sub. (1).

11 2. That more than 50% of the ownership interest of the firm is held by
12 individuals who hold certificates or licenses to practice as a certified public
13 accountant issued under the laws of any state or foreign country.

14 3. That each person who holds an ownership interest in the firm, and who does
15 not hold a certificate or license to practice as a certified public accountant, is an
16 individual who actively participates in the firm or an affiliated entity.

17 (3) The examining board shall promulgate rules that define "ownership
18 interest" for purposes of sub. (2) and for determining the percentage of a person's
19 ownership interest in a firm. In promulgating the rules, the examining board shall
20 consider the financial interests and voting rights of all members of a firm.

21 **SECTION 3605tp.** 442.083 of the statutes is created to read:

22 **442.083 Renewal.** The renewal dates and renewal fees for licenses issued
23 under this chapter are specified under s. 440.08 (2) (a). The department may not
24 renew a license issued to a firm unless, at the time of renewal, the firm satisfies the

1 requirements under s. 442.08 (2) and demonstrates, to the satisfaction of the
2 department, that the firm has complied with the requirements under s. 442.087.

3 **SECTION 3605tr.** 442.087 of the statutes is created to read:

4 **442.087 Peer review. (1) DEFINITION.** In this section, “peer review” means
5 a process for a person licensed under this chapter to evaluate the professional
6 competency of the members of a firm who are responsible for attest services provided
7 by the firm or who sign or authorize another individual to sign accounting reports
8 or financial statements on behalf of the firm.

9 **(2) RENEWAL OF FIRM LICENSES.** After January 1, 2005, the department may not
10 renew the license of a firm unless, at least once every 3 years, the firm undergoes the
11 peer review that is specified in the rules promulgated under sub. (3) and that is
12 conducted by a person approved by the examining board under the rules who is not
13 affiliated with the firm or members of the firm undergoing review.

14 **(3) RULES.** The examining board shall promulgate rules that describe the peer
15 review required to renew a firm’s license under sub. (2). The rules shall include
16 requirements for the examining board to approve one or more persons to conduct the
17 peer reviews. The rules shall also require each person approved by the examining
18 board to conduct peer reviews to periodically report to the examining board on the
19 effectiveness of the peer reviews conducted by the person and to provide the
20 examining board with a listing of all firms that have undergone peer review
21 conducted by the person.

22 **(4) CONFIDENTIALITY.** A person approved by the examining board to conduct
23 peer reviews may not disclose to any person, including the examining board or the
24 department, any information obtained or document produced during the course of or

1 as a result of a review unless the firm undergoing the review consents to the
2 disclosure.

3 **SECTION 3605tt.** 442.10 (1) of the statutes is amended to read:

4 442.10 (1) Whenever any person, as a certified public accountant ~~or public~~
5 ~~accountant~~, signs or certifies any report, schedule, or statement relative to the affairs
6 of any corporation, association, or partnership in which the person is financially
7 interested or by which the person is regularly engaged as an officer or employee, the
8 signature or certification shall be accompanied by a specific statement setting forth
9 the fact that the person is financially interested in or is an officer or regular employee
10 of the corporation, association, or partnership. If the person is both financially
11 interested and an officer or regular employee, the statement shall cover both
12 financial interest and employment. In the case of a ~~corporation holding a certificate~~
13 ~~of authority~~ firm signing or certifying as ~~above~~ described in this subsection, the
14 interest of any of its ~~stockholders~~ members shall be disclosed.

15 **SECTION 3605tv.** 442.10 (2) of the statutes is amended to read:

16 442.10 (2) Notwithstanding sub. (1), no person licensed under this chapter, and
17 no firm of which the person is a ~~partner or shareholder~~ member, may express an
18 opinion as an independent certified public accountant on financial statements of any
19 enterprise unless the person and the firm are independent of the enterprise. The
20 requirement for independence under this subsection also extends to the spouse of
21 such a person and to other relatives having a financial or business relationship with
22 the enterprise which, in the opinion of the examining board, may impair
23 independence.

24 **SECTION 3605tx.** 442.11 (1) of the statutes is amended to read:

1 442.11 (1) Uses any term other than certified public accountant or the
2 abbreviation C. P. A. to indicate that he or she is a certified public accountant with
3 a specially granted title.

4 **SECTION 3605tz.** 442.11 (2) of the statutes is amended to read:

5 442.11 (2) While practicing under an assumed name, or as a member of a
6 partnership firm, other than a partnership firm with a name that is registered under
7 s. 442.07 as ~~composed of certified public accountants, or as an officer of a corporation~~
8 (3), announces, either in writing or by printing, that the assumed name, partnership
9 ~~or corporation or firm~~ is practicing as a certified public accountant.

10 **SECTION 3605vb.** 442.11 (3) of the statutes is repealed.

11 **SECTION 3605vd.** 442.11 (4) of the statutes is repealed.

12 **SECTION 3605vf.** 442.11 (6) of the statutes is repealed.

13 **SECTION 3605vh.** 442.11 (7) of the statutes is amended to read:

14 442.11 (7) Practices as a certified public accountant ~~or as a public accountant~~
15 after his or her ~~certificate~~ has been revoked.

16 **SECTION 3605vj.** 442.11 (8) of the statutes is amended to read:

17 442.11 (8) As an individual, ~~member of a partnership or officer or director of~~
18 ~~a corporation or member of a firm~~, practices or permits the ~~partnership or~~
19 ~~corporation firm~~ to practice as a certified public accountant ~~or as a public accountant~~
20 unless a license ~~has~~ been secured for the current licensure period.

21 **SECTION 3605vL.** 442.11 (9) of the statutes is amended to read:

22 442.11 (9) Sells, buys, gives, or obtains an alleged certificate as a certified
23 public accountant, ~~a certificate of authority~~ or a license in any manner other than
24 that provided ~~for~~ by this chapter.

25 **SECTION 3605vn.** 442.11 (10) of the statutes is amended to read:

1 442.11 (10) Attempts to practice as a certified public accountant ~~or as a public~~
2 ~~accountant~~ under the guise of a certificate not granted by the examining board or
3 under cover of a certificate obtained illegally or fraudulently.

4 **SECTION 3605vp.** 442.11 (12) of the statutes is amended to read:

5 442.11 (12) Attempts by any subterfuge to evade the provisions of this chapter
6 while practicing as ~~a~~ certified public accountant.

7 **SECTION 3605vr.** 442.11 (13) of the statutes is amended to read:

8 442.11 (13) As an individual, ~~a member of a partnership or an officer of a~~
9 ~~corporation~~ or member of a firm, permits to be announced by printed or written
10 statement that any report, certificate, exhibit, schedule, or statement has been
11 prepared by or under supervision of a certified public accountant ~~or by or under~~
12 ~~supervision of a public accountant~~ when the person who prepared the report,
13 certificate, exhibit, schedule, or statement was not a certified public accountant ~~or~~
14 ~~public accountant~~.

