

1           100.21 (4) (a) (intro.) The department may, after public hearing, issue general  
2 or special orders ~~under s. 100.20:~~

3           \*~~1111/4.63~~\* SECTION 1743. 100.22 (4) (b) of the statutes is amended to read:

4           100.22 (4) (b) The department of justice may, without alleging or proving that  
5 no other adequate remedy at law exists, bring an action on behalf of the department  
6 of agriculture, trade, and rural resources to enjoin violations of this section or a  
7 special order issued under this section in the circuit court for the county where the  
8 alleged violation occurred.

9           \*~~1111/4.64~~\* SECTION 1744. 100.235 (11) (a) of the statutes is amended to read:

10           100.235 (11) (a) *Forfeiture.* Any person who violates this section or any rule  
11 promulgated or order issued under this section may be required to forfeit not less  
12 than \$100 nor more than \$10,000. ~~Notwithstanding s. 165.25 (1), the department~~  
13 ~~may commence an action to recover a forfeiture under this paragraph.~~

14           \*~~1111/4.65~~\* SECTION 1745. 100.26 (6) of the statutes is amended to read:

15           100.26 (6) ~~The department, the department of justice, after consulting with the~~  
16 ~~department, or any district attorney may commence an action in the name of the~~  
17 ~~state to recover a civil forfeiture to the state of not less than \$100 nor more than~~  
18 ~~\$10,000 for each violation of~~ Any person violating an injunction issued under s.  
19 100.18, 100.182 or 100.20 (6). ~~The department of agriculture, trade and consumer~~  
20 ~~protection or any district attorney may commence an action in the name of the state~~  
21 ~~to recover a civil is subject to a forfeiture of not less than \$100 nor more than \$10,000~~  
22 for each violation. Any person violating an order issued under s. 100.20 is subject  
23 to a forfeiture to the state of not less than \$100 nor more than \$10,000 for each  
24 violation of an order issued under s. 100.20.

25           \*~~1111/4.66~~\* SECTION 1746. 100.261 (1) of the statutes is amended to read:

1           100.261 (1) If a court imposes a fine or forfeiture for a violation of this chapter,  
2 or ch. 98 or 133, a rule promulgated under this chapter or ch. 98 or 133, or an  
3 ordinance enacted under this chapter or ch. 98 or 133, the court shall also impose a  
4 consumer protection assessment in an amount equal to 25% of the fine or forfeiture  
5 imposed. If multiple violations are involved, the court shall base the consumer  
6 protection assessment upon the the total of the fine or forfeiture amounts for all  
7 violations. If a fine or forfeiture is suspended in whole or in part, the court shall  
8 reduce the assessment in proportion to the suspension.

9           \*~~0529/4.162~~\* SECTION 1747. 100.261 (2) of the statutes is amended to read:

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

16           \*~~0529/4.163~~\* SECTION 1748. 100.261 (3) (a) of the statutes is amended to read:

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

21           \*~~1111/4.67~~\* SECTION 1749. 100.261 (3) (b) of the statutes is amended to read:

22           100.261 (3) (b) The state treasurer shall deposit the consumer protection  
23 assessment amounts imposed for a violation of ch. 98, a rule promulgated under ch.  
24 98, or an ordinance enacted under ch. 98 in the general fund and shall credit them

*Section 815  
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(1) TRANSFER OF CASH MANAGEMENT FUNCTIONS TO THE DEPARTMENT OF ADMINISTRATION. The treatment of sections 13.94 (1) (a), (d) 1. and 2., and (f), 14.58 (1) (intro.), (2), (3), (4), (5), (6), (8) (intro.), (a) to (c), and (d), (9), (10), (12), (13), (17), (18), (19), and (21), 16.401 (intro.) and (1), 16.412, 16.415 (1) (by SECTION NO TAG), 16.53 (5) and (10) (a) and (b), 18.60 (3), 19.43 (7), 20.395 (9) (gg), 20.435 (6) (gb) and (hx), 20.505 (1) (kj), 20.585 (1) (jt) and (km), 20.906 (1), (4), (5), and (6), 20.907 (2) and (5) (a), (b), (c), (d), and (e) 12e. and 12r., 20.912 (1), (3), (4) (by SECTION NO TAG), and (5), 20.920 (2) (a), 20.929, 21.33, 23.49, 23.85, 24.17 (1) (intro.) and (2), 24.20, 24.25, 24.29, 24.32 (2), 24.33 (1) (c), 24.61 (2) (b) (by SECTION NO TAG), 24.67 (3), 24.69 (1), 24.70 (2), (4), and (6), 24.71 (2), (4), and (5), 25.14 (3), 25.17 (61), 25.19 (3) and (4), 25.31 (1), 25.40 (1) (a) 6., 26.14 (4), 26.30 (9) (b) (intro.), 29.983 (1) (e) and (f) and (2), 29.985 (1) (c) and (d), 29.987 (1) (c) and (d), 29.989 (1) (c) and (d), 34.045 (1) (b), 34.08 (2), 36.51 (6), 38.36 (6), 40.04 (3) (c), 43.70 (3), 45.37 (11), 46.973 (3), 48.275 (2) (d), 48.715 (3) (a) 3., 49.19 (3) (b) and (14) (b), 49.498 (16) (g), 49.687 (3) (a), 49.688 (6) (a), 50.03 (5g) (c) 1. c., 50.034 (8) (d), 50.035 (11) (d), 50.04 (5) (f) (by SECTION NO TAG), 50.38 (4), 50.55 (1) (e), 50.98 (5), 59.25 (3) (f) 1. and 2., (k), (L), (m), and (p), 59.40 (2) (m), 66.0114 (1) (bm) and (3) (c), 66.0517 (3) (b) 1., 69.22 (1) (c) and (1m), 70.385, 70.39 (4) (b), 71.10 (5) (h) (intro.) and (5e) (h) (intro.), 71.30 (10) (h) (intro.), 71.74 (13) (a) and (b) and (14), 71.80 (1) (e), (16) (b), and (17), 71.90 (2) (by SECTION NO TAG), 71.91 (5) (h) and (7) (e), 72.24, 73.03 (6), 73.10 (6), 74.25 (1) (a) 5., 74.27, 74.30 (1) (e) and (1m), 76.13 (2) and (3), 76.15 (2), 76.22 (3), 76.24 (1), 76.28 (4) (b), 76.39 (4) (d), 76.48 (3) and (5), 77.59 (7), 84.11 (4), 84.12 (4), 85.14 (1) (b) and (2), 87.07 (4), 87.11 (2), 87.13, 93.31, 100.261 (2) and (3) (a) and (b) (by SECTION NO TAG), 101.563 (2) (a) and (b) 1., 2., and 3., 101.573 (1), (3) (a) and (b), and (4), 102.28 (7) (a), 102.63, 102.85 (4) (c) and (d), 108.15 (6) (c), (d) (intro.), and (e), 108.20 (2), 115.345 (5), 125.14 (2) (e) and

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1 to the appropriation account under s. 20.115 (1) (jb), subject to the limit under par.  
2 (c).

A.R. RAC 3X

3 **\*-0529/4.164\* SECTION 1750.** 100.261 (3) (b) of the statutes, as affected by 2003  
4 Wisconsin Act .... (this act), is amended to read:

5 100.261 (3) (b) ~~The state treasurer~~ secretary of administration shall deposit the  
6 consumer protection assessment amounts imposed for a violation of ch. 98, a rule  
7 promulgated under ch. 98, or an ordinance enacted under ch. 98 in the general fund  
8 and shall credit them to the appropriation account under s. 20.115 (1) (jb), subject to  
9 the limit under par. (c).

\*\*\*NOTE: This is reconciled s. 100.261 (3) (b). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0529 and LRB-1111.

10 **\*-1111/4.68\* SECTION 1751.** 100.261 (3) (d) of the statutes is created to read:

11 100.261 (3) (d) The state treasurer shall deposit the consumer protection  
12 assessment amounts imposed for a violation of this chapter or ch. 133, a rule  
13 promulgated under this chapter or ch. 133, or an ordinance enacted under this  
14 chapter in the general fund and shall credit them to the appropriation account under  
15 s. 20.455 (1) (g), subject to the limit under par. (e).

16 **\*-1111/4.69\* SECTION 1752.** 100.261 (3) (e) of the statutes is created to read:

17 100.261 (3) (e) The amount credited to the appropriation account under s.  
18 20.455 (1) (g) may not exceed \$375,000 in each fiscal year.

19 **\*-1111/4.70\* SECTION 1753.** 100.263 of the statutes is amended to read:

20 **100.263 Recovery.** In addition to other remedies available under this chapter,  
21 the court may award the ~~department~~ state the reasonable and necessary costs of  
22 investigation and an amount reasonably necessary to remedy the harmful effects of  
23 the violation and ~~the court may award the department of justice~~ the reasonable and

**SECTION 1753**

1 necessary expenses of prosecution, including attorney fees, from any person who  
2 violates this chapter. ~~The department and the department of justice amounts~~  
3 ~~awarded under this subsection shall deposit~~ be deposited in the state treasury for  
4 deposit in the general fund ~~all moneys that the court awards to the department, the~~  
5 ~~department of justice or the state under this section.~~ Ten percent of the money  
6 deposited in the general fund that was awarded under this section for the costs of  
7 investigation and the expenses of prosecution, including attorney fees, shall be  
8 credited to the appropriation account under s. 20.455 (1) (gh).

9 **\*-1111/4.71\* SECTION 1754.** 100.28 (4) (b) of the statutes is amended to read:

10 100.28 (4) (b) In lieu of or in addition to forfeitures under par. (a), the  
11 department of justice may seek an injunction restraining any person from violating  
12 this section.

13 **\*-1111/4.72\* SECTION 1755.** 100.28 (4) (c) of the statutes is amended to read:

14 100.28 (4) (c) The department of justice, or any district attorney upon the  
15 request of the department of justice, may commence an action in the name of the  
16 state under par. (a) or (b).

17 **\*-1111/4.73\* SECTION 1756.** 100.31 (4) of the statutes is amended to read:

18 100.31 (4) **PENALTIES.** For any violation of this section, the department of  
19 justice or a district attorney may commence an action on behalf of the state to recover  
20 a forfeiture of not less than \$100 nor more than \$10,000 for each offense. Each  
21 delivery of a drug sold to a purchaser at a price in violation of this section and each  
22 separate day in violation of an injunction issued under this section is a separate  
23 offense.

24 **\*-1111/4.74\* SECTION 1757.** 100.31 (5) of the statutes is amended to read:

1           100.31 (5) SPECIAL REMEDIES. The department of justice or a district attorney  
2 may bring an action to enjoin a violation of this section without being compelled to  
3 allege or prove that an adequate remedy at law does not exist. An action under this  
4 subsection may be commenced and prosecuted by the department of justice or a  
5 district attorney, in the name of the state, in a circuit court in the county where the  
6 offense occurred or in Dane County, notwithstanding s. 801.50.

7           \*~~-1111/4.75~~\* SECTION 1758. 100.37 (1) (am) of the statutes is created to read:  
8           100.37 (1) (am) Notwithstanding s. 93.01 (3), “department” means the  
9 department of justice.

10           \*~~-1111/4.76~~\* SECTION 1759. 100.38 (5) of the statutes is amended to read:  
11           100.38 (5) INSPECTION. The department of justice shall enforce this section by  
12 inspection, chemical analyses or any other appropriate method and the department  
13 of justice may promulgate such rules as are necessary to effectively enforce this  
14 section.

15           \*~~-1111/4.77~~\* SECTION 1760. 100.38 (6) of the statutes is amended to read:  
16           100.38 (6) ENFORCEMENT. It is unlawful to sell any antifreeze which is  
17 adulterated or misbranded. In addition to the penalties provided under sub. (7), the  
18 department of justice may bring an action to enjoin violations of this section.

