

1 ~~receiving federal mass transit aid for such area.~~ From the appropriation under s.  
2 20.395 (1) (hs), beginning with aid payable for calendar year 2002 and for each  
3 calendar year thereafter, the uniform percentage for each eligible applicant served  
4 by an urban mass transit system operating within an area having a population as  
5 shown in the 2000 federal decennial census of less than 50,000 or receiving federal  
6 mass transit aid for such area.

7 \*~~1198/2.6~~\* SECTION 1724. 85.20 (4m) (a) 8. b. of the statutes is amended to  
8 read:

9 85.20 (4m) (a) 8. b. For the purpose of making allocations under subd. 8. a., the  
10 amounts for aids are ~~\$5,349,100 in calendar years 2000 and 2001, \$5,563,100 in~~  
11 ~~calendar year 2002, and \$5,674,400~~ \$5,674,400 in calendar year 2003, \$5,844,100 in  
12 calendar year 2004, and \$6,041,400 in calendar year 2005 and in each calendar year  
13 thereafter. These amounts, to the extent practicable, shall be used to determine the  
14 uniform percentage in the particular calendar year.

15 \*~~1607/P3.9~~\* SECTION 1725. 85.55 of the statutes is amended to read:

16 **85.55 Safe-ride grant program.** The department may award grants to any  
17 county or municipality or to any nonprofit corporation, as defined in s. 46.93 ~~(1m)~~ (e)  
18 66.0129 (6) (b), to cover the costs of transporting persons suspected of having a  
19 prohibited alcohol concentration, as defined in s. 340.01 (46m), from any premises  
20 licensed under ch. 125 to sell alcohol beverages to their places of residence. The  
21 amount of a grant under this section may not exceed 50% of the costs necessary to  
22 provide the service. The liability of a provider of a safe-ride program to persons  
23 transported under the program is limited to the amounts required for an automobile  
24 liability policy under s. 344.15 (1). Grants awarded under this section shall be paid  
25 from the appropriation under s. 20.395 (5) (ek).

1           \*~~-1187/4.19~~\* SECTION 1726. 86.001 (2m) of the statutes is repealed.

2           \*~~-1187/4.20~~\* SECTION 1727. 86.12 (2) of the statutes is amended to read:

3           86.12 (2) If a railroad company fails to comply with the resolution in sub. (1)  
4 within 30 days after service of the resolution, the county board, common council,  
5 village board or town board may file a complaint with the ~~office~~ department alleging  
6 the failure. The ~~office~~ department shall investigate and determine the matter in  
7 controversy as ~~provided in ch. 195.~~ ~~An order issued by the office under this~~  
8 ~~subsection has the same effect as an order in a proceeding brought under ch. 195, and~~  
9 may issue an appropriate order.

10          \*~~-1187/4.21~~\* SECTION 1728. 86.13 (3) of the statutes is amended to read:

11          86.13 (3) If any railroad company fails to grade, construct, pave, surface or  
12 otherwise improve or maintain in good and safe condition for public travel as  
13 required by this section any street or highway crossing after having been notified so  
14 to do by the officer in charge thereof or of the highway improvement for 30 days after  
15 such notification, the highway authorities may file a complaint with the ~~office~~  
16 department. The ~~office~~ department shall investigate and determine the matter in  
17 controversy as ~~provided in ch. 195.~~ ~~An order issued by the office under this~~  
18 ~~subsection has the same effect as an order in a proceeding brought under ch. 195, and~~  
19 may issue an appropriate order.

20          \*~~-1196/1.1~~\* SECTION 1729. 86.30 (2) (a) 1. of the statutes is amended to read:

21          86.30 (2) (a) 1. Except as provided in pars. (b), (d) and (dm), ~~sub. (10)~~ and s.  
22 86.303, the amount of transportation aids payable by the department to each county  
23 shall be the aids amount calculated under subd. 2. and to each municipality shall be  
24 the aids amount calculated under subd. 2. or 3., whichever is greater. If the amounts

1 calculated for a municipality under subd. 2. or 3. are the same, transportation aids  
2 to that municipality shall be paid under subd. 2.

3 **\*-1196/1.2\* SECTION 1730.** 86.30 (2) (a) 3. of the statutes is amended to read:

4 86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a  
5 municipality as determined under s. 86.302, the mileage aid payment shall be ~~\$1,704~~  
6 ~~in calendar year 2001~~, \$1,755 in calendar year 2002, and \$1,825 in calendar year  
7 2003, \$1,871 in calendar year 2004, and \$1,917 in calendar year 2005 and thereafter.

8 **\*-1196/1.3\* SECTION 1731.** 86.30 (9) (b) of the statutes is amended to read:

9 86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),  
10 the amounts for aids to counties are ~~\$84,059,500 in calendar years 2000 and 2001~~,  
11 \$86,581,300 in calendar year 2002, and \$90,044,600 in calendar year 2003,  
12 \$92,295,700 in calendar year 2004, and \$94,603,100 in calendar year 2005 and  
13 thereafter. These amounts, to the extent practicable, shall be used to determine the  
14 statewide county average cost-sharing percentage in the particular calendar year.

15 **\*-1196/1.4\* SECTION 1732.** 86.30 (9) (c) of the statutes is amended to read:

16 86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),  
17 the amounts for aids to municipalities are ~~\$264,461,500 in calendar years 2000 and~~  
18 ~~2001~~, \$272,395,300 in calendar year 2002, and \$283,291,100 in calendar year 2003,  
19 \$290,373,400 in calendar year 2004, and \$297,632,700 in calendar year 2005 and  
20 thereafter. These amounts, to the extent practicable, shall be used to determine the  
21 statewide municipal average cost-sharing percentage in the particular calendar  
22 year.

23 **\*-1196/1.5\* SECTION 1733.** 86.30 (10) of the statutes is repealed.

24 **\*-1250/1.3\* SECTION 1734.** 86.31 (3s) of the statutes is amended to read:

1           86.31 (3s)    WEST CANAL STREET RECONSTRUCTION AND EXTENSION.

2   Notwithstanding limitations on the amount and use of aids provided under this  
3   section, or on eligibility requirements for receiving aids under this section, and  
4   subject to s. 84.03 (3) (b), the department shall award a grant of \$2,500,000 to the city  
5   of Milwaukee for the ~~purpose~~ purposes specified under s. 84.03 (3) (a).  
6   Notwithstanding subs. (3) (b), (3g), (3m), and (3r), payment of the grant under this  
7   subsection shall be made from the appropriation under s. 20.395 (2) (fr) before  
8   making any other allocation of funds under subs. (3) (b), (3g), (3m), and (3r), and the  
9   allocation of funds under subs. (3) (b), (3g), (3m), and (3r) shall be reduced  
10  proportionately to reflect the amount of the grant made under this subsection. This  
11  subsection does not apply after December 31, 2005.

12           \***-0529/4.158\*** SECTION 1735. 87.07 (4) of the statutes is amended to read:

13           87.07 (4) BENEFITS AND COSTS DECISIVE. If the aggregate of the amounts  
14  collectible, as thus found by the department, exceeds the estimated cost of  
15  construction of the improvement, the department shall order that the work of  
16  constructing such improvement proceed. If such aggregate amount collectible is less  
17  than the estimated cost of such improvement, the department shall enter an order  
18  dismissing the petition, unless the difference between said aggregate amounts be  
19  deposited in cash with the ~~state treasurer~~ secretary of administration within one  
20  year. Such deposit may be made by any person or any public or private corporation.  
21  Upon the making of such deposit, the department shall enter a further order that the  
22  work of constructing the improvement proceed.