15 **SECTION 3605vt.** 442.12 (intro.) of the statutes is amended to read:

16 **442.12 Disciplinary action.** (intro.) Subject to the rules promulgated under
17 s. 440.03 (1), the ~~examining~~ board may do any of the following:

18 **SECTION 3605vv.** 442.12 (3) of the statutes is amended to read:

19 442.12 (3) In the case of a ~~corporation or a partnership~~ firm, revoke, limit, or
20 suspend the license of the ~~partnership or corporation~~ firm, or reprimand it, if it is
21 found that any ~~officer, director or member~~ of the firm has been guilty of such act or
22 omission as would be cause for revoking, limiting, or suspending a certificate or
23 license to the person as an individual or for reprimanding the person.

24 **SECTION 3605vx.** 442.13 of the statutes is amended to read:

1 **442.13 Ownership of accountant's working papers.** All statements,
2 records, schedules, working papers, and memoranda made by a certified public
3 accountant ~~or public accountant~~ incident to or in the course of professional service
4 to clients by ~~such a certified public~~ certified public accountant, except reports submitted by a
5 certified public accountant ~~or public accountant~~ to a client, shall be and remain the
6 property of ~~such the certified public~~ the certified public accountant, in the absence of an express
7 agreement between ~~such the certified public~~ the certified public accountant and the client to the
8 contrary. No such statement, record, schedule, working paper, or memorandum shall
9 be sold, transferred, or bequeathed, without the consent of the client or the client's
10 personal representative or assignee, to anyone other than ~~one or more surviving~~
11 ~~partners or new or successor partners of such~~ any member of the firm of the certified
12 public accountant.

13 **SECTION 3605vz.** 442.14 of the statutes is repealed.

14 **SECTION 3608m.** 447.34 (2) of the statutes is amended to read:

15 447.34 (2) Legal counsel, certified public accountants licensed under ch. 442,
16 or other persons as to matters the director or officer believes in good faith are within
17 the person's professional or expert competence.”

18 **1434.** Page 1156, line 6: after that line insert:

19 **SECTION 3608b.** 452.07 (1m) of the statutes is created to read:

20 452.07 (1m) The department shall promulgate rules that specify the
21 supervisory duties of brokers under s. 452.12 (3).

22 **SECTION 3608d.** 452.12 (3) (a) of the statutes is renumbered 452.12 (3) and
23 amended to read:

1 452.12 (3) BROKER'S LIABILITY FOR ACTS OF EMPLOYEES. Each broker shall
2 supervise, and is responsible for the acts of, any broker, salesperson, or time-share
3 salesperson employed by the broker.

4 ~~SECTION 3608f.~~ 452.12 (3) (b) of the statutes is repealed.

5 ~~SECTION 3608h.~~ 452.139 (2) (c) of the statutes is amended to read:

6 452.139 (2) (c) Nothing in this subsection limits the liability of a broker under
7 s. 452.12 (3) (~~a~~) for misrepresentations made by an employee who is a broker.
8 Nothing in this subsection limits the liability of a client for a misrepresentation that
9 the client makes in connection with brokerage services.”

10 ✓ **1435.** Page 1156, line 6: after that line insert:

11 ~~SECTION 3608d.~~ 447.04 (1) (b) of the statutes is amended to read:

12 447.04 (1) (b) ~~The~~ Except as provided in par. (c), the examining board may grant
13 a license to practice dentistry to an individual who is licensed in good standing to
14 practice dentistry in another state or territory of the United States or in another
15 country if the applicant meets the requirements for licensure established by the
16 examining board by rule and upon presentation of the license and payment of the fee
17 specified under s. ~~440.05~~ (2).

18 ~~SECTION 3608f.~~ 447.04 (1) (c) of the statutes is created to read:

19 447.04 (1) (c) 1. The examining board shall grant a license to practice dentistry
20 to an applicant who is licensed in good standing to practice dentistry in another
21 jurisdiction upon presentation of the license and who does all of the following:

22 a. Pays the fee specified in s. 440.05 (2).

1 b. Submits evidence satisfactory to the examining board that the applicant has
2 been offered employment as a full-time faculty member at a school of dentistry in
3 this state.

4 c. Makes responses during any interview that the examining board may
5 require that demonstrate, to the satisfaction of the examining board, that the
6 applicant is competent to practice dentistry.

7 2. A license granted under subd. 1. authorizes the license holder to practice
8 dentistry only within educational facilities and only for the purpose of carrying out
9 the license holder's teaching duties.

10 3. A license granted under subd. 1. is no longer in effect if the license holder
11 ceases to be employed as a full-time faculty member at a school of dentistry in this
12 state.

13 4. The examining board may promulgate rules to carry out the purposes of this
14 paragraph.”

15 ✓ **1436.** Page 1156, line 6: after that line insert:

16 **SECTION 3608cg.** 452.01 (3p) of the statutes is created to read:

17 452.01 (3p) “Closing agent” means any person who coordinates the closing of
18 a conveyance of real estate by ensuring that title to the real estate is transferred to
19 the buyer and that the purchase price is transferred to the seller, except that “closing
20 agent” does not include any of the following:

21 (a) A receiver, trustee, administrator, executor, guardian, or other person
22 appointed by or acting under the judgment or order of any court.

23 (b) A public officer while performing his or her official duties.

24 (c) A depository institution.

1 (d) An employee of a person specified in pars. (a) to (c) when the employee is
2 engaged in the specific performance as such an employee.

3 (e) An attorney licensed to practice in this state while acting within the scope
4 of his or her attorney's license.

5 **SECTION 3608cm.** 452.035 of the statutes is created to read:

6 **452.035 Closing agents.** No person, including an escrow agent, as defined in
7 s. 138.052 (5m) (a) or 707.49 (1) (d), may engage in the business or occupation of, or
8 advertise or hold himself or herself out as, a closing agent unless the person is
9 registered as a closing agent by the department. The department shall issue a
10 certificate of registration as a closing agent to a person who submits an application
11 to the department on a form provided by the department, pays the fee specified in
12 s. 440.05 (1), and submits evidence satisfactory to the department that he or she is
13 competent to act as a closing agent. Renewal applications shall be submitted to the
14 department on a form provided by the department on or before the applicable
15 renewal date specified under s. 440.08 (2) (a) and shall include the applicable
16 renewal fee specified under s. 440.08 (2) (a).

17 **SECTION 3608cr.** 452.05 (1) (a) of the statutes is amended to read:

18 452.05 (1) (a) Grant and issue licenses to brokers and salespersons and
19 registrations to ~~time-share salespersons and closing agents.~~

20 **SECTION 3608dg.** 452.11 (1) of the statutes is amended to read:

21 452.11 (1) A nonresident may become a broker, salesperson ~~or~~ time-share
22 salesperson, or closing agent by conforming to all the provisions of this chapter.

23 **SECTION 3608dm.** 452.12 (6) (a) of the statutes is amended to read:

24 452.12 (6) (a) Any licensee, except a time-share salesperson registered under
25 s. 452.025 or a closing agent registered under s. 452.035, may apply for registration

1 as an inactive licensee on or before the license renewal date. This paragraph does
2 not apply after October 31, 1995.

3 **SECTION 3608dr.** 452.13 (1) (b) of the statutes is renumbered 452.01 (3w).

