

1 **(7) RELEASING SECURITY.** (a) The department may release security filed under
2 sub. (1) (a), except for any amount of security that the vegetable contractor is
3 required to file because sub. (1) (b) applies to the vegetable contractor, if any of the
4 following applies:

5 1. The vegetable contractor reports less than \$1,000,000 in annual contract
6 obligations under s. 126.56 (9) (a) for at least 2 consecutive years and the vegetable
7 contractor pays the quarterly fund assessment that would have been required of the
8 vegetable contractor if the vegetable contractor had been a contributing vegetable
9 contractor on the most recent quarterly installment date under s. 126.60 (6).

10 2. The vegetable contractor's annual financial statement under s. 126.58 shows
11 positive equity for at least 2 consecutive years and the vegetable contractor pays the
12 quarterly fund assessment that would have been required of the vegetable contractor
13 if the vegetable contractor had been a contributing vegetable contractor on the most
14 recent quarterly installment date under s. 126.60 (6).

15 (b) The department may release security filed under sub. (1) (b), except for any
16 amount of security that the vegetable contractor is required to file because sub. (1)
17 (a) applies to the vegetable contractor, if any of the following applies:

18 1. The vegetable contractor has no unpaid obligations under deferred payment
19 contracts, and will not use deferred payment contracts in the current license year.

20 2. The vegetable contractor files 2 consecutive annual financial statements
21 under s. 126.58 that show a current ratio of at least 1.25 to 1.0, positive equity, and
22 a debt to equity ratio of not more than 4.0 to 1.0.

23 (c) On May 1, 2002, the department may release security maintained under
24 sub. (2), unless the vegetable contractor is required to file security under sub. (1).

1 (d) The department may release security to the extent that the security exceeds
2 the amount required under sub. (3).

3 (e) The department may release security if the vegetable contractor files
4 alternative security, of equivalent value, that the department approves.

5 (f) The department shall release security if the vegetable contractor has gone
6 out of business and paid all contract obligations in full.

7 **126.62 Vegetable contractors; records. (1) RECORDS REQUIRED.** A vegetable
8 contractor shall keep all of the following:

9 (a) Copies of all written vegetable procurement contracts.

10 (b) A current record of all vegetable contract obligations, payments, and unpaid
11 balances.

12 **(2) RECORDS RETENTION.** A vegetable contractor shall keep all of the following
13 records for at least 6 years from the date of their creation:

14 1. Records required under sub. (1).

15 2. Records that the vegetable contractor was required to keep, under s. 100.03,
16 1999 stats., and department rules, before February 1, 2002.

17 **(3) RECORDS INSPECTION.** A vegetable contractor shall make records required
18 under this section available to the department for inspection and copying upon
19 request.

20 **126.63 Vegetable contractors; business practices. (1) VEGETABLE GRADING**
21 **AND TARE.** (a) A vegetable contractor shall grade vegetables according to the following
22 standards if the vegetable grade may affect the amount received by the vegetable
23 producer:

24 1. Standard grading procedures that the department establishes by rule.

1 2. Uniform grade standards that the department establishes by rule, unless the
2 vegetable procurement contract clearly specifies alternative grade standards.

3 (b) If a vegetable contractor makes any deduction for tare, the vegetable
4 contractor shall determine tare according to procedures that the department
5 establishes by rule.

6 (c) The department shall establish grade standards for vegetables that conform
7 to grade standards adopted by the federal department of agriculture under 7 USC
8 1621 to 1632.

9 **(2) PROHIBITED DEDUCTIONS.** No vegetable purchaser may deduct, from the
10 amount payable under a vegetable procurement contract, an amount designated for
11 the payment of any vegetable contractor license fee, surcharge, or fund assessment
12 under this subchapter.

13 **(3) TIMELY PAYMENT.** A vegetable contractor shall pay a vegetable producer or
14 producer agent according to the vegetable procurement contract. The vegetable
15 contractor shall make the following payments by the following dates, unless the
16 contract specifies a different payment date in writing:

17 (a) The 15th day of the month immediately following the month in which the
18 vegetable contractor harvests or accepts delivery of processing vegetables, the full
19 amount owed under the contract for those vegetables.

20 (b) The 15th day of the month immediately following the month in which the
21 vegetable contractor rejects or fails to harvest processing vegetables tendered under
22 the vegetable procurement contract, the full amount owed under the contract for
23 those vegetables.

1 (4) ANNUAL PAYMENT DEADLINE. (a) Except as provided in par. (b) or (c), a
2 vegetable contractor shall pay all outstanding obligations to vegetable producers by
3 January 31 of each license year.

4 (b) For processing vegetables tendered or delivered in January of any license
5 year, a vegetable contractor shall pay the full amount owed under the vegetable
6 procurement contract by February 15 or by the 30th day after the date of delivery,
7 whichever date is later.

8 (c) A vegetable contractor may pay outstanding producer obligations in
9 accordance with a deferred payment contract that complies with sub. (5) and
10 specifies a payment date after January 31 for processing vegetables delivered on or
11 before December 31.

12 (5) DEFERRED PAYMENT CONTRACT. (a) Before a vegetable contractor offers a
13 deferred payment contract to any vegetable producer, the vegetable contractor shall
14 put the deferred payment contract to a vote of vegetable producers, as provided in
15 par. (b), obtain the approval of a majority of the voting vegetable producers, and
16 comply with par. (c).

17 (b) To put a deferred payment contract to a vote of vegetable producers, the
18 vegetable contractor shall give written notice to all vegetable producers in this state
19 from whom the vegetable contractor procured the same type of processing vegetables
20 during the preceding license year. In the notice, the vegetable contractor shall
21 include a copy of the proposed contract, shall announce a meeting at which the
22 vegetable producers will be asked to vote on the proposed contract, and shall include
23 a mail ballot by which a vegetable producer may vote without attending the meeting.
24 The vegetable contractor shall conduct the voting by secret ballot.

1 (c) To comply with this paragraph, a vegetable contractor shall file all of the
2 following with the department:

3 1. A sworn statement certifying that the contract was approved in a vote of
4 vegetable producers under this subsection.

5 2. Any additional security required under s. 126.61 (3).

6 (6) CASH ON DELIVERY. A vegetable contractor shall pay cash on delivery under
7 all vegetable procurement contracts if any of the following applies:

8 (a) The vegetable contractor stated, in the vegetable contractor's last annual
9 statement under s. 126.56 (9) (g), that the vegetable contractor would pay cash on
10 delivery.

11 (b) The department disqualifies the vegetable contractor, under s. 126.59 (2)
12 (c), or requires the vegetable contractor to pay cash on delivery under s. 126.61 (6)
13 (e).

14 **126.64 Vegetable contractors; prohibited practices.** No vegetable
15 contractor may do any of the following:

16 (1) Misrepresent the weight, grade, or quality of processing vegetables under
17 a vegetable procurement contract.

18 (2) Falsify any record or account, or conspire with any other person to falsify
19 a record or account.

20 (3) Make any false or misleading representation to the department.

21 (4) If the vegetable contractor is licensed under s. 126.56, engage in any activity
22 that is inconsistent with representations made in the vegetable contractor's annual
23 license application.

24 (5) Make any false or misleading representation to a vegetable producer or
25 producer agent related to matters regulated under this chapter.

1 (6) Fail to file the full amount of security required under s. 126.61 (6) by the
2 date that the department specifies.

3 SUBCHAPTER VII

4 RECOVERY PROCEEDINGS

5 **126.68 Definitions.** In this subchapter:

6 (1) “Contributing contractor” means any of the following:

7 (a) A contributing grain dealer, as defined in s. 126.10 (3).

8 (b) A contributing grain warehouse keeper, as defined in s. 126.25 (2).

9 (c) A contributing milk contractor, as defined in s. 126.40 (1).

10 (d) A contributing vegetable contractor, as defined in s. 126.55 (4).

11 (2) “Depositor” has the meaning given in s. 126.25 (5).

12 (3) “Grain dealer” has the meaning given in s. 126.10 (9).

13 (4) “Grain producer” has the meaning given in s. 126.10 (10).

14 (5) “Grain warehouse keeper” has the meaning given in s. 126.25 (9).

15 (6) “Milk contractor” has the meaning given in s. 126.40 (8).

16 (7) “Milk producer” has the meaning given in s. 126.40 (10).

17 (8) “Producer grain” has the meaning given in s. 126.10 (14).

18 (9) “Producer milk” has the meaning given s. 126.40 (14).

19 (10) “Vegetable contractor” has the meaning given in s. 126.55 (14).

20 (11) “Vegetable procurement contract” has the meaning given in s. 126.55 (15).

21 (12) “Vegetable producer” has the meaning given in s. 126.55 (16).

22 **126.70 Recovery proceedings. (1) DEFAULT CLAIMS.** Any of the following
23 persons may file a default claim with the department against a contractor who is
24 licensed, or required to be licensed, under this chapter:

1 (a) A grain producer or producer agent, as defined in s. 126.10 (13), who claims
2 that a grain dealer has failed to pay, when due, for producer grain that the grain
3 dealer procured in this state.

4 (b) A depositor who is either a grain producer or a producer agent, as defined
5 in s. 126.10 (13), and who claims that a grain warehouse keeper has failed to return
6 stored grain or its equivalent upon demand.

7 (c) A milk producer or producer agent, as defined in s. 126.40 (13), who claims
8 that a milk contractor has failed to pay, when due, for producer milk procured in this
9 state.

10 (d) A vegetable producer or producer agent, as defined in s. 126.55 (12), who
11 claims that a vegetable contractor has failed to make payment when due under a
12 vegetable procurement contract.

13 **(2) FILING DEFAULT CLAIMS.** A claimant shall file a default claim under sub. (1)
14 within 30 days after the claimant first learns of the default, subject to sub. (3). The
15 claimant shall specify the nature and amount of the default. The department may
16 investigate the alleged default and may require the claimant to provide supporting
17 documentation.

18 **(3) INITIATING A RECOVERY PROCEEDING.** (a) The department may initiate a
19 recovery proceeding in response to one or more default claims under sub. (1). The
20 department shall issue a written notice announcing the recovery proceeding. The
21 department shall mail or deliver a copy of the notice to the contractor and each
22 claimant in the proceeding.

23 (b) If the department has reason to believe that other persons may have default
24 claims under sub. (1) against the same contractor, the department may invite those

1 persons to file their claims in the recovery proceeding. The department may publish
2 the invitation in any of the following ways:

3 1. By posting it at the contractor's place of business.

4 2. By publishing it as a class 3 notice under ch. 985.

5 3. By mailing or delivering it to prospective claimants known to the
6 department.

7 4. By other means that the department considers appropriate.

8 (c) In its invitation under par. (b), the department may specify a deadline date
9 and a procedure for filing default claims. An invitation may indicate the amount of
10 a prospective claimant's apparent claim and may ask the prospective claimant to
11 verify or correct that amount.

12 (d) The department may initiate separate recovery proceedings for default
13 claims that comply with sub. (2) but are filed after the deadline date under par. (c).

14 (4) AUDITING CLAIMS. The department shall audit each claim included in a
15 recovery proceeding. The department shall disallow a claim if the department finds
16 any of the following:

17 (a) That the claim is false or not adequately documented.

18 (b) That the claimant filed the claim more than 30 days after the claimant first
19 learned of the contractor's default, unless the department specifies a later
20 claim-filing deadline under sub. (3) (c).

21 (c) That the claimant, without any contractual obligation to do so, continued
22 to deliver grain, milk, or vegetables to the defaulting contractor more than 10 days
23 after the claimant first learned of the contractor's default.

24 (d) That the claimant failed to comply with claim-filing deadlines or
25 procedures specified under sub. (3) (c).

1 (e) That the person filing the claim is not an authorized claimant under sub.
2 (1).

3 **(5) ALLOWED CLAIM AMOUNTS.** (a) The department shall determine the amount
4 of an allowed claim based on the contract between the parties. If the contract terms
5 are unclear, the department may determine the allowed claim amount based on local
6 market prices, applicable milk marketing order prices, customs in the trade, or other
7 evidence that the department considers appropriate.

8 (b) Notwithstanding par. (a), if the default involves a grain warehouse keeper's
9 failure to return stored grain to a depositor upon demand, the department shall
10 calculate the value of the grain based on local market prices on the day on which the
11 depositor made the demand.

12 (c) The department shall subtract from the allowed claim amount any
13 offsetting payments made by the contractor and any obligations for which the
14 claimant is liable to the contractor.

15 **(6) PROPOSED DECISION.** After the department completes its audit under sub. (4),
16 the department shall issue a proposed decision. The department shall mail or deliver
17 a copy of the proposed decision to the contractor and each claimant. The department
18 shall do all of the following in the proposed decision:

19 (a) Specify proposed findings of fact, proposed conclusions of law, and a
20 proposed order.

21 (b) Allow or disallow each default claim and specify the amount of each allowed
22 claim. The department may disallow part of a claim.

23 (c) Specify, for each allowed claim, the amount that the department is
24 authorized to pay under s. 126.71.

1 (d) Specify the method, under s. 126.71, by which the department will pay the
2 authorized amounts under par. (c).

3 (e) Explain a claimant's right under s. 126.87 (4) to seek court recovery of that
4 portion of an allowed claim that is not paid by the department.

5 (f) Specify a date by which the contractor or claimant may file written
6 objections to the proposed decision.

7 (7) FINAL DECISION IF NO OBJECTIONS. If no contractor or claimant files a timely
8 written objection to the proposed decision under sub. (6), the department may issue
9 the proposed decision as the department's final decision in the recovery proceeding,
10 without further notice or hearing. The department shall mail or deliver a copy of the
11 final decision to the contractor and each claimant.

12 (8) OBJECTIONS TO PROPOSED DECISION; NOTICE, HEARING, AND FINAL DECISION. (a)
13 If a contractor or claimant files a timely written objection to the proposed decision
14 under sub. (6), the department shall hold a public hearing on the objection. The
15 department shall follow applicable contested case procedures under ch. 227. The
16 department may hear all objections in a single proceeding. At the conclusion of the
17 contested case proceeding, the department shall issue a final decision affirming or
18 modifying the proposed decision under sub. (6).

19 (b) The department may issue a final decision under sub. (7) related to default
20 claims that are not affected by objections under par. (a), regardless of whether the
21 department has completed the contested case proceeding under par. (a).

22 **126.71 Paying default claims. (1) CLAIMS AGAINST CONTRIBUTING**
23 **CONTRACTOR.** Except as provided in sub. (2) or (3), the department shall pay from the
24 appropriate sources under s. 126.72 the following default claim amounts:

1 (a) Except as provided in par. (d) or (e), for each default claim allowed under
2 s. 126.70 against a grain dealer or milk contractor who was a contributing contractor
3 when the default occurred:

- 4 1. Eighty percent of the first \$60,000 allowed.
- 5 2. Seventy-five percent of any amount allowed in excess of \$60,000.

6 (b) For each default claim allowed under s. 126.70 against a grain warehouse
7 keeper who was a contributing contractor when the default occurred, 100% of the
8 first \$100,000 allowed.

9 (c) For each default claim allowed under s. 126.70 against a vegetable
10 contractor who was a contributing contractor when the default occurred:

- 11 1. Ninety percent of the first \$40,000 allowed.
- 12 2. Eighty-five percent of the next \$40,000 allowed.
- 13 3. Eighty percent of the next \$40,000 allowed.
- 14 4. Seventy-five percent of any amount allowed in excess of \$120,000.

15 (d) For each default claim allowed under s. 126.70 against a qualified producer
16 agent who, at the time of the default, was a contributing contractor and maintained
17 security under s. 126.47 (3) (c), if the default occurs after April 30, 2002, and before
18 May 1, 2004, 15% of the amount allowed.

19 (e) For each default claim allowed under s. 126.70 against a qualified producer
20 agent who, at the time of the default, was a contributing contractor and maintained
21 security under s. 126.47 (3) (c), if the default occurs after April 30, 2004, and before
22 May 1, 2007, 20% of the amount allowed.

23 **(1m) WHEN DEFAULT OCCURS.** For the purposes of this chapter, a default occurs
24 on the date on which payment or delivery becomes overdue.

1 (2) CLAIMS AGAINST CONTRACTOR WHO HAS FILED SECURITY. If the department
2 allows default claims under s. 126.70 against a contractor who has security on file
3 with the department, the department shall convert that security and use the
4 proceeds as follows:

5 (a) If the contractor was not a contributing contractor when the default
6 occurred, the department shall use the security proceeds to pay the full amount of
7 the allowed claims, except that, if the security is not adequate to pay the full amount
8 of the allowed claims, the department shall pay claimants on a prorated basis in
9 proportion to their allowed claims.

10 (b) If the contractor was a contributing contractor when the default occurred,
11 the department shall use the security proceeds to reimburse the sources under s.
12 126.72 from which the department makes any claim payment under sub. (1). If the
13 security amount exceeds the amount payable under sub. (1) from the sources under
14 s. 126.72, the department shall use the remaining security proceeds to pay the
15 balance of the allowed claims. If the security amount is not adequate to pay the full
16 remaining balance, the department shall pay claimants on a prorated basis in
17 proportion to their allowed claims.

18 (c) Notwithstanding par. (b), if the contractor was a contributing contractor
19 when the default occurred, the department may, at its discretion, pay claims directly
20 from security proceeds rather than from a fund source under s. 126.72. If the
21 department acts under this paragraph, the department shall first pay claims in the
22 amounts provided in sub. (1). If the security amount exceeds the amount payable
23 under sub. (1) from the sources under s. 126.72, the department shall use the
24 remaining security proceeds to pay the balance of the allowed claims. If the security

1 amount is not adequate to pay the full remaining balance, the department shall pay
2 claimants on a prorated basis in proportion to their allowed claims.

3 (3) PAYMENT RESTRICTIONS. (a) The department may not pay any portion of the
4 following from any source identified in s. 126.72:

5 1. A default claim related to a default by a grain dealer or grain warehouse
6 keeper that occurs before September 1, 2002.

7 2. A default claim related to a default by a milk contractor that occurs before
8 May 1, 2002.

9 3. A default claim related to a default by a vegetable contractor that occurs
10 before February 1, 2002.

11 4. A default claim allowed against a contractor who was not a contributing
12 contractor when the default occurred.

13 (b) The department may not pay any default claim under this chapter, except
14 as provided in sub. (1) or (2).

15 (c) If the total amount of default claims exceeds the amount available under s.
16 126.72, the department shall prorate the available amount among the eligible
17 claimants in proportion to the amount of their allowed claims.

18 (4) EFFECT OF PAYMENT. A claimant who accepts payment under sub. (1) or (2)
19 releases his or her claim against the contractor to the extent of the payment. A
20 payment under sub. (1) or (2) does not prevent a claimant from recovering the
21 balance of an allowed claim directly from the contractor.

22 **126.72 Claims against contributing contractor; payment sources. (1)**
23 PRODUCER SECURITY FUND. From the appropriation under s. 20.115 (1) (w), the
24 department shall make payments authorized under s. 126.71 (1), up to the deductible
25 amount in sub. (4).

1 (2) INDUSTRY BOND PROCEEDS. The department shall make a demand against the
2 appropriate industry bond under s. 126.06 and shall use the proceeds of that bond
3 to make payments authorized under s. 126.71 (1), to the extent that those payments
4 exceed the deductible amount in sub. (4).

5 (3) BLANKET BOND PROCEEDS. The department shall make a demand against the
6 blanket bond under s. 126.07 and shall use the bond proceeds to pay any remaining
7 amounts authorized under s. 126.71 (1) after the department makes payments under
8 subs. (1) and (2).

9 (4) DEDUCTIBLE AMOUNT. The deductible amount, for purposes of subs. (1) and
10 (2), is as follows:

11 (a) For default claims against a grain dealer or grain warehouse keeper who
12 was a contributing contractor when the default occurred:

13 1. If the department allows the claims on or after September 1, 2002, but before
14 September 1, 2004, \$500,000.

15 2. If the department allows the claims on or after September 1, 2004, but before
16 September 1, 2006, \$750,000.

17 3. If the department allows the claims on or after September 1, 2006,
18 \$1,000,000.

19 (b) For default claims against a milk contractor who was a contributing
20 contractor when the default occurred:

21 1. If the department allows the claims on or after May 1, 2002, but before May
22 1, 2004, \$1,000,000.

23 2. If the department allows the claims on or after May 1, 2004, but before May
24 1, 2006, \$1,500,000.

25 3. If the department allows the claims on or after May 1, 2006, \$2,000,000.

1 (c) For claims against a vegetable contractor who was a contributing contractor
2 when the default occurred:

3 1. If the department allows the claims on or after February 1, 2002, but before
4 February 1, 2004, \$500,000.

5 2. If the department allows the claims on or after February 1, 2004, but before
6 February 1, 2006, \$750,000.

7 3. If the department allows the claims on or after February 1, 2006, \$1,000,000.

8 **126.73 Reimbursing payments.** (1) PAYMENTS FROM THE FUND. The
9 department may demand and collect, from a contractor, any claim amounts that the
10 department pays under s. 126.72 (1) because of the contractor's default.

11 (2) BOND PAYMENTS. A bond surety may demand and collect, from a contractor,
12 any claim amounts that the bond surety pays to the department under s. 126.72 (2)
13 or (3) because of the contractor's default. The bond surety shall provide the
14 department with a copy of each demand under this subsection.

15 SUBCHAPTER VIII

16 ADMINISTRATION AND ENFORCEMENT

17 **126.78 Definitions.** In this subchapter:

18 (1) "Contributing contractor" has the meaning given in s. 126.68 (1).

19 (2) "Depositor" has the meaning given in s. 126.25 (5).

20 (3) "Grain dealer" has the meaning given in s. 126.10 (9).

21 (4) "Grain warehouse keeper" has the meaning given in s. 126.25 (9).

22 (5) "Milk contractor" has the meaning given in s. 126.40 (8).

23 (6) "Producer agent" means a person who is a producer agent, as defined in s.
24 126.10 (13), 126.40 (13), or 126.55 (12).

25 (7) "Vegetable contractor" has the meaning given in s. 126.55 (14).

1 (8) “Vegetable producer” has the meaning given in s. 126.55 (16).

2 **126.80 Department authority; general.** The department shall administer
3 this chapter.

4 **126.81 Rule-making.** The department may promulgate rules to do any of the
5 following:

6 (1) Interpret and implement this chapter.

7 (2) Modify the license fees and surcharges provided in s. 126.11 (4), 126.26 (3),
8 126.41 (3), 126.42, or 126.56 (4).

9 (3) Modify the fund assessments provided under s. 126.15, 126.30, 126.46, or
10 126.60, as provided in s. 126.88.

11 (4) Require a contractor to notify producers and producer agents of the
12 contractor’s license, security, or fund contribution status under this chapter.

13 **126.82 Investigations.** The department may conduct investigations that it
14 considers necessary for the administration of this chapter, including investigations
15 to determine any of the following:

16 (1) Whether a contractor complies with this chapter.

17 (2) Whether a contractor is able to honor contract obligations when due.

18 (3) Whether a contractor has failed to honor contract obligations when due.

19 (4) Whether a grain warehouse keeper has sufficient grain on hand to meet the
20 grain warehouse keeper’s obligations to depositors.

21 (5) The nature and amount of a contractor’s storage obligations or other
22 contract obligations.

23 **126.83 Information.** The department may require a contractor to provide
24 information that is relevant to the administration and enforcement of this chapter.

1 **126.84 Records; confidentiality.** (1) PUBLIC RECORDS EXEMPTION. The
2 following records obtained by the department under this chapter are not open to
3 public inspection under s. 19.35:

4 (a) Contractor financial statements.

5 (b) A contractor's purchase, storage, or procurement records.

6 **(2) USE OF RECORDS IN COURT OR ADMINISTRATIVE PROCEEDINGS.** Notwithstanding
7 sub. (1), the department may introduce any information obtained under this chapter
8 in a court proceeding or administrative contested case, subject to any protective
9 order that the court or administrative tribunal determines to be appropriate.

10 **126.85 Remedial orders.** (1) GENERAL. The department may, by special
11 order, require a contractor to remedy a violation of this chapter or a rule promulgated
12 under this chapter. The department may order the contractor to take specific
13 remedial actions, including actions to remedy deficiencies or to prevent losses to
14 persons protected under this chapter. Except as provided in sub. (2), the department
15 shall give the contractor notice and an opportunity for hearing before the department
16 issues an order.

17 **(2) SUMMARY ORDER.** The department may issue an order under sub. (1) without
18 prior notice or hearing if the department finds that the order is necessary to prevent
19 a clear and imminent threat of harm to persons protected under this chapter.
20 Conditions indicating a clear and imminent threat of harm include the following:

21 (a) A contractor fails to pay producers according to this chapter or according
22 to the contractor's contracts with producers.

23 (b) A contractor fails to file replacement insurance within the time required
24 under this chapter.

1 (c) A contractor fails to file security according to this chapter, or in response to
2 the department's demand under this chapter.

3 (d) A contractor fails to pay a fund assessment when due.

4 (e) A vegetable contractor fails to pay vegetable producers by January 31 for
5 vegetables delivered by December 31 of the previous year, except as authorized in a
6 deferred payment contract.

7 (f) A grain warehouse keeper fails to return grain to depositors upon demand,
8 as required under s. 126.34 (4).

9 (g) A grain warehouse keeper fails to maintain adequate grain inventory as
10 required under s. 126.34 (3), and at least one of the following applies:

11 1. The amount of the deficiency exceeds 10,000 bushels or 10% of the grain
12 warehouse keeper's obligations to depositors, whichever amount is less.

13 2. The grain warehouse keeper fails to correct the deficiency within 15 days
14 after receiving the department's written notice that a deficiency exists.

15 (3) HEARING ON SUMMARY ORDER. (a) A contractor named in a summary order
16 under sub. (2) may, within 10 days after receiving the order, request a hearing on the
17 order. The department shall hold an informal hearing as soon as possible after
18 receiving a hearing request, but not later than 10 days after receiving the hearing
19 request, unless the contractor waives the informal hearing or agrees to hold it at a
20 later date. If the matter is not resolved at the informal hearing, the department shall
21 hold a contested case hearing under ch. 227 as soon as reasonably possible.

22 (b) A hearing request under par. (a) does not automatically stay a summary
23 order. The department may stay a summary order pending hearing.

1 **126.86 License actions. (1) GENERAL.** The department may for cause deny,
2 suspend, revoke, or impose conditions on a contractor's license, as provided in s.
3 93.06 (7) and (8). Cause may include any of the following:

4 (a) The contractor fails to comply with this chapter or a rule promulgated under
5 this chapter.

6 (b) The contractor fails to comply with an order that the department issues
7 under this chapter.

8 (c) The contractor fails to provide relevant information that the department
9 requests under this chapter or falsifies information provided to the department.

10 (d) The contractor fails to file a financial statement, security, fees, or
11 assessments required under this chapter, or fails to meet other requirements for
12 licensing.

13 (e) The contractor fails to honor contract obligations to persons who are
14 authorized to file default claims under s. 126.70 (1).

15 (f) The contractor fails to reimburse the department, within 60 days after the
16 department issues a reimbursement demand under s. 126.73 (1), for the full amount
17 that the department pays to claimants under s. 126.72 (1) because of the contractor's
18 default.

19 (g) The contractor fails to reimburse a bond surety, within 60 days after the
20 bond surety issues a reimbursement demand under s. 126.73 (2), for the full amount
21 that the surety pays to the department under s. 126.72 (2) or (3) for the benefit of
22 claimants affected by the contractor's default.

23 **(2) HEARING ON LICENSE ACTION; GENERAL.** Except as provided in sub. (3), the
24 department shall give a contractor notice and an opportunity for hearing before the

1 department suspends, revokes, or imposes conditions on a license held by the
2 contractor.

3 (3) SUMMARY ACTION. (a) The department may, without prior notice or hearing,
4 summarily suspend, revoke, or impose conditions on a license held by a contractor
5 if the department finds that summary action is necessary to prevent a clear and
6 imminent threat of harm to persons protected under this chapter. Conditions
7 indicating a clear and imminent threat of harm include those identified in s. 126.85
8 (2).

9 (b) A contractor who is the subject of a summary action under par. (a) may,
10 within 10 days after receiving notice of that action, request a hearing on the action.
11 The department shall hold an informal hearing as soon as possible after receiving a
12 hearing request, but not later than 10 days after receiving the hearing request,
13 unless the contractor waives the informal hearing or agrees to hold it at a later date.
14 If the matter is not resolved at the informal hearing, the department shall hold a
15 contested case hearing under ch. 227 as soon as reasonably possible.

16 (c) A request for hearing under par. (b) does not automatically stay a summary
17 action under par. (a). The department may stay a summary action pending hearing.

18 **126.87 Court actions. (1) INJUNCTION.** The department may petition the
19 circuit court for an ex parte temporary restraining order, a temporary injunction, or
20 a permanent injunction to prevent, restrain, or enjoin any person from violating this
21 chapter, any rule promulgated under this chapter, or any order issued under this
22 chapter. The department may seek this remedy in addition to any other penalty or
23 remedy provided under this chapter.

1 (2) PENALTIES. (a) A person who violates this chapter, a rule promulgated under
2 this chapter, or an order issued under this chapter is subject to a forfeiture of not less
3 than \$250 nor more than \$5,000 for each violation.

4 (b) A person who intentionally violates this chapter, a rule promulgated under
5 this chapter, or an order issued under this chapter may be fined not more than
6 \$10,000 or imprisoned for not more than one year in the county jail or both.

7 (4) PRIVATE REMEDY. (a) A person whose claim is allowed under s. 126.70 may
8 bring an action against the contractor to recover the amount of the allowed claim, less
9 any recovery amount that the department pays to the claimant under s. 126.71. In
10 any court action under this subsection, the claimant may recover costs including all
11 reasonable attorney fees, notwithstanding s. 814.04 (1). This subsection does not
12 limit any other legal cause of action that the claimant may have against the
13 contractor.

14 (b) A claim allowed under s. 126.70 has the same priority in an insolvency
15 proceeding or creditor's action as a claim for wages, except as otherwise provided by
16 federal law.

17 (5) COLLECTIONS. The department may bring an action in court to recover any
18 unpaid amount that a contractor owes the department under this chapter, including
19 any unpaid fund assessment or reimbursement.

20 **126.88 Modifying fund assessments.** The department may by rule modify
21 the fund assessments provided under s. 126.15, 126.30, 126.46, or 126.60. The
22 department shall modify fund assessments as necessary to do all of the following:

23 (1) Maintain an overall fund balance of at least \$5,000,000 after January 1,
24 2006, but not more than \$22,000,000 at any time.

1 (2) Maintain a fund balance attributable to grain dealers of at least \$1,000,000
2 after January 1, 2006, but not more than \$6,000,000 at any time.

3 (3) Maintain a fund balance attributable to grain warehouse keepers of at least
4 \$200,000 after January 1, 2006, but not more than \$1,000,000 at any time.

5 (4) Maintain a fund balance attributable to milk contractors of at least
6 \$3,000,000 after January 1, 2006, but not more than \$12,000,000 at any time.

7 (5) Maintain a fund balance attributable to vegetable contractors of at least
8 \$800,000 after January 1, 2006, but not more than \$3,000,000 at any time.

9 **126.89 Calculations.** If a number used in or resulting from a calculation made
10 to determine the amount of an assessment under s. 126.15, 126.30, 126.46, or 126.60,
11 other than a number that appears in one of those sections, extends more than 6
12 decimal places to the right of the decimal point, a person making the calculation shall
13 round the number to the nearest whole digit in the 6th decimal place to the right of
14 the decimal point. The amount of an assessment may be rounded to the nearest
15 whole dollar.

16 **126.90 Agricultural producer security council.** The agricultural producer
17 security council shall advise the department on the administration and enforcement
18 of this chapter. The council shall meet as often as the department considers
19 necessary, but at least once annually. The department shall inform the council of
20 fund balances and payments, and shall consult with the council before modifying any
21 license fee, license surcharge, or fund assessment under this chapter.

22 ***b1461/3.16* SECTION 2814.** Chapter 127 of the statutes is repealed.”.

23 ***b1519/2.224* 1482.** Page 939, line 16: after that line insert:

24 ***b1519/2.224* “SECTION 2812k.** 125.52 (2) of the statutes is amended to read:

1 125.52 (2) LIMITED MANUFACTURER'S PERMIT. The department shall issue a
2 limited manufacturer's permit which authorizes the use or sale of the intoxicating
3 liquor produced only if it is rendered unfit for use as a beverage and is used or sold
4 for use as fuel. The department shall notify the department of ~~natural resources~~
5 environmental management of the name and address of any person to whom a
6 limited manufacturer's permit is issued.

7 ***b1519/2.224* SECTION 2814e.** 134.60 of the statutes is amended to read:

8 **134.60 Cutting or transportation of evergreens.** No person may cut for
9 sale in its natural condition and untrimmed, with or without roots, any evergreen or
10 coniferous tree, branch, bough, bush, sapling or shrub, from the lands of another
11 without the written consent of the owner, whether such land is publicly or privately
12 owned. The written consent shall contain the legal description of the land where the
13 tree, branch, bough, bush, sapling or shrub was cut, as well as the name of the legal
14 owner. The written consent or a certified copy of the consent shall be carried by every
15 person in charge of the cutting or removing of the trees, branches, boughs, bushes,
16 saplings or shrubs, and shall be exhibited to any officer of the law, forest ranger,
17 forest patrol officer, conservation warden, or other officer of the department of
18 ~~natural resources~~ fish, wildlife, parks, and forestry at the officer's request at any
19 time. The officer may inspect the trees, branches, boughs, bushes, saplings or shrubs
20 when being transported in any vehicle or other means of conveyance and may
21 investigate to determine whether or not this section has been complied with. The
22 officer may stop any vehicle or means of conveyance found carrying any trees,
23 branches, boughs, bushes, saplings or shrubs upon any public highway of this state
24 for the purpose of making such inspection and investigation, and may seize and hold,
25 subject to the order of the court, any such trees, bushes, saplings or shrubs found

1 being cut, removed or transported in violation of this section. No person may ship
2 or transport any such trees, bushes, saplings or shrubs outside the county where they
3 were cut unless the person attaches to the outside of each package, box, bale,
4 truckload or carload shipped a tag or label on which appears the person's name and
5 address. No common carrier or truck hauler may receive for shipment or
6 transportation any such trees, bushes, saplings or shrubs unless the tag or label is
7 attached. Any person who violates this section shall be fined not less than \$10 nor
8 more than \$100. Any person who signs any such written consent or certified copy
9 under this section who is not authorized to do so, and any person who lends or
10 transfers or offers to lend or transfer any such written consent or certified copy to
11 another person who is not entitled to use it, and any person not entitled to use any
12 such written consent or certified copy, or who borrows, receives or solicits from
13 another any such written consent or certified copy thereof shall be fined not less than
14 \$100 nor more than \$500.”.

15 *b1524/1.9* **1483.** Page 939, line 16: after that line insert:

16 *b1524/1.9* **SECTION 2814dd.** 127.01 (1r) of the statutes is amended to read:

17 127.01 (1r) “Audited financial statement” means a financial statement on
18 which an independent certified public accountant, ~~or an independent public~~
19 ~~accountant holding a certificate of authority~~ licensed or certified under ch. 442, has
20 expressed an opinion according to generally accepted accounting principles and has
21 conducted an audit according to generally accepted auditing standards.

22 *b1524/1.9* **SECTION 2814dh.** 127.01 (25m) (b) of the statutes is amended to
23 read:

1 127.01 (25m) (b) The financial statement is reviewed according to generally
2 accepted accounting principles by an independent certified public accountant ~~or an~~
3 ~~independent public accountant who holds a certificate of authority~~ licensed or
4 certified under ch. 442.

5 ***b1524/1.9* SECTION 2814dp.** 127.06 (1) (e) of the statutes is amended to read:

6 127.06 (1) (e) The department may extend the filing deadline under par. (a) 2.
7 by up to 30 days in response to a written request from a warehouse keeper or an
8 independent certified public accountant, ~~or an independent public accountant~~
9 ~~holding a certificate of authority~~ licensed or certified under ch. 442, that is auditing
10 or reviewing the financial statement for a warehouse keeper if the department
11 receives the request on or before the 5th day of the 4th month beginning after the
12 close of the warehouse keeper's fiscal year and if the request states the reason for the
13 extension.

14 ***b1524/1.9* SECTION 2814dt.** 127.06 (1m) (e) of the statutes is amended to
15 read:

16 127.06 (1m) (e) The department may extend the filing deadline under par. (b)
17 2. by up to 30 days in response to a written request from a grain dealer or an
18 independent certified public accountant, ~~or an independent public accountant who~~
19 ~~holds a certificate of authority~~ licensed or certified under ch. 442, that is auditing or
20 reviewing the financial statement for a grain dealer, if the department receives the
21 written request on or before the 5th day of the 4th month beginning after the close
22 of the grain dealer's fiscal year and if the request states the reason for the extension.”.

23 ***b1569/1.2* 1484.** Page 940, line 10: after that line insert:

1 ***b1569/1.2*** “SECTION 2829. Chapter 137 (title) of the statutes is amended to
2 read:

3 **CHAPTER 137**

4 **AUTHENTICATIONS AND ELECTRONIC**

5 **TRANSACTIONS AND RECORDS**

6 ***b1569/1.2*** SECTION 2830. Subchapter I (title) of chapter 137 [precedes
7 137.01] of the statutes is amended to read:

8 **CHAPTER 137**

9 **SUBCHAPTER I**

10 **NOTARIES AND COMMISSIONERS**

11 **OF DEEDS; NONELECTRONIC**

12 **NOTARIZATION AND ACKNOWLEDGEMENT**”.

13 ***b1569/1.3* 1485.** Page 941, line 15: after that line insert:

14 ***b1569/1.3*** “SECTION 2831. 137.01 (3) (a) of the statutes is amended to read:
15 137.01 (3) (a) ~~Every~~ Except as authorized in s. 137.19, every notary public shall
16 provide an engraved official seal which makes a distinct and legible impression or
17 official rubber stamp which makes a distinct and legible imprint on paper. The
18 impression of the seal or the imprint of the rubber stamp shall state only the
19 following: “Notary Public,” “State of Wisconsin” and the name of the notary. But any
20 notarial seal in use on August 1, 1959, shall be considered in compliance.

21 ***b1569/1.3*** SECTION 2832. 137.01 (4) (a) of the statutes is amended to read:
22 137.01 (4) (a) Every official act of a notary public shall be attested by the notary
23 public’s written signature or electronic signature, as defined in s. ~~137.04 (2)~~ 137.11
24 (8).

1 ***b1569/1.4* SECTION 2835.** 137.04 of the statutes is repealed.

2 ***b1569/1.4* SECTION 2836.** 137.05 (title) of the statutes is renumbered 137.25
3 (title) and amended to read:

4 **137.25** (title) **Submission of written documents records to**
5 **governmental units.**

6 ***b1569/1.4* SECTION 2837.** 137.05 of the statutes is renumbered 137.25 (1) and
7 amended to read:

8 137.25 (1) Unless otherwise ~~prohibited~~ provided by law, with the consent of a
9 governmental unit of this state that is to receive a record, any ~~document~~ record that
10 is required by law to be submitted in writing to a that governmental unit and that
11 requires a written signature may be submitted ~~by transforming the document into~~
12 as an electronic format, but only with the consent of the governmental unit that is
13 to receive the document record, and if submitted as an electronic record may
14 incorporate an electronic signature.

15 ***b1569/1.4* SECTION 2838.** 137.06 of the statutes is repealed.

16 ***b1569/1.4* SECTION 2839.** 137.11 to 137.24 of the statutes are created to read:

17 **137.11 Definitions.** In this subchapter:

18 (1) “Agreement” means the bargain of the parties in fact, as found in their
19 language or inferred from other circumstances and from rules, regulations, and
20 procedures given the effect of agreements under laws otherwise applicable to a
21 particular transaction.

22 (2) “Automated transaction” means a transaction conducted or performed, in
23 whole or in part, by electronic means or by the use of electronic records, in which the
24 acts or records of one or both parties are not reviewed by an individual in the ordinary

1 course in forming a contract, performing under an existing contract, or fulfilling an
2 obligation required by the transaction.

3 (3) “Computer program” means a set of statements or instructions to be used
4 directly or indirectly in an information processing system in order to bring about a
5 certain result.

6 (4) “Contract” means the total legal obligation resulting from the parties’
7 agreement as affected by this subchapter and other applicable law.

8 (5) “Electronic” means relating to technology having electrical, digital,
9 magnetic, wireless, optical, electromagnetic, or similar capabilities.

10 (6) “Electronic agent” means a computer program or an electronic or other
11 automated means used independently to initiate an action or respond to electronic
12 records or performances in whole or in part, without review or action by an
13 individual.

14 (7) “Electronic record” means a record that is created, generated, sent,
15 communicated, received, or stored by electronic means.

16 (8) “Electronic signature” means an electronic sound, symbol, or process
17 attached to or logically associated with a record and executed or adopted by a person
18 with the intent to sign the record.

19 (9) “Governmental unit” means:

20 (a) An agency, department, board, commission, office, authority, institution, or
21 instrumentality of the federal government or of a state or of a political subdivision
22 of a state or special purpose district within a state, regardless of the branch or
23 branches of government in which it is located.

24 (b) A political subdivision of a state or special purpose district within a state.

25 (c) An association or society to which appropriations are made by law.

1 (d) Any body within one or more of the entities specified in pars. (a) to (c) that
2 is created or authorized to be created by the constitution, by law, or by action of one
3 or more of the entities specified in pars. (a) to (c).

4 (e) Any combination of any of the entities specified in pars. (a) to (d).

5 **(10)** “Information” means data, text, images, sounds, codes, computer
6 programs, software, databases, or the like.

7 **(11)** “Information processing system” means an electronic system for creating,
8 generating, sending, receiving, storing, displaying, or processing information.

9 **(12)** “Record” means information that is inscribed on a tangible medium or that
10 is stored in an electronic or other medium and is retrievable in perceivable form.

11 **(13)** “Security procedure” means a procedure employed for the purpose of
12 verifying that an electronic signature, record, or performance is that of a specific
13 person or for detecting changes or errors in the information in an electronic record.
14 The term includes a procedure that requires the use of algorithms or other codes,
15 identifying words or numbers, encryption, callback, or other acknowledgment
16 procedures.

17 **(14)** “State” means a state of the United States, the District of Columbia,
18 Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject
19 to the jurisdiction of the United States. The term includes an Indian tribe or band,
20 or Alaskan native village, which is recognized by federal law or formally
21 acknowledged by a state.

22 **(15)** “Transaction” means an action or set of actions occurring between 2 or
23 more persons relating to the conduct of business, commercial, or governmental
24 affairs.

1 **137.12 Application.** (1) Except as otherwise provided in sub. (2) and except
2 in ss. 137.25 and 137.26, this subchapter applies to electronic records and electronic
3 signatures relating to a transaction.

4 (2) Except as otherwise provided in sub. (3), this subchapter does not apply to
5 a transaction to the extent it is governed by:

6 (a) Any law governing the execution of wills or the creation of testamentary
7 trusts; or

8 (b) Chapters 401 and 403 to 410, other than ss. 401.107 and 401.206.

9 (3) This subchapter applies to an electronic record or electronic signature
10 otherwise excluded from the application of this subchapter under sub. (2) to the
11 extent it is governed by a law other than those specified in sub. (2).

12 (4) A transaction subject to this subchapter is also subject to other applicable
13 substantive law.

14 (5) This subchapter applies to the state of Wisconsin, unless otherwise
15 expressly provided.

16 **137.13 Use of electronic records and electronic signatures; variation**
17 **by agreement.** (1) This subchapter does not require a record or signature to be
18 created, generated, sent, communicated, received, stored, or otherwise processed or
19 used by electronic means or in electronic form.

20 (2) This subchapter applies only to transactions between parties each of which
21 has agreed to conduct transactions by electronic means. Whether the parties agree
22 to conduct a transaction by electronic means is determined from the context and
23 surrounding circumstances, including the parties' conduct.

1 (3) A party that agrees to conduct a transaction by electronic means may refuse
2 to conduct other transactions by electronic means. The right granted by this
3 subsection may not be waived by agreement.

4 (4) Except as otherwise provided in this subchapter, the effect of any provision
5 of this subchapter may be varied by agreement. Use of the words “unless otherwise
6 agreed,” or words of similar import, in this subchapter shall not be interpreted to
7 preclude other provisions of this subchapter from being varied by agreement.

8 (5) Whether an electronic record or electronic signature has legal consequences
9 is determined by this subchapter and other applicable law.

10 **137.14 Construction.** This subchapter shall be construed and applied:

11 (1) To facilitate electronic transactions consistent with other applicable law;

12 (2) To be consistent with reasonable practices concerning electronic
13 transactions and with the continued expansion of those practices; and

14 (3) To effectuate its general purpose to make uniform the law with respect to
15 the subject of this subchapter among states enacting laws substantially similar to
16 the Uniform Electronic Transactions Act as approved and recommended by the
17 National Conference of Commissioners on Uniform State Laws in 1999.

18 **137.15 Legal recognition of electronic records, electronic signatures,
19 and electronic contracts.** (1) A record or signature may not be denied legal effect
20 or enforceability solely because it is in electronic form.

21 (2) A contract may not be denied legal effect or enforceability solely because an
22 electronic record was used in its formation.

23 (3) If a law requires a record to be in writing, an electronic record satisfies that
24 requirement in that law.

1 (4) If a law requires a signature, an electronic signature satisfies that
2 requirement in that law.

3 **137.16 Provision of information in writing; presentation of records.**

4 (1) If parties have agreed to conduct a transaction by electronic means and a law
5 requires a person to provide, send, or deliver information in writing to another
6 person, a party may satisfy the requirement with respect to that transaction if the
7 information is provided, sent, or delivered, as the case may be, in an electronic record
8 capable of retention by the recipient at the time of receipt. An electronic record is not
9 capable of retention by the recipient if the sender or its information processing
10 system inhibits the ability of the recipient to print or store the electronic record.

11 (2) If a law other than this subchapter requires a record to be posted or
12 displayed in a certain manner, to be sent, communicated, or transmitted by a
13 specified method, or to contain information that is formatted in a certain manner,
14 then:

15 (a) The record shall be posted or displayed in the manner specified in the other
16 law.

17 (b) Except as otherwise provided in sub. (4) (b), the record shall be sent,
18 communicated, or transmitted by the method specified in the other law.

19 (c) The record shall contain the information formatted in the manner specified
20 in the other law.

21 (3) If a sender inhibits the ability of a recipient to store or print an electronic
22 record, the electronic record is not enforceable against the recipient.

23 (4) The requirements of this section may not be varied by agreement, but:

24 (a) To the extent a law other than this subchapter requires information to be
25 provided, sent, or delivered in writing but permits that requirement to be varied by

1 agreement, the requirement under sub. (1) that the information be in the form of an
2 electronic record capable of retention may also be varied by agreement; and

3 (b) A requirement under a law other than this subchapter to send,
4 communicate, or transmit a record by 1st-class or regular mail or with postage
5 prepaid may be varied by agreement to the extent permitted by the other law.

6 **137.17 Attribution and effect of electronic records and electronic**
7 **signatures.** (1) An electronic record or electronic signature is attributable to a
8 person if the electronic record or electronic signature was created by the act of the
9 person. The act of the person may be shown in any manner, including a showing of
10 the efficacy of any security procedure applied to determine the person to which the
11 electronic record or electronic signature was attributable.

12 (2) The effect of an electronic record or electronic signature that is attributed
13 to a person under sub. (1) is determined from the context and surrounding
14 circumstances at the time of its creation, execution, or adoption, including the
15 parties' agreement, if any, and otherwise as provided by law.

16 **137.18 Effect of change or error.** (1) If a change or error in an electronic
17 record occurs in a transmission between parties to a transaction, then:

18 (a) If the parties have agreed to use a security procedure to detect changes or
19 errors and one party has conformed to the procedure, but the other party has not, and
20 the nonconforming party would have detected the change or error had that party also
21 conformed, the conforming party may avoid the effect of the changed or erroneous
22 electronic record.

23 (b) In an automated transaction involving an individual, the individual may
24 avoid the effect of an electronic record that resulted from an error made by the
25 individual in dealing with the electronic agent of another person if the electronic

1 agent did not provide an opportunity for the prevention or correction of the error and,
2 at the time the individual learns of the error, the individual:

3 1. Promptly notifies the other person of the error and that the individual did
4 not intend to be bound by the electronic record received by the other person;

5 2. Takes reasonable steps, including steps that conform to the other person's
6 reasonable instructions, to return to the other person or, if instructed by the other
7 person, to destroy the consideration received, if any, as a result of the erroneous
8 electronic record; and

9 3. Has not used or received any benefit or value from the consideration, if any,
10 received from the other person.

11 (2) If neither sub. (1) (a) nor (b) applies, the change or error has the effect
12 provided by other law, including the law of mistake, and the parties' contract, if any.

13 (3) Subsections (1) (b) and (2) may not be varied by agreement.

14 **137.19 Notarization and acknowledgement.** If a law requires a signature
15 or record to be notarized, acknowledged, verified, or made under oath, the
16 requirement is satisfied if the electronic signature of the person authorized to
17 administer the oath or to make the notarization, acknowledgment, or verification,
18 together with all other information required to be included by other applicable law,
19 is attached to or logically associated with the signature or record.

20 **137.20 Retention of electronic records; originals.** (1) If a law requires
21 that a record be retained, the requirement is satisfied by retaining the information
22 set forth in the record as an electronic record which:

23 (a) Accurately reflects the information set forth in the record after it was first
24 generated in its final form as an electronic record or otherwise; and

25 (b) Remains accessible for later reference.

1 (2) A requirement to retain a record in accordance with sub. (1) does not apply
2 to any information the sole purpose of which is to enable the record to be sent,
3 communicated, or received.

4 (3) A person may comply with sub. (1) by using the services of another person
5 if the requirements of that subsection are satisfied.

6 (4) Except as provided in sub. (6), if a law requires a record to be presented or
7 retained in its original form, or provides consequences if the record is not presented
8 or retained in its original form, a person may comply with that law by using an
9 electronic record that is retained in accordance with sub. (1).

10 (5) If a law requires retention of a check, that requirement is satisfied by
11 retention of an electronic record containing the information on the front and back of
12 the check in accordance with sub. (1).

13 (6) A record retained as an electronic record in accordance with sub. (1)
14 satisfies a law requiring a person to retain a record for evidentiary, audit, or like
15 purposes, unless a law enacted after the effective date of this subsection [revisor
16 inserts date], specifically prohibits the use of an electronic record for the specified
17 purpose.

18 (7) This section does not preclude a governmental unit of this state from
19 specifying additional requirements for the retention of any record subject to the
20 jurisdiction of that governmental unit.

21 **137.21 Admissibility in evidence.** In a proceeding, a record or signature
22 may not be excluded as evidence solely because it is in electronic form.

23 **137.22 Automated transactions.** In an automated transaction:

1 (1) A contract may be formed by the interaction of electronic agents of the
2 parties, even if no individual was aware of or reviewed the electronic agent's actions
3 or the resulting terms and agreements.

4 (2) A contract may be formed by the interaction of an electronic agent and an
5 individual, acting on the individual's own behalf or for another person, including by
6 an interaction in which the individual performs actions that the individual is free to
7 refuse to perform and which the individual knows or has reason to know will cause
8 the electronic agent to complete the transaction or performance.

9 (3) The terms of a contract under sub. (1) or (2) are governed by the substantive
10 law applicable to the contract.

11 **137.23 Time and place of sending and receipt.** (1) Unless otherwise
12 agreed between the sender and the recipient, an electronic record is sent when it:

13 (a) Is addressed properly or otherwise directed properly to an information
14 processing system that the recipient has designated or uses for the purpose of
15 receiving electronic records or information of the type sent and from which the
16 recipient is able to retrieve the electronic record;

17 (b) Is in a form capable of being processed by that system; and

18 (c) Enters an information processing system outside the control of the sender
19 or of a person that sent the electronic record on behalf of the sender or enters a region
20 of the information processing system designated or used by the recipient which is
21 under the control of the recipient.

22 (2) Unless otherwise agreed between a sender and the recipient, an electronic
23 record is received when:

24 (a) It enters an information processing system that the recipient has
25 designated or uses for the purpose of receiving electronic records or information of

1 the type sent and from which the recipient is able to retrieve the electronic record;
2 and

3 (b) It is in a form capable of being processed by that system.

4 (3) Subsection (2) applies even if the place where the information processing
5 system is located is different from the place where the electronic record is deemed
6 to be received under sub. (4).

7 (4) Unless otherwise expressly provided in the electronic record or agreed
8 between the sender and the recipient, an electronic record is deemed to be sent from
9 the sender's place of business and to be received at the recipient's place of business.
10 For purposes of this subsection:

11 (a) If the sender or recipient has more than one place of business, the place of
12 business of that person is the place having the closest relationship to the underlying
13 transaction.

14 (b) If the sender or the recipient does not have a place of business, the place of
15 business is the sender's or recipient's residence, as the case may be.

16 (5) An electronic record is received under sub. (2) even if no individual is aware
17 of its receipt.

18 (6) Receipt of an electronic acknowledgment from an information processing
19 system described in sub. (2) establishes that a record was received but, by itself, does
20 not establish that the content sent corresponds to the content received.

21 (7) If a person is aware that an electronic record purportedly sent under sub.
22 (1), or purportedly received under sub. (2), was not actually sent or received, the legal
23 effect of the sending or receipt is determined by other applicable law. Except to the
24 extent permitted by the other law, the requirements of this subsection may not be
25 varied by agreement.

1 **137.24 Transferable records.** (1) In this section, “transferable record”
2 means an electronic record that would be a note under ch. 403 or a record under ch.
3 407 if the electronic record were in writing.

4 (1m) An electronic record qualifies as a transferable record under this section
5 only if the issuer of the electronic record expressly has agreed that the electronic
6 record is a transferable record.

7 (2) A person has control of a transferable record if a system employed for
8 evidencing the transfer of interests in the transferable record reliably establishes
9 that person as the person to which the transferable record was issued or transferred.

10 (3) A system satisfies the requirements of sub. (2), and a person is deemed to
11 have control of a transferable record, if the transferable record is created, stored, and
12 assigned in such a manner that:

13 (a) A single authoritative copy of the transferable record exists which is unique,
14 identifiable, and, except as otherwise provided in pars. (d) to (f), unalterable;

15 (b) The authoritative copy identifies the person asserting control as the person
16 to which the transferable record was issued or, if the authoritative copy indicates
17 that the transferable record has been transferred, the person to which the
18 transferable record was most recently transferred;

19 (c) The authoritative copy is communicated to and maintained by the person
20 asserting control or its designated custodian;

21 (d) Copies or revisions that add or change an identified assignee of the
22 authoritative copy can be made only with the consent of the person asserting control;

23 (e) Each copy of the authoritative copy and any copy of a copy is readily
24 identifiable as a copy that is not the authoritative copy; and

1 (f) Any revision of the authoritative copy is readily identifiable as authorized
2 or unauthorized.

3 (4) Except as otherwise agreed, a person having control of a transferable record
4 is the holder, as defined in s. 401.201 (20), of the transferable record and has the same
5 rights and defenses as a holder of an equivalent record or writing under chs. 401 to
6 411, including, if the applicable statutory requirements under s. 403.302 (1),
7 407.501, or 409.308 are satisfied, the rights and defenses of a holder in due course,
8 a holder to which a negotiable record of title has been duly negotiated, or a purchaser,
9 respectively. Delivery, possession, and endorsement are not required to obtain or
10 exercise any of the rights under this subsection.

11 (5) Except as otherwise agreed, an obligor under a transferable record has the
12 same rights and defenses as an equivalent obligor under equivalent records or
13 writings under chs. 401 to 411.

14 (6) If requested by a person against which enforcement is sought, the person
15 seeking to enforce the transferable record shall provide reasonable proof that the
16 person is in control of the transferable record. Proof may include access to the
17 authoritative copy of the transferable record and related business records sufficient
18 to review the terms of the transferable record and to establish the identity of the
19 person having control of the transferable record.

20 ***b1569/1.4* SECTION 2840.** 137.25 (2) of the statutes is created to read:

21 137.25 (2) (a) The department of administration shall promulgate rules
22 concerning the use of electronic records and electronic signatures by governmental
23 units, which shall govern the use of electronic records or signatures by governmental
24 units, unless otherwise provided by law.

1 (b) The department of administration and the secretary of state shall jointly
2 promulgate rules establishing requirements that, unless otherwise provided by law,
3 a notary public must satisfy in order to use an electronic signature for any
4 attestation. The joint rules shall be numbered as rules of each agency in the
5 Wisconsin Administrative Code.

6 *b1569/1.4* SECTION 2841. 137.26 of the statutes is created to read:

7 **137.26 Interoperability.** If a governmental unit of this state adopts
8 standards regarding its receipt of electronic records or electronic signatures under
9 s. 137.25, the governmental unit shall promote consistency and interoperability with
10 similar standards adopted by other governmental units of this state and other states
11 and the federal government and nongovernmental persons interacting with
12 governmental units of this state. Any standards so adopted may include alternative
13 provisions if warranted to meet particular applications.”.

14 *b1765/1.1* **1488.** Page 942, line 9: after that line insert:

15 *b1765/1.1* “SECTION 2841m. 139.03 (5) (b) 2. of the statutes is amended to
16 read:

17 139.03 (5) (b) 2. A person who is a member of the national guard, the U. S.
18 armed forces or a reserve component of the U. S. armed forces; who is a state resident;
19 and who leaves a foreign country, after spending at least 48 hours in that foreign
20 country on duty or for training, with the purpose of entering into this state may bring
21 into the state, in sealed original containers and in the person’s immediate possession,
22 intoxicating liquor and wine in an aggregate amount not exceeding 6 16 liters
23 without paying the tax imposed under this subchapter on that amount.”.

24 *b1807/1.1* **1489.** Page 942, line 14: delete lines 14 to 19.

1 ***b1772/2.1* 1490.** Page 943, line 24: after that line insert:

2 ***b1772/2.1* "SECTION 2845p.** 139.32 (5) of the statutes is amended to read:

3 139.32 (5) Manufacturers and distributors having a permit from the secretary
4 shall receive a discount of 1.6% of the tax, except that, for a tax rate greater than 29.5
5 mills under s. 139.31 (1) (a) or greater than 59 mills under s. 139.31 (1) (b),
6 manufacturers and distributors having a permit from the secretary shall receive a
7 discount of 2% of the tax."

8 ***b1807/1.2* 1491.** Page 944, line 15: delete the material beginning with that
9 line and ending on page 945, line 8.

10 ***b1519/2.226* 1492.** Page 945, line 8: after that line insert:

11 ***b1519/2.226* "SECTION 2848q.** 145.245 (3) of the statutes is amended to read:

12 145.245 (3) MAINTENANCE. The department shall establish a maintenance
13 program to be administered by governmental units. The maintenance program is
14 applicable to all new or replacement private sewage systems constructed in a
15 governmental unit after the date on which the governmental unit adopts this
16 program. The maintenance program shall include a requirement of inspection or
17 pumping of the private sewage system at least once every 3 years. Inspections may
18 be conducted by a master plumber, journeyman plumber or restricted plumber
19 licensed under this chapter, a person licensed under s. 281.48 or by an employee of
20 the state or governmental unit designated by the department. The department of
21 ~~natural resources~~ environmental management may suspend or revoke a license
22 issued under s. 281.48 or a certificate issued under s. 281.17 (3) to the operator of a
23 septage servicing vehicle if the department of ~~natural resources~~ environmental
24 management finds that the licensee or operator falsified information on inspection

1 forms. The department of commerce may suspend or revoke the license of a plumber
2 licensed under this chapter if the department finds that the plumber falsified
3 information on inspection forms.”.

4 *b1721/3.1* **1493.** Page 945, line 25: after that line insert:

5 *b1721/3.1* **SECTION 2848sb.** 146.343 of the statutes is created to read:

6 **146.343 Use of human fetal body part, embryos, embryonic stem cells**
7 **and embryonic stem cell lines for research prohibited.** (1) In this section:

8 (a) “Embryo” means a human being from the point of fertilization, including the
9 single-cell state, until approximately the end of the 2nd month.

10 (b) “Embryonic stem cell” means a totipotent or pluripotent cell of the human
11 body that is derived from an embryo.

12 (c) “Embryonic stem cell line” means embryonic stem cells that are capable of
13 prolonged proliferation in culture as totipotent or pluripotent embryonic stem cells.

14 (d) “Fetal body part” means a cell, tissue, organ, or other part of a human being
15 after fertilization who is aborted by an induced abortion.

16 (e) “Pluripotent” means capable of giving rise to most tissues of a human
17 organism.

18 (f) “Totipotent” means having the capacity to specialize into human
19 extraembryonic membranes and tissues, the human embryo, and all postembryonic
20 human tissues and organs.

21 (2) Except as provided in sub. (3), no person may knowingly use a fetal body
22 part, an embryo, an embryonic stem cell, or an embryonic stem cell line for purposes
23 of research.

1 (3) A person may, at any time, use, for research purposes, an embryonic stem
2 cell or an embryonic stem cell line that exists before January 1, 2002, or an embryonic
3 stem cell line derived from an embryonic stem cell that exists before January 1, 2002.

4 (4) Any person who violates this section may be fined not more than \$50,000
5 or imprisoned for not more than 7 years and 6 months, or both.”.

6 ***b1519/2.227* 1494.** Page 946, line 6: after that line insert:

7 ***b1519/2.227* SECTION 2850ag.** 146.60 (1) (c) of the statutes is amended to
8 read:

9 146.60 (1) (c) “Departments” means the department of agriculture, trade and
10 consumer protection and the department of ~~natural resources~~ environmental
11 management.

12 ***b1519/2.227* SECTION 2850ah.** 146.60 (2) (a) of the statutes is amended to
13 read:

14 146.60 (2) (a) The department of ~~natural resources~~ environmental
15 management shall be the reviewing department for any regulated release subject to
16 15 USC 2601 to 2629.

17 ***b1519/2.227* SECTION 2850ai.** 146.60 (3) (c) 1. of the statutes is amended to
18 read:

19 146.60 (3) (c) 1. If the department of ~~natural resources~~ environmental
20 management receives information under this subsection or sub. (4) (c), it shall
21 provide the department of agriculture, trade and consumer protection with a copy of
22 the information.

23 ***b1519/2.227* SECTION 2850aj.** 146.60 (3) (c) 2. of the statutes is amended to
24 read:

1 146.60 (3) (c) 2. If the department of agriculture, trade and consumer
2 protection receives information under this subsection or sub. (4) (c), it shall provide
3 the department of ~~natural resources~~ environmental management with a copy of the
4 information.

5 ***b1519/2.227* SECTION 2850ak.** 146.60 (5) of the statutes is amended to read:

6 146.60 (5) MEMORANDUM OF UNDERSTANDING. Within 6 months after June 13,
7 1989, the department of ~~natural resources~~ environmental management shall enter
8 into a memorandum of understanding with the department of agriculture, trade and
9 consumer protection setting forth the procedures and responsibilities of the
10 departments in the administration of this section. The memorandum shall establish
11 procedures that minimize the duplication of effort between the departments and for
12 the person providing information under sub. (3).”.

13 ***b1545/2.3* 1495.** Page 946, line 6: after that line insert:

14 ***b1545/2.3* “SECTION 2850ag.** 146.56 (1) of the statutes is amended to read:

15 146.56 (1) Not later than July 1, 2002, the department shall develop and
16 implement a statewide trauma care system. The department shall seek the advice
17 of the statewide trauma advisory council under s. 15.197 (25) in developing and
18 implementing the system, and, as part of the system, shall develop regional trauma
19 advisory councils.

20 ***b1545/2.3* SECTION 2850ah.** 146.56 (2) of the statutes is amended to read:

21 146.56 (2) The department shall promulgate rules to develop and implement
22 the system. The rules shall include a method by which to classify all hospitals as to
23 their respective emergency care capabilities. The classification rule shall be based
24 on standards developed by the American College of Surgeons. Within 180 days after

1 promulgation of the classification rule, and every 4 ~~3~~ years thereafter, each hospital
2 shall certify to the department the classification level of trauma care services that
3 is provided by the hospital, based on the rule. The department may require a hospital
4 to document the basis for its certification. The department may not direct a hospital
5 to establish a certain level of certification. Confidential injury data that is collected
6 under this subsection shall be used for confidential review relating to performance
7 improvements in the trauma care system, and may be used for no other purpose.”.

8 *b1856/1.3* **1496.** Page 946, line 7: delete lines 7 to 13.

9 *b1524/1.10* **1497.** Page 946, line 13: after that line insert:

10 *b1524/1.10* “SECTION 2850bm. 148.19 (2) of the statutes is amended to read:

11 148.19 (2) Legal counsel, certified public accountants licensed or certified
12 under ch. 442, or other persons as to matters the director or officer believes in good
13 faith are within the person’s professional or expert competence.”.

14 *b1759/2.2* **1498.** Page 957, line 3: after that line insert:

15 *b1759/2.2* “SECTION 2852ag. 154.03 (1) (intro.) of the statutes is amended
16 to read:

17 154.03 (1) Any person of sound mind and 18 years of age or older may at any
18 time voluntarily execute a declaration, which shall take effect on the date of
19 execution, authorizing the withholding or withdrawal of life–sustaining procedures
20 or of feeding tubes when the person is in a terminal condition or is in a persistent
21 vegetative state. A declarant may not authorize the withholding or withdrawal of
22 any medication, life–sustaining procedure, or feeding tube if the declarant’s
23 attending physician advises that, in his or her professional judgment, the
24 withholding or withdrawal will cause the declarant pain or reduce the declarant’s

1 comfort and the pain or discomfort cannot be alleviated through pain relief
2 measures. A declarant may not authorize the withholding or withdrawal of nutrition
3 or hydration that is administered or otherwise received by the declarant through
4 means other than a feeding tube unless the declarant's attending physician advises
5 that, in his or her professional judgment, the administration is medically
6 contraindicated. A declaration must be signed by the declarant in the presence of 2
7 witnesses. If the declarant is physically unable to sign a declaration, the declaration
8 must be signed in the declarant's name by one of the witnesses or some other person
9 at the declarant's express direction and in his or her presence; such a proxy signing
10 shall either take place or be acknowledged by the declarant in the presence of 2
11 witnesses. The declarant is responsible for notifying his or her attending physician
12 of the existence of the declaration. An attending physician who is so notified shall
13 review the declaration and, if the physician intends to invoke his or her rights under
14 s. 253.09, inform the declarant orally and in writing of that intent and of the
15 physician's concerns, if any, about the declaration. An attending physician who is so
16 notified shall also make the declaration a part of the declarant's medical records. No
17 witness to the execution of the declaration may, at the time of the execution, be any
18 of the following:

19 ***b1759/2.2* SECTION 2852aj.** 155.60 (3) of the statutes is amended to read:

20 155.60 (3) Upon receipt of a power of attorney for health care instrument or a
21 statement of incapacity under s. 155.05 (2), a health care facility or health care
22 provider shall acknowledge this receipt in writing and, if the principal is a patient
23 of the health care provider, the health care provider shall include the instrument or
24 the statement in the medical record of the principal. In addition, if the health care
25 provider is a physician and the principal is a patient of the physician, the physician

1 shall review the instrument or statement and, if the physician intends to invoke his
2 or her rights under s. 253.09, inform the principal orally and in writing of that intent
3 and of the physician's concerns, if any, about the instrument or statement."

4 *b1501/1.1* **1499.** Page 957, line 4: delete the material beginning with that
5 line and ending with page 958, line 19.

6 *b1409/1.3* **1500.** Page 958, line 24: after that line insert:

7 *b1409/1.3* "SECTION 2853r. 165.017 (1) of the statutes is repealed.

8 *b1409/1.3* SECTION 2853s. 165.017 (2) of the statutes is amended to read:

9 165.017 (2) The attorney general or his or her designee shall review and
10 approve or disapprove all proposed petitions ~~or~~ petitions for commitment of
11 individuals as specified under s. 51.20 (1) (ad) 1.

12 *b1409/1.3* SECTION 2853t. 165.017 (3) of the statutes is repealed.

13 *b1409/1.3* SECTION 2853u. 165.017 (5) of the statutes is repealed."

14 *b1519/2.228* **1501.** Page 958, line 24: after that line insert:

15 *b1519/2.228* "SECTION 2853g. 160.001 (6) of the statutes is amended to read:

16 160.001 (6) Where necessary to comply with federal statutes or regulations, the
17 department of ~~natural resources~~ environmental management may adopt rules in
18 regulatory programs administered by it which are more stringent than the
19 enforcement standards and preventive action limits adopted under this chapter.

20 *b1519/2.228* SECTION 2853h. 160.001 (7) of the statutes is amended to read:

21 160.001 (7) A regulatory agency may take any actions within the context of
22 regulatory programs established in statutes outside of this chapter, if those actions
23 are necessary to protect public health and welfare or prevent a significant damaging
24 effect on groundwater or surface water quality for present or future consumptive or

1 nonconsumptive uses, whether or not an enforcement standard and preventive
2 action limit for a substance has been adopted under this chapter. Nothing in this
3 chapter requires the department of health and family services or the department of
4 ~~natural resources~~ environmental management to establish an enforcement
5 standard for a substance if a federal number or state drinking water standard has
6 not been adopted for the substance and if there is not sufficient scientific information
7 to establish the standard.

8 *b1519/2.228* SECTION 2853i. 160.01 (1) of the statutes is amended to read:

9 160.01 (1) “~~Department~~,” “Department,” when used without qualification,
10 means the department of ~~natural resources~~ environmental management.

11 *b1519/2.228* SECTION 2853j. 160.01 (7) of the statutes is amended to read:

12 160.01 (7) “Regulatory agency” means the department of agriculture, trade and
13 consumer protection, the department of commerce, the department of environmental
14 management, the department of transportation, the department of ~~natural~~
15 ~~resources~~ fish, wildlife, parks, and forestry and other state agencies ~~which that~~
16 regulate activities, facilities, or practices ~~which that~~ are related to substances ~~which~~
17 that have been detected in or have a reasonable probability of entering the
18 groundwater resources of the state.

19 *b1519/2.228* SECTION 2853L. 160.07 (5) of the statutes is amended to read:

20 160.07 (5) Within 9 months after transmitting the name of a substance to the
21 department of health and family services under sub. (2), the department of ~~natural~~
22 ~~resources~~ environmental management shall propose rules establishing the
23 recommendation of the department of health and family services as the enforcement
24 standard for that substance and publish the notice required under s. 227.16 (2) (e),
25 227.17, or 227.24 (3).

1 ***b1519/2.228* SECTION 2853n.** 160.07 (6) of the statutes is amended to read:

2 160.07 (6) If a federal number is established or changed for a substance after
3 an enforcement standard is recommended by the department of health and family
4 services, and if any person or regulatory agency submits a request, the department
5 of ~~natural resources~~ environmental management shall determine whether the
6 enforcement standard needs revision based on recommendations under sub. (4).

7 ***b1519/2.228* SECTION 2853q.** 160.13 (2) (b) 4. of the statutes is amended to
8 read:

9 160.13 (2) (b) 4. If no acceptable daily intake or equivalent value for an oncogen
10 is established by the federal environmental protection agency, or if an acceptable
11 daily intake is established but oncogenic potential at the established acceptable daily
12 intake presents an unacceptable probability of risk, the department shall provide the
13 department of ~~natural resources~~ environmental management with an evaluation of
14 the oncogenic potential of the substance. This evaluation of oncogenic potential shall
15 indicate an acceptable daily intake for the substance which, if ingested daily over an
16 entire human lifetime, appears to present an acceptable probability of risk ~~which~~
17 that is presumed to be a risk level equal to a ratio of one to 1,000,000. A risk level
18 equal to a ratio of one to 1,000,000 is the expectation that no more than one excess
19 death will occur in a population of 1,000,000 over a 70-year period. The department
20 shall base the evaluation of oncogenic potential on a review of the most recent and
21 scientifically valid information available.”.

22 ***b1343/1.1* 1502.** Page 959, line 1: delete lines 1 to 7.

23 ***b1519/2.229* 1503.** Page 959, line 7: after that line insert:

1 ***b1519/2.229*** “SECTION 2854w. 165.25 (4) (a) of the statutes is amended to
2 read:

3 165.25 (4) (a) The department of justice shall furnish all legal services required
4 by the investment board, the lottery division in the department of revenue, the public
5 service commission, the department of transportation, the department of natural
6 resources, the department of environmental management, the department of
7 tourism and the department of employee trust funds, together with any other
8 services, including stenographic and investigational, as are necessarily connected
9 with the legal work.”.

10 ***b1605/1.7* 1504.** Page 959, line 9: delete lines 9 and 10 and substitute:

11 “165.25 (4) (ar) ~~The~~ At the request of the department of agriculture, trade and
12 consumer protection, the department of justice ~~shall~~ may furnish ~~all~~ legal services
13 ~~required by~~ to the department of agriculture, trade and consumer protection
14 relating”.

15 ***b1461/3.17* 1505.** Page 959, line 14: after that line insert:

16 ***b1461/3.17*** “SECTION 2856b. 165.25 (4) (ar) of the statutes, as affected by
17 2001 Wisconsin Act (this act), is amended to read:

18 165.25 (4) (ar) The department of justice shall furnish all legal services
19 required by the department of agriculture, trade and consumer protection relating
20 to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,
21 100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50
22 and 100.51 and chs. 126, 136, 344, 704, 707, and 779, together with any other services
23 as are necessarily connected to the legal services.”.

24 ***b1519/2.230* 1506.** Page 959, line 14: after that line insert:

1 ***b1519/2.230*** “SECTION 2856c. 165.25 (6) (e) of the statutes is amended to
2 read:

3 165.25 (6) (e) The department of justice may appear for and defend the state
4 or any state department, agency, official or employee in any civil action arising out
5 of or relating to the assessment or collection of costs concerning environmental
6 cleanup or natural resources damages including actions brought under 42 USC 9607.
7 The action may be compromised and settled in the same manner as provided in par.
8 (a). At the request of the department of ~~natural resources~~ environmental
9 management, the department of justice may provide legal representation to the state
10 or to the department of ~~natural resources~~ environmental management in the same
11 matter in which the department of justice provides defense counsel, if the attorneys
12 representing those interests are assigned from different organizational units within
13 the department of justice. This paragraph may not be construed as a consent to sue
14 the state or any department, agency, official or employee of the state or as a waiver
15 of sovereign immunity.”.

16 ***b1698/1.1* 1507.** Page 959, line 24: after that line insert:

17 ***b1698/1.1*** “SECTION 2857g. 165.72 (title) of the statutes is amended to read:
18 165.72 (title) **Controlled Dangerous weapons in public schools and**
19 **controlled substances hotline and rewards for controlled substances tips.**

20 ***b1698/1.1*** SECTION 2857h. 165.72 (1) (a) of the statutes is renumbered
21 165.72 (1) (aj).

22 ***b1698/1.1*** SECTION 2857i. 165.72 (1) (ad) of the statutes is created to read:
23 165.72 (1) (ad) “Dangerous weapon” has the meaning given in s. 939.22 (10).

1 ***b1698/1.1* SECTION 2857j.** 165.72 (2) (intro.) of the statutes is amended to
2 read:

3 165.72 (2) HOTLINE. (intro.) The department of justice shall maintain a single
4 toll-free telephone number during normal retail business hours, as determined by
5 departmental rule, for ~~both~~ all of the following:

6 ***b1698/1.1* SECTION 2857k.** 165.72 (2) (c) of the statutes is created to read:

7 165.72 (2) (c) For persons to provide information anonymously regarding
8 dangerous weapons in public schools.

9 ***b1698/1.1* SECTION 2857L.** 165.72 (2g) of the statutes is created to read:

10 165.72 (2g) AFTER-HOURS MESSAGE FOR CALLS CONCERNING DANGEROUS WEAPONS
11 IN PUBLIC SCHOOLS. If a call is made after normal retail business hours to the
12 telephone number maintained under sub. (2), the department of justice shall provide
13 for the call to be received by a telephone answering system or service. The telephone
14 answering system or service shall provide a message that requests the person calling
15 to call the telephone number “911” or a local law enforcement agency, if the person
16 is calling to provide information regarding dangerous weapons in a public school.

17 ***b1698/1.1* SECTION 2857m.** 165.72 (2m) of the statutes is created to read:

18 165.72 (2m) TRANSMISSION OF INFORMATION CONCERNING DANGEROUS WEAPONS IN
19 PUBLIC SCHOOLS. Immediately upon receiving any information under sub. (2) (c)
20 regarding dangerous weapons in a public school, or immediately at the beginning of
21 the next retail business day if the information is not received during normal retail
22 business hours, the department of justice shall provide the information to all of the
23 following:

24 (a) The administration of the public school.