19           \*~~-1111/4.78~~\* SECTION 1761. 100.41 (1) (bn) of the statutes is created to read:  
20           100.41 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the  
21 department of justice.

22           \*~~-1111/4.79~~\* SECTION 1762. 100.42 (1) (cm) of the statutes is created to read:  
23           100.42 (1) (cm) Notwithstanding s. 93.01 (3), “department” means the  
24 department of justice.

25           \*~~-1111/4.80~~\* SECTION 1763. 100.43 (1) (am) of the statutes is created to read:

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

3 \*~~1111/4.81~~\* SECTION 1764. 100.44 (5) of the statutes is amended to read:

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

11 \*~~1111/4.82~~\* SECTION 1765. 100.46 (1) of the statutes is amended to read:

12 100.46 (1) ENERGY CONSERVATION STANDARDS. The department of justice may by  
13 rule adopt energy conservation standards for products that have been established in  
14 or promulgated under 42 USC 6291 to 6309.

15 \*~~1111/4.83~~\* SECTION 1766. 100.46 (2) of the statutes is amended to read:

16 100.46 (2) PROHIBITED ACTS; ENFORCEMENT. No person may sell at retail, install  
17 or cause to be installed any product that is not in compliance with rules promulgated  
18 under sub. (1). In addition to other penalties and enforcement procedures, the  
19 department of justice may apply to a court for a temporary or permanent injunction  
20 restraining any person from violating a rule adopted under sub. (1).

21 \*~~1111/4.84~~\* SECTION 1767. 100.50 (6) (b) of the statutes is amended to read:

22 100.50 (6) (b) In lieu of or in addition to the remedy under par. (a), the  
23 department of justice may seek an injunction restraining any person from violating  
24 this section.

25 \*~~1111/4.85~~\* SECTION 1768. 100.50 (6) (c) of the statutes is amended to read:

1           100.50 (6) (c) The department of justice, or any district attorney upon the  
2 request of the department of justice, may commence an action in the name of the  
3 state under par. (a) or (b).

4           \*~~1111/4.86~~\* SECTION 1769. 100.52 (1) (bn) of the statutes is created to read:  
5           100.52 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the  
6 department of justice.

7           \*~~1295/2.21~~\* SECTION 1770. 101.055 (8) (b) of the statutes is amended to read:  
8           101.055 (8) (b) ~~A state employee who believes that he or she has been~~  
9 ~~discharged or otherwise discriminated against by a public employer in violation of~~  
10 ~~par. (ar) may file a complaint with the personnel commission alleging discrimination~~  
11 ~~or discharge, within 30 days after the employee received knowledge of the~~  
12 ~~discrimination or discharge. A public employee other than a state employee who~~  
13 believes that he or she has been discharged or otherwise discriminated against by  
14 a public employer in violation of par. (ar) may file a complaint with the division of  
15 equal rights alleging discrimination or discharge, within 30 days after the employee  
16 received knowledge of the discrimination or discharge.

17           \*~~1295/2.22~~\* SECTION 1771. 101.055 (8) (c) of the statutes is amended to read:  
18           101.055 (8) (c) Upon receipt of a complaint, the ~~personnel commission or the~~  
19 ~~division of equal rights, whichever is applicable,~~ shall, except as provided in s. 230.45  
20 (1m), investigate the complaint and determine whether there is probable cause to  
21 believe that a violation of par. (ar) has occurred. If the ~~personnel commission or the~~  
22 ~~division of equal rights~~ finds probable cause it shall attempt to resolve the complaint  
23 by conference, conciliation or persuasion. If the complaint is not resolved, the  
24 ~~personnel commission or the~~ division of equal rights shall hold a hearing on the  
25 complaint within 60 days after receipt of the complaint unless both parties to the



1 proceeding agree otherwise. Within 30 days after the close of the hearing, the  
2 ~~personnel commission or the~~ division of equal rights shall issue its decision. If the  
3 ~~personnel commission or the~~ division of equal rights determines that a violation of  
4 par. (ar) has occurred, it shall order appropriate relief for the employee, including  
5 restoration of the employee to his or her former position with back pay, and shall  
6 order any action necessary to ensure that no further discrimination occurs. If the  
7 ~~personnel commission or the~~ division of equal rights determines that there has been  
8 no violation of par. (ar), it shall issue an order dismissing the complaint.

9 **\*-1295/2.23\* SECTION 1772.** 101.055 (8) (d) of the statutes is amended to read:

10 101.055 (8) (d) Orders of the ~~personnel commission and the~~ division of equal  
11 rights under this subsection are subject to judicial review under ch. 227.

12 **\*-1546/2.9\* SECTION 1773.** 101.143 (4) (cc) 2. b. of the statutes is amended to  
13 read:

14 101.143 (4) (cc) 2. b. An applicant that is engaged in the expansion or  
15 redevelopment of brownfields, as defined in s. ~~560.13 (1) (a)~~ 560.60 (1) (v), if federal  
16 or state financial assistance other than under this section, has been provided for that  
17 expansion or redevelopment.

18 **\*-1638/1.1\* SECTION 1774.** 101.143 (9m) (g) 2. of the statutes is amended to  
19 read:

20 101.143 (9m) (g) 2. Revenue obligations issued under this subsection may not  
21 exceed ~~\$342,000,000~~ \$457,000,000 in principal amount, excluding any obligations  
22 that have been defeased under a cash optimization program administered by the  
23 building commission. In addition to this limit on principal amount, the building  
24 commission may contract revenue obligations under this subsection as the building  
25 commission determines is desirable to fund or refund outstanding revenue

1 obligations, to pay issuance or administrative expenses, to make deposits to reserve  
2 funds, or to pay accrued or capitalized interest.

3 \*~~1111/4.87~~\* SECTION 1775. 101.175 (3) (intro.) of the statutes is amended to  
4 read:

5 101.175 (3) (intro.) The department, in consultation with the department of  
6 ~~agriculture, trade and consumer protection~~ justice, shall establish by rule quality  
7 standards for local energy resource systems which do not impede development of  
8 innovative systems but which do:

9 \*~~0529/4.165~~\* SECTION 1776. 101.563 (2) (a) of the statutes is amended to read:

10 101.563 (2) (a) *Payments from calendar year 2000 dues.* Notwithstanding s.  
11 101.573 (3) (a), the department shall pay every city, village, and town that is entitled  
12 to payment under sub. (1) (a) the amount to which that city, village, or town would  
13 have been entitled to receive on or before August 1, 2001, had the city, village, or town  
14 been eligible to receive a payment on that date. The department shall calculate the  
15 amount due under this paragraph as if every city, village, and town maintaining a  
16 fire department was eligible to receive a payment on that date. By the date on which  
17 the department provides a certification or recertification to the ~~state treasurer~~  
18 secretary of administration under par. (b) 1., the department shall certify to the ~~state~~  
19 ~~treasurer~~ secretary of administration the amount to be paid to each city, village, and  
20 town under this paragraph. On or before August 1, 2002, the ~~state treasurer~~  
21 ~~secretary of administration~~ shall pay the amount certified by the department under  
22 this paragraph to each such city, village, and town. The ~~state treasurer~~ secretary of  
23 administration may combine any payment due under this paragraph with any  
24 amount due to be paid on or before August 1, 2002, to the same city, village, or town  
25 under par. (b) 1.

1           \*~~0529/4.166~~\* SECTION 1777. 101.563 (2) (b) 1. of the statutes is amended to  
2 read:

3           101.563 (2) (b) 1. 'Payments from calendar year 2001 dues.' Notwithstanding  
4 s. ~~101.575~~ 101.573 (3) (a), by the 30th day following July 30, 2002, the department  
5 shall compile the fire department dues paid by all insurers under s. 601.93 and the  
6 dues paid by the state fire fund under s. 101.573 (1) and funds remaining under s.  
7 101.573 (3) (b), subtract the total amount due to be paid under par. (a), withhold 0.5%,  
8 and certify to the ~~state treasurer~~ secretary of administration the proper amount to  
9 be paid from the appropriation under s. 20.143 (3) (L) to each city, village, and town  
10 entitled to a proportionate share of fire department dues as provided under sub. (1)  
11 (b) and s. 101.575. If the department has previously certified an amount to the ~~state~~  
12 ~~treasurer~~ secretary of administration under s. ~~101.57~~ 101.573 (3) (a) during calendar  
13 year 2002, the department shall recertify the amount in the manner provided under  
14 this subdivision. On or before August 1, 2002, the ~~state treasurer~~ secretary of  
15 administration shall pay the amounts certified or recertified by the department  
16 under this subdivision to each city, village, and town entitled to a proportionate share  
17 of fire department dues as provided under sub. (1) and s. 101.575. The ~~state~~  
18 ~~treasurer~~ secretary of administration may combine any payment due under this  
19 subdivision with any amount due to be paid on or before August 1, 2002, to the same  
20 city, village, or town under par. (a).

21           \*~~0529/4.167~~\* SECTION 1778. 101.563 (2) (b) 2. of the statutes is amended to  
22 read:

23           101.563 (2) (b) 2. 'Payments from dues for calendar years 2002 to 2004.'  
24 Notwithstanding s. 101.573 (3) (a) and except as otherwise provided in this  
25 subdivision, on or before May 1 in each year, the department shall compile the fire

1 department dues paid by all insurers under s. 601.93 and the dues paid by the state  
2 fire fund under s. 101.573 (1) and funds remaining under s. 101.573 (3) (b), withhold  
3 0.5% and certify to the ~~state treasurer~~ secretary of administration the proper amount  
4 to be paid from the appropriation under s. 20.143 (3) (L) to each city, village, and town  
5 entitled to a proportionate share of fire department dues as provided under sub. (1)  
6 (b) and s. 101.575. Annually, on or before August 1, the ~~state treasurer~~ secretary of  
7 administration shall pay the amounts certified by the department to each such city,  
8 village, and town. This paragraph applies only to payment of a proportionate share  
9 of fire department dues collected for calendar years 2002 to 2004.

10 \*~~0529/4.168~~\* SECTION 1779. 101.563 (2) (b) 3. of the statutes is amended to  
11 read:

12 101.563 (2) (b) 3. The amounts withheld under subs. 1. and 2. shall be  
13 disbursed to correct errors of the department or the commissioner of insurance. The  
14 department shall certify to the ~~state treasurer~~ secretary of administration the  
15 amount that must be disbursed to correct an error and the ~~state treasurer~~ secretary  
16 of administration shall pay the amount to the specified city, village, or town. The  
17 balance of the amount withheld in a calendar year under ~~subs.~~ subd. 1. or 2., as  
18 applicable, which is not disbursed under this subdivision shall be included in the  
19 total compiled by the department under subd. 2. for the next calendar year, except  
20 that amounts withheld under subd. 2. from fire department dues collected for  
21 calendar year 2004 that are not disbursed under this subdivision shall be included  
22 in the total compiled by the department under s. 101.573 (3) (a) for the next calendar  
23 year. If errors in payments exceed the amount withheld, adjustments shall be made  
24 in the distribution for the next year.

25 \*~~0529/4.169~~\* SECTION 1780. 101.573 (1) of the statutes is amended to read:

1 101.573 (1) The department shall include in the compilation and certification  
2 of fire department dues under sub. (3) 2% of the premiums paid to the state fire fund  
3 for the insurance of any public property, other than state property. The department  
4 shall notify the ~~state treasurer~~ secretary of administration of the amount certified  
5 under this subsection and the ~~state treasurer~~ secretary of administration shall  
6 charge the amount to the state fire fund.

7 \*~~0529/4.170~~\* SECTION 1781. 101.573 (3) (a) of the statutes is amended to read:

8 101.573 (3) (a) On or before May 1 in each year, the department shall compile  
9 the fire department dues paid by all insurers under s. 601.93 and the dues paid by  
10 the state fire fund under sub. (1) and funds remaining under par. (b), withhold .5%  
11 and certify to the ~~state treasurer~~ secretary of administration the proper amount to  
12 be paid from the appropriation under s. 20.143 (3) (L) to each city, village, or town  
13 entitled to fire department dues under s. 101.575. Annually, on or before August 1,  
14 the ~~state treasurer~~ secretary of administration shall pay the amounts certified by the  
15 department to the cities, villages and towns eligible under s. 101.575.