4 **SECTION 3608eg.** 452.13 (1) (c) of the statutes is created to read:

5 452.13 (1) (c) “Closing funds” means any money related to the closing of real
6 estate conveyance that is received by a closing agent. “Closing funds” does not
7 include client funds, unless the client funds are transferred to a closing agent.

8 **SECTION 3608em.** 452.13 (2) (a) of the statutes is amended to read:

9 452.13 (2) (a) A broker who holds client funds or a closing agent who holds
10 closing funds shall establish an interest-bearing common trust account in a
11 depository institution. The interest-bearing common trust account shall earn
12 interest at a rate not less than that applicable to individual accounts of the same
13 type, size, and duration and for which withdrawals or transfers can be made without
14 delay, subject to any notice period that the depository institution is required to
15 observe by law or ~~regulation~~.

16 **SECTION 3608er.** 452.13 (2) (b) (intro.) of the statutes is amended to read:

17 452.13 (2) (b) (intro.) Any broker or closing agent who maintains an
18 interest-bearing ~~common~~ trust account shall do all of the following:

19 **SECTION 3608fg.** 452.13 (2) (c) of the statutes is amended to read:

20 452.13 (2) (c) A broker or closing agent shall deposit all client funds or closing
21 funds in the interest-bearing common trust account.

22 **SECTION 3608fm.** 452.13 (2) (e) (intro.) of the statutes is amended to read:

23 452.13 (2) (e) (intro.) For each interest-bearing common trust account, the
24 broker or closing agent shall direct the depository institution to do all of the
25 following:

1 **SECTION 3608fr.** 452.13 (2) (e) 2. of the statutes is amended to read:

2 452.13 (2) (e) 2. When the interest remittance is sent, furnish to the
3 department of administration and to the broker or closing agent maintaining the
4 interest-bearing common trust account a statement that includes the name of the
5 broker or closing agent for whose account the remittance is made, the rate of interest
6 applied, the amount of service charges or fees deducted, if any, and the account
7 balance for the period that the statement covers.

8 **SECTION 3608gg.** 452.13 (2) (f) 1. of the statutes is amended to read:

9 452.13 (2) (f) 1. May not assess a service charge or fee that is due on an
10 interest-bearing common trust account against any broker or closing agent or,
11 except as provided in subd. 3., against any other account, regardless of whether the
12 same broker or closing agent maintains the other account.

13 **SECTION 3608gm.** 452.13 (3) of the statutes is amended to read:

14 452.13 (3) DEPOSIT PROVISIONS. A broker or closing agent who deposits client
15 funds or closing funds in an interest-bearing common trust account in compliance
16 with this section may not be held liable to the owner or beneficial owner of the client
17 funds or closing funds for damages due to compliance with this section. A broker,
18 salesperson, or time-share salesperson who deposits client funds, or a closing agent
19 who deposits closing funds, in an interest-bearing common trust account in
20 compliance with this section is not required to disclose alternative depository
21 arrangements that could be made by the parties or to disclose that a deposit will be
22 made under this section.

23 **SECTION 3608gr.** 452.13 (4) of the statutes is amended to read:

1 452.13 (4) TRUST ACCOUNT OPTIONAL. This section does not require a broker or
2 closing agent to hold client funds or closing funds or require a person to transfer
3 client funds to a broker or transfer closing funds to a closing agent.

4 **SECTION 3608hg.** 452.14 (1) of the statutes is amended to read:

5 452.14 (1) The department shall, upon motion of the board or upon its own
6 determination, conduct investigations and, as appropriate, may hold hearings and
7 make findings, if the department receives credible information that a broker,
8 salesperson ~~or, time-share salesperson,~~ or closing agent has violated this chapter or
9 any rule promulgated under this chapter.

10 **SECTION 3608hm.** 452.14 (3) (intro.) of the statutes is amended to read:

11 452.14 (3) (intro.) Disciplinary proceedings shall be conducted by the board
12 according to rules adopted under s. 440.03 (1). The board may revoke, suspend, or
13 limit any broker's, salesperson's ~~or, time-share salesperson's,~~ or closing agent's
14 license or registration, or reprimand the holder of the license or registration, if it
15 finds that the holder of the license or registration has:

16 **SECTION 3608hr.** 452.14 (3) (b) of the statutes is amended to read:

17 452.14 (3) (b) Made any substantial misrepresentation with reference to a
18 transaction injurious to a seller or purchaser in which the broker, salesperson ~~or,~~
19 ~~time-share salesperson,~~ or closing agent acts as agent;

20 **SECTION 3608ig.** 452.14 (3) (h) of the statutes is amended to read:

21 452.14 (3) (h) Failed, within a reasonable time, to account for or remit any
22 moneys coming into the broker's, salesperson's ~~or, time-share salesperson's,~~ or
23 closing agent's possession which belong to another person;

24 **SECTION 3608im.** 452.14 (3) (i) of the statutes is amended to read:

1 452.14 (3) (i) Demonstrated incompetency to act as a broker, salesperson ~~or~~,
2 time-share salesperson, or closing agent in a manner which safeguards the interests
3 of the public;

4 **SECTION 3608ir.** 452.14 (3) (jm) of the statutes is amended to read:

5 452.14 (3) (jm) Intentionally encouraged or discouraged any person from
6 purchasing or renting real estate in a particular area on the basis of race. If the board
7 finds that any broker, salesperson ~~or~~, time-share salesperson, or closing agent has
8 violated this paragraph, the board shall, in addition to any temporary penalty
9 imposed under this subsection, apply the penalty provided in s. 452:17 (4);

10 **SECTION 3608jg.** 452.17 (2) of the statutes is amended to read:

11 452.17 (2) Any person who engages in or follows the business or occupation of,
12 or advertises or holds himself or herself out as or acts temporarily or otherwise as,
13 a time-share salesperson or closing agent in this state without being registered with
14 the department shall be prosecuted by the district attorney in the county where the
15 violation occurs and may be fined not less than \$25 nor more than \$200 or imprisoned
16 not less than 10 days nor more than 6 months or both.

17 **SECTION 3608jm.** 452.17 (4) (a) (intro.) of the statutes is amended to read:

18 452.17 (4) (a) (intro.) If the board finds that any broker, salesperson ~~or~~,
19 time-share salesperson, or closing agent has violated s. 452.14 (3) (jm), the board:

20 **SECTION 3608jr.** 452.17 (4) (a) 1. of the statutes is amended to read:

21 452.17 (4) (a) 1. Shall, for the first offense, suspend the license or registration
22 of the broker, salesperson ~~or~~, time-share salesperson, or closing agent for not less
23 than 90 days.

24 **SECTION 3608kg.** 452.17 (4) (a) 2. of the statutes is amended to read:

1 452.17 (4) (a) 2. Shall, for the 2nd offense, revoke the license or registration of
2 the broker, salesperson ~~or~~, time-share salesperson, closing agent.

3 **SECTION 3608km.** 452.20 of the statutes is amended to read:

4 **452.20 Limitation on actions for commissions.** No person engaged in the
5 business or acting in the capacity of a broker, salesperson ~~or~~, time-share salesperson,
6 or closing agent within this state may bring or maintain an action in the courts of this
7 state for the collection of a commission or compensation for the performance of any
8 act mentioned in this chapter without alleging and proving that he or she was a duly
9 licensed broker, or salesperson or registered time-share salesperson or closing agent
10 at the time the ~~alleged~~ cause of action arose.

