

1 100.30 (2) (g) “Sell,” “sale” or “sold” includes any advertising or offer to sell
2 or any transfer of merchandise where title is retained by the retailer, or wholesaler,
3 ~~wholesaler of motor vehicle fuel or refiner~~ as security for the payment of the purchase
4 price. In determining the selling price of merchandise by wholesalers, ~~wholesalers~~
5 ~~of motor vehicle fuel,~~ and retailers ~~and refiners~~ under this section, all fractions of a
6 cent shall be carried to the next full cent.

7 ***b0940/1.2* SECTION 2430km.** 100.30 (2) (j) of the statutes is repealed.

8 ***b0940/1.2* SECTION 2430kn.** 100.30 (2) (m) of the statutes is repealed.

9 ***b0940/1.2* SECTION 2430ko.** 100.30 (2m) (a) of the statutes is amended to
10 read:

11 100.30 (2m) (a) When one or more items of merchandise, other than motor
12 vehicle fuel, are furnished or sold in combination with or on condition of the purchase
13 of one or more other items, or are so advertised, all items shall be included in
14 determining cost under sub. (2) (am) or (c); and if any of the items included therein
15 are separately priced, such separate price shall be subject to the requirements of this
16 section.

17 ***b0940/1.2* SECTION 2430kp.** 100.30 (2m) (c) of the statutes is repealed.

18 ***b0940/1.2* SECTION 2430ks.** 100.30 (3) of the statutes is amended to read:

19 100.30 (3) ILLEGALITY OF LOSS LEADERS. Any sale of any item of merchandise
20 ~~either,~~ other than motor vehicle fuel, by a retailer, or wholesaler, ~~wholesaler of motor~~
21 ~~vehicle fuel or refiner,~~ at less than cost as defined in this section with the intent or
22 effect of inducing the purchase of other merchandise or of unfairly diverting trade
23 from a competitor, impairs and prevents fair competition, injures public welfare and
24 is unfair competition and contrary to public policy and the policy of this section. Such
25 sales are prohibited. Evidence of any sale of any item of merchandise, other than

1 ~~motor vehicle fuel~~, by any retailer, ~~or wholesaler, wholesaler of motor vehicle fuel or~~
2 ~~refiner~~ at less than cost as defined in this section shall be prima facie evidence of
3 intent or effect to induce the purchase of other merchandise, or to unfairly divert
4 trade from a competitor, or to otherwise injure a competitor.

5 *b0940/1.2* SECTION 2430kt. 100.30 (5) (a) of the statutes is amended to read:

6 100.30 (5) (a) The department may issue a special order as provided in s. 93.18
7 against a retailer, ~~or wholesaler, wholesaler of motor vehicle fuel or refiner~~ requiring
8 the person to cease and desist from violating this section in the sale of cigarettes or
9 other tobacco products, ~~or fermented malt beverages, intoxicating liquor or wine or~~
10 ~~motor vehicle fuel~~. The department or a district attorney may commence an action
11 on behalf of the state against a retailer, ~~or wholesaler, wholesaler of motor vehicle~~
12 ~~fuel or refiner~~ who violates a special order issued under this paragraph to recover a
13 forfeiture of not less than \$200 nor more than \$5,000 for each violation.

14 *b0940/1.2* SECTION 2430kv. 100.30 (5m) of the statutes is repealed.

15 *b0940/1.2* SECTION 2430kx. 100.30 (6) (a) 7. of the statutes is amended to
16 read:

17 100.30 (6) (a) 7. The price of merchandise is made in good faith to meet an
18 existing price of a competitor and is based on evidence in the possession of the
19 retailer, ~~or wholesaler, wholesaler of motor vehicle fuel or refiner~~ in the form of an
20 advertisement, proof of sale or receipted purchase, price survey or other business
21 record maintained by the retailer, ~~or wholesaler, wholesaler of motor vehicle fuel or~~
22 ~~refiner~~ in the ordinary course of trade or the usual conduct of business.

23 *b0940/1.2* SECTION 2430m. 100.30 (6) (a) 9. of the statutes is repealed.

24 *b0940/1.2* SECTION 2430n. 100.30 (7) of the statutes is repealed.”.

1 ***b1000/1.1* 1017.** Page 890, line 16: after that line insert:

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

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

13 ***b1029/2.14* 1018.** Page 890, line 16: after that line insert:

14 ***b1029/2.14*** “SECTION 2427b. 100.261 (3) (d) of the statutes is created to read:

15 100.261 (3) (d) The state treasurer shall deposit the consumer protection
16 assessment amounts imposed for a violation of this chapter, a rule promulgated
17 under this chapter, or an ordinance enacted under this chapter in the general fund
18 and shall credit them to the appropriation account under s. 20.455 (1) (g), subject to
19 the limit under par. (e).

20 ***b1029/2.14* SECTION 2427d.** 100.261 (3) (e) of the statutes is created to read:

21 100.261 (3) (e) The amount credited to the appropriation account under s.
22 20.455 (1) (g) may not exceed \$185,000 in each fiscal year.”.

23 ***b1029/2.15* 1019.** Page 890, line 16: after that line insert:

24 ***b1029/2.15*** “SECTION 2428m. 100.263 of the statutes is amended to read:

1 **100.263 Recovery.** In addition to other remedies available under this chapter,
2 the court may award ~~the department~~ the reasonable and necessary costs of
3 investigation and an amount reasonably necessary to remedy the harmful effects of
4 the violation and the court may award ~~the department of justice~~ the reasonable and
5 necessary expenses of prosecution, including attorney fees, from any person who
6 violates this chapter. ~~The department and the department of justice~~ amounts
7 awarded under this subsection shall ~~deposit~~ be deposited in the state treasury for
8 deposit in the general fund ~~all moneys that the court awards to the department, the~~
9 ~~department of justice or the state under this section.~~ Ten percent of the money
10 deposited in the general fund that was awarded under this section for the costs of
11 investigation and the expenses of prosecution, including attorney fees, shall be
12 credited to the appropriation account under s. 20.455 (1) (gh).

13 ***b1029/2.15* SECTION 2429g.** 100.28 (4) (b) of the statutes is amended to read:

14 100.28 (4) (b) In lieu of or in addition to forfeitures under par. (a), the
15 department of justice may seek an injunction restraining any person from violating
16 this section.

17 ***b1029/2.15* SECTION 2429m.** 100.28 (4) (c) of the statutes is amended to read:

18 100.28 (4) (c) The department of justice, or any district attorney upon the
19 request of the department of justice, may commence an action in the name of the
20 state under par. (a) or (b).

21 ***b1029/2.15* SECTION 2430c.** 100.31 (4) of the statutes is amended to read:

22 100.31 (4) PENALTIES. For any violation of this section, the department of
23 justice or a district attorney may commence an action on behalf of the state to recover
24 a forfeiture of not less than \$100 nor more than \$10,000 for each offense. Each
25 delivery of a drug sold to a purchaser at a price in violation of this section and each

1 separate day in violation of an injunction issued under this section is a separate
2 offense.

3 ***b1029/2.15* SECTION 2430f.** 100.31 (5) of the statutes is amended to read:

4 100.31 (5) SPECIAL REMEDIES. The department of justice or a district attorney
5 may bring an action to enjoin a violation of this section without being compelled to
6 allege or prove that an adequate remedy at law does not exist. An action under this
7 subsection may be commenced and prosecuted by the department of justice or a
8 district attorney, in the name of the state, in a circuit court in the county where the
9 offense occurred or in Dane County, notwithstanding s. 801.50.

10 ***b1029/2.15* SECTION 2430h.** 100.37 (1) (am) of the statutes is created to read:

11 100.37 (1) (am) Notwithstanding s. 93.01 (3), “department” means the
12 department of justice.

13 ***b1029/2.15* SECTION 2432g.** 100.38 (5) of the statutes is amended to read:

14 100.38 (5) INSPECTION. The department of justice shall enforce this section by
15 inspection, chemical analyses or any other appropriate method and the department
16 of justice may promulgate such rules as are necessary to effectively enforce this
17 section.

18 ***b1029/2.15* SECTION 2432j.** 100.38 (6) of the statutes is amended to read:

19 100.38 (6) ENFORCEMENT. It is unlawful to sell any antifreeze which is
20 adulterated or misbranded. In addition to the penalties provided under sub. (7), the
21 department of justice may bring an action to enjoin violations of this section.

22 ***b1029/2.15* SECTION 2432m.** 100.41 (1) (bn) of the statutes is created to read:

23 100.41 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the
24 department of justice.

25 ***b1029/2.15* SECTION 2432p.** 100.42 (1) (cm) of the statutes is created to read:

1 100.42 (1) (cm) Notwithstanding s. 93.01 (3), “department” means the
2 department of justice.

3 ***b1029/2.15* SECTION 2433g.** 100.43 (1) (am) of the statutes is created to read:

4 100.43 (1) (am) Notwithstanding s. 93.01 (3), “department” means the
5 department of justice.

6 ***b1029/2.15* SECTION 2433m.** 100.44 (5) of the statutes is amended to read:

7 100.44 (5) ENFORCEMENT. For any violation of sub. (3), the department of justice
8 may, on behalf of the state, bring an action in any court of competent jurisdiction for
9 the recovery of forfeitures authorized under sub. (4), for temporary or permanent
10 injunctive relief and for any other appropriate relief. The court may make any order
11 or judgment that is necessary to restore to any person any pecuniary loss suffered
12 because of a violation of sub. (3) if proof of the loss is shown to the satisfaction of the
13 court.”.

14 ***b0829/2.38* 1020.** Page 890, line 17: delete lines 17 to 25.

15 ***b0768/4.4* 1021.** Page 890, line 25: after that line insert:

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

17 **100.52 (title) Telephone solicitations.**

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

19 100.52 (1) (title) DEFINITIONS.

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

21 100.52 (1) (a) “Affiliate,” when used in relation to any person, means another
22 person who owns or controls, is owned or controlled by, or is under common
23 ownership or control with such person.

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

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

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

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

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

8 100.52 (1) (d) “Nonresidential customer” means a person, other than a
9 residential customer, who is furnished with telecommunications service by a
10 telecommunications utility.

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

12 100.52 (1) (e) “Nonsolicitation directory” means the directory established in
13 rules promulgated by the department under sub. (2) (b).

