

1 work-based learning programs under s. 106.13 (1) and such other employment and  
2 education programs as the governor may by executive order assign to the board  
3 department. Notwithstanding any limitations placed on the use of state employment  
4 and education funds under this section or s. 106.13 or under an executive order  
5 assigning an employment and education program to the board department, the  
6 board department may issue a general or special order waiving any of those  
7 limitations on finding that the waiver will promote the coordination of employment  
8 and education services.

9 \*~~1689/3.34~~\* SECTION 1879. 106.12 (3) of the statutes is amended to read:

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

15 \*~~1689/3.35~~\* SECTION 1880. 106.12 (4) of the statutes is amended to read:

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

23 \*~~1689/3.36~~\* SECTION 1881. 106.13 (1) (intro.) of the statutes is amended to  
24 read:

25 106.13 (1) (intro.) The board department shall provide all of the following:

1           \***-1689/3.37\*** SECTION 1882. 106.13 (2) of the statutes is amended to read:

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

7           \***-1689/3.38\*** SECTION 1883. 106.13 (2m) of the statutes is amended to read:

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

14          \***-1689/3.39\*** SECTION 1884. 106.13 (3m) (b) (intro.) of the statutes is amended  
15          to read:

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

1 paragraph may use the grant moneys awarded for any of the following  
2 implementation and coordination activities:

3 **\*-1689/3.40\* SECTION 1885.** 106.13 (3m) (b) 6. of the statutes is amended to  
4 read:

5 106.13 (3m) (b) 6. Any other implementation or coordination activity that the  
6 ~~board~~ department may direct or permit the local partnership to perform.

7 **\*-1689/3.41\* SECTION 1886.** 106.13 (4) (a) 1d. of the statutes is amended to  
8 read:

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

12 **\*-1689/3.42\* SECTION 1887.** 106.13 (4) (b) of the statutes is amended to read:

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

25 **\*-1689/3.43\* SECTION 1888.** 106.13 (4) (c) of the statutes is amended to read:

1           106.13 (4) (c) Notwithstanding par. (b), the board department may award a  
2 training grant under this subsection to an eligible employer that provides less than  
3 180 hours of paid on-the-job training for a youth apprentice during a school year,  
4 as defined in s. 115.001 (13), if the board department determines that it would be  
5 beneficial for the youth apprentice to receive on-the-job training from more than one  
6 eligible employer.

7           \*~~1689/3.44~~\* SECTION 1889. 106.13 (4) (d) of the statutes is amended to read:

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

14           \*~~1689/3.45~~\* SECTION 1890. 106.13 (4m) of the statutes is amended to read:

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

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

4 ~~\*-1689/3.46\*~~ SECTION 1891. 106.13 (5) of the statutes is amended to read:

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

7 ~~\*-1264/2.11\*~~ SECTION 1892. 106.15 (3) (intro.) of the statutes is amended to  
8 read:

9 106.15 (3) GRANTS. (intro.) From the ~~appropriation~~ appropriations under s.  
10 20.445 (1) (bc), (jm), ~~(mb)~~ and ~~(me)~~ and (m), the department shall make grants to  
11 persons providing employment and training activities to dislocated workers  
12 including ~~but not limited to~~ all of the following:

13 ~~\*-1264/2.12\*~~ SECTION 1893. 106.15 (7) of the statutes is amended to read:

14 106.15 (7) FUNDING. From the amounts appropriated under s. 20.445 (1) ~~(ma)~~,  
15 ~~(mb)~~ and ~~(me)~~ (m), all moneys received under 29 USC 2862 to 2864 shall be expended  
16 to fund grants and operations under this section.

17 ~~\*-1264/2.13\*~~ SECTION 1894. 106.17 (2) of the statutes is amended to read:

18 106.17 (2) The collection and distribution of local labor market information  
19 under sub. (1) shall be funded only from the appropriations under s. 20.445 (1) (m),  
20 ~~(ma)~~ and (n).

21 ~~\*-1688/2.6\*~~ SECTION 1895. 106.21 (title) of the statutes is repealed.

22 ~~\*-1688/2.7\*~~ SECTION 1896. 106.21 (1) of the statutes is repealed.

23 ~~\*-1688/2.8\*~~ SECTION 1897. 106.21 (2) of the statutes is repealed.

24 ~~\*-1688/2.9\*~~ SECTION 1898. 106.21 (3) of the statutes is repealed.

25 ~~\*-1688/2.10\*~~ SECTION 1899. 106.21 (4) of the statutes is repealed.

**SECTION 1900**

1           \*-1688/2.11\* **SECTION 1900.** 106.21 (5) of the statutes is repealed.

2           \*-1688/2.12\* **SECTION 1901.** 106.21 (6) of the statutes is repealed.

3           \*-1688/2.13\* **SECTION 1902.** 106.21 (7) of the statutes is repealed.

4           \*-1688/2.14\* **SECTION 1903.** 106.21 (8) of the statutes is repealed.

5           \*-1688/2.15\* **SECTION 1904.** 106.21 (9) (a) of the statutes is repealed.

6           \*-1688/2.16\* **SECTION 1905.** 106.21 (9) (b) of the statutes is repealed.

7           \*-1688/2.17\* **SECTION 1906.** 106.21 (9) (c) of the statutes is repealed.

8           \*-1688/2.18\* **SECTION 1907.** 106.21 (9) (e) of the statutes is repealed.

9           \*-1688/2.19\* **SECTION 1908.** 106.21 (9) (f) of the statutes is repealed.

10          \*-1688/2.20\* **SECTION 1909.** 106.21 (9) (g) 1. of the statutes is repealed.

11          \*-1688/2.21\* **SECTION 1910.** 106.21 (9) (g) 2. of the statutes is renumbered  
12 106.213 and amended to read:

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

19          \*-1688/2.22\* **SECTION 1911.** 106.21 (10) of the statutes is repealed.

20          \*-1688/2.23\* **SECTION 1912.** 106.21 (11) of the statutes is repealed.

21          \*-1688/2.24\* **SECTION 1913.** 106.21 (12) of the statutes is repealed.

22          \*-1688/2.25\* **SECTION 1914.** 106.21 (13) of the statutes is repealed.

23          \*-1688/2.26\* **SECTION 1915.** 106.213 of the statutes, as created by 2003  
24 Wisconsin Act .... (this act), is repealed.

25          \*-1712/5.31\* **SECTION 1916.** 106.215 (title) of the statutes is amended to read:

1           **106.215** (title) ~~Wisconsin conservation corps program~~ **Youth**  
2 **employment projects.**

3           \*~~1712/5.32~~\* **SECTION 1917.** 106.215 (1) (intro.) of the statutes is repealed.

4           \*~~1712/5.33~~\* **SECTION 1918.** 106.215 (1) (a) of the statutes is repealed.

5           \*~~1712/5.34~~\* **SECTION 1919.** 106.215 (1) (b) of the statutes is repealed.

6           \*~~1712/5.35~~\* **SECTION 1920.** 106.215 (1) (c) of the statutes is repealed.

7           \*~~1712/5.36~~\* **SECTION 1921.** 106.215 (1) (cg) of the statutes is repealed.

8           \*~~1712/5.37~~\* **SECTION 1922.** 106.215 (1) (cm) of the statutes is repealed.

9           \*~~1712/5.38~~\* **SECTION 1923.** 106.215 (1) (d) of the statutes is repealed.

10          \*~~1712/5.39~~\* **SECTION 1924.** 106.215 (1) (e) of the statutes is repealed.

11          \*~~1712/5.40~~\* **SECTION 1925.** 106.215 (1) (f) of the statutes is repealed.

12          \*~~1712/5.41~~\* **SECTION 1926.** 106.215 (1) (fm) of the statutes is renumbered  
13 977.01 (2) and amended to read:

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

19          \*~~1712/5.42~~\* **SECTION 1927.** 106.215 (1) (g) of the statutes is repealed.

20          \*~~1712/5.43~~\* **SECTION 1928.** 106.215 (2) of the statutes is amended to read:

21           106.215 (2) **OBJECTIVES.** The ~~board~~ department shall develop guidelines for the  
22 ~~Wisconsin conservation corps program~~ youth employment projects funded under  
23 sub. (1m) designed to promote the all of the following objectives of:

## SECTION 1928

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

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

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

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

14 \*~~1712/5.44~~\* SECTION 1929. 106.215 (2) (e) of the statutes is created to read:  
15 106.215 (2) (e) *Wages.* Providing project participants with a wage that is not  
16 less than the federal minimum wage or the applicable state minimum wage  
17 established under ch. 104, whichever is greater.

18 \*~~1712/5.45~~\* SECTION 1930. 106.215 (3) of the statutes is repealed.

19 \*~~1712/5.46~~\* SECTION 1931. 106.215 (3m) of the statutes is repealed.

20 \*~~1712/5.47~~\* SECTION 1932. 106.215 (4) of the statutes is repealed.

21 \*~~1712/5.48~~\* SECTION 1933. 106.215 (5) of the statutes is repealed.

22 \*~~1712/5.49~~\* SECTION 1934. 106.215 (6) of the statutes is repealed.

23 \*~~1712/5.50~~\* SECTION 1935. 106.215 (7) (title) of the statutes is repealed.

24 \*~~1712/5.51~~\* SECTION 1936. 106.215 (7) (a) of the statutes is repealed.

25 \*~~1712/5.52~~\* SECTION 1937. 106.215 (7) (am) of the statutes is repealed.



1           \*~~1712/5.53~~\* SECTION 1938. 106.215 (7) (b) of the statutes is repealed.

2           \*~~1712/5.54~~\* SECTION 1939. 106.215 (7) (c) of the statutes is renumbered  
3 106.215 (1m) and amended to read:

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

14           \*~~1712/5.55~~\* SECTION 1940. 106.215 (8) of the statutes is repealed.