11 **SECTION 3608kr.** 452.21 of the statutes is amended to read:

12 **452.21 Compensation presumed.** In any prosecution for violation of this
13 chapter, proof that a person acted as a broker, agent, salesperson ~~or~~, time-share
14 salesperson, or closing agent is prima facie proof that compensation therefor was
15 received or promised.

16 **SECTION 3608Lg.** 452.22 (2) of the statutes is amended to read:

17 **452.22 (2)** The certificate of the secretary or his or her designee to the effect that
18 a specified individual or business entity is not or was not on a specified date the
19 holder of a broker's, salesperson's ~~or~~, time-share salesperson's, or closing agent's
20 license or registration, or that a specified license or registration was not in effect on
21 a date specified, or as to the issuance, limitation, suspension, or revocation of any
22 license or registration or the reprimand of any holder thereof, the filing or
23 withdrawal of any application or its existence or nonexistence, is prima facie
24 evidence of the facts therein stated for all purposes in any action or proceedings.”.

1 ✓ **1437.** Page 1156, line 6: after that line insert:

2 "SECTION **3605gb.** 440.90 (1) of the statutes is renumbered 440.90 (1d).

3 SECTION **3605gf.** 440.90 (1c) of the statutes is created to read:

4 440.90 (1c) "Burial space" has the meaning given in s. 157.061 (1d).

5 SECTION **3605gL.** 440.90 (3g) of the statutes is created to read:

6 440.90 (3g) "Columbarium" has the meaning given in s. 157.061 (3g).

7 SECTION **3605gn.** 440.90 (3r) of the statutes is created to read:

8 440.90 (3r) "Columbarium space" has the meaning given in s. 157.061 (3r).

9 SECTION **3605gp.** 440.90 (4e) of the statutes is created to read:

10 440.90 (4e) "Lawn crypt" has the meaning given in s. 157.061 (8g).

11 SECTION **3605gx.** 440.90 (10r) of the statutes is created to read:

12 440.90 (10r) "Religious cemetery authority" has the meaning given in s.
13 157.061 (15m).

14 SECTION **3605ic.** 440.91 (1) of the statutes is amended to read:

15 440.91 (1) Except as provided in sub. (6m), every cemetery authority that sells
16 or solicits the sale of a total of 10 or more ~~cemetery lots or mausoleum~~ burial spaces
17 during a calendar year and that pays any commission or other compensation to any
18 person for selling or soliciting the sale of its ~~cemetery lots or mausoleum~~ burial
19 spaces shall register with the department. The registration shall be in writing and
20 shall include the names of the officers of the cemetery authority.

21 SECTION **3605ih.** 440.91 (2) (intro.) of the statutes is amended to read:

22 440.91 (2) (intro.) Except as provided in subs. (7) and (10), every individual who
23 sells or solicits the sale of, or who expects to sell or solicit the sale of, a total of 10 or
24 more ~~cemetery lots or mausoleum~~ burial spaces during a calendar year shall register

1 with the department. An individual may not be registered as a cemetery salesperson
2 except upon the written request of a cemetery authority and the payment of the fee
3 specified in s. 440.05 (1). The cemetery authority shall certify in writing to the
4 department that the individual is competent to act as a cemetery salesperson.
5 Within 10 days after the certification of any cemetery salesperson, the cemetery
6 salesperson shall verify and furnish to the department, in such form as the
7 department prescribes, all of the following information:

8 **SECTION 3605in.** 440.91 (6m) of the statutes is repealed and recreated to read:

9 440.91 (6m) The registration requirement under sub. (1) does not apply to any
10 of the following:

11 1. A religious cemetery authority.

12 2. A town, village, or city or fraternal or benevolent society that does not operate
13 a cemetery in a county with a population that is greater than 600,000.

14 **SECTION 3605iq.** 440.91 (7) of the statutes is renumbered 440.91 (7) (intro.) and
15 amended to read:

16 440.91 (7) (intro.) An individual who solicits the sale of ~~cemetery lots or~~
17 ~~mausoleum~~ burial spaces in a cemetery organized, maintained, and operated by ~~a~~
18 any of the following is not required to be registered under sub. (2):

19 (b) A town, village, or city, church, synagogue or mosque, religious, or fraternal
20 or benevolent society or incorporated college of a religious order is not required to be
21 registered under sub. (2), if the cemetery is not in a county with a population that is
22 greater than 600,000.

23 **SECTION 3605is.** 440.91 (7) (a) of the statutes is created to read:

24 440.91 (7) (a) A religious cemetery authority.

25 **SECTION 3605iv.** 440.91 (9) of the statutes is amended to read:

1 440.91 (9) No cemetery authority or cemetery salesperson registered under
2 sub. (1) or (2) may pay a fee or commission as compensation for a referral or as a
3 finder's fee relating to the sale of a ~~cemetery lot~~, cemetery merchandise or
4 ~~mausoleum~~ a burial space to any person who is not registered under sub. (1) or (2)
5 or who is not regularly and lawfully engaged in the sale of ~~cemetery lots~~, cemetery
6 merchandise or ~~mausoleum~~ burial spaces in another state or territory of the United
7 States or a foreign country.

8 **SECTION 3605kd.** 440.92 (1) (a) of the statutes is amended to read:

9 440.92 (1) (a) Except as provided in subs. (4), (9) (a) and (10), every individual
10 who sells or solicits the sale of cemetery merchandise or an undeveloped space under
11 a preneed sales contract and, if the is required to be registered under this subsection
12 and, if applicable, comply with the requirements under s. 445.125. If such an
13 individual is employed by or acting as an agent for a cemetery authority or any other
14 person, that cemetery authority or other person is also required to be registered
15 under this subsection.

16 **SECTION 3605kl.** 440.92 (2) (title) of the statutes is renumbered 440.922 (title).

17 **SECTION 3605km.** 440.92 (2) (a) of the statutes is renumbered 440.922 (1) (a),
18 and 440.922 (1) (a) 2., 3., 3g. and 4. (intro.), as renumbered, are amended to read:

19 440.922 (1) (a) 2. By affixing the cemetery merchandise to the ~~cemetery lot or~~
20 ~~mausoleum~~ burial space.

21 3. By storing the cemetery merchandise in a warehouse that is located on the
22 property of the preneed seller if the preneed seller insures the cemetery merchandise
23 and the preneed sales contract requires the preneed seller to ultimately affix the
24 cemetery merchandise to the ~~cemetery lot or mausoleum~~ burial space without
25 additional charge.

1 3g. By storing the cemetery merchandise anywhere on the property of the
2 preneed seller if the property of the preneed seller is located in this state, the preneed
3 seller insures the cemetery merchandise and the preneed sales contract requires the
4 preneed seller to ultimately affix the cemetery merchandise to a ~~cemetery lot~~ burial
5 space, to the outside of or the grounds surrounding a mausoleum or columbarium or
6 to any other outdoor location without additional charge.