23           \***-0529/4.159\*** SECTION 1736. 87.11 (2) of the statutes is amended to read:

24           87.11 (2) But should the total cost, as ascertained and certified by the flood  
25  control board after the letting of the contracts, in the manner hereinabove set forth,

1 exceed the total amount found by the department to be collectible under s. 87.09, all  
2 contracts for the construction of the work shall be null and void. At the expiration  
3 of one year after such certification, any moneys held by the ~~state treasurer~~ secretary  
4 of administration on account of the project shall be refunded to the persons by whom  
5 they were paid to ~~such treasurer~~ the secretary of administration; and funds in the  
6 hands of the flood control board shall be refunded to the public corporation by which  
7 they were paid to such board; any funds held by any town, village, or city, having been  
8 collected by special assessments against property benefited, shall be refunded to the  
9 owners of such property; any funds raised by any public corporation by the issuance  
10 of bonds on account of such proposed improvements shall constitute a fund for the  
11 retirement or payment of such bonds; and any fund held by any public corporation,  
12 having been raised otherwise than by special assessments or bond issues, shall be  
13 available for the general purposes of such public corporation. Provided, however,  
14 that if within one year after the last mentioned certification of the flood control board  
15 there shall be deposited with the treasurer of said board a sum equal to the difference  
16 between the aggregate cost of constructing the improvement as estimated by the  
17 department and the aggregate cost thereof as determined and certified by the flood  
18 control board after the letting of the contracts, said board shall proceed to relet the  
19 contracts for the construction of the improvement and to complete the same unless  
20 the aggregate of such new contract prices, together with the department's estimate  
21 of the cost of acquiring lands and of overhead expenses and of the first 18 months'  
22 operation and maintenance, shall again exceed the amount found by the department  
23 to be collectible under s. 87.09. The deposit herein referred to may be made by any  
24 person or any public or private corporation.

25 **\*-1824/6.21\* SECTION 1737. 87.12 (6) of the statutes is amended to read:**

## SECTION 1737

1           87.12 (6) The board shall have the power to institute and prosecute in the  
2 manner provided in ch. 32 of the statutes such eminent domain proceedings as may  
3 be necessary in the construction of said improvement. When necessary for that  
4 purpose, this right of eminent domain shall be dominant over the rights of eminent  
5 domain of public or private corporations or governmental agencies. The board shall  
6 also have the power to acquire any lands or interest therein necessary for the  
7 aforesaid purpose, by gift, purchase or lease. Any title acquired by condemnation or  
8 gift, purchase or lease shall be held in the name of the flood control board in trust for  
9 the several towns, villages and cities and contributing, as provided in s. 87.10 (1) (c)  
10 and (d), in proportion to the amounts of their several contributions. The board shall  
11 have the power to employ engineers, ~~attorneys~~, agents, assistants, clerks, employees  
12 and laborers and ~~with the advice and consent of the attorney general, retain~~  
13 ~~attorneys~~ as it may deem advisable for the proper execution of its duties, and to fix  
14 their compensation.

15           \*~~0529/4.160~~\* SECTION 1738. 87.13 of the statutes is amended to read:

16           **87.13 Disbursements by board.** All sums which shall be deposited with the  
17 ~~state treasurer~~ secretary of administration under s. 87.07 (4) for the construction of  
18 the improvement shall be paid by ~~said treasurer~~ the secretary of administration to  
19 the flood control board upon requisitions from said board. If any moneys, other than  
20 those for operation and maintenance during the first 18 months, remain unexpended  
21 in the hands of the flood control board or subject to their requisition after the  
22 completion of the construction of the improvement, and if the funds for construction  
23 of the improvement shall have been in part raised through voluntary contributions  
24 under s. 87.07 (4) or 87.11 (2), the amounts thus contributed, or such proportion  
25 thereof as the funds remaining in the hands of the board or subject to its requisition

1 will pay, shall be returned to the persons or corporations who made such voluntary  
2 contributions, in proportion to the amounts contributed by them.

3 **\*-1187/4.22\* SECTION 1739.** 88.66 (2) of the statutes is amended to read:

4 88.66 (2) Every district whose drains cross the right-of-way of a railway  
5 company is liable to such company for the reasonable cost of opening its right-of-way  
6 and also for the cost of the culverts and bridges made necessary by such drain. The  
7 drainage board shall include such costs in its cost of construction, as set forth in its  
8 report of benefits and damages, and shall award them as damages to the railway  
9 company. The bridge or culvert shall be designed by the district's engineer and the  
10 design submitted to the railway company for approval. If a dispute arises as to the  
11 adequacy of the design, either party may submit the dispute to the ~~office of the~~  
12 ~~commissioner of railroads~~ division of hearings and appeals in the department of  
13 administration by filing with the ~~office~~ division of hearings and appeals a statement  
14 as to the facts involved and the nature of the dispute. The ~~office~~ division of hearings  
15 and appeals shall ~~investigate and determine the matter in controversy in accordance~~  
16 ~~with ch. 195, and any order it makes in such proceeding has the same effect as an~~  
17 ~~order in any other proceeding properly brought under ch. 195.~~

18 **\*-1187/4.23\* SECTION 1740.** 88.87 (4) of the statutes is amended to read:

19 88.87 (4) If a railway company fails to comply with sub. (2), any person  
20 aggrieved thereby may file a complaint with the ~~office of the commissioner of~~  
21 ~~railroads~~ division of hearings and appeals in the department of administration  
22 setting forth the facts. The ~~office~~ division of hearings and appeals shall ~~investigate~~  
23 ~~and determine the matter in controversy in accordance with ch. 195, and any order~~  
24 ~~it makes in such proceeding has the same effect as an order in any other proceeding~~  
25 ~~properly brought under ch. 195.~~

## SECTION 1741

1           \*~~1187/4.24~~\* SECTION 1741. 88.88 (2) of the statutes is amended to read:

2           88.88 (2) If the railway company fails to comply with sub. (1), the person  
3 aggrieved thereby may file a complaint with the ~~office of the commissioner of~~  
4 railroads division of hearings and appeals in the department of administration  
5 setting forth the facts. The ~~office~~ division of hearings and appeals shall investigate  
6 and determine the matter in controversy in accordance with ch. 195, and any order  
7 it makes in such proceeding has the same effect as an order in any other proceeding  
8 properly brought under ch. 195.

9           \*~~1712/5.30~~\* SECTION 1742. 91.19 (6s) (a) (intro.) of the statutes is amended  
10 to read:

11           91.19 (6s) (a) (intro.) The department may release from a farmland  
12 preservation agreement any land acquired or to be acquired by ~~a local unit of~~  
13 government the governing body of a municipality, as defined in s. ~~106.215 (1) (e)~~  
14 281.59 (1) (c), for public improvements or structures, including highway  
15 improvements, if all of the following occur:

16           \*~~1111/4.8~~\* SECTION 1743. 93.07 (1) of the statutes is amended to read:

17           93.07 (1) REGULATIONS. To make and enforce such regulations, not inconsistent  
18 with law, as it may deem necessary for the exercise and discharge of all of the powers  
19 and duties of the department, and to adopt such measures and make such  
20 regulations as are necessary and proper for the ~~enforcement by the state of~~  
21 department to carry out its duties and powers under chs. 93 to 100, which regulations  
22 shall have the force of law.

23           \*~~1111/4.9~~\* SECTION 1744. 93.07 (23) of the statutes is created to read:



1           93.07 (23) CONSUMER PROTECTION ADMINISTRATION. To administer ss. 100.01 to  
2           100.14, 100.183 to 100.19, 100.201, 100.202, 100.206, 100.21 to 100.24, 100.265,  
3           100.27, 100.285 to 100.30, 100.33 to 100.36, 100.45, 100.47, 100.48, and 100.51.

4           \*-1111/4.10\* SECTION 1745. 93.07 (24) of the statutes is amended to read:

5           93.07 (24) ENFORCEMENT OF LAWS. To enforce or assist in the enforcement of chs.  
6           88 and 93 to 99, those laws under ch. 100 administered by the department, and all  
7           other laws entrusted to its administration, and especially:

8           (a) To enforce the laws administered by the department regarding the  
9           production, manufacture and sale, offering or exposing for sale or having in  
10          possession with intent to sell, of any dairy, food or drug product.

11          (b) To enforce the laws administered by the department regarding the  
12          adulteration or misbranding of any articles of food, drink, condiment or drug.

13          (c) To inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article  
14          of food, drink, condiment or drug made or offered for sale within this state which it  
15          may suspect or have reason to believe, under the laws administered by the  
16          department, to be impure, unhealthful, misbranded, adulterated or counterfeit, or  
17          in any way unlawful.

18          (d) To prosecute or cause to be prosecuted, under the laws administered by the  
19          department, any person engaged in the manufacture or sale, offering or exposing for  
20          sale or having in possession with intent to sell, of any adulterated dairy product or  
21          of any adulterated, misbranded, counterfeit, or otherwise unlawful article or articles  
22          of food, drink, condiment or drug.

23          \*-1111/4.11\* SECTION 1746. 93.18 (3) of the statutes is amended to read:

24          93.18 (3) The department of justice, after acting pursuant to s. 100.37 or 100.41  
25          to 100.43 to order the sale or distribution of any substance, article, furnishing, fabric,

## SECTION 1746

1 product or related material ceased, shall give written notice of its finding to the  
2 manufacturer, seller or other person responsible for placing the item in the channels  
3 of trade in this state. After such notice no person may sell, remove or otherwise  
4 dispose of such item except as directed by the department of justice. Any person  
5 affected by such notice may demand a prompt hearing to determine the validity of  
6 the department's findings of the department of justice. The hearing, if requested,  
7 shall be held as expeditiously as possible but not later than 30 days after notice. A  
8 request for hearing does not operate to stay enforcement of the order during the  
9 pendency of the hearing. The person petitioning for a hearing shall be entitled to the  
10 same rights specified under sub. (2).

11 \*~~1111/4.12~~\* SECTION 1747. 93.18 (7) of the statutes is created to read:

12 93.18 (7) The department of justice shall follow the procedures under subs. (1),  
13 (2), (4), (5), and (6) in enforcing the provisions of ch. 100 that are administered by the  
14 department of justice.

15 \*~~1111/4.13~~\* SECTION 1748. 93.20 (1) of the statutes is amended to read:

16 93.20 (1) DEFINITION. In this section, "action" means an action that is  
17 commenced in court by, or on behalf of, the department of agriculture, trade and  
18 consumer protection to enforce chs. 88, 91 to 100 or 126 or an action that is  
19 commenced in court by the department of justice to enforce ch. 100.

20 \*~~1824/6.22~~\* SECTION 1749. 93.22 (1) of the statutes is repealed.

21 \*~~1824/6.23~~\* SECTION 1750. 93.22 (2) of the statutes is amended to read:

22 93.22 (2) The department may, with the approval of the governor, ~~appoint~~  
23 special and the advice and consent of the attorney general, retain counsel to  
24 ~~prosecute or assist in the prosecution of any case arising under chs. 88 and 93 to 100~~

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1 ~~a law administered by the department.~~ The cost of such special counsel shall be  
2 ~~charged to the appropriation for the department.~~

3 \*~~0529/4.161~~\* SECTION 1751. 93.31 of the statutes is amended to read:

4 **93.31 Livestock breeders association.** The secretary of the Wisconsin  
5 livestock breeders association shall on and after July 1 of each year make a report  
6 to the department, signed by the president, treasurer, and secretary of the  
7 association, setting forth in detail the receipts and disbursements of the association  
8 for the preceding fiscal year in such form and detail together with such other  
9 information as the department may require. On receipt of such reports, if the  
10 department is satisfied that the business of the association has been efficiently  
11 conducted during the preceding fiscal year and in the interest of and for the  
12 promotion of the special agricultural interests of the state and for the purpose for  
13 which the association was organized and if the final statement shows that all the  
14 receipts together with the state aid have been accounted for and disbursed for the  
15 proper and necessary purposes of the association, and in accordance with the laws  
16 of the state, then the department shall file a certificate with the ~~department~~  
17 secretary of administration and ~~it shall draw its warrant and the state treasurer~~ he  
18 or she shall pay to the treasurer of the association the amount of the appropriations  
19 made available for the association by s. 20.115 (4) (a) for the conduct of junior  
20 livestock shows and other livestock educational programs. The association may  
21 upon application to the state purchasing agent, upon such terms as he or she may  
22 require, obtain printing for the association under the state contract.

23 \*~~0310/2.4~~\* SECTION 1752. 93.55 (2) of the statutes is amended to read:

24 93.55 (2) COLLECTION GRANTS. The department may award a grant to a county  
25 for a chemical and container collection program. A grant under this subsection shall

## SECTION 1752

1 fund all or a part of the cost of a program. Costs eligible for funding include the cost  
2 of establishing a collection site for chemicals and chemical containers, the cost of  
3 transporting chemical containers to a dealer or distributor for refill and reuse or to  
4 a hazardous waste facility, as defined in s. 291.01 (8), and costs associated with the  
5 proper use and handling and disposal or recycling of chemicals and chemical  
6 containers. Grants shall be paid from the appropriation under s. 20.115 (7) ~~(v)~~ (va).

7 \*~~0158/1.1~~\* SECTION 1753. 93.70 of the statutes is renumbered 93.70 (1).

8 \*~~0158/1.2~~\* SECTION 1754. 93.70 (2) of the statutes is created to read:

9 93.70 (2) The department may not make a payment under sub. (1) to a person  
10 whose name appears on the statewide support lien docket under s. 49.854 (2) (b),  
11 unless the person provides to the department a payment agreement that has been  
12 approved by the county child support agency under s. 59.53 (5) and that is consistent  
13 with rules promulgated under s. 49.858 (2) (a).

14 \*~~0310/2.5~~\* SECTION 1755. 94.64 (4) (a) 1. of the statutes is amended to read:

15 94.64 (4) (a) 1. A basic fee of ~~23~~ 30 cents per ton for fertilizer sold or distributed  
16 ~~beginning on October 29, 1999, and ending on June 30, 2001 before July 1, 2003,~~ and  
17 ~~30~~ 45 cents per ton for fertilizer sold or distributed after June 30, ~~2001~~ 2003, with  
18 a minimum fee of \$25.

19 \*~~0310/2.6~~\* SECTION 1756. 94.64 (4) (a) 5. of the statutes is amended to read:

20 94.64 (4) (a) 5. An agricultural chemical cleanup surcharge of ~~38~~ 88 cents per  
21 ton on all fertilizer that the person sells or distributes in this state ~~after June 30,~~  
22 ~~1999,~~ unless the department establishes a lower surcharge under s. 94.73 (15).

23 \*~~0310/2.7~~\* SECTION 1757. 94.681 (1) (cm) of the statutes is created to read:

24 94.681 (1) (cm) "Payment period" means the 12 months ending on September  
25 30 of the calendar year for which a license is sought under s. 94.68.

1           \*~~0310/2.8~~\* SECTION 1758. 94.681 (2) of the statutes is repealed and recreated  
2 to read:

3           94.681 (2) ANNUAL LICENSE FEE. An applicant for a license under s. 94.68 shall  
4 pay an annual license fee for each pesticide product that the applicant sells or  
5 distributes for use in this state. The amount of the fee is based on sales of pesticide  
6 products during the payment period. An applicant shall pay an estimated fee before  
7 the start of each license year as provided in sub. (3s) (a) and shall make a fee  
8 adjustment payment before the end of the license year if required under sub. (3s) (b).  
9 Except as provided in sub. (5) or (6), the fee for each pesticide product is as follows:

10           (a) For each household pesticide product:

11           1. If the applicant sells less than \$25,000 of the product during the payment  
12 period for use in this state, \$265.

13           2. If the applicant sells at least \$25,000 but less than \$75,000 of the product  
14 during the payment period for use in this state, \$750.

15           3. If the applicant sells at least \$75,000 of the product during the payment  
16 period for use in this state, \$1,500.

17           (b) For each industrial pesticide product:

18           1. If the applicant sells less than \$25,000 of the product during the payment  
19 period for use in this state, \$315.

20           2. If the applicant sells at least \$25,000 but less than \$75,000 of the product  
21 during the payment period for use in this state, \$860.

22           3. If the applicant sells at least \$75,000 of that product during the payment  
23 period for use in this state, \$3,060.

24           (c) For each nonhousehold pesticide product:

1           1. If the applicant sells less than \$25,000 of that product during the payment  
2 period for use in this state, \$320.

3           2. If the applicant sells at least \$25,000 but less than \$75,000 of the product  
4 during the payment period for use in this state, \$890.

5           3. If the applicant sells at least \$75,000 of the product during the payment  
6 period for use in this state, \$3,060 plus 0.2% of the gross revenues from sales of the  
7 product during the payment period for use in this state.

8           \*~~0310/2.9~~\* SECTION 1759. 94.681 (3) of the statutes is amended to read:

9           94.681 (3) NONHOUSEHOLD PESTICIDES; CLEANUP SURCHARGE. ~~Except for the~~  
10 license years that begin on January 1, 1999, and January 1, 2000, an An applicant  
11 for a license under s. 94.68 shall pay an agricultural chemical cleanup surcharge for  
12 each nonhousehold pesticide product that the applicant sells or distributes for use  
13 in this state. The amount of the surcharge is based on sales of nonhousehold  
14 pesticide products during the payment period. An applicant shall pay an estimated  
15 surcharge before the start of each license year as provided in sub. (3s) (a) and shall  
16 make a surcharge adjustment payment before the end of the license year if required  
17 by sub. (3s) (b). Except as provided in sub. (6) or under s. 94.73 (15), the amount of  
18 the surcharge is as follows:

19           (a) If the applicant ~~sold~~ sells less than \$25,000 of the product during the  
20 preceding year payment period for use in this state, \$5.

21           (b) If the applicant ~~sold~~ sells at least \$25,000 but less than \$75,000 of that  
22 product during the preceding year payment period for use in this state, \$170.

23           (c) If the applicant ~~sold~~ sells at least \$75,000 of that product during the  
24 preceding year payment period for use in this state, an amount equal to 1.1% of gross

1 revenues from sales of the product during the ~~preceeding year~~ payment period for use  
2 in this state.

3 **\*-0310/2.10\* SECTION 1760.** 94.681 (3m) of the statutes is amended to read:

4 94.681 (3m) WOOD PRESERVATIVES; CLEANUP SURCHARGE. An applicant for a  
5 license under s. 94.68 shall pay an environmental cleanup surcharge for each  
6 pesticide product that is not a household pesticide and is solely labeled for use on  
7 wood and contains pentachlorophenol or coal tar creosote that the applicant sells or  
8 distributes in this state. The amount of the surcharge is based on sales of pesticide  
9 products that are not household pesticides and are solely labeled for use on wood and  
10 contain pentachlorophenol or coal tar creosote during the payment period. An  
11 applicant shall pay an estimated surcharge before the start of each license year as  
12 provided in sub. (3s) (a) and shall make a surcharge adjustment payment before the  
13 end of the license year if required by sub. (3s) (b). Except as provided in sub. (6), the  
14 amount of the surcharge is as follows:

15 (a) If the applicant ~~sold~~ sells less than \$25,000 of the product during the  
16 ~~preceeding year~~ payment period for use in this state, \$5.

17 (b) If the applicant ~~sold~~ sells at least \$25,000 but less than \$75,000 of that  
18 product during the ~~preceeding year~~ payment period for use in this state, \$170.

19 (c) If the applicant ~~sold~~ sells at least \$75,000 of that product during the  
20 ~~preceeding year~~ payment period for use in this state, an amount equal to 1.1% of gross  
21 revenues from sales of the product during the ~~preceeding year~~ payment period for use  
22 in this state.

23 **\*-0310/2.11\* SECTION 1761.** 94.681 (3s) of the statutes is created to read:

24 94.681 (3s) PAYMENT OF FEES AND SURCHARGES. (a) Before the start of a license  
25 year, an applicant shall estimate the gross revenues that the applicant will receive

## SECTION 1761

1 from sales of each pesticide product during the payment period that ends during the  
2 year for which a license is sought under s. 94.68 and shall pay the amounts under  
3 subs. (2), (3), and (3m) based on that estimate. At least 15 days before beginning to  
4 sell a new pesticide product in this state, a licensee shall estimate the gross revenues  
5 that the applicant will receive from sales of that pesticide product during the  
6 payment period in which the licensee begins to sell the pesticide product and shall  
7 pay the amounts under subs. (2), (3), and (3m) based on that estimate.

8 (b) Before the end of a license year, a licensee shall report to the department  
9 the gross revenues that the licensee received from sales of each pesticide product  
10 during the payment period that ended during the license year, as required under s.  
11 94.68 (2) (a) 2., and shall reconcile the estimated payment made under par. (a) with  
12 the amounts actually due under subs. (2), (3), and (3m) as follows:

13 1. If the amount due based on actual sales is greater than the amount paid  
14 based on estimated sales, the licensee shall pay the additional amount due.

15 2. If the amount due based on actual sales is less than the amount paid based  
16 on estimated sales, the licensee may request the department to reimburse the  
17 licensee for the amount of the overpayment.

18 3. If the amount due based on actual sales equals the amount paid based on  
19 estimated sales, no action is required.

20 (c) 1. Except as provided in subd. 2., if a licensee's total payment due under par.  
21 (b) is more than 20% of the total amount paid under par. (a), the licensee shall pay  
22 a penalty equal to 20% of the total amount due under par. (b). The penalty under this  
23 subdivision is in addition to any late filing fee under s. 93.21 (5).

24 2. Subdivision 1. does not apply to a licensee if the licensee's payments under  
25 par. (a) are based on estimates of gross revenues from sales for each pesticide product



1 that equal at least 90% of the licensee's gross revenues from sales of the pesticide  
2 product during the preceding year.

3 \*~~0310/2.12~~\* SECTION 1762. 94.72 (6) (a) 1. of the statutes is repealed.

4 \*~~0310/2.13~~\* SECTION 1763. 94.72 (6) (a) 2. of the statutes is amended to read:

5 94.72 (6) (a) 2. For commercial feeds distributed in this state on or after ~~before~~  
6 January 1, 2002 2004, a feed inspection fee of 23 cents per ton.

7 \*~~0310/2.14~~\* SECTION 1764. 94.72 (6) (a) 2m. of the statutes is created to read:

8 94.72 (6) (a) 2m. For commercial feeds distributed in this state after December  
9 31, 2003, a feed inspection fee of 30 cents per ton.

10 \*~~0310/2.15~~\* SECTION 1765. 94.73 (6) (b) of the statutes is amended to read:

11 94.73 (6) (b) Except as provided in pars. (c) and (e), the department shall  
12 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action  
13 costs incurred for each discharge site that are greater than \$3,000 and less than  
14 \$400,000.

15 \*~~0310/2.16~~\* SECTION 1766. 94.73 (6) (c) (intro.) of the statutes is amended to  
16 read:

17 94.73 (6) (c) (intro.) Except as provided in par. (e), the department shall  
18 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action  
19 costs incurred for each discharge site that are greater than \$7,500 and less than  
20 \$400,000 if any of the following applies:

21 \*~~0310/2.17~~\* SECTION 1767. 94.73 (15) (a) of the statutes is amended to read:

22 94.73 (15) (a) The department may, by rule, reduce any of the surcharges in ss.  
23 94.64 (3r) (b) and (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703 (3) (a) 2., and 94.704  
24 (3) (a) 2. below the amounts specified in those provisions. The department shall  
25 adjust surcharge amounts as necessary to maintain a balance in the agricultural

**SECTION 1767**

1 chemical cleanup fund at the end of each fiscal year of at least \$2,000,000 but not  
2 more than \$5,000,000, but may not increase a surcharge amount over the amount  
3 specified in s. 94.64 (3r) (b) or (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703 (3) (a) 2.,  
4 or 94.704 (3) (a) 2.

5 **\*-1506/2.1\* SECTION 1768.** 97.24 (4) (a) of the statutes is amended to read:

6 97.24 (4) (a) Regulation of the production, processing and distribution of milk  
7 and fluid milk products under minimum sanitary requirements which are uniform  
8 throughout this state and the United States is essential for the protection of  
9 consumers and the economic well-being of the dairy industry, and is therefore a  
10 matter of statewide concern; however, nothing in this section shall impair or abridge  
11 the power of any municipality or county to regulate milk or fluid milk products under  
12 sanitary requirements and standards which are in reasonable accord with those  
13 established under this section or the power to impose reasonable license permit and  
14 inspection fees which combined shall not exceed the cost of necessary inspection. A  
15 municipality or county may not impose any fee for its inspection of milk producers,  
16 dairy plant facilities or dairy products which are under the inspection supervision  
17 of another governmental unit within or without the state with a valid certification  
18 rating made or approved by the department of health and family services. No  
19 governmental unit may impose or collect a fee directly from the producer. A license  
20 or permit fee not to exceed \$25 annually may be imposed on milk distributors  
21 licensed under s. 97.22 and on dairy plants under the inspection supervision of  
22 another governmental unit which are engaged in the distribution of milk within a  
23 municipality or county.

24 **\*-1506/2.2\* SECTION 1769.** 97.24 (4) (b) of the statutes is amended to read:

1           97.24 (4) (b) No sanitary requirement or standard established under this  
2 section or contained in any ordinance may prohibit the sale of milk or fluid milk  
3 products which are produced and processed under laws or rules of any governmental  
4 unit, within or without this state, which are substantially equivalent to the  
5 requirements of the rules promulgated under this section, and which are enforced  
6 with equal effectiveness, as determined by a milk sanitation rating made or  
7 approved by the department of health and family services, under rules promulgated  
8 under this section.

9           \*~~-1111/4.14~~\* SECTION 1770. 100.07 (6) of the statutes is amended to read:

10           100.07 (6) Action Upon request of the department of agriculture, trade, and  
11 rural resources, an action to enjoin violation of this section may be commenced and  
12 prosecuted by the department of justice in the name of the state in any court having  
13 equity jurisdiction.

14           \*~~-1111/4.15~~\* SECTION 1771. 100.171 (7) (b) of the statutes, as affected by 2001  
15 Wisconsin Act 109, section 263, is amended to read:

16           100.171 (7) (b) Whoever intentionally violates this section is guilty of a Class  
17 I felony. A person intentionally violates this section if the violation occurs after the  
18 department of justice or a district attorney has notified the person by certified mail  
19 that the person is in violation of this section.

20           \*~~-1111/4.16~~\* SECTION 1772. 100.171 (8) (intro.) of the statutes is amended to  
21 read:

22           100.171 (8) ENFORCEMENT. (intro.) The department of justice shall investigate  
23 violations of this section. The department of justice or any district attorney may on  
24 behalf of the state:

1           \*–1111/4.17\* SECTION 1773. 100.173 (4) (intro.) of the statutes is amended to  
2 read:

3           100.173 (4) (intro.) The department of justice shall investigate violations of this  
4 section. The department of justice, or any district attorney upon informing the  
5 department of justice, may, on behalf of the state, do any of the following:

6           \*–1111/4.18\* SECTION 1774. 100.173 (4) (a) of the statutes is amended to read:

7           100.173 (4) (a) Bring an action for temporary or permanent injunctive relief in  
8 any court of competent jurisdiction for any violation of this section. The relief sought  
9 by the department of justice or district attorney may include the payment by a  
10 promoter into an escrow account of an amount estimated to be sufficient to pay for  
11 ticket refunds. The court may, upon entry of final judgment, award restitution when  
12 appropriate to any person suffering loss because of violations of this section if proof  
13 of such loss is submitted to the satisfaction of the court.

14           \*–1111/4.19\* SECTION 1775. 100.174 (5) (intro.) of the statutes is amended to  
15 read:

16           100.174 (5) (intro.) The department of justice or any district attorney may on  
17 behalf of the state:

18           \*–1111/4.20\* SECTION 1776. 100.174 (6) of the statutes is amended to read:

19           100.174 (6) The department of justice shall investigate violations of and  
20 enforce this section.

21           \*–1111/4.21\* SECTION 1777. 100.175 (5) (a) (intro.) of the statutes is amended  
22 to read:

23           100.175 (5) (a) (intro.) No person may collect or by contract require a buyer to  
24 pay more than \$100 for dating services before the buyer receives or has the  
25 opportunity to receive those services unless the person selling dating services

1 establishes proof of financial responsibility by maintaining any of the following  
2 commitments approved by the department of justice in an amount not less than  
3 \$25,000:

4 **\*-1111/4.22\* SECTION 1778.** 100.175 (5) (b) of the statutes is amended to read:

5 100.175 (5) (b) The commitment described in par. (a) shall be established in  
6 favor of or made payable to the state, for the benefit of any buyer who does not receive  
7 a refund under the contractual provision described in sub. (3). The person selling  
8 dating services shall file with the department of justice any agreement, instrument  
9 or other document necessary to enforce the commitment against the person selling  
10 dating services or any relevant 3rd party, or both.

11 **\*-1111/4.23\* SECTION 1779.** 100.175 (7) (a) (intro.) of the statutes is amended  
12 to read:

13 100.175 (7) (a) (intro.) The department of justice or any district attorney may  
14 on behalf of the state:

15 **\*-1111/4.24\* SECTION 1780.** 100.175 (7) (b) of the statutes is amended to read:

16 100.175 (7) (b) The department of justice may bring an action in circuit court  
17 to recover on a financial commitment maintained under sub. (5) against a person  
18 selling dating services or relevant 3rd party, or both, on behalf of any buyer who does  
19 not receive a refund due under the contractual provision described in sub. (3).

20 **\*-1111/4.25\* SECTION 1781.** 100.177 (1) (bm) of the statutes is created to read:

21 100.177 (1) (bm) Notwithstanding s. 93.01 (3), “department” means the  
22 department of justice.

23 **\*-1111/4.26\* SECTION 1782.** 100.178 (1) (b) of the statutes is amended to read:

24 100.178 (1) (b) Notwithstanding s. 93.01 (3), “department” means the  
25 department of ~~health and family services~~ justice.

## SECTION 1783

1           \*~~-1111/4.27~~\* SECTION 1783. 100.18 (11) (a) of the statutes is amended to read:

2           100.18 (11) (a) The department of ~~agriculture, trade and consumer protection~~  
3           justice shall enforce this section. Actions to enjoin violation of this section or any  
4           regulations thereunder may be commenced and prosecuted by the department of of  
5           justice in the name of the state in any court having equity jurisdiction. This remedy  
6           is not exclusive.

7           \*~~-1111/4.28~~\* SECTION 1784. 100.18 (11) (b) 3. of the statutes is amended to  
8           read:

9           100.18 (11) (b) 3. No action may be commenced under this section more than  
10          3 years after the occurrence of the unlawful act or practice which is the subject of the  
11          action. No injunction may be issued under this section which would conflict with  
12          general or special orders of the department of of justice or any statute, rule or  
13          regulation of the United States or of this state.