1 (b) The appropriate law enforcement agency, as defined in s. 165.83 (1) (b), for
2 the municipality in which the public school is located.”.

3 ***b1519/2.231* 1508.** Page 960, line 10: after that line insert:

4 ***b1519/2.231* “SECTION 2858p.** 165.85 (4) (b) 1. of the statutes is amended to
5 read:

6 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law
7 enforcement officer, except on a temporary or probationary basis, unless the person
8 has satisfactorily completed a preparatory program of law enforcement training
9 approved by the board and has been certified by the board as being qualified to be
10 a law enforcement or tribal law enforcement officer. The program shall include 400
11 hours of training, except the program for law enforcement officers who serve as
12 rangers for the department of ~~natural resources~~ fish, wildlife, parks, and forestry
13 includes 240 hours of training. The board shall promulgate a rule under ch. 227
14 providing a specific curriculum for a 400-hour conventional program and a 240-hour
15 ranger program. The rule shall ensure that there is an adequate amount of training
16 for each program to enable the person to deal effectively with domestic abuse
17 incidents. The training under this subdivision shall include training on emergency
18 detention standards and procedures under s. 51.15, emergency protective placement
19 standards and procedures under s. 55.06 (11) and information on mental health and
20 developmental disabilities agencies and other resources that may be available to
21 assist the officer in interpreting the emergency detention and emergency protective
22 placement standards, making emergency detentions and emergency protective
23 placements and locating appropriate facilities for the emergency detentions and
24 emergency protective placements of persons. The training under this subdivision

1 shall include training on police pursuit standards, guidelines and driving techniques
2 established under par. (cm) 2. b. The period of temporary or probationary
3 employment established at the time of initial employment shall not be extended by
4 more than one year for an officer lacking the training qualifications required by the
5 board. The total period during which a person may serve as a law enforcement and
6 tribal law enforcement officer on a temporary or probationary basis without
7 completing a preparatory program of law enforcement training approved by the
8 board shall not exceed 2 years, except that the board shall permit part-time law
9 enforcement and tribal law enforcement officers to serve on a temporary or
10 probationary basis without completing a program of law enforcement training
11 approved by the board to a period not exceeding 3 years. For purposes of this section,
12 a part-time law enforcement or tribal law enforcement officer is a law enforcement
13 or tribal law enforcement officer who routinely works not more than one-half the
14 normal annual work hours of a full-time employee of the employing agency or unit
15 of government. Law enforcement training programs including municipal, county
16 and state programs meeting standards of the board are acceptable as meeting these
17 training requirements.”.

18 *b1541/2.4* **1509.** Page 960, line 10: after that line insert:

19 *b1541/2.4* “**SECTION 2858p.** 165.85 (4) (b) 1. of the statutes is amended to
20 read:

21 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law
22 enforcement officer, except on a temporary or probationary basis, unless the person
23 has satisfactorily completed a preparatory program of law enforcement training
24 approved by the board and has been certified by the board as being qualified to be

1 a law enforcement or tribal law enforcement officer. The program shall include 400
2 hours of training, except the program for law enforcement officers who serve as
3 rangers for the department of natural resources includes 240 hours of training. The
4 board shall promulgate a rule under ch. 227 providing a specific curriculum for a
5 400-hour conventional program and a 240-hour ranger program. The rule shall
6 ensure that there is an adequate amount of training for each program to enable the
7 person to deal effectively with domestic abuse incidents, including training that
8 addresses the emotional and psychological effect that domestic abuse has on victims.
9 The training under this subdivision shall include training on emergency detention
10 standards and procedures under s. 51.15, emergency protective placement
11 standards and procedures under s. 55.06 (11), and information on mental health and
12 developmental disabilities agencies and other resources that may be available to
13 assist the officer in interpreting the emergency detention and emergency protective
14 placement standards, making emergency detentions and emergency protective
15 placements, and locating appropriate facilities for the emergency detentions and
16 emergency protective placements of persons. The training under this subdivision
17 shall include training on police pursuit standards, guidelines, and driving
18 techniques established under par. (cm) 2. b. The period of temporary or probationary
19 employment established at the time of initial employment shall not be extended by
20 more than one year for an officer lacking the training qualifications required by the
21 board. The total period during which a person may serve as a law enforcement and
22 tribal law enforcement officer on a temporary or probationary basis without
23 completing a preparatory program of law enforcement training approved by the
24 board shall not exceed 2 years, except that the board shall permit part-time law
25 enforcement and tribal law enforcement officers to serve on a temporary or

1 probationary basis without completing a program of law enforcement training
2 approved by the board to a period not exceeding 3 years. For purposes of this section,
3 a part-time law enforcement or tribal law enforcement officer is a law enforcement
4 or tribal law enforcement officer who routinely works not more than one-half the
5 normal annual work hours of a full-time employee of the employing agency or unit
6 of government. Law enforcement training programs including municipal, county,
7 and state programs meeting standards of the board are acceptable as meeting these
8 training requirements.”.

9 *b1606/5.11* **1510.** Page 960, line 10: after that line insert:

10 *b1606/5.11* “SECTION 2861g. 166.03 (1) (b) 7. of the statutes is repealed.

11 *b1606/5.11* SECTION 2861m. 166.03 (2) (b) 9. of the statutes is repealed.”.

12 *b1519/2.232* **1511.** Page 961, line 11: after that line insert:

13 *b1519/2.232* “SECTION 2867d. 166.20 (4) (title) and (intro.) of the statutes
14 are amended to read:

15 166.20 (4) (title) DUTIES OF THE DEPARTMENT OF ~~NATURAL RESOURCES~~
16 ENVIRONMENTAL MANAGEMENT (intro.) The department of ~~natural resources~~
17 environmental quality shall:

18 *b1519/2.232* SECTION 2867f. 166.20 (4) (b) of the statutes is amended to read:

19 166.20 (4) (b) Have the same powers and duties at the time of a release of a
20 hazardous substance as are given to it under s. 292.11, including the investigation
21 of releases of hazardous substances, the repair of any environmental damage which
22 results from the release and the recovery of costs from responsible parties. The
23 department of ~~natural resources~~ environmental management may also, at the time
24 of a release of a hazardous substance, identify and recommend to the division and

1 the committee measures to lessen or mitigate anticipated environmental damage
2 resulting from the release.

3 *b1519/2.232* SECTION 2867h. 166.20 (5) (a) 2. of the statutes is amended to
4 read:

5 166.20 (5) (a) 2. All facilities in this state covered under 42 USC 11004 shall
6 comply with the notification requirements of 42 USC 11004. Notification of the
7 department of ~~natural resources~~ environmental management of the discharge of a
8 hazardous substance under s. 292.11 (2) shall constitute the notification of the
9 division required under 42 USC 11004 if the notification contains the information
10 specified in 42 USC 11004 (b) (2) or (c).

11 *b1519/2.232* SECTION 2867j. 166.20 (5) (a) 4. (intro.) of the statutes is
12 amended to read:

13 166.20 (5) (a) 4. (intro.) The following facilities shall comply with the toxic
14 chemical release form requirements under 42 USC 11023 and shall submit copies of
15 all toxic chemical release forms to the department of ~~natural resources~~
16 environmental management.”

17 *b1519/2.233* 1512. Page 963, line 18: after that line insert:

18 *b1519/2.233* “SECTION 2877b. 166.22 (3) of the statutes, as affected by 2001
19 Wisconsin Act (this act), is amended to read:

20 166.22 (3) If action required under sub. (2) is not being adequately taken or the
21 identity of the person responsible for an emergency involving a release or potential
22 release of a hazardous substance is unknown and the emergency involving a release
23 or potential release threatens public health or safety or damage to property, a local
24 agency may take any emergency action that is consistent with the contingency plan

1 for the undertaking of emergency actions in response to the release or potential
2 release of hazardous substances established by the department of ~~natural resources~~
3 environmental management under s. 292.11 (5) and that it considers appropriate
4 under the circumstances.”.

5 *b1519/2.234* **1513.** Page 965, line 4: after that line insert:

6 *b1519/2.234* “SECTION 2881ad. 167.10 (3) (b) 3. of the statutes is amended
7 to read:

8 167.10 (3) (b) 3. The disposal of hazardous substances in accordance with rules
9 adopted by the department of ~~natural resources~~ environmental management.

10 *b1519/2.234* SECTION 2881ah. 167.31 (4m) of the statutes is amended to
11 read:

12 167.31 (4m) RULES. The department of ~~natural resources~~ fish, wildlife, parks,
13 and forestry may further restrict hunting from stationary vehicles on county or town
14 highways by promulgating rules designating certain county and town highways, or
15 portions thereof, upon which a holder of a Class A or Class B permit issued under s.
16 29.193 (2) may not discharge a firearm or shoot a bolt or an arrow from a bow or
17 crossbow under sub. (4) (cg). For each restriction of hunting from a county or town
18 highway contained in a rule to be promulgated under this subsection, the
19 department shall submit a specific justification for the restriction with the rule
20 submitted to legislative council staff for review under s. 227.15 (1).

21 *b1519/2.234* SECTION 2881ai. 167.31 (5) (d) of the statutes is amended to
22 read:

23 167.31 (5) (d) The clerk of the circuit court shall collect and transmit to the
24 county treasurer the weapons assessment as required under s. 59.40 (2) (m). The

1 county treasurer shall then pay the state treasurer as provided in s. 59.25 (3) (f) 2.
2 The state treasurer shall deposit all amounts received under this paragraph ~~in~~ into
3 the conservation fund to be appropriated under s. 20.370 ~~(3) (mu)~~ (1) (pu).

4 ***b1519/2.234* SECTION 2881aL.** 170.12 (4) (intro.) of the statutes is amended
5 to read:

6 170.12 (4) REVIEW BY OTHER AGENCIES. (intro.) Upon receipt of an application
7 under sub. (3), the board shall immediately transmit copies of the application to the
8 department of ~~natural resources~~ fish, wildlife, parks, and forestry, the department
9 of environmental management, and to the historical society for review. The
10 department of natural resources and the historical society shall, as appropriate,
11 within 30 days after their receipt of the application, notify the board whether any of
12 the following apply:

13 ***b1519/2.234* SECTION 2881am.** 170.12 (4) (c) of the statutes is amended to
14 read:

15 170.12 (4) (c) The proposed project may affect public rights in navigable waters.
16 The department of ~~natural resources~~ fish, wildlife, parks, and forestry, and the
17 department of environmental management shall recommend to the board
18 requirements and conditions to be attached to the permit which shall protect those
19 rights.

20 ***b1519/2.234* SECTION 2881ap.** 170.12 (5) of the statutes is amended to read:

21 170.12 (5) RESERVATION OF VALUE. The state reserves to itself 30% of the
22 stumpage value, established by the department of ~~natural resources~~ fish, wildlife,
23 parks, and forestry by rule promulgated under s. 77.91 (1), of any log raised pursuant
24 to a permit issued under this section.”.