16 \*~~0529/4.171~~\* SECTION 1782. 101.573 (3) (b) of the statutes is amended to read:

17 101.573 (3) (b) The amount withheld under par. (a) shall be disbursed to correct  
18 errors of the department or the commissioner of insurance or for payments to cities,  
19 villages, or towns which are first determined to be eligible for payments under par.  
20 (a) after May 1. The department shall certify to the ~~state treasurer~~ secretary of  
21 administration, as near as is practical, the amount which would have been payable  
22 to the municipality if payment had been properly disbursed under par. (a) on or prior  
23 to May 1, except the amount payable to any municipality first eligible after May 1  
24 shall be reduced by 1.5% for each month or portion of a month which expires after  
25 May 1 and prior to the eligibility determination. The ~~state treasurer~~ secretary of

1 administration shall pay the amount certified to the city, village, or town. The  
2 balance of the amount withheld in a calendar year under par. (a) which is not  
3 disbursed under this paragraph shall be included in the total compiled by the  
4 department under par. (a) for the next calendar year. If errors in payments exceed  
5 the amount set aside for error payments, adjustments shall be made in the  
6 distribution for the next year.

7 **\*-0529/4.172\* SECTION 1783.** 101.573 (4) of the statutes is amended to read:

8 101.573 (4) The department shall transmit to the treasurer of each city, village,  
9 and town entitled to fire department dues, a statement of the amount of dues payable  
10 to it, and the commissioner of insurance shall furnish to the ~~state treasurer~~ secretary  
11 of administration, upon request, a list of the insurers paying dues under s. 601.93  
12 and the amount paid by each.

13 **\*-0529/4.173\* SECTION 1784.** 102.28 (7) (a) of the statutes is amended to read:

14 102.28 (7) (a) If an employer who is currently or was formerly exempted by  
15 written order of the department under sub. (2) is unable to pay an award, judgment  
16 is rendered in accordance with s. 102.20 against that employer, and execution is  
17 levied and returned unsatisfied in whole or in part, payments for the employer's  
18 liability shall be made from the fund established under sub. (8). If a currently or  
19 formerly exempted employer files for bankruptcy and not less than 60 days after that  
20 filing the department has reason to believe that compensation payments due are not  
21 being paid, the department in its discretion may make payment for the employer's  
22 liability from the fund established under sub. (8). The ~~state treasurer~~ secretary of  
23 administration shall proceed to recover such payments from the employer or the  
24 employer's receiver or trustee in bankruptcy, and may commence an action or  
25 proceeding or file a claim therefor. The attorney general shall appear on behalf of

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1 the ~~state treasurer~~ secretary of administration in any such action or proceeding. All  
2 moneys recovered in any such action or proceeding shall be paid into the fund  
3 established under sub. (8).

4 \*~~0529/4.174~~\* SECTION 1785. 102.63 of the statutes is amended to read:

5 **102.63 Refunds by state.** Whenever the department shall certify to the state  
6 ~~treasurer~~ secretary of administration that excess payment has been made under s.  
7 102.59 or under s. 102.49 (5) either because of mistake or otherwise, the state  
8 ~~treasurer~~ secretary of administration shall within 5 days after receipt of such  
9 certificate draw an order against the fund in the state treasury into which such  
10 excess was paid, reimbursing such payor of such excess payment, together with  
11 interest actually earned thereon if the excess payment has been on deposit for at  
12 least 6 months.

13 \*~~1824/6.24~~\* SECTION 1786. 102.64 (1) of the statutes is amended to read:

14 102.64 (1) ~~Upon request of the department of administration, a~~ A  
15 representative of the department of justice shall represent the state in cases  
16 involving payment into or out of the state treasury under s. 20.865 (1) (fm), (kr) or  
17 (ur) or 102.29. The department of justice, after giving notice to the department of  
18 administration, may compromise the amount of such payments but such  
19 compromises shall be subject to review by the department of workforce development.  
20 If the spouse of the deceased employee compromises his or her claim for a primary  
21 death benefit, the claim of the children of such employee under s. 102.49 shall be  
22 compromised on the same proportional basis, subject to approval by the department.  
23 If the persons entitled to compensation on the basis of total dependency under s.  
24 102.51 (1) compromise their claim, payments under s. 102.49 (5) (a) shall be  
25 compromised on the same proportional basis.

1           \*~~1824/6.25~~\* SECTION 1787. 102.64 (2) of the statutes is amended to read:

2           102.64 (2) ~~Upon request of the department of administration, the~~ The attorney  
3 general shall appear on behalf of the state in proceedings upon claims for  
4 compensation against the state. The department of justice shall represent the  
5 interests of the state in proceedings under s. 102.49, 102.59 or 102.66. The  
6 department of justice may compromise claims in such proceedings, but the  
7 compromises are subject to review by the department of workforce development.  
8 Costs incurred by the department of justice in prosecuting or defending any claim for  
9 payment into or out of the work injury supplemental benefit fund under s. 102.65,  
10 including expert witness and witness fees but not including attorney fees or attorney  
11 travel expenses for services performed under this subsection, shall be paid from the  
12 work injury supplemental benefit fund.

13           \*~~1824/6.26~~\* SECTION 1788. 102.81 (2) of the statutes is amended to read:

14           102.81 (2) The department may retain an insurance carrier or insurance  
15 service organization to process, investigate and pay claims under this section and  
16 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to  
17 do business in this state in an amount that the secretary determines is necessary for  
18 the sound operation of the uninsured employers fund. In cases involving disputed  
19 claims, the department, with the advice and consent of the attorney general, may  
20 retain an attorney to represent the interests of the uninsured employers fund and  
21 to make appearances on behalf of the uninsured employers fund in proceedings  
22 under ss. 102.16 to 102.29. Section 20.918 and subch. IV of ch. 16 do not apply to an  
23 attorney ~~hired~~ retained under this subsection. The charges for the services retained  
24 under this subsection shall be paid from the appropriation under s. 20.445 (1) (hp).



1 The cost of any reinsurance obtained under this subsection shall be paid from the  
2 appropriation under s. 20.445 (1) (sm).

3 **\*-0529/4.175\* SECTION 1789.** 102.85 (4) (c) of the statutes is amended to read:

4 102.85 (4) (c) If any deposit is made for an offense to which this section applies,  
5 the person making the deposit shall also deposit a sufficient amount to include the  
6 uninsured employer assessment prescribed in this section. If the deposit is forfeited,  
7 the amount of the uninsured employer assessment shall be transmitted to the state  
8 ~~treasurer~~ secretary of administration under par. (d). If the deposit is returned, the  
9 uninsured employer assessment shall also be returned.

10 **\*-0529/4.176\* SECTION 1790.** 102.85 (4) (d) of the statutes is amended to read:

11 102.85 (4) (d) The clerk of the court shall collect and transmit to the county  
12 treasurer the uninsured employer assessment and other amounts required under s.  
13 59.40 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~  
14 secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~  
15 secretary of administration shall deposit the amount of the uninsured employer  
16 assessment, together with any interest thereon, in the uninsured employers fund as  
17 provided in s. 102.80 (1).

18 **\*-1295/2.24\* SECTION 1791.** 103.10 (12) (a) of the statutes is repealed.

19 **\*-1756/2.1\* SECTION 1792.** 103.10 (12) (bm) of the statutes is created to read:

20 103.10 (12) (bm) If the department initially finds that there is no probable  
21 cause to believe that a violation of sub. (11) (a) or (b) occurred as alleged in the  
22 complaint, the department may dismiss the complaint. The department shall, by a  
23 notice to be served with the findings, notify the parties of the complainant's right to  
24 appeal the dismissal of the complaint by requesting a review of the findings by a  
25 hearing examiner, which review shall be based solely on the department's record of

1 the complaint. Service of the findings shall be made by certified mail, return receipt  
2 requested. If the hearing examiner determines that no probable cause exists, that  
3 determination is the final determination of the department and may be appealed  
4 under s. 227.52.

5 ~~\*-1756/2.2\*~~ SECTION 1793. 103.10 (13) of the statutes is amended to read:

6 103.10 (13) CIVIL ACTION. (a) An employee who believes that his or her  
7 employer has violated sub. (11) (a) or (b), or the department, may bring an action in  
8 circuit court against an employer ~~to recover damages caused by a violation of sub.~~  
9 ~~(11) after the completion of an administrative proceeding, including judicial review,~~  
10 ~~concerning the same violation seeking action, as described in sub. (12) (d), to remedy~~  
11 the violation and damages caused by the violation.

12 (b) An action commenced under par. (a) may be brought in the circuit court for  
13 the county where the violation occurred or for the county where the person against  
14 whom the action is filed resides or has a principal place of business, and shall be  
15 commenced within the later of the following periods, or be barred:

16 1. Within 60 days ~~from~~ after the completion of an administrative proceeding,  
17 including judicial review, concerning the same violation.

18 2. ~~Twelve~~ Within 12 months after the violation occurred, or the department or  
19 employee should reasonably have known that the violation occurred. The 12-month  
20 statute of limitations under this subdivision shall be tolled while an administrative  
21 proceeding, including judicial review, concerning the same violation is pending.

22 ~~\*-1243/1.33\*~~ SECTION 1794. 106.01 (11) of the statutes is repealed.

23 ~~\*-1264/2.8\*~~ SECTION 1795. 106.09 (4) of the statutes is repealed.

24 ~~\*-1264/2.9\*~~ SECTION 1796. 106.09 (5) of the statutes is amended to read:

1           106.09 (5) The department is authorized and directed to cooperate with the  
2 U.S. employment service in the administration of ~~said act and in carrying out all~~  
3 ~~agreements made thereunder~~ its functions.

4           \*~~1264/2.10~~\* **SECTION 1797.** 106.09 (6) of the statutes is repealed.

5           \*~~1689/3.30~~\* **SECTION 1798.** 106.12 (title) of the statutes is amended to read:

6           **106.12 (title) Governor's work-based learning board council.**

7           \*~~1689/3.31~~\* **SECTION 1799.** 106.12 (1) of the statutes is amended to read:

8           106.12 (1) **DEFINITION.** In this section and s. 106.13, "~~board~~" "council" means  
9 the governor's work-based learning ~~board~~ council.

10          \*~~1689/3.32~~\* **SECTION 1800.** 106.12 (1m) of the statutes is created to read:

11          106.12 (1m) **DUTIES OF COUNCIL.** The council shall oversee the planning,  
12 coordination, administration, and implementation of the youth apprenticeship,  
13 school-to-work, and work-based learning programs under s. 106.13 (1) and such  
14 other employment and education programs as the governor may by executive order  
15 assign to the department. In providing that oversight, the council shall do all of the  
16 following:

17           (a) Identify the employment and education needs of the state and recommend  
18 to the governor goals for meeting those needs and steps to meet those goals.

19           (b) Review the provision of services and the allocation of funding and resources  
20 under the programs specified in this subsection and recommend to the governor a  
21 strategic plan for coordinating the provision of those services and for allocating that  
22 funding and those resources, consistent with the laws rules, and regulations  
23 governing those programs, so as to best respond to the employment and education  
24 needs identified in par. (a).

1 (c) Monitor the provision of services and the expenditure of funding and  
2 resources under the programs specified in this subsection and evaluate the  
3 effectiveness of those programs in meeting the employment and education needs of  
4 the participants in those programs.

5 (d) Determine whether any federal laws, regulations, or policies impede the  
6 effectiveness or coordination of any of the programs specified in this subsection and,  
7 if so, recommend that the department seek waivers of those laws, regulations, or  
8 policies.