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

15 100.52 (1) (f) “Residential customer” means an individual who is furnished
16 with basic local exchange service by a telecommunications utility, but does not
17 include an individual who operates a business at his or her residence.

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

19 100.52 (1) (g) “Telecommunications service” has the meaning given in s. 196.01
20 (9m).

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

22 100.52 (1) (h) “Telecommunications utility” has the meaning given in s. 196.01
23 (10).

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

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

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

5 100.52 (2) NONSOLICITATION DIRECTORY LISTING. (a) Upon a request by a
6 residential customer, the department shall include in the nonsolicitation directory
7 a listing indicating that the residential customer does not want to receive any
8 telephone solicitation made on behalf of a telephone solicitor.

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

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

23 (d) The department shall, on a semiannual basis, make the nonsolicitation
24 directory available by electronic transmission only to telephone solicitors who are
25 registered under sub. (3). Upon the request of a telephone solicitor registered under

1 sub. (3), the department shall also provide a printed copy of the nonsolicitation
2 directory to the telephone solicitor. A telephone solicitor who receives a copy of the
3 directory, or to whom the directory is made available by electronic transmission,
4 under this paragraph may not solicit or accept from any person, directly or indirectly,
5 anything of value in exchange for providing the person with any information
6 included in the copy.

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

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

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

23 1. The telephone solicitor.

24 2. If different than the telephone solicitor, the person selling the property,
25 goods, or services, or receiving the contribution, donation, grant, or pledge of money,

1 credit, property, or other thing of any kind, that is the reason for the telephone
2 solicitation.

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

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

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

7 100.52 (4) (a) 2. Make a telephone solicitation to a residential customer if the
8 nonsolicitation directory that is provided or made available to the telephone solicitor
9 under sub. (2) (d) includes a listing for the residential customer.

10 3. Make a telephone solicitation to a nonresidential customer if the
11 nonresidential customer has provided notice by mail to the telephone solicitor that
12 the nonresidential customer does not wish to receive telephone solicitations.

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

14 100.52 (4) (b) A telephone solicitor may not do any of the following:

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

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

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

21 100.52 (4) (c) A telephone solicitor or employee or contractor of a telephone
22 solicitor that makes a telephone solicitation to a nonresidential customer shall, upon
23 the request of the nonresidential customer, provide the mailing address for notifying
24 the telephone solicitor that the nonresidential customer does not wish to receive
25 telephone solicitations.

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

2 100.52 (5) NONPROFIT ORGANIZATION REQUIREMENTS. A nonprofit organization or
3 an employee or contractor of a nonprofit organization may not make a telephone
4 solicitation to a residential customer if the residential customer has provided notice
5 by telephone, mail, or facsimile transmission to the nonprofit organization that the
6 residential customer does not wish to receive telephone solicitations. A nonprofit
7 organization may not require an employee or contractor to make a telephone
8 solicitation that violates this subsection.

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

10 100.52 (6) EXCEPTIONS. Subsections (4) (a) 2. and 3. and (5) do not apply to a
11 telephone solicitation that satisfies any of the following:

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

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

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

21 100.52 (7) TERRITORIAL APPLICATION. This section applies to any interstate
22 telephone solicitation received by a person in this state and to any intrastate
23 telephone solicitation.

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

1 100.52 (8) PRIVATE CAUSE OF ACTION. Any person who suffers damages as the
2 result of another person violating this section may bring an action against the person
3 who violated this section to recover the amount of those damages.

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

5 100.52 (9) ENFORCEMENT. The department shall investigate violations of this
6 section and may bring an action for temporary or permanent injunctive or other relief
7 for any violation of this section.

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

9 100.52 (10) PENALTIES. (a) Except as provided in par. (b), a person who violates
10 this section may be required to forfeit not less than \$100 nor more than \$500 for each
11 violation.

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

15 ***b0898/2.25* 1022.** Page 890, line 25: after that line insert:

16 ***b0898/2.25* “SECTION 2446q.** 101.01 (4) of the statutes is amended to read:

17 101.01 (4) “Employer” means any person, firm, corporation, state, county,
18 town, city, village, school district, sewer district, drainage district, or family care
19 district and, the Milwaukee County child welfare district, or any other public or
20 quasi-public corporations corporation as well as any agent, manager,
21 representative, or other person having control or custody of any employment, place
22 of employment, or of any employee.”.

23 ***b0983/1.1* 1023.** Page 890, line 25: after that line insert:

24 ***b0983/1.1* “SECTION 2447x.** 101.02 (15) (a) of the statutes is amended to read:

1 101.02 (15) (a) The department has such supervision of every employment,
2 place of employment and public building in this state as is necessary adequately to
3 enforce and administer all laws and all lawful orders requiring such employment,
4 place of employment or public building to be safe, and requiring the protection of the
5 life, health, safety and welfare of every employe in such employment or place of
6 employment and every frequenter of such place of employment, and the safety of the
7 public or tenants in any such public building. This Except for the purposes of
8 enforcing and administering ss. 101.22, 101.25, and 101.255, this paragraph does not
9 apply to occupational safety and health issues covered by standards established and
10 enforced by the federal occupational safety and health administration.

11 ***b0983/1.1* SECTION 2448f.** 101.02 (20) (a) of the statutes is amended to read:

12 101.02 (20) (a) For purposes of this subsection, “license” means a license,
13 permit or certificate of certification or registration issued by the department under
14 ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a),
15 101.178 (2) or (3) (a), 101.25 (3), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82
16 (2), 101.87, 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15,
17 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

18 ***b0983/1.1* SECTION 2448h.** 101.02 (21) (a) of the statutes is amended to read:

19 101.02 (21) (a) In this subsection, “license” means a license, permit or
20 certificate of certification or registration issued by the department under s. 101.09
21 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178
22 (2) or (3) (a), 101.25 (3), 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87,
23 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16,
24 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).”.

1 ***b1029/2.16* 1024.** Page 890, line 25: after that line insert:

2 ***b1029/2.16* "SECTION 2434g.** 100.46 (1) of the statutes is amended to read:

3 100.46 (1) ENERGY CONSERVATION STANDARDS. The department of justice may by
4 rule adopt energy conservation standards for products that have been established in
5 or promulgated under 42 USC 6291 to 6309.

6 ***b1029/2.16* SECTION 2434i.** 100.46 (2) of the statutes is amended to read:

7 100.46 (2) PROHIBITED ACTS; ENFORCEMENT. No person may sell at retail, install
8 or cause to be installed any product that is not in compliance with rules promulgated
9 under sub. (1). In addition to other penalties and enforcement procedures, the
10 department of justice may apply to a court for a temporary or permanent injunction
11 restraining any person from violating a rule adopted under sub. (1).

12 ***b1029/2.16* SECTION 2434k.** 100.50 (6) (b) of the statutes is amended to read:

13 100.50 (6) (b) In lieu of or in addition to the remedy under par. (a), the
14 department of justice may seek an injunction restraining any person from violating
15 this section.

16 ***b1029/2.16* SECTION 2434m.** 100.50 (6) (c) of the statutes is amended to read:

17 100.50 (6) (c) The department of justice, or any district attorney upon the
18 request of the department of justice, may commence an action in the name of the
19 state under par. (a) or (b).".

20 ***b1029/2.17* 1025.** Page 898, line 20: after that line insert:

21 ***b1029/2.17* "SECTION 2489m.** 101.175 (3) (intro.) of the statutes is amended
22 to read:

23 101.175 (3) (intro.) The department, in consultation with the department of
24 agriculture, ~~trade and consumer protection~~ justice, shall establish by rule quality

1 standards for local energy resource systems which do not impede development of
2 innovative systems but which do.”

3 *b0983/1.2* **1026.** Page 898, line 25: after that line insert:

4 *b0983/1.2* **SECTION 2490b.** 101.19 (1) (ig) of the statutes is created to read:
5 101.19 (1) (ig) Authorizing crane operator certification programs under s.
6 101.22 (2).

7 *b0983/1.2* **SECTION 2490c.** 101.19 (1) (ir) of the statutes is created to read:
8 101.19 (1) (ir) Certifying master ironworkers and journeymen ironworkers
9 under s. 101.25 (3).

10 *b0983/1.2* **SECTION 2490f.** 101.22 of the statutes is created to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 2. An individual who is a member of a uniformed service, as defined in s. 6.22
24 (1) (c), or who is a member of the U.S. merchant marine, if the individual is

1 performing work for the uniformed service of which the individual is a member or for
2 the U.S. merchant marine, respectively.

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

5 4. An individual who is operating a crane in an attempt to remedy an
6 emergency.

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

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

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

18 (6) PENALTIES. Any person who violates sub. (2) may be fined not more than
19 \$500 or imprisoned for not more than 3 months or both.

20 *b0983/1.2* SECTION 2490h. 101.25 of the statutes is created to read:

21 **101.25 Master and journeymen ironworkers. (1) DEFINITION.** In this
22 section, “ironworker” means an individual who does any of the following:

23 (a) Raises, places, or unites girders, columns, and other structural steel
24 members.

1 (b) Positions and secures reinforcing rods or post tensioning cables during
2 on-site construction of buildings or bridges.

3 (c) Installs prefabricated, ornamental metalwork.

4 (d) Erects precast girders during on-site construction of bridges.

5 (2) CERTIFICATION. (a) *Certificate required.* Except as provided in sub. (5), no
6 individual may perform work as an ironworker in this state without a master
7 ironworker or journeyman ironworker certificate obtained from the department.
8 Except as provided in sub. (5), an individual with a master ironworker or journeyman
9 ironworker certificate shall perform work as an ironworker consistent with the rules
10 promulgated under sub. (3) (d).

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

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

17 (3) ADMINISTRATION. (a) *Master ironworkers.* Except as provided in sub. (4),
18 the department shall administer a program for the certification of master
19 ironworkers. The department may certify an individual as a master ironworker only
20 if all of the following apply:

21 1. The individual satisfactorily completes a written examination regarding
22 ironworking, unless the individual applies for recertification and provides sufficient
23 evidence that the individual has safely completed at least 5,000 hours of work as a
24 master ironworker or journeyman ironworker during the 5-year period before the
25 date of the application for recertification and has successfully completed at least 30

1 hours of training approved by the department during the 5-year period before the
2 date of the application for recertification.

3 2. The individual holds a valid journeyman ironworker certificate for at least
4 one year before the date of the individual's application for certification as a master
5 ironworker, unless the individual has successfully completed an ironworker
6 apprenticeship program that is approved by the department of commerce and the
7 department of workforce development.