14          \*~~-1111/4.29~~\* SECTION 1785. 100.18 (11) (c) 1. of the statutes is amended to  
15          read:

16          100.18 (11) (c) 1. Whenever the department of justice has reason to believe that  
17          a person is in possession, custody or control of any information or documentary  
18          material relevant to the enforcement of this section it may require that person to  
19          submit a statement or report, under oath or otherwise, as to the facts and  
20          circumstances concerning any activity in the course of trade or commerce; examine  
21          under oath that person with respect to any activity in the course of trade or  
22          commerce; and execute in writing and cause to be served upon such person a civil  
23          investigative demand requiring the person to produce any relevant documentary  
24          material for inspection and copying.

1           \***-1111/4.30\*** SECTION 1786. 100.18 (11) (c) 2. of the statutes is amended to  
2 read:

3           100.18 (11) (c) 2. The department of justice, in exercising powers under this  
4 subsection, may issue subpoenas, administer oaths and conduct hearings to aid in  
5 any investigation.

6           \***-1111/4.31\*** SECTION 1787. 100.18 (11) (c) 3. of the statutes is amended to  
7 read:

8           100.18 (11) (c) 3. Service of any notice by the department of justice requiring  
9 a person to file a statement or report, or service of a subpoena upon a person, or  
10 service of a civil investigative demand shall be made in compliance with the rules of  
11 civil procedure of this state.

12           \***-1111/4.32\*** SECTION 1788. 100.18 (11) (c) 4. of the statutes is amended to  
13 read:

14           100.18 (11) (c) 4. If a person fails to file any statement or report, or fails to  
15 comply with any civil investigative demand, or fails to obey any subpoena issued by  
16 the department of justice, such person may be coerced as provided in s. 885.12, except  
17 that no person shall be required to furnish any testimony or evidence under this  
18 subsection which might tend to incriminate the person.

19           \***-1111/4.33\*** SECTION 1789. 100.18 (11) (d) of the statutes is amended to read:

20           100.18 (11) (d) ~~The department or the department of justice, after consulting~~  
21 ~~with the department,~~ or any district attorney, upon informing the department of  
22 justice, may commence an action in circuit court in the name of the state to restrain  
23 by temporary or permanent injunction any violation of this section. The court may  
24 in its discretion, prior to entry of final judgment, make such orders or judgments as  
25 may be necessary to restore to any person any pecuniary loss suffered because of the

## SECTION 1789

1 acts or practices involved in the action, provided proof thereof is submitted to the  
2 satisfaction of the court. ~~The department and the department of justice may~~  
3 subpoena persons and require the production of books and other documents, ~~and the~~  
4 ~~department of justice may request the department to exercise its authority under~~  
5 ~~par. (e) to aid in the investigation of alleged violations of this section.~~

6 **\*-1111/4.34\* SECTION 1790.** 100.18 (11) (e) of the statutes is amended to read:

7 100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this  
8 section, ~~the department or the department of justice may accept a written assurance~~  
9 of discontinuance of any act or practice alleged to be a violation of this section from  
10 the person who has engaged in such act or practice. The acceptance of such assurance  
11 by ~~either the department or the department of justice shall be deemed acceptance by~~  
12 ~~the other state officials enumerated in par. (d)~~ any district attorney if the terms of  
13 the assurance so provide. An assurance entered into pursuant to this section shall  
14 not be considered evidence of a violation of this section, provided that violation of  
15 such an assurance shall be treated as a violation of this section, and shall be  
16 subjected to all of the penalties and remedies provided therefor.

17 **\*-1111/4.35\* SECTION 1791.** 100.182 (5) (a) of the statutes is amended to read:

18 100.182 (5) (a) Any district attorney, after informing the department of justice,  
19 or the department of justice may seek a temporary or permanent injunction in circuit  
20 court to restrain any violation of this section. Prior to entering a final judgment the  
21 court may award damages to any person suffering monetary loss because of a  
22 violation. The department of justice may subpoena any person or require the  
23 production of any document to aid in investigating alleged violations of this section.

24 **\*-1111/4.36\* SECTION 1792.** 100.182 (5) (b) of the statutes is amended to read:



1           100.182 (5) (b) In lieu of instituting or continuing an action under this  
2 subsection, the department of justice may accept a written assurance from a violator  
3 of this section that the violation has ceased. If the terms of the assurance so provide,  
4 its acceptance by the department of justice prevents all district attorneys from  
5 prosecuting the violation. An assurance is not evidence of a violation of this section  
6 but violation of an assurance is subject to the penalties and remedies of violating this  
7 section.

8           \*~~1111/4.37~~\* SECTION 1793. 100.20 (2) (a) of the statutes is amended to read:

9           100.20 (2) (a) The department of justice, after public hearing, may issue  
10 general orders forbidding methods of competition in business or trade practices in  
11 business which are determined by the department of justice to be unfair. The  
12 department of justice, after public hearing, may issue general orders prescribing  
13 methods of competition in business or trade practices in business which are  
14 determined by the department of justice to be fair.

15           \*~~1111/4.38~~\* SECTION 1794. 100.20 (2) (b) of the statutes is amended to read:

16           100.20 (2) (b) Notwithstanding par. (a), the department of justice may not issue  
17 any order or promulgate any rule that regulates the provision of water or sewer  
18 service by a manufactured home park operator, as defined in s. 101.91 (8), or  
19 manufactured home park contractor, as defined in s. 101.91 (6m), or enforce any rule  
20 to the extent that the rule regulates the provision of such water or sewer service.

21           \*~~1111/4.39~~\* SECTION 1795. 100.20 (3) of the statutes is amended to read:

22           100.20 (3) The department of justice, after public hearing, may issue a special  
23 order against any person, enjoining such person from employing any method of  
24 competition in business or trade practice in business which is determined by the  
25 department of justice to be unfair or from providing service in violation of sub. (1t).

1 The department of justice, after public hearing, may issue a special order against any  
2 person, requiring such person to employ the method of competition in business or  
3 trade practice in business which is determined by the department of justice to be fair.

4 \*~~-1111/4.40~~\* SECTION 1796. 100.20 (4) of the statutes is amended to read:

5 100.20 (4) ~~The~~ If the department of justice may ~~file a written complaint with~~  
6 ~~the department alleging that the~~ has reason to believe that a person named is  
7 employing unfair methods of competition in business or unfair trade practices in  
8 business or both. ~~Whenever such a complaint is filed,~~ it shall be the duty of the  
9 department of justice to proceed, after proper notice and in accordance with its rules,  
10 to the hearing and adjudication of the ~~matters alleged,~~ and a representative of the  
11 department ~~of justice designated by the attorney general may appear before the~~  
12 department in such proceedings. ~~The department of justice shall be entitled to~~  
13 ~~judicial review of the decisions and orders of the department under ch. 227 matter.~~

14 \*~~-1111/4.41~~\* SECTION 1797. 100.20 (6) of the statutes is amended to read:

15 100.20 (6) The department of justice may commence an action in circuit court  
16 in the name of the state to restrain by temporary or permanent injunction the  
17 violation of any order issued under this section. The court may in its discretion, prior  
18 to entry of final judgment, make such orders or judgments as may be necessary to  
19 restore to any person any pecuniary loss suffered because of the acts or practices  
20 involved in the action, provided proof thereof is submitted to the satisfaction of the  
21 court. The department of justice may ~~use its authority in ss. 93.14 and 93.15 to~~  
22 investigate violations of any order issued under this section.

23 \*~~-1111/4.42~~\* SECTION 1798. 100.201 (6) (d) of the statutes is amended to read:

24 100.201 (6) (d) The failure to pay fees under this subsection within the time  
25 provided under par. (c) is a violation of this section. The department of justice may

1 also commence an action to recover the amount of any overdue fees plus interest at  
2 the rate of 2% per month for each month that the fees are delinquent.

3 **\*-1111/4.43\* SECTION 1799.** 100.201 (8m) (intro.) of the statutes is amended  
4 to read:

5 100.201 (8m) JURISDICTION. (intro.) This section shall apply to transactions,  
6 acts or omissions which take place in whole or in part outside this state. In any action  
7 or administrative proceeding the department of justice has jurisdiction of the person  
8 served under s. 801.11 when any act or omission outside this state by the defendant  
9 or respondent results in local injury or may have the effect of injuring competition  
10 or a competitor in this state or unfairly diverts trade or business from a competitor,  
11 if at the time:

12 **\*-1111/4.44\* SECTION 1800.** 100.201 (9) (b) of the statutes is amended to read:

13 100.201 (9) (b) The department of agriculture, trade, and rural resources, after  
14 public hearing held under s. 93.18, may issue a special order against any person  
15 requiring such person to cease and desist from acts, practices or omissions  
16 determined by the department of agriculture, trade, and rural resources to violate  
17 this section. Such orders shall be subject to judicial review under ch. 227. Any  
18 violation of a special order issued hereunder shall be punishable as a contempt under  
19 ch. 785 in the manner provided for disobedience of a lawful order of a court, upon the  
20 filing of an affidavit by the department of justice of the commission of such violation  
21 in any court of record in the county where the violation occurred.

22 **\*-1111/4.45\* SECTION 1801.** 100.201 (9) (c) of the statutes is amended to read:

23 100.201 (9) (c) The department of justice, in addition to or in lieu of any other  
24 remedies herein provided, may apply to a circuit court for a temporary or permanent  
25 injunction to prevent, restrain or enjoin any person from violating this section or any

## SECTION 1801

1 special order of the department of agriculture, trade, and rural resources issued  
2 hereunder under this section, without being compelled to allege or prove that an  
3 adequate remedy at law does not exist.

4 \***-1111/4.46\*** SECTION 1802. 100.205 (7) of the statutes is amended to read:

5 100.205 (7) The department of justice, or any district attorney on informing the  
6 department of justice, may commence an action in circuit court in the name of the  
7 state to restrain by temporary or permanent injunction any violation of this section.  
8 The court may, before entry of final judgment and after satisfactory proof, make  
9 orders or judgments necessary to restore to any person any pecuniary loss suffered  
10 because of a violation of this section. The department of justice may conduct  
11 hearings, administer oaths, issue subpoenas and take testimony to aid in its  
12 investigation of violations of this section.

13 \***-1111/4.47\*** SECTION 1803. 100.205 (8) of the statutes is amended to read:

14 100.205 (8) The department of justice or any district attorney may commence  
15 an action in the name of the state to recover a forfeiture to the state of not more than  
16 \$10,000 for each violation of this section.

17 \***-1111/4.48\*** SECTION 1804. 100.207 (1) of the statutes is renumbered 100.207  
18 (1) (intro.) and amended to read:

19 100.207 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,  
20 “telecommunications;

21 (b) “Telecommunications service” has the meaning given in s. 196.01 (9m).

22 \***-1111/4.49\*** SECTION 1805. 100.207 (1) (a) of the statutes is created to read:

23 100.207 (1) (a) Notwithstanding s. 93.01 (3), “department” means the  
24 department of justice.

1           \*~~-1111/4.50~~\* SECTION 1806. 100.207 (6) (b) 1. of the statutes is amended to  
2 read:

3           100.207 (6) (b) 1. The department of justice, ~~after consulting with the~~  
4 ~~department of agriculture, trade and consumer protection,~~ or any district attorney  
5 upon informing the department of ~~agriculture, trade and consumer protection,~~ may  
6 commence an action in circuit court in the name of the state to restrain by temporary  
7 or permanent injunction any violation of this section. Injunctive relief may include  
8 an order directing telecommunications providers, as defined in s. 196.01 (8p), to  
9 discontinue telecommunications service provided to a person violating this section  
10 or ch. 196. Before entry of final judgment, the court may make such orders or  
11 judgments as may be necessary to restore to any person any pecuniary loss suffered  
12 because of the acts or practices involved in the action if proof of these acts or practices  
13 is submitted to the satisfaction of the court.

14           \*~~-1111/4.51~~\* SECTION 1807. 100.207 (6) (b) 2. of the statutes is amended to  
15 read:

16           100.207 (6) (b) 2. The department ~~may exercise its authority under ss. 93.14~~  
17 ~~to 93.16 and 100.18 (11) (e) to~~ shall administer this section. The department and the  
18 ~~department of justice~~ may subpoena persons and, require the production of books  
19 and other documents, and ~~the department of justice may request the department of~~  
20 ~~agriculture, trade and consumer protection to exercise its authority to aid in the~~  
21 ~~investigation of~~ investigate alleged violations of this section.

22           \*~~-1111/4.52~~\* SECTION 1808. 100.207 (6) (c) of the statutes is amended to read:

23           100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to  
24 forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this  
25 paragraph shall be enforced by the department of justice, ~~after consulting with the~~

1 ~~department of agriculture, trade and consumer protection,~~ or, upon informing the  
2 department, by the district attorney of the county where the violation occurs.

3 \*~~-1111/4.53~~\* SECTION 1809. 100.207 (6) (em) 1. of the statutes is amended to  
4 read:

5 100.207 (6) (em) 1. Before preparing any proposed rule under this section, the  
6 department shall form an advisory group to suggest recommendations regarding the  
7 content and scope of the proposed rule. The advisory group shall consist of one or  
8 more persons who may be affected by the proposed rule, ~~a representative from the~~  
9 ~~department of justice~~ and a representative from the public service commission.

10 \*~~-1111/4.54~~\* SECTION 1810. 100.207 (6) (em) 2. of the statutes is amended to  
11 read:

12 100.207 (6) (em) 2. The department shall submit the recommendations under  
13 subd. 1., if any, to the legislature as part of the report required under s. 227.19 (2)  
14 ~~and to the board of agriculture, trade and consumer protection.~~

15 \*~~-1111/4.55~~\* SECTION 1811. 100.208 (2) (intro.) of the statutes is amended to  
16 read:

17 100.208 (2) (intro.) The department of justice shall notify the public service  
18 commission if any of the following conditions exists:

19 \*~~-1111/4.56~~\* SECTION 1812. 100.208 (2) (b) of the statutes is amended to read:

20 100.208 (2) (b) The department of justice has issued an order under s. 100.20  
21 (3) prohibiting a telecommunications provider from engaging in an unfair trade  
22 practice or method of competition.

23 \*~~-1111/4.57~~\* SECTION 1813. 100.209 (3) of the statutes is amended to read:

24 100.209 (3) RULES AND LOCAL ORDINANCES ALLOWED. This section does not  
25 prohibit the department of justice from promulgating a rule or from issuing an order

1 consistent with its authority under this chapter that gives a subscriber greater rights  
2 than the rights under sub. (2) or prohibit a city, village or town from enacting an  
3 ordinance that gives a subscriber greater rights than the rights under sub. (2).

4 **\*-1111/4.58\* SECTION 1814.** 100.209 (4) (b) of the statutes is amended to read:

5 100.209 (4) (b) The department of justice and the district attorneys of this state  
6 have concurrent authority to institute civil proceedings under this section.

7 **\*-1111/4.59\* SECTION 1815.** 100.2095 (6) (b) of the statutes is amended to read:

8 100.2095 (6) (b) The department of justice may commence an action in the  
9 name of the state to restrain by temporary or permanent injunction a violation of sub.  
10 (3), (4) or (5). Before entry of final judgment, the court may make any necessary  
11 orders to restore to any person any pecuniary loss suffered by the person because of  
12 the violation.

13 **\*-1111/4.60\* SECTION 1816.** 100.2095 (6) (c) of the statutes is amended to read:

14 100.2095 (6) (c) The department of justice or any district attorney may  
15 commence an action in the name of the state to recover a forfeiture to the state of not  
16 less than \$100 nor more than \$10,000 for each violation of sub. (3), (4) or (5).

17 **\*-1111/4.61\* SECTION 1817.** 100.21 (2) (a) of the statutes is amended to read:

18 100.21 (2) (a) No person may make an energy savings or safety claim without  
19 a reasonable and currently accepted scientific basis for the claim when the claim is  
20 made. Making an energy savings or safety claim without a reasonable and currently  
21 accepted scientific basis is also an unfair method of competition and trade practice  
22 prohibited under s. 100.20.

23 **\*-1111/4.62\* SECTION 1818.** 100.21 (4) (a) (intro.) of the statutes is amended

24 to read:

## SECTION 1818

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 1819.** 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 1820.** 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 1821.** 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 1822.** 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 1823. 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 1824. 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 1825. 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

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

3 **\*-0529/4.164\* SECTION 1826.** 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 1827.** 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 1828.** 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 1829.** 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

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 1830. 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 1831. 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 1832. 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 1833. 100.31 (5) of the statutes is amended to read:

**SECTION 1833**

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 1834. 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 1835. 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 1836. 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 1837. 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 1838. 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 1839. 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 1840. 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 1841. 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 1842. 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 1843. 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 1844. 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 1845. 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 1846. 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 1847. 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 1848.** 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 1849.** 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 1850.** 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

## SECTION 1850

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 1851. 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 1852. 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 1853. 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 1854. 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

## SECTION 1854

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 1855. 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 1856. 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 1857. 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 1858. 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 1859.** 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 **\*-1256/5.76\* SECTION 1860.** 102.07 (17m) of the statutes is amended to read:

14 102.07 (17m) A participant in a trial job under s. 49.147 (3) or a transitional  
15 subsidized private sector job under s. 49.147 (3m) is an employee of any employer  
16 under this chapter for whom the participant is performing service at the time of the  
17 injury.

18 **\*-0529/4.173\* SECTION 1861.** 102.28 (7) (a) of the statutes is amended to read:

19 102.28 (7) (a) If an employer who is currently or was formerly exempted by  
20 written order of the department under sub. (2) is unable to pay an award, judgment  
21 is rendered in accordance with s. 102.20 against that employer, and execution is  
22 levied and returned unsatisfied in whole or in part, payments for the employer's  
23 liability shall be made from the fund established under sub. (8). If a currently or  
24 formerly exempted employer files for bankruptcy and not less than 60 days after that  
25 filing the department has reason to believe that compensation payments due are not

1 being paid, the department in its discretion may make payment for the employer's  
2 liability from the fund established under sub. (8). The ~~state treasurer~~ secretary of  
3 administration shall proceed to recover such payments from the employer or the  
4 employer's receiver or trustee in bankruptcy, and may commence an action or  
5 proceeding or file a claim therefor. The attorney general shall appear on behalf of  
6 the ~~state treasurer~~ secretary of administration in any such action or proceeding. All  
7 moneys recovered in any such action or proceeding shall be paid into the fund  
8 established under sub. (8).

9 \*~~0529/4.174~~\* SECTION 1862. 102.63 of the statutes is amended to read:

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

18 \*~~1824/6.24~~\* SECTION 1863. 102.64 (1) of the statutes is amended to read:

19 ~~102.64 (1) Upon request of the department of administration, a~~ A  
20 representative of the department of justice shall represent the state in cases  
21 involving payment into or out of the state treasury under s. 20.865 (1) (fm), (kr) or  
22 (ur) or 102.29. The department of justice, after giving notice to the department of  
23 administration, may compromise the amount of such payments but such  
24 compromises shall be subject to review by the department of workforce development.  
25 If the spouse of the deceased employee compromises his or her claim for a primary

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1 death benefit, the claim of the children of such employee under s. 102.49 shall be  
2 compromised on the same proportional basis, subject to approval by the department.  
3 If the persons entitled to compensation on the basis of total dependency under s.  
4 102.51 (1) compromise their claim, payments under s. 102.49 (5) (a) shall be  
5 compromised on the same proportional basis.

6 **\*-1824/6.25\* SECTION 1864.** 102.64 (2) of the statutes is amended to read:

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

18 **\*-1824/6.26\* SECTION 1865.** 102.81 (2) of the statutes is amended to read:

19 102.81 (2) The department may retain an insurance carrier or insurance  
20 service organization to process, investigate and pay claims under this section and  
21 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to  
22 do business in this state in an amount that the secretary determines is necessary for  
23 the sound operation of the uninsured employers fund. In cases involving disputed  
24 claims, the department, with the advice and consent of the attorney general, may  
25 retain an attorney to represent the interests of the uninsured employers fund and

1 to make appearances on behalf of the uninsured employers fund in proceedings  
2 under ss. 102.16 to 102.29. Section 20.918 and subch. IV of ch. 16 do not apply to an  
3 attorney hired retained under this subsection. The charges for the services retained  
4 under this subsection shall be paid from the appropriation under s. 20.445 (1) (hp).  
5 The cost of any reinsurance obtained under this subsection shall be paid from the  
6 appropriation under s. 20.445 (1) (sm).

7 **\*-0529/4.175\* SECTION 1866.** 102.85 (4) (c) of the statutes is amended to read:

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

14 **\*-0529/4.176\* SECTION 1867.** 102.85 (4) (d) of the statutes is amended to read:

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

22 **\*-1295/2.24\* SECTION 1868.** 103.10 (12) (a) of the statutes is repealed.

23 **\*-1756/2.1\* SECTION 1869.** 103.10 (12) (bm) of the statutes is created to read:

24 103.10 (12) (bm) If the department initially finds that there is no probable  
25 cause to believe that a violation of sub. (11) (a) or (b) occurred as alleged in the

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1 complaint, the department may dismiss the complaint. The department shall, by a  
2 notice to be served with the findings, notify the parties of the complainant's right to  
3 appeal the dismissal of the complaint by requesting a review of the findings by a  
4 hearing examiner, which review shall be based solely on the department's record of  
5 the complaint. Service of the findings shall be made by certified mail, return receipt  
6 requested. If the hearing examiner determines that no probable cause exists, that  
7 determination is the final determination of the department and may be appealed  
8 under s. 227.52.

9 \*~~1756/2.2~~\* SECTION 1870. 103.10 (13) of the statutes is amended to read:

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

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

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

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



1       \*~~1243/1.33~~\* SECTION 1871. 106.01 (11) of the statutes is repealed.

2       \*~~1264/2.8~~\* SECTION 1872. 106.09 (4) of the statutes is repealed.

3       \*~~1264/2.9~~\* SECTION 1873. 106.09 (5) of the statutes is amended to read:

4       106.09 (5) The department is authorized and directed to cooperate with the  
5 U.S. employment service in the administration of said act ~~and in carrying out all~~  
6 ~~agreements made thereunder~~ its functions.

7       \*~~1264/2.10~~\* SECTION 1874. 106.09 (6) of the statutes is repealed.

8       \*~~1689/3.30~~\* SECTION 1875. 106.12 (title) of the statutes is amended to read:

9       **106.12 (title) Governor's work-based learning board council.**

10       \*~~1689/3.31~~\* SECTION 1876. 106.12 (1) of the statutes is amended to read:

11       106.12 (1) DEFINITION. In this section and s. 106.13, ~~"board"~~ "council" means  
12 the governor's work-based learning board council.

13       \*~~1689/3.32~~\* SECTION 1877. 106.12 (1m) of the statutes is created to read:

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

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

22       (b) Review the provision of services and the allocation of funding and resources  
23 under the programs specified in this subsection and recommend to the governor a  
24 strategic plan for coordinating the provision of those services and for allocating that  
25 funding and those resources, consistent with the laws rules, and regulations

1 governing those programs, so as to best respond to the employment and education  
2 needs identified in par. (a).

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

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

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

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

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

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

22 \*~~1689/3.33~~\* SECTION 1878. 106.12 (2) of the statutes is amended to read:

23 106.12 (2) EMPLOYMENT AND EDUCATION PROGRAM ADMINISTRATION. ~~The board~~  
24 Based on the recommendations of the council, the department shall plan, coordinate,  
25 administer, and implement the youth apprenticeship, school-to-work, and