9 (e) Recommend for approval by the department under s. 106.13 (2m)  
10 occupations for the youth apprenticeship program and statewide skill standards for  
11 school-to-work programs.

12 (f) Review and recommend for approval by the department a school-to-work  
13 program for children at risk, as defined in s. 118.153 (1) (a), provided by a nonprofit  
14 organization under s. 106.13 (4m).

15 (g) Provide uniform performance standards that assist in evaluating the  
16 effectiveness of the employment and education programs specified in this subsection.

17 (h) Annually, prepare and submit to the legislature under s. 13.172 (2) and to  
18 the governor a report on the activities of the council that includes recommendations  
19 regarding the employment and education programs specified in this subsection.

20 **\*-1689/3.33\* SECTION 1801.** 106.12 (2) of the statutes is amended to read:

21 106.12 (2) EMPLOYMENT AND EDUCATION PROGRAM ADMINISTRATION. ~~The board~~  
22 Based on the recommendations of the council, the department shall plan, coordinate,  
23 administer, and implement the youth apprenticeship, school-to-work, and  
24 work-based learning programs under s. 106.13 (1) and such other employment and  
25 education programs as the governor may by executive order assign to the board

1 department. Notwithstanding any limitations placed on the use of state employment  
2 and education funds under this section or s. 106.13 or under an executive order  
3 assigning an employment and education program to the ~~board~~ department, the  
4 ~~board~~ department may issue a general or special order waiving any of those  
5 limitations on finding that the waiver will promote the coordination of employment  
6 and education services.

7 **\*-1689/3.34\* SECTION 1802.** 106.12 (3) of the statutes is amended to read:

8 106.12 (3) EXECUTIVE DIRECTOR. The governor shall appoint an executive  
9 director of the ~~board~~ council outside the classified service to serve at the pleasure of  
10 the governor. The executive director shall be in charge of the board's administrative  
11 ~~functions~~ assist the council in performing its duties under sub. (1m) and assist the  
12 department in administering the programs specified in sub. (2).

13 **\*-1689/3.35\* SECTION 1803.** 106.12 (4) of the statutes is amended to read:

14 106.12 (4) PUBLICATIONS AND SEMINARS. The ~~board~~ department may provide  
15 publications and seminars relating to the employment and education programs  
16 administered by the ~~board~~ department and may establish a schedule of fees for those  
17 publications and seminars. Fees established under this subsection for publications  
18 and seminars provided by the ~~board~~ department may not exceed the actual cost  
19 incurred in providing those publications and seminars. The fees collected under this  
20 subsection shall be credited to the appropriation account under s. 20.445 (7) (1) (ga).

21 **\*-1689/3.36\* SECTION 1804.** 106.13 (1) (intro.) of the statutes is amended to  
22 read:

23 106.13 (1) (intro.) The ~~board~~ department shall provide all of the following:

24 **\*-1689/3.37\* SECTION 1805.** 106.13 (2) of the statutes is amended to read:

1           106.13 (2) The governor's work-based learning council, the council on  
2 workforce investment established under 29 USC 2821, the technical college system  
3 board, and the department of public instruction shall assist the board department  
4 of workforce development in providing the youth apprenticeship program, the  
5 school-to-work program, and the work-based learning program under sub. (1).

6           \*~~1689/3.38~~\* SECTION 1806. 106.13 (2m) of the statutes is amended to read:

7           106.13 (2m) ~~The board~~ After reviewing the recommendations of the council  
8 under s. 106.12 (1m) (e), the department shall approve occupations and maintain a  
9 list of approved occupations for the youth apprenticeship program and shall approve  
10 statewide skill standards for the school-to-work program. From the appropriation  
11 under s. 20.445 (7) (1) (a), the ~~board~~ department shall develop curricula for youth  
12 apprenticeship programs for occupations approved under this subsection.

13           \*~~1689/3.39~~\* SECTION 1807. 106.13 (3m) (b) (intro.) of the statutes is amended  
14 to read:

15           106.13 (3m) (b) (intro.) From the appropriation under s. 20.445 (7) ~~(b)~~ (1) (e),  
16 the ~~board~~ department shall award grants to applying local partnerships for the  
17 implementation and coordination of local youth apprenticeship programs. A local  
18 partnership shall include in its grant application the identity of each public agency,  
19 nonprofit organization, individual, and other person who is a participant in the local  
20 partnership, a plan to accomplish the implementation and coordination activities  
21 specified in subs. 1. to 6., and the identity of a fiscal agent who shall be responsible  
22 for receiving, managing, and accounting for the grant moneys received under this  
23 paragraph. Subject to par. (c), a local partnership that is awarded a grant under this  
24 paragraph may use the grant moneys awarded for any of the following  
25 implementation and coordination activities:

## SECTION 1808

1           \***-1689/3.40\*** SECTION 1808. 106.13 (3m) (b) 6. of the statutes is amended to  
2 read:

3           106.13 (3m) (b) 6. Any other implementation or coordination activity that the  
4 board department may direct or permit the local partnership to perform.

5           \***-1689/3.41\*** SECTION 1809. 106.13 (4) (a) 1d. of the statutes is amended to  
6 read:

7           106.13 (4) (a) 1d. “Eligible employer” means an employer that is eligible to  
8 receive a grant under this subsection according to the criteria established by the  
9 board department under par. (d).

10          \***-1689/3.42\*** SECTION 1810. 106.13 (4) (b) of the statutes is amended to read:

11          106.13 (4) (b) From the appropriation under s. 20.445 (~~7~~) (1) (em), the board  
12 department may award a grant to a public agency or a nonprofit organization, or to  
13 an eligible employer that is responsible for the on-the-job training and supervision  
14 of a youth apprentice. A public agency or nonprofit organization that receives a grant  
15 under this subsection shall use the funds awarded under the grant to award training  
16 grants to eligible employers that provide on-the-job training and supervision for  
17 youth apprentices. Subject to par. (c), a training grant provided under this  
18 subsection may be awarded to an eligible employer for each youth apprentice who  
19 receives at least 180 hours of paid on-the-job training from the eligible employer  
20 during a school year, as defined in s. 115.001 (13). The amount of a training grant  
21 may not exceed \$500 per youth apprentice per school year. A training grant may not  
22 be awarded for any specific youth apprentice for more than 2 school years.

23          \***-1689/3.43\*** SECTION 1811. 106.13 (4) (c) of the statutes is amended to read:

24          106.13 (4) (c) Notwithstanding par. (b), the board department may award a  
25 training grant under this subsection to an eligible employer that provides less than

1 180 hours of paid on-the-job training for a youth apprentice during a school year,  
2 as defined in s. 115.001 (13), if the ~~board~~ department determines that it would be  
3 beneficial for the youth apprentice to receive on-the-job training from more than one  
4 eligible employer.

5 **\*-1689/3.44\* SECTION 1812.** 106.13 (4) (d) of the statutes is amended to read:

6 106.13 (4) (d) The ~~board~~ department shall establish eligibility criteria for a  
7 grant under this subsection. That criteria shall specify that eligibility for a grant  
8 shall be limited to small employers, as determined by the ~~board~~ department, and to  
9 employers providing on-the-job training in employment areas determined by the  
10 ~~board~~ department. Notwithstanding sub. (5), those criteria need not be promulgated  
11 as rules.

12 **\*-1689/3.45\* SECTION 1813.** 106.13 (4m) of the statutes is amended to read:

13 106.13 (4m) (a) ~~The board~~ After reviewing the recommendations of the council  
14 under s. 106.12 (1m) (f), the department may approve an innovative school-to-work  
15 program provided by a nonprofit organization for children at risk, as defined in s.  
16 118.153 (1) (a), in a county having a population of 500,000 or more to assist those  
17 children at risk in acquiring employability skills and occupational-specific  
18 competencies before leaving high school. If the ~~board~~ department approves a  
19 program under this paragraph, the ~~board~~ department may award a grant, from the  
20 appropriation under s. 20.445 ~~(7)~~ (1) (ef), to the nonprofit organization providing the  
21 program and the nonprofit organization shall use the funds received under the grant  
22 to provide the program.

23 (b) The ~~board~~ department shall establish requirements for the operation of the  
24 grant program under this subsection. Notwithstanding sub. (5), those requirements  
25 need not be promulgated as rules.



## SECTION 1814

1           \***-1689/3.46\*** SECTION 1814. 106.13 (5) of the statutes is amended to read:

2           106.13 (5) The ~~board~~ department shall promulgate rules to administer this  
3 section.

4           \***-1264/2.11\*** SECTION 1815. 106.15 (3) (intro.) of the statutes is amended to  
5 read:

6           106.15 (3) GRANTS. (intro.) From the ~~appropriation~~ appropriations under s.  
7 20.445 (1) (bc), (jm), ~~(mb)~~ and ~~(me)~~ and (m), the department shall make grants to  
8 persons providing employment and training activities to dislocated workers  
9 including ~~but not limited to~~ all of the following:

10          \***-1264/2.12\*** SECTION 1816. 106.15 (7) of the statutes is amended to read:

11          106.15 (7) FUNDING. From the amounts appropriated under s. 20.445 (1) ~~(ma)~~,  
12 ~~(mb)~~ and ~~(me)~~ (m), all moneys received under 29 USC 2862 to 2864 shall be expended  
13 to fund grants and operations under this section.

14          \***-1264/2.13\*** SECTION 1817. 106.17 (2) of the statutes is amended to read:

15          106.17 (2) The collection and distribution of local labor market information  
16 under sub. (1) shall be funded only from the appropriations under s. 20.445 (1) (m),  
17 ~~(ma)~~ and (n).

18          \***-1688/2.6\*** SECTION 1818. 106.21 (title) of the statutes is repealed.

19          \***-1688/2.7\*** SECTION 1819. 106.21 (1) of the statutes is repealed.

20          \***-1688/2.8\*** SECTION 1820. 106.21 (2) of the statutes is repealed.

21          \***-1688/2.9\*** SECTION 1821. 106.21 (3) of the statutes is repealed.

22          \***-1688/2.10\*** SECTION 1822. 106.21 (4) of the statutes is repealed.

23          \***-1688/2.11\*** SECTION 1823. 106.21 (5) of the statutes is repealed.

24          \***-1688/2.12\*** SECTION 1824. 106.21 (6) of the statutes is repealed.

25          \***-1688/2.13\*** SECTION 1825. 106.21 (7) of the statutes is repealed.

- 1           \***-1688/2.14\*** SECTION 1826. 106.21 (8) of the statutes is repealed.
- 2           \***-1688/2.15\*** SECTION 1827. 106.21 (9) (a) of the statutes is repealed.
- 3           \***-1688/2.16\*** SECTION 1828. 106.21 (9) (b) of the statutes is repealed.
- 4           \***-1688/2.17\*** SECTION 1829. 106.21 (9) (c) of the statutes is repealed.
- 5           \***-1688/2.18\*** SECTION 1830. 106.21 (9) (e) of the statutes is repealed.
- 6           \***-1688/2.19\*** SECTION 1831. 106.21 (9) (f) of the statutes is repealed.
- 7           \***-1688/2.20\*** SECTION 1832. 106.21 (9) (g) 1. of the statutes is repealed.
- 8           \***-1688/2.21\*** SECTION 1833. 106.21 (9) (g) 2. of the statutes is renumbered
- 9 106.213 and amended to read:

10           **106.213 Wisconsin service corps education vouchers.** The An education  
11 voucher under s. 106.21 (9) (g) 1., 2001 stats., is valid for 3 years after the date of  
12 issuance for the payment of tuition and required program activity fees at any  
13 institution of higher education, as defined under s. 39.32 (1) (a), that accepts the  
14 voucher and the department shall authorize payment to the institution of face value  
15 of the voucher upon presentment.

- 16           \***-1688/2.22\*** SECTION 1834. 106.21 (10) of the statutes is repealed.
- 17           \***-1688/2.23\*** SECTION 1835. 106.21 (11) of the statutes is repealed.
- 18           \***-1688/2.24\*** SECTION 1836. 106.21 (12) of the statutes is repealed.
- 19           \***-1688/2.25\*** SECTION 1837. 106.21 (13) of the statutes is repealed.
- 20           \***-1688/2.26\*** SECTION 1838. 106.213 of the statutes, as created by 2003  
21 Wisconsin Act .... (this act), is repealed.

22           \***-1712/5.31\*** SECTION 1839. 106.215 (title) of the statutes is amended to read:

23           **106.215 (title) Wisconsin conservation corps program Youth**  
24 **employment projects.**

- 25           \***-1712/5.32\*** SECTION 1840. 106.215 (1) (intro.) of the statutes is repealed.

1           \*-1712/5.33\* SECTION 1841. 106.215 (1) (a) of the statutes is repealed.

2           \*-1712/5.34\* SECTION 1842. 106.215 (1) (b) of the statutes is repealed.

3           \*-1712/5.35\* SECTION 1843. 106.215 (1) (c) of the statutes is repealed.

4           \*-1712/5.36\* SECTION 1844. 106.215 (1) (cg) of the statutes is repealed.

5           \*-1712/5.37\* SECTION 1845. 106.215 (1) (cm) of the statutes is repealed.

6           \*-1712/5.38\* SECTION 1846. 106.215 (1) (d) of the statutes is repealed.

7           \*-1712/5.39\* SECTION 1847. 106.215 (1) (e) of the statutes is repealed.

8           \*-1712/5.40\* SECTION 1848. 106.215 (1) (f) of the statutes is repealed.

9           \*-1712/5.41\* SECTION 1849. 106.215 (1) (fm) of the statutes is renumbered  
10 977.01 (2) and amended to read:

11           977.01 (2) "Public assistance" means relief provided by counties under s. 59.53  
12 (21), Wisconsin works under ss. 49.141 to 49.161, ~~aid to families with dependent~~  
13 ~~children under s. 49.19~~, medical assistance under subch. IV of ch. 49, low-income  
14 energy assistance under s. 16.385, weatherization assistance under s. 16.39, and the  
15 food stamp program under 7 USC 2011 to 2029.

16           \*-1712/5.42\* SECTION 1850. 106.215 (1) (g) of the statutes is repealed.

17           \*-1712/5.43\* SECTION 1851. 106.215 (2) of the statutes is amended to read:

18           106.215 (2) OBJECTIVES. The ~~board~~ department shall develop guidelines for the  
19 ~~Wisconsin conservation corps program youth employment projects funded under~~  
20 sub. (1m) designed to promote the all of the following objectives of:

21           (a) *Employment of young adults youth.* Providing employment for ~~young men~~  
22 and women youth 14 years of age or over, but under 22 years of age, in all regions of  
23 the state.

1 (b) *Conservation.* Conserving, developing, enhancing, or maintaining the  
2 natural resources of this state through the implementation of projects ~~which that~~  
3 have a long-term beneficial impact on the environment.

4 (c) *Personal development.* Encouraging and developing work employment and  
5 life skills, discipline, and cooperation, in project participants by providing  
6 meaningful work experiences and training and educational opportunities for corps  
7 enrollees those participants.

8 (d) *Human services.* Promoting the social well-being of children, the elderly,  
9 persons with disabilities, and persons with low incomes through the implementation  
10 of human services projects ~~that include human services activities~~.

11 **\*-1712/5.44\* SECTION 1852.** 106.215 (2) (e) of the statutes is created to read:  
12 106.215 (2) (e) *Wages.* Providing project participants with a wage that is not  
13 less than the federal minimum wage or the applicable state minimum wage  
14 established under ch. 104, whichever is greater.

15 **\*-1712/5.45\* SECTION 1853.** 106.215 (3) of the statutes is repealed.

16 **\*-1712/5.46\* SECTION 1854.** 106.215 (3m) of the statutes is repealed.

17 **\*-1712/5.47\* SECTION 1855.** 106.215 (4) of the statutes is repealed.

18 **\*-1712/5.48\* SECTION 1856.** 106.215 (5) of the statutes is repealed.

19 **\*-1712/5.49\* SECTION 1857.** 106.215 (6) of the statutes is repealed.

20 **\*-1712/5.50\* SECTION 1858.** 106.215 (7) (title) of the statutes is repealed.

21 **\*-1712/5.51\* SECTION 1859.** 106.215 (7) (a) of the statutes is repealed.

22 **\*-1712/5.52\* SECTION 1860.** 106.215 (7) (am) of the statutes is repealed.

23 **\*-1712/5.53\* SECTION 1861.** 106.215 (7) (b) of the statutes is repealed.

24 **\*-1712/5.54\* SECTION 1862.** 106.215 (7) (c) of the statutes is renumbered  
25 106.215 (1m) and amended to read:

1           106.215 (1m) ~~CONSERVATION FUND APPROPRIATION~~ YOUTH EMPLOYMENT PROJECT  
2 GRANTS. ~~Notwithstanding par. (a), moneys~~ Moneys appropriated under s. 20.445 (6)  
3 (1) (u) that are not derived from the forestation state tax under s. 70.58 may be  
4 utilized for any youth employment project approved by the ~~board~~ department  
5 regardless of whether the project consists in whole or in part of conservation  
6 activities. From those moneys, the department shall provide grants to  
7 community-based nonprofit organizations, as defined in s. 108.02 (19), for the  
8 provision of youth employment projects that are designed to meet the objectives  
9 specified in sub. (2) (a), (c), and (e) and one or more of the objectives specified in sub.  
10 (2) (b) and (d).

11           \*~~1712/5.55~~\* SECTION 1863. 106.215 (8) of the statutes is repealed.

12           \*~~1712/5.56~~\* SECTION 1864. 106.215 (8g) of the statutes is repealed.

13           \*~~1712/5.57~~\* SECTION 1865. 106.215 (8m) of the statutes is repealed.

14           \*~~1712/5.58~~\* SECTION 1866. 106.215 (9) of the statutes is repealed.

15           \*~~1712/5.59~~\* SECTION 1867. 106.215 (10) (title) of the statutes is repealed.

16           \*~~1712/5.60~~\* SECTION 1868. 106.215 (10) (a) of the statutes is repealed.

17           \*~~1712/5.61~~\* SECTION 1869. 106.215 (10) (b) of the statutes is repealed.

18           \*~~1712/5.62~~\* SECTION 1870. 106.215 (10) (c) of the statutes is repealed.

19           \*~~1712/5.63~~\* SECTION 1871. 106.215 (10) (e) of the statutes is repealed.

20           \*~~1712/5.64~~\* SECTION 1872. 106.215 (10) (f) of the statutes is repealed.

21           \*~~1712/5.65~~\* SECTION 1873. 106.215 (10) (fm) of the statutes is repealed.

22           \*~~1712/5.66~~\* SECTION 1874. 106.215 (10) (g) (title) and 1. of the statutes are  
23 repealed.

24           \*~~1712/5.67~~\* SECTION 1875. 106.215 (10) (g) 1m. of the statutes is repealed.

25           \*~~1712/5.68~~\* SECTION 1876. 106.215 (10) (g) 2. of the statutes is repealed.

1           \*~~1712/5.69~~\* SECTION 1877. 106.215 (10) (g) 2m. of the statutes is repealed.

2           \*~~1712/5.70~~\* SECTION 1878. 106.215 (10) (g) 3. of the statutes is renumbered  
3 106.217 and amended to read:

4           **106.217 Wisconsin conservation corps education vouchers.** The An  
5 education voucher under s. 106.215 (10) (g) 1m. or 2m., 2001 stats., is valid for 4 years  
6 after the date of issuance for the payment of tuition and required program activity  
7 fees at any institution of higher education, as defined in 20 USC 1002, that accepts  
8 the voucher. ~~The board department~~ shall authorize payment to the institution of face  
9 value of the voucher upon presentment.

10          \*~~1712/5.71~~\* SECTION 1879. 106.215 (10) (g) 4. of the statutes is repealed.

11          \*~~1712/5.72~~\* SECTION 1880. 106.215 (10) (h) of the statutes is repealed.

12          \*~~1712/5.73~~\* SECTION 1881. 106.215 (11) of the statutes is repealed.

13          \*~~1712/5.74~~\* SECTION 1882. 106.215 (12) of the statutes is repealed.

14          \*~~1712/5.75~~\* SECTION 1883. 106.215 (13) of the statutes is repealed.

15          \*~~1712/5.76~~\* SECTION 1884. 106.217 of the statutes, as affected by 2003  
16 Wisconsin Act .... (this act), is repealed.

17          \*~~0231/1.1~~\* SECTION 1885. 106.26 (4) of the statutes is repealed.

18          \*~~1756/2.3~~\* SECTION 1886. 106.50 (6) (c) 4. of the statutes is amended to read:

19           106.50 (6) (c) 4. If the department initially determines that there is no probable  
20 cause to believe that discrimination occurred as alleged in the complaint, it may  
21 dismiss those allegations. The department shall, by a notice to be served with the  
22 determination, notify the parties of the complainant's right to appeal the dismissal  
23 of the ~~claim to the secretary for a hearing on the issue~~ allegations by requesting a  
24 review of the determination by a hearing examiner, which review shall be based  
25 solely on the department's record of the complaint. Service of the determination shall

1 be made by certified mail, return receipt requested. If the hearing examiner  
2 determines that no probable cause exists, that determination is the final  
3 determination of the department and may be appealed under par. (j).

4 **\*-1756/2.4\* SECTION 1887.** 106.52 (4) (a) 4m. of the statutes is created to read:

5 106.52 (4) (a) 4m. If the department initially finds that there is no probable  
6 cause to believe that any act prohibited under sub. (3) has been or is being committed  
7 as alleged in the complaint, the department may dismiss the complaint. The  
8 department shall, by a notice to be served with the findings, notify the parties of the  
9 complainant's right to appeal the dismissal of the complaint by requesting a review  
10 of the findings by a hearing examiner, which review shall be based solely on the  
11 department's record of the complaint. Service of the findings shall be made by  
12 certified mail, return receipt requested. If the hearing examiner determines that no  
13 probable cause exists, that determination is the final determination of the  
14 department and may be appealed under par. (b).

15 **\*-1731/1.3\* SECTION 1888.** 107.30 (10) of the statutes is amended to read:

16 107.30 (10) "Mining damage appropriation" means the appropriation under s.  
17 ~~20.445 (4) (b)~~ 20.143 (3) (a).

18 **\*-1731/1.2\* SECTION 1889.** 107.31 (5) (a) (intro.) of the statutes is amended to  
19 read:

20 107.31 (5) (a) *Calculation.* (intro.) The mining damage reserve accumulation  
21 is calculated by subtracting the total amount of all mining damages awards paid  
22 from the appropriation under s. 20.445 (4) (a), 2001 stats., beginning on May 22, 1980  
23 or paid from the appropriation under s. 20.143 (3) (a) from the sum of:

24 **\*-1824/6.27\* SECTION 1890.** 108.14 (3m) of the statutes is amended to read:

1           108.14 (3m) In any court action to enforce this chapter the department, the  
2 commission and the state may be represented by any licensed attorney who is ~~an~~  
3 ~~employee of, with the advice and consent of the attorney general, is retained by the~~  
4 department or the commission and is designated by either of them for this purpose  
5 ~~or at the request of either of them by the department of justice.~~ If the governor  
6 designates special counsel to defend, in behalf of the state, the validity of this chapter  
7 or of any provision of Title IX of the social security act, the expenses and  
8 compensation of the special counsel and of any experts employed by the department  
9 in connection with that proceeding may be charged to the administrative account.

10           \*~~0529/4.177~~\* SECTION 1891. 108.15 (6) (c) of the statutes is amended to read:

11           108.15 (6) (c) If such delinquency is finally established under s. 108.10, the  
12 fund's treasurer shall, in case such unit receives a share of any state tax or any type  
13 of state aid, certify to the ~~state treasurer~~ secretary of administration the existence  
14 and amount of such delinquency.

15           \*~~0529/4.178~~\* SECTION 1892. 108.15 (6) (d) (intro.) of the statutes is amended  
16 to read:

17           108.15 (6) (d) (intro.) Upon receipt of such certification, the ~~state treasurer~~  
18 secretary of administration shall withhold, from each sum of any such tax or aid  
19 thereafter payable to the government unit, until the delinquency is satisfied, the  
20 lesser of the following amounts:

21           \*~~0529/4.179~~\* SECTION 1893. 108.15 (6) (e) of the statutes is amended to read:

22           108.15 (6) (e) Any amount withheld by the ~~state treasurer~~ secretary of  
23 administration under par. (d) shall be paid by the ~~state treasurer~~ secretary of  
24 administration to the fund's treasurer, who shall duly credit such payment toward  
25 satisfying the delinquency.



1           **\*-1939/2.2\* SECTION 1894.** 108.161 (3) of the statutes is amended to read:

2           108.161 (3) Consistently with this chapter and said section 903, such moneys  
3 shall be used solely for benefits or employment security administration by the  
4 department, including unemployment insurance, employment service,  
5 apprenticeship programs, and related statistical operations.

6           **\*-1939/2.3\* SECTION 1895.** 108.161 (4) (c) of the statutes is amended to read:

7           108.161 (4) (c) Specifying that the appropriated amounts are available for  
8 obligation solely within the 2 years beginning on the appropriation law's date of  
9 enactment. This paragraph does not apply to the appropriation under s. 20.445 (1)  
10 (nd).

11           **\*-1939/2.4\* SECTION 1896.** 108.162 (3) of the statutes is amended to read:

12           108.162 (3) The amount obligated under this section during any fiscal year may  
13 not exceed the aggregate of all amounts credited under s. 108.161 (1), including  
14 amounts credited under s. 108.161 (8), reduced by the amount obligated under s.  
15 20.445 (1) (nb) and (nd) and further reduced at the time of any obligation by the sum  
16 of the moneys obligated and charged against any of the amounts thus credited.

17           **\*-0529/4.180\* SECTION 1897.** 108.20 (2) of the statutes is amended to read:

18           108.20 (2) All amounts received by the department for the administrative  
19 account shall be paid over to the ~~state treasurer~~ secretary of administration and  
20 credited to that account for the administration of this chapter and the employment  
21 service, for the payment of benefits chargeable to the account under s. 108.07 (5) and  
22 for the purposes specified in sub. (2m).

23           **\*-1712/5.77\* SECTION 1898.** 111.335 (1) (cv) of the statutes is amended to read:

24           111.335 (1) (cv) Notwithstanding s. 111.322, it is not employment  
25 discrimination because of conviction record to refuse to employ in a position in the

1 classified service, ~~or in a position described in s. 230.08 (2) (k), or as a corps enrollee~~  
2 ~~with the Wisconsin conservation corps under s. 106.215 (1) (c)~~ a person who has been  
3 convicted under 50 USC, Appendix, section 462 for refusing to register with the  
4 selective service system and who has not been pardoned.

5 **\*-1295/2.25\* SECTION 1899.** 111.375 (1) of the statutes is amended to read:

6 111.375 (1) ~~Except as provided under sub. (2), this~~ This subchapter shall be  
7 administered by the department. The department may make, amend and rescind  
8 such rules as are necessary to carry out this subchapter. The department or the  
9 commission may, by such agents or agencies as it designates, conduct in any part of  
10 this state any proceeding, hearing, investigation or inquiry necessary to the  
11 performance of its functions. The department shall preserve the anonymity of any  
12 employee who is the aggrieved party in a complaint of discrimination in promotion,  
13 compensation or terms and conditions of employment, of unfair honesty testing or  
14 of unfair genetic testing against his or her present employer until a determination  
15 as to probable cause has been made, unless the department determines that the  
16 anonymity will substantially impede the investigation.

17 **\*-1295/2.26\* SECTION 1900.** 111.375 (2) of the statutes is amended to read:

18 111.375 (2) This subchapter applies to each agency of the state ~~except that~~  
19 ~~complaints of discrimination, unfair honesty testing or unfair genetic testing against~~  
20 ~~the agency as an employer shall be filed with and processed by the personnel~~  
21 ~~commission under s. 230.45 (1) (b). Decisions of the personnel commission are~~  
22 ~~subject to review under ch. 227.~~

23 **\*-1756/2.5\* SECTION 1901.** 111.39 (4) (bm) of the statutes is created to read:

24 111.39 (4) (bm) If the department initially finds that there is no probable cause  
25 to believe that any discrimination has been or is being committed, that unfair

## SECTION 1901

1 honesty testing has occurred or is occurring, or that unfair genetic testing has  
2 occurred or is occurring as alleged in the complaint, the department may dismiss the  
3 complaint. The department shall, by a notice to be served with the findings, notify  
4 the parties of the complainant's right to appeal the dismissal of the complaint by  
5 requesting a review of the findings by a hearing examiner, which review shall be  
6 based solely on the department's record of the complaint. Service of the findings shall  
7 be made by certified mail, return receipt requested. If the hearing examiner  
8 determines that no probable cause exists, that determination is the final  
9 determination of the department and may be appealed under sub. (5).

10 \*~~1756/2.6~~\* SECTION 1902. 111.40 of the statutes is created to read:

11 **111.40 Civil action.** (1) Any person, including the state, alleging that  
12 discrimination, unfair honesty testing, or unfair genetic testing has occurred may  
13 bring a civil action seeking such action, as described in s. 111.39 (4) (c), as will  
14 effectuate the purpose of this subchapter.

15 (2) An action commenced under sub. (1) may be brought in the circuit court for  
16 the county where the alleged violation occurred or for the county where the person  
17 against whom the action is filed resides or has a principal place of business, and shall  
18 be commenced within 300 days after the alleged violation occurred. The 300-day  
19 statute of limitations under this subsection shall be tolled while an administrative  
20 proceeding concerning the same violation is pending.

21 \*~~1102/6.1~~\* SECTION 1903. 111.70 (1) (a) of the statutes is amended to read:

22 111.70 (1) (a) "Collective bargaining" means the performance of the mutual  
23 obligation of a municipal employer, through its officers and agents, and the  
24 representative of its municipal employees in a collective bargaining unit, to meet and  
25 confer at reasonable times, in good faith, with the intention of reaching an

1 agreement, or to resolve questions arising under such an agreement, with respect to  
2 wages, hours and conditions of employment, and with respect to a requirement of the  
3 municipal employer for a municipal employee to perform law enforcement and fire  
4 fighting services under s. 61.66, except as provided in sub. (4) (m) and s. 40.81 (3) and  
5 except that a municipal employer shall not meet and confer with respect to any  
6 proposal to diminish or abridge the rights guaranteed to municipal employees under  
7 ch. 164. The duty to bargain, however, does not compel either party to agree to a  
8 proposal or require the making of a concession. Collective bargaining includes the  
9 reduction of any agreement reached to a written and signed document. The  
10 municipal employer shall not be required to bargain on subjects reserved to  
11 management and direction of the governmental unit except insofar as the manner  
12 of exercise of such functions affects the wages, hours and conditions of employment  
13 of the municipal employees in a collective bargaining unit and except as provided in  
14 sub. (4) (p). In creating this subchapter the legislature recognizes that the municipal  
15 employer must exercise its powers and responsibilities to act for the government and  
16 good order of the jurisdiction which it serves, its commercial benefit and the health,  
17 safety and welfare of the public to assure orderly operations and functions within its  
18 jurisdiction, subject to those rights secured to municipal employees by the  
19 constitutions of this state and of the United States and by this subchapter.

20 \*~~1102/6.2~~\* SECTION 1904. 111.70 (1) (b) of the statutes is amended to read:

21 111.70 (1) (b) “Collective bargaining unit” means a unit ~~consisting of municipal~~  
22 ~~employees who are school district professional employees or of municipal employees~~  
23 ~~who are not school district professional employees~~ that is determined by the  
24 commission to be appropriate for the purpose of collective bargaining.

25 \*~~1102/6.3~~\* SECTION 1905. 111.70 (1) (dm) of the statutes is repealed.

1           \*–1102/6.4\* SECTION 1906. 111.70 (1) (fm) of the statutes is repealed.

2           \*–1102/6.5\* SECTION 1907. 111.70 (1) (nc) of the statutes is repealed.

3           \*–1102/6.6\* SECTION 1908. 111.70 (4) (cm) 5. of the statutes is amended to read:

4           111.70 (4) (cm) 5. ‘Voluntary impasse resolution procedures.’ In addition to the  
5 other impasse resolution procedures provided in this paragraph, a municipal  
6 employer and labor organization may at any time, as a permissive subject of  
7 bargaining, agree in writing to a dispute settlement procedure, including  
8 authorization for a strike by municipal employees or binding interest arbitration,  
9 which is acceptable to the parties for resolving an impasse over terms of any  
10 collective bargaining agreement under this subchapter. A copy of such agreement  
11 shall be filed by the parties with the commission. If the parties agree to any form of  
12 binding interest arbitration, the arbitrator shall give weight to the factors  
13 enumerated under subds. 7., 7g. and subd. 7r.

14           \*–1102/6.7\* SECTION 1909. 111.70 (4) (cm) 5s. of the statutes is repealed.

15           \*–1102/6.8\* SECTION 1910. 111.70 (4) (cm) 6. a. of the statutes is amended to  
16 read:

17           111.70 (4) (cm) 6. a. If in any collective bargaining unit a dispute ~~relating to one~~  
18 ~~or more issues, qualifying for interest arbitration under subd. 5s. in a collective~~  
19 ~~bargaining unit to which subd. 5s. applies,~~ has not been settled after a reasonable  
20 period of negotiation and after mediation by the commission under subd. 3. and other  
21 settlement procedures, if any, established by the parties have been exhausted, and  
22 the parties are deadlocked with respect to any dispute between them over wages,  
23 hours, and conditions of employment to be included in a new collective bargaining  
24 agreement, either party, or the parties jointly, may petition the commission, in  
25 writing, to initiate compulsory, final, and binding arbitration, as provided in this

1 paragraph. At the time the petition is filed, the petitioning party shall submit in  
2 writing to the other party and the commission its preliminary final offer containing  
3 its latest proposals on all issues in dispute. Within 14 calendar days after the date  
4 of that submission, the other party shall submit in writing its preliminary final offer  
5 on all disputed issues to the petitioning party and the commission. If a petition is  
6 filed jointly, both parties shall exchange their preliminary final offers in writing and  
7 submit copies to the commission at the time the petition is filed.

8 \*~~1102/6.9~~\* SECTION 1911. 111.70 (4) (cm) 6. am. of the statutes is amended to  
9 read:

10 111.70 (4) (cm) 6. am. Upon receipt of a petition to initiate arbitration, the  
11 commission shall make an investigation, with or without a formal hearing, to  
12 determine whether arbitration should be commenced. If in determining whether an  
13 impasse exists the commission finds that the procedures set forth in this paragraph  
14 have not been complied with and such compliance would tend to result in a  
15 settlement, it may order such compliance before ordering arbitration. The validity  
16 of any arbitration award or collective bargaining agreement shall not be affected by  
17 failure to comply with such procedures. Prior to the close of the investigation each  
18 party shall submit in writing to the commission its single final offer containing its  
19 final proposals on all issues in dispute that are subject to interest arbitration under  
20 this subdivision ~~or under subd. 5s. in collective bargaining units to which subd. 5s.~~  
21 ~~applies.~~ If a party fails to submit a single, ultimate final offer, the commission shall  
22 close the investigation based on the last written position of the party. ~~The municipal~~  
23 ~~employer may not submit a qualified economic offer under subd. 5s. after the close~~  
24 ~~of the investigation.~~ Such final offers may include only mandatory subjects of  
25 bargaining, except that a permissive subject of bargaining may be included by a

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1 party if the other party does not object and shall then be treated as a mandatory  
2 subject. No later than such time, the parties shall also submit to the commission a  
3 stipulation, in writing, with respect to all matters which are agreed upon for  
4 inclusion in the new or amended collective bargaining agreement. The commission,  
5 after receiving a report from its investigator and determining that arbitration should  
6 be commenced, shall issue an order requiring arbitration and immediately submit  
7 to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall  
8 alternately strike names until a single name is left, who shall be appointed as  
9 arbitrator. The petitioning party shall notify the commission in writing of the  
10 identity of the arbitrator selected. Upon receipt of such notice, the commission shall  
11 formally appoint the arbitrator and submit to him or her the final offers of the  
12 parties. The final offers shall be considered public documents and shall be available  
13 from the commission. In lieu of a single arbitrator and upon request of both parties,  
14 the commission shall appoint a tripartite arbitration panel consisting of one member  
15 selected by each of the parties and a neutral person designated by the commission  
16 who shall serve as a chairperson. An arbitration panel has the same powers and  
17 duties as provided in this section for any other appointed arbitrator, and all  
18 arbitration decisions by such panel shall be determined by majority vote. In lieu of  
19 selection of the arbitrator by the parties and upon request of both parties, the  
20 commission shall establish a procedure for randomly selecting names of arbitrators.  
21 Under the procedure, the commission shall submit a list of 7 arbitrators to the  
22 parties. Each party shall strike one name from the list. From the remaining 5  
23 names, the commission shall randomly appoint an arbitrator. Unless both parties  
24 to an arbitration proceeding otherwise agree in writing, every individual whose  
25 name is submitted by the commission for appointment as an arbitrator shall be a

1 resident of this state at the time of submission and every individual who is  
2 designated as an arbitration panel chairperson shall be a resident of this state at the  
3 time of designation.

4 **\*-1102/6.10\* SECTION 1912.** 111.70 (4) (cm) 7. of the statutes is repealed.

5 **\*-1102/6.11\* SECTION 1913.** 111.70 (4) (cm) 7g. of the statutes is repealed.

6 **\*-1102/6.12\* SECTION 1914.** 111.70 (4) (cm) 7r. (intro.) of the statutes is  
7 amended to read:

8 111.70 (4) (cm) 7r. ~~‘Other factors~~ Factors considered.’ (intro.) In making any  
9 decision under the arbitration procedures authorized by this paragraph, the  
10 arbitrator or arbitration panel shall also give weight to the following factors:

11 **\*-1102/6.13\* SECTION 1915.** 111.70 (4) (cm) 7r. hm. of the statutes is created  
12 to read:

13 111.70 (4) (cm) 7r. hm. In a school district, a determination as to which party’s  
14 proposal best provides for a fundamental right to an equal opportunity for a sound  
15 basic education under article X, section 3, of the constitution.

16 **\*-1102/6.14\* SECTION 1916.** 111.70 (4) (cm) 7r. ie. of the statutes is created to  
17 read:

18 111.70 (4) (cm) 7r. ie. Any state law or directive lawfully issued by a state  
19 legislative or administrative officer, body, or agency which places limitations on  
20 expenditures that may be made or revenues that may be collected by a municipal  
21 employer.

22 **\*-1102/6.15\* SECTION 1917.** 111.70 (4) (cm) 7r. ir. of the statutes is created to  
23 read:

24 111.70 (4) (cm) 7r. ir. Economic conditions in the jurisdiction of the municipal  
25 employer.



## SECTION 1918

1           \***-1102/6.16\*** SECTION 1918. 111.70 (4) (cm) 8m. a. and c. of the statutes are  
2 consolidated, renumbered 111.70 (4) (cm) 8m. and amended to read:

3           111.70 (4) (cm) 8m. ‘Term of agreement; reopening of negotiations.’ Except for  
4 the initial collective bargaining agreement between the parties and except as the  
5 parties otherwise agree, every collective bargaining agreement covering municipal  
6 employees subject to this paragraph ~~other than school district professional~~  
7 ~~employees shall be for a term of 2 years. No, but in no case may a collective~~  
8 bargaining agreement for any collective bargaining unit consisting of municipal  
9 employees ~~subject to this paragraph other than school district professional~~  
10 ~~employees shall be for a term exceeding 3 years. e.~~ No arbitration award may  
11 contain a provision for reopening of negotiations during the term of a collective  
12 bargaining agreement, unless both parties agree to such a provision. The  
13 requirement for agreement by both parties does not apply to a provision for  
14 reopening of negotiations with respect to any portion of an agreement that is  
15 declared invalid by a court or administrative agency or rendered invalid by the  
16 enactment of a law or promulgation of a federal regulation.

17           \***-1102/6.17\*** SECTION 1919. 111.70 (4) (cm) 8m. b. of the statutes is repealed.

18           \***-1102/6.18\*** SECTION 1920. 111.70 (4) (cm) 8p. of the statutes is repealed.

19           \***-1102/6.19\*** SECTION 1921. 111.70 (4) (cm) 8s. of the statutes is repealed.

20           \***-1102/6.20\*** SECTION 1922. 111.70 (4) (d) 2. a. of the statutes is amended to  
21 read:

22           111.70 (4) (d) 2. a. The commission shall determine the appropriate collective  
23 bargaining unit for the purpose of collective bargaining and shall whenever possible,  
24 unless otherwise required under this subchapter, avoid fragmentation by  
25 maintaining as few collective bargaining units as practicable in keeping with the size

1 of the total municipal work force. In making such a determination, the commission  
2 may decide whether, in a particular case, the municipal employees in the same or  
3 several departments, divisions, institutions, crafts, professions, or other  
4 occupational groupings constitute a collective bargaining unit. Before making its  
5 determination, the commission may provide an opportunity for the municipal  
6 employees concerned to determine, by secret ballot, whether or not they desire to be  
7 established as a separate collective bargaining unit. ~~The commission shall not~~  
8 ~~decide, however, that any group of municipal employees constitutes an appropriate~~  
9 ~~collective bargaining unit if the group includes both municipal employees who are~~  
10 ~~school district professional employees and municipal employees who are not school~~  
11 ~~district professional employees.~~ The commission shall not decide, however, that any  
12 other group of municipal employees constitutes an appropriate collective bargaining  
13 unit if the group includes both professional employees and nonprofessional  
14 employees, unless a majority of the professional employees vote for inclusion in the  
15 unit. The commission shall not decide that any group of municipal employees  
16 constitutes an appropriate collective bargaining unit if the group includes both craft  
17 employees and noncraft employees unless a majority of the craft employees vote for  
18 inclusion in the unit. The commission shall place the professional employees who are  
19 assigned to perform any services at a charter school, as defined in s. 115.001 (1), in  
20 a separate collective bargaining unit from a unit that includes any other professional  
21 employees whenever at least 30% of those professional employees request an election  
22 to be held to determine that issue and a majority of the professional employees at the  
23 charter school who cast votes in the election decide to be represented in a separate  
24 collective bargaining unit. Any vote taken under this subsection shall be by secret  
25 ballot.

1           \*–1102/6.21\* SECTION 1923. 111.70 (4) (p) of the statutes is created to read:

2           111.70 (4) (p) *Additional mandatory subjects of bargaining in school districts.*

3           1. In a school district, the municipal employer is required to bargain collectively with  
4           respect to education policy, except that no dispute relating to an education policy  
5           issue is subject to interest arbitration under par. (cm) 6. unless all parties to the  
6           dispute agree, in writing, to make such an issue subject to interest arbitration under  
7           par. (cm) 6.

8           2. Notwithstanding subd. 1., in a school district, if the municipal employer  
9           makes a proposal that provides that employee compensation or performance  
10          expectations are linked with student academic performance, the labor organization  
11          may include in its single final offer under par. (cm) 6. am. any proposal to meet the  
12          performance expectations, including a proposal affecting education policy.

13          \*–0576/8.68\* SECTION 1924. 111.81 (5) of the statutes is amended to read:

14          111.81 (5) “Department” means the department of ~~employment relations~~  
15          administration.

16          \*–1373/8.14\* SECTION 1925. 111.81 (5m) of the statutes is created to read:

17          111.81 (5m) “Assistant district attorney” includes an assignable prosecutor, as  
18          defined in s. 978.001 (1c).

19          \*–0576/8.69\* SECTION 1926. 111.815 (3) of the statutes is repealed.

20          \*–0576/8.70\* SECTION 1927. 111.86 (2) of the statutes is amended to read:

21          111.86 (2) The department shall charge a state department or agency the  
22          employer’s share of the cost related to grievance arbitration under sub. (1) for any  
23          arbitration that involves one or more employees of the state department or agency.  
24          Each state department or agency so charged shall pay the amount that the  
25          department charges from the appropriation account or accounts used to pay the

1 salary of the grievant. Funds received under this subsection shall be credited to the  
2 appropriation account under s. ~~20.512 (1) (km)~~ 20.505 (1) (ko).

3 **\*-1373/8.15\* SECTION 1928.** 111.91 (2) (c) of the statutes is amended to read:  
4 111.91 (2) (c) Disciplinary actions and position abandonments governed by s.  
5 230.34 (1) ~~(a)~~ (ah), (am) and (ar), except as provided in those paragraphs.

6 **\*-0912/2.15\* SECTION 1929.** 111.91 (2) (j) of the statutes is amended to read:  
7 111.91 (2) (j) Creditable service to which s. ~~40.25 (7) (f)~~ 40.285 (2) (b) 4. applies.

8 **\*-1634/7.51\* SECTION 1930.** 114.33 (10) of the statutes is amended to read:  
9 114.33 (10) Subject to the approval of the governor under this subsection, the  
10 secretary may sell at public or private sale property of whatever nature owned by the  
11 state and under the jurisdiction of the secretary when the secretary determines that  
12 the property is no longer necessary for the state's use for airport purposes and, if real  
13 property, the real property is not the subject of a petition under s. ~~16.375~~ 560.9810.  
14 The secretary shall present to the governor a full and complete report of the property  
15 to be sold, the reason for the sale, and the minimum price for which the property  
16 should be sold, together with an application for the governor's approval of the sale.  
17 The governor shall investigate the proposed sale as he or she deems necessary and  
18 approve or disapprove the application. Upon approval and receipt of the full  
19 purchase price, the secretary shall by appropriate deed or other instrument transfer  
20 the property to the purchaser. The funds derived from the sale shall be deposited in  
21 the appropriate airport fund, and the expense incurred by the secretary in  
22 connection with the sale shall be paid from that fund.

23 **\*-0666/9.95\* SECTION 1931.** 115.28 (25) of the statutes is repealed.

24 **\*-1301/4.1\* SECTION 1932.** 115.28 (30) (b) 1. to 6. of the statutes are amended  
25 to read:

## SECTION 1932

1 115.28 (30) (b) 1. ~~Two~~ One full-time ~~consultants~~ consultant in agriculture  
2 education.

3 2. ~~Two~~ One full-time ~~consultants~~ consultant in business education.

4 3. ~~Two~~ One full-time ~~consultants~~ consultant in technology education.

5 4. ~~Two~~ One full-time ~~consultants~~ consultant in family and consumer sciences  
6 education.

7 5. ~~Two~~ One full-time ~~consultants~~ consultant in marketing education.

8 6. ~~One full-time~~ half-time consultant in health science education.

9 ~~\*-0099/3.2\*~~ SECTION 1933. 115.29 (4) of the statutes is renumbered 115.29 (4)  
10 (a).

