

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

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

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

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

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

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

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

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

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

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

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

23           7. For an outdoor application, a description of the weather conditions at the  
24 time of the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (6m) EXEMPTION FROM REPORTING REQUIREMENT. A school district is not required  
19 to provide quarterly reports to the department under sub. (2) (i) if the school district  
20 does not use pesticides and notifies the department that it does not use pesticides.  
21 A school district shall begin to make the quarterly reports if it begins to use  
22 pesticides.

23 (7) ASSISTANCE AND COOPERATION. The department shall provide assistance to  
24 school districts in complying with subs. (2) to (4). The department shall consult with  
25 the department of health and family services and the department of public

1 instruction concerning school pest management issues. The department and the  
2 board of regents of the University of Wisconsin System shall enter into a  
3 memorandum of understanding concerning school pest management and the  
4 provision of training by the University of Wisconsin–Extension to ensure cooperation  
5 between the department and the University of Wisconsin–Extension and to avoid  
6 duplication of activities. The University of Wisconsin–Extension and the cooperative  
7 educational service agencies shall cooperate in providing the training under s. 36.25  
8 (43).

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

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

16 \*b1017/1.1\* SECTION 2397e. 94.73 (3m) (r) of the statutes is amended to read:

17 94.73 (3m) (r) The cost of providing alternative sources of drinking water,  
18 except that, subject to sub. (6) (b) to (f), the department may reimburse a responsible  
19 person who applies for reimbursement a total of not more than ~~\$20,000~~ \$50,000 for  
20 the replacement or restoration of private wells or for connection to a public or private  
21 water source if the department or the department of natural resources orders the  
22 well replacement or restoration or the connection in response to a discharge.

23 \*-0401/1.8\* SECTION 2398. 95.15 of the statutes is repealed.

24 \*-0399/1.2\* SECTION 2399. 95.60 (8) of the statutes is created to read:

1           95.60 (8) The department may provide training to veterinarians and other  
2 persons who issue fish health certificates for the purposes of this section. The  
3 department may charge fees to recover the cost of providing the training.

4           **\*b1461/3.13\* SECTION 2400.** 97.20 (2) (d) 2. of the statutes is amended to read:

5           97.20 (2) (d) 2. The license applicant has filed all financial information required  
6 under s. 126.44 and any security required under s. ~~100.06~~ 126.47. If an applicant has  
7 not filed all financial information under s. 126.44 and any security required under  
8 s. ~~100.06~~ 126.47, the department may issue a conditional dairy plant license under  
9 s. 93.06 (8) which prohibits the licensed operator from purchasing milk or fluid milk  
10 products from milk producers or their agents, but allows the operator to purchase  
11 milk or fluid milk products from other sources.

12           **\*b1461/3.13\* SECTION 2401.** 97.20 (3m) of the statutes is amended to read:

13           97.20 (3m) CONFIDENTIALITY. Any information kept by the department under  
14 this section or s. 97.24 that identifies individual milk producers who deliver milk to  
15 a dairy plant licensed under this section and that is a composite list for that dairy  
16 plant is not subject to inspection under s. 19.35 unless inspection is required under  
17 s. ~~100.06(4)~~ 126.70 or unless the department determines that inspection is necessary  
18 to protect the public health, safety or welfare.

19           **\*b1461/3.13\* SECTION 2402.** 97.22 (10) of the statutes is amended to read:

20           97.22 (10) CONFIDENTIALITY. Any information obtained and kept by the  
21 department under this section, under s. 97.24 or 97.52, or under rules promulgated  
22 under those sections, that pertains to individual milk producer production, milk fat  
23 and other component tests and quality records is not subject to inspection under s.  
24 19.35 except as required under s. ~~100.06(4)~~ 126.70 or except as the department  
25 determines is necessary to protect the public health, safety or welfare.

1           **\*b1461/3.13\* SECTION 2403.** 97.29 (4) of the statutes is amended to read:

2           97.29 (4) FOOD PROCESSING PLANTS BUYING VEGETABLES FROM PRODUCERS. The  
3 department may not issue or renew a license to operate a food processing plant to any  
4 applicant who is a vegetable contractor, as defined in s. ~~100.03 (1) (f)~~ 126.55 (14),  
5 unless the applicant has filed all financial information required under s. 126.58 and  
6 any security that is required under s. ~~100.03~~ 126.61. If an applicant has not filed all  
7 financial information required under s. 126.58 and any security that is required  
8 under s. ~~100.03~~ 126.61, the department may issue a conditional license under s. 93.06  
9 (8) that prohibits the licensed operator from procuring vegetables from a producer  
10 or a producer's agent, but allows the operator to procure vegetables from other  
11 sources.

12           **\*b0552/1.2\* SECTION 2403e.** 97.60 of the statutes is created to read:

13           **97.60 Food advisory council.** The food advisory council shall meet at least  
14 quarterly and shall advise the department concerning issues related to providing a  
15 safe and wholesome food supply in this state, including all of the following:

16           (1) Food recalls.

17           (2) Rules that apply to retail food establishments and food processing plants.

18           (3) Food safety concerns and communications.

19           (4) Training.

20           (5) Partnerships between the department and the food industry.

21           (6) Enforcement and inspection.

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

23           **\*b1461/3.14\* SECTION 2404.** 100.03 of the statutes, as affected by 2001  
24 Wisconsin Act .... (this act), is repealed.

25           **\*b1524/1.6\* SECTION 2404g.** 100.03 (1) (bm) of the statutes is amended to read:

1           100.03 (1) (bm) “Audited financial statement” means a financial statement  
2 that, in the accompanying opinion of an independent certified public accountant or  
3 a public accountant holding a certificate of authority licensed or certified under ch.  
4 442, fairly and in all material respects represents the financial position of the  
5 contractor, the results of the contractor’s operations and the contractor’s cash flows  
6 in conformity with generally accepted accounting principles.

7           **\*b1524/1.6\* SECTION 2404r.** 100.03 (1) (ym) 2. of the statutes is amended to  
8 read:

9           100.03 (1) (ym) 2. Reviewed according to generally accepted accounting  
10 principles by an independent certified public accountant ~~or a public accountant~~  
11 ~~holding a certificate of authority~~ licensed or certified under ch. 442.

12           **\*b1461/3.14\* SECTION 2405.** 100.06 of the statutes, as affected by 2001  
13 Wisconsin Act .... (this act), is repealed.

14           **\*b1524/1.6\* SECTION 2405m.** 100.06 (1g) (c) of the statutes is amended to read:

15           100.06 (1g) (c) The department shall require the applicant to file a financial  
16 statement of his or her business operations and financial condition that meets the  
17 requirements of par. (d). The licensee, during the term of his or her license, may be  
18 required to file such statements periodically. All such statements shall be  
19 confidential and shall not be open for public inspection, except that the department  
20 shall provide the name and address of an individual, the name and address of the  
21 individual’s employer and financial information related to the individual contained  
22 in such statements if requested under s. 49.22 (2m) by the department of workforce  
23 development or a county child support agency under s. 59.53 (5). The department  
24 may require such statements to be certified by a certified public accountant licensed

1 or certified under ch. 442. Such statements and audits, when made by the  
2 department, shall be paid for at cost.

3 **\*-2007/2.3\* SECTION 2408.** 100.20 (2) (b) of the statutes is amended to read:

4 100.20 (2) (b) Notwithstanding par. (a), the department may not issue any  
5 order or promulgate any rule that regulates the provision of water or sewer service  
6 by a ~~mobile~~ manufactured home park operator, as defined in s. ~~196.01 (3t)~~ 101.91 (8),  
7 or ~~mobile~~ manufactured home park contractor, as defined in s. ~~196.01 (3q)~~ 101.91  
8 (6m), or enforce any rule to the extent that the rule regulates the provision of such  
9 water or sewer service.

10 **\*b1461/3.15\* SECTION 2414.** 100.235 (1) (b) of the statutes is amended to read:

11 100.235 (1) (b) "Contractor" has the meaning given for "vegetable contractor"  
12 under s. ~~100.03 (1) (f)~~ 126.55 (14).

13 **\*b1461/3.15\* SECTION 2415.** 100.235 (1) (em) of the statutes is renumbered

14 100.235 (1) (dm) and amended to read:

15 100.235 (1) (dm) "Registration License year" has the meaning given under s.  
16 ~~100.03 (1) (y)~~ 126.55 (10m).

17 **\*b1461/3.15\* SECTION 2416.** 100.235 (2) of the statutes is amended to read:

18 100.235 (2) CONTRACTOR MAY NOT PAY PRODUCER LESS THAN CONTRACTOR'S COST TO  
19 GROW. If a contractor and the contractor's affiliates and subsidiaries collectively grow  
20 more than 10% of the acreage of any vegetable species grown and procured by the  
21 contractor in any ~~registration~~ license year, the contractor shall pay a producer, for  
22 vegetables of that species tendered or delivered under a vegetable procurement  
23 contract, a price not less than the contractor's cost to grow that vegetable species in  
24 the same growing region. For vegetables contracted on a tonnage basis and for



1 open-market tonnage purchased, acreage under this subsection shall be determined  
2 using the state average yield per acre during the preceding ~~registration~~ license year.

3 \*b1461/3.15\* SECTION 2417. 100.235 (3) of the statutes is repealed.

4 \*b1461/3.15\* SECTION 2418. 100.235 (4) of the statutes is amended to read:

5 100.235 (4) COST TO GROW; REPORT TO DEPARTMENT UPON REQUEST. If the  
6 department determines that a contractor and the contractor's affiliates and  
7 subsidiaries will collectively grow more than 10% of the acreage of any vegetable  
8 species grown and procured by the contractor during a ~~registration~~ license year, the  
9 department may require the contractor to file a statement of the contractor's cost to  
10 grow that vegetable species. The contractor shall file the report with the department  
11 within 30 days after the department makes its request, unless the department  
12 grants an extension of time. The department may permit the contractor to report  
13 different costs to grow for different growing regions if the contractor can define the  
14 growing regions to the department's satisfaction, and can show to the department's  
15 satisfaction that the contractor's costs to grow are substantially different between  
16 the growing regions.

17 \*b1461/3.15\* SECTION 2420. 100.26 (5) of the statutes is amended to read:

18 100.26 (5) Any person violating ~~s. 100.06 or any order or regulation of the~~  
19 ~~department thereunder, or~~ s. 100.18 (9), shall be fined not less than \$100 nor more  
20 than \$1,000 or imprisoned for not more than 2 years or both. Each day of violation  
21 constitutes a separate offense.

22 \*-0454/3.2\* SECTION 2422. 100.261 (title) of the statutes is amended to read:

23 100.261 (title) **Consumer information protection assessment.**

24 \*-0454/3.3\* SECTION 2423. 100.261 (1) of the statutes is amended to read:

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

9           \*~~0454/3.4~~\* SECTION 2424. 100.261 (2) of the statutes is amended to read:

10           100.261 (2) If any deposit is made for a violation to which this section applies,  
11 the person making the deposit shall also deposit a sufficient amount to include the  
12 consumer ~~information~~ protection assessment required under this section. If the  
13 deposit is forfeited, the amount of the consumer ~~information~~ protection assessment  
14 shall be transmitted to the state treasurer under sub. (3). If the deposit is returned,  
15 the consumer ~~information~~ protection assessment shall also be returned.

16           \*~~0454/3.5~~\* SECTION 2425. 100.261 (3) (a) of the statutes is amended to read:

17           100.261 (3) (a) The clerk of court shall collect and transmit the consumer  
18 ~~information~~ protection assessment amounts to the county treasurer under s. 59.40  
19 (2) (m). The county treasurer shall then make payment to the state treasurer under  
20 s. 59.25 (3) (f) 2.

21           \*~~0454/3.6~~\* SECTION 2426. 100.261 (3) (b) 1. of the statutes is renumbered  
22 100.261 (3) (b) and amended to read:

23           100.261 (3) (b) The state treasurer shall deposit the consumer protection  
24 assessment amounts in the general fund and shall credit them to the appropriation  
25 account under s. 20.115 (1) (jb), subject to the limit under ~~subd. 2~~ par. (c).

1           **\*-0454/3.7\* SECTION 2427.** 100.261 (3) (b) 2. of the statutes is renumbered  
2 100.261 (3) (c) and amended to read:

3           100.261 (3) (c) The amount credited to the appropriation account under s.  
4 20.115 (1) (jb) may not exceed ~~\$85,000~~ \$185,000 in each fiscal year.

5           **\*b0768/4.3\* SECTION 2429d.** 100.264 (2) (intro.) of the statutes is amended to  
6 read:

7           100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is  
8 imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,  
9 100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, 100.44 ~~or~~, 100.46, or 100.52 (10)  
10 (b) or a rule promulgated under one of those sections, the person shall be subject to  
11 a supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by  
12 the defendant, for which the violation was imposed, was perpetrated against an  
13 elderly person or disabled person and if the court finds that any of the following  
14 factors is present:

15           **\*b1000/1.1\* SECTION 2430L.** 100.30 (5r) of the statutes is created to read:

16           100.30 (5r) PRIVATE CAUSE OF ACTION; SALE OF TOBACCO PRODUCTS. Any person  
17 who is injured or threatened with injury as a result of a sale or purchase of cigarettes  
18 or other tobacco products in violation of this section may bring an action against the  
19 person who violated this section for temporary or permanent injunctive relief or an  
20 action against the person for 3 times the amount of any monetary loss sustained or  
21 an amount equal to \$2,000, whichever is greater, multiplied by each day of continued  
22 violation, together with costs, including accounting fees and reasonable attorney  
23 fees, notwithstanding s. 814.04 (1). An association of cigarette wholesalers may  
24 bring the action on behalf of the person injured or threatened with injury and be  
25 entitled to the same relief as the person injured or threatened with injury.

1           **\*-1335/7.56\* SECTION 2434.** 100.45 (1) (dm) of the statutes is amended to read:

2           100.45 (1) (dm) “State agency” means any office, department, agency,  
3 institution of higher education, association, society or other body in state  
4 government created or authorized to be created by the constitution or any law which  
5 is entitled to expend moneys appropriated by law, including the legislature and the  
6 courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
7 Center Sports and Entertainment Corporation, the University of Wisconsin  
8 Hospitals and Clinics Authority ~~and~~, the Wisconsin Health and Educational  
9 Facilities Authority, and the Fox River Navigational System Authority.

10           **\*b0768/4.4\* SECTION 2435.** 100.52 (title) of the statutes is created to read:

11           **100.52 (title) Telephone solicitations.**

12           **\*b0768/4.4\* SECTION 2436.** 100.52 (1) (title) of the statutes is created to read:

13           100.52 (1) (title) DEFINITIONS.

14           **\*b0768/4.4\* SECTION 2437b.** 100.52 (1) (a) of the statutes is created to read:

15           100.52 (1) (a) “Affiliate,” when used in relation to any person, means another  
16 person who owns or controls, is owned or controlled by, or is under common  
17 ownership or control with such person.

18           **\*b0768/4.4\* SECTION 2438b.** 100.52 (1) (b) of the statutes is created to read:

19           100.52 (1) (b) “Basic local exchange service” has the meaning in s. 196.01 (1g).

20           **\*b0768/4.4\* SECTION 2439b.** 100.52 (1) (c) of the statutes is created to read:

21           100.52 (1) (c) “Nonprofit organization” means a corporation, association, or  
22 organization described in section 501 (c) (3), (4), (5), or (19) of the Internal Revenue  
23 Code that is exempt from taxation under section 501 (a) of the Internal Revenue  
24 Code.

25           **\*b0768/4.4\* SECTION 2440b.** 100.52 (1) (d) of the statutes is created to read:

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

4           **\*b0768/4.4\* SECTION 2440d.** 100.52 (1) (e) of the statutes is created to read:

5           100.52 (1) (e) “Nonsolicitation directory” means the directory established in  
6 rules promulgated by the department under sub. (2) (b).

7           **\*b0768/4.4\* SECTION 2440f.** 100.52 (1) (f) of the statutes is created to read:

8           100.52 (1) (f) “Residential customer” means an individual who is furnished  
9 with basic local exchange service by a telecommunications utility, but does not  
10 include an individual who operates a business at his or her residence.

11           **\*b0768/4.4\* SECTION 2440h.** 100.52 (1) (g) of the statutes is created to read:

12           100.52 (1) (g) “Telecommunications service” has the meaning given in s. 196.01  
13 (9m).

14           **\*b0768/4.4\* SECTION 2440j.** 100.52 (1) (h) of the statutes is created to read:

15           100.52 (1) (h) “Telecommunications utility” has the meaning given in s. 196.01  
16 (10).

17           **\*b0768/4.4\* SECTION 2440L.** 100.52 (1) (j) of the statutes is created to read:

18           100.52 (1) (j) “Telephone solicitor” means a person, other than a nonprofit  
19 organization or an employee or contractor of a nonprofit organization, that employs  
20 or contracts with an individual to make a telephone solicitation.

21           **\*b0768/4.4\* SECTION 2440n.** 100.52 (2) of the statutes is created to read:

22           100.52 (2) NONSOLICITATION DIRECTORY LISTING. (a) Upon a request by a  
23 residential customer, the department shall include in the nonsolicitation directory  
24 a listing indicating that the residential customer does not want to receive any  
25 telephone solicitation made on behalf of a telephone solicitor.

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

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

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

24 \*b0768/4.4\* SECTION 2441b. 100.52 (3) of the statutes is created to read:

1           100.52 (3) REGISTRATION OF TELEPHONE SOLICITORS. (a) The department shall  
2 promulgate rules that require any telephone solicitor who requires an employee or  
3 contractor to make a telephone solicitation to a residential customer in this state to  
4 register with the department, obtain a registration number from the department,  
5 and pay a registration fee to the department. The amount of the registration fee shall  
6 be based on the cost of establishing the nonsolicitation directory, and the amount that  
7 an individual telephone solicitor is required to pay shall be based on the number of  
8 telephone lines used by the telephone solicitor to make telephone solicitations. The  
9 rules shall also require a telephone solicitor that registers with the department to  
10 pay an annual registration renewal fee to the department. The amount of the  
11 registration renewal fee shall be based on the cost of maintaining the nonsolicitation  
12 directory.

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

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

21           **\*b0768/4.4\* SECTION 2442b.** 100.52 (4) (title) of the statutes is created to read:

22           100.52 (4) (title) TELEPHONE SOLICITOR REQUIREMENTS.

23           **\*b0768/4.4\* SECTION 2442d.** 100.52 (4) (a) 2. and 3. of the statutes are created  
24 to read:

1           100.52 (4) (a) 2. Make a telephone solicitation to a residential customer if the  
2           nonsolicitation directory that is provided or made available to the telephone solicitor  
3           under sub. (2) (d) includes a listing for the residential customer.

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

7           **\*b0768/4.4\* SECTION 2442f.** 100.52 (4) (b) of the statutes is created to read:

8           100.52 (4) (b) A telephone solicitor may not do any of the following:

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

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

14          **\*b0768/4.4\* SECTION 2442h.** 100.52 (4) (c) of the statutes is created to read:

15          100.52 (4) (c) A telephone solicitor or employee or contractor of a telephone  
16          solicitor that makes a telephone solicitation to a nonresidential customer shall, upon  
17          the request of the nonresidential customer, provide the mailing address for notifying  
18          the telephone solicitor that the nonresidential customer does not wish to receive  
19          telephone solicitations.

20          **\*b0768/4.4\* SECTION 2443b.** 100.52 (5) of the statutes is created to read:

21          100.52 (5) NONPROFIT ORGANIZATION REQUIREMENTS. A nonprofit organization or  
22          an employee or contractor of a nonprofit organization may not make a telephone  
23          solicitation to a residential customer if the residential customer has provided notice  
24          by telephone, mail, or facsimile transmission to the nonprofit organization that the  
25          residential customer does not wish to receive telephone solicitations. A nonprofit



1 organization may not require an employee or contractor to make a telephone  
2 solicitation that violates this subsection.

3 \*b0768/4.4\* SECTION 2444b. 100.52 (6) of the statutes is created to read:

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

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

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

14 \*b0768/4.4\* SECTION 2445b. 100.52 (7) of the statutes is created to read:

15 100.52 (7) TERRITORIAL APPLICATION. This section applies to any interstate  
16 telephone solicitation received by a person in this state and to any intrastate  
17 telephone solicitation.

18 \*b0768/4.4\* SECTION 2446b. 100.52 (8) of the statutes is created to read:

19 100.52 (8) PRIVATE CAUSE OF ACTION. Any person who suffers damages as the  
20 result of another person violating this section may bring an action against the person  
21 who violated this section to recover the amount of those damages.

22 \*b0768/4.4\* SECTION 2446d. 100.52 (9) of the statutes is created to read:

23 100.52 (9) ENFORCEMENT. The department shall investigate violations of this  
24 section and may bring an action for temporary or permanent injunctive or other relief  
25 for any violation of this section.

1           **\*b0768/4.4\* SECTION 2446f.** 100.52 (10) of the statutes is created to read:

2           100.52 (10) PENALTIES. (a) Except as provided in par. (b), a person who violates  
3 this section may be required to forfeit not less than \$100 nor more than \$500 for each  
4 violation.

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

8           **\*b2218/1.1\* SECTION 2446r.** 101.01 (11) of the statutes is amended to read:

9           101.01 (11) “Place of employment” includes every place, whether indoors or out  
10 or underground and the premises appurtenant thereto where either temporarily or  
11 permanently any industry, trade, or business is carried on, or where any process or  
12 operation, directly or indirectly related to any industry, trade, or business, is carried  
13 on, and where any person is, directly or indirectly, employed by another for direct or  
14 indirect gain or profit, but does not include any place where persons are employed  
15 in private domestic service which does not involve the use of mechanical power or in  
16 farming. “Farming” includes those activities specified in s. 102.04 (3), ~~and also~~  
17 ~~includes;~~ the transportation of farm products, supplies, or equipment directly to the  
18 farm by the operator of ~~said~~ the farm or employees for use thereon, if such activities  
19 are directly or indirectly for the purpose of producing commodities for market, or as  
20 an accessory to such production; ~~and the operation of a horse boarding facility or~~  
21 ~~horse training facility that does not contain an area for the public to view a horse~~  
22 ~~show and that is first operated on or after August 1, 2000.~~ When used with relation  
23 to building codes, “place of employment” does not include an adult family home, as  
24 defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed  
25 building used as a community-based residential facility, as defined in s. 50.01 (1g),

1 which serves 20 or fewer residents who are not related to the operator or  
2 administrator.

3 \*b2218/1.1\* SECTION 2446rb. 101.01 (11) of the statutes, as affected by 2001  
4 Wisconsin Act .... (this act), is amended to read:

5 101.01 (11) "Place of employment" includes every place, whether indoors or out  
6 or underground and the premises appurtenant thereto where either temporarily or  
7 permanently any industry, trade, or business is carried on, or where any process or  
8 operation, directly or indirectly related to any industry, trade, or business, is carried  
9 on, and where any person is, directly or indirectly, employed by another for direct or  
10 indirect gain or profit, but does not include any place where persons are employed  
11 in private domestic service which does not involve the use of mechanical power or in  
12 farming. "Farming" includes those activities specified in s. 102.04 (3); and also  
13 includes the transportation of farm products, supplies, or equipment directly to the  
14 farm by the operator of the farm or employees for use thereon, if such activities are  
15 directly or indirectly for the purpose of producing commodities for market, or as an  
16 accessory to such production; ~~and the operation of a horse boarding facility or horse~~  
17 ~~training facility that does not contain an area for the public to view a horse show and~~  
18 ~~that is first operated on or after August 1, 2000.~~ When used with relation to building  
19 codes, "place of employment" does not include an adult family home, as defined in s.  
20 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building  
21 used as a community-based residential facility, as defined in s. 50.01 (1g), which  
22 serves 20 or fewer residents who are not related to the operator or administrator.

23 \*b2218/1.1\* SECTION 2447d. 101.01 (12) of the statutes is amended to read:

24 101.01 (12) "Public building" means any structure, including exterior parts of  
25 such building, such as a porch, exterior platform, or steps providing means of ingress

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

9 \*b2218/1.1\* SECTION 2447db. 101.01 (12) of the statutes, as affected by 2001  
10 Wisconsin Act .... (this act), is amended to read:

11 101.01 (12) “Public building” means any structure, including exterior parts of  
12 such building, such as a porch, exterior platform, or steps providing means of ingress  
13 or egress, used in whole or in part as a place of resort, assemblage, lodging, trade,  
14 traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation  
15 to building codes, “public building” does not include ~~a horse boarding facility or horse~~  
16 ~~training facility that does not contain an area for the public to view a horse show, the~~  
17 ~~initial construction of which was begun on or after August 1, 2000, or a previously~~  
18 ~~constructed building used as a community-based residential facility as defined in s.~~  
19 ~~50.01 (1g) which serves 20 or fewer residents who are not related to the operator or~~  
20 ~~administrator or an adult family home, as defined in s. 50.01 (1).~~

21 \*b2215/1.1\* SECTION 2447x. 101.02 (15) (a) of the statutes is amended to read:

22 101.02 (15) (a) The department has such supervision of every employment,  
23 place of employment and public building in this state as is necessary adequately to  
24 enforce and administer all laws and all lawful orders requiring such employment,  
25 place of employment or public building to be safe, and requiring the protection of the

1 life, health, safety and welfare of every employe in such employment or place of  
2 employment and every frequenter of such place of employment, and the safety of the  
3 public or tenants in any such public building. This Except for the purposes of  
4 enforcing and administering s. 101.22, this paragraph does not apply to occupational  
5 safety and health issues covered by standards established and enforced by the  
6 federal occupational safety and health administration.

7 \*~~0664/2.2~~\* SECTION 2449. 101.09 (3) (d) of the statutes is created to read:

8 101.09 (3) (d) The department shall promulgate a rule specifying fees for plan  
9 review and inspection of tanks for the storage, handling, or use of flammable or  
10 combustible liquids and for any certification or registration required under par. (c).

11 \*b1449/1.1\* SECTION 2449d. 101.10 (2) of the statutes, as created by 2001  
12 Wisconsin Act 3, is amended to read:

13 101.10 (2) RULES. The department shall promulgate rules that prescribe  
14 reasonable standards relating to the safe storage and handling of anhydrous  
15 ammonia. The rules shall prescribe standards for the design, construction, repair,  
16 alteration, location, installation, inspection, and operation of anhydrous ammonia  
17 equipment. The Except as otherwise provided in this subsection, the rules  
18 promulgated under this subsection do not apply to ammonia manufacturing plants,  
19 refrigeration plants where ammonia is used solely as a refrigerant, facilities where  
20 ammonia is used in pollution control devices or is manufactured, electric generating  
21 or cogenerating facilities where ammonia is used as a refrigerant, and ammonia  
22 transportation pipelines. If ammonia is used on the premises of a facility or plant  
23 described under this subsection for a purpose or in a manner that is not related to  
24 the applicable exemption from the rules promulgated under this subsection, the  
25 exemption does not apply to that use.

1           **\*b0338/1.2\* SECTION 2449f.** 101.123 (title) of the statutes is repealed and  
2 recreated to read:

3           **101.123 (title) Smoking prohibited.**

4           **\*b0338/1.2\* SECTION 2449h.** 101.123 (1) (i) of the statutes is amended to read:  
5           101.123 (1) (i) “State institution” means a prison, ~~a secured correctional~~  
6 ~~facility~~, a mental health institute as defined in s. 51.01 (12) or a center for the  
7 developmentally disabled as defined in s. 51.01 (3), ~~except that “state institution”~~  
8 ~~does not include a Type 2 secured correctional facility, as defined in s. 938.02 (20).~~

9           **\*b0338/1.2\* SECTION 2449j.** 101.123 (1) (j) of the statutes is created to read:  
10           101.123 (1) (j) “Type 1 secured correctional facility” has the meaning given in  
11 s. 938.02 (19).

12           **\*b0338/1.2\* SECTION 2449L.** 101.123 (2) (br) of the statutes is created to read:  
13           101.123 (2) (br) Notwithstanding par. (a) and sub. (3), no person may smoke  
14 in any enclosed, indoor area of a Type 1 secured correctional facility or on the grounds  
15 of a Type 1 secured correctional facility.

16           **\*b0338/1.2\* SECTION 2449n.** 101.123 (4) (a) 2. of the statutes is amended to  
17 read:

18           101.123 (4) (a) 2. A person in charge or his or her agent may not designate an  
19 entire building as a smoking area or designate any smoking areas in the state capitol  
20 building, in the immediate vicinity of the state capitol, in a Type 1 secured  
21 correctional facility, on the grounds of a Type 1 secured correctional facility, in a  
22 motor bus, hospital or physician’s office or on the premises, indoors or outdoors, of  
23 a day care center when children who are receiving day care services are present,  
24 except that in a hospital or a unit of a hospital that has as its primary purpose the  
25 care and treatment of mental illness, alcoholism or drug abuse a person in charge or

1 his or her agent may designate one or more enclosed rooms with outside ventilation  
2 as smoking areas for the use of adult patients who have the written permission of a  
3 physician. Subject to this subdivision and sub. (3) (b), a person in charge or his or  
4 her agent may not designate an entire room as a smoking area.

5 \*b0338/1.2\* SECTION 2449p. 101.123 (4) (am) 3. of the statutes is amended to  
6 read:

7 101.123 (4) (am) 3. Except in a prison, ~~secured correctional facility, jail, or~~  
8 lockup facility, an entire building may not be designated as a smoking area.

9 \*b0338/1.2\* SECTION 2449r. 101.123 (4) (bm) of the statutes is amended to  
10 read:

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

20 \*b0338/1.2\* SECTION 2449t. 101.123 (8) (a) of the statutes is amended to read:

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

25 \*b0211/1.1\* SECTION 2464f. 101.143 (1) (e) 3. of the statutes is created to read:

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

3 \*b0202/1.1\* SECTION 2468p. 101.143 (4) (a) 2. of the statutes is renumbered  
4 101.143 (4) (a) 2. (intro.) and amended to read:

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

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

12 \*b0202/1.1\* SECTION 2468r. 101.143 (4) (a) 2. b. of the statutes is created to  
13 read:

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

17 \*-0662/3.1\* SECTION 2469. 101.143 (4) (a) 6. of the statutes is amended to read:

18 101.143 (4) (a) 6. In any fiscal year, the department may not award more than  
19 5% of the amount appropriated under s. 20.143 (3) (v) as awards for petroleum  
20 product storage systems described in par. (ei) 1.

21 \*-1815/7.6\* SECTION 2470. 101.143 (4) (b) (intro.) of the statutes is amended  
22 to read:

23 101.143 (4) (b) *Eligible costs.* (intro.) Except as provided in par. (c) or (cc),  
24 eligible costs for an award under par. (a) include actual costs or, if the department



1 establishes a usual and customary cost under par. (cm) for an item, usual and  
2 customary costs for the following items:

3 **\*b0202/1.2\* SECTION 2470p.** 101.143 (4) (c) 8. (intro.) and a. of the statutes are  
4 consolidated, renumbered 101.143 (4) (c) 8. and amended to read:

5 101.143 (4) (c) 8. Interest costs incurred by an applicant that exceed interest  
6 at the following rate: ~~a. If the applicant has gross revenues of not more than~~  
7 ~~\$25,000,000 in the most recent tax year before the applicant submits a claim, 1%~~  
8 under the prime rate.

9 **\*b0202/1.2\* SECTION 2470r.** 101.143 (4) (c) 8. d. of the statutes is repealed.

10 **\*-1815/7.7\* SECTION 2471.** 101.143 (4) (cc) of the statutes is created to read:

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

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

22 1m. If an applicant received written notification that no further remedial  
23 action is necessary with respect to a discharge before the effective date of this  
24 subdivision .... [revisor inserts date], and the applicant's final claim is submitted  
25 more than 120 days after the effective date of this subdivision .... [revisor inserts

1 date], interest costs incurred by the applicant after the 120th day after the effective  
2 date of this subdivision .... [revisor inserts date], are not eligible costs.

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

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

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

11 **\*-0662/3.2\* SECTION 2472.** 101.143 (4) (d) 2. c. of the statutes is amended to  
12 read:

13 101.143 (4) (d) 2. c. For an owner or operator of a petroleum product storage  
14 system described in par. (ei) ~~1~~, \$100,000.

15 **\*-0662/3.3\* SECTION 2473.** 101.143 (4) (dm) 2. c. of the statutes is amended to  
16 read:

17 101.143 (4) (dm) 2. c. For the owner or operator of a petroleum product storage  
18 system that is described in par. (ei) ~~1~~, \$2,500 plus 5% of eligible costs per occurrence.

19 **\*-0662/3.4\* SECTION 2474.** 101.143 (4) (dm) 3. c. of the statutes is amended to  
20 read:

21 101.143 (4) (dm) 3. c. For an owner or operator of a petroleum product storage  
22 system described in par. (ei) ~~1~~, \$100,000.

23 **\*-0662/3.5\* SECTION 2475.** 101.143 (4) (e) 2. of the statutes is amended to read:

24 101.143 (4) (e) 2. The department shall issue the award under this paragraph  
25 without regard to fault in an amount equal to the amount of the eligible costs that

1 exceeds a deductible amount of \$10,000, except that the deductible amount for a  
2 petroleum product storage system that is owned by a school district or a technical  
3 college district and that is used for storing heating oil for consumptive use on the  
4 premises where stored is 25% of eligible costs and except that the deductible for a  
5 petroleum product storage system that is described in par. (ei) ~~1~~ is \$2,500 plus 5%  
6 of the eligible costs, but not more than \$7,500 per occurrence without regard to when  
7 the eligible costs are incurred.

8 **\*-0662/3.6\* SECTION 2476.** 101.143 (4) (e) 2m. of the statutes is amended to  
9 read:

10 101.143 (4) (e) 2m. An award issued under this paragraph may not exceed  
11 \$190,000 for each occurrence, except that an award under this paragraph to the  
12 owner or operator of a petroleum product storage system described in par. (ei) ~~1~~ may  
13 not exceed \$100,000 per occurrence.

14 **\*-0662/3.7\* SECTION 2477.** 101.143 (4) (ei) 1. (intro.) of the statutes is  
15 renumbered 101.143 (4) (ei) (intro.).

16 **\*-0662/3.8\* SECTION 2478.** 101.143 (4) (ei) 1. a. of the statutes is renumbered  
17 101.143 (4) (ei) 1m. a. and amended to read:

18 101.143 (4) (ei) 1m. a. The owner or operator of the farm tank owns a parcel  
19 of 35 or more acres of contiguous land, on which the farm tank is located, which is  
20 devoted primarily to agricultural use, as defined in s. 91.01 (1), including land  
21 designated by the department of natural resources as part of the ice age trail under  
22 s. 23.17, which during the year preceding submission of a first claim under sub. (3)  
23 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or  
24 which, during the 3 years preceding that submission produced gross farm profits, as  
25 defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres, on

1 which the farm tank is located, of which at least 35 acres, during part or all of the  
2 year preceding that submission, were enrolled in the conservation reserve program  
3 under 16 USC 3831 to 3836.

4 **\*-0662/3.9\* SECTION 2479.** 101.143 (4) (ei) 1. b. of the statutes is renumbered  
5 101.143 (4) (ei) 2m.

6 **\*-0662/3.10\* SECTION 2480.** 101.143 (4) (ei) 1m. (intro.) of the statutes is  
7 created to read:

8 101.143 (4) (ei) 1m. (intro.) One of the following conditions is satisfied:

9 **\*b0211/1.2\* SECTION 2481b.** 101.143 (4) (ei) 1m. b. of the statutes is created  
10 to read:

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

23 **\*-0662/3.12\* SECTION 2482.** 101.143 (4) (ei) 2. of the statutes is renumbered  
24 101.143 (4) (a) 5m. and amended to read:

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

5           **\*b0202/1.3\* SECTION 2483k.** 101.143 (6s) of the statutes is amended to read:

6           101.143 (6s) ARBITRATION. Upon the request of a person who files an appeal of  
7 a decision of the department under this section, if the amount at issue is \$20,000  
8 \$100,000 or less, the appeal shall be heard by one or more individuals designated by  
9 the department to serve as arbitrator under rules promulgated for this purpose by  
10 the department. In such an arbitration, the arbitrator shall render a decision at the  
11 conclusion of the hearing, or within 5 business days after the conclusion of the  
12 hearing if the arbitrator determines that additional time is needed to review  
13 materials submitted during the hearing, affirming, modifying or rejecting the  
14 decision of the department. The arbitrator shall promptly file his or her decision with  
15 the department. The decision of the arbitrator is final and shall stand as the decision  
16 of the department. An arbitrator's decision may not be cited as precedent in any  
17 other proceeding before the department or before any court. A decision under this  
18 subsection is subject to review under ss. 227.53 to 227.57 only on the ground that the  
19 decision was procured by corruption, fraud or undue means. The record of a  
20 proceeding under this subsection shall be transcribed as provided in s. 227.44 (8).

21           **\*-1815/7.8\* SECTION 2485.** 101.143 (9m) (g) 2. of the statutes is amended to  
22 read:

23           101.143 (9m) (g) 2. Revenue obligations issued under this subsection may not  
24 exceed \$270,000,000 \$342,000,000 in principal amount, excluding any obligations  
25 that have been defeased under a cash optimization program administered by the

1 building commission. In addition to this limit on principal amount, the building  
2 commission may contract revenue obligations under this subsection as the building  
3 commission determines is desirable to fund or refund outstanding revenue  
4 obligations, to pay issuance or administrative expenses, to make deposits to reserve  
5 funds, or to pay accrued or capitalized interest.

6 **\*-0664/2.3\* SECTION 2490.** 101.19 (1) (b) of the statutes is amended to read:

7 101.19 (1) (b) The required inspection of boilers, pressure vessels, refrigeration  
8 plants, ~~petroleum and~~ liquefied petroleum gas vessels, anhydrous ammonia tanks  
9 and containers, elevators, ski towing and lift devices, escalators, dumbwaiters, and  
10 amusement or thrill rides but not of amusement attractions.

11 **\*b2215/1.2\* SECTION 2490b.** 101.19 (1) (ig) of the statutes is created to read:

12 101.19 (1) (ig) Authorizing crane operator certification programs under s.  
13 101.22 (2).

14 **\*b2215/1.2\* SECTION 2490f.** 101.22 of the statutes is created to read:

15 **101.22 Crane operators. (1) DEFINITION.** In this section, “crane” means a  
16 power-operated hoisting machine that is used in construction, demolition, or  
17 excavation work, that has a power-operated winch and load line, and that has a  
18 power-operated boom that moves laterally by the rotation of the machine on a  
19 carrier. “Crane” does not include a forklift, a digger derrick truck, a bucket truck,  
20 a boom truck used for sign erection, or a machine with a movable bridge carrying a  
21 movable or fixed hoisting mechanism and traveling on an overhead, fixed, runway  
22 structure.

23 **(2) CERTIFICATION.** (a) *Certification required.* Except as provided in sub. (5),  
24 no individual may operate a crane with a lifting capacity of 15 tons or more in this

1 state without a valid crane operator certificate, received from a crane operator  
2 certification program authorized by the department under sub. (3).

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

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

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

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

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

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

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

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

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

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

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

10           (4) **FEDERAL APPROVAL**. The department shall submit to the federal secretary  
11 of labor a plan for the certification of crane operators under this section, if required  
12 to do so under 29 USC 667 (b), and shall request the federal secretary of labor to  
13 approve the plan. The plan submitted by the department shall be consistent with  
14 all of the provisions of this section. If no approval is required under 29 USC 667 (b)  
15 or if an approval that is consistent with all of the provisions of this section is granted  
16 and in effect, the department shall implement the program under this section. If  
17 approval is required under 29 USC 667 (b), the department may not implement the  
18 program under this section unless an approval that is consistent with all of the  
19 provisions of this section is granted and in effect.

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

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

24           1. An individual who is receiving training as a crane operator, if the individual  
25 is under the direct supervision of a crane operator who holds a valid crane operator



1 certificate, received from a crane operator certification program authorized by the  
2 department under sub. (3).

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

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

9 4. An individual who is operating a crane in an attempt to remedy an  
10 emergency.

11 5. An individual who is an employee or subcontractor of a public utility, as  
12 defined in s. 196.01 (5), a cooperative association organized under ch. 185 for the  
13 purpose of producing or furnishing heat, light, power, or water to its members only,  
14 a telecommunications carrier, as defined in s. 196.01 (8m), a commercial mobile radio  
15 service provider, as defined in s. 196.01 (2g), or an alternative telecommunications  
16 utility under s. 196.01 (1d) (f), and who is operating a crane within the scope of his  
17 or her employment or contract.

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

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

22 (6) PENALTIES. Any person who violates sub. (2) may be fined not more than  
23 \$500 or imprisoned for not more than 3 months or both.

24 \*b0631/1.1\* SECTION 2490r. 101.563 of the statutes is created to read:

**101.563 Administration of fire dues program pending rule changes. (1)**

ENTITLEMENT TO DUES. Notwithstanding ss. 101.573 (3) (a) and 101.575 (1) and (3) to (5) and except as provided in sub. (3), the department may not withhold payment of fire department dues under ss. 101.573 and 101.575 to a city, village, or town based upon the failure of that city, village, or town to satisfy all eligibility requirements under s. 101.575 (1) and (3) to (5) or to demonstrate to the department that the city, village, or town is eligible under s. 101.575 (1) and (3) to (5) to receive fire department dues.

(2) DISTRIBUTION OF DUES. Notwithstanding s. 101.573 (3) (a) and except as provided in sub. (3), on or before May 1 in each year, the department shall compile the fire department dues paid by all insurers under s. 601.93 and the dues paid by the state fire fund under s. 101.573 (1) and funds remaining under s. 101.573 (3) (b), withhold 0.5% and certify to the state treasurer the proper amount to be paid from the appropriation under s. 20.143 (3) (L) to each city, village, and town entitled to fire department dues as provided under sub. (1) and s. 101.575. Annually, on or before August 1, the state treasurer shall pay the amounts certified by the department to each city, village, and town that is entitled to fire department dues as provided under sub. (1) and s. 101.575.

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

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

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

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

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

11           **\*b0631/1.2\* SECTION 2495m.** 101.573 (4) of the statutes is amended to read:  
12           101.573 (4) The department shall transmit to the treasurer of each city, village,  
13 and town entitled to fire department dues, a statement of the amount of dues payable  
14 to it ~~under this section~~, and the commissioner of insurance shall furnish to the state  
15 treasurer, upon request, a list of the insurers paying dues under s. 601.93 and the  
16 amount paid by each.

17           **\*b0631/1.3\* SECTION 2497m.** 101.575 (1) (am) of the statutes is amended to  
18 read:

19           101.575 (1) (am) If the department determines that a city, village, or town fire  
20 department has failed to satisfy the requirements of this subsection or subs. (3) to  
21 (6), the department shall notify the chief of the fire department, the governing body,  
22 and the highest elected official of the city, village, or town, in writing, that the fire  
23 department has 30 days to demonstrate to the department that the failure has been  
24 corrected. If the fire department makes this demonstration within the 30-day  
25 period, the department shall pay dues for that calendar year to the city, village, or

1 town. If the fire department fails to make this demonstration within the 30-day  
2 period, the department shall nonetheless pay dues for that calendar year to that city,  
3 village, or town. The department and shall issue a notice of noncompliance to the  
4 chief of the fire department, the governing body, and the highest elected official of the  
5 city, village, or town. If the fire department cannot demonstrate to the department  
6 that the fire department has met all requirements within one year after receipt of  
7 the notice of noncompliance or prior to the next audit by the department, whichever  
8 is later, the city, village, or town shall not be entitled to dues under par. (a) for that  
9 year in which the city, village, or town becomes not entitled to dues and for all  
10 subsequent calendar years until the requirements are met.

11 \*~~2007/2.4~~\* **SECTION 2532.** Subchapter V (title) of chapter 101 [precedes  
12 101.91] of the statutes is amended to read:

13 **CHAPTER 101**

14 **SUBCHAPTER V**

15 **MANUFACTURED HOMES AND MOBILE HOMES;**

16 **REGULATION OF MANUFACTURERS**

17 \*~~2007/2.5~~\* **SECTION 2533.** 101.91 (2b) of the statutes is renumbered 101.91  
18 (3).

19 \*~~2007/2.6~~\* **SECTION 2534.** 101.91 (2d) of the statutes is renumbered 101.91  
20 (4).

21 \*~~2007/2.7~~\* **SECTION 2535.** 101.91 (2f) of the statutes is renumbered 101.91  
22 (5m).

23 \*~~2007/2.8~~\* **SECTION 2536.** 101.91 (2h) of the statutes is renumbered 101.91  
24 (9).

1           **\*-2007/2.9\* SECTION 2537.** 101.91 (2k) of the statutes is renumbered 101.91  
2 (10).

3           **\*-2007/2.10\* SECTION 2538.** 101.91 (5) of the statutes is renumbered 101.91  
4 (11).

5           **\*-2007/2.11\* SECTION 2539.** 101.91 (6) of the statutes is renumbered 101.91  
6 (12).

7           **\*b1572/1.1\* SECTION 2539c.** 101.9203 (1) of the statutes is amended to read:  
8           101.9203 (1) The Except as provided in subs. (3) and (4), the owner of a  
9 manufactured home situated in this state or intended to be situated in this state  
10 shall make application for certificate of title under s. 101.9209 for the manufactured  
11 home if the owner has newly acquired the manufactured home.

12           **\*b1572/1.1\* SECTION 2539d.** 101.9203 (4) of the statutes is created to read:  
13           101.9203 (4) The owner of a manufactured home that is situated in this state  
14 or intended to be situated in this state is not required to make application for a  
15 certificate of title under s. 101.9209 if the owner of the manufactured home intends,  
16 upon acquiring the manufactured home, to permanently affix the manufactured  
17 home to land that the owner of the manufactured home owns.

18           **\*b0396/1.1\* SECTION 2539k.** 101.9208 (1) (b) of the statutes is amended to  
19 read:

20           101.9208 (1) (b) ~~Upon filing an application under par. (a) or (d) before the first~~  
21 ~~day of the 2nd month beginning after September 1, 2000, an environmental impact~~  
22 ~~fee of \$5, by the person filing the application.~~ Upon filing an application under par.  
23 (a) or (d) ~~on or after September 1, 2000,~~ an environmental impact fee of ~~\$6~~ \$9, by the  
24 person filing the application. All moneys collected under this subsection shall be

1 credited to the environmental fund for environmental management. This paragraph  
2 does not apply after December 31, 2003.

3 **\*b1572/1.2\* SECTION 2539n.** 101.9209 (1) (a) of the statutes is amended to  
4 read:

5 101.9209 (1) (a) If an owner transfers an interest in a manufactured home,  
6 other than by the creation of a security interest, the owner shall, at the time of the  
7 delivery of the manufactured home, execute an assignment and warranty of title to  
8 the transferee in the space provided therefor on the certificate, and cause the  
9 certificate to be mailed or delivered to the transferee. This paragraph does not apply  
10 if the owner has no certificate of title as a result of the exemption under s. 101.9203  
11 (4).

12 **\*b1572/1.2\* SECTION 2539nc.** 101.9209 (2) of the statutes is amended to read:

13 101.9209 (2) Promptly Except as otherwise provided in this subsection,  
14 promptly after delivery to him or her of the manufactured home, the transferee shall  
15 execute the application for a new certificate of title in the space provided therefor on  
16 the certificate or as the department prescribes, and cause the certificate and  
17 application to be mailed or delivered to the department. This subsection does not  
18 apply to a transferee who is exempt from making application for a certificate of title  
19 under s. 101.9203 (4).

20 **\*b1572/1.2\* SECTION 2539nf.** 101.9209 (3) of the statutes is amended to read:

21 101.9209 (3) A transfer by an owner is not effective until the applicable  
22 provisions of this section have been complied with. An owner who has delivered  
23 possession of the manufactured home to the transferee and has complied with the  
24 provisions of this section requiring action by him or her is not liable as owner for any  
25 damages thereafter resulting from use of the mobile home.

1           **\*b1572/1.2\* SECTION 2539nh.** 101.9209 (5) (a) and (b) of the statutes are  
2 amended to read:

3           101.9209 (5) (a) Any transferee of a ~~mobile~~ manufactured home who fails to  
4 make application for a new certificate of title immediately upon transfer to him or  
5 her of a manufactured home as required under sub. (2) may be required to forfeit not  
6 more than \$200.

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

11           **\*b1572/1.2\* SECTION 2539nj.** 101.921 (1) (a) of the statutes is amended to read:

12           101.921 (1) (a) Except as provided in par. (b), if a manufactured home dealer  
13 acquires a manufactured home and holds it for resale or accepts a manufactured  
14 home for sale on consignment, the manufactured home dealer may not submit to the  
15 department the certificate of title or application for certificate of title naming the  
16 manufactured home dealer as owner of the manufactured home. Upon transferring  
17 the manufactured home to another person, the manufactured home dealer shall  
18 immediately give the transferee, on a form prescribed by the department, a receipt  
19 for all title, security interest and sales tax moneys paid to the manufactured home  
20 dealer for transmittal to the department when required. ~~The~~ Unless the  
21 manufactured home has no certificate of title as a result of the exemption under s.  
22 101.9203 (4), the manufactured home dealer shall promptly execute the assignment  
23 and warranty of title, showing the name and address of the transferee and of any  
24 secured party holding a security interest created or reserved at the time of the resale  
25 or sale on consignment, in the spaces provided therefor on the certificate or as the

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

15 \*b1572/1.2\* SECTION 2539nL. 101.9211 (1) of the statutes is amended to read:

16 101.9211 (1) If the interest of an owner in a manufactured home passes to  
17 another other than by voluntary transfer, the transferee shall, except as provided in  
18 sub. (2), promptly mail or deliver to the department the last certificate of title, if  
19 available, and ~~the~~ any documents required by the department to legally effect such  
20 transfer, ~~and.~~ The transferee shall also promptly mail or deliver to the department  
21 an application for a new certificate in the form that the department prescribes,  
22 unless the transferee is exempt from making application for a certificate of title  
23 under s. 101.9203 (4).

24 \*b1572/1.2\* SECTION 2539nn. 101.9211 (2) of the statutes is amended to read:



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

11           **\*b1572/1.2\* SECTION 2539np.** 101.9211 (4) (a) 2. of the statutes is amended to  
12 read:

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

16           **\*b1572/1.2\* SECTION 2539nr.** 101.9211 (4) (b) 1. (intro.) of the statutes is  
17 amended to read:

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

22           **\*b1572/1.2\* SECTION 2539nt.** 101.9211 (4) (b) 1m. of the statutes is created to  
23 read:

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

4 **\*b1572/1.2\* SECTION 2539nv.** 101.9211 (4) (b) 2. of the statutes is amended to  
5 read:

6 101.9211 (4) (b) 2. The transfer of a manufactured home under this paragraph  
7 shall not affect any liens upon the manufactured home.

8 **\*b1572/1.2\* SECTION 2539nw.** 101.9212 (1) and (2) of the statutes are  
9 amended to read:

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

18 **\*b1572/1.2\* SECTION 2539ny.** 101.9218 (2) of the statutes is amended to read:

19 101.9218 (2) **FIXTURES EXCLUDED.** Notwithstanding ss. 101.921 to 101.9217, the  
20 method provided in ss. 101.921 to 101.9217 of perfecting and giving notice of security  
21 interests does not apply to a manufactured home that is a fixture to real estate or to  
22 a manufactured home that the owner intends, upon acquiring, to permanently affix  
23 to land that the owner of the manufactured home owns.

24 **\*-2007/2.12\* SECTION 2540.** 101.93 (title) of the statutes is repealed and  
25 recreated to read:

1           **101.93** (title) **Plumbing in manufactured homes.**

2           **\*b0269/2.4\* SECTION 2540m.** 101.935 (2) (c) 2. of the statutes is amended to  
3 read:

4           101.935 (2) (c) 2. The department shall establish by rule the permit fee and  
5 renewal fee for a permit issued under this subsection. Beginning in fiscal year  
6 2002–03, the department may increase the fees to recover the cost of administering  
7 s. 101.937. An additional penalty fee, as established by the department by rule, is  
8 required for each permit if the biennial renewal fee is not paid before the permit  
9 expires.

10           **\*–2007/2.13\* SECTION 2541.** 101.937 (title) of the statutes is created to read:

11           **101.937** (title) **Water and sewer service to manufactured home parks.**

12           **\*b0625/3.26\* SECTION 2544m.** 102.29 (8r) of the statutes is amended to read:

13           102.29 (8r) No participant in a food stamp employment and training program  
14 under s. ~~49.124 (1m)~~ 49.13 who, under s. ~~49.124 (1m)~~ 49.13 (2) (d), is provided  
15 worker's compensation coverage by the department or by a Wisconsin works agency,  
16 as defined in s. 49.001 (9), and who makes a claim for compensation under this  
17 chapter may make a claim or maintain an action in tort against the employer who  
18 provided the employment and training from which the claim arose.

19           **\*–1335/7.57\* SECTION 2557.** 103.49 (1) (f) of the statutes is amended to read:

20           103.49 (1) (f) "State agency" means any office, department, independent  
21 agency, institution of higher education, association, society or other body in state  
22 government created or authorized to be created by the constitution or any law,  
23 including the legislature and the courts. "State agency" also includes the University  
24 of Wisconsin Hospitals and Clinics Authority and the Fox River Navigational System  
25 Authority.

1           \*~~1335/7.58~~\* SECTION 2558. 103.49 (2) of the statutes is amended to read:

2           103.49 (2) PREVAILING WAGE RATES AND HOURS OF LABOR. Any contract hereafter  
3 made for the erection, construction, remodeling, repairing, or demolition of any  
4 project of public works, except contracts for the construction or maintenance of public  
5 highways, streets, and bridges, to which the state, or any state agency ~~or the~~  
6 ~~University of Wisconsin Hospitals and Clinics Authority~~ is a party shall contain a  
7 stipulation that no person performing the work described in sub. (2m) may be  
8 permitted to work a greater number of hours per day or per week than the prevailing  
9 hours of labor, except that any such person may be permitted or required to work  
10 more than such prevailing hours of labor per day and per week if he or she is paid  
11 for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5  
12 times his or her hourly basic rate of pay; nor may he or she be paid less than the  
13 prevailing wage rate determined under sub. (3) in the same or most similar trade or  
14 occupation in the area wherein such project of public works is situated. A reference  
15 to the prevailing wage rates determined under sub. (3) and the prevailing hours of  
16 labor shall be published in the notice issued for the purpose of securing bids for the  
17 project. If any contract or subcontract for a project that is subject to this section is  
18 entered into, the prevailing wage rates determined under sub. (3) and the prevailing  
19 hours of labor shall be physically incorporated into and made a part of the contract  
20 or subcontract, except that for a minor subcontract, as determined by the  
21 department, the department shall prescribe by rule the method of notifying the  
22 minor subcontractor of the prevailing wage rates and prevailing hours of labor  
23 applicable to the minor subcontract. The prevailing wage rates and prevailing hours  
24 of labor applicable to a contract or subcontract may not be changed during the time  
25 that the contract or subcontract is in force.

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

2           103.49 (3) (ag) In defining under par. (a) the trades or occupations that are  
3 commonly employed on projects that are subject to this section, the department:

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

7           2. Shall define metal building assembler as a separate trade or occupation for  
8 purposes of determining the prevailing wage rates for that trade or occupation and  
9 shall include among the typical duties of the trade or occupation reroofing and  
10 repairing existing prefabricated, packaged metal buildings and constructing  
11 prefabricated, packaged metal additions to existing prefabricated, packaged metal  
12 buildings.

13           **\*b0462/1.2\* SECTION 2558j.** 103.49 (3) (ar) of the statutes is amended to read:

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

24           **\*b0461/1.2\* SECTION 2558m.** 103.49 (5) (a) of the statutes is amended to read:

1           103.49 (5) (a) Each contractor, subcontractor, or contractor's or subcontractor's  
2 agent performing work on a project that is subject to this section shall keep full and  
3 accurate records clearly indicating the name and trade or occupation of every person  
4 performing the work described in sub. (2m) and an accurate record of the number of  
5 hours worked by each of those persons and the actual wages paid for the hours  
6 worked. If requested by any person, a contractor, subcontractor, or contractor's or  
7 subcontractor's agent performing work on a project that is subject to this section  
8 shall permit that person to inspect and copy any of those records to the same extent  
9 as if the record were maintained by the department, except that s. 19.36 (3) does not  
10 limit the duty of a subcontractor or a contractor's or subcontractor's agent to permit  
11 inspection and copying of a record under this paragraph. Before permitting the  
12 inspection and copying of a record under this paragraph, a contractor, subcontractor,  
13 or contractor's or subcontractor's agent shall delete from the record any personally  
14 identifiable information, as defined in s. 19.62 (5), contained in the record about any  
15 person performing the work described in sub. (2m).

16           \*~~1335/7.59~~\* SECTION 2559. 103.49 (7) (a) of the statutes is amended to read:

17           103.49 (7) (a) Except as provided under pars. (b) and (c), the department shall  
18 distribute to all state agencies and to the University of Wisconsin Hospitals and  
19 Clinics Authority a list of all persons whom the department has found to have failed  
20 to pay the prevailing wage rate determined under sub. (3) or has found to have paid  
21 less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the  
22 prevailing hours of labor at any time in the preceding 3 years. The department shall  
23 include with any name the address of the person and shall specify when the person  
24 failed to pay the prevailing wage rate and when the person paid less than 1.5 times  
25 the hourly basic rate of pay for all hours worked in excess of the prevailing hours of

1 labor. A state agency ~~or the University of Wisconsin Hospitals and Clinics Authority~~  
2 may not award any contract to the person unless otherwise recommended by the  
3 department or unless 3 years have elapsed from the date the department issued its  
4 findings or date of final determination by a court of competent jurisdiction,  
5 whichever is later.

6 **\*b0461/1.3\* SECTION 2559d.** 103.50 (6m) of the statutes is created to read:

7 103.50 (6m) RECORDS; INSPECTION. Each contractor, subcontractor, or  
8 contractor's or subcontractor's agent performing work on a project that is subject to  
9 this section shall keep full and accurate records clearly indicating the name and  
10 trade or occupation of every person performing the work described in sub. (2m) and  
11 an accurate record of the number of hours worked by each of those persons and the  
12 actual wages paid for the hours worked. If requested by any person, a contractor,  
13 subcontractor, or contractor's or subcontractor's agent performing work on a project  
14 that is subject to this section shall permit that person to inspect and copy any of those  
15 records to the same extent as if the record were maintained by the department,  
16 except that s. 19.36 (3) does not limit the duty of a subcontractor or a contractor's or  
17 subcontractor's agent to permit inspection and copying of a record under this  
18 subsection. Before permitting the inspection and copying of a record under this  
19 subsection, a contractor, subcontractor, or contractor's or subcontractor's agent shall  
20 delete from the record any personally identifiable information, as defined in s. 19.62  
21 (5), contained in the record about any person performing the work described in sub.  
22 (2m).

23 **\*b0353/1.1\* SECTION 2559g.** 103.64 (1m) of the statutes is created to read:

24 103.64 (1m) "Farming" has the meaning given in s. 102.04 (3).

25 **\*b0353/1.1\* SECTION 2559j.** 103.67 (2) (e) of the statutes is amended to read:

1 103.67 (2) (e) Minors 12 years of age or older may be employed in agricultural  
2 pursuits farming.

3 \*b0929/1.1\* SECTION 2559k. 103.67 (2) (j) of the statutes is amended to read:

4 103.67 (2) (j) Minors under 14 years of age may be employed as participants  
5 in a restitution project under s. 938.245 (2) (a) 5., 938.32 (1t) (a), 938.34 (5), or 938.345  
6 ~~or, in~~ a supervised work program or other community service work under s. 938.245  
7 (2) (a) 6., 938.32 (1t) (b), 938.34 (5g), 938.343 (3), or 938.345, or in the community  
8 service component of a youth report center program under s. 938.245 (2) (a) 9m.,  
9 938.32 (1p), 938.34 (7j), 938.342 (1d) (c) or (1g) (k), 938.343 (3m), 938.344 (2g) (a) 5.,  
10 938.345, or 938.355 (6) (d) 5. or (6m) (a) 4.

11 \*b0353/1.1\* SECTION 2559m. 103.70 (1) of the statutes is amended to read:

12 103.70 (1) Except as otherwise provided in sub. (2) and in ss. 103.21 to 103.31,  
13 103.78, 938.245 (2) (a) 5. b., 938.32 (1t) (a) 2. and 938.34 (5) (b) and (5g) (c), and as  
14 may be provided under s. 103.79, a minor, unless indentured as an apprentice in  
15 accordance with s. 106.01, or unless 12 years and over and engaged in ~~agricultural~~  
16 pursuits farming, or unless 14 years and over and enrolled in a youth apprenticeship  
17 program under s. 106.13, shall not be employed or permitted to work at any gainful  
18 occupation or employment unless there is first obtained from the department or a  
19 permit officer a written permit authorizing the employment of the minor within  
20 those periods of time stated in the permit, which shall not exceed the maximum hours  
21 prescribed by law.

22 \*b0390/1.3\* SECTION 2560r. 106.01 (11) of the statutes is created to read:

23 106.01 (11) From the appropriation under s. 20.445 (1) (kt), the department  
24 shall provide a trade masters pilot program to recognize advanced training and  
25 postapprenticeship achievements in 3 trades, crafts, or businesses, one of which



1 shall be in the industrial sector, one in the construction sector, and one in the service  
2 sector of the economy. By July 1, 2010, the department shall submit to the legislature  
3 under s. 13.172 (2) an evaluation of the effectiveness of the program.

4 **\*-1836/1.3\* SECTION 2562.** 106.12 (4) of the statutes is created to read:

5 106.12 (4) PUBLICATIONS AND SEMINARS. The board may provide publications  
6 and seminars relating to the employment and education programs administered by  
7 the board and may establish a schedule of fees for those publications and seminars.  
8 Fees established under this subsection for publications and seminars provided by the  
9 board may not exceed the actual cost incurred in providing those publications and  
10 seminars. The fees collected under this subsection shall be credited to the  
11 appropriation account under s. 20.445 (7) (ga).

12 **\*b0470/1.1\* SECTION 2562m.** 106.13 (1) (a) of the statutes is amended to read:

13 106.13 (1) (a) A youth apprenticeship program that includes the grant  
14 programs under subs. ~~(3)~~ (3m) and (4).

15 **\*-2009/1.3\* SECTION 2564.** 106.13 (3m) (a) of the statutes is amended to read:

16 106.13 (3m) (a) In this subsection, “local partnership” means one or more  
17 school districts, or any combination of one or more school districts, other public  
18 agencies, as defined in sub. (4) (a) 2., nonprofit organizations, as defined in sub. (4)  
19 (a) ~~1.~~ 1r., individuals or other persons, who have agreed to be responsible for  
20 implementing and coordinating a local youth apprenticeship program.

21 **\*b0470/1.2\* SECTION 2564m.** 106.13 (3m) (b) (intro.) of the statutes is  
22 amended to read:

23 106.13 (3m) (b) (intro.) From the appropriation under s. 20.445 (7) (b), the  
24 board shall award grants to applying local partnerships for the implementation and  
25 coordination of local youth apprenticeship programs. A local partnership shall

1 include in its grant application the identity of each public agency, nonprofit  
2 organization, individual, and other person who is a participant in the local  
3 partnership, a plan to accomplish the implementation and coordination activities  
4 specified in subs. 1. to 6., and the identity of a fiscal agent who shall be responsible  
5 for receiving, managing, and accounting for the grant moneys received under this  
6 paragraph. ~~A Subject to par. (c), a~~ local partnership that is awarded a grant under  
7 this paragraph may use the grant moneys awarded for any of the following  
8 implementation and coordination activities:

9 \*b0470/1.2\* SECTION 2564p. 106.13 (3m) (c) of the statutes is created to read:

10 106.13 (3m) (c) A local partnership that is awarded a grant under par. (b) may  
11 not use any of the grant moneys awarded to provide funding to a business that is  
12 operated for profit or to a nonprofit organization that represents business interests.

13 \*-2009/1.4\* SECTION 2565. 106.13 (4) (a) 1. of the statutes is renumbered  
14 106.13 (4) (a) 1r.

15 \*-2009/1.5\* SECTION 2566. 106.13 (4) (a) 1d. of the statutes is created to read:

16 106.13 (4) (a) 1d. “Eligible employer” means an employer that is eligible to  
17 receive a grant under this subsection according to the criteria established by the  
18 board under par. (d).

19 \*-2009/1.6\* SECTION 2567. 106.13 (4) (b) of the statutes is amended to read:

20 106.13 (4) (b) From the appropriation under s. 20.445 (7) (em), the board may  
21 award a grant to a public agency or a nonprofit organization, or to an eligible  
22 employer that is responsible for the on-the-job training and supervision of a youth  
23 apprentice. A public agency or ~~non-profit~~ nonprofit organization that receives a  
24 grant under this subsection shall use the funds awarded under the grant to award  
25 training grants to eligible employers that provide on-the-job training and