8 (b) *Journeyman ironworkers.* Except as provided in sub. (4), the department
9 shall administer a program for the certification of journeymen ironworkers. The
10 department may certify an individual as a journeyman ironworker only if all of the
11 following apply:

12 1. The individual satisfactorily completes a written examination regarding
13 ironworking, unless the individual applies for recertification and provides sufficient
14 evidence that the individual has safely completed at least 5,000 hours of work as a
15 journeyman ironworker during the 5-year period before the date of the application
16 for recertification and has successfully completed at least 15 hours of training
17 approved by the department during the 5-year period before the date of the
18 application for recertification.

19 2. The individual successfully completes an ironworker apprenticeship
20 program that is approved by the department of commerce and the department of
21 workforce development, or safely completes at least 8,000 hours of work in the
22 ironworking trade, before the date of the individual's application for certification as
23 a journeyman ironworker.

24 (c) *Term.* A master ironworker certificate or journeyman ironworker certificate
25 issued by the department has a term of 5 years.

1 (d) *Rules.* The department shall promulgate rules to administer the program
2 established under this subsection. The rules shall specify the tasks related to
3 ironworking that an individual certified as a master ironworker may perform and
4 that an individual certified as a journeyman ironworker may perform. To the extent
5 feasible, the rules shall be consistent with national standards applicable to
6 ironworkers. The department of commerce shall promulgate any rules with regard
7 to approved ironworker apprenticeship programs in consultation with the
8 department of workforce development.

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

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

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

23 1. An individual who is receiving training as an ironworker, if the individual
24 is under the direct supervision of an ironworker who holds a valid master ironworker
25 certificate received from the department.

1 2. An individual who is enrolled in and performing tasks that are within the
2 scope of an ironworker apprenticeship program that is approved by the department
3 of commerce and by the department of workforce development.

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

8 4. An individual who is performing ironwork on a premises that is owned or
9 leased by the individual.

10 5. An individual who is performing ironwork in an attempt to remedy an
11 emergency.

12 6. An individual who is positioning and securing reinforcing rods during the
13 construction of a road, sidewalk, or parking lot. Under this subdivision, the
14 construction of a bridge is not the construction of a road.

15 7. An individual who is performing ironwork within the scope of his or her
16 employment, if the individual is employed to do primarily any of the following:

17 a. Install, assemble, construct, or repair electrical work.

18 b. Install, adjust, repair, or dismantle fire protection and fire control systems.

19 c. Erect, install, or repair transmission poles, fabricated metal transmission
20 towers, outdoor substations, switch racks, or similar electrical structures, electric
21 cables, and related auxiliary equipment for high-voltage transmission and
22 distribution power lines that are used to conduct energy between generating
23 stations, substations, and consumers.

24 d. Install, repair, alter, or recondition gas distribution pipeline.

1 e. Install or repair residential potable water lines, gravity waste disposal
2 systems inside curb or fence lines, plumbing fixtures, and plumbing appliances such
3 as dishwashers and water heaters.

4 f. Lay out, assemble, install, or maintain pipe systems, pipe supports, and
5 related hydraulic and pneumatic equipment for steam, hot water, heating, cooling,
6 lubricating, or industrial production and processing systems.

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

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

11 *b0983/1.2* SECTION 2490j. 101.255 of the statutes is created to read:

12 **101.255 Ironworker ratios.** (1) DEFINITIONS. In this section:

13 (a) “Apprentice ironworker” means an individual who is enrolled in an
14 ironworker apprenticeship program that is approved by the department of commerce
15 and by the department of workforce development.

16 (b) “Master ironworker” means an individual who is certified as a master
17 ironworker by the department of commerce under s. 101.25.

18 (2) RULES. Except as provided in sub. (3), the department shall promulgate
19 rules specifying a minimum number of master ironworkers that are required to
20 provide work at a construction site, and a maximum number of apprentice
21 ironworkers and individuals training as ironworkers that are permitted to provide
22 work at a construction site, in order to provide for the safety of individuals at the
23 construction site. The department may vary the minimum and maximum numbers
24 established under the rules based upon the type of work being performed at the
25 construction site. The rules do not apply to an individual who is affected by a

1 collective bargaining agreement that contains provisions that are inconsistent with
2 the rules.

3 (3) FEDERAL APPROVAL. The department shall submit to the federal secretary
4 of labor a plan for enforcing the minimum and maximum numbers established under
5 sub. (2), if required to do so under 29 USC 667 (b), and shall request the federal
6 secretary of labor to approve the plan. The plan submitted by the department shall
7 be consistent with all of the provisions of sub. (2). If no approval is required under
8 29 USC 667 (b) or if an approval that is consistent with all of the provisions of sub.
9 (2) is granted and in effect, the department shall promulgate and enforce the rules
10 required under sub. (2). If approval is required under 29 USC 667 (b), the
11 department may not promulgate or enforce the rules required under sub. (2) unless
12 an approval that is consistent with all of the provisions of sub. (2) is granted and in
13 effect.”.

14 *b0984/1.1* **1027**. Page 901, line 9: after that line insert:

15 *b0984/1.1* “SECTION 2531w. Subchapter IV (title) of chapter 101 [precedes
16 101.80] of the statutes is amended to read:

17 **CHAPTER 101**

18 **SUBCHAPTER IV**

19 **~~INSPECTION OF ELECTRICAL~~**

20 **CONSTRUCTION AND CERTIFICATION**

21 **OF ~~MASTER ELECTRICIAN, AND~~**

22 **ELECTRICAL CONTRACTORS,**

23 **~~JOURNEYMEN AND BEGINNING~~**

24 **ELECTRICIANS**

1 ***b0984/1.1* SECTION 2531y.** 101.815 of the statutes is created to read:

2 **101.815 Outdoor lighting. (1)** The department shall promulgate rules
3 establishing voluntary guidelines relating to the design, construction, installation,
4 and use of outdoor light fixtures and lamps used in outdoor light fixtures. The
5 guidelines shall include provisions to achieve all of the following:

6 (a) Improved energy efficiency of outdoor lighting.

7 (b) Appropriate light intensity, distribution, and color of outdoor lighting.

8 (c) Reduced glare.

9 (d) Direction of light only to areas that are intended to be illuminated.

10 (e) Greater capability of outdoor lighting to provide nighttime security.

11 (f) Reduced interference with the functions of any astronomical observatory.

12 **(2)** The department shall promulgate rules establishing all of the following:

13 (a) Standards for determining compliance with the guidelines under sub. (1)
14 and a self-certification process for building owners.

15 (b) A means of acknowledging the building owners who comply with the
16 guidelines under sub. (1).

17 **(3)** The department shall disseminate a summary of the guidelines under sub.
18 (1) and shall urge voluntary compliance with the guidelines.

19 **(4)** The department shall consult with the department of administration
20 regarding the outdoor light fixtures and lamps used in outdoor light fixtures for state
21 buildings and facilities. The department of administration shall comply with the
22 guidelines under sub. (1) to the extent practicable.

23 **(5)** Notwithstanding s. 101.86 (1) (a), a city, village, town, or county may enact
24 and enforce standards for outdoor lighting that are similar to the guidelines under
25 sub. (1) or may enact and enforce standards for outdoor lighting that are less or more

1 restrictive than the guidelines under sub. (1). A city, village, town, or county may
2 apply its standards to outdoor light fixtures and lamps for outdoor light fixtures
3 constructed or installed before the effective date of the city, village, town, or county
4 standards.”.

5 *b0898/2.26* **1028.** Page 902, line 16: after that line insert:

6 *b0898/2.26* “**SECTION 2543p.** 102.01 (2) (d) of the statutes is amended to
7 read:

8 102.01 (2) (d) “Municipality” includes a county, city, town, village, school
9 district, sewer district, drainage district ~~and, or~~ family care district ~~and, the~~
10 Milwaukee County child welfare district, or any other public or quasi-public
11 ~~corporations~~ corporation.

12 *b0898/2.26* **SECTION 2543q.** 102.04 (1) (a) of the statutes is amended to read:

13 102.04 (1) (a) The state, each county, city, town, village, school district, sewer
14 district, drainage district, ~~or~~ family care district ~~and, the Milwaukee County child~~
15 welfare district, or any other public or quasi-public ~~corporations~~ corporation
16 therein.”.

17 *b0977/1.4* **1029.** Page 902, line 17: delete lines 17 to 21.

18 *b0977/1.5* **1030.** Page 903, line 4: delete lines 4 to 17.

19 *b0898/2.27* **1031.** Page 903, line 17: after that line insert:

20 *b0898/2.27* “**SECTION 2556n.** 103.001 (6) of the statutes is amended to read:

21 103.001 (6) “Employer” means any person, firm, corporation, state, county,
22 town, city, village, school district, sewer district, drainage district, or family care
23 district ~~and, the Milwaukee County child welfare district, or any~~ other public or
24 quasi-public ~~corporations~~ corporation as well as any agent, manager,

1 representative, or other person having control or custody of any employment, place
2 of employment, or of any employee.”.

3 *b0829/2.39* **1032.** Page 903, line 18: delete the material beginning with
4 that line and ending with page 904, line 24.

5 *b0953/1.2* **1033.** Page 904, line 24: after that line insert:

6 *b0953/1.2* “SECTION 2558h. 103.49 (3) (a) of the statutes is amended to read:

7 103.49 (3) (a) Before bids are asked for any work to which this section applies,
8 the state agency having the authority to prescribe the specifications shall apply to
9 the department to determine the prevailing wage rate for each trade or occupation
10 required in the work under contemplation in the area in which the work is to be done.
11 The department shall conduct investigations and hold public hearings as necessary
12 to define the trades or occupations that are commonly employed on projects that are
13 subject to this section and to inform itself as to the prevailing wage rates in all areas
14 of the state for those trades or occupations, in order to determine the prevailing wage
15 rate for each trade or occupation. In defining those trades or occupations, the
16 department may not define swimming pool installer as a separate trade or
17 occupation for purposes of determining the prevailing wage rates for the trades or
18 occupations that are commonly employed in the construction of swimming pools. The
19 department shall issue its determination within 30 days after receiving the request
20 and shall file the determination with the requesting state agency. For the
21 information of the employees working on the project, the prevailing wage rates
22 determined by the department, the prevailing hours of labor and the provisions of
23 subs. (2) and (6m) shall be kept posted by the state agency in at least one conspicuous
24 and easily accessible place on the site of the project.”.