11 ~~\*-0099/3.3\*~~ SECTION 1934. 115.29 (4) (b) of the statutes is created to read:

12 115.29 (4) (b) Promulgate rules establishing fees for issuing a declaration of  
13 equivalency of high school graduation or a general educational development  
14 certificate under par. (a). The rules may provide exemptions from the fees based on  
15 financial need.

16 ~~\*-0529/4.181\*~~ SECTION 1935. 115.345 (5) of the statutes is amended to read:

17 115.345 (5) The school board may file a claim with the department for  
18 reimbursement for reasonable expenses incurred, excluding capital equipment  
19 costs, but not to exceed 15% of the cost of the meal or 50 cents per meal, whichever  
20 is less. Any cost in excess of the lesser amount may be charged to participants. If  
21 the department approves the claim, it shall certify that payment is due and the ~~state~~  
22 ~~treasurer~~ secretary of administration shall pay the claim from the appropriation  
23 under s. 20.255 (2) (cn).

24 ~~\*-0194/9.16\*~~ SECTION 1936. 115.882 of the statutes is amended to read:

1           **115.882 Payment of state aid.** Funds appropriated under s. 20.255 (2) (b)  
2 shall be used first for the purpose of s. 115.88 (4). Costs eligible for reimbursement  
3 from the appropriation under s. 20.255 (2) (b) under ss. 115.88 (1m) to (3), (6) and (8),  
4 115.93, and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount  
5 appropriated for reimbursement for the costs, less the amount paid by the  
6 department of health and family services under s. 20.435 (4) (hm) and (o) under s.  
7 49.45 (39) (b) 1m., not to exceed 100%.

8           \*~~0666/9.96~~\* **SECTION 1937.** Subchapter VIII (title) of chapter 115 [precedes  
9 115.997] of the statutes is created to read:

10   **CHAPTER 115**

11   **SUBCHAPTER VIII**

12   **TECHNOLOGY FOR**

13   **EDUCATIONAL ACHIEVEMENT**

14           \*~~0666/9.97~~\* **SECTION 1938.** 115.997 (3p) of the statutes is created to read:  
15           115.997 (3p) “Public museum” means a nonprofit or publicly owned museum  
16 located in this state that is accredited by the American Association of Museums or  
17 an educational center that is affiliated with such a museum.

      \*\*\*NOTE: This is reconciled s. 115.997 (3p). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0392/2 and LRB-0666/8.

18           \*~~1289/7.108~~\* **SECTION 1939.** 115.997 (4) of the statutes, as affected by 2003  
19 Wisconsin Act .... (this act), is amended to read:

20           115.997 (4) “Telecommunications” has the meaning given in s. ~~22.01~~ 16.97 (10).

      \*\*\*NOTE: This is reconciled s. 115.997 (4). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-0666/9 and LRB-1289/6.

21           \*~~0666/9.98~~\* **SECTION 1940.** 115.999 (3m) of the statutes is created to read:

1           115.999 (3m) LOAN FORGIVENESS. To the extent that sufficient moneys are  
2 available in the appropriation account under s. 20.255 (4) (mp) after payment of the  
3 administrative expenses specified in s. 20.255 (4) (mp), the department shall use 50%  
4 of those available moneys to forgive the repayment of loans provided to school  
5 districts and public library boards under this section, including loans to  
6 municipalities on behalf of public library boards, and 50% of those available moneys  
7 to reimburse s. 20.255 (4) (er) and (es) for the payment of principal and interest costs  
8 incurred in financing educational technology infrastructure financial assistance  
9 under this section and to make full payment of the amounts determined by the  
10 building commission under s. 13.488 (1) (m). If the moneys available to forgive the  
11 repayment of loans provided to school districts and public library boards under this  
12 section, including loans to municipalities on behalf of public library boards, is  
13 insufficient to forgive the repayment of all of those loans, the department shall  
14 forgive the repayment of those loans on a prorated basis.

15           \*~~1289/7.109~~\* SECTION 1941. 115.9995 (3) of the statutes, as affected by 2003  
16 Wisconsin Act .... (this act), is amended to read:

17           115.9995 (3) The department of public instruction shall submit an annual  
18 report to the department of administration on the status of providing data lines and  
19 video links that are requested under sub. (2) (a) and the impact on the universal  
20 service fund of any payment under contracts under s. ~~16.974~~ 16.971 (13) to (16).

\*\*\*\*NOTE: This is reconciled s. 115.9995 (3). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0666/9 and LRB-1289/6.

21           \*~~1289/7.110~~\* SECTION 1942. 115.9995 (6) (a) of the statutes, as affected by  
22 2003 Wisconsin Act .... (this act), is amended to read:

1           115.9995 (6) (a) From the appropriation under s. 20.255 (4) (s) or (tm), the  
2 department may award an annual grant to a school district or private school that had  
3 in effect on October 14, 1997, a contract for access to a data line or video link, as  
4 documented by the department. The department shall determine the amount of the  
5 grant, which shall be equal to the cost incurred by the state to provide  
6 telecommunications access to a school district or private school under a contract  
7 entered into under s. ~~16.974 (1) or (3)~~ 16.971 (13) or (15) less the amount that the  
8 school district or private school would be paying under sub. (2) (d) if the school district  
9 or private school were participating in the program established under sub. (1), except  
10 that the amount may not be greater than the cost that a school district or private  
11 school incurs under the contract in effect on October 14, 1997. A school district or  
12 private school receiving a grant under this subsection is not eligible to participate in  
13 the program under sub. (1). No grant may be awarded under this subsection after  
14 December 31, 2005.

      \*\*\*NOTE: This is reconciled s. 115.9995 (6) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0666/9 and LRB-1289/6.

15           \*~~1269/1.1~~\* **SECTION 1943.** 118.153 (1) (a) (intro.) of the statutes is amended  
16 to read:

17           118.153 (1) (a) (intro.) “Children at risk” means pupils in grades 5 to 12 who  
18 are at risk of not graduating from high school because they ~~failed the high school~~  
19 ~~graduation examination administered under s. 118.30 (1m) (d)~~, are dropouts, or are  
20 2 or more of the following:

21           \*~~1599/1.6~~\* **SECTION 1944.** 118.153 (4) (b) of the statutes is amended to read:  
22           118.153 (4) (b) Upon receipt of a school board’s annual report under par. (a) the  
23 state superintendent shall pay to the school district from the appropriation under s.



**SECTION 1944**

1 20.255 (2) (bc), for each pupil enrolled in a program for children at risk who achieved  
2 at least 3 of the objectives under par. (c) in the previous school year, additional state  
3 aid in an amount equal to 10% of the school district's average per pupil aids provided  
4 under s. 20.835 (7) (a), 1991 stats., and s. 20.255 (2) (ac) and (r) in the previous school  
5 year.

6 **\*-1269/1.2\* SECTION 1945.** 118.153 (4) (c) 3. of the statutes is amended to read:

7 118.153 (4) (c) 3. The pupil, if a high school senior, received a high school  
8 diploma ~~or passed the high school graduation examination administered under s.~~  
9 ~~118.30 (1m) (d).~~

10 **\*-1102/6.23\* SECTION 1946.** 118.245 of the statutes is repealed.

11 **\*-1269/1.3\* SECTION 1947.** 118.30 (1) (a) of the statutes is renumbered 118.30  
12 (1).

13 **\*-1269/1.4\* SECTION 1948.** 118.30 (1) (b) of the statutes is repealed.

14 **\*-1269/1.5\* SECTION 1949.** 118.30 (1g) (b) of the statutes is repealed.

15 **\*-1269/1.6\* SECTION 1950.** 118.30 (1m) (d) of the statutes is repealed.

16 **\*-1269/1.7\* SECTION 1951.** 118.30 (1r) (a) 1. of the statutes is amended to read:

17 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade  
18 examination adopted or approved by the state superintendent under sub. (1) (a) to  
19 all pupils enrolled in the charter school in the 4th grade.

20 **\*-1269/1.8\* SECTION 1952.** 118.30 (1r) (am) 1. of the statutes is amended to  
21 read:

22 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade  
23 examination adopted or approved by the state superintendent under sub. (1) (a) to  
24 all pupils enrolled in the charter school in the 8th grade.

25 **\*-1269/1.9\* SECTION 1953.** 118.30 (1r) (d) of the statutes is repealed.

1           \***-1269/1.10\*** SECTION 1954. 118.30 (2) (e) of the statutes is repealed.

2           \***-1269/1.11\*** SECTION 1955. 118.33 (1) (f) 1. of the statutes is amended to read:

3           118.33 (1) (f) 1. By September 1, 2004, each school board operating high school  
4 grades shall develop a written policy specifying criteria for granting a high school  
5 diploma that are in addition to the requirements under par. (a). The criteria shall  
6 include ~~the pupil's score on the examination administered under s. 118.30 (1m) (d),~~  
7 the pupil's academic performance, and the recommendations of teachers. Except as  
8 provided in subd. 2., the criteria apply to pupils enrolled in charter schools located  
9 in the school district.

10          \***-1269/1.12\*** SECTION 1956. 118.33 (1) (f) 2. of the statutes is amended to read:

11          118.33 (1) (f) 2. By September 1, 2004, each operator of a charter school under  
12 s. 118.40 (2r) that operates high school grades shall develop a policy specifying  
13 criteria for granting a high school diploma. The criteria shall include ~~the pupil's~~  
14 ~~score on the examination administered under s. 118.30 (1r) (d),~~ the pupil's academic  
15 performance, and the recommendations of teachers.

16          \***-1689/3.47\*** SECTION 1957. 118.34 (4) of the statutes is repealed.

17          \***-1571/4.1\*** SECTION 1958. 118.40 (2r) (e) 1. of the statutes is amended to read:

18          118.40 (2r) (e) 1. From the appropriation under s. 20.255 (2) (fm), the  
19 department shall pay to the operator of the charter school an amount equal to the  
20 sum of the amount paid per pupil under this subdivision in the previous school year  
21 and the ~~amount of revenue increase in the per pupil allowed under subch. VII of ch.~~  
22 ~~121 amount paid to private schools under s. 119.23 (4) (b) 2.~~ in the current school year  
23 as compared to the previous school year, multiplied by the number of pupils  
24 attending the charter school. The amount paid per pupil may not be less than the  
25 amount paid per pupil under this subdivision in the previous school year. The

1 department shall pay 25% of the total amount in September, 25% in December, 25%  
2 in February, and 25% in June. The department shall send the check to the operator  
3 of the charter school.

4 **\*-1102/6.22\* SECTION 1959.** 119.04 (1) of the statutes is amended to read:

5 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
6 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
7 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to  
8 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,  
9 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), ~~118.245~~, 118.255, 118.258, 118.291,  
10 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125, 120.13  
11 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14 and 120.25 are  
12 applicable to a 1st class city school district and board.

13 **\*-1571/4.2\* SECTION 1960.** 119.23 (4) (b) 2. of the statutes is amended to read:

14 119.23 (4) (b) 2. ~~The sum of the amount paid per pupil under this subsection~~  
15 ~~paragraph in the previous school year and the amount of revenue increase per pupil~~  
16 ~~allowed under subch. VII of ch. 121 in the current school year multiplied by the sum~~  
17 ~~of 1.0 plus the percentage change from the previous school year to the current school~~  
18 ~~year in the total amount appropriated under s. 20.255 (2) (ac) and (r) expressed as~~  
19 ~~a decimal, but not less than zero.~~

20 ~~\*\*\*\*NOTE: This is reconciled s. 119.23 (4) (b) 2. It cross-references s. 20.255 (2) (r),~~  
21 ~~created in LRB-1599.~~

*chg component to reconciled  
note*

22 **\*-1752/3.47\* SECTION 1961.** 119.72 of the statutes is repealed.

23 **\*-1752/3.48\* SECTION 1962.** 119.73 of the statutes is amended to read:

24 **119.73 Kindergarten and early childhood programs.** The board shall  
25 evaluate the effectiveness of the expanded 5-year-old kindergarten programs under