

1 of investigating or otherwise processing such a complaint, the ~~commission~~ division
2 of equal rights may require that an interview with any employee described in s.
3 230.80 (3), except a management or supervisory employee who is a party to or is
4 immediately involved in the subject matter of the complaint, be conducted outside
5 the presence of the appointing authority or any representative or agent thereof
6 unless the employee voluntarily requests that presence. An appointing authority
7 shall permit an employee to be interviewed without loss of pay and to have an
8 employee representative present at the interview. An appointing authority of an
9 employee to be interviewed may require the ~~commission~~ division of equal rights to
10 give the appointing authority reasonable notice prior to the interview. If the
11 ~~commission~~ division of equal rights finds probable cause to believe that a retaliatory
12 action has occurred or was threatened, it may endeavor to remedy the problem
13 through conference, conciliation or persuasion. If that endeavor is not successful, the
14 ~~commission~~ division of equal rights shall issue and serve a written notice of hearing,
15 specifying the nature of the retaliatory action which has occurred or was threatened,
16 and requiring the person named, in this section called the “respondent”, to answer
17 the complaint at a hearing. The notice shall specify the place of hearing and a time
18 of hearing not less than 30 days after service of the complaint upon the respondent
19 nor less than 10 days after service of the notice of hearing. If, however, the
20 ~~commission~~ division of equal rights determines that an emergency exists with
21 respect to a complaint, the notice of hearing may spccify a time of hearing within 30
22 days after service of the complaint upon the respondent, but not less than 10 days
23 after service of the notice of hearing. The testimony at the hearing shall be recorded
24 or taken down by a reporter appointed by the ~~commission~~ division of equal rights.

SECTION 2453

1 ***-1295/2.50*** SECTION 2453. 230.85 (3) (a) (intro.) of the statutes is amended
2 to read:

3 230.85 (3) (a) (intro.) After hearing, the ~~commission~~ division of equal rights
4 shall make written findings and orders. If the ~~commission~~ division of equal rights
5 finds that the respondent engaged in or threatened a retaliatory action, it shall order
6 the employee's appointing authority to insert a copy of the findings and orders into
7 the employee's personnel file and, if the respondent is a natural person, order the
8 respondent's appointing authority to insert such a copy into the respondent's
9 personnel file. In addition, the ~~commission~~ division of equal rights may take any
10 other appropriate action, including but not limited to the following:

11 ***-1295/2.51*** SECTION 2454. 230.85 (3) (a) 4. of the statutes is amended to read:

12 230.85 (3) (a) 4. Order payment of the employee's reasonable attorney fees by
13 a governmental unit respondent, or by a governmental unit employing a respondent
14 who is a natural person if that governmental unit received notice and an opportunity
15 to participate in proceedings before the ~~commission~~ division of equal rights.

16 ***-1295/2.52*** SECTION 2455. 230.85 (3) (b) of the statutes is amended to read:

17 230.85 (3) (b) If, after hearing, the ~~commission~~ division of equal rights finds
18 that the respondent did not engage in or threaten a retaliatory action it shall order
19 the complaint dismissed. The ~~commission~~ division of equal rights shall order the
20 employee's appointing authority to insert a copy of the findings and orders into the
21 employee's personnel file and, if the respondent is a natural person, order the
22 respondent's appointing authority to insert such a copy into the respondent's
23 personnel file. If the ~~commission~~ division of equal rights finds by unanimous vote
24 that the employee filed a frivolous complaint it may order payment of the
25 respondent's reasonable actual attorney fees and actual costs. Payment may be

1 assessed against either the employee or the employee's attorney, or assessed so that
2 the employee and the employee's attorney each pay a portion. To find a complaint
3 frivolous the ~~commission~~ division of equal rights must find that either s. 814.025 (3)
4 (a) or (b) applies or that both s. 814.025 (3) (a) and (b) apply.

5 *~~1295/2.53~~* SECTION 2456. 230.85 (3) (c) of the statutes is amended to read:
6 230.85 (3) (c) Pending final determination by the ~~commission~~ division of equal
7 rights of any complaint under this section, the ~~commission~~ division of equal rights
8 may make interlocutory orders.

9 *~~1295/2.54~~* SECTION 2457. 230.85 (4) of the statutes is amended to read:
10 230.85 (4) The ~~commission~~ division of equal rights shall serve a certified copy
11 of the findings and order on the respondent and, if the respondent is a natural person,
12 upon the respondent's appointing authority.

13 *~~1295/2.55~~* SECTION 2458. 230.85 (5) (a) of the statutes is amended to read:
14 230.85 (5) (a) If a respondent does not comply with any lawful order by the
15 ~~commission~~ division of equal rights, for each such failure the respondent shall forfeit
16 a sum of not less than \$10 nor more than \$100. Every day during which a respondent
17 fails to comply with any order of the ~~commission~~ division of equal rights constitutes
18 a separate violation of that order.

19 *~~1295/2.56~~* SECTION 2459. 230.85 (5) (b) of the statutes is amended to read:
20 230.85 (5) (b) As an alternative to par. (a), the ~~commission~~ division of equal
21 rights may enforce an order by a suit in equity.

22 *~~1295/2.57~~* SECTION 2460. 230.87 (1) of the statutes is amended to read:
23 230.87 (1) Findings and orders of the ~~commission~~ division of equal rights under
24 this subchapter are subject to judicial review under ch. 227. Upon that review, or in
25 any enforcement action, the department of justice shall represent the ~~commission~~

1 division of equal rights unless a conflict of interest results from that representation.
2 A court may order payment of a prevailing appellant employee's reasonable attorney
3 fees by a governmental unit respondent, or by a governmental unit employing a
4 respondent who is a natural person if that governmental unit received notice and an
5 opportunity to appear before the court.

6 *~~1295/2.58~~* SECTION 2461. 230.88 (2) of the statutes is amended to read:

7 230.88 (2) EFFECT. (a) A final order issued under s. 230.85 or 230.87 which has
8 not been appealed and for which the time of appeal has passed binds all parties who
9 were subjected to the jurisdiction of the ~~commission~~ division of equal rights or the
10 court and who received an opportunity to be heard. With respect to these parties, the
11 decree is conclusive as to all issues of law and fact decided.

12 (b) No collective bargaining agreement supersedes the rights of an employee
13 under this subchapter. However, nothing in this subchapter affects any right of an
14 employee to pursue a grievance procedure under a collective bargaining agreement
15 under subch. V of ch. 111, and if the ~~commission~~ division of equal rights determines
16 that a grievance arising under such a collective bargaining agreement involves the
17 same parties and matters as a complaint under s. 230.85, it shall order the
18 arbitrator's final award on the merits conclusive as to the rights of the parties to the
19 complaint, on those matters determined in the arbitration which were at issue and
20 upon which the determination necessarily depended.

21 (c) No later than 10 days before the specified time of hearing under s. 230.85
22 (2), an employee shall notify the ~~commission~~ division of equal rights orally or in
23 writing if he or she has commenced or will commence an action in a court of record
24 alleging matters prohibited under s. 230.83 (1). If the employee does not
25 substantially comply with this requirement, the ~~commission~~ division of equal rights

1 may assess against the employee any costs attributable to the failure to notify.
2 Failure to notify the ~~commission~~ division of equal rights does not affect a court's
3 jurisdiction to proceed with the action. Upon commencement of such an action in a
4 court of record, the ~~commission~~ division of equal rights has no jurisdiction to process
5 a complaint filed under s. 230.85 except to dismiss the complaint and, if appropriate,
6 to assess costs under this paragraph.

7 *~~1295/2.59~~* SECTION 2462. 230.89 of the statutes is amended to read:

8 **230.89 Rule making and reporting.** (1) The ~~commission~~ division of equal
9 rights shall promulgate rules to carry out its responsibilities under this subchapter.

10 (2) Every 2 years, the ~~commission~~ division of equal rights shall submit a report
11 to the chief clerk of each house of the legislature, for distribution to the appropriate
12 standing committees under s. 13.172 (3), regarding complaints filed, hearings held
13 and actions taken under this subchapter, including the dollar amount of any
14 monetary settlement or final monetary award which has become binding on the
15 parties.

16 *~~0576/8.89~~* SECTION 2463. 233.10 (3) (c) 4. of the statutes is amended to read:

17 233.10 (3) (c) 4. Grant to the carry-over employee military leave, treatment of
18 military leave, jury service leave and voting leave in accordance with s. 230.35 (3)
19 and (4) (e) and, to the extent applicable, rules of the department of employment
20 relations administration governing such leaves for employees in the classified
21 service as of the last day of the employee's employment as a state employee if the
22 employee was entitled to those benefits on that day.

23 *~~0576/8.90~~* SECTION 2464. 233.10 (4) of the statutes is amended to read:

24 233.10 (4) Notwithstanding the requirement that an employee be a state
25 employee, a carry-over employee of the authority who was employed in a position in

1 the classified service immediately prior to beginning employment with the authority
2 shall, from June 29, 1996, to June 30, 1997, have the same transfer rights under s.
3 230.29 and the rules of the department of ~~employment relations~~ administration
4 governing transfers as a person who holds a position in the classified service.

5 *~~1697/1.1~~* SECTION 2465. 234.02 (1) of the statutes is amended to read:

6 234.02 (1) There is created a public body corporate and politic to be known as
7 the “Wisconsin Housing and Economic Development Authority.” The members of the
8 authority shall be the secretary of commerce or his or her designee, the secretary of
9 agriculture, trade and consumer protection or his or her designee, and the secretary
10 of administration or his or her designee, and 6 public members nominated by the
11 governor, and with the advice and consent of the senate appointed, for staggered
12 4-year terms commencing on the dates their predecessors’ terms expire. In addition,
13 one senator of each party and one representative to the assembly of each party
14 appointed as are the members of standing committees in their respective houses
15 shall serve as members of the authority. A member of the authority shall receive no
16 compensation for services but shall be reimbursed for necessary expenses, including
17 travel expenses, incurred in the discharge of duties. Subject to the bylaws of the
18 authority respecting resignations, each member shall hold office until a successor
19 has been appointed and has qualified. A certificate of appointment or reappointment
20 of any member shall be filed with the authority and the certificate shall be conclusive
21 evidence of the due and proper appointment.

22 *~~1634/7.58~~* SECTION 2466. 234.034 of the statutes is amended to read:

23 234.034 **Consistency with state housing strategy plan.** Subject to
24 agreements with bondholders or noteholders, the authority shall exercise its powers

1 and perform its duties related to housing consistent with the state housing strategy
2 plan under s. ~~16.31~~ 560.9802.

3 ***-1634/7.59* SECTION 2467.** 234.06 (1) of the statutes is amended to read:

4 234.06 (1) The authority may, as authorized in the state housing strategy plan
5 under s. ~~16.31~~ 560.9802, use the moneys held in the housing development fund to
6 make temporary loans to eligible sponsors, with or without interest, and with such
7 security for repayment, if any, as the authority determines reasonably necessary and
8 practicable, solely from the housing development fund, to defray development costs
9 for the construction of proposed housing projects for occupancy by persons and
10 families of low and moderate income. No temporary loan may be made unless the
11 authority may reasonably anticipate that satisfactory financing may be obtained by
12 the eligible sponsor for the permanent financing of the housing project.

13 ***-1634/7.60* SECTION 2468.** 234.06 (3) of the statutes is amended to read:

14 234.06 (3) The authority may, as authorized in the state housing strategy plan
15 under s. ~~16.31~~ 560.9802, use the moneys held in the housing development fund to
16 establish and administer programs of grants to counties, municipalities and eligible
17 sponsors of housing projects for persons of low and moderate income, to pay
18 organizational expenses, administrative costs, social services, technical services,
19 training expenses or costs incurred or expected to be incurred by counties,
20 municipalities or sponsors for land and building acquisition, construction,
21 improvements, renewal, rehabilitation, relocation or conservation under a plan to
22 provide housing or related facilities, if the costs are not reimbursable from other
23 private or public loan, grant or mortgage sources.

24 ***-1634/7.61* SECTION 2469.** 234.165 (2) (b) 2. of the statutes is amended to
25 read:

1 234.165 (2) (b) 2. Annually before August 31 the authority shall submit to the
2 governor a plan for expending or encumbering the actual surplus reported under
3 subd. 1. The part of the plan related to housing shall be consistent with the state
4 housing strategy plan under s. ~~16-31~~ 560.9802. The plan submitted under this
5 subdivision may be attached to and submitted as a part of the report filed under subd.
6 1.

7 *~~1634/7.62~~* SECTION 2470. 234.25 (1) (e) of the statutes is amended to read:

8 234.25 (1) (e) An evaluation of its progress in implementing within its own
9 housing programs the goals, policies and objectives of the state housing strategy plan
10 under s. ~~16-31~~ 560.9802, and recommendations for legislation to improve its ability
11 to carry out its programs consistent with the state housing strategy plan.

12 *~~0529/4.216~~* SECTION 2471. 253.06 (4) (c) 2. of the statutes is amended to
13 read:

14 253.06 (4) (c) 2. If a fine or forfeiture is imposed by a court of record, after a
15 determination by the court of the amount due, the clerk of the court shall collect and
16 transmit such amount to the county treasurer as provided in s. 59.40 (2) (m). The
17 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
18 administration as provided in s. 59.25 (3) (f) 2.

19 *~~0529/4.217~~* SECTION 2472. 253.06 (5) (e) of the statutes is amended to read:

20 253.06 (5) (e) The suspension or termination of authorization of a vendor or
21 eligibility of a participant shall be effective beginning on the 15th day after receipt
22 of the notice of suspension or termination. All forfeitures, recoupments, and
23 enforcement assessments shall be paid to the department within 15 days after
24 receipt of notice of assessment or, if the forfeiture, recoupment, or enforcement
25 assessment is contested under sub. (6), within 10 days after receipt of the final

1 decision after exhaustion of administrative review, unless the final decision is
2 adverse to the department or unless the final decision is appealed and the decision
3 is stayed by court order under sub. (7). The department shall remit all forfeitures
4 paid to the ~~state treasurer~~ secretary of administration for deposit in the school fund.
5 The department shall deposit all enforcement assessments in the appropriation
6 under s. 20.435 (1) (gr).

7 *~~0529/4.218~~* SECTION 2473. 254.45 (4) (b) of the statutes is amended to read:
8 254.45 (4) (b) The department shall remit all forfeitures paid to the state
9 ~~treasurer~~ secretary of administration for deposit in the school fund.

10 *~~0529/4.219~~* SECTION 2474. 254.59 (2) of the statutes is amended to read:
11 254.59 (2) If a human health hazard is found on private property, the local
12 health officer shall notify the owner and the occupant of the property, by registered
13 mail with return receipt requested, of the presence of the human health hazard and
14 order its abatement or removal within 30 days of receipt of the notice. If the human
15 health hazard is not abated or removed by that date, the local health officer shall
16 immediately enter upon the property and abate or remove the human health hazard
17 or may contract to have the work performed. The human health hazard shall be
18 abated in a manner which is approved by the local health officer. The cost of the
19 abatement or removal may be recovered from the person permitting the violation or
20 may be paid by the municipal treasurer and the account, after being paid by the
21 treasurer, shall be filed with the municipal clerk, who shall enter the amount
22 chargeable to the property in the next tax roll in a column headed "For Abatement
23 of a Nuisance" as a special tax on the lands upon which the human health hazard was
24 abated, and the tax shall be collected as are other taxes. In case of railroads or other
25 lands not taxed in the usual way, the amount chargeable shall be certified by the

1 clerk to the ~~state treasurer~~ secretary of administration who shall add the amount
2 designated in the certificate to the sum due from the company owning, occupying, or
3 controlling the land specified, and the ~~state treasurer~~ secretary of administration
4 shall collect the amount as prescribed in subch. I of ch. 76 and return the amount
5 collected to the town, city, or village from which the certificate was received. Anyone
6 maintaining such a human health hazard may also be fined not more than \$300 or
7 imprisoned for not more than 90 days or both. The only defenses an owner may have
8 against the collection of a tax under this subsection are that no human health hazard
9 existed on the owner's property, that no human health hazard was corrected on the
10 owner's property, that the procedure outlined in this subsection was not followed or
11 any applicable defense under s. 74.33.

12 *~~0529/4.220~~* SECTION 2475. 254.59 (5) of the statutes is amended to read:

13 254.59 (5) The cost of abatement or removal of a human health hazard under
14 this section may be at the expense of the municipality and may be collected from the
15 owner or occupant, or person causing, permitting, or maintaining the human health
16 hazard, or may be charged against the premises and, upon certification of the local
17 health officer, assessed as are other special taxes. In cases of railroads or other lands
18 not taxed in the usual way, the amount chargeable shall be certified by the clerk to
19 the ~~state treasurer~~ secretary of administration who shall add the amount designated
20 in the certificate to the sum due from the company owning, occupying, or controlling
21 the land specified, and the ~~state treasurer~~ secretary of administration shall collect
22 the amount as prescribed in subch. I of ch. 76 and return the amount collected to the
23 town, city, or village from which the certificate was received. Anyone maintaining
24 such a human health hazard may also be fined not more than \$300 or imprisoned for
25 not more than 90 days or both. The only defenses an owner may have against the

1 collection of a tax under this subsection are that no human health hazard existed on
2 the owner's property, that no human health hazard was corrected on the owner's
3 property, that the procedure outlined in this subsection was not followed, or any
4 applicable defense under s. 74.33.

5 *~~1506/2.4~~* SECTION 2476. 254.89 of the statutes is renumbered 97.24 (5) and
6 amended to read:

7 97.24 (5) CERTIFICATION OF GRADE A DAIRY OPERATIONS. The department shall
8 conduct evaluation surveys of grade A dairy operations in this state to the extent
9 necessary to certify to the federal food and drug administration, out-of-state
10 markets, ~~the department of agriculture, trade and consumer protection,~~ the federal
11 public health service, and local health departments, the compliance rating of the
12 grade A dairy operations based upon the sanitation and enforcement requirements
13 of the grade A pasteurized milk ordinance of the federal public health service and its
14 related documents. The department may promulgate rules establishing fees which
15 may be charged to dairy plants to fund these activities.

16 *~~1506/2.3~~* SECTION 2477. Subchapter VIII (title) of chapter 254 [precedes
17 254.89] of the statutes is repealed.

18 *~~1504/1.12~~* SECTION 2478. 255.15 (1) of the statutes is repealed.

19 *~~1504/1.13~~* SECTION 2479. 255.15 (1m) (intro.) of the statutes is amended to
20 read:

21 255.15 (1m) DUTIES. (intro.) ~~The board~~ department shall do all of the following:

22 *~~1504/1.14~~* SECTION 2480. 255.15 (1m) (a) of the statutes is repealed.

23 *~~1504/1.15~~* SECTION 2481. 255.15 (1m) (c) of the statutes is amended to read:

24 255.15 (1m) (c) Promulgate rules establishing criteria for recipients of grants
25 awarded under sub. (3), including performance-based standards for grant recipients

1 that propose to use the grant for media efforts. The ~~board~~ department shall ensure
2 that programs or projects conducted under the grants are culturally sensitive.

3 *~~1504/1.16~~* SECTION 2482. 255.15 (3) (a) (intro.) of the statutes is amended
4 to read:

5 255.15 (3) (a) (intro.) From the appropriation under s. ~~20.436(1)~~ 20.435 (1) (tc),
6 the ~~board~~ department shall distribute the following amounts to or for all of the
7 following:

8 *~~1504/1.17~~* SECTION 2483. 255.15 (3) (b) (intro.) of the statutes is amended
9 to read:

10 255.15 (3) (b) (intro.) From the appropriation under s. ~~20.436(1)~~ 20.435 (1) (tc),
11 the ~~board~~ department may distribute grants for any of the following:

12 *~~1504/1.18~~* SECTION 2484. 255.15 (4) of the statutes is amended to read:

13 255.15 (4) REPORTS. Not later than April 15, 2002, and annually thereafter, the
14 ~~board~~ department shall submit to the governor and to the chief clerk of each house
15 of the legislature for distribution under s. 13.172 (2) a report that evaluates the
16 success of the grant program under sub. (3). The report shall specify the number of
17 grants awarded during the immediately preceding fiscal year and the purpose for
18 which each grant was made. The report shall also specify donations and grants
19 accepted by the ~~board~~ department under sub. (5).

20 *~~1504/1.19~~* SECTION 2485. 255.15 (5) of the statutes is amended to read:

21 255.15 (5) FUNDS. The ~~board~~ department may accept for any of ~~its~~ the purposes
22 under this section any donations and grants of money, equipment, supplies,
23 materials and services from any person. The ~~board~~ department shall include in the
24 report under sub. (4) any donation or grant accepted by the ~~board~~ department under

1 this subsection, including the nature, amount and conditions, if any, of the donation
2 or grant and the identity of the donor.

3 ***-1504/1.20* SECTION 2486.** 255.15 (6) of the statutes is amended to read:

4 255.15 (6) ~~SUBCOMMITTEES~~ COMMITTEES. ~~The board may create subcommittees~~
5 ~~to assist in its work.~~ If the board department ~~creates subcommittees~~ committees ~~to~~
6 assist in its work under this section, one of the ~~subcommittees~~ committees shall
7 address the issue of populations most adversely affected by tobacco.

8 ***-1187/4.202* SECTION 2487.** 281.36 (1) (cr) of the statutes is amended to read:

9 281.36 (1) (cr) “State transportation agency” means the department of
10 transportation ~~or the office of the commissioner of railroads.~~

11 ***-0421/3.1* SECTION 2488.** 281.59 (3e) (b) 1. and 3. of the statutes are amended
12 to read:

13 281.59 (3e) (b) 1. Equal to ~~\$90,000,000~~ \$92,400,000 during the ~~2001-03~~
14 2003-05 biennium.

15 3. Equal to \$1,000 for any biennium after the ~~2001-03~~ 2003-05 biennium.

16 ***-0421/3.2* SECTION 2489.** 281.59 (3m) (b) 1. and 2. of the statutes are
17 amended to read:

18 281.59 (3m) (b) 1. Equal to ~~\$9,110,000~~ \$12,000,000 during the ~~2001-03~~
19 2003-05 biennium.

20 2. Equal to \$1,000 for any biennium after the ~~2001-03~~ 2003-05 biennium.

21 ***-0421/3.3* SECTION 2490.** 281.59 (3s) (b) 1. and 2. of the statutes are amended
22 to read:

23 281.59 (3s) (b) 1. Equal to ~~\$10,900,000~~ \$12,800,000 during the ~~2001-03~~
24 2003-05 biennium.

25 2. Equal to \$1,000 for any biennium after the ~~2001-03~~ 2003-05 biennium.

1 ***-0421/3.4*** SECTION 2491. 281.59 (4) (f) of the statutes is amended to read:

2 281.59 (4) (f) Revenue obligations may be contracted by the building
3 commission when it reasonably appears to the building commission that all
4 obligations incurred under this subsection can be fully paid on a timely basis from
5 moneys received or anticipated to be received. Revenue obligations issued under this
6 subsection for the clean water fund program shall not exceed ~~\$1,398,355,000~~
7 \$1,658,025,000 in principal amount, excluding obligations issued to refund
8 outstanding revenue obligation notes.

9 ***-1712/5.79*** SECTION 2492. 281.65 (10) of the statutes is repealed.

10 ***-0529/4.221*** SECTION 2493. 281.99 (4) of the statutes is amended to read:

11 281.99 (4) All forfeitures shall be paid to the department within 60 days after
12 receipt of the order or according to a schedule agreed to by the department and the
13 water system owner or operator or, if the forfeiture is contested under sub. (3), within
14 10 days after receipt of the final decision after exhaustion of administrative review,
15 unless the final decision is appealed and the order is stayed by court order. The
16 department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of
17 administration for deposit in the school fund.

18 ***-1289/7.116*** SECTION 2494. 283.84 (1) (c) of the statutes is amended to read:

19 283.84 (1) (c) Reaches an agreement with the department or a local
20 governmental unit, as defined in s. ~~22.01~~ 16.97 (7), under which the person pays
21 money to the department or local governmental unit and the department or local
22 governmental unit uses the money to reduce water pollution in the project area.

23 ***-0415/2.2*** SECTION 2495. 285.69 (3) of the statutes is renumbered 285.69 (3)


24 (a) and amended to read:

1 285.69 (3) (a) The department may promulgate rules for the payment and
2 collection of fees for inspecting nonresidential asbestos demolition and renovation
3 projects regulated by the department. The fees under this subsection for an
4 inspection may not exceed \$210 per \$450 if the combined square and linear footage
5 of friable asbestos-containing material involved in the project is less than 5,000. The
6 fees under this subsection for an inspection may not exceed \$750 if the combined
7 square and linear footage of friable asbestos-containing material involved in the
8 project is 5,000 or more. The fees collected under this subsection shall be credited
9 to the appropriation under s. 20.370 (2) (bi) for the direct and indirect costs of
10 conducting inspections of nonresidential asbestos demolition and ~~inspection~~
11 renovation projects regulated by the department.

12 *~~0415/2.3~~* SECTION 2496. 285.69 (3) (b) and (c) of the statutes are created to
13 read:

14 285.69 (3) (b) In addition to the fees under par. (a), the department may charge
15 the costs it incurs for laboratory testing for a nonresidential asbestos demolition and
16 renovation project.

17 (c) For the purpose of par. (a), combined square and linear footage shall be
18 determined by adding the number of square feet of friable asbestos-containing
19 material on areas other than pipes to the number of linear feet of friable
20 asbestos-containing material on pipes.

21 *~~1824/6.45~~* SECTION 2497. 287.91 (4) of the statutes is repealed. 

22 *~~1614/1.4~~* SECTION 2498. 289.33 (13) of the statutes is created to read:

23 289.33 (13) DIVISION OF HEARINGS AND APPEALS. The division of hearings and
24 appeals created under s. 15.103 (1) shall provide staff to assist the board in
25 performing its duties.

1 *–1546/2.10* SECTION 2499. 292.255 of the statutes is amended to read:

2 **292.255 Report on brownfield efforts.** The department of natural
3 resources, and the department of administration ~~and the department of commerce~~
4 shall submit a report evaluating the effectiveness of this state's efforts to remedy the
5 contamination of, and to redevelop, brownfields, as defined in s. 560.60 (1v).

6 *–1546/2.11* SECTION 2500. 292.74 of the statutes is created to read:

7 **292.74 Brownfields grant program. (1) DEFINITIONS.** In this section:

8 (a) "Eligible site or facility" means an abandoned, idle, or underused industrial
9 or commercial facility or site the expansion or redevelopment of which is adversely
10 affected by actual or perceived environmental contamination.

11 (b) "Local governmental unit" means a city, village, town, county,
12 redevelopment authority created under s. 66.1333, community development
13 authority created under s. 66.1335, or housing authority.

14 **(2) GRANTS.** (a) The department shall administer a program to award grants
15 from the appropriation under s. 20.370 (6) (es) for the following purposes:

16 1. The investigation of an eligible site or facility to determine the existence and
17 extent of environmental contamination of the eligible site or facility.

18 2. Removing or containing environmental contamination and restoring the
19 environment at an eligible site or facility.

20 (b) The department may award a grant under this section to an individual,
21 partnership, limited liability company, corporation, nonprofit organization, or local
22 governmental unit.

23 (c) The department may only award a grant under this section if the person that
24 caused the environmental contamination that is the basis for the grant request is

1 unknown, cannot be located or is financially unable to pay the cost of the eligible
2 activities.

3 (3) DEPARTMENT DUTIES. (a) The department shall promulgate rules for the
4 program under this section that include all of the following:

5 1. A competitive scoring system for evaluating grant applications that, for
6 grants under sub. (2) (a) 2., includes consideration of the severity of the risks posed
7 by the contamination, the potential for economic development, the contribution to
8 remediation of contamination affecting more than one property, and the potential for
9 the creation of green spaces or the use for public facilities.

10 2. Provisions specifying the activities that may be covered by grants under this
11 section.

12 3. Provisions for ensuring distribution of grant funds throughout the state.

13 4. Provisions for determining the percentage of costs to be paid through a grant,
14 which may vary based on the financial circumstances of the applicant.

15 (b) The department shall inform applicants of other potential sources of
16 funding for activities proposed in grant applications.

17 *~~1546/2.12~~* SECTION 2501. 292.75 of the statutes is repealed.

18 *~~1546/2.13~~* SECTION 2502. 292.77 of the statutes is repealed.

19 *~~1546/2.14~~* SECTION 2503. 292.79 of the statutes is repealed.

20 *~~0448/1.2~~* SECTION 2504. 292.94 of the statutes is created to read:

21 **292.94 Fees related to enforcement actions.** The department may assess
22 and collect fees from a person who is subject to an order or other enforcement action
23 for a violation of s. 292.11 or 292.31 to cover the costs incurred by the department to
24 review the planning and implementation of any environmental investigation or
25 environmental cleanup that the person is required to conduct. The department shall

1 promulgate rules for the assessment and collection of fees under this section. Fees
2 collected under this section shall be credited to the appropriation account under s.
3 20.370 (2) (dh).

4 ***-0529/4.222* SECTION 2505.** 299.93 (3) of the statutes is amended to read:

5 299.93 (3) If any deposit is made for an offense to which this section applies,
6 the person making the deposit shall also deposit a sufficient amount to include the
7 environmental assessment prescribed in this section. If the deposit is forfeited, the
8 amount of the environmental assessment shall be transmitted to the ~~state treasurer~~
9 secretary of administration under sub. (4). If the deposit is returned, the
10 environmental assessment shall also be returned.

11 ***-0529/4.223* SECTION 2506.** 299.93 (4) of the statutes is amended to read:

12 299.93 (4) The clerk of the court shall collect and transmit to the county
13 treasurer the environmental assessment and other amounts required under s. 59.40
14 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~
15 secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~
16 secretary of administration shall deposit the amount of the assessment in the
17 environmental fund.

18 ***-1824/6.46* SECTION 2507.** 299.95 of the statutes is amended to read:

19 **299.95 Enforcement; duty of department of justice; expenses.** The
20 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except
21 ss. 281.48, 285.57, 285.59, and 299.64, and all rules, special orders, licenses, plan
22 approvals, permits, and water quality certifications of the department, except those
23 promulgated or issued under ss. 281.48, 285.57, 285.59, and 299.64 and except as
24 provided in s. 285.86. The circuit court for Dane county or for any other county where
25 a violation occurred in whole or in part has jurisdiction to enforce chs. 281 to 285 and

1 289 to 295 or this chapter or the rule, special order, license, plan approval, permit,
2 or certification by injunctive and other relief appropriate for enforcement. For
3 purposes of this proceeding where chs. 281 to 285 and 289 to 295 or this chapter or
4 the rule, special order, license, plan approval, permit or certification prohibits in
5 whole or in part any pollution, a violation is considered a public nuisance. The
6 department of natural resources may enter into agreements with the department of
7 justice to assist with the administration of chs. 281 to 285 and 289 to 295 and this
8 chapter. ~~Any funds paid to the department of justice under these agreements shall
9 be credited to the appropriation account under s. 20.455 (1) (k).~~

10 *-0358/1.1* SECTION 2508. 301.025 of the statutes is amended to read:

11 301.025 Division of juvenile corrections. The division of juvenile
12 corrections shall exercise the powers and perform the duties of the department that
13 relate to juvenile correctional services and institutions, juvenile offender review,
14 aftercare, corrective sanctions, the juvenile boot camp program under s. 938.532, the
15 serious juvenile offender program under s. 938.538, and youth aids.

16 *-1824/6.47* SECTION 2509. 301.03 (18) (d) of the statutes is amended to read:

17 301.03 (18) (d) Compromise or waive all or part of the liability for services
18 received as the department considers necessary to efficiently administer this
19 subsection, subject to such conditions as the department considers appropriate. The
20 sworn statement of the any collection and deportation counsel appointed ^{PLAIN} retained
21 under s. 301.12 (7), the department's legal counsel, or the secretary, shall be evidence
22 of the services provided and the fees charged for those services.

23 *-0529/4.224* SECTION 2510. 301.105 (intro.) of the statutes is amended to
24 read:

1 **301.105 Telephone company commissions.** (intro.) The department shall
 2 collect moneys for commissions from telephone companies for contracts to provide
 3 telephone services to inmates. The department shall transmit those moneys to the
 4 ~~state treasurer~~ secretary of administration. The ~~state treasurer~~ secretary of
 5 administration shall do all of the following:

6 *~~1824/6.48~~* ^{appointed} SECTION 2511. 301.12 (6) of the statutes is amended to read:

7 301.12 (6) The sworn statement of the any collection and deportation counsel
 8 ~~retained~~ under sub. (7), of the department's legal counsel, or of the secretary, shall
 9 be evidence of the fee and of the care and services received by the resident.

10 *~~1824/6.49~~* SECTION 2512. ^{of corrections} 301.12 (7) of the statutes is amended to read:

11 301.12 (7) The department shall administer and enforce this section. ~~The~~ ^{With}
 12 ~~the advice and consent of the attorney general, the department shall appoint~~ ^{strike} ~~may~~
 13 ~~retain~~ ^{PLAIN} an attorney to be designated "collection and deportation counsel" and." The
 14 ~~department~~ ^{of corrections} may appoint other necessary assistants. The department may delegate
 15 to the collection and deportation counsel such other powers and duties as the
 16 department considers advisable. The collection and deportation counsel or any of the
 17 assistants may administer oaths, take affidavits and testimony, examine public
 18 records, subpoena witnesses and the production of books, papers, records, and
 19 documents material to any matter of proceeding relating to payments for the cost of
 20 maintenance. The department ^{of corrections} shall encourage agreements or settlements with the
 21 liable person, having due regard to ability to pay and the present needs of lawful
 22 dependents.

23 *~~0576/8.91~~* SECTION 2513. 301.16 (1o) (b) of the statutes is amended to read:

24 301.16 (1o) (b) In the selection of classified service employees of the institution
 25 specified in par. (a), the appointing authority shall, whenever possible, use the

On behalf of the department of corrections the department of administration

1 expanded certification program under rules of the administrator of the division of
2 merit recruitment and selection in the department of ~~employment relations~~
3 administration to ensure that employees of the institution reflect the general
4 population of either the county in which the institution is located or the most
5 populous county contiguous to the county in which the institution is located,
6 whichever population is greater. The administrator of the division of merit
7 recruitment and selection in the department of ~~employment relations~~
8 administration shall provide guidelines for the administration of this selection
9 procedure.

10 *~~1791/2.1~~* SECTION 2514. 301.16 (1r) of the statutes is amended to read:

11 301.16 (1r) In addition to the institutions under sub. (1), the department shall
12 establish a medium security correctional institution for persons 15 years of age or
13 over, but not more than ~~21~~ 24 years of age, who have been placed in a state prison
14 under s. 302.01. The medium security correctional institution under this subsection
15 shall be known as the Racine Youthful Offender Correctional Facility and shall be
16 located at the intersection of Albert Street and North Memorial Drive in the city of
17 Racine. The department shall limit the number of prisoners who may be placed at
18 the Racine Youthful Offender Correctional Facility to no more than 400 450 at any
19 one time.

20 *~~0335/P1.1~~* SECTION 2515. 301.21 (2m) (b) of the statutes is amended to read:

21 301.21 (2m) (b) While in an institution in another state covered by a contract
22 under this subsection, Wisconsin prisoners are subject to all provisions of law and
23 regulation concerning the confinement of persons in that institution under the laws
24 of that state, except as otherwise provided for by any contract entered into under this
25 subsection.

SECTION 2516

1 *~~0359/2.1~~* SECTION 2516. 301.26 (4) (d) 2. of the statutes is amended to read:

2 301.26 (4) (d) 2. Beginning on July 1, ~~2001~~ 2003, and ending on June 30, ~~2002~~
3 2004, the per person daily cost assessment to counties shall be ~~\$167.57~~ \$190 for care
4 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$167.57~~ \$190 for
5 care for juveniles transferred from a juvenile correctional institution under s. 51.35
6 (3), ~~\$213~~ \$225 for care in a residential care center for children and youth, ~~\$129~~ \$142
7 for care in a group home for children, ~~\$41~~ \$47 for care in a foster home, ~~\$81~~ \$88 for
8 care in a treatment foster home, ~~\$82.56~~ \$88 for departmental corrective sanctions
9 services, and ~~\$21.96~~ \$25 for departmental aftercare services.

10 *~~0359/2.2~~* SECTION 2517. 301.26 (4) (d) 3. of the statutes is amended to read:

11 301.26 (4) (d) 3. Beginning on July 1, ~~2002~~ 2004, and ending on June 30, ~~2003~~
12 2005, the per person daily cost assessment to counties shall be ~~\$172.51~~ \$194 for care
13 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$172.51~~ \$194 for
14 care for juveniles transferred from a juvenile correctional institution under s. 51.35
15 (3), ~~\$226~~ \$239 for care in a residential care center for children and youth, ~~\$135~~ \$149
16 for care in a group home for children, ~~\$43~~ \$49 for care in a foster home, ~~\$85~~ \$92 for
17 care in a treatment foster home, ~~\$84.50~~ \$89 for departmental corrective sanctions
18 services and ~~\$22.66~~ \$26 for departmental aftercare services.

19 *~~0357/1.1~~* SECTION 2518. 301.26 (7) (intro.) of the statutes is amended to
20 read:

21 301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
22 of federal funds and of the appropriations under s. 20.410 (3) (cd) and (ko), the
23 department shall allocate funds for community youth and family aids for the period
24 beginning on July 1, ~~2001~~ 2003, and ending on June 30, ~~2003~~ 2005, as provided in
25 this subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

1 *~~0357/1.2~~* SECTION 2519. 301.26 (7) (a) of the statutes is amended to read:

2 301.26 (7) (a) For community youth and family aids under this section,
3 amounts not to exceed ~~\$43,615,200~~ \$44,145,100 for the last 6 months of ~~2001,~~
4 ~~\$87,760,300 for 2002~~ 2003, ~~\$88,290,200 for 2004~~, and \$44,145,100 for the first 6
5 months of ~~2003~~ 2005.

6 *~~0357/1.3~~* SECTION 2520. 301.26 (7) (b) (intro.) of the statutes is amended to
7 read:

8 301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall
9 allocate \$2,000,000 for the last 6 months of ~~2001~~ 2003, \$4,000,000 for ~~2002~~ 2004, and
10 \$2,000,000 for the first 6 months of ~~2003~~ 2005 to counties based on each of the
11 following factors weighted equally:

12 *~~0357/1.4~~* SECTION 2521. 301.26 (7) (c) of the statutes is amended to read:

13 301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate
14 \$523,300 for the last 6 months of ~~2001~~ 2003, \$1,576,600 for ~~2002~~ 2004, and
15 \$1,053,300 for the first 6 months of ~~2003~~ 2005 to counties based on each of the factors
16 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an
17 allocation under this paragraph that is less than 93% nor more than 115% of the
18 amount that the county would have received under this paragraph if the allocation
19 had been distributed only on the basis of the factor specified in par. (b) 3.

20 *~~0357/1.5~~* SECTION 2522. 301.26 (7) (e) of the statutes is amended to read:

21 301.26 (7) (e) For emergencies related to community youth and family aids
22 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2001~~
23 2003, \$250,000 for ~~2002~~ 2004, and \$125,000 for the first 6 months of ~~2003~~ 2005. A
24 county is eligible for payments under this paragraph only if it has a population of not
25 more than 45,000.

1 ***-0357/1.6*** SECTION 2523. 301.26 (7) (h) of the statutes is amended to read:

2 301.26 (7) (h) For counties that are participating in the corrective sanctions
3 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2001~~ 2003,
4 \$2,124,800 in ~~2002~~ 2004, and \$1,062,400 in the first 6 months of ~~2003~~ 2005 for the
5 provision of corrective sanctions services for juveniles from that county. In
6 distributing funds to counties under this paragraph, the department shall determine
7 a county's distribution by dividing the amount allocated under this paragraph by the
8 number of slots authorized for the program under s. 938.533 (2) and multiplying the
9 quotient by the number of slots allocated to that county by agreement between the
10 department and the county. The department may transfer funds among counties as
11 necessary to distribute funds based on the number of slots allocated to each county.

12 ***-0357/1.7*** SECTION 2524. 301.26 (8) of the statutes is amended to read:

13 301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the
14 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last
15 6 months of ~~2001~~ 2003, \$1,333,400 in ~~2002~~ 2004, and \$666,700 in the first 6 months
16 of ~~2003~~ 2005 for alcohol and other drug abuse treatment programs.

17 ***-0332/1.2*** SECTION 2525. 302.01 (1) (d) of the statutes is amended to read:

18 302.01 (1) (d) The correctional institution at Prairie du Chien authorized under
19 ~~1997 Wisconsin Act 4, section 4 (1) (a) s. 301.16 (1u)~~.

20 ***-1769/2.1*** SECTION 2526. 302.045 (title) of the statutes is amended to read:

21 **302.045 (title) Challenge incarceration program for youthful offenders.**

22 ***-1769/2.2*** SECTION 2527. 302.045 (1) of the statutes is amended to read:

23 302.045 (1) PROGRAM. The department shall provide a challenge incarceration
24 program for inmates selected to participate under sub. (2). The program shall
25 provide participants with ~~strenuous physical exercise~~, manual labor, personal

1 development counseling, substance abuse treatment and education, military drill
2 and ceremony and, counseling, and strenuous physical exercise, for participants who
3 have not attained the age of 30 as of the date on which they begin participating in
4 the program, or age-appropriate strenuous physical exercise, for all other
5 participants, in preparation for release on parole or extended supervision. The
6 department shall design the program to include not less than 50 participants at a
7 time and so that a participant may complete the program in not more than 180 days.
8 The department may restrict participant privileges as necessary to maintain
9 discipline.

10 *~~1769/2.3~~* SECTION 2528. 302.045 (2) (b) of the statutes is amended to read:

11 302.045 (2) (b) The inmate has not attained the age of ~~30, 40~~ as of the date the
12 inmate will begin participating in the program.

13 *~~1769/2.4~~* SECTION 2529. 302.05 (3) of the statutes is created to read:

14 302.05 (3) (a) In this subsection, “eligible inmate” means an inmate to whom
15 all of the following apply:

16 1. The inmate is incarcerated regarding a violation other than a crime specified
17 in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075,
18 948.08, or 948.095.

19 2. If the inmate is serving a bifurcated sentence imposed under s. 973.01, the
20 sentencing court decided under par. (e) or s. 973.01 (3g) that the inmate is eligible
21 to participate in the earned release program described in this subsection.

22 (b) Except as provided in par. (d), if the department determines that an eligible
23 inmate serving a sentence other than one imposed under s. 973.01 has successfully
24 completed the treatment program described in sub. (1), the parole commission shall
25 parole the inmate for that sentence under s. 304.06, regardless of the time the inmate

1 has served. If the parole commission grants parole under this paragraph, it shall
2 require the parolee to participate in an intensive supervision program for drug
3 abusers as a condition of parole.

4 (c) 1. Except as provided in par. (d), if the department determines that an
5 eligible inmate serving the term of confinement in prison portion of a bifurcated
6 sentence imposed under s. 973.01 has successfully completed the treatment program
7 described in sub. (1), the department shall inform the court that sentenced the
8 inmate.

9 2. Upon being informed by the department under subd. 1. that an inmate whom
10 the court sentenced under s. 973.01 has successfully completed the treatment
11 program described in sub. (1), the court shall modify the inmate's bifurcated sentence
12 as follows:

13 a. The court shall reduce the term of confinement in prison portion of the
14 inmate's bifurcated sentence in a manner that provides for the release of the inmate
15 to extended supervision within 30 days of the date on which the court receives the
16 information from the department under subd. 1.

17 b. The court shall lengthen the term of extended supervision imposed so that
18 the total length of the bifurcated sentence originally imposed does not change.

19 (d) The department may place intensive sanctions program participants in the
20 treatment program described in sub. (1), but pars. (b) and (c) do not apply to those
21 participants.

22 (e) If an inmate is serving the term of confinement portion of a bifurcated
23 sentence imposed under s. 973.01, the sentence was imposed before the effective date
24 of this paragraph [revisor inserts date], and the inmate satisfies the criteria under
25 par. (a) 1., the inmate may, with the department's approval, petition the sentencing

1 court to determine whether he or she is eligible or ineligible to participate in the
2 earned release program under this subsection during the term of confinement. The
3 inmate shall serve a copy of the petition on the district attorney who prosecuted him
4 or her, and the district attorney may file a written response. The court shall exercise
5 its discretion in granting or denying the inmate's petition but must do so no later
6 than 90 days after the inmate files the petition. If the court determines under this
7 paragraph that the inmate is eligible to participate in the earned release program,
8 the court shall inform the inmate of the provisions of par. (c).

9 ***-1769/2.5* SECTION 2530.** 302.113 (2) of the statutes is amended to read:

10 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
11 section is entitled to release to extended supervision after he or she has served the
12 term of confinement in prison portion of the sentence imposed under s. 973.01, as
13 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., 302.05 (3)
14 (c) 2. a., or 973.195 (1r), if applicable.

15 ***-1712/5.80* SECTION 2531.** 303.066 of the statutes is repealed.

16 ***-1769/2.6* SECTION 2532.** 304.06 (1) (b) of the statutes, as affected by 2001
17 Wisconsin Act 109, is amended to read:

18 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
19 302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the parole commission may parole
20 an inmate of the Wisconsin state prisons or any felon or any person serving at least
21 one year or more in a county house of correction or a county reforestation camp
22 organized under s. 303.07, when he or she has served 25% of the sentence imposed
23 for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62
24 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an
25 inmate serving a life term when he or she has served 20 years, as modified by the

1 formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if
2 applicable. The person serving the life term shall be given credit for time served prior
3 to sentencing under s. 973.155, including good time under s. 973.155 (4). The
4 secretary may grant special action parole releases under s. 304.02. The department
5 or the parole commission shall not provide any convicted offender or other person
6 sentenced to the department's custody any parole eligibility or evaluation until the
7 person has been confined at least 60 days following sentencing.

8 ***-0336/P2.3* SECTION 2533.** 304.073 of the statutes is repealed.

9 ***-0336/P2.4* SECTION 2534.** 304.074 (1) of the statutes is repealed.

10 ***-0336/P2.5* SECTION 2535.** 304.074 (4) of the statutes is repealed.

11 ***-1195/3.1* SECTION 2536.** 340.01 (7m) of the statutes is amended to read:

12 340.01 (7m) "Commercial driver license" means a license issued to a person by
13 this state or another jurisdiction which is in accordance with the requirements of the
14 federal commercial motor vehicle safety act of 1986, 49 USC 31301 to 31317, and the
15 federal Motor Carrier Safety Improvement Act of 1999, P.L. 106-159, or by Canada
16 or Mexico, and which authorizes the licensee to operate certain commercial motor
17 vehicles.

18 ***-1195/3.2* SECTION 2537.** 340.01 (13m) of the statutes is amended to read:

19 340.01 (13m) "Disqualification" means the loss or withdrawal of a person's
20 privilege to operate a commercial motor vehicle relating to certain offenses
21 committed by the person while driving or operating a motor vehicle or while on duty
22 time with respect to a commercial motor vehicle.

23 ***-0919/3.1* SECTION 2538.** 340.01 (46m) (a) of the statutes is amended to read:

1 340.01 (46m) (a) If the person has ~~one or no~~ 2 or fewer prior convictions,
2 suspensions, or revocations, as counted under s. 343.307 (1), an alcohol
3 concentration of ~~0.1~~ 0.08 or more.

4 *~~0919/3.2~~* SECTION 2539. 340.01 (46m) (b) of the statutes is repealed.

5 *~~1575/3.1~~* SECTION 2540. 341.25 (1) (a) of the statutes is amended to read:

6 341.25 (1) (a) For each automobile, a fee of ~~\$45~~ \$55, except that an automobile
7 registered in this state prior to September 1, 1947, at a fee of less than \$18 shall be
8 registered at such lesser fee plus an additional fee of \$2.

9 *~~1767/3.62~~* SECTION 2541. 341.43 (2) of the statutes is amended to read:

10 341.43 (2) Any person feeling aggrieved by a notice under this section of
11 additional assessment, refund or denial of refund may, within 30 days after the
12 receipt of the notice, petition the department for a redetermination. A person feeling
13 aggrieved by a redetermination may appeal to the office of the commissioner of tax
14 ~~appeals commission~~ in the manner provided for appeals of tax determinations under
15 s. 73.01 (5). If an appeal of a redetermination is not filed within the time period
16 provided under s. 73.01 (5), the redetermination is final and conclusive.

17 *~~1575/3.2~~* SECTION 2542. 342.14 (1) of the statutes is amended to read:

18 342.14 (1) For filing an application for the first certificate of title, ~~\$8.50~~ \$18.50,
19 by the owner of the vehicle.

20 *~~0444/2.1~~* SECTION 2543. 342.14 (1r) of the statutes is amended to read:

21 342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental
22 impact fee of ~~\$9~~ \$10.50, by the person filing the application. All moneys collected
23 under this subsection shall be credited to the environmental fund for environmental
24 management. ~~This subsection does not apply after December 31, 2003.~~

25 *~~1575/3.3~~* SECTION 2544. 342.14 (3) of the statutes is amended to read:

1 342.14 (3) For a certificate of title after a transfer, ~~\$8.50~~ \$18.50, by the owner
2 of the vehicle.

3 *~~1195/3.3~~* SECTION 2545. 343.02 (1) of the statutes is amended to read:

4 343.02 (1) The department shall administer and enforce this chapter and may
5 promulgate for that purpose such rules as the secretary considers necessary. Rules
6 promulgated under this chapter may not conflict with and shall be at least as
7 stringent as standards set by the federal commercial motor vehicle safety act, 49
8 USC 31301 to 31317, and the federal Motor Carrier Safety Improvement Act of 1999,
9 P.L. 106-159, and the regulations adopted under ~~that act~~ those acts.

10 *~~1195/3.4~~* SECTION 2546. 343.03 (1) (a) of the statutes is amended to read:

11 343.03 (1) (a) The department shall institute a classified driver license system
12 meeting all federal standards under 49 USC 31301 to 31317 and 49 CFR 383 and any
13 other applicable provision of federal law.

14 *~~1195/3.5~~* SECTION 2547. 343.03 (3) (a) of the statutes is amended to read:

15 343.03 (3) (a) *Regular license*. The standard license legend is “regular” or a
16 readily recognizable abbreviation thereof. The regular license, without any express
17 endorsements or restrictions as provided in this chapter, authorizes the licensee to
18 operate only “class D” vehicles as described in s. 343.04 (1) (d), except as otherwise
19 provided in this subsection. The license may be endorsed to permit operation of Type
20 1 motorcycles or school buses that are not commercial motor vehicles. A regular
21 license may be subject to restrictions, including the attachment of a special
22 restrictions card as provided in s. 343.17 (4).

23 *~~1195/3.6~~* SECTION 2548. 343.03 (3) (e) of the statutes is amended to read:

24 343.03 (3) (e) *Occupational license*. A license issued under s. 343.10
25 authorizing only the operation of motor vehicles other than “Class A”, “Class B” or

1 “Class C” vehicles shall be labeled “Occupational License”. ~~Licenses~~ No license may
2 be issued under s. 343.10 authorizing the operation of “Class A”, “Class B” or “Class
3 C” vehicles shall be labeled “~~CDL~~ Occupational”. An occupational license may
4 authorize the operation of “Class D” or “Class M” vehicles, or both, but may not be
5 endorsed to permit operation of the vehicle types described in s. 343.04 (2). The
6 license may be subject to restrictions in addition to those provided in s. 343.10,
7 including the attachment of a special restrictions card as provided in s. 343.17 (4).

8 *~~1195/3.6m~~* SECTION 6m. 343.03 (5) (title) of the statutes is amended to read:

9 343.03 (5) (title) INQUIRIES BEFORE ISSUANCE OR RENEWAL.

10 *~~1195/3.7~~* SECTION 2549. 343.03 (5) of the statutes is renumbered 343.03 (5)

11 (a) and amended to read:

12 343.03 (5) (a) Before issuing ~~a~~ or renewing any license under this chapter, the
13 department shall obtain driver record information from the national driver registry
14 and commercial driver license information system to determine whether the
15 applicant holds a commercial driver license, or a license that is revoked, suspended
16 or canceled, or is otherwise disqualified. If the applicant is currently licensed in
17 another state, the department shall obtain information on the applicant’s license
18 status with the state of licensure before issuing a license.

19 *~~1195/3.8~~* SECTION 2550. 343.03 (5) (b) of the statutes is created to read:

20 343.03 (5) (b) 1. Before issuing or renewing a commercial driver license, the
21 department shall, within the time period specified in 49 CFR 384.232, request from
22 any other state that has issued an operator’s license or commercial driver license to
23 the person within the previous 10 years the complete driving record of the person.

24 2. Subdivision 1. does not apply to a renewal of a person’s commercial driver
25 license if the department has previously issued a renewal of the commercial driver

1 license after the effective date of this subdivision [revisor inserts date], and, in
2 connection with the previous renewal, the department recorded on the person's
3 driving record under s. 343.23 (2) (a) the date on which the operator's record check
4 under subd. 1. was performed.

5 *~~1195/3.9~~* SECTION 2551. 343.03 (6) of the statutes is renumbered 343.03 (6)
6 (a).

7 *~~1195/3.10~~* SECTION 2552. 343.03 (6) (b) of the statutes is created to read:
8 343.03 (6) (b) The department shall, upon request and within 30 days of the
9 request, provide to the driver licensing agencies of other states the complete driving
10 record of any person currently or previously licensed by the department.

11 *~~1195/3.11~~* SECTION 2553. 343.03 (6) (c) of the statutes is created to read:
12 343.03 (6) (c) 1. The department shall, upon request and within the time period
13 specified in s. 343.23 (2) (am) 2. and 4., provide the operating record file information
14 specified in s. 343.23 (2) (am) 2. and 4. to any of the following requesters:

15 a. The person holding the commercial driver license.
16 b. The U.S. secretary of transportation.
17 c. Any employer or prospective employer of the person holding the commercial
18 driver license, after notice to such person.
19 d. Any driver licensing agency of another state or law enforcement agency.
20 e. Any governmental entity having access to the commercial driver license
21 information system.

22 f. Any authorized agent of a requester specified in subd. 1. a. to e.
23 2. The department shall not provide the operating record file information
24 specified in s. 343.23 (2) (am) 2. and 4. to any requester other than those specified
25 in subd. 1.

1 ***-1195/3.12*** SECTION 2554. 343.03 (7) (title) of the statutes is amended to
2 read:

3 343.03 (7) (title) NOTIFICATION OF COMMERCIAL DRIVER LICENSE ISSUANCE AND
4 CERTAIN VIOLATIONS.

5 ***-1195/3.13*** SECTION 2555. 343.03 (7) of the statutes is renumbered 343.03
6 (7) (a).

7 ***-1195/3.14*** SECTION 2556. 343.03 (7) (b) of the statutes is created to read:
8 343.03 (7) (b) Within 10 days after the disqualification of the holder of a
9 commercial driver license from operating a commercial motor vehicle for at least 60
10 days, or after the revocation, suspension, or cancellation of a commercial driver
11 license for at least 60 days, the department shall notify the commercial driver license
12 information system and, if the license was not issued by the department, the state
13 that issued the license of the disqualification, revocation, suspension, or cancellation
14 and the violation that resulted in the disqualification, revocation, suspension, or
15 cancellation.

16 ***-1195/3.15*** SECTION 2557. 343.03 (7) (c) of the statutes is created to read:
17 343.03 (7) (c) Within 30 days after a conviction of the holder of a commercial
18 driver license issued by another state for violating any state or local law of this state
19 or any law of a federally recognized American Indian tribe or band in this state in
20 conformity with any state law relating to motor vehicle traffic control, other than
21 parking violations, or after a conviction of the holder of an operator's license issued
22 by another state, other than a commercial driver license, for operating a commercial
23 motor vehicle without a commercial driver license, the department shall notify the
24 driver licensing agency of the state that issued the license of the conviction.

1 ***-1195/3.16*** SECTION 2558. 343.03 (7) (c) of the statutes, as created by 2003
2 Wisconsin Act (this act), is amended to read:

3 343.03 (7) (c) Within ~~30~~ 10 days after a conviction of the holder of a commercial
4 driver license issued by another state for violating any state or local law of this state
5 or any law of a federally recognized American Indian tribe or band in this state in
6 conformity with any state law relating to motor vehicle traffic control, other than
7 parking violations, or after a conviction of the holder of an operator's license issued
8 by another state, other than a commercial driver license, for operating a commercial
9 motor vehicle without a commercial driver license, the department shall notify the
10 driver licensing agency of the state that issued the license of the conviction.

11 ***-1195/3.17*** SECTION 2559. 343.06 (2) of the statutes is amended to read:

12 343.06 (2) The department shall not issue a commercial driver license,
13 including a renewal, occupational, or reinstated license, to any person during any
14 period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another
15 jurisdiction in substantial conformity therewith, as the result of one or more
16 disqualifying offenses committed on or after July 1, 1987, or to any person whose
17 operator's license or operating privilege is revoked, suspended, or canceled. Any
18 person who is known to the department to be subject to disqualification as described
19 in s. 343.44 (1) (d) shall be disqualified by the department as provided in s. 343.315.

20 ***-1195/3.18*** SECTION 2560. 343.07 (1m) (intro.) of the statutes is amended to
21 read:

22 343.07 (1m) COMMERCIAL MOTOR VEHICLE AND SCHOOL BUS INSTRUCTION PERMITS;
23 ISSUANCE, RESTRICTIONS. (intro.) Upon application therefor by a person at least 18
24 years of age who holds a valid operator's license issued under this chapter and who,
25 except for lack of training in the operation of a commercial motor vehicle or school

1 bus, is qualified to obtain authorization for the operation of such vehicle including
2 having passed the applicable knowledge tests, the department may issue an
3 instruction permit for commercial motor vehicle or school bus operation or a
4 combination instruction permit. A permit limited to commercial motor vehicle
5 instructional operation entitles the permittee to operate only a commercial motor
6 vehicle other than a school bus upon the highways. A permit limited to school bus
7 instructional operation entitles the permittee to operate only a school bus that is not
8 a commercial motor vehicle upon the highways. Both A combination commercial
9 motor vehicle and school bus instruction permit entitles the permittee to operate a
10 school bus that is a commercial motor vehicle upon the highways. These permits are
11 subject to the following restrictions:

12 ***-1195/3.19* SECTION 2561.** 343.10 (1) (b) of the statutes is amended to read:

13 343.10 (1) (b) The application shall be in a form established by the department
14 and shall identify the specific motor vehicle that the applicant seeks authorization
15 to operate, including the vehicle classification and any required endorsements. The
16 application shall include an explanation of why operating the motor vehicle is
17 essential to the person's livelihood and identify the person's occupation or trade. The
18 application shall identify the applicant's employer, and include proof of financial
19 responsibility as specified in s. 343.38 (1) (c) covering the vehicle or vehicles that the
20 applicant requests authorization to operate. The application shall identify the hours
21 of operation and routes of travel being requested by the applicant in accord with the
22 restrictions of sub. (5). ~~The applicant shall certify whether, to the best of personal~~
23 ~~knowledge, he or she is disqualified under s. 343.315.~~

24 ***-1195/3.20* SECTION 2562.** 343.10 (1) (d) of the statutes is repealed.

25 ***-1195/3.21* SECTION 2563.** 343.10 (1) (e) of the statutes is repealed.

1 *~~1195/3.22~~* SECTION 2564. 343.10 (1) (f) of the statutes is repealed.

2 *~~1195/3.23~~* SECTION 2565. 343.10 (2) (c) of the statutes is amended to read:

3 343.10 (2) (c) No occupational license permitting the operation of a commercial
4 motor vehicle may be granted to a person ~~during a period of disqualification under~~
5 ~~s. 343.315.~~

6 *~~1195/3.24~~* SECTION 2566. 343.10 (7) (e) of the statutes is amended to read:

7 343.10 (7) (e) The occupational license issued by the department shall contain
8 the restrictions required by sub. (5). The occupational license authorizes the licensee
9 to operate a motor vehicle only when that operation is an essential part of the
10 licensee's occupation or trade. If the department determines that the applicant is
11 eligible under sub. (2), the department may impose such conditions and limitations
12 upon the authorization to operate ~~commercial or noncommercial~~ motor vehicles as
13 in the secretary's judgment are necessary in the interest of public safety and welfare,
14 including reexamination of the person's qualifications to operate a ~~commercial or~~
15 ~~noncommercial~~ motor vehicle or a particular type thereof. The department may limit
16 such authorization to include, without limitation, the operation of particular
17 vehicles, particular kinds of operation and particular traffic conditions.

18 *~~1195/3.25~~* SECTION 2567. 343.10 (7) (g) of the statutes is repealed.

19 *~~1195/3.26~~* SECTION 2568. 343.12 (2) (intro.) of the statutes is amended to
20 read:

21 343.12 (2) (intro.) The department shall issue a school bus endorsement to a
22 person, authorizing operation of a school bus that is not a commercial motor vehicle,
23 only if such person meets all of the following requirements:

24 *~~1195/3.27~~* SECTION 2569. 343.12 (2m) of the statutes is created to read:

1 343.12 (2m) The department shall issue a school bus endorsement to a person,
2 authorizing operation of a school bus that is a commercial motor vehicle, only if such
3 person meets all of the requirements specified in sub. (2) and, in addition, meets all
4 of the following requirements:

5 (a) Holds a valid commercial driver license.

6 (b) Qualifies for the endorsement under s. 343.17 (3) (d) 3., including passing
7 the knowledge and driving skills tests required for obtaining such an endorsement.

8 (c) Passes a knowledge test in compliance with the requirements of 49 CFR
9 383.123 (a) (2).

10 (d) Passes a driving skills test in compliance with the requirements of 49 CFR
11 383.123 (a) (3). To the extent that the test specified under sub. (2) (h) and s. 343.16
12 (1) meets the requirements of 49 CFR 383.123 (a) (3), no additional driving skills test
13 is required.

14 *–1195/3.28* SECTION 2570. 343.12 (3) of the statutes is amended to read:

15 343.12 (3) The department may issue a school bus endorsement to a person who
16 is more than 70 years of age, authorizing the operation of a school bus other than a
17 commercial motor vehicle, if the person meets the requirements specified in sub. (2)
18 (c) to (f) and (h) before issuance of the endorsement and annually takes and passes
19 a physical examination prior to issuance or renewal of the endorsement to determine
20 that the person meets the physical standards established under sub. (2) (g).

21 *–1195/3.29* SECTION 2571. 343.12 (3m) of the statutes is created to read:

22 343.12 (3m) Notwithstanding sub. (2) (a) and (g), the department may issue
23 a school bus endorsement to a person who is more than 70 years of age, authorizing
24 the operation of a school bus that is a commercial motor vehicle, if the person meets
25 the requirements specified in sub. (2m) (a) to (d), before issuance of the endorsement

1 and annually takes and passes a physical examination prior to issuance or renewal
2 of the endorsement to determine that the person meets the physical standards
3 established under sub. (2) (g).

4 ***-1195/3.30* SECTION 2572.** 343.12 (4) (a) 1. of the statutes is amended to read:

5 343.12 (4) (a) 1. The person is a nonresident holding a valid commercial driver
6 license with a “P” passenger endorsement and any additional endorsements required
7 by the person’s home jurisdiction for the operation of a school bus, if the school bus
8 is not a commercial motor vehicle, or is a nonresident holding a valid commercial
9 driver license with an “S” endorsement if the school bus is a commercial motor
10 vehicle, and the origin or destination of the trip is in another state.

11 ***-1195/3.31* SECTION 2573.** 343.12 (4) (a) 2. of the statutes is repealed.

12 ***-1195/3.32* SECTION 2574.** 343.12 (4) (a) 3. of the statutes is amended to read:

13 343.12 (4) (a) 3. The person is a resident of Iowa, Illinois, Michigan or
14 Minnesota and holds a valid operator’s license authorizing the operation of ~~a~~ the
15 type of school bus being operated.

16 ***-1195/3.33* SECTION 2575.** 343.12 (4) (b) of the statutes is amended to read:

17 343.12 (4) (b) The department may, by rule, establish standards for the
18 employment by an employer of a person under par. (a) 3. as an operator of a school
19 bus in this state. The rules may require the person to meet the qualifications
20 contained in sub. (2) ~~or~~, (2m), (3), or (3m) and any rules of the department applicable
21 to residents.

22 ***-1195/3.34* SECTION 2576.** 343.17 (3) (b) of the statutes is amended to read:

23 343.17 (3) (b) The reverse side of the license shall contain an explanation of any
24 restriction codes or endorsement abbreviations used on the front of the license, in
25 sufficient detail to identify the nature of the restrictions or endorsements to a law

1 enforcement officer of this state or another jurisdiction. ~~Except for a commercial~~
2 ~~driver license or a license labeled “CDL-Occupational” as described in s. 343.03 (3)~~
3 ~~(b) and (e)~~, a A part of the reverse side of each license shall be printed to serve as a
4 document of gift under s. 157.06 (2) (b) and (c) or a document of refusal to make an
5 anatomical gift under s. 157.06 (2) (i).

6 ***-1195/3.35* SECTION 2577.** 343.175 (2) (ag) of the statutes is amended to read:
7 343.175 (2) (ag) The department shall print a separate document to be issued
8 to all persons issued a commercial driver license ~~or a license labeled~~
9 ~~“CDL-Occupational” as described in s. 343.03 (3) (b) and (e)~~ and make provisions so
10 that the document may be attached to the reverse side of the license document along
11 one edge. This document shall serve as a document of gift under s. 157.06 (2) (b) and
12 (c) or a document of refusal to make an anatomical gift under s. 157.06 (2) (i).

13 ***-1195/3.36* SECTION 2578.** 343.20 (1) (d) of the statutes is amended to read:
14 343.20 (1) (d) The department shall cancel an operator’s license that is
15 endorsed for the operation of school buses under s. 343.12 (3) or (3m), regardless of
16 the license expiration date, if the licensee fails to provide proof to the department of
17 an annual physical examination determining that the person meets the physical
18 standards established under s. 343.12 (2) (g). The licensee may elect to surrender
19 the license under s. 343.265 (1m).

20 ***-1195/3.37* SECTION 2579.** 343.22 (2) (b) of the statutes is amended to read:
21 343.22 (2) (b) In lieu of applying for a duplicate license or identification card,
22 notify the department in writing of his or her change of address. This paragraph does
23 not apply to persons issued a commercial driver license ~~or a license labeled~~
24 ~~“CDL-Occupational” as described in s. 343.03 (3) (b) and (e)~~.

25 ***-1195/3.38* SECTION 2580.** 343.23 (2) (am) of the statutes is created to read:

1 343.23 (2) (am) The file specified in par. (a) shall include the following:

2 1. For a person holding a commercial driver license issued by the department,
3 a record of any disqualification by another state or jurisdiction of the person from
4 operating a commercial motor vehicle for at least 60 days or of the revocation,
5 suspension, or cancellation by another state or jurisdiction of the person's
6 commercial driver license for at least 60 days, and the violation that resulted in the
7 disqualification, revocation, suspension, or cancellation, as specified in any notice
8 received from the state or other jurisdiction in conformity with 49 USC 31311 (a) (8).

9 2. For a person holding a commercial driver license issued by the department,
10 a record of any violation in another state of any state or local law of that state or any
11 law of a federally recognized American Indian tribe or band in that state in
12 conformity with any state law relating to motor vehicle traffic control, other than a
13 parking violation, as specified in any notice received from the state in conformity
14 with 49 USC 31311 (a) (9). The department shall record this information within 10
15 days after receipt of the notice. The department may not conceal, withhold, or mask
16 from the department's file, or otherwise allow in any way a person to avoid the
17 department's recording in the department's file of, any information of which the
18 department has notice that is required to be recorded under this subdivision,
19 regardless of whether the person has obtained deferral of imposition of judgment,
20 been allowed to enter a diversion program, or otherwise obtained delayed or
21 suspended judgment or alternative sentencing from a court.

22 3. For a person holding an operator's license, other than a commercial driver
23 license, issued by the department, a record of any violation in another state or
24 jurisdiction of operating a commercial motor vehicle without a commercial driver

1 license, as specified in any notice received from the state or other jurisdiction in
2 conformity with 49 USC 31311 (a) (9).

3 4. For a person holding a commercial driver license issued by any state, a record
4 of each violation, while operating any motor vehicle, of any state or local law of this
5 state or any law of a federally recognized American Indian tribe or band in this state
6 in conformity with any state law relating to motor vehicle traffic control, other than
7 a parking violation. The department shall record the information under this
8 subdivision within 10 days after the date of conviction.

9 ***-1195/3.39* SECTION 2581.** 343.23 (2) (b) of the statutes is amended to read:
10 343.23 (2) (b) The information specified in ~~par. pars.~~ (a) and (am) must be filed
11 by the department so that the complete operator's record is available for the use of
12 the secretary in determining whether operating privileges of such person shall be
13 suspended, revoked, canceled, or withheld in the interest of public safety. The record
14 of suspensions, revocations, and convictions that would be counted under s. 343.307
15 (2) shall be maintained permanently. The record of convictions for disqualifying
16 offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record
17 of convictions for disqualifying offenses under s. 343.315 (2) (f) and (j), and all records
18 specified in par. (am), shall be maintained for at least 3 years. The record of
19 convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be
20 maintained permanently, except that 5 years after a licensee transfers residency to
21 another state such record may be transferred to another state of licensure of the
22 licensee if that state accepts responsibility for maintaining a permanent record of
23 convictions for disqualifying offenses. Such reports and records may be cumulative
24 beyond the period for which a license is granted, but the secretary, in exercising the
25 power of suspension granted under s. 343.32 (2) may consider only those reports and

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1 records entered during the 4-year period immediately preceding the exercise of such
2 power of suspension.

3 ~~*-1195/3.40*~~ SECTION 2582. 343.307 (2) (d) of the statutes is amended to read:
4 343.307 (2) (d) Convictions under the law of another jurisdiction that is in
5 substantial conformity with 49 CFR 383.51 (b) (2) (i) or (ii) or both Table 1, items (1)
6 to (4).

7 ~~*-0919/3.3*~~ SECTION 2583. 343.31 (1) (ar) of the statutes is amended to read:
8 343.31 (1) (ar) Injury by the operation of a commercial motor vehicle while the
9 person has an alcohol concentration of 0.04 or more but less than ~~0.1~~ 0.08 and which
10 is criminal under s. 346.63 (6).

11 ~~*-1195/3.41*~~ SECTION 2584. 343.31 (2) of the statutes is amended to read:
12 343.31 (2) The department shall revoke the operating privilege of any resident
13 upon receiving notice of the conviction of such person in another jurisdiction for an
14 offense therein which, if committed in this state, would have been cause for
15 revocation under this section or for revocation under s. 343.30 (1q). Such offenses
16 shall include violation of any law of another jurisdiction that prohibits use of a motor
17 vehicle while intoxicated or under the influence of a controlled substance or
18 controlled substance analog, or a combination thereof, or with an excess or specified
19 range of alcohol concentration, or under the influence of any drug to a degree that
20 renders the person incapable of safely driving, as those or substantially similar
21 terms are used in that jurisdiction's laws. Upon receiving similar notice with respect
22 to a nonresident, the department shall revoke the privilege of the nonresident to
23 operate a motor vehicle in this state. ~~Such revocation shall not apply to the operation~~
24 ~~of a commercial motor vehicle by a nonresident who holds a valid commercial driver~~
25 ~~license issued by another state.~~

1 ***-1195/3.42*** SECTION 2585. 343.31 (2m) of the statutes is amended to read:

2 343.31 (2m) The department may suspend or revoke, respectively, the
3 operating privilege of any resident upon receiving notice of the conviction of that
4 person under a law of another jurisdiction or a federally recognized American Indian
5 tribe or band in this state for an offense which, if the person had committed the
6 offense in this state and been convicted of the offense under the laws of this state,
7 would have permitted suspension or revocation of the person's operating privilege
8 under s. 343.30 (1g). Upon receiving similar notice with respect to a nonresident, the
9 department may suspend or revoke the privilege of the nonresident to operate a
10 motor vehicle in this state. ~~The suspension or revocation shall not apply to the~~
11 ~~operation of a commercial motor vehicle by a nonresident who holds a valid~~
12 ~~commercial driver license issued by another state.~~ A suspension or revocation under
13 this subsection shall be for any period not exceeding 6 months.

14 ***-1195/3.43*** SECTION 2586. 343.315 (2) (a) (intro.) of the statutes is amended
15 to read:

16 343.315 (2) (a) (intro.) Except as provided in par. (b), a person shall be
17 disqualified from operating a commercial motor vehicle for a one-year period upon
18 a first conviction of any of the following offenses, committed on or after July 1, 1987,
19 ~~while driving or operating a commercial motor vehicle:~~

20 ***-1195/3.44*** SECTION 2587. 343.315 (2) (a) 7. of the statutes is created to read:

21 343.315 (2) (a) 7. Operating a commercial motor vehicle when the person's
22 commercial driver license is revoked, suspended, or canceled based on the person's
23 operation of a commercial motor vehicle or when the person is disqualified from
24 operating a commercial motor vehicle based on the person's operation of a
25 commercial motor vehicle.

1 ***-1195/3.45*** SECTION 2588. 343.315 (2) (a) 8. of the statutes is created to read:

2 343.315 (2) (a) 8. Causing a fatality through negligent or criminal operation
3 of a commercial motor vehicle.

4 ***-1195/3.46*** SECTION 2589. 343.315 (2) (e) of the statutes is amended to read:

5 343.315 (2) (e) A person is disqualified for life from operating a commercial
6 motor vehicle if the person uses ~~a commercial~~ any motor vehicle on or after
7 July 1, 1987, in the commission of a felony involving the manufacture, distribution,
8 delivery or dispensing of a controlled substance or controlled substance analog, or
9 possession with intent to manufacture, distribute, deliver or dispense a controlled
10 substance or controlled substance analog. No person who is disqualified under this
11 paragraph is eligible for reinstatement under par. (d).

12 ***-1195/3.47*** SECTION 2590. 343.315 (2) (f) (intro.) of the statutes is amended
13 to read:

14 343.315 (2) (f) (intro.) A person is disqualified for a period of 60 days from
15 operating a commercial motor vehicle if convicted of 2 serious traffic violations, and
16 120 days if convicted of 3 serious traffic violations, arising from separate occurrences
17 committed within a 3-year period while driving or operating a ~~commercial~~ any motor
18 vehicle. The 120-day period of disqualification under this paragraph shall be in
19 addition to any other period of disqualification imposed under this paragraph. In
20 this paragraph, “serious traffic violations” means any of the following offenses
21 committed while operating a commercial motor vehicle, or any of the following
22 offenses committed while operating any motor vehicle if the offense results in the
23 revocation, cancellation, or suspension of the person’s operator’s license or operating
24 privilege:

1 ***-1195/3.48*** SECTION 2591. 343.315 (2) (f) 2. of the statutes is amended to
2 read:

3 343.315 (2) (f) 2. Violating any state or local law of this state or any law of a
4 federally recognized American Indian tribe or band in this state in conformity with
5 any state law or any law of another jurisdiction relating to motor vehicle traffic
6 control, arising in connection with a fatal accident, other than parking, vehicle
7 weight or vehicle defect violations, or violations to which par. (a) 7. applies.

8 ***-1195/3.49*** SECTION 2592. 343.315 (2) (f) 6. of the statutes is created to read:
9 343.315 (2) (f) 6. Operating a commercial motor vehicle when the person has
10 not obtained a commercial driver license.

11 ***-1195/3.50*** SECTION 2593. 343.315 (2) (f) 7. of the statutes is created to read:
12 343.315 (2) (f) 7. Operating a commercial motor vehicle when the person does
13 not have in his or her immediate possession the person's commercial driver license
14 document, including any special restrictions cards issued under s. 343.10 (7) (d) or
15 343.17 (4), unless the person produces in court or in the office of the law enforcement
16 officer that issued the citation, by the date that the person must appear in court or
17 pay any fine or forfeiture with respect to the citation, a commercial driver license
18 document issued to the person prior to the date of the citation and valid at the time
19 of the citation.

20 ***-1195/3.51*** SECTION 2594. 343.315 (2) (f) 8. of the statutes is created to read:
21 343.315 (2) (f) 8. Operating a commercial motor vehicle without the proper
22 class of commercial driver license or endorsements for the specific vehicle group
23 being operated or for the passengers or type of cargo being transported.

24 ***-1195/3.52*** SECTION 2595. 343.315 (2) (k) of the statutes is created to read:

1 343.315 (2) (k) A person disqualified by federal authorities under 49 USC
2 31310 (f) and 49 CFR 383.52 on the basis that the person's continued operation of a
3 commercial motor vehicle would create an imminent hazard, as defined in 49 USC
4 5102 and 49 CFR 383.5, is disqualified from operating a commercial motor vehicle
5 for the period of disqualification determined by the federal authority upon receipt by
6 the department of the notice of disqualification provided for in 49 CFR 383.52 (d).

7 *-1195/3.53* SECTION 2596. 343.44 (1) (d) of the statutes is amended to read:

8 343.44 (1) (d) *Operating while disqualified.* No person may operate a
9 commercial motor vehicle while disqualified under s. 343.315 or 49 CFR 383.51,
10 under the law of another jurisdiction or Mexico that provides for disqualification of
11 commercial drivers in a manner similar to 49 CFR 383.51, or under a determination
12 by the federal highway motor carrier safety administration under the federal rules
13 of practice for motor carrier safety contained in 49 CFR 386 that the person is no
14 longer qualified to operate a vehicle under 49 CFR 391.

15 *-1195/3.54* SECTION 2597. 343.44 (2) (b) (intro.) of the statutes is amended
16 to read:

17 343.44 (2) (b) (intro.) Except as provided in par. (am), any person who violates
18 sub. (1) (b), (e) or (d) shall be fined not more than \$2,500 or imprisoned for not more
19 than one year in the county jail or both. In imposing a sentence under this
20 paragraph, or a local ordinance in conformity with this paragraph, the court shall
21 review the record and consider the following:

22 *-1195/3.55* SECTION 2598. 343.44 (2) (bm) of the statutes is created to read:

23 343.44 (2) (bm) Any person who violates sub. (1) (c) shall be fined not less than
24 \$1,100 nor more than \$2,750 or imprisoned for not more than one year in the county

1 jail or both. In imposing a sentence under this paragraph, the court shall review the
2 record and consider the factors specified in par. (b) 1. to 5.

3 ***-0529/4.225* SECTION 2599.** 344.185 (2) (e) 2. of the statutes is amended to
4 read:

5 344.185 (2) (e) 2. All other proceeds of the sale remaining after the payments
6 under subd. 1. shall be retained by the secretary of transportation and applied as
7 security for payment of judgments and assignments as provided under s. 344.20 (2).
8 Any amounts not used to pay judgments or assignments shall be transmitted to the
9 ~~state treasurer~~ secretary of administration for deposit in the school fund.

10 ***-1111/4.94* SECTION 2600.** 344.576 (3) (a) 5. of the statutes is amended to
11 read:

12 344.576 (3) (a) 5. The address and telephone number of the department of
13 ~~agriculture, trade and consumer protection~~ justice.

14 ***-1111/4.95* SECTION 2601.** 344.576 (3) (c) of the statutes is amended to read:

15 344.576 (3) (c) The department of ~~agriculture, trade and consumer protection~~
16 justice shall promulgate rules specifying the form of the notice required under par.
17 (a), including the size of the paper and the type size and any highlighting of the
18 information described in par. (a). The rule may specify additional information that
19 must be included in the notice and the precise language that must be used.

20 ***-1111/4.96* SECTION 2602.** 344.579 (2) (intro.) of the statutes is amended to
21 read:

22 344.579 (2) ENFORCEMENT. (intro.) The department of ~~agriculture, trade and~~
23 ~~consumer protection~~ justice shall investigate violations of ss. 344.574, 344.576 (1),
24 (2) and (3) (a) and (b), 344.577 and 344.578. The department of ~~agriculture, trade~~
25 ~~and consumer protection~~ justice may on behalf of the state:

SECTION 2603

1 *~~0529/4.226~~* SECTION 2603. 345.08 of the statutes is amended to read:

2 **345.08 Suit to recover protested tax or fee.** No suit shall be maintained
3 in any court to restrain or delay the collection or payment of the taxes levied or the
4 fees imposed or enacted in chs. 341 to 349. The aggrieved taxpayer shall pay the tax
5 or fee as and when due and, if paid under protest, may at any time within 90 days
6 from the date of such payment sue the state in an action at law to recover the tax or
7 fee so paid. If it is finally determined that such tax or fee or any part thereof was
8 wrongfully collected for any reason, the ~~department~~ secretary of administration
9 shall ~~issue a warrant on the state treasurer for pay from the transportation fund~~ the
10 amount of such tax or fee so adjudged to have been wrongfully collected ~~and the state~~
11 ~~treasurer shall pay the same out of the transportation fund.~~ A separate suit need not
12 be filed for each separate payment made by any taxpayer, but a recovery may be had
13 in one suit for as many payments as were made within the 90-day period preceding
14 the commencement of the action. Such suits shall be commenced as provided in s.
15 775.01.

16 *~~0529/4.227~~* SECTION 2604. 346.177 (3) of the statutes is amended to read:

17 **346.177 (3)** If any deposit is made for an offense to which this section applies,
18 the person making the deposit shall also deposit a sufficient amount to include the
19 railroad crossing improvement assessment under this section. If the deposit is
20 forfeited, the amount of the railroad crossing improvement assessment shall be
21 transmitted to the ~~state treasurer~~ secretary of administration under sub. (4). If the
22 deposit is returned, the amount of the railroad crossing improvement assessment
23 shall also be returned.

24 *~~0529/4.228~~* SECTION 2605. 346.177 (4) of the statutes is amended to read:

1 346.177 (4) The clerk of the circuit court shall collect and transmit to the county
2 treasurer the railroad crossing improvement assessment as required under s. 59.40
3 (2) (m). The county treasurer shall then pay the ~~state treasurer~~ secretary of
4 administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~ secretary of
5 administration shall deposit all amounts received under this subsection in the
6 transportation fund to be appropriated under s. 20.395 (2) (gj).

7 *~~1187/4.203~~* SECTION 2606. 346.45 (3) (d) of the statutes is amended to read:

8 346.45 (3) (d) A railroad grade crossing which is marked with a sign in
9 accordance with s. 195.285 (3). Such signs shall be erected by the maintaining
10 authority only upon order of the ~~office of the commissioner of railroads as set forth~~
11 in department or the division of hearings and appeals in accordance with s. 195.285.

12 *~~0529/4.229~~* SECTION 2607. 346.495 (3) of the statutes is amended to read:

13 346.495 (3) If any deposit is made for an offense to which this section applies,
14 the person making the deposit shall also deposit a sufficient amount to include the
15 railroad crossing improvement assessment under this section. If the deposit is
16 forfeited, the amount of the railroad crossing improvement assessment shall be
17 transmitted to the ~~state treasurer~~ secretary of administration under sub. (4). If the
18 deposit is returned, the amount of the railroad crossing improvement assessment
19 shall also be returned.

20 *~~0529/4.230~~* SECTION 2608. 346.495 (4) of the statutes is amended to read:

21 346.495 (4) The clerk of the circuit court shall collect and transmit to the county
22 treasurer the railroad crossing improvement assessment as required under s. 59.40
23 (2) (m). The county treasurer shall then pay the ~~state treasurer~~ secretary of
24 administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~ secretary of

1 administration shall deposit all amounts received under this subsection in the
2 transportation fund to be appropriated under s. 20.395 (2) (gj).

3 ***-0919/3.4* SECTION 2609.** 346.63 (2m) of the statutes is amended to read:

4 346.63 (2m) If a person has not attained the legal drinking age, as defined in
5 s. 125.02 (8m), the person may not drive or operate a motor vehicle while he or she
6 has an alcohol concentration of more than 0.0 but not more than ~~0.1~~ 0.08. One
7 penalty for violation of this subsection is suspension of a person's operating privilege
8 under s. 343.30 (1p). The person is eligible for an occupational license under s. 343.10
9 at any time. If a person arrested for a violation of this subsection refuses to take a
10 test under s. 343.305, the refusal is a separate violation and the person is subject to
11 revocation of the person's operating privilege under s. 343.305 (10) (em).

12 ***-0919/3.5* SECTION 2610.** 346.63 (5) (a) of the statutes is amended to read:

13 346.63 (5) (a) No person may drive or operate a commercial motor vehicle while
14 the person has an alcohol concentration of 0.04 or more but less than ~~0.1~~ 0.08.

15 ***-0919/3.6* SECTION 2611.** 346.63 (6) (a) of the statutes is amended to read:

16 346.63 (6) (a) No person may cause injury to another person by the operation
17 of a commercial motor vehicle while the person has an alcohol concentration of 0.04
18 or more but less than ~~0.1~~ 0.08.

19 ***-0529/4.231* SECTION 2612.** 346.65 (4r) (c) of the statutes is amended to read:

20 346.65 (4r) (c) If any deposit is made for an offense to which this subsection
21 applies, the person making the deposit shall also deposit a sufficient amount to
22 include the railroad crossing improvement assessment under this subsection. If the
23 deposit is forfeited, the amount of the railroad crossing improvement assessment
24 shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d).