1 ***b0829/2.40* 1034.** Page 906, line 3: delete lines 3 to 17.

2 ***b0929/1.1* 1035.** Page 907, line 14: after that line insert:

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 ***b0954/1.2* 1036.** Page 908, line 15: after that line insert:

12 ***b0954/1.2* “SECTION 12560mb.** 104.01 (intro.) of the statutes is amended to
13 read:

14 **104.01 Definitions.** (intro.) ~~The following terms as used in ss. 104.01 to~~
15 ~~104.12 shall be construed as follows~~ In this chapter:

16 ***b0954/1.2* SECTION 2560mc.** 104.01 (5) of the statutes is amended to read:

17 104.01 (5) ~~The term “living wage” shall mean~~ “Living wage” means
18 compensation for labor paid, whether by time, piecework, or otherwise, sufficient to
19 enable the employee receiving it to maintain himself or herself under conditions
20 consistent with his or her welfare.

21 ***b0954/1.2* SECTION 2560md.** 104.01 (5m) of the statutes is created to read:

22 104.01 (5m) “Opportunity employee” means a person under 20 years of age who
23 has been employed for a cumulative total of 30 calendar days or less within the
24 preceding 3-year period.

1 ***b0954/1.2* SECTION 2560me.** 104.01 (5p) of the statutes is created to read:

2 104.01 (5p) “Poverty line” means the poverty guidelines for the continental
3 United States, as revised annually by the federal department of health and human
4 services under 42 USC 9902 (2).

5 ***b0954/1.2* SECTION 2560mf.** 104.01 (7m) of the statutes is created to read:

6 104.01 (7m) “Tipped employee” means an employee who in the course of
7 employment customarily and regularly receives money or other gratuities from
8 persons other than the employee’s employer.

9 ***b0954/1.2* SECTION 2560mg.** 104.01 (8) of the statutes is amended to read:

10 104.01 (8) ~~The term “wage” and the term “wages” shall each mean “Wage”~~
11 means any compensation for labor measured by time, piece, or otherwise.

12 ***b0954/1.2* SECTION 2560mh.** 104.02 of the statutes is amended to read:

13 **104.02 ~~Living wage prescribed~~ Living wage required.** Every wage paid
14 or agreed to be paid by any employer to any employee, except as otherwise provided
15 in s. 104.07, shall be not less than a ~~living wage~~ living wage.

16 ***b0954/1.2* SECTION 2560mi.** 104.03 of the statutes is amended to read:

17 **104.03 Unlawful wages.** Any employer paying, offering to pay, or agreeing
18 to pay any employee a wage lower or less in value than a ~~living wage~~ living wage is
19 guilty of a violation of ~~ss. 104.01 to 104.12~~ this chapter.

20 ***b0954/1.2* SECTION 2560mj.** 104.035 of the statutes is created to read:

21 **104.035 Minimum wage. (1) DEPARTMENT TO PROMULGATE RULES.** The
22 department shall promulgate rules providing minimum hourly wages for the
23 employees specified in subs. (2) to (5). The department shall calculate those
24 minimum hourly wages according to the methods specified in subs. (2) to (5).
25 Annually, within 30 days after the federal department of health and human services

1 publishes its annual revision of the poverty line, the department, using the
2 procedure under s. 227.24 and the methods specified in subs. (2) to (5), shall
3 promulgate rules revising the minimum hourly wages provided under subs. (2) to (5).
4 Notwithstanding s. 227.24 (1) (a) and (2) (b), the department is not required to
5 provide evidence of the necessity of preserving the public peace, health, safety, or
6 welfare in promulgating rules revising the minimum wages provided under subs. (2)
7 to (5). A revised minimum wage provided under subs. (2) to (5) shall first apply to
8 wages earned beginning on the first day of the first month beginning after the date
9 on which that minimum wage is revised.

10 (2) EMPLOYEES GENERALLY. Subject to the minimum wages provided under subs.
11 (3) to (6) and (8), the department shall calculate the minimum hourly wage for
12 employees generally by dividing the poverty line for a family of 3 persons by 2,080
13 and rounding the quotient to the nearest multiple of 5 cents.

14 (3) OPPORTUNITY EMPLOYEES. Notwithstanding the minimum wage provided
15 under sub. (2), but subject to the minimum wages provided under subs. (4) to (6) and
16 (8), the department shall calculate the minimum wage for opportunity employees by
17 multiplying the result obtained under sub. (2) by 92.9% and rounding the product to
18 the nearest multiple of 5 cents.

19 (4) TIPPED EMPLOYEES. (a) Notwithstanding the minimum wages provided
20 under subs. (2) and (3), but subject to the minimum wages provided under subs. (5),
21 (6), and (8), the department shall calculate the minimum wage for tipped employees
22 as follows:

23 1. For persons who are not opportunity employees, by multiplying the result
24 obtained under sub. (2) by 54.8% and rounding the product to the nearest multiple
25 of 5 cents.

1 2. For persons who are opportunity employees, by multiplying the result
2 obtained under sub. (2) by 51.7% and rounding the product to the nearest multiple
3 of 5 cents.

4 (b) An employer may pay the minimum wages specified in par. (a) only if the
5 employer establishes by the employer's payroll records that, when adding the tips
6 received by an employee to the wages under par. (a) paid to that employee, the
7 employee receives not less than the minimum wage specified in sub. (2) or (3),
8 whichever is applicable.

9 **(5) AGRICULTURAL EMPLOYEES.** Notwithstanding the minimum wages provided
10 under subs. (2) to (4), but subject to the minimum wages provided under subs. (6) and
11 (8), the department shall calculate the minimum wage for persons 18 years of age or
12 over who are agricultural employees by multiplying the result obtained under sub.
13 (2) by 95.3% and rounding the product to the nearest multiple of 5 cents and shall
14 calculate the minimum wage for persons under 18 years of age who are agricultural
15 employees by multiplying the result obtained under sub. (2) by 87.0% and rounding
16 the product to the nearest multiple of 5 cents.

17 **(6) MINIMUM WAGE ESTABLISHED BY DEPARTMENT.** The department shall
18 promulgate rules providing the minimum wage for all of the following:

19 (a) A counselor employed at a seasonal recreational or educational camp,
20 including a day camp, for campers under 18 years of age.

21 (b) A caddy on a golf course.

22 (c) An employee or worker with a disability covered under a license under s.
23 104.07.

24 (d) A student learner.

1 (e) A student employed by an independent college or university for less than
2 20 hours per week.

3 (7) EMPLOYMENT EXEMPTED BY DEPARTMENT. The department shall promulgate
4 rules exempting from the minimum wage requirements under subs. (2) to (5) all of
5 the following:

6 (a) A person engaged in casual employment in and around an employer's home
7 on an irregular or intermittent basis for not more than 15 hours per week.

8 (b) A person who resides with and who provides companionship and care, not
9 including practical or professional nursing, as defined in s. 441.11 (3) and (4), and not
10 more than 15 hours per week of general household work for an employer who, due
11 to advanced age or physical or mental disability, cannot care for his or her own needs.

12 (c) An elementary or secondary school student performing student work-like
13 activities in the student's school.

14 (8) DEPARTMENT MAY REVISE. The department may promulgate rules to increase
15 a minimum wage provided under subs. (2) to (5).

16 *b0954/1.2* SECTION 2560mk. 104.04 of the statutes is amended to read:

17 **104.04 Classifications; department's authority.** The department shall
18 investigate, ascertain, determine, and fix such reasonable classifications, and shall
19 impose general or special orders, determining the ~~living-wage~~ living wage, and shall
20 carry out the purposes of ~~ss. 104.01 to 104.12~~ this chapter. Such investigations,
21 classifications, and orders shall be made as provided under s. 103.005, and the
22 penalties specified in s. 103.005 (12) shall apply to and be imposed for any violation
23 of ~~ss. 104.01 to 104.12~~ this chapter. In determining the ~~living-wage~~ living wage, the
24 department may consider the effect that an increase in the ~~living-wage~~ living wage
25 might have on the economy of the state, including the effect of a ~~living-wage~~ living

1 wage increase on job creation, retention, and expansion, on the availability of
2 entry-level jobs, and on regional economic conditions within the state. The
3 department may not establish a different minimum wage for men and women. Said
4 orders shall be subject to review in the manner provided in ch. 227.

5 *b0954/1.2* SECTION 2560mL. 104.045 of the statutes is renumbered 104.045
6 (intro.) and amended to read:

7 **104.045 Tipped employees Tips, meals, lodging, and hours worked.**
8 (intro.) The department shall ~~by rule determine what amount of promulgate rules~~
9 governing all of the following:

10 (1) The counting of tips or similar gratuities may be counted toward fulfillment
11 of the employer's obligation under this chapter.

12 *b0954/1.2* SECTION 2560mm. 104.045 (2) and (3) of the statutes are created
13 to read:

14 104.045 (2) The deduction of meals or lodging provided by an employer to an
15 employee from the employer's obligations under this chapter.

16 (3) The determination of hours worked by an employee during which the
17 employee is entitled to a living wage under this chapter.

18 *b0954/1.2* SECTION 2560mn. 104.05 of the statutes is amended to read:

19 **104.05 Complaints; investigation.** The department shall, within 20 days
20 after the filing of a verified complaint of any person ~~setting forth~~ alleging that the
21 wages paid to any employee ~~in any occupation~~ are not sufficient to enable the
22 employee to maintain himself or herself under conditions consistent with his or her
23 welfare, investigate and determine whether there is reasonable cause to believe that
24 the wage paid to any the employee is not a ~~living wage~~ living wage.

25 *b0954/1.2* SECTION 2560mp. 104.06 of the statutes is amended to read:

1 **104.06 Wage council; determination.** If, upon investigation, the
2 department finds that there is reasonable cause to believe that the wages paid to any
3 employee are not a ~~living wage~~, it living wage, the department shall appoint a wage
4 council, selected so as fairly to represent employers, employees, and the public, to
5 assist in its investigations and determinations. The living wage department may
6 use the results of an investigation under this section to establish a living wage. A
7 living wage so determined ~~upon~~ shall be the ~~living wage~~ living wage for all
8 employces within the same class as established by the classification of the
9 department under s. 104.04.

10 ***b0954/1.2* SECTION 2560mq.** 104.07 (1) of the statutes is amended to read:

11 104.07 (1) The department shall ~~make~~ promulgate rules and, except as
12 provided under subs. (5) and (6), grant licenses, to any employer who employs any
13 employee who is unable to earn ~~the living wage theretofore determined upon,~~
14 ~~permitting such person to~~ a living wage so that the employee may work for a wage
15 ~~which shall be~~ that is commensurate with the employee's ability and each. Each
16 license so granted shall establish a wage for the licensee employees of the licensee
17 who are unable to earn a living wage.

18 ***b0954/1.2* SECTION 2560mr.** 104.07 (2) of the statutes is amended to read:

19 104.07 (2) The department shall ~~make~~ promulgate rules and, except as
20 provided under subs. (5) and (6), grant licenses to sheltered workshops to permit the
21 employment of workers with disabilities who are unable to earn ~~the living wage at~~
22 a living wage so that those workers may work for a wage that is commensurate with
23 their ability and productivity. A license granted to a sheltered workshop under this
24 section may be issued for the entire workshop or a department of the workshop.

1 ***b0954/1.2* SECTION 2560ms.** 104.08 (1) of the statutes is renumbered 104.08
2 (2m) and amended to read:

3 104.08 (2m) ~~All persons~~ Any person working in an ~~occupation~~ a trade industry
4 for which a living ~~wage~~ living wage has been established for minors, and who ~~shall~~
5 ~~have~~ has no trade, shall, if ~~employed in an occupation which is a trade industry,~~ be
6 indentured under ~~the provisions of s. 106.01.~~

7 ***b0954/1.2* SECTION 2560mt.** 104.08 (1m) (b) of the statutes is created to read:

8 104.08 (1m) (b) “Trade industry” means an industry involving physical labor
9 and characterized by mechanical skill and training such as render a period of
10 instruction reasonably necessary.

11 ***b0954/1.2* SECTION 2560mu.** 104.08 (2) of the statutes is renumbered 104.08
12 (1m) (intro.) and amended to read:

13 104.08 (1m) (intro.) ~~A “trade” or a “trade industry” within the meaning of ss.~~
14 ~~104.01 to 104.12 shall be a trade or~~ In this section:

15 (a) “Trade” means an industry occupation involving physical labor and
16 characterized by mechanical skill and training such as render a period of instruction
17 reasonably necessary. ~~The department shall investigate, determine and declare~~
18 ~~what occupations and industries are included within the phrase a “trade” or a “trade~~
19 ~~industry”.~~

20 ***b0954/1.2* SECTION 2560mv.** 104.08 (3) of the statutes is renumbered 104.08
21 (3) (b) and amended to read:

22 104.08 (3) (b) The department may make exceptions to the operation of subs.
23 (1) and (2) (1m) and (2m) where conditions make their application unreasonable.

24 ***b0954/1.2* SECTION 2560mw.** 104.08 (3) (a) of the statutes is created to read:

1 104.08 (3) (a) The department shall investigate, determine, and declare what
2 occupations and industries are included within a trade or a trade industry.

3 ***b0954/1.2* SECTION 2560mx.** 104.10 of the statutes is amended to read:

4 **104.10 Penalty for intimidating witness.** Any employer who discharges or
5 threatens to discharge, or who in any way discriminates, or threatens to
6 discriminate, against any employee because the employee has testified or is about
7 to testify, or because the employer believes that the employee may testify, in any
8 investigation or proceeding relative to the enforcement of ~~ss. 104.01 to 104.12~~, is
9 ~~guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of~~
10 ~~\$25~~ this chapter may be fined \$500 for each offense.

11 ***b0954/1.2* SECTION 2560my.** 104.11 of the statutes is amended to read:

12 **104.11 Definition of violation.** Each day during which ~~any an~~ employer
13 ~~shall employ~~ employs a person for whom a ~~living-wage~~ living wage has been ~~fixed~~
14 ~~established~~ at a wage less than the ~~living-wage fixed~~ established living wage shall
15 constitute a separate and distinct violation of ~~ss. 104.01 to 104.12~~ this chapter.

16 ***b0954/1.2* SECTION 2560mz.** 104.12 of the statutes is amended to read:

17 **104.12 Complaints.** Any person may register with the department a
18 complaint that the wages paid to employees for whom a ~~living-wage~~ living wage has
19 been established are less than that rate, and the department shall investigate the
20 matter and take all proceedings necessary to enforce the payment of a wage not less
21 than ~~the living-wage~~ a living wage. Section 111.322 (2m) applies to discharge and
22 other discriminatory acts arising in connection with any proceeding under this
23 section.”.

24 ***b1096/2.19* 1037.** Page 908, line 22: after that line insert:

1 ***b1096/2.19*** **SECTION 2560s.** 106.01 (11m) of the statutes is created to read:

2 106.01 (11m) The department may provide an advanced journeyman
3 credential pilot program in up to 3 trades, crafts, or businesses to recognize advanced
4 training and postapprenticeship achievements. In selecting the trades, crafts, or
5 businesses to be included in the program, the department shall seek to maximize
6 participation in the program of persons who are minority group members, as defined
7 in s. 560.036 (1) (f). By July 1, 2004, the department shall submit to the legislature
8 under s. 13.172 (2) an evaluation of the effectiveness of the program established
9 under this subsection.

10 ***b1096/2.19*** **SECTION 2560t.** 106.01 (12) of the statutes is created to read:

11 106.01 (12) From the appropriations under s. 20.445 (1) (a) and (g), the
12 department shall allocate \$150,000 in each fiscal year, beginning in fiscal year
13 2002–03, for apprenticeship marketing activities, including the development and
14 distribution of promotional materials directed at encouraging employers to hire
15 apprentices, educating high school career counselors on careers available in the
16 skilled trades, encouraging the youth of this state to consider a career in the skilled
17 trades, and otherwise promoting the availability and benefits of careers in the skilled
18 trades. The department shall solicit contributions from private sources to assist in
19 the provision of those promotional materials and shall credit any contributions
20 received to the appropriation account under s. 20.445 (1) (g). The department shall
21 seek the advice of and consult with the apprenticeship marketing council regarding
22 the administration of the apprenticeship marketing activities provided under this
23 subsection.

24 ***b1096/2.19*** **SECTION 2560u.** 106.01 (13) of the statutes is created to read:

1 106.01 (13) (a) In this subsection, “industrial, service, or skilled trades
2 apprenticeship program” means a 2–year to 5–year apprenticeship program, as
3 determined and approved by the department, in which an apprentice receives
4 instruction leading to qualification as a skilled journeyman in any industrial
5 manufacturing trade or private sector service occupation or receives instruction in
6 the construction trades leading to qualification as a skilled journeyman carpenter,
7 including a floor coverer, millwright, or pile driver; laborer; ironworker; or painter,
8 including a taper.

9 (b) From the appropriation under s. 20.445 (1) (a), the department shall
10 allocate \$300,000 in each fiscal year, beginning in fiscal year 2002–03, to contract
11 with an organization to provide preapprenticeship basic skills training grants of up
12 to \$500 to persons who are eligible under this paragraph to receive those grants. A
13 person is eligible to receive a grant under this paragraph if the person’s family
14 income does not exceed 165% of the poverty line for the continental United States,
15 as revised annually by the federal department of health and human services under
16 42 USC 9902 (2), and if the person has previously failed a test for placement in an
17 industrial, service, or skilled trades apprenticeship program, but wishes to
18 participate in such a program. A person who receives a grant under this paragraph
19 may use the grant moneys received to pay for the costs of tuition, fees, books,
20 supplies, and materials, and for any other direct training costs, required to attend
21 a preapprenticeship basic skills training program provided by an organization, a
22 technical college, or a school approved by the educational approval board under s.
23 45.54.”.

1 ***b1095/3.12* 1038.** Page 908, line 22: delete “13.171” and substitute
2 “13.172”.

3 ***b1096/2.20* 1039.** Page 911, line 20: after that line insert:

4 ***b1096/2.20* “SECTION 2571p.** 106.175 of the statutes is created to read:
5 **106.175 Labor Day report.** By September 1, 2001, and annually thereafter,
6 the department shall prepare and submit to the appropriate standing committees of
7 the legislature under s. 13. 172 (3) a report on the labor supply in this state. The
8 report shall describe any critical labor shortage areas identified by the department
9 by occupation, region, gender, and race and shall recommend potential solutions to
10 those critical labor shortages. The department shall also provide the report to the
11 local workforce development boards established under 29 USC 2832 throughout the
12 state and to the other appropriate organizations as determined by the department.

13 ***b1096/2.20* SECTION 2571q.** 106.18 of the statutes is created to read:

14 **106.18 Job skills training reports.** The department shall collect
15 information concerning the availability of basic job skills training programs in the
16 state and periodically prepare reports identifying those programs for distribution to
17 local workforce development boards established under 29 USC 2832, job centers, and
18 other appropriate organizations as determined by the department. To the extent
19 practicable, the reports shall identify available training programs by region of the
20 state.”.

21 ***b0829/2.41* 1040.** Page 911, line 21: delete the material beginning with
22 that line and ending with page 912, line 2.

23 ***b0782/2.5* 1041.** Page 912, line 11: after that line insert:

24 ***b0782/2.5* “SECTION 2604b.** 108.07 (8) (b) of the statutes is amended to read:

1 108.07 (8) (b) If a claimant is a prisoner of a state prison, as defined in s. 302.01,
2 and has employment with an employer other than the department of corrections or
3 ~~a private business leasing space within a state prison under s. 303.01 (2) (em)~~, and
4 the claimant's employment terminates because conditions of incarceration or
5 supervision make it impossible to continue the employment, the department shall
6 charge to the fund's balancing account any benefits based on the terminated
7 employment that are otherwise chargeable to the account of an employer that is
8 subject to the contribution requirements under ss. 108.17 and 108.18.”.

9 ***b0942/1.1* 1042.** Page 912, line 11: after that line insert:

10 ***b0942/1.1* “SECTION 2604q.** 109.09 (2) (c) of the statutes is amended to read:

11 109.09 (2) (c) ~~-A~~ Except as provided in this paragraph, a lien under par. (a)
12 takes precedence over all other debts, judgments, decrees, liens, or mortgages
13 against the employer, except a lien of a financial institution, as defined in s. 69.30
14 (1) (b), that originates before the lien under par. (a) takes effect or a lien under s.
15 292.31 (8) (i) or 292.81, regardless of whether those other debts, judgments, decrees,
16 liens, or mortgages originate before or after the lien under par. (a) takes effect. A lien
17 under par. (a) takes precedence over a lien of a financial institution, as defined in s.
18 69.30 (1) (b), that originates before the lien under par. (a) takes effect only to the
19 extent that the lien under par. (a) does not exceed \$6,000 per employee, except that
20 this \$6,000 limit does not apply to a lien for a payment due under s. 109.07 (3) or
21 109.075 (3). A lien under par. (a) may be enforced in the manner provided in ss.
22 779.09 to 779.12, 779.20, and 779.21, insofar as those provisions are applicable. The
23 lien ceases to exist if the department of workforce development or the employee does

1 not bring an action to enforce the lien within the period prescribed in s. 893.44 for
2 the underlying wage claim.”.

3 *b1025/1.1* **1043.** Page 912, line 11: after that line insert:

4 *b1025/1.1* “SECTION 2599m. 110.07 (1) (a) 1. of the statutes is amended to
5 read:

6 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and
7 chs. 166, 194, 218, 341 to 349, and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3) (b),
8 167.10 (3) (a), 167.31 (2) (b) to (d), and 287.81 and ch. 350 where applicable to
9 highways, or orders or rules issued pursuant thereto.

10 *b1025/1.1* SECTION 2599mg. 110.07 (1) (b) of the statutes is amended to read:

11 110.07 (1) (b) All municipal judges, judges, district attorneys, and law
12 enforcement officers shall assist in enforcing this chapter, ss. 167.10 (3) (a), 167.31
13 (2) (b) to (d), and 287.81 and chs. 194, 218, and 341 to 351, and orders or rules issued
14 pursuant thereto and shall report to the department the disposition of every uniform
15 traffic citation issued for cases involving those chapters.”.

16 *b0898/2.28* **1044.** Page 912, line 20: after that line insert:

17 *b0898/2.28* “SECTION 2607e. 111.70 (1) (j) of the statutes is amended to read:

18 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
19 metropolitan sewerage district, school district, or family care district, the Milwaukee
20 County child welfare district, or any other political subdivision of the state that
21 engages the services of an employee and includes any person acting on behalf of a
22 municipal employer within the scope of the person’s authority, express or implied,
23 but specifically does not include a local cultural arts district created under subch. V
24 of ch. 229.”.

1 ***b0966/1.1* 1045.** Page 912, line 20: after that line insert:

2 ***b0966/1.1* "SECTION 2608c.** 111.70 (4) (cm) 8s. of the statutes is amended to
3 read:

4 111.70 (4) (cm) 8s. 'Forms for determining costs; calculation of the costs of
5 certain fringe benefits.' a. The commission shall prescribe forms for calculating the
6 total increased cost to the municipal employer of compensation and fringe benefits
7 provided to school district professional employees. The cost shall be determined
8 based upon the total cost of compensation and fringe benefits provided to school
9 district professional employees who are represented by a labor organization on the
10 90th day before expiration of any previous collective bargaining agreement between
11 the parties, or who were so represented if the effective date is retroactive, or the 90th
12 day prior to commencement of negotiations if there is no previous collective
13 bargaining agreement between the parties, without regard to any change in the
14 number, rank or qualifications of the school district professional employees. For
15 purposes of such determinations, any cost increase that is incurred on any day other
16 than the beginning of the 12-month period commencing with the effective date of the
17 agreement or any succeeding 12-month period commencing on the anniversary of
18 that effective date shall be calculated as if the cost increase were incurred as of the
19 beginning of the 12-month period beginning on the effective date or anniversary of
20 the effective date in which the cost increase is incurred. In each collective bargaining
21 unit to which subd. 5s. applies, the municipal employer shall transmit to the
22 commission and the labor organization a completed form for calculating the total
23 increased cost to the municipal employer of compensation and fringe benefits

1 provided to the school district professional employees covered by the agreement as
2 soon as possible after the effective date of the agreement.

3 *b0966/1.1* **SECTION 2609h.** 111.70 (4) (cm) 8s. b. of the statutes is created to
4 read:

5 111.70 (4) (cm) 8s. b. For the purpose of calculating fringe benefit costs under
6 a qualified economic offer, the commission shall exclude from the calculation any
7 increased costs in health insurance benefits that are in excess of the U.S. consumer
8 price index for all urban consumers, U.S. city average, as determined by the U.S.
9 department of labor, for the 12-month period ending on the preceding December 31.”.

10 *b1043/1.4* **1046.** Page 912, line 20: after that line insert:

11 *b1043/1.4* **“SECTION 2609j.** 111.70 (1) (j) of the statutes is amended to read:

12 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
13 metropolitan sewerage district, school district, family care district, or any other
14 political subdivision of the state, or instrumentality of one or more political
15 subdivisions of the state, that engages the services of an employee and includes any
16 person acting on behalf of a municipal employer within the scope of the person’s
17 authority, express or implied, but specifically does not include a local cultural arts
18 district created under subch. V of ch. 229.”.

19 *b1205/1.1* **1047.** Page 912, line 21: delete lines 21 to 24.

20 *b1205/1.2* **1048.** Page 913, line 1: delete lines 1 and 2.

21 *b0920/1.2* **1049.** Page 913, line 2: after that line insert:

22 *b0920/1.2* **“SECTION 2610r.** 111.71 (5m) of the statutes is created to read:

23 111.71 (5m) Notwithstanding, s. 15.02 (4), the commission may not designate
24 an attorney assigned to the commission as the general counsel or chief counsel.”.

1 ***b1026/1.3* 1050.** Page 913, line 2: after that line insert:

2 ***b1026/1.3*** “SECTION 2615c. 111.91 (2) (n) of the statutes is amended to read:

3 111.91 (2) (n) The provision to employees of the health insurance coverage
4 required under s. 632.895 (11) to ~~(14)~~ (15).”

5 ***b1221/3.2* 1051.** Page 913, line 2: after that line insert:

6 ***b1221/3.2*** “SECTION 2610s. 111.71 (2e) of the statutes is created to read:

7 111.71 (2e) If requested under s. 62.13 (5) (c), the commission shall appoint an
8 arbitrator for the purposes of that subsection.”

9 ***b1191/1.4* 1052.** Page 914, line 21: after that line insert:

10 ***b1191/1.4*** “SECTION 2625w. 115.28 (47) of the statutes is created to read:

11 115.28 (47) GRANT TO BELOIT COLLEGE. Annually award the amount
12 appropriated under s. 20.255 (2) (kj) to Beloit College to educate children and adults
13 in southern Wisconsin about Native American cultures.”

14 ***b0858/1.1* 1053.** Page 916, line 1: after that line insert:

15 ***b0858/1.1*** “SECTION 2657m. 115.435 (1) (c) of the statutes is amended to
16 read:

17 115.435 (1) (c) At least ~~65%~~ 80% of the real property in the school district is
18 exempt from taxation under s. 70.11, taxed as forest croplands under subch. I of ch.
19 77, owned by or held in trust for a federally recognized American Indian tribe, or
20 owned by the federal government.”

21 ***b1175/1.3* 1054.** Page 917, line 1: delete “from the appropriation under s.

22 20.255 (2) (b)”.

23 ***b1175/1.4* 1055.** Page 917, line 15: after that line insert:

1 “(d) Aid under this subsection shall be paid from the appropriation account
2 under s. 20.255 (2) (bb). If the amount appropriated in any fiscal year is insufficient
3 to pay the full amount of aid under this subsection, the department shall prorate the
4 payments.”.

5 ***b0890/2.1* 1056.** Page 917, line 22: after that line insert:

6 ***b0890/2.1* “SECTION 2679c.** 118.13 (1m) of the statutes is created to read:

7 **118.13 (1m)** No person who wishes to attend a private school under s. 119.23
8 or a charter school may be denied admission to that school and no pupil who is
9 attending a private school under s. 119.23 or a charter school may be denied
10 participation in, be denied the benefits of, or be discriminated against in any
11 curricular, extracurricular, pupil services, recreational, or other program or activity
12 of that school because of the person’s sex, race, religion, national origin, ancestry,
13 creed, pregnancy, marital or parental status, sexual orientation, or physical, mental,
14 emotional, or learning disability.

15 ***b0890/2.1* SECTION 2679e.** 118.13 (2) (am) of the statutes is created to read:

16 **118.13 (2) (am)** Each private school participating in the program under s.
17 119.23 and each charter school shall develop written policies and procedures to
18 implement this section and submit them to the state superintendent. The policies
19 and procedures shall provide for receiving and investigating complaints regarding
20 possible violations of this section, for making determinations as to whether this
21 section has been violated, and for ensuring compliance with this section.

22 ***b0890/2.1* SECTION 2679g.** 118.13 (2) (b) of the statutes is amended to read:

23 **118.13 (2) (b)** Any person who receives a negative determination under par. (a)
24 or (am) may appeal the determination to the state superintendent.

1 ***b0890/2.1* SECTION 2679i.** 118.13 (3) (a) 3. of the statutes is amended to read:

2 118.13 (3) (a) 3. Include in the department's biennial report under s. 15.04 (1)

3 (d) information on the ~~status of school district~~ compliance of school districts, charter

4 schools, and private schools with this section and ~~school district~~ the progress made

5 toward providing reasonable equality of educational opportunity for all pupils in this

6 state.

7 ***b0890/2.1* SECTION 2679k.** 118.13 (3) (b) 1. of the statutes is amended to read:

8 118.13 (3) (b) 1. Periodically review school district, charter school, and private

9 school programs, activities and services to determine whether the school boards,

10 charter schools, and private schools are complying with this section.

11 ***b0890/2.1* SECTION 2679m.** 118.13 (3) (b) 2. of the statutes is amended to

12 read:

13 118.13 (3) (b) 2. Assist school boards, charter schools, and private schools to

14 comply with this section by providing information and technical assistance upon

15 request.

16 ***b0890/2.1* SECTION 2679p.** 118.13 (4) of the statutes is amended to read:

17 118.13 (4) Any public school, charter school, or private school official, employee

18 or teacher who intentionally engages in conduct which discriminates against a

19 person or causes a person to be denied rights, benefits or privileges, in violation of

20 sub. (1) or (1m), may be required to forfeit not more than \$1,000.”.

21 ***b1096/2.21* 1057.** Page 917, line 22: after that line insert:

22 ***b1096/2.21* “SECTION 2679f.** 118.115 (2) of the statutes is created to read:

23 118.115 (2) Each school board shall establish a written policy regarding the use

24 of classrooms and facilities by local organizations and businesses for

1 employment-related training. The policy may condition access on payment of a
2 reasonable fee, the availability of space, and the appropriateness of the training. The
3 policy may limit access to activities that are consistent with the mission of the school
4 district.”.

5 *b0864/1.1* **1058.** Page 917, line 24: after “**examinations**” insert “**and**
6 **evaluations**”.

7 *b0864/1.2* **1059.** Page 918, line 2: after “by” insert “an ophthalmologist
8 licensed under ch. 448, or had his or her eyes evaluated by”.

9 *b0864/1.3* **1060.** Page 918, line 2: after “examination” insert “or
10 evaluation”.

11 *b0864/1.4* **1061.** Page 918, line 12: after “examination” insert “or
12 evaluation”.

13 *b0864/1.5* **1062.** Page 918, line 18: on lines 18 and 19, after “examinations”
14 insert “or evaluations”.

15 *b0861/1.1* **1063.** Page 918, line 19: after that line insert:

16 *b0861/1.1* “**SECTION 2695e.** 118.29 (2) (a) 2r. of the statutes is created to read:
17 118.29 (2) (a) 2r. Except for glucagon administered under subd. 2., may
18 administer glucagon to any pupil who appears to be experiencing a severe
19 hypoglycemic event if, as soon as practicable, the school bus operator, employee, or
20 volunteer reports the event to an emergency medical service provider.

21 *b0861/1.1* **SECTION 2695m.** 118.29 (2) (a) 3. of the statutes is amended to
22 read:

23 118.29 (2) (a) 3. Is immune from civil liability for his or her acts or omissions
24 in administering a drug or prescription drug to a pupil under subd. 1., 2. ~~or~~ 2m. or

1 2r. unless the act or omission constitutes a high degree of negligence. This
2 subdivision does not apply to health care professionals.”.

3 *b0890/2.2* **1064.** Page 918, line 19: after that line insert:

4 *b0890/2.2* **SECTION 2697b.** 118.30 (1g) (a) 1. of the statutes is amended to
5 read:

6 118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil
7 academic standards in mathematics, science, reading and writing, geography, and
8 history. ~~If the governor has issued~~ The school board may adopt the pupil academic
9 standards issued by the governor as an executive order under s. 14.23, the school
10 board may adopt those standards no. 326, dated January 13, 1998.

11 *b0890/2.2* **SECTION 2697d.** 118.30 (1g) (a) 3. of the statutes is created to read:

12 118.30 (1g) (a) 3. By January 1, 2002, or by January 1 of the first school year
13 in which the private school participates in the program under s. 119.23, whichever
14 is later, the governing body of each private school participating in the program under
15 s. 119.23 shall adopt pupil academic standards in mathematics, science, reading and
16 writing, geography, and history. The governing body of the private school may adopt
17 the pupil academic standards issued by the governor as executive order no. 326,
18 dated January 13, 1998.

19 *b0890/2.2* **SECTION 2697f.** 118.30 (1g) (b) of the statutes is amended to read:

20 118.30 (1g) (b) Each school board operating high school grades ~~and,~~ each
21 operator of a charter school under s. 118.40 (2r) that operates high school grades, and
22 the governing body of each private school participating in the program under s.
23 119.23 that operates high school grades shall adopt a high school graduation
24 examination that is designed to measure whether pupils meet the pupil academic

1 standards adopted by the school board ~~or~~, operator of the charter school, or governing
2 body of the private school under par. (a). If the school board ~~or~~, operator of the charter
3 school, or governing body of the private school has adopted the pupil academic
4 standards issued as executive order no. 326, dated January 13, 1998, the school
5 board ~~or~~, operator of the charter school, or governing body of the private school may
6 adopt the high school graduation examination developed by the department under
7 sub. (1) (b). If a school board ~~or~~, operator of a charter school, or governing body of a
8 private school develops and adopts its own high school graduation examination, it
9 shall notify the department annually by October 1 that it intends to administer the
10 examination in the following school year.

11 *b0890/2.2* SECTION 2697h. 118.30 (1g) (c) of the statutes is amended to read:

12 118.30 (1g) (c) Each school board operating elementary grades ~~and~~, each
13 operator of a charter school under s. 118.40 (2r) that operates elementary grades, and
14 the governing body of each private school participating in the program under s.
15 119.23 that operates elementary grades may develop or adopt its own examination
16 designed to measure pupil attainment of knowledge and concepts in the 4th grade
17 and may develop or adopt its own examination designed to measure pupil attainment
18 of knowledge and concepts in the 8th grade. If the school board ~~or~~, operator of the
19 charter school, or governing body of the private school develops or adopts an
20 examination under this paragraph, it shall notify the department.”.

21 *b0929/1.2* 1065. Page 918, line 19: after that line insert:

22 *b0929/1.2* “SECTION 2679t. 118.163 (1m) (c) of the statutes is created to read:

23 118.163 (1m) (c) An order for the person to report to a youth report center after
24 school, in the evening, on weekends, on other nonschool days, or at any other time

1 that the person is not under immediate adult supervision, for participation in the
2 social, behavioral, academic, community service, and other programming of the
3 center as described in s. 938.342 (1d) (c).

4 ***b0929/1.2* SECTION 2679u.** 118.163 (2) (L) of the statutes is created to read:

5 118.163 (2) (L) An order for the person to report to a youth report center after
6 school, in the evening, on weekends, on other nonschool days, or at any other time
7 that the person is not under immediate adult supervision, for participation in the
8 social, behavioral, academic, community service, and other programming of the
9 center as described in s. 938.342 (1g) (k).”.

10 ***b0868/1.2* 1066.** Page 919, line 20: after that line insert:

11 ***b0868/1.2* “SECTION 2703m.** 118.30 (1m) (d) of the statutes is amended to
12 read:

13 118.30 (1m) (d) If the school board operates high school grades, beginning in
14 the ~~2002–03~~ 2004–05 school year administer the high school graduation
15 examination adopted by the school board under sub. (1g) (b) to all pupils enrolled in
16 the school district, including pupils enrolled in charter schools located in the school
17 district, in the 11th and 12th grades. The school board shall administer the
18 examination at least twice each school year and may administer the examination
19 only to pupils enrolled in the 11th and 12th grades.”.

20 ***b0868/1.3* 1067.** Page 920, line 19: after that line insert:

21 ***b0868/1.3* “SECTION 2707m.** 118.30 (1r) (d) of the statutes is amended to
22 read:

23 118.30 (1r) (d) If the charter school operates high school grades, beginning in
24 the ~~2002–03~~ 2004–05 school year, administer the high school graduation

1 examination adopted by the operator of the charter school under sub. (1g) (b) to all
2 pupils enrolled in the 11th and 12th grades in the charter school. The operator of the
3 charter school shall administer the examination at least twice each school year and
4 may administer the examination only to pupils enrolled in the 11th and 12th
5 grades.”.

6 *b0868/1.4* **1068.** Page 920, line 19: after that line insert:

7 *b0868/1.4* “SECTION 2718m. 118.33 (1) (f) of the statutes is amended to read:

8 118.33 (1) (f) 1. By September 1, ~~2002~~ 2004, each school board operating high
9 school grades shall develop a written policy specifying criteria for granting a high
10 school diploma that are in addition to the requirements under par. (a). The criteria
11 shall include the pupil’s score on the examination administered under s. 118.30 (1m)
12 (d), the pupil’s academic performance and the recommendations of teachers. Except
13 as provided in subd. 2., the criteria apply to pupils enrolled in charter schools located
14 in the school district.

15 2. By September 1, ~~2002~~ 2004, each operator of a charter school under s. 118.40
16 (2r) that operates high school grades shall develop a policy specifying criteria for
17 granting a high school diploma. The criteria shall include the pupil’s score on the
18 examination administered under s. 118.30 (1r) (d), the pupil’s academic performance
19 and the recommendations of teachers.

20 3. Beginning September 1, ~~2003~~ 2005, neither a school board nor an operator
21 of a charter school under s. 118.40 (2r) may grant a high school diploma to any pupil
22 unless the pupil has satisfied the criteria specified in the school board’s or charter
23 school’s policy under subd. 1. or 2.”.

24 *b0880/1.1* **1069.** Page 920, line 19: after that line insert:

1 ***b0880/1.1*** “SECTION 2725m. 118.40 (2r) (e) of the statutes is amended to
2 read:

3 118.40 (2r) (e) From the appropriation under s. 20.255 (2) (fm), the department
4 shall pay to the operator of the charter school, in the 2001–02 school year, an amount
5 equal to \$5,529 multiplied by the number of pupils attending the charter school, and
6 in each school year thereafter, an amount equal to the sum of the amount paid per
7 pupil under this paragraph in the previous school year and the amount of revenue
8 increase per pupil allowed under subch. VII of ch. 121 in the current school year,
9 multiplied by the number of pupils attending the charter school. The department
10 shall pay 25% of the total amount in September, 25% in December, 25% in February,
11 and 25% in June. The department shall send the check to the operator of the charter
12 school.”.

13 ***b0890/2.3* 1070.** Page 920, line 19: after that line insert:

14 ***b0890/2.3*** “SECTION 2708m. 118.30 (1s) of the statutes is created to read:

15 118.30 (1s) Annually the governing body of each private school participating
16 in the program under s. 119.23 shall do all of the following:

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

20 2. Beginning on July 1, 2002, if the governing body of the private school has
21 developed or adopted its own 4th grade examination, administer that examination
22 to all pupils attending the 4th grade in the private school under s. 119.23.

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

4 2. Beginning on July 1, 2002, if the governing body of the private school has
5 developed or adopted its own 8th grade examination, administer that examination
6 to all pupils attending the 8th grade in the private school under s. 119.23.

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

9 (d) If the private school operates high school grades, beginning in the 2004–05
10 school year administer the high school graduation examination adopted by the
11 governing body of the private school under sub. (1g) (b) to all pupils attending the
12 11th and 12th grades at the private school under s. 119.23. The governing body of
13 the private school shall administer the examination at least twice each school year
14 and may administer the examination only to pupils attending the 11th and 12th
15 grades.

16 *b0890/2.3* SECTION 2709m. 118.30 (2) (b) 1. of the statutes is amended to
17 read:

18 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
19 subch. V of ch. 115, the school board ~~or~~, operator of ~~the~~ a charter school under s. 118.40
20 (2r), or governing body of a private school participating in the program under s.
21 119.23 shall comply with s. 115.77 (1m) (bg).

22 *b0890/2.3* SECTION 2710m. 118.30 (2) (b) 2. of the statutes is amended to
23 read:

24 118.30 (2) (b) 2. According to criteria established by the state superintendent
25 by rule, the school board ~~or~~, operator of ~~the~~ a charter school under s. 118.40 (2r), or

1 governing body of a private school participating in the program under s. 119.23 may
2 determine not to administer an examination under this section to a limited-English
3 proficient pupil, as defined under s. 115.955 (7), may permit the pupil to be examined
4 in his or her native language, or may modify the format and administration of an
5 examination for such pupils.

6 ***b0890/2.3* SECTION 2711m.** 118.30 (2) (b) 5. of the statutes is created to read:

7 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
8 body of a private school participating in the program under s. 119.23 shall excuse the
9 pupil from taking an examination administered under sub. (1s).

10 ***b0890/2.3* SECTION 2717m.** 118.30 (6) of the statutes is amended to read:

11 118.30 (6) A school board ~~and~~, an operator of a charter school under s. 118.40
12 (2r), and the governing body of a private school participating in the program under
13 s. 119.23 is not required to administer the 4th and 8th grade examinations adopted
14 or approved by the state superintendent under sub. (1) if the school board ~~or~~, the
15 operator of the charter school, or the governing body of the private school administers
16 its own 4th and 8th grade examinations, the school board ~~or~~, operator of the charter
17 school, or governing body of the private school provides the state superintendent
18 with statistical correlations of those examinations with the examinations adopted or
19 approved by the state superintendent under sub. (1), and the federal department of
20 education approves.

21 ***b0890/2.3* SECTION 2718f.** 118.33 (1) (f) 2m. of the statutes is created to read:

22 118.33 (1) (f) 2m. By September 1, 2004, the governing body of each private
23 school participating in the program under s. 119.23 shall develop a policy specifying
24 criteria for granting a high school diploma to pupils attending the private school
25 under s. 119.23. The criteria shall include the pupil's score on the examination

1 administered under s. 118.30 (1s) (d), the pupil's academic performance, and the
2 recommendations of teachers.

3 *b0890/2.3* SECTION 2718h. 118.33 (1) (f) 3. of the statutes is amended to read:

4 118.33 (1) (f) 3. Beginning September 1, ~~2003~~ 2005, neither a school board nor
5 an operator of a charter school under s. 118.40 (2r) may grant a high school diploma
6 to any pupil unless the pupil has satisfied the criteria specified in the school board's
7 or charter school's policy under subd. 1. or 2. Beginning September 1, 2005, the
8 governing body of a private school participating in the program under s. 119.23 may
9 not grant a high school diploma to any pupil attending the private school under s.
10 119.23 unless the pupil has satisfied the criteria specified in the governing body's
11 policy under subd. 2m.

12 *b0890/2.3* SECTION 2718j. 118.33 (6) (c) of the statutes is created to read:

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

22 2. Beginning on September 1, 2002, the governing body of a private school
23 participating in the program under s. 119.23 may not promote a 4th grade pupil who
24 is attending the private school under s. 119.23 to the 5th grade, and may not promote
25 an 8th grade pupil who is attending the private school under s. 119.23 to the 9th

1 grade, unless the pupil satisfies the criteria for promotion specified in the governing
2 body's policy under subd. 1.

3 *b0890/2.3* SECTION 2725d. 118.40 (4) (a) 3. and 4. of the statutes are created
4 to read:

5 118.40 (4) (a) 3. Permit public inspection and copying of any record, as defined
6 in s. 19.32 (2), of the charter school to the same extent as is required of, and subject
7 to the same terms and enforcement provisions that apply to, an authority under
8 subch. II of ch. 19.

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

12 *b0890/2.3* SECTION 2725f. 118.40 (4) (b) (intro.) and 1. of the statutes are
13 consolidated, renumbered 118.40 (4) (b) and amended to read:

14 118.40 (4) (b) *Restrictions*. A charter school may not ~~do any of the following:~~
15 ~~1. Charge charge~~ tuition.

16 *b0890/2.3* SECTION 2725h. 118.40 (4) (b) 2. of the statutes is repealed.”.

17 *b0880/1.2* 1071. Page 923, line 7: after that line insert:

18 *b0880/1.2* “SECTION 2748m. 119.23 (2) (b) of the statutes is amended to read:

19 119.23 (2) (b) No more than 15% of the school district's membership may attend
20 private schools under this section. in the 2001–02 school year. Beginning in the
21 2002–03 school year, no more than 10,580 pupils may attend private schools under
22 this section. If in any school year there are more spaces available in the participating
23 private schools than the maximum number of pupils allowed to participate, the

1 department shall prorate the number of spaces available at each participating
2 private school.

3 *b0880/1.2* SECTION 2752g. 119.23 (4) (b) 2. of the statutes is amended to read:

4 119.23 (4) (b) 2. ~~The~~ An amount equal to \$2,776 in the 2001–02 school year, and
5 in each school year thereafter the sum of the amount paid per pupil under this
6 subsection in the previous school year and the amount of revenue increase per pupil
7 allowed under subch. VII of ch. 121 in the current school year.

8 *b0880/1.2* SECTION 2752r. 119.23 (4m) of the statutes is amended to read:

9 119.23 (4m) ~~Beginning in the 1999–2000 school year, in~~ In addition to the
10 payment under sub. (4) the state superintendent shall pay to the parent or guardian
11 of each pupil enrolled in a private school under this section, in the manner described
12 in sub. (4) (c), an amount determined by multiplying 40% of the payment under sub.
13 (4) by the quotient determined by dividing the summer choice average daily
14 membership equivalent of the private school by the total number of pupils for whom
15 payments are being made under sub. (4).”.

16 *b0890/2.4* 1072. Page 923, line 7: after that line insert:

17 *b0890/2.4* “SECTION 2748m. 119.23 (2) (a) 6. and 7. of the statutes are created
18 to read:

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

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

4 ***b0890/2.4* SECTION 2753m.** 119.23 (10) of the statutes is created to read:

5 119.23 (10) Each private school participating in the program under this section
6 shall administer to the pupils attending the 3rd grade in the private school under this
7 section a standardized reading test developed by the department.”.

8 ***b0957/1.10* 1073.** Page 923, line 7: after that line insert:

9 ***b0957/1.10* “SECTION 2744m.** 119.04 (1) of the statutes is amended to read:

10 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
11 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
12 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to
13 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
14 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291,
15 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(26)~~ (27), 120.125,
16 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14 and
17 120.25 are applicable to a 1st class city school district and board.”.

18 ***b1096/2.22* 1074.** Page 923, line 7: after that line insert:

19 ***b1096/2.22* “SECTION 2745q.** 119.04 (1) of the statutes is amended to read:

20 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
21 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
22 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.115, 118.12,
23 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164,
24 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258,

1 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125,
2 120.13 (1), (2) (b) to (g), (3), (14), ~~(17) to (18)~~, (19), (26), (34), (35) and (37), 120.14 and
3 120.25 are applicable to a 1st class city school district and board.”.

4 *b0986/1.4* **1075.** Page 923, line 8: delete the material beginning with that
5 line and ending with page 924, line 22.

6 *b0957/1.11* **1076.** Page 924, line 22: after that line insert:

7 *b0957/1.11* “**SECTION 2760m.** 120.12 (27) of the statutes is created to read:
8 120.12 (27) MINORITY CONTRACTING. If the school board adopts a policy that
9 authorizes preferences or set-asides to minority businesses in the awarding of a
10 public contract, as defined in s. 60.47 (1) (a), ensure that the policy requires that the
11 minority business be certified by the department of commerce under s. 560.036 (2).”.

12 *b1026/1.4* **1077.** Page 924, line 22: after that line insert:

13 *b1026/1.4* “**SECTION 2760d.** 120.13 (2) (g) of the statutes is amended to read:
14 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
15 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
16 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to ~~(14)~~ (15), 632.896, and
17 767.25 (4m) (d).”.

18 *b1096/2.23* **1078.** Page 924, line 22: after that line insert:

19 *b1096/2.23* “**SECTION 2758f.** 119.70 (5) of the statutes is amended to read:
20 119.70 (5) Nothing in this section prohibits the board from granting the use of
21 school property to religious organizations under s. ~~120.13 (17)~~ 118.115.

22 *b1096/2.23* **SECTION 2760m.** 120.13 (17) (title) of the statutes is renumbered
23 118.115 (title).

1 ***b1096/2.23* SECTION 2760n.** 120.13 (17) of the statutes is renumbered
2 118.115 (1) and amended to read:

3 118.115 (1) ~~Grant~~ The school board may grant the temporary use of school
4 grounds, buildings, facilities or equipment, upon such conditions, including fees not
5 to exceed actual costs, as determined by the school board, to any responsible person
6 for any lawful nonschool purpose if such use does not interfere with use for school
7 purposes or school-related functions. Fees received under this subsection shall be
8 paid into the school district treasury and accounted for as prescribed under s. 115.28
9 (13). The user shall be primarily liable, and the school board secondarily liable, for
10 any damage to property and for any expense incurred in consequence of any use of
11 school grounds, buildings, facilities or equipment under this subsection.”.

12 ***b0884/1.1* 1079.** Page 925, line 3: after that line insert:

13 ***b0884/1.1* “SECTION 2761d.** 121.004 (7) (c) 1. a. and b. of the statutes are
14 amended to read:

15 121.004 (7) (c) 1. a. A pupil enrolled in a ~~5-year-old~~ kindergarten program
16 requiring full-day attendance for 5 days a week for an entire school year shall be
17 counted as one pupil.

18 b. A pupil enrolled in a ~~5-year-old~~ kindergarten program requiring full-day
19 attendance for less than 5 days a week for an entire school year shall be counted as
20 the result obtained by multiplying the number of hours in each day in which the pupil
21 is enrolled by the total number of days for which the pupil is enrolled, and dividing
22 the result by the product of the number of hours of attendance per day required of
23 first grade pupils in the school district multiplied by 180.