7 4. (intro.) By having the cemetery merchandise stored in a warehouse that is
8 not located on the property of the preneed seller if the warehouse has agreed to ship
9 the cemetery merchandise to the preneed seller, purchaser, or beneficiary named in
10 the preneed sales contract without additional charge to the purchaser and the
11 preneed sales contract requires that the cemetery merchandise ultimately be affixed
12 to the ~~cemetery lot or mausoleum~~ burial space without additional charge. If the
13 cemetery merchandise is delivered under this subdivision, all of the following apply:

14 **SECTION 3605kn.** 440.92 (2) (am) of the statutes is renumbered 440.922 (2) and
15 amended to read:

16 440.922 (2) AFFIXTURE OF CEMETERY MERCHANDISE. If a preneed sales contract
17 for the sale of cemetery merchandise requires the preneed seller to ultimately affix
18 the cemetery merchandise to a ~~cemetery lot, mausoleum~~ burial space or other
19 location but the purchaser has not informed the preneed seller of the location where
20 the cemetery merchandise is to be affixed and the location where the cemetery
21 merchandise is to be affixed is not specified in the preneed sales contract, the preneed
22 sales contract may provide that the preneed seller may charge the purchaser an
23 additional fee at the time that the cemetery merchandise is affixed not to exceed the
24 additional costs to the preneed seller that are necessitated by the purchaser's choice
25 of location.

1 **SECTION 3605kp.** 440.92 (2) (b) of the statutes is renumbered 440.922 (1) (b).

2 **SECTION 3605kr.** 440.92 (2) (c) of the statutes is renumbered 440.922 (3) and
3 amended to read:

4 440.922 (3) VOIDING OF CONTRACTS. Except as provided in ~~par. (cm)~~ sub. (4), a
5 preneed sales contract shall provide that if the purchaser voids the preneed sales
6 contract at any time within 10 days after the date of the initial payment the preneed
7 seller shall, within 30 days after the date on which the preneed sales contract is
8 voided, refund all money paid by the purchaser for cemetery merchandise that has
9 not been supplied or delivered and for the mausoleum space.

10 **SECTION 3605kt.** 440.92 (2) (cm) of the statutes is renumbered 440.922 (4).

11 **SECTION 3605kv.** 440.92 (2) (d) of the statutes is renumbered 440.922 (5) (a).

12 **SECTION 3605kx.** 440.92 (2) (e) of the statutes is renumbered 440.922 (5) (b).

13 **SECTION 3605kz.** 440.92 (2) (f) of the statutes is renumbered 440.922 (5) (c) and
14 amended to read:

15 440.922 (5) (c) If a preneed sales contract is voided under par. ~~(e)~~ (b), the
16 preneed seller shall, within 30 days after the date on which the preneed sales
17 contract is voided, refund all money paid by the purchaser, together with interest
18 calculated at the legal rate of interest as provided under s. 138.04.

19 **SECTION 3605mb.** 440.92 (2) (g) and (h) of the statutes are renumbered 440.922
20 (6) and (10).

21 **SECTION 3605md.** 440.92 (2) (i) of the statutes is renumbered 440.922 (7) and
22 amended to read:

23 440.922 (7) TRUSTING REQUIREMENTS. If a preneed sales contract includes
24 provisions for the sale of cemetery merchandise or an undeveloped space that is
25 subject to the trusting requirements under ~~sub. s. 440.92~~ (3) (a) and (b) and for the

1 sale of other goods or services that are not subject to the trusting requirements under
2 sub. s. 440.92 (3) (a) and (b), the sale price of the goods or services that are not subject
3 to the trusting requirements may not be inflated for the purpose of allocating a lower
4 sale price to the cemetery merchandise or undeveloped space that is subject to the
5 trusting requirements.

6 **SECTION 3605mf.** 440.92 (2) (j) of the statutes is renumbered 440.922 (8).

7 **SECTION 3605mh.** 440.92 (2) (k) of the statutes is renumbered 440.922 (9) and
8 amended to read:

9 440.922 (9) NOTICE OF RIGHTS. A preneed sales contract shall include the
10 following language in not less than 10–point boldface type: “SECTION 440.92 (2)
11 440.922 OF THE WISCONSIN STATUTES SPECIFIES THE RIGHTS OF THE
12 PURCHASER UNDER THIS CONTRACT. DEPENDING ON THE
13 CIRCUMSTANCES, THESE MAY INCLUDE THE RIGHT TO VOID THE
14 CONTRACT AND RECEIVE A REFUND OR THE RIGHT TO ASSIGN AN
15 INTEREST IN THE CONTRACT TO ANOTHER PERSON.”

16 **SECTION 3605mj.** 440.92 (3) (a) (intro.) of the statutes is amended to read:

17 440.92 (3) (a) (intro.) ~~A~~ Except as provided in par. (am), a preneed seller shall
18 deposit into a preneed trust fund an amount equal to at least 40% of each payment
19 of principal that is received from the sale of cemetery merchandise under a preneed
20 sales contract, or the wholesale cost ratio for the cemetery merchandise multiplied
21 by the amount of the payment of principal that is received, whichever is greater. In
22 addition to the amount required to be deposited under this paragraph for the sale of
23 cemetery merchandise and except as provided in par. (c), if a preneed seller receives
24 payment for the sale of an undeveloped space under a preneed sales contract, the
25 preneed seller shall deposit a percentage of each payment of principal that is received

1 from the sale of the undeveloped space into a preneed trust fund, determined as
2 follows:

3 **SECTION 3605mm.** 440.92 (3) (am) of the statutes is created to read:

4 440.92 (3) (am) A preneed seller who sells cemetery merchandise for use in a
5 county with a population greater than 600,000 shall deposit into a preneed trust fund
6 an amount equal to at least 40% of each payment of principal that is received from
7 the sale of cemetery merchandise under a preneed sales contract. In addition to the
8 amount required to be deposited under this paragraph for the sale of cemetery
9 merchandise and except as provided in par. (c), if a preneed seller who sells an
10 undeveloped space located in a county with a population greater than 600,000
11 receives payment for the undeveloped space under a preneed sales contract, the
12 preneed seller shall deposit at least 40% of each payment of principal that is received
13 from the sale of the undeveloped space into a preneed trust fund.

14 **SECTION 3605mn.** 440.92 (3) (c) (intro.) of the statutes is amended to read:

15 440.92 (3) (c) (intro.) A preneed seller is not required to make the deposits
16 required under par. (a) ~~1. and 2.~~ or (am) for payments for sales of undeveloped spaces
17 under preneed contracts if any of the following applies:

18 **SECTION 3605my.** 440.92 (5) of the statutes is renumbered 440.924.

19 **SECTION 3605mx.** 440.92 (6) (title) of the statutes is renumbered 440.926 (title)
20 and amended to read:

21 **440.926 (title) Reporting; Preneed seller reporting and record keeping;**
22 **audits.**

23 **SECTION 3605mz.** 440.92 (6) (a) of the statutes is renumbered 440.926 (1) (a)
24 and amended to read:

1 440.926 (1) (a) Every preneed seller registered under ~~sub. s.~~ 440.92 (1) shall
2 file an annual report with the department. The report shall be made on a form
3 prescribed and furnished by the department. The report shall be made on a
4 calendar-year basis unless the department, by rule, provides for other reporting
5 periods. The report is due on or before the 60th day after the last day of the reporting
6 period.

7 **SECTION 3605ob.** 440.92 (6) (b) and (c) of the statutes are renumbered 440.926
8 (1) (b) and (c).

9 **SECTION 3605od.** 440.92 (6) (d) of the statutes is renumbered 440.926 (2) (c)
10 and amended to read:

11 440.926 (2) (c) All records described under ~~pars. sub. (1) (b) 2. and (c)~~ and
12 maintained by the department are confidential and are not available for inspection
13 or copying under s. 19.35 (1). This paragraph does not apply to any information
14 regarding the name, address, or employer of or financial information related to an
15 individual that is requested under s. 49.22 (2m) by the department of workforce
16 development or a county child support agency under s. 59.53 (5).

17 **SECTION 3605of.** 440.92 (6) (e) and (f) of the statutes are renumbered 440.926
18 (1) (d) and (e).

19 **SECTION 3605oh.** 440.92 (6) (g) of the statutes is renumbered 440.926 (2) (a),
20 and 440.926 (2) (a) 1. and 2., as renumbered, are amended to read:

21 440.926 (2) (a) 1. The records needed to prepare the reports required under ~~par.~~
22 sub. (1) (a).

23 2. Records that show, for each deposit in a trust fund or account specified in
24 ~~pars. sub. (1) (b) 2. and (c)~~, the name of the purchaser or beneficiary of the preneed
25 sales contract relating to the deposit and the item purchased.

1 **SECTION 3605oj.** 440.92 (6) (h) of the statutes is renumbered 440.926 (2) (b) and
2 amended to read:

3 440.926 (2) (b) The records under ~~par. sub. (1) (b) 1.~~ shall be permanently
4 maintained by the preneed seller. The records under ~~par. sub. (1) (b) 2.~~ shall be
5 maintained for not less than 3 years after all of the obligations of the preneed sales
6 contract have been fulfilled. The department may promulgate rules to establish
7 longer time periods for maintaining records under this paragraph.

8 **SECTION 3605oL.** 440.92 (6) (i) of the statutes is renumbered 440.926 (3) (a) and
9 amended to read:

10 440.926 (3) (a) The department may promulgate rules requiring preneed
11 sellers registered under ~~sub. s. 440.92 (1)~~ to maintain other records and establishing
12 minimum time periods for the maintenance of those records.

13 **SECTION 3605on.** 440.92 (6) (j) of the statutes is renumbered 440.926 (4) and
14 amended to read:

15 440.926 (4) AUDITS. The department may audit, at reasonable times and
16 frequency, the records, trust funds, and accounts of any preneed seller registered
17 under ~~sub. s. 440.92 (1)~~, including records, trust funds, and accounts pertaining to
18 services provided by a preneed seller which are not otherwise subject to the
19 requirements under this section ~~subchapter.~~ The department may conduct audits
20 under this ~~paragraph subsection~~ on a random basis, and shall conduct all audits
21 under this ~~paragraph subsection~~ without providing prior notice to the preneed seller.

22 **SECTION 3605op.** 440.92 (6) (k) of the statutes is renumbered 440.926 (3) (b)
23 and amended to read:

1 440.926 (3) (b) The department may promulgate rules establishing a filing fee
2 to accompany the report required under ~~par. sub. (1)~~ (a). The filing fee shall be based
3 on the approximate cost of regulating preneed sellers.

4 **SECTION 3605or.** 440.92 (7) of the statutes is renumbered 440.927 and
5 amended to read:

6 **440.927 Approval of warehouses.** No person may own or operate a
7 warehouse unless the warehouse is approved by the department. Upon application,
8 the department shall approve a warehouse that is located in this state if the person
9 who operates the warehouse is licensed as a public warehouse keeper by the
10 department of agriculture, trade and consumer protection under ch. 99, but may not
11 approve a warehouse that is located in this state unless the person is so licensed. The
12 department shall promulgate rules establishing the requirements for approval of
13 warehouses that are located outside this state. The rules shall require warehouses
14 that are located outside this state to file with the department a bond furnished by
15 a surety company authorized to do business in this state in an amount that is
16 sufficient to guarantee the delivery of cemetery merchandise to purchasers under
17 preneed sales contracts. The department shall compile and keep a current list of the
18 names and addresses of all warehouses approved under this ~~subsection~~ section and
19 shall make the list available for public inspection during the times specified in s.
20 230.35 (4) (f). ✓

21 **SECTION 3605ot.** 440.92 (9) (title) of the statutes is amended to read:

22 440.92 (9) (title) EXEMPTIONS; CERTIFICATION OF COMPLIANCE OF RELIGIOUS
23 CEMETERY AFFILIATED WITH RELIGIOUS SOCIETY AUTHORITIES. ✓

24 **SECTION 3605ov.** 440.92 (9) (a) of the statutes is amended to read:

1 440.92 (9) (a) ~~If the cemetery authority of a cemetery that is affiliated with a~~
2 ~~religious society organized under ch. 187 or that religious society a religious~~
3 ~~cemetery authority or the church, synagogue, mosque, incorporated college of a~~
4 ~~religious order, or religious society organized under ch. 187 that is affiliated with a~~
5 ~~religious cemetery authority~~ files an annual certification with the department as
6 provided in this subsection, neither the religious cemetery authority nor any
7 employee of the cemetery is required to be registered as a cemetery preneed seller
8 under sub. (1) during the period for which the certification is effective, but the
9 religious cemetery authority and any employee are required to comply, if applicable,
10 with the requirements of s. 445.125.

11 **SECTION 3605ox.** 440.92 (9) (b) 3. of the statutes is amended to read:

12 440.92 (9) (b) 3. A notarized statement of a person who is legally authorized to
13 act on behalf of the religious ~~society~~ cemetery authority under this subsection that,
14 during the 12-month period immediately preceding the date on which the
15 certification is filed with the department, each employee specified under subd. 2. and
16 the religious cemetery authority have either fully complied or have substantially
17 complied with ~~subs. (2), sub. (3) (a) and (b) and (5) ss. 440.922 and 440.924.~~

18 **SECTION 3605oz.** 440.92 (9) (c) of the statutes is amended to read:

19 440.92 (9) (c) If the statement under par. (b) 3. includes a statement of
20 substantial compliance, the statement of substantial compliance must also specify
21 those instances when the employee or religious cemetery authority did not fully
22 comply with sub. (2), (3) (a) or (b) or (5) s. 440.922 or 440.924.

23 **SECTION 3605qb.** 440.92 (9) (e) of the statutes is amended to read:

24 440.92 (9) (e) During the effective period specified under par. (d), the
25 department may not audit the preneed trust funds or any records or accounts

1 relating to the preneed trust funds of the religious cemetery authority or any
2 employee of the cemetery to which a certification under this subsection applies.

3 **SECTION 3605qd.** 440.92 (9) (f) of the statutes is amended to read:

4 440.92 (9) (f) The church, synagogue, mosque, incorporated college of a
5 religious order, or religious society that is affiliated with a cemetery to which a
6 certification under this subsection applies is liable for the damages of any person
7 that result from the failure of any employee specified under par. (b) 2. or the religious
8 cemetery authority to fully comply with sub. ~~(2)~~, (3) (a) or (b) or ~~(5)~~ s. 440.922 or
9 440.924 during the 12-month period for which such compliance has been certified
10 under this subsection.

11 **SECTION 3605qg.** 440.92 (10) of the statutes is amended to read:

12 440.92 (10) EXEMPTIONS; CERTAIN NONPROFIT CEMETERIES. This section does not
13 apply to a cemetery authority that is not required to be registered under s. 440.91
14 (1) and, that is not organized or conducted for pecuniary profit, and that does not
15 operate a cemetery in a county with a population greater than 600,000.

16 **SECTION 3605qh.** 440.922 (1) (title) of the statutes is created to read:

17 440.922 (1) (title) DELIVERY OF CEMETERY MERCHANDISE.

18 **SECTION 3605qhc.** 440.922 (4) (title) of the statutes is created to read:

19 440.922 (4) (title) PHYSICAL ALTERATION OF CEMETERY MERCHANDISE.

20 **SECTION 3605qhe.** 440.922 (5) (title) of the statutes is created to read:

21 440.922 (5) (title) UNDEVELOPED SPACE SALES.

22 **SECTION 3605qhg.** 440.922 (6) (title) of the statutes is created to read:

23 440.922 (6) (title) INTEREST ASSIGNMENTS.

24 **SECTION 3605qhj.** 440.922 (8) (title) of the statutes is created to read:

25 440.922 (8) (title) CONTRACT REQUIREMENTS.

1 **SECTION 3605qhk.** 440.922 (10) (title) of the statutes is created to read:

2 440.922 (10) (title) CONFLICTING PROVISIONS.

3 **SECTION 3605qj.** 440.926 (1) (title) of the statutes is created to read:

4 440.926 (1) (title) REPORTS.

5 **SECTION 3605qjd.** 440.926 (2) (title) of the statutes is created to read:

6 440.926 (2) (title) RECORDS.

7 **SECTION 3605qjf.** 440.926 (3) (title) of the statutes is created to read:

8 440.926 (3) (title) RULES.

9 **SECTION 3605qr.** 440.93 (1) (b) of the statutes is amended to read:

10 440.93 (1) (b) Made a substantial misrepresentation or false promise to an
11 individual to influence the individual to purchase a ~~cemetery lot~~, cemetery
12 merchandise or ~~mausoleum~~ a burial space.

13 **SECTION 3605qt.** 440.93 (1) (c) of the statutes is amended to read:

14 440.93 (1) (c) Engaged in any practice relating to the operation or management
15 of a cemetery or the sale of a cemetery lot, cemetery merchandise or ~~mausoleum~~ a
16 burial space which clearly demonstrates a lack of knowledge or ability to apply
17 professional principles or skills.

18 **SECTION 3605qx.** 440.93 (1) (d) of the statutes is amended to read:

19 440.93 (1) (d) ~~Subject to ss. 111.321, 111.322 and 111.335, been convicted of an~~
20 offense Violated any law the circumstances of which substantially relate to the
21 operation or management of a cemetery or the sale of a cemetery lot, cemetery
22 merchandise or ~~mausoleum~~ a burial space. A certified copy of a judgment of
23 conviction is prima facie evidence of a violation.

24 **SECTION 3605qz.** 440.93 (1) (f) of the statutes is amended to read:

1 440.93 (1) (f) Subject to ss. 111.321, 111.322, and 111.34, engaged in any
2 practice relating to the operation or management of a cemetery or the sale of a
3 ~~cemetery lot~~, cemetery merchandise or ~~mausoleum~~ a burial space while the person's
4 ability to practice was impaired by mental disease or defect or alcohol or other drugs.

5 **SECTION 3605sb.** 440.93 (1) (g) of the statutes is amended to read:

6 440.93 (1) (g) Violated this subchapter or subch. II of ch. 157, any rule
7 promulgated under this subchapter or subch. II of ch. 157, or any order of the
8 department.

9 **SECTION 3605sd.** 440.93 (1m) of the statutes is created to read:

10 440.93 (1m) The department may, in addition to or in lieu of a reprimand or
11 revocation, limitation, suspension, or denial of a certificate of registration, assess
12 against a person registered under this subchapter who has done anything specified
13 in sub. (1) (a) to (g) a forfeiture of no more than \$5,000 for each separate offense. Each
14 day of continued violation constitutes a separate offense.

15 **SECTION 3605sh.** 440.945 (1) (a) of the statutes is amended to read:

16 440.945 (1) (a) "Installed" means permanently affixed to a ~~cemetery lot~~ burial
17 space.

18 **SECTION 3605sj.** 440.945 (2) (a) of the statutes is amended to read:

19 440.945 (2) (a) Adopt regulations, consistent with this section and with
20 standards that the cemetery authority uses for its own monument installations,
21 prescribing requirements and procedures for the sale, delivery, installation, or care
22 of monuments, including requirements that each vendor provide reasonable advance
23 notice to the cemetery authority of the date on which the vendor desires to install a
24 monument; that each vendor carry worker's compensation insurance and a
25 minimum amount of comprehensive general liability insurance, such minimum

1 amount not to exceed \$300,000; and that each owner of a ~~cemetery lot~~ burial space
2 pay all fees and other amounts due the cemetery authority to satisfy any
3 encumbrances pertaining to the ~~cemetery lot~~ burial space before a monument is
4 installed. ✓

5 **SECTION 3605sL.** 440.945 (2) (c) of the statutes is amended to read:

6 440.945 (2) (c) Charge either the owner of a ~~cemetery lot~~ burial space or a
7 vendor a reasonable fee to cover the cemetery authority's labor costs. In this
8 paragraph, "labor costs" means the amount, calculated in accordance with generally
9 accepted accounting principles and practices, that is payable to employees of the
10 cemetery authority for wages and fringe benefits for the period that the employees
11 were engaged in marking the location for and inspecting the installation of the
12 monument to ensure that it was properly installed, and may include any general
13 administrative or overhead costs of the cemetery authority or any other costs that
14 are directly related to marking the location for and inspecting the installation of the
15 monument to ensure that it was properly installed.

16 **SECTION 3605sn.** 440.945 (3) (a) (intro.) of the statutes is amended to read:

17 440.945 (3) (a) (intro.) Every cemetery authority shall keep on file and make
18 available for inspection and copying to owners and prospective purchasers of
19 ~~cemetery lots~~ burial spaces and to other interested persons all of the following
20 information: ✓

21 **SECTION 3605sp.** 440.945 (4) (a) 1. of the statutes is amended to read:

22 440.945 (4) (a) 1. Require the owner or purchaser of a ~~cemetery lot~~ burial space
23 to purchase a monument or services related to the installation of a monument from
24 the cemetery authority. ✓

25 **SECTION 3605sr.** 440.945 (4) (a) 2. of the statutes is amended to read:

1 440.945 (4) (a) 2. Restrict the right of the owner or purchaser of a ~~cemetery~~ let
2 burial space to purchase a monument or services related to the installation of a
3 monument from the ~~vendor~~ of his or her choice.

4 **SECTION 3605st.** 440.945 (4) (a) 3. of the statutes is amended to read:

5 440.945 (4) (a) 3. Except as provided in sub. (2) (c), charge the owner or
6 purchaser of a ~~cemetery~~ let burial space a fee for purchasing a monument or services
7 related to the installation of a monument from a vendor, or charge a vendor a fee for
8 delivering or installing the monument. Nothing in this subdivision shall be
9 construed to prohibit a cemetery authority from charging the owner or purchaser of
10 a ~~cemetery~~ let burial space a reasonable fee for services relating to the care of a
11 monument.

12 **SECTION 3605sv.** 440.945 (4) (a) 4. of the statutes is amended to read:

13 440.945 (4) (a) 4. Discriminate against any owner or purchaser of a ~~cemetery~~
14 let burial space who has purchased a monument or services related to the
15 installation of a monument from a vendor.

16 **SECTION 3605ud.** 440.947 (1) (c) of the statutes is renumbered 440.90 (6g).

17 **SECTION 3605uh.** 440.948 of the statutes is created to read:

18 **440.948 Burial agreements.** Any agreement for the purchase of a casket,
19 outer burial container not preplaced into the burial excavation of a grave, or
20 combination casket-outer burial container, that is not immediately required for the
21 burial or other disposition of human remains, is subject to the requirements of s.
22 445.125 (1).

23 **SECTION 3605uv.** 440.95 (4) (c) of the statutes is amended to read:

24 440.95 (4) (c) Fails to file a report or files an incomplete, false, or misleading
25 report under s. ~~440.92 (6)~~ 440.926.

1 **SECTION 3605ux.** 440.95 (5) of the statutes is amended to read:

2 440.95 (5) Except as provided in sub. (4), any person who violates ~~ss.~~ ss. 440.92
3 to 440.927 or any rule promulgated under ~~ss.~~ ss. 440.92 to 440.927 may be required
4 to forfeit not more than \$200 for each offense. Each day of continued violation
5 constitutes a separate offense.”

6 **1438.** Page 1156, line 7: after that line insert:

*(Note that 1440 comes
first, then 1438 +
1439)*

7 **SECTION 3619sd.** 560.036 (2) (a) of the statutes is amended to read:

8 560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.854, 16.855 (10m), 16.87
9 (2), 18.16, 18.64, 18.77, 25.17 (59), 25.185, 34.05 (4), 38.18, 43.17 (9) (a), 59.52 (29)
10 (c), 59.57 (1) (b), 60.47 (7), 61.55 (3), 62.15 (1) (c), 66.0901 (6), 84.075, 84.076, 119.495
11 (2), 120.12 (27), 200.49, 200.57, 229.46, 229.70, 229.8273, 229.845, 231.27 and,
12 232.05 (2) (d), 234.01 (4n) (a) 3m. d., 234.35, 234.65 (1) (g), 252.12 (2) (c) 2., 560.038,
13 560.039, and 560.80 to 560.85, the department shall establish and periodically
14 update a list of certified minority businesses, minority financial advisers, and
15 minority investment firms. Any business, financial adviser, or investment firm may
16 apply to the department for certification. For purposes of this paragraph, unless the
17 context otherwise requires, a “business” includes a financial adviser or investment
18 firm.

19 **SECTION 3619sg.** 560.036 (3) (a) of the statutes is amended to read:

20 560.036 (3) (a) The department shall promulgate rules establishing procedures
21 to implement sub. (2). Those rules shall include a rule prescribing a uniform
22 application form for certification under sub. (2).

23 **SECTION 3619sj.** 560.036 (3) (c) of the statutes is amended to read:

1 560.036 (3) (c) The department may promulgate rules establishing conditions
2 with which a business, financial adviser, or investment firm must comply to qualify
3 for certification, in addition to the qualifications specified under sub. (1) (e), (ep), and
4 (fm), respectively. Those rules may not require that a business, financial adviser, or
5 investment firm submit any income or franchise tax return to the department as a
6 condition for qualification for certification.

7 ~~SECTION 3619~~^{sm.} 560.038 (1) (ar) of the statutes is amended to read:

8 560.038 (1) (ar) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~
9 means a business that is certified by the department under s. 560.036 (2).

10 ~~SECTION 3619~~^{sp.} 560.039 (1) (b) of the statutes is amended to read:

11 560.039 (1) (b) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~
12 means a business that is certified by the department under s. 560.036 (2).”.

13 [✓]1439. Page 1156, line 7: after that line insert:

14 ~~SECTION 3619~~^{w.} 560.06 (2) of the statutes is amended to read:

15 560.06 (2) In each fiscal year ~~1999–2000~~, the department ~~may~~ shall provide up
16 ~~to~~ \$100,000 from the appropriations under s. 20.143 (1) (c) and (ie) in assistance to
17 ~~a~~ the nonprofit organization specified in sub. (1) that provides assistance to
18 organizations and individuals in urban areas. Notwithstanding sub. (1), the
19 department shall use the moneys authorized under this subsection in accordance
20 with the memorandum of understanding under sub. (1) and shall ensure that the
21 nonprofit organization provides assistance to organizations and individuals in an
22 area that includes the city of Beloit.”.

23 [✓]1440. Page 1156, line 7: delete that line and substitute:

1 ✓
2 **"SECTION 3619k.** 560.031 (3) of the statutes, as created by 1997 Wisconsin Act
27, is renumbered 560.031 (3) (am).

3 ✓
4 **SECTION 3619m.** 560.031 (3) (bc) of the statutes is created to read:

5 560.031 (3) (bc) In awarding grants, loans, and manufacturing rebates under
6 this subsection, the board shall give priority to projects that involve recovered
7 materials that constitute a relatively high volume of solid waste generated in this
state or that are hazardous to human health or the environment.

8 ✓
9 **SECTION 3619n.** 560.031 (3) (cm) of the statutes is created to read:

10 560.031 (3) (cm) Annually, the board shall allocate up to \$200,000 in financial
11 assistance under this subsection for forgivable loans for projects that have
12 exceptional potential to meet one of the qualifying considerations under par. (am) 1.,
13 2., 3., or 4., but do not comply with the standard criteria established by the board or
department for meeting its fiduciary responsibilities in managing state resources.

14 ✓
15 **SECTION 3619s.** 560.031 (6m) of the statutes is created to read:

16 560.031 (6m) Annually, in consultation with the council on recycling, the board
17 shall establish a list of materials recovered from solid waste for which the board may
award financial assistance.".

18 **1441.** Page 1162, line 8: delete lines 8 to 10.

19 **1442.** Page 1162, line 10: after that line insert:

20 **"SECTION 3649m.** 560.16 (6) (a) 3. of the statutes is amended to read:

21 560.16 (6) (a) 3. A verified statement of the financial condition and business
22 operation of the existing business for the previous 3 years, certified by an
23 independent certified public accountant licensed or certified under ch. 442.".

24 **1443.** Page 1162, line 11: delete lines 11 to 18 and substitute:

(L)

(M)