15           \*~~1712/5.56~~\* SECTION 1941. 106.215 (8g) of the statutes is repealed.

16           \*~~1712/5.57~~\* SECTION 1942. 106.215 (8m) of the statutes is repealed.

17           \*~~1712/5.58~~\* SECTION 1943. 106.215 (9) of the statutes is repealed.

18           \*~~1712/5.59~~\* SECTION 1944. 106.215 (10) (title) of the statutes is repealed.

19           \*~~1712/5.60~~\* SECTION 1945. 106.215 (10) (a) of the statutes is repealed.

20           \*~~1712/5.61~~\* SECTION 1946. 106.215 (10) (b) of the statutes is repealed.

21           \*~~1712/5.62~~\* SECTION 1947. 106.215 (10) (c) of the statutes is repealed.

22           \*~~1712/5.63~~\* SECTION 1948. 106.215 (10) (e) of the statutes is repealed.

23           \*~~1712/5.64~~\* SECTION 1949. 106.215 (10) (f) of the statutes is repealed.

24           \*~~1712/5.65~~\* SECTION 1950. 106.215 (10) (fm) of the statutes is repealed.

## SECTION 1951

1           \***-1712/5.66\*** SECTION 1951. 106.215 (10) (g) (title) and 1. of the statutes are  
2 repealed.

3           \***-1712/5.67\*** SECTION 1952. 106.215 (10) (g) 1m. of the statutes is repealed.

4           \***-1712/5.68\*** SECTION 1953. 106.215 (10) (g) 2. of the statutes is repealed.

5           \***-1712/5.69\*** SECTION 1954. 106.215 (10) (g) 2m. of the statutes is repealed.

6           \***-1712/5.70\*** SECTION 1955. 106.215 (10) (g) 3. of the statutes is renumbered  
7 106.217 and amended to read:

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

14           \***-1712/5.71\*** SECTION 1956. 106.215 (10) (g) 4. of the statutes is repealed.

15           \***-1712/5.72\*** SECTION 1957. 106.215 (10) (h) of the statutes is repealed.

16           \***-1712/5.73\*** SECTION 1958. 106.215 (11) of the statutes is repealed.

17           \***-1712/5.74\*** SECTION 1959. 106.215 (12) of the statutes is repealed.

18           \***-1712/5.75\*** SECTION 1960. 106.215 (13) of the statutes is repealed.

19           \***-1712/5.76\*** SECTION 1961. 106.217 of the statutes, as affected by 2003  
20 Wisconsin Act .... (this act), is repealed.

21           \***-0231/1.1\*** SECTION 1962. 106.26 (4) of the statutes is repealed.

22           \***-1756/2.3\*** SECTION 1963. 106.50 (6) (c) 4. of the statutes is amended to read:

23           106.50 (6) (c) 4. If the department initially determines that there is no probable  
24 cause to believe that discrimination occurred as alleged in the complaint, it may  
25 dismiss those allegations. The department shall, by a notice to be served with the

1 determination, notify the parties of the complainant's right to appeal the dismissal  
2 of the claim to the secretary for a hearing on the issue allegations by requesting a  
3 review of the determination by a hearing examiner, which review shall be based  
4 solely on the department's record of the complaint. Service of the determination shall  
5 be made by certified mail, return receipt requested. If the hearing examiner  
6 determines that no probable cause exists, that determination is the final  
7 determination of the department and may be appealed under par. (j).

8 **\*-1756/2.4\* SECTION 1964.** 106.52 (4) (a) 4m. of the statutes is created to read:

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

19 **\*-1731/1.3\* SECTION 1965.** 107.30 (10) of the statutes is amended to read:

20 107.30 (10) "Mining damage appropriation" means the appropriation under s.  
21 ~~20.445 (4) (b)~~ 20.143 (3) (a).

22 **\*-1731/1.2\* SECTION 1966.** 107.31 (5) (a) (intro.) of the statutes is amended to  
23 read:

24 107.31 (5) (a) *Calculation.* (intro.) The mining damage reserve accumulation  
25 is calculated by subtracting the total amount of all mining damages awards paid

1 from the appropriation under s. 20.445 (4) (a), 2001 stats., beginning on May 22, 1980  
2 or paid from the appropriation under s. 20.143 (3) (a) from the sum of:

3 ~~\*-1824/6.27\* SECTION 1967. 108.14 (3m) of the statutes is amended to read:~~

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

13 \*-0529/4.177\* SECTION 1968. 108.15 (6) (c) of the statutes is amended to read:

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

18 \*-0529/4.178\* SECTION 1969. 108.15 (6) (d) (intro.) of the statutes is amended  
19 to read:

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

24 \*-0529/4.179\* SECTION 1970. 108.15 (6) (e) of the statutes is amended to read:

PLAIN  
e

1           108.15 (6) (e) Any amount withheld by the ~~state treasurer~~ secretary of  
2 administration under par. (d) shall be paid by the ~~state treasurer~~ secretary of  
3 administration to the fund's treasurer, who shall duly credit such payment toward  
4 satisfying the delinquency.

5           \*~~1939/2.2~~\* SECTION 1971. 108.161 (3) of the statutes is amended to read:

6           108.161 (3) Consistently with this chapter and said section 903, such moneys  
7 shall be used solely for benefits or employment security administration by the  
8 department, including unemployment insurance, employment service,  
9 apprenticeship programs, and related statistical operations.

10           \*~~1939/2.3~~\* SECTION 1972. 108.161 (4) (c) of the statutes is amended to read:

11           108.161 (4) (c) Specifying that the appropriated amounts are available for  
12 obligation solely within the 2 years beginning on the appropriation law's date of  
13 enactment. This paragraph does not apply to the appropriation under s. 20.445 (1)  
14 (nd).

15           \*~~1939/2.4~~\* SECTION 1973. 108.162 (3) of the statutes is amended to read:

16           108.162 (3) The amount obligated under this section during any fiscal year may  
17 not exceed the aggregate of all amounts credited under s. 108.161 (1), including  
18 amounts credited under s. 108.161 (8), reduced by the amount obligated under s.  
19 20.445 (1) (nb) and (nd) and further reduced at the time of any obligation by the sum  
20 of the moneys obligated and charged against any of the amounts thus credited.

21           \*~~0529/4.180~~\* SECTION 1974. 108.20 (2) of the statutes is amended to read:

22           108.20 (2) All amounts received by the department for the administrative  
23 account shall be paid over to the ~~state treasurer~~ secretary of administration and  
24 credited to that account for the administration of this chapter and the employment

## SECTION 1974

1 service, for the payment of benefits chargeable to the account under s. 108.07 (5) and  
2 for the purposes specified in sub. (2m).

3 ~~\*-1712/5.77\*~~ SECTION 1975. 111.335 (1) (cv) of the statutes is amended to read:

4 111.335 (1) (cv) Notwithstanding s. 111.322, it is not employment  
5 discrimination because of conviction record to refuse to employ in a position in the  
6 classified service, or in a position described in s. 230.08 (2) (k), or as a corps enrollee  
7 ~~with the Wisconsin conservation corps under s. 106.215 (1) (e)~~ a person who has been  
8 convicted under 50 USC, Appendix, section 462 for refusing to register with the  
9 selective service system and who has not been pardoned.

10 ~~\*-1295/2.25\*~~ SECTION 1976. 111.375 (1) of the statutes is amended to read:

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

22 ~~\*-1295/2.26\*~~ SECTION 1977. 111.375 (2) of the statutes is amended to read:

23 111.375 (2) This subchapter applies to each agency of the state ~~except that~~  
24 ~~complaints of discrimination, unfair honesty testing or unfair genetic testing against~~  
25 ~~the agency as an employer shall be filed with and processed by the personnel~~

1 ~~commission under s. 230.45 (1) (b). Decisions of the personnel commission are~~  
2 ~~subject to review under ch. 227.~~

3 **\*-1756/2.5\* SECTION 1978.** 111.39 (4) (bm) of the statutes is created to read:

4 111.39 (4) (bm) If the department initially finds that there is no probable cause  
5 to believe that any discrimination has been or is being committed, that unfair  
6 honesty testing has occurred or is occurring, or that unfair genetic testing has  
7 occurred or is occurring as alleged in the complaint, the department may dismiss the  
8 complaint. The department shall, by a notice to be served with the findings, notify  
9 the parties of the complainant's right to appeal the dismissal of the complaint by  
10 requesting a review of the findings by a hearing examiner, which review shall be  
11 based solely on the department's record of the complaint. Service of the findings shall  
12 be made by certified mail, return receipt requested. If the hearing examiner  
13 determines that no probable cause exists, that determination is the final  
14 determination of the department and may be appealed under sub. (5).

15 **\*-1756/2.6\* SECTION 1979.** 111.40 of the statutes is created to read:

16 **111.40 Civil action.** (1) Any person, including the state, alleging that  
17 discrimination, unfair honesty testing, or unfair genetic testing has occurred may  
18 bring a civil action seeking such action, as described in s. 111.39 (4) (c), as will  
19 effectuate the purpose of this subchapter.

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

**SECTION 1980**

1           \***-1102/6.1\*** SECTION 1980. 111.70 (1) (a) of the statutes is amended to read:

2           111.70 (1) (a) "Collective bargaining" means the performance of the mutual  
3 obligation of a municipal employer, through its officers and agents, and the  
4 representative of its municipal employees in a collective bargaining unit, to meet and  
5 confer at reasonable times, in good faith, with the intention of reaching an  
6 agreement, or to resolve questions arising under such an agreement, with respect to  
7 wages, hours and conditions of employment, and with respect to a requirement of the  
8 municipal employer for a municipal employee to perform law enforcement and fire  
9 fighting services under s. 61.66, except as provided in sub. (4) (m) and s. 40.81 (3) and  
10 except that a municipal employer shall not meet and confer with respect to any  
11 proposal to diminish or abridge the rights guaranteed to municipal employees under  
12 ch. 164. The duty to bargain, however, does not compel either party to agree to a  
13 proposal or require the making of a concession. Collective bargaining includes the  
14 reduction of any agreement reached to a written and signed document. The  
15 municipal employer shall not be required to bargain on subjects reserved to  
16 management and direction of the governmental unit except insofar as the manner  
17 of exercise of such functions affects the wages, hours and conditions of employment  
18 of the municipal employees in a collective bargaining unit and except as provided in  
19 sub. (4) (p). In creating this subchapter the legislature recognizes that the municipal  
20 employer must exercise its powers and responsibilities to act for the government and  
21 good order of the jurisdiction which it serves, its commercial benefit and the health,  
22 safety and welfare of the public to assure orderly operations and functions within its  
23 jurisdiction, subject to those rights secured to municipal employees by the  
24 constitutions of this state and of the United States and by this subchapter.

25           \***-1102/6.2\*** SECTION 1981. 111.70 (1) (b) of the statutes is amended to read:



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

5           \*~~1102/6.3~~\* SECTION 1982. 111.70 (1) (dm) of the statutes is repealed.

6           \*~~1102/6.4~~\* SECTION 1983. 111.70 (1) (fm) of the statutes is repealed.

7           \*~~1102/6.5~~\* SECTION 1984. 111.70 (1) (nc) of the statutes is repealed.

8           \*~~1102/6.6~~\* SECTION 1985. 111.70 (4) (cm) 5. of the statutes is amended to read:

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

19           \*~~1102/6.7~~\* SECTION 1986. 111.70 (4) (cm) 5s. of the statutes is repealed.

20           \*~~1102/6.8~~\* SECTION 1987. 111.70 (4) (cm) 6. a. of the statutes is amended to  
21 read:

22           111.70 (4) (cm) 6. a. If in any collective bargaining unit a dispute ~~relating to one~~  
23 ~~or more issues, qualifying for interest arbitration under subd. 5s. in a collective~~  
24 ~~bargaining unit to which subd. 5s. applies,~~ has not been settled after a reasonable  
25 period of negotiation and after mediation by the commission under subd. 3. and other

## SECTION 1987

1 settlement procedures, if any, established by the parties have been exhausted, and  
2 the parties are deadlocked with respect to any dispute between them over wages,  
3 hours, and conditions of employment to be included in a new collective bargaining  
4 agreement, either party, or the parties jointly, may petition the commission, in  
5 writing, to initiate compulsory, final, and binding arbitration, as provided in this  
6 paragraph. At the time the petition is filed, the petitioning party shall submit in  
7 writing to the other party and the commission its preliminary final offer containing  
8 its latest proposals on all issues in dispute. Within 14 calendar days after the date  
9 of that submission, the other party shall submit in writing its preliminary final offer  
10 on all disputed issues to the petitioning party and the commission. If a petition is  
11 filed jointly, both parties shall exchange their preliminary final offers in writing and  
12 submit copies to the commission at the time the petition is filed.

13 **\*-1102/6.9\* SECTION 1988.** 111.70 (4) (cm) 6. am. of the statutes is amended to  
14 read:

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

1 applies. If a party fails to submit a single, ultimate final offer, the commission shall  
2 close the investigation based on the last written position of the party. ~~The municipal~~  
3 ~~employer may not submit a qualified economic offer under subd. 5s. after the close~~  
4 ~~of the investigation.~~ Such final offers may include only mandatory subjects of  
5 bargaining, except that a permissive subject of bargaining may be included by a  
6 party if the other party does not object and shall then be treated as a mandatory  
7 subject. No later than such time, the parties shall also submit to the commission a  
8 stipulation, in writing, with respect to all matters which are agreed upon for  
9 inclusion in the new or amended collective bargaining agreement. The commission,  
10 after receiving a report from its investigator and determining that arbitration should  
11 be commenced, shall issue an order requiring arbitration and immediately submit  
12 to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall  
13 alternately strike names until a single name is left, who shall be appointed as  
14 arbitrator. The petitioning party shall notify the commission in writing of the  
15 identity of the arbitrator selected. Upon receipt of such notice, the commission shall  
16 formally appoint the arbitrator and submit to him or her the final offers of the  
17 parties. The final offers shall be considered public documents and shall be available  
18 from the commission. In lieu of a single arbitrator and upon request of both parties,  
19 the commission shall appoint a tripartite arbitration panel consisting of one member  
20 selected by each of the parties and a neutral person designated by the commission  
21 who shall serve as a chairperson. An arbitration panel has the same powers and  
22 duties as provided in this section for any other appointed arbitrator, and all  
23 arbitration decisions by such panel shall be determined by majority vote. In lieu of  
24 selection of the arbitrator by the parties and upon request of both parties, the  
25 commission shall establish a procedure for randomly selecting names of arbitrators.

**SECTION 1988**

1 Under the procedure, the commission shall submit a list of 7 arbitrators to the  
2 parties. Each party shall strike one name from the list. From the remaining 5  
3 names, the commission shall randomly appoint an arbitrator. Unless both parties  
4 to an arbitration proceeding otherwise agree in writing, every individual whose  
5 name is submitted by the commission for appointment as an arbitrator shall be a  
6 resident of this state at the time of submission and every individual who is  
7 designated as an arbitration panel chairperson shall be a resident of this state at the  
8 time of designation.

9 **\*-1102/6.10\* SECTION 1989.** 111.70 (4) (cm) 7. of the statutes is repealed.

10 **\*-1102/6.11\* SECTION 1990.** 111.70 (4) (cm) 7g. of the statutes is repealed.

11 **\*-1102/6.12\* SECTION 1991.** 111.70 (4) (cm) 7r. (intro.) of the statutes is  
12 amended to read:

13 111.70 (4) (cm) 7r. ~~‘Other factors~~ Factors considered.’ (intro.) In making any  
14 decision under the arbitration procedures authorized by this paragraph, the  
15 arbitrator or arbitration panel shall also give weight to the following factors:

16 **\*-1102/6.13\* SECTION 1992.** 111.70 (4) (cm) 7r. hm. of the statutes is created  
17 to read:

18 111.70 (4) (cm) 7r. hm. In a school district, a determination as to which party’s  
19 proposal best provides for a fundamental right to an equal opportunity for a sound  
20 basic education under article X, section 3, of the constitution.

21 **\*-1102/6.14\* SECTION 1993.** 111.70 (4) (cm) 7r. ie. of the statutes is created to  
22 read:

23 111.70 (4) (cm) 7r. ie. Any state law or directive lawfully issued by a state  
24 legislative or administrative officer, body, or agency which places limitations on

1 expenditures that may be made or revenues that may be collected by a municipal  
2 employer.

3 **\*-1102/6.15\* SECTION 1994.** 111.70 (4) (cm) 7r. ir. of the statutes is created to  
4 read:

5 111.70 (4) (cm) 7r. ir. Economic conditions in the jurisdiction of the municipal  
6 employer.

7 **\*-1102/6.16\* SECTION 1995.** 111.70 (4) (cm) 8m. a. and c. of the statutes are  
8 consolidated, renumbered 111.70 (4) (cm) 8m. and amended to read:

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

23 **\*-1102/6.17\* SECTION 1996.** 111.70 (4) (cm) 8m. b. of the statutes is repealed.

24 **\*-1102/6.18\* SECTION 1997.** 111.70 (4) (cm) 8p. of the statutes is repealed.

25 **\*-1102/6.19\* SECTION 1998.** 111.70 (4) (cm) 8s. of the statutes is repealed.

**SECTION 1999**

1           \*–1102/6.20\* **SECTION 1999.** 111.70 (4) (d) 2. a. of the statutes is amended to  
2 read:

3           111.70 (4) (d) 2. a. The commission shall determine the appropriate collective  
4 bargaining unit for the purpose of collective bargaining and shall whenever possible,  
5 unless otherwise required under this subchapter, avoid fragmentation by  
6 maintaining as few collective bargaining units as practicable in keeping with the size  
7 of the total municipal work force. In making such a determination, the commission  
8 may decide whether, in a particular case, the municipal employees in the same or  
9 several departments, divisions, institutions, crafts, professions, or other  
10 occupational groupings constitute a collective bargaining unit. Before making its  
11 determination, the commission may provide an opportunity for the municipal  
12 employees concerned to determine, by secret ballot, whether or not they desire to be  
13 established as a separate collective bargaining unit. ~~The commission shall not~~  
14 ~~decide, however, that any group of municipal employees constitutes an appropriate~~  
15 ~~collective bargaining unit if the group includes both municipal employees who are~~  
16 ~~school district professional employees and municipal employees who are not school~~  
17 ~~district professional employees.~~ The commission shall not decide, however, that any  
18 ~~other~~ group of municipal employees constitutes an appropriate collective bargaining  
19 unit if the group includes both professional employees and nonprofessional  
20 employees, unless a majority of the professional employees vote for inclusion in the  
21 unit. The commission shall not decide that any group of municipal employees  
22 constitutes an appropriate collective bargaining unit if the group includes both craft  
23 employees and noncraft employees unless a majority of the craft employees vote for  
24 inclusion in the unit. The commission shall place the professional employees who are  
25 assigned to perform any services at a charter school, as defined in s. 115.001 (1), in

1 a separate collective bargaining unit from a unit that includes any other professional  
2 employees whenever at least 30% of those professional employees request an election  
3 to be held to determine that issue and a majority of the professional employees at the  
4 charter school who cast votes in the election decide to be represented in a separate  
5 collective bargaining unit. Any vote taken under this subsection shall be by secret  
6 ballot.

7 **\*-1102/6.21\* SECTION 2000.** 111.70 (4) (p) of the statutes is created to read:

8 111.70 (4) (p) *Additional mandatory subjects of bargaining in school districts.*

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

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

19 **\*-0576/8.68\* SECTION 2001.** 111.81 (5) of the statutes is amended to read:

20 111.81 (5) “Department” means the department of ~~employment relations~~  
21 administration.

22 **\*-1373/8.14\* SECTION 2002.** 111.81 (5m) of the statutes is created to read:

23 111.81 (5m) “Assistant district attorney” includes an assignable prosecutor, as  
24 defined in s. 978.001 (1c).

25 **\*-0576/8.69\* SECTION 2003.** 111.815 (3) of the statutes is repealed.

1           \***-0576/8.70\*** SECTION 2004. 111.86 (2) of the statutes is amended to read:

2           111.86 (2) The department shall charge a state department or agency the  
3           employer's share of the cost related to grievance arbitration under sub. (1) for any  
4           arbitration that involves one or more employees of the state department or agency.  
5           Each state department or agency so charged shall pay the amount that the  
6           department charges from the appropriation account or accounts used to pay the  
7           salary of the grievant. Funds received under this subsection shall be credited to the  
8           appropriation account under s. ~~20.512 (1) (km)~~ 20.505 (1) (ko).

9           \***-1373/8.15\*** SECTION 2005. 111.91 (2) (c) of the statutes is amended to read:

10          111.91 (2) (c) Disciplinary actions and position abandonments governed by s.  
11          230.34 (1) ~~(a)~~ (ah), (am) and (ar), except as provided in those paragraphs.

12          \***-0912/2.15\*** SECTION 2006. 111.91 (2) (j) of the statutes is amended to read:

13          111.91 (2) (j) Creditable service to which s. ~~40.25 (7) (f)~~ 40.285 (2) (b) 4. applies.

14          \***-1634/7.51\*** SECTION 2007. 114.33 (10) of the statutes is amended to read:

15          114.33 (10) Subject to the approval of the governor under this subsection, the  
16          secretary may sell at public or private sale property of whatever nature owned by the  
17          state and under the jurisdiction of the secretary when the secretary determines that  
18          the property is no longer necessary for the state's use for airport purposes and, if real  
19          property, the real property is not the subject of a petition under s. ~~16.375~~ 560.9810.  
20          The secretary shall present to the governor a full and complete report of the property  
21          to be sold, the reason for the sale, and the minimum price for which the property  
22          should be sold, together with an application for the governor's approval of the sale.  
23          The governor shall investigate the proposed sale as he or she deems necessary and  
24          approve or disapprove the application. Upon approval and receipt of the full  
25          purchase price, the secretary shall by appropriate deed or other instrument transfer



1 the property to the purchaser. The funds derived from the sale shall be deposited in  
2 the appropriate airport fund, and the expense incurred by the secretary in  
3 connection with the sale shall be paid from that fund.

4 **\*-0666/9.95\* SECTION 2008.** 115.28 (25) of the statutes is repealed.

5 **\*-1301/4.1\* SECTION 2009.** 115.28 (30) (b) 1. to 6. of the statutes are amended  
6 to read:

7 115.28 (30) (b) 1. ~~Two~~ One full-time ~~consultants~~ consultant in agriculture  
8 education.

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

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

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

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

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

15 **\*-0099/3.2\* SECTION 2010.** 115.29 (4) of the statutes is renumbered 115.29 (4)  
16 (a).

17 **\*-0099/3.3\* SECTION 2011.** 115.29 (4) (b) of the statutes is created to read:

18 115.29 (4) (b) Promulgate rules establishing fees for issuing a declaration of  
19 equivalency of high school graduation or a general educational development  
20 certificate under par. (a). The rules may provide exemptions from the fees based on  
21 financial need.

22 **\*-0529/4.181\* SECTION 2012.** 115.345 (5) of the statutes is amended to read:

23 115.345 (5) The school board may file a claim with the department for  
24 reimbursement for reasonable expenses incurred, excluding capital equipment  
25 costs, but not to exceed 15% of the cost of the meal or 50 cents per meal, whichever

1 is less. Any cost in excess of the lesser amount may be charged to participants. If  
2 the department approves the claim, it shall certify that payment is due and the state  
3 ~~treasurer~~ secretary of administration shall pay the claim from the appropriation  
4 under s. 20.255 (2) (cn).

5 **\*-0194/9.16\* SECTION 2013.** 115.882 of the statutes is amended to read:

6 **115.882 Payment of state aid.** Funds appropriated under s. 20.255 (2) (b)  
7 shall be used first for the purpose of s. 115.88 (4). Costs eligible for reimbursement  
8 from the appropriation under s. 20.255 (2) (b) under ss. 115.88 (1m) to (3), (6) and (8),  
9 115.93, and 118.255 (4) shall be reimbursed at a rate set to distributc the full amount  
10 appropriated for reimbursement for the costs, less the amount paid by the  
11 department of health and family services under s. 20.435 (4) (hm) and (o) under s.  
12 49.45 (39) (b) 1m., not to exceed 100%.

13 **\*-0666/9.96\* SECTION 2014.** Subchapter VIII (title) of chapter 115 [precedes  
14 115.997] of the statutes is created to read:

15 **CHAPTER 115**

16 **SUBCHAPTER VIII**

17 **TECHNOLOGY FOR**

18 **EDUCATIONAL ACHIEVEMENT**

19 **\*-0666/9.97\* SECTION 2015.** 115.997 (3p) of the statutes is created to read:

20 115.997 (3p) “Public museum” means a nonprofit or publicly owned museum  
21 located in this state that is accredited by the American Association of Museums or  
22 an educational center that is affiliated with such a museum.

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

1           \*~~1289/7.108~~\* SECTION 2016. 115.997 (4) of the statutes, as affected by 2003  
2 Wisconsin Act .... (this act), is amended to read:

3           115.997 (4) “Telecommunications” has the meaning given in s. ~~22.01~~ 16.97 (10).

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

4           \*~~0666/9.98~~\* SECTION 2017. 115.999 (3m) of the statutes is created to read:

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

19           \*~~1289/7.109~~\* SECTION 2018. 115.9995 (3) of the statutes, as affected by 2003  
20 Wisconsin Act .... (this act), is amended to read:

21           115.9995 (3) The department of public instruction shall submit an annual  
22 report to the department of administration on the status of providing data lines and

1 video links that are requested under sub. (2) (a) and the impact on the universal  
2 service fund of any payment under contracts under s. ~~16.974~~ 16.971 (13) to (16).

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

3 **\*-1289/7.110\* SECTION 2019.** 115.9995 (6) (a) of the statutes, as affected by  
4 2003 Wisconsin Act .... (this act), is amended to read:

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

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

19 **\*-1269/1.1\* SECTION 2020.** 118.153 (1) (a) (intro.) of the statutes is amended  
20 to read:

21 118.153 (1) (a) (intro.) “Children at risk” means pupils in grades 5 to 12 who  
22 are at risk of not graduating from high school because they ~~failed the high school~~

1 ~~graduation examination administered under s. 118.30 (1m) (d)~~, are dropouts, or are  
2 or more of the following:

3 **\*-1599/1.6\* SECTION 2021.** 118.153 (4) (b) of the statutes is amended to read:  
4 118.153 (4) (b) Upon receipt of a school board's annual report under par. (a) the  
5 state superintendent shall pay to the school district from the appropriation under s.  
6 20.255 (2) (bc), for each pupil enrolled in a program for children at risk who achieved  
7 at least 3 of the objectives under par. (c) in the previous school year, additional state  
8 aid in an amount equal to 10% of the school district's average per pupil aids provided  
9 under s. 20.835 (7) (a), 1991 stats., and s. 20.255 (2) (ac) and (r) in the previous school  
10 year.

11 **\*-1269/1.2\* SECTION 2022.** 118.153 (4) (c) 3. of the statutes is amended to read:  
12 118.153 (4) (c) 3. The pupil, if a high school senior, received a high school  
13 diploma ~~or passed the high school graduation examination administered under s.~~  
14 ~~118.30 (1m) (d).~~

15 **\*-1102/6.23\* SECTION 2023.** 118.245 of the statutes is repealed.

16 **\*-1269/1.3\* SECTION 2024.** 118.30 (1) (a) of the statutes is renumbered 118.30  
17 (1).

18 **\*-1269/1.4\* SECTION 2025.** 118.30 (1) (b) of the statutes is repealed.

19 **\*-1269/1.5\* SECTION 2026.** 118.30 (1g) (b) of the statutes is repealed.

20 **\*-1269/1.6\* SECTION 2027.** 118.30 (1m) (d) of the statutes is repealed.

21 **\*-1269/1.7\* SECTION 2028.** 118.30 (1r) (a) 1. of the statutes is amended to read:  
22 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade  
23 examination adopted or approved by the state superintendent under sub. (1) ~~(a)~~ to  
24 all pupils enrolled in the charter school in the 4th grade.

**SECTION 2029**

1           \***-1269/1.8\*** **SECTION 2029.** 118.30 (1r) (am) 1. of the statutes is amended to  
2 read:

3           118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade  
4 examination adopted or approved by the state superintendent under sub. (1) (a) to  
5 all pupils enrolled in the charter school in the 8th grade.

6           \***-1269/1.9\*** **SECTION 2030.** 118.30 (1r) (d) of the statutes is repealed.

7           \***-1269/1.10\*** **SECTION 2031.** 118.30 (2) (e) of the statutes is repealed.

8           \***-1269/1.11\*** **SECTION 2032.** 118.33 (1) (f) 1. of the statutes is amended to read:

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

16           \***-1269/1.12\*** **SECTION 2033.** 118.33 (1) (f) 2. of the statutes is amended to read:

17           118.33 (1) (f) 2. By September 1, 2004, each operator of a charter school under  
18 s. 118.40 (2r) that operates high school grades shall develop a policy specifying  
19 criteria for granting a high school diploma. The criteria shall include ~~the pupil's~~  
20 ~~score on the examination administered under s. 118.30 (1r) (d),~~ the pupil's academic  
21 performance, and the recommendations of teachers.

22           \***-1689/3.47\*** **SECTION 2034.** 118.34 (4) of the statutes is repealed.

23           \***-1571/4.1\*** **SECTION 2035.** 118.40 (2r) (e) 1. of the statutes is amended to read:

24           118.40 (2r) (e) 1. From the appropriation under s. 20.255 (2) (fm), the  
25 department shall pay to the operator of the charter school an amount equal to the

1 sum of the amount paid per pupil under this subdivision in the previous school year  
2 and the amount of revenue increase in the per pupil allowed under subch. VII of ch.  
3 121 amount paid to private schools under s. 119.23 (4) (b) 2. in the current school year  
4 as compared to the previous school year, multiplied by the number of pupils  
5 attending the charter school. The amount paid per pupil may not be less than the  
6 amount paid per pupil under this subdivision in the previous school year. The  
7 department shall pay 25% of the total amount in September, 25% in December, 25%  
8 in February, and 25% in June. The department shall send the check to the operator  
9 of the charter school.

10 \*~~1102/6.22~~\* SECTION 2036. 119.04 (1) of the statutes is amended to read:

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

19 \*~~1571/4.2~~\* SECTION 2037. 119.23 (4) (b) 2. of the statutes is amended to read:

20 119.23 (4) (b) 2. The ~~sum of the amount paid per pupil under this subsection~~  
21 ~~paragraph~~ in the previous school year and the ~~amount of revenue increase per pupil~~  
22 ~~allowed under subch. VII of ch. 121 in the current school year~~ multiplied by the sum  
23 of 1.0 plus the percentage change from the previous school year to the current school  
24 year in the total amount appropriated under s. 20.255 (2) (ac) and (r) expressed as  
25 a decimal, but not less than zero.

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

1           \*~~1752/3.47~~\* SECTION 2038. 119.72 of the statutes is repealed.

2           \*~~1752/3.48~~\* SECTION 2039. 119.73 of the statutes is amended to read:

3           **119.73 Kindergarten and ~~early childhood~~ programs.** The board shall  
4 evaluate the effectiveness of the expanded 5-year-old kindergarten programs under  
5 s. 119.71 and the ~~early childhood education programs under s. 119.72~~ in meeting the  
6 needs of disadvantaged children. Annually by January 1, the board shall submit a  
7 report summarizing its findings to the state superintendent and to the chief clerk of  
8 each house of the legislature for distribution to the appropriate standing committees  
9 under s. 13.172 (3).

10          \*~~1752/3.49~~\* SECTION 2040. 119.80 of the statutes is repealed.

11          \*~~1752/3.50~~\* SECTION 2041. 119.82 (1) (a) of the statutes is renumbered 119.82  
12 (1m).

13          \*~~1752/3.51~~\* SECTION 2042. 119.82 (1) (b) of the statutes is renumbered 119.82  
14 (2m) and amended to read:

15          119.82 (2m) Programs under ~~par. (a)~~ sub. (1m) shall be designed to meet the  
16 high school graduation requirements under s. 118.33.

17          \*~~1752/3.52~~\* SECTION 2043. 119.82 (2) of the statutes is repealed.

18          \*~~1752/3.53~~\* SECTION 2044. 119.82 (3) of the statutes is repealed.

19          \*~~1752/3.54~~\* SECTION 2045. 119.82 (5) of the statutes is repealed.

20          \*~~0666/9.99~~\* SECTION 2046. 120.18 (1) (i) of the statutes is amended to read:

21          120.18 (1) (i) A description of the educational technology used by the school  
22 district, including the uses made of the technology, the cost of the technology, and the



1 number of persons using or served by the technology. In this paragraph, “educational  
2 technology” has the meaning given in s. 44.70 115.997 (3).

3 **\*-1599/1.7\* SECTION 2047.** 121.007 of the statutes is amended to read:

4 **121.007 Use of state aid; exemption from execution.** All moneys paid to  
5 a school district under s. 20.255 (2) (ac), (bc), (cg), and (cr), and (r) shall be used by  
6 the school district solely for the purposes for which paid. Such moneys are exempt  
7 from execution, attachment, garnishment, or other process in favor of creditors,  
8 except as to claims for salaries or wages of teachers and other school employees and  
9 as to claims for school materials, supplies, fuel, and current repairs.

10 **\*-1599/1.8\* SECTION 2048.** 121.07 (7) (b) of the statutes is amended to read:

11 121.07 (7) (b) The “secondary guaranteed valuation per member” is an amount,  
12 rounded to the next lower dollar, that, after subtraction of payments under ss. 121.09  
13 and 121.85 (6) (b) 2. and 3. and (c), fully distributes an amount equal to the amount  
14 remaining in the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) ~~plus~~  
15 ~~\$75,000,000 in the 1997–98 school year and \$100,000,000 in the 1998–99 school year~~  
16 ~~for payments under ss. 121.08, 121.105, 121.85 (6) (a) and (g) and 121.86~~ and (r).

17 **\*-1558/3.1\* SECTION 2049.** 121.08 (2) of the statutes is amended to read:

18 121.08 (2) The aid computed under sub. (1) shall be reduced by the sum of the  
19 amount by which the school district equalized valuation exceeds the secondary  
20 guaranteed valuation, multiplied by the secondary required levy rate, and the  
21 amount by which the school district equalized valuation exceeds the tertiary  
22 guaranteed valuation, multiplied by the tertiary required levy rate. In no case may  
23 the aid under this section be less than ~~the amount under sub. (1) (a)~~ zero.

24 **\*-1599/1.9\* SECTION 2050.** 121.08 (4) (a) (intro.) of the statutes is amended to  
25 read:

## SECTION 2050

1           121.08 (4) (a) (intro.) The amount of state aid that a school district is eligible  
2 to be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and (r) shall  
3 be reduced by the amount determined as follows:

4           \*~~1599/1.10~~\* SECTION 2051. 121.08 (4) (a) 2. of the statutes is amended to read:

5           121.08 (4) (a) 2. Divide the sum under subd. 1. by the total amount of state aid  
6 that all school districts are eligible to be paid from the ~~appropriation~~ appropriations  
7 under s. 20.255 (2) (ac) and (r), calculated as if the reduction under par. (b) had not  
8 occurred.

9           \*~~1599/1.11~~\* SECTION 2052. 121.08 (4) (a) 3. of the statutes is amended to read:

10           121.08 (4) (a) 3. Multiply the amount of state aid that the school district is  
11 eligible to be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and  
12 (r), calculated as if the reduction under par. (b) had not occurred, by the quotient  
13 under subd. 2.

14           \*~~1599/1.12~~\* SECTION 2053. 121.08 (4) (b) of the statutes is amended to read:

15           121.08 (4) (b) The amount of state aid that the school district operating under  
16 ch. 119 is eligible to be paid from the ~~appropriation~~ appropriations under s. 20.255  
17 (2) (ac) and (r) shall also be reduced by 45% of the amounts paid under s. 119.23 (4)  
18 and (4m) in the current school year.

19           \*~~1767/3.59~~\* SECTION 2054. 121.09 (1) of the statutes is amended to read:

20           121.09 (1) If, on or after July 1, 1980, the office of the commissioner of tax  
21 appeals commission or a court makes a final redetermination on the assessment of  
22 property subject to taxation under s. 70.995 that is lower than the previous  
23 assessment, or if, on or after January 1, 1982, the state board of assessors makes a  
24 final redetermination on the assessment of property subject to taxation under s.  
25 70.995 that is lower than the previous assessment, the school board of the school

1 district in which the property is located may, within 4 years after the date of the  
2 determination, decision, or judgment, file the determination of the state board of  
3 assessors, the decision of the office of the commissioner of tax appeals ~~commission~~,  
4 or the judgment of the court with the state superintendent, requesting an  
5 adjustment in state aid to the school district. If the state superintendent determines  
6 that the determination, decision, or judgment is final and that it has been filed  
7 within the 4-year period, the state shall pay to the school district in the subsequent  
8 fiscal year, from the appropriation under s. 20.255 (2) (ac), an amount equal to the  
9 difference between the state aid computed under s. 121.08 for the school year  
10 commencing after the year subject to the valuation recertification, using the school  
11 district's equalized valuation as originally certified, and the state aid computed  
12 under s. 121.08 for that school year using the school district's equalized valuation as  
13 recertified under s. 70.57 (2).

14 \*~~1767/3.60~~\* SECTION 2055. 121.09 (2) of the statutes is amended to read:

15 121.09 (2) If, on or after May 3, 1984, the state board of assessors, the office of  
16 the commissioner of tax appeals ~~commission~~ or a court makes a final  
17 redetermination on the assessment of property subject to taxation under s. 70.995  
18 that is higher than the previous assessment, the state superintendent shall notify  
19 the school district in which the property is located of the recertification by the  
20 department of revenue under s. 70.57 (2). The state superintendent shall, in the  
21 subsequent fiscal year, withhold from the school district's state aid entitlement  
22 under s. 121.08 an amount equal to the difference between the state aid computed  
23 under s. 121.08 for the school year commencing after the year subject to the valuation  
24 recertification, using the school district's equalized valuation as originally certified,

## SECTION 2055

1 and the state aid computed under s. 121.08 for that school year, using the school  
2 district's equalized valuation as recertified under s. 70.57 (2).

3 \*~~1563/2.2~~\* SECTION 2056. 121.15 (3m) of the statutes is repealed.

4 \*~~1572/4.1~~\* SECTION 2057. 121.905 (1) of the statutes is amended to read:

5 121.905 (1) In this section, "revenue ceiling" means ~~\$6,700~~ \$7,400 in the  
6 ~~2001-02~~ 2003-04 school year and in any subsequent school year means ~~\$6,900~~  
7 \$7,800.

8 \*~~0529/4.182~~\* SECTION 2058. 125.14 (2) (e) of the statutes is amended to read:

9 125.14 (2) (e) *Disposal*. The department shall dispose of the alcohol beverages  
10 turned over to it by the court by either giving it to law enforcement agencies free of  
11 charge for use in criminal investigations, giving it to state-operated veterans'  
12 hospitals in amounts needed for medicinal purposes, selling it to the highest bidder  
13 if the bidder is a person holding a license or permit issued under this chapter, or  
14 destroying it, at the discretion of the department. If the department elects to sell the  
15 alcohol beverages, it shall publish a class 2 notice under ch. 985 asking for sealed bids  
16 from qualified bidders. Any items or groups of items in the inventory subject to a  
17 security interest, the existence of which was established in the proceedings for  
18 conviction as being bona fide and as having been created without the secured party  
19 having notice that the items were being used or were to be used in connection with  
20 the violation, shall be sold separately. The net proceeds from the sale, less all costs  
21 of seizure, storage, and sale, shall be turned over to the ~~state treasurer~~ secretary of  
22 administration and credited to the common school fund.

23 \*~~0529/4.183~~\* SECTION 2059. 125.14 (2) (f) of the statutes is amended to read:

24 125.14 (2) (f) *Sale*. Any personal property, other than alcohol beverages, seized  
25 under par. (a) and fit for sale, shall be turned over by the department to the

1 department of administration for disposal at public auction to the highest bidder, at  
2 a time and place stated in a notice of sale which describes the property to be sold.  
3 The sale shall be held in a conveniently accessible place in the county where the  
4 property was confiscated. A copy of the notice shall be published as a class 2 notice  
5 under ch. 985. The last insertion shall be at least 10 days before the sale. The  
6 department of revenue shall serve a copy of the notice of sale at least 2 weeks before  
7 the date thereof on all persons who are or may be owners or holders of security  
8 interests in the property. Any confiscated property worth more than \$100 shall be  
9 sold separately, and the balance of the confiscated property shall be sold in bulk or  
10 separately at the discretion of the department of administration. The net proceeds  
11 from the sale, less all costs of seizure, storage, and sale, shall be turned over to the  
12 ~~state treasurer~~ secretary of administration. No motor vehicle or motorboat  
13 confiscated under this section may be sold within 30 days after the date of seizure.

14 **\*-1824/6.28\* SECTION 2060.** 125.145 of the statutes is amended to read:  
15 **125.145 Prosecutions by attorney general.** ~~Upon request by the secretary~~  
16 ~~of revenue, the~~ The attorney general may represent this state or assist a district  
17 attorney in prosecuting any case arising under this chapter.

18 **\*-1373/8.16\* SECTION 2061.** 134.50 (2) of the statutes is amended to read:  
19 134.50 (2) Every poultry dealer shall keep a record of all purchases of poultry  
20 made by the poultry dealer showing in detail the place and date of purchase and the  
21 name and address of the person from whom the purchase was made, together with  
22 a general description of the kind of poultry purchased. Such record shall be kept in  
23 permanent form and be open to inspection at all reasonable times to any district  
24 attorney, ~~assistant district attorney~~, sheriff, deputy sheriff or any police officer.

25 **\*-1111/4.88\* SECTION 2062.** 134.71 (12) of the statutes is amended to read:

1           134.71 (12) APPLICATIONS AND FORMS. The department of agriculture, trade and  
2 consumer protection, in consultation with the department of justice, shall develop  
3 applications and other forms required under subs. (5) (intro.) and (8) (c). The  
4 department of agriculture, trade and consumer protection shall print a sufficient  
5 number of applications and forms to provide to counties and municipalities for  
6 distribution to pawnbrokers, secondhand article dealers and secondhand jewelry  
7 dealers at no cost.

8           \*~~1634/7.52~~\* SECTION 2063. 134.80 of the statutes is amended to read:

9           **134.80 Home heating fuel dealers.** Any dealer selling fuel of any kind for  
10 the purpose of heating a private residence shall notify each private residential  
11 customer whose account is subject to disconnection of the existence of the fuel  
12 assistance programs provided by the department of administration under s. ~~16.385~~  
13 16.27.

14           \*~~1111/4.89~~\* SECTION 2064. 136.03 (title) of the statutes is amended to read:

15           **136.03 (title) Duties of the department of ~~agriculture, trade and~~**  
16 **~~consumer protection justice~~.**

17           \*~~1111/4.90~~\* SECTION 2065. 136.03 (1) (intro.) of the statutes is amended to  
18 read:

19           136.03 (1) (intro.) The department of ~~agriculture, trade and consumer~~  
20 ~~protection justice~~ shall investigate violations of this chapter and of rules and orders  
21 issued under s. 136.04. The department of justice may subpoena persons and records  
22 to facilitate its investigations, and may enforce compliance with such subpoenas as  
23 provided in s. 885.12. The department of justice may ~~in~~ on behalf of the state:

24           \*~~1111/4.91~~\* SECTION 2066. 136.04 of the statutes is amended to read:

1           **136.04 Powers of the department of agriculture, trade and consumer**  
2 **protection justice.** (1) The department of agriculture, trade and consumer  
3 **protection justice** may adopt such rules as may be required to carry out the purposes  
4 of this chapter.

5           (2) The department of agriculture, trade and consumer **protection justice** after  
6 public hearing may issue general or special orders to carry out the purposes of this  
7 chapter and to determine and prohibit unfair trade practices in business or unfair  
8 methods of competition in business pursuant to s. 100.20 (2) to (4).

9           \*~~1431/2.12~~\* **SECTION 2067.** 138.052 (5) (am) 2. a. of the statutes is amended  
10 to read:

11           138.052 (5) (am) 2. a. ~~On January 1, 1994, and annually thereafter~~ Annually,  
12 the division of banking for banks, ~~the division of savings institutions for savings and~~  
13 loan associations, and savings banks, and the office of credit unions for credit unions,  
14 shall determine the interest rate that is the average of the interest rates paid,  
15 rounded to the nearest one-hundredth of a percent, on regular passbook deposit  
16 accounts by institutions under the division's or office's jurisdiction at the close of the  
17 last quarterly reporting period that ended at least 30 days before the determination  
18 is made.

19           \*~~1431/2.13~~\* **SECTION 2068.** 138.052 (5) (am) 2. b. of the statutes is amended  
20 to read:

21           138.052 (5) (am) 2. b. ~~The office of credit unions and the division of banking~~  
22 ~~shall report the rate calculated to the division of savings institutions within~~ Within  
23 5 days after the date on which the determination is made. ~~The, the~~ the division of savings  
24 ~~institutions~~ banking shall calculate the average, rounded to the nearest  
25 one-hundredth of a percent, of the ~~3~~ 3 rates determined by the division of banking and

1 the office of credit unions and report that interest rate to the revisor of statutes  
2 within 5 days after the date on which the determination is made.

3 \*~~1431/2.14~~\* SECTION 2069. 138.055 (4) (a) of the statutes is repealed.

4 \*~~1431/2.15~~\* SECTION 2070. 138.056 (1) (a) 4. a. of the statutes is repealed.

5 \*~~0529/4.184~~\* SECTION 2071. 139.10 (title) of the statutes is amended to read:

6 **139.10 (title) Refunds by ~~state treasurer~~ secretary of administration.**

7 \*~~0529/4.185~~\* SECTION 2072. 139.10 (1) of the statutes is amended to read:

8 139.10 (1) On the certificate of the secretary, the ~~state treasurer~~ secretary of  
9 administration shall refund to any purchaser or any banking institution in  
10 Wisconsin the tax paid on intoxicating liquor or on whole cases or full kegs of  
11 fermented malt beverages which are spoiled or unfit to drink and the tax paid on  
12 fermented malt beverages sold to the U.S. armed forces or the secretary may make  
13 allowance of the amount of the tax.

14 \*~~1824/6.29~~\* SECTION 2073. 139.26 of the statutes is amended to read:

15 **139.26 Prosecutions by attorney general.** ~~Upon request by the secretary~~  
16 ~~of revenue, the~~ The attorney general may represent this state or assist a district  
17 attorney in prosecuting any case arising under this subchapter.

18 \*~~0529/4.186~~\* SECTION 2074. 139.39 (4) of the statutes is amended to read:

19 139.39 (4) No suit shall be maintained in any court to restrain or delay the  
20 collection or payment of the tax levied in s. 139.31. The aggrieved taxpayer shall pay  
21 the tax when due and, if paid under protest, may at any time within 90 days from the  
22 date of payment, sue the state to recover the tax paid. If it is finally determined that  
23 any part of the tax was wrongfully collected, the ~~department~~ secretary of  
24 administration shall ~~issue a warrant on the state treasurer for~~ pay the amount  
25 wrongfully collected, ~~and the treasurer shall pay the same out of the general fund.~~



1 A separate suit need not be filed for each separate payment made by any taxpayer,  
2 but a recovery may be had in one suit for as many payments as may have been made.

3 ~~\*-1824/6.30\* SECTION 2075. 139.45 of the statutes is amended to read:~~

4 ~~139.45 Prosecutions by attorney general. Upon request by the secretary~~  
5 ~~of revenue, the The attorney general may represent this state or assist a district~~  
6 ~~attorney in prosecuting any case arising under this subchapter.~~

7 ~~\*-1824/6.31\* SECTION 2076. 139.86 of the statutes is amended to read:~~

8 ~~139.86 Prosecutions by attorney general. Upon request by the secretary~~  
9 ~~of revenue, the The attorney general may represent this state or assist a district~~  
10 ~~attorney in prosecuting any case arising under this subchapter.~~

11 \*-1327/1.17\* SECTION 2077. 146.185 (1) (i) of the statutes is amended to read:

12 146.185 (1) (i) "State agency" has the meaning given in s. 16.70 ~~(1)~~ (1e).

13 \*-0576/8.71\* SECTION 2078. 146.59 (3) (b) of the statutes is amended to read:

14 146.59 (3) (b) Any authorization under par. (a) shall comply with all applicable  
15 provisions of subch. V of ch. 111 and ch. 230, any delegation of authority by the  
16 department of employment relations administration to the board, and any collective  
17 bargaining agreement with respect to employees of the board.

18 \*-0733/3.1\* SECTION 2079. 146.65 (1) (a) and (b) of the statutes are amended  
19 to read:

20 146.65 (1) (a) In-state fiscal year 2001–02, not more than \$618,000 and in fiscal  
21 year 2002–03 each fiscal year, not more than \$232,000, to the rural health dental  
22 clinic located in Ladysmith that provides dental services to persons who are  
23 developmentally disabled or elderly or who have low income, in the counties of Rusk,  
24 Price, Taylor, Sawyer, and Chippewa.

1 (b) In ~~fiscal year 2001-02, not more than \$294,500 and in state fiscal year~~  
2 ~~2002-03~~ each fiscal year, not more than \$355,600, to the rural health dental clinic  
3 located in Menomonie that provides dental services to persons who are  
4 developmentally disabled or elderly or who have low income, in the counties of  
5 Barron, Chippewa, Dunn, Pepin, Pierce, Polk, and St. Croix.

6 \*~~1760/2.19~~\* SECTION 2080. 146.93 of the statutes is repealed.

7 \*~~1272/P3.1~~\* SECTION 2081. 146.946 of the statutes is created to read:

8 **146.946 Pharmacy benefits purchasing pool for governmental units.**

9 (1) In this section:

10 (a) "Brand name" has the meaning given in s. 450.12 (1) (a).

11 (b) "Generic name" has the meaning given in s. 450.12 (1) (b).

12 (c) "Governmental unit" means the state, including any body in state  
13 government created or authorized to be created by the constitution or any law; an  
14 instrumentality of the state or any corporation or other body created by the state; a  
15 political subdivision of the state; a special purpose district in this state; an  
16 instrumentality, corporation, or other body of a political subdivision or special  
17 purpose district; and any combination or subunit of any of the foregoing or of an  
18 instrumentality of the state and any of the foregoing.

19 (d) "Prescription drug" has the meaning given in s. 450.01 (20).

20 (2) Beginning on January 1, 2005, each governmental unit that offers or is  
21 required to provide health insurance coverage to any of its employees shall, together  
22 with every other such governmental unit, develop a common purchasing pool for  
23 pharmacy benefits that uses a preferred list of covered prescription drugs. The  
24 governmental units shall seek to develop the preferred list of covered prescription  
25 drugs under an evidence-based analysis that first identifies the relative

1 effectiveness of prescription drugs within therapeutic classes for particular diseases  
2 and conditions and next identifies the least costly prescription drugs, including  
3 prescription drugs with generic names that are alternatives to prescription drugs  
4 with brand names, among those found to be equally effective. After the purchasing  
5 pool is developed, the pool shall be available to an employer to whom all of the  
6 following apply:

7 (a) The employer is not a governmental unit.

8 (b) The employer provides health insurance coverage to any of the employer's  
9 employees.

10 (c) The governor requests the employer's participation in the pool.

11 **\*-1295/2.27\* SECTION 2082.** 146.997 (4) (a) of the statutes is amended to read:

12 146.997 (4) (a) ~~Subject to par. (b), any~~ Any employee of a health care facility  
13 or health care provider who is subjected to disciplinary action, or who is threatened  
14 with disciplinary action, in violation of sub. (3) may file a complaint with the  
15 department under s. 106.54 (6). If the department finds that a violation of sub. (3)  
16 has been committed, the department may take such action under s. 111.39 as will  
17 effectuate the purpose of this section.

18 **\*-1295/2.28\* SECTION 2083.** 146.997 (4) (b) of the statutes is repealed.

19 **\*-1295/2.29\* SECTION 2084.** 146.997 (4) (c) of the statutes is amended to read:

20 146.997 (4) (c) Section 111.322 (2m) applies to a disciplinary action arising in  
21 connection with any proceeding under par. (a) ~~or (b)~~.

22 **\*-0133/1.1\* SECTION 2085.** 149.10 (8b) of the statutes is repealed.

23 **\*-1300/1.6\* SECTION 2086.** 149.14 (5) (e) of the statutes is amended to read:

24 149.14 (5) (e) Subject to sub. (8) (b), the department may, by rule under s. 149.17  
25 (4), establish for prescription drug coverage under sub. (3) (d) copayment amounts,

## SECTION 2086

1 coinsurance rates, and copayment and coinsurance out-of-pocket limits over which  
2 the plan will pay 100% of covered costs under sub. (3) (d). The department may  
3 provide subsidies for prescription drug copayment amounts paid by eligible persons  
4 under s. 149.165 (2) (a) 1. to 5. Any copayment amount, coinsurance rate, or  
5 out-of-pocket limit established under this paragraph is subject to the approval of the  
6 board. Copayments and coinsurance paid by an eligible person under this paragraph  
7 are separate from and do not count toward the deductible and covered costs not paid  
8 by the plan under pars. (a) to (c).

9 \*~~1300/1.7~~\* SECTION 2087. 149.143 (1) (a) of the statutes is repealed.

10 \*~~1300/1.8~~\* SECTION 2088. 149.143 (1) (b) (intro.) of the statutes is repealed.

11 \*~~1300/1.9~~\* SECTION 2089. 149.143 (1) (b) 1. of the statutes is renumbered  
12 149.143 (1) (am) and amended to read:

13 149.143 (1) (am) A total of ~~60%~~ 58% from the following sources, calculated as  
14 follows:

15 1. First, from premiums from eligible persons with coverage under s. 149.14 (2)  
16 (a) set at a rate that is 140% to 150% of the rate that a standard risk would be charged  
17 under an individual policy providing substantially the same coverage and  
18 deductibles as are provided under the plan and from eligible persons with coverage  
19 under s. 149.14 (2) (b) set in accordance with s. 149.14 (5m), including amounts  
20 received for premium ~~and, deductible, and prescription drug copayment~~ subsidies  
21 under s. 149.144 ~~and under the transfer to the fund from the appropriation account~~  
22 ~~under s. 20.435 (4) (ah)~~, and from premiums collected from eligible persons with  
23 coverage under s. 149.146 set in accordance with s. 149.146 (2) (b).

24 2. Second, from moneys specified under sub. (2m), to the extent that the  
25 amounts under subd. 1. ~~a.~~ are insufficient to pay ~~60%~~ 58% of plan costs.

1           3. Third, by increasing premiums from eligible persons with coverage under s.  
2 149.14 (2) (a) to more than the rate at which premiums were set under subd. 1. ~~a.~~  
3 but not more than 200% of the rate that a standard risk would be charged under an  
4 individual policy providing substantially the same coverage and deductibles as are  
5 provided under the plan and from eligible persons with coverage under s. 149.14 (2)  
6 (b) by a comparable amount in accordance with s. 149.14 (5m), including amounts  
7 received for premium ~~and, deductible, and prescription drug copayment~~ subsidies  
8 under s. 149.144 ~~and under the transfer to the fund from the appropriation account~~  
9 ~~under s. 20.435 (4) (ah)~~, and by increasing premiums from eligible persons with  
10 coverage under s. 149.146 in accordance with s. 149.146 (2) (b), to the extent that the  
11 amounts under ~~subd. 1. a. subds. 1. and b. 2.~~ are insufficient to pay ~~60%~~ 58% of plan  
12 costs.

13           4. Fourth, notwithstanding ~~subd. 2. par. (bm)~~, by increasing insurer  
14 assessments, excluding assessments under s. 149.144, and adjusting provider  
15 payment rates, subject to s. 149.142 (1) (b) and excluding adjustments to those rates  
16 under s. 149.144, in equal proportions and to the extent that the amounts under  
17 ~~subd. 1. a. to c. subds. 1. to 3.~~ are insufficient to pay ~~60%~~ 58% of plan costs.

18           \*~~1300/1.10~~\* SECTION 2090. 149.143 (1) (b) 2. of the statutes is renumbered  
19 149.143 (1) (bm), and 149.143 (1) (bm) (intro.), as renumbered, is amended to read:

20           149.143 (1) (bm) (intro.) A total of ~~40%~~ 42% as follows:

21           \*~~1300/1.11~~\* SECTION 2091. 149.143 (2) (a) (intro.) of the statutes is amended  
22 to read:

23           149.143 (2) (a) (intro.) Prior to each plan year, the department shall estimate  
24 the operating and administrative costs of the plan and the costs of the premium  
25 reductions under s. 149.165 ~~and~~, the deductible reductions under s. 149.14 (5) (a),

## SECTION 2091

1 and any prescription drug copayment reductions under s. 149.14 (5) (e) for the new  
2 plan year and do all of the following:

3 \*~~1300/1.12~~\* SECTION 2092. 149.143 (2) (a) 1. a. of the statutes is amended to  
4 read:

5 149.143 (2) (a) 1. a. Estimate the amount of enrollee premiums that would be  
6 received in the new plan year if the enrollee premiums were set at a level sufficient,  
7 when including amounts received for premium ~~and~~, deductible, and prescription  
8 drug copayment subsidies under s. 149.144 ~~and under the transfer to the fund from~~  
9 ~~the appropriation account under s. 20.435 (4) (ah) and from premiums collected from~~  
10 eligible persons with coverage under s. 149.146 set in accordance with s. 149.146 (2)  
11 (b), to cover ~~60%~~ 58% of the estimated plan costs for the new plan year, ~~after~~  
12 ~~deducting from the estimated plan costs the amount available for transfer to the fund~~  
13 ~~from the appropriation account under s. 20.435 (4) (af) for that plan year.~~

14 \*~~1300/1.13~~\* SECTION 2093. 149.143 (2) (a) 1. b. of the statutes is amended to  
15 read:

16 149.143 (2) (a) 1. b. Estimate the amount of enrollee premiums that will be  
17 received under sub. (1) ~~(b) 1. a.~~ (am) 1.

18 \*~~1300/1.14~~\* SECTION 2094. 149.143 (2) (a) 2. of the statutes is amended to  
19 read:

20 149.143 (2) (a) 2. After making the determinations under subd. 1., by rule set  
21 premium rates for the new plan year, including the rates under s. 149.146 (2) (b), in  
22 the manner specified in sub. (1) ~~(b) 1. a. and c.~~ (am) 1. and 3. and such that a rate for  
23 coverage under s. 149.14 (2) (a) is approved by the board and is not less than 140%  
24 nor more than 200% of the rate that a standard risk would be charged under an

1 individual policy providing substantially the same coverage and deductibles as are  
2 provided under the plan.

3 **\*-1300/1.15\* SECTION 2095.** 149.143 (2) (a) 3. of the statutes is amended to  
4 read:

5 149.143 (2) (a) 3. By rule set the total insurer assessments under s. 149.13 for  
6 the new plan year by estimating and setting the assessments at the amount  
7 necessary to equal the amounts specified in sub. (1) ~~(b) 1. d. and 2. a.~~ (am) 4. and (bm)  
8 1 and notify the commissioner of the amount.

9 **\*-1300/1.16\* SECTION 2096.** 149.143 (2) (a) 4. of the statutes is amended to  
10 read:

11 149.143 (2) (a) 4. By the same rule as under subd. 3. adjust the provider  
12 payment rate for the new plan year, subject to s. 149.142 (1) (b), by estimating and  
13 setting the rate at the level necessary to equal the amounts specified in sub. (1) ~~(b)~~  
14 ~~1. d. and 2. b.~~ (am) 4. and (bm) 2. and as provided in s. 149.145.

15 **\*-1300/1.17\* SECTION 2097.** 149.143 (2) (b) of the statutes is amended to read:

16 149.143 (2) (b) In setting the premium rates under par. (a) 2., the insurer  
17 assessment amount under par. (a) 3. and the provider payment rate under par. (a)  
18 4. for the new plan year, the department shall include any increase or decrease  
19 necessary to reflect the amount, if any, by which the rates and amount set under par.  
20 (a) for the current plan year differed from the rates and amount which would have  
21 equaled the amounts specified in sub. (1) ~~(b)~~ (am) and (bm) in the current plan year.

22 **\*-1300/1.18\* SECTION 2098.** 149.143 (2m) (a) 1. of the statutes is amended to  
23 read:

1 149.143 (2m) (a) 1. The amount of premiums received in a plan year from all  
2 eligible persons, including amounts received for premium ~~and, deductible, and~~  
3 prescription drug copayment subsidies.

4 \*~~1300/1.19~~\* SECTION 2099. 149.143 (2m) (a) 2. of the statutes is amended to  
5 read:

6 149.143 (2m) (a) 2. The amount of premiums, including amounts received for  
7 premium ~~and, deductible, and prescription drug copayment~~ subsidies, necessary to  
8 cover ~~60%~~ 58% of the plan costs for the plan year, ~~after deducting the amount~~  
9 ~~transferred to the fund from the appropriation account under s. 20.435 (4) (af).~~

10 \*~~1300/1.20~~\* SECTION 2100. 149.143 (2m) (b) 1. of the statutes is amended to  
11 read:

12 149.143 (2m) (b) 1. To reduce premiums in succeeding plan years as provided  
13 in sub. (1) ~~(b) 1. b. (am) 2.~~ For eligible persons with coverage under s. 149.14 (2) (a),  
14 premiums may not be reduced below 140% of the rate that a standard risk would be  
15 charged under an individual policy providing substantially the same coverage and  
16 deductibles as are provided under the plan.

17 \*~~1300/1.21~~\* SECTION 2101. 149.143 (3) (a) of the statutes is amended to read:

18 149.143 (3) (a) If, during a plan year, the department determines that the  
19 amounts estimated to be received as a result of the rates and amount set under sub.  
20 (2) (a) 2. to 4. and any adjustments in insurer assessments and the provider payment  
21 rate under s. 149.144 will not be sufficient to cover plan costs, the department may  
22 by rule increase the premium rates set under sub. (2) (a) 2. for the remainder of the  
23 plan year, subject to s. 149.146 (2) (b) and the maximum specified in sub. (2) (a) 2.,  
24 by rule increase the assessments set under sub. (2) (a) 3. for the remainder of the plan  
25 year, subject to sub. (1) ~~(b) 2. a. (bm) 1.~~, and by the same rule under which



1 assessments are increased adjust the provider payment rate set under sub. (2) (a) 4.  
2 for the remainder of the plan year, subject to sub. (1) (b) ~~2. b. (bm) 2.~~ and s. 149.142  
3 (1) (b).

4 **\*-1300/1.22\* SECTION 2102.** 149.143 (3) (b) of the statutes is amended to read:  
5 149.143 (3) (b) If the department increases premium rates and insurer  
6 assessments and adjusts the provider payment rate under par. (a) and determines  
7 that there will still be a deficit and that premium rates have been increased to the  
8 maximum extent allowable under par. (a), the department may further adjust, in  
9 equal proportions, assessments set under sub. (2) (a) 3. and the provider payment  
10 rate set under sub. (2) (a) 4., without regard to sub. (1) ~~(b) 2. (bm)~~ but subject to s.  
11 149.142 (1) (b).

12 **\*-1300/1.23\* SECTION 2103.** 149.144 of the statutes is amended to read:  
13 **149.144 Adjustments to insurer assessments and provider payment**  
14 **rates for premium and, deductible, and prescription drug copayment**  
15 **reductions.** ~~If the moneys transferred to the fund under the appropriation under~~  
16 ~~s. 20.435 (4) (ah) are insufficient to reimburse the plan for premium reductions under~~  
17 ~~s. 149.165 and deductible reductions under s. 149.14 (5) (a), or the department~~  
18 ~~determines that the moneys transferred or to be transferred to the fund under the~~  
19 ~~appropriation under s. 20.435 (4) (ah) will be insufficient to reimburse the plan for~~  
20 ~~premium reductions under s. 149.165 and deductible reductions under s. 149.14 (5)~~  
21 ~~(a), the~~ The department may shall, by rule, adjust in equal proportions the amount  
22 of the assessment set under s. 149.143 (2) (a) 3. and the provider payment rate set  
23 under s. 149.143 (2) (a) 4., subject to ss. 149.142 (1) (b) and 149.143 (1) (b) ~~1. (am)~~,  
24 sufficient to reimburse the plan for premium reductions under s. 149.165 and,  
25 deductible reductions under s. 149.14 (5) (a). ~~If the department makes the~~

1 ~~adjustment under this section, the, and any prescription drug copayment reductions~~  
2 ~~under s. 149.14 (5) (e). The department shall notify the commissioner so that the~~  
3 ~~commissioner may levy any increase in insurer assessments.~~

4 \*~~1300/1.24~~\* SECTION 2104. 149.145 of the statutes is amended to read:

5 **149.145 Program budget.** The department, in consultation with the board,  
6 shall establish a program budget for each plan year. The program budget shall be  
7 based on the provider payment rates specified in s. 149.142 and in the most recent  
8 provider contracts that are in effect and on the funding sources specified in ~~s. ss.~~  
9 149.143 (1) and 149.144, including the methodologies specified in ss. 149.143,  
10 149.144, and 149.146 for determining premium rates, insurer assessments, and  
11 provider payment rates. Except as otherwise provided in s. 149.143 (3) (a) and (b)  
12 and subject to s. 149.142 (1) (b), from the program budget the department shall derive  
13 the actual provider payment rate for a plan year that reflects the providers'  
14 proportional share of the plan costs, consistent with ss. 149.143 and 149.144. The  
15 department may not implement a program budget established under this section  
16 unless it is approved by the board.

17 \*~~1300/1.25~~\* SECTION 2105. 149.146 (2) (a) of the statutes is amended to read:

18 149.146 (2) (a) Except as specified by the department, the terms of coverage  
19 under s. 149.14, including deductible reductions under s. 149.14 (5) (a) and  
20 prescription drug copayment reductions under s. 149.14 (5) (e), do not apply to the  
21 coverage offered under this section. Premium reductions under s. 149.165 do not  
22 apply to the coverage offered under this section.

23 \*~~0133/1.2~~\* SECTION 2106. 149.16 (1) of the statutes is repealed.

24 \*~~0133/1.3~~\* SECTION 2107. 149.16 (1m) of the statutes is created to read: