

SENATE BILL

SECTION 1766

1 commitments approved by the department of justice in an amount not less than
2 \$25,000:

3 ***-1111/4.22* SECTION 1767.** 100.175 (5) (b) of the statutes is amended to read:

4 100.175 (5) (b) The commitment described in par. (a) shall be established in
5 favor of or made payable to the state, for the benefit of any buyer who does not receive
6 a refund under the contractual provision described in sub. (3). The person selling
7 dating services shall file with the department of justice any agreement, instrument
8 or other document necessary to enforce the commitment against the person selling
9 dating services or any relevant 3rd party, or both.

10 ***-1111/4.23* SECTION 1768.** 100.175 (7) (a) (intro.) of the statutes is amended
11 to read:

12 100.175 (7) (a) (intro.) The department of justice or any district attorney may
13 on behalf of the state:

14 ***-1111/4.24* SECTION 1769.** 100.175 (7) (b) of the statutes is amended to read:

15 100.175 (7) (b) The department of justice may bring an action in circuit court
16 to recover on a financial commitment maintained under sub. (5) against a person
17 selling dating services or relevant 3rd party, or both, on behalf of any buyer who does
18 not receive a refund due under the contractual provision described in sub. (3).

19 ***-1111/4.25* SECTION 1770.** 100.177 (1) (bm) of the statutes is created to read:

20 100.177 (1) (bm) Notwithstanding s. 93.01 (3), “department” means the
21 department of justice.

22 ***-1111/4.26* SECTION 1771.** 100.178 (1) (b) of the statutes is amended to read:

23 100.178 (1) (b) Notwithstanding s. 93.01 (3), “department” means the
24 department of ~~health and family services~~ justice.

25 ***-1111/4.27* SECTION 1772.** 100.18 (11) (a) of the statutes is amended to read:

SENATE BILL

SECTION 1772

1 100.18 (11) (a) ~~The department of agriculture, trade and consumer protection~~
2 justice shall enforce this section. Actions to enjoin violation of this section or any
3 regulations thereunder may be commenced and prosecuted by the department of of
4 justice in the name of the state in any court having equity jurisdiction. This remedy
5 is not exclusive.

6 *–1111/4.28* SECTION 1773. 100.18 (11) (b) 3. of the statutes is amended to
7 read:

8 100.18 (11) (b) 3. No action may be commenced under this section more than
9 3 years after the occurrence of the unlawful act or practice which is the subject of the
10 action. No injunction may be issued under this section which would conflict with
11 general or special orders of the department of justice or any statute, rule or
12 regulation of the United States or of this state.

13 *–1111/4.29* SECTION 1774. 100.18 (11) (c) 1. of the statutes is amended to
14 read:

15 100.18 (11) (c) 1. Whenever the department of justice has reason to believe that
16 a person is in possession, custody or control of any information or documentary
17 material relevant to the enforcement of this section it may require that person to
18 submit a statement or report, under oath or otherwise, as to the facts and
19 circumstances concerning any activity in the course of trade or commerce; examine
20 under oath that person with respect to any activity in the course of trade or
21 commerce; and execute in writing and cause to be served upon such person a civil
22 investigative demand requiring the person to produce any relevant documentary
23 material for inspection and copying.

24 *–1111/4.30* SECTION 1775. 100.18 (11) (c) 2. of the statutes is amended to
25 read:

SENATE BILL

SECTION 1775

1 100.18 (11) (c) 2. The department of justice, in exercising powers under this
2 subsection, may issue subpoenas, administer oaths and conduct hearings to aid in
3 any investigation.

4 *~~1111/4.31~~* SECTION 1776. 100.18 (11) (c) 3. of the statutes is amended to
5 read:

6 100.18 (11) (c) 3. Service of any notice by the department of justice requiring
7 a person to file a statement or report, or service of a subpoena upon a person, or
8 service of a civil investigative demand shall be made in compliance with the rules of
9 civil procedure of this state.

10 *~~1111/4.32~~* SECTION 1777. 100.18 (11) (c) 4. of the statutes is amended to
11 read:

12 100.18 (11) (c) 4. If a person fails to file any statement or report, or fails to
13 comply with any civil investigative demand, or fails to obey any subpoena issued by
14 the department of justice, such person may be coerced as provided in s. 885.12, except
15 that no person shall be required to furnish any testimony or evidence under this
16 subsection which might tend to incriminate the person.

17 *~~1111/4.33~~* SECTION 1778. 100.18 (11) (d) of the statutes is amended to read:

18 100.18 (11) (d) ~~The department or the department of justice, after consulting~~
19 ~~with the department,~~ or any district attorney, upon informing the department of
20 justice, may commence an action in circuit court in the name of the state to restrain
21 by temporary or permanent injunction any violation of this section. The court may
22 in its discretion, prior to entry of final judgment, make such orders or judgments as
23 may be necessary to restore to any person any pecuniary loss suffered because of the
24 acts or practices involved in the action, provided proof thereof is submitted to the
25 satisfaction of the court. ~~The department and the department of justice may~~

SENATE BILL

SECTION 1778

1 subpoena persons and require the production of books and other documents, and the
2 department of justice may request the department to exercise its authority under
3 par. (c) to aid in the investigation of alleged violations of this section.

4 *~~1111/4.34~~* SECTION 1779. 100.18 (11) (e) of the statutes is amended to read:

5 100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this
6 section, ~~the department or the~~ department of justice may accept a written assurance
7 of discontinuance of any act or practice alleged to be a violation of this section from
8 the person who has engaged in such act or practice. The acceptance of such assurance
9 by ~~either the department or the~~ department of justice shall be deemed acceptance by
10 ~~the other state officials enumerated in par. (d)~~ any district attorney if the terms of
11 the assurance so provide. An assurance entered into pursuant to this section shall
12 not be considered evidence of a violation of this section, provided that violation of
13 such an assurance shall be treated as a violation of this section, and shall be
14 subjected to all of the penalties and remedies provided therefor.

15 *~~1111/4.35~~* SECTION 1780. 100.182 (5) (a) of the statutes is amended to read:

16 100.182 (5) (a) Any district attorney, after informing the department of justice,
17 or the department of justice may seek a temporary or permanent injunction in circuit
18 court to restrain any violation of this section. Prior to entering a final judgment the
19 court may award damages to any person suffering monetary loss because of a
20 violation. The department of justice may subpoena any person or require the
21 production of any document to aid in investigating alleged violations of this section.

22 *~~1111/4.36~~* SECTION 1781. 100.182 (5) (b) of the statutes is amended to read:

23 100.182 (5) (b) In lieu of instituting or continuing an action under this
24 subsection, the department of justice may accept a written assurance from a violator
25 of this section that the violation has ceased. If the terms of the assurance so provide,

SENATE BILL

SECTION 1781

1 its acceptance by the department of justice prevents all district attorneys from
2 prosecuting the violation. An assurance is not evidence of a violation of this section
3 but violation of an assurance is subject to the penalties and remedies of violating this
4 section.

5 ***-1111/4.37* SECTION 1782.** 100.20 (2) (a) of the statutes is amended to read:

6 100.20 (2) (a) The department of justice, after public hearing, may issue
7 general orders forbidding methods of competition in business or trade practices in
8 business which are determined by the department of justice to be unfair. The
9 department of justice, after public hearing, may issue general orders prescribing
10 methods of competition in business or trade practices in business which are
11 determined by the department of justice to be fair.

12 ***-1111/4.38* SECTION 1783.** 100.20 (2) (b) of the statutes is amended to read:

13 100.20 (2) (b) Notwithstanding par. (a), the department of justice may not issue
14 any order or promulgate any rule that regulates the provision of water or sewer
15 service by a manufactured home park operator, as defined in s. 101.91 (8), or
16 manufactured home park contractor, as defined in s. 101.91 (6m), or enforce any rule
17 to the extent that the rule regulates the provision of such water or sewer service.

18 ***-1111/4.39* SECTION 1784.** 100.20 (3) of the statutes is amended to read:

19 100.20 (3) The department of justice, after public hearing, may issue a special
20 order against any person, enjoining such person from employing any method of
21 competition in business or trade practice in business which is determined by the
22 department of justice to be unfair or from providing service in violation of sub. (1t).
23 The department of justice, after public hearing, may issue a special order against any
24 person, requiring such person to employ the method of competition in business or
25 trade practice in business which is determined by the department of justice to be fair.

SENATE BILL

SECTION 1785

1 *~~-1111/4.40~~* SECTION 1785. 100.20 (4) of the statutes is amended to read:

2 100.20 (4) ~~The~~ If the department of justice ~~may file a written complaint with~~
3 ~~the department alleging that the~~ has reason to believe that a person named is
4 employing unfair methods of competition in business or unfair trade practices in
5 business or both. ~~Whenever such a complaint is filed,~~ it shall be the duty of the
6 department of justice to proceed, after proper notice and in accordance with its rules,
7 to the hearing and adjudication of the ~~matters alleged,~~ and a representative of the
8 department of justice ~~designated by the attorney general may appear before the~~
9 department in such proceedings. ~~The department of justice shall be entitled to~~
10 judicial review of the decisions and orders of the department under ch. 227 matter.

11 *~~-1111/4.41~~* SECTION 1786. 100.20 (6) of the statutes is amended to read:

12 100.20 (6) The department of justice may commence an action in circuit court
13 in the name of the state to restrain by temporary or permanent injunction the
14 violation of any order issued under this section. The court may in its discretion, prior
15 to entry of final judgment, make such orders or judgments as may be necessary to
16 restore to any person any pecuniary loss suffered because of the acts or practices
17 involved in the action, provided proof thereof is submitted to the satisfaction of the
18 court. ~~The department of justice may use its authority in ss. 93.14 and 93.15 to~~
19 investigate violations of any order issued under this section.

20 *~~-1111/4.42~~* SECTION 1787. 100.201 (6) (d) of the statutes is amended to read:

21 100.201 (6) (d) The failure to pay fees under this subsection within the time
22 provided under par. (c) is a violation of this section. The department of justice may
23 also commence an action to recover the amount of any overdue fees plus interest at
24 the rate of 2% per month for each month that the fees are delinquent.

SENATE BILL

SECTION 1788

1 *~~1111/4.43~~* SECTION 1788. 100.201 (8m) (intro.) of the statutes is amended
2 to read:

3 100.201 (8m) JURISDICTION. (intro.) This section shall apply to transactions,
4 acts or omissions which take place in whole or in part outside this state. In any action
5 or administrative proceeding the department of justice has jurisdiction of the person
6 served under s. 801.11 when any act or omission outside this state by the defendant
7 or respondent results in local injury or may have the effect of injuring competition
8 or a competitor in this state or unfairly diverts trade or business from a competitor,
9 if at the time:

10 *~~1111/4.44~~* SECTION 1789. 100.201 (9) (b) of the statutes is amended to read:

11 100.201 (9) (b) The department of agriculture, trade, and rural resources, after
12 public hearing held under s. 93.18, may issue a special order against any person
13 requiring such person to cease and desist from acts, practices or omissions
14 determined by the department of agriculture, trade, and rural resources to violate
15 this section. Such orders shall be subject to judicial review under ch. 227. Any
16 violation of a special order issued hereunder shall be punishable as a contempt under
17 ch. 785 in the manner provided for disobedience of a lawful order of a court, upon the
18 filing of an affidavit by the department of justice of the commission of such violation
19 in any court of record in the county where the violation occurred.

20 *~~1111/4.45~~* SECTION 1790. 100.201 (9) (c) of the statutes is amended to read:

21 100.201 (9) (c) The department of justice, in addition to or in lieu of any other
22 remedies herein provided, may apply to a circuit court for a temporary or permanent
23 injunction to prevent, restrain or enjoin any person from violating this section or any
24 special order of the department of agriculture, trade, and rural resources issued

SENATE BILL**SECTION 1790**

1 hereunder under this section, without being compelled to allege or prove that an
2 adequate remedy at law does not exist.

3 *-1111/4.46* **SECTION 1791.** 100.205 (7) of the statutes is amended to read:

4 100.205 (7) The department of justice, or any district attorney on informing the
5 department of justice, may commence an action in circuit court in the name of the
6 state to restrain by temporary or permanent injunction any violation of this section.
7 The court may, before entry of final judgment and after satisfactory proof, make
8 orders or judgments necessary to restore to any person any pecuniary loss suffered
9 because of a violation of this section. The department of justice may conduct
10 hearings, administer oaths, issue subpoenas and take testimony to aid in its
11 investigation of violations of this section.

12 *-1111/4.47* **SECTION 1792.** 100.205 (8) of the statutes is amended to read:

13 100.205 (8) The department of justice or any district attorney may commence
14 an action in the name of the state to recover a forfeiture to the state of not more than
15 \$10,000 for each violation of this section.

16 *-1111/4.48* **SECTION 1793.** 100.207 (1) of the statutes is renumbered 100.207
17 (1) (intro.) and amended to read:

18 100.207 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,
19 “telecommunications;

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

21 *-1111/4.49* **SECTION 1794.** 100.207 (1) (a) of the statutes is created to read:

22 100.207 (1) (a) Notwithstanding s. 93.01 (3), “department” means the
23 department of justice.

24 *-1111/4.50* **SECTION 1795.** 100.207 (6) (b) 1. of the statutes is amended to
25 read:

SENATE BILL

SECTION 1795

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

12 *~~-1111/4.51~~* SECTION 1796. 100.207 (6) (b) 2. of the statutes is amended to
13 read:

14 100.207 (6) (b) 2. The department ~~may exercise its authority under ss. 93.14~~
15 ~~to 93.16 and 100.18 (11) (e) to~~ shall administer this section. The department ~~and the~~
16 ~~department of justice~~ may subpoena persons ~~and,~~ require the production of books
17 and other documents, ~~and the department of justice may request the department of~~
18 ~~agriculture, trade and consumer protection to exercise its authority to aid in the~~
19 ~~investigation of~~ investigate alleged violations of this section.

20 *~~-1111/4.52~~* SECTION 1797. 100.207 (6) (c) of the statutes is amended to read:

21 100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to
22 forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this
23 paragraph shall be enforced by the department of justice, ~~after consulting with the~~
24 ~~department of agriculture, trade and consumer protection,~~ or, upon informing the
25 department, by the district attorney of the county where the violation occurs.

SENATE BILL

SECTION 1798

1 *~~1111/4.53~~* SECTION 1798. 100.207 (6) (em) 1. of the statutes is amended to
2 read:

3 100.207 (6) (em) 1. Before preparing any proposed rule under this section, the
4 department shall form an advisory group to suggest recommendations regarding the
5 content and scope of the proposed rule. The advisory group shall consist of one or
6 more persons who may be affected by the proposed rule, ~~a representative from the~~
7 ~~department of justice~~ and a representative from the public service commission.

8 *~~1111/4.54~~* SECTION 1799. 100.207 (6) (em) 2. of the statutes is amended to
9 read:

10 100.207 (6) (em) 2. The department shall submit the recommendations under
11 subd. 1., if any, to the legislature as part of the report required under s. 227.19 (2)
12 ~~and to the board of agriculture, trade and consumer protection.~~

13 *~~1111/4.55~~* SECTION 1800. 100.208 (2) (intro.) of the statutes is amended to
14 read:

15 100.208 (2) (intro.) The department of justice shall notify the public service
16 commission if any of the following conditions exists:

17 *~~1111/4.56~~* SECTION 1801. 100.208 (2) (b) of the statutes is amended to read:

18 100.208 (2) (b) The department of justice has issued an order under s. 100.20
19 (3) prohibiting a telecommunications provider from engaging in an unfair trade
20 practice or method of competition.

21 *~~1111/4.57~~* SECTION 1802. 100.209 (3) of the statutes is amended to read:

22 100.209 (3) RULES AND LOCAL ORDINANCES ALLOWED. This section does not
23 prohibit the department of justice from promulgating a rule or from issuing an order
24 consistent with its authority under this chapter that gives a subscriber greater rights

SENATE BILL

SECTION 1802

1 than the rights under sub. (2) or prohibit a city, village or town from enacting an
2 ordinance that gives a subscriber greater rights than the rights under sub. (2).

3 ***-1111/4.58* SECTION 1803.** 100.209 (4) (b) of the statutes is amended to read:

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

6 ***-1111/4.59* SECTION 1804.** 100.2095 (6) (b) of the statutes is amended to read:

7 100.2095 (6) (b) The department of justice may commence an action in the
8 name of the state to restrain by temporary or permanent injunction a violation of sub.
9 (3), (4) or (5). Before entry of final judgment, the court may make any necessary
10 orders to restore to any person any pecuniary loss suffered by the person because of
11 the violation.

12 ***-1111/4.60* SECTION 1805.** 100.2095 (6) (c) of the statutes is amended to read:

13 100.2095 (6) (c) The department of justice or any district attorney may
14 commence an action in the name of the state to recover a forfeiture to the state of not
15 less than \$100 nor more than \$10,000 for each violation of sub. (3), (4) or (5).

16 ***-1111/4.61* SECTION 1806.** 100.21 (2) (a) of the statutes is amended to read:

17 100.21 (2) (a) No person may make an energy savings or safety claim without
18 a reasonable and currently accepted scientific basis for the claim when the claim is
19 made. Making an energy savings or safety claim without a reasonable and currently
20 accepted scientific basis is also an unfair method of competition and trade practice
21 prohibited under s. 100.20.

22 ***-1111/4.62* SECTION 1807.** 100.21 (4) (a) (intro.) of the statutes is amended
23 to read:

24 100.21 (4) (a) (intro.) The department may, after public hearing, issue general
25 or special orders ~~under s. 100.20~~:

SENATE BILL

SECTION 1808

1 *~~1111/4.63~~* SECTION 1808. 100.22 (4) (b) of the statutes is amended to read:

2 100.22 (4) (b) The department of justice may, without alleging or proving that
3 no other adequate remedy at law exists, bring an action on behalf of the department
4 of agriculture, trade, and rural resources to enjoin violations of this section or a
5 special order issued under this section in the circuit court for the county where the
6 alleged violation occurred.

7 *~~1111/4.64~~* SECTION 1809. 100.235 (11) (a) of the statutes is amended to read:

8 100.235 (11) (a) *Forfeiture.* Any person who violates this section or any rule
9 promulgated or order issued under this section may be required to forfeit not less
10 than \$100 nor more than \$10,000. ~~Notwithstanding s. 165.25 (1), the department~~
11 ~~may commence an action to recover a forfeiture under this paragraph.~~

12 *~~1111/4.65~~* SECTION 1810. 100.26 (6) of the statutes is amended to read:

13 100.26 (6) ~~The department, the department of justice, after consulting with the~~
14 ~~department, or any district attorney may commence an action in the name of the~~
15 ~~state to recover a civil forfeiture to the state of not less than \$100 nor more than~~
16 ~~\$10,000 for each violation of~~ Any person violating an injunction issued under s.
17 100.18, 100.182 or 100.20 (6). ~~The department of agriculture, trade and consumer~~
18 ~~protection or any district attorney may commence an action in the name of the state~~
19 ~~to recover a civil~~ is subject to a forfeiture of not less than \$100 nor more than \$10,000
20 for each violation. Any person violating an order issued under s. 100.20 is subject
21 to a forfeiture to the state of not less than \$100 nor more than \$10,000 for each
22 violation of an order issued under s. 100.20.

23 *~~1111/4.66~~* SECTION 1811. 100.261 (1) of the statutes is amended to read:

24 100.261 (1) If a court imposes a fine or forfeiture for a violation of this chapter,
25 or ch. 98 or 133, a rule promulgated under this chapter or ch. 98 or 133, or an

SENATE BILL

SECTION 1811

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

7 ***-0529/4.162* SECTION 1812.** 100.261 (2) of the statutes is amended to read:

8 100.261 (2) If any deposit is made for a violation to which this section applies,
9 the person making the deposit shall also deposit a sufficient amount to include the
10 consumer protection assessment required under this section. If the deposit is
11 forfeited, the amount of the consumer protection assessment shall be transmitted to
12 the ~~state treasurer~~ secretary of administration under sub. (3). If the deposit is
13 returned, the consumer protection assessment shall also be returned.

14 ***-0529/4.163* SECTION 1813.** 100.261 (3) (a) of the statutes is amended to read:

15 100.261 (3) (a) The clerk of court shall collect and transmit the consumer
16 protection assessment amounts to the county treasurer under s. 59.40 (2) (m). The
17 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
18 administration under s. 59.25 (3) (f) 2.

19 ***-1111/4.67* SECTION 1814.** 100.261 (3) (b) of the statutes is amended to read:

20 100.261 (3) (b) The state treasurer shall deposit the consumer protection
21 assessment amounts imposed for a violation of ch. 98, a rule promulgated under ch.
22 98, or an ordinance enacted under ch. 98 in the general fund and shall credit them
23 to the appropriation account under s. 20.115 (1) (jb), subject to the limit under par.
24 (c).

SENATE BILL

SECTION 1815

1 ***-0529/4.164*** SECTION 1815. 100.261 (3) (b) of the statutes, as affected by 2003
2 Wisconsin Act (this act), is amended to read:

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

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

8 ***-1111/4.68*** SECTION 1816. 100.261 (3) (d) of the statutes is created to read:

9 100.261 (3) (d) The state treasurer shall deposit the consumer protection
10 assessment amounts imposed for a violation of this chapter or ch. 133, a rule
11 promulgated under this chapter or ch. 133, or an ordinance enacted under this
12 chapter in the general fund and shall credit them to the appropriation account under
13 s. 20.455 (1) (g), subject to the limit under par. (e).

14 ***-1111/4.69*** SECTION 1817. 100.261 (3) (e) of the statutes is created to read:

15 100.261 (3) (e) The amount credited to the appropriation account under s.
16 20.455 (1) (g) may not exceed \$375,000 in each fiscal year.

17 ***-1111/4.70*** SECTION 1818. 100.263 of the statutes is amended to read:

18 **100.263 Recovery.** In addition to other remedies available under this chapter,
19 the court may award the ~~department~~ state the reasonable and necessary costs of
20 investigation and an amount reasonably necessary to remedy the harmful effects of
21 the violation and ~~the court may award the department of justice~~ the reasonable and
22 necessary expenses of prosecution, including attorney fees, from any person who
23 violates this chapter. The ~~department and the department of justice~~ amounts

SENATE BILL

SECTION 1818

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

7 *~~1111/4.71~~* SECTION 1819. 100.28 (4) (b) of the statutes is amended to read:

8 100.28 (4) (b) In lieu of or in addition to forfeitures under par. (a), the
9 department of justice may seek an injunction restraining any person from violating
10 this section.

11 *~~1111/4.72~~* SECTION 1820. 100.28 (4) (c) of the statutes is amended to read:

12 100.28 (4) (c) The department of justice, or any district attorney upon the
13 request of the department of justice, may commence an action in the name of the
14 state under par. (a) or (b).

15 *~~1111/4.73~~* SECTION 1821. 100.31 (4) of the statutes is amended to read:

16 100.31 (4) PENALTIES. For any violation of this section, the department of
17 justice or a district attorney may commence an action on behalf of the state to recover
18 a forfeiture of not less than \$100 nor more than \$10,000 for each offense. Each
19 delivery of a drug sold to a purchaser at a price in violation of this section and each
20 separate day in violation of an injunction issued under this section is a separate
21 offense.

22 *~~1111/4.74~~* SECTION 1822. 100.31 (5) of the statutes is amended to read:

23 100.31 (5) SPECIAL REMEDIES. The department of justice or a district attorney
24 may bring an action to enjoin a violation of this section without being compelled to
25 allege or prove that an adequate remedy at law does not exist. An action under this

SENATE BILL**SECTION 1822**

1 subsection may be commenced and prosecuted by the department of justice or a
2 district attorney, in the name of the state, in a circuit court in the county where the
3 offense occurred or in Dane County, notwithstanding s. 801.50.

4 ***-1111/4.75* SECTION 1823.** 100.37 (1) (am) of the statutes is created to read:
5 100.37 (1) (am) Notwithstanding s. 93.01 (3), “department” means the
6 department of justice.

7 ***-1111/4.76* SECTION 1824.** 100.38 (5) of the statutes is amended to read:
8 100.38 (5) INSPECTION. The department of justice shall enforce this section by
9 inspection, chemical analyses or any other appropriate method and the department
10 of justice may promulgate such rules as are necessary to effectively enforce this
11 section.

12 ***-1111/4.77* SECTION 1825.** 100.38 (6) of the statutes is amended to read:
13 100.38 (6) ENFORCEMENT. It is unlawful to sell any antifreeze which is
14 adulterated or misbranded. In addition to the penalties provided under sub. (7), the
15 department of justice may bring an action to enjoin violations of this section.

16 ***-1111/4.78* SECTION 1826.** 100.41 (1) (bn) of the statutes is created to read:
17 100.41 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the
18 department of justice.

19 ***-1111/4.79* SECTION 1827.** 100.42 (1) (cm) of the statutes is created to read:
20 100.42 (1) (cm) Notwithstanding s. 93.01 (3), “department” means the
21 department of justice.

22 ***-1111/4.80* SECTION 1828.** 100.43 (1) (am) of the statutes is created to read:
23 100.43 (1) (am) Notwithstanding s. 93.01 (3), “department” means the
24 department of justice.

25 ***-1111/4.81* SECTION 1829.** 100.44 (5) of the statutes is amended to read:

SENATE BILL

SECTION 1829

1 100.44 (5) ENFORCEMENT. For any violation of sub. (3), the department of justice
2 may, on behalf of the state, bring an action in any court of competent jurisdiction for
3 the recovery of forfeitures authorized under sub. (4), for temporary or permanent
4 injunctive relief and for any other appropriate relief. The court may make any order
5 or judgment that is necessary to restore to any person any pecuniary loss suffered
6 because of a violation of sub. (3) if proof of the loss is shown to the satisfaction of the
7 court.

8 *~~1111/4.82~~* SECTION 1830. 100.46 (1) of the statutes is amended to read:

9 100.46 (1) ENERGY CONSERVATION STANDARDS. The department of justice may by
10 rule adopt energy conservation standards for products that have been established in
11 or promulgated under 42 USC 6291 to 6309.

12 *~~1111/4.83~~* SECTION 1831. 100.46 (2) of the statutes is amended to read:

13 100.46 (2) PROHIBITED ACTS; ENFORCEMENT. No person may sell at retail, install
14 or cause to be installed any product that is not in compliance with rules promulgated
15 under sub. (1). In addition to other penalties and enforcement procedures, the
16 department of justice may apply to a court for a temporary or permanent injunction
17 restraining any person from violating a rule adopted under sub. (1).

18 *~~1111/4.84~~* SECTION 1832. 100.50 (6) (b) of the statutes is amended to read:

19 100.50 (6) (b) In lieu of or in addition to the remedy under par. (a), the
20 department of justice may seek an injunction restraining any person from violating
21 this section.

22 *~~1111/4.85~~* SECTION 1833. 100.50 (6) (c) of the statutes is amended to read:

23 100.50 (6) (c) The department of justice, or any district attorney upon the
24 request of the department of justice, may commence an action in the name of the
25 state under par. (a) or (b).

SENATE BILL

SECTION 1834

1 *~~1111/4.86~~* SECTION 1834. 100.52 (1) (bn) of the statutes is created to read:
2 100.52 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the
3 department of justice.

4 *~~1295/2.21~~* SECTION 1835. 101.055 (8) (b) of the statutes is amended to read:
5 101.055 (8) (b) ~~A state employee who believes that he or she has been~~
6 ~~discharged or otherwise discriminated against by a public employer in violation of~~
7 ~~par. (ar) may file a complaint with the personnel commission alleging discrimination~~
8 ~~or discharge, within 30 days after the employee received knowledge of the~~
9 ~~discrimination or discharge. A public employee other than a state employee who~~
10 believes that he or she has been discharged or otherwise discriminated against by
11 a public employer in violation of par. (ar) may file a complaint with the division of
12 equal rights alleging discrimination or discharge, within 30 days after the employee
13 received knowledge of the discrimination or discharge.

14 *~~1295/2.22~~* SECTION 1836. 101.055 (8) (c) of the statutes is amended to read:
15 101.055 (8) (c) Upon receipt of a complaint, the ~~personnel commission or the~~
16 division of equal rights, ~~whichever is applicable,~~ shall, except as provided in s. 230.45
17 (1m), investigate the complaint and determine whether there is probable cause to
18 believe that a violation of par. (ar) has occurred. If the ~~personnel commission or the~~
19 division of equal rights finds probable cause it shall attempt to resolve the complaint
20 by conference, conciliation or persuasion. If the complaint is not resolved, the
21 ~~personnel commission or the~~ division of equal rights shall hold a hearing on the
22 complaint within 60 days after receipt of the complaint unless both parties to the
23 proceeding agree otherwise. Within 30 days after the close of the hearing, the
24 ~~personnel commission or the~~ division of equal rights shall issue its decision. If the
25 ~~personnel commission or the~~ division of equal rights determines that a violation of

SENATE BILL

SECTION 1836

1 par. (ar) has occurred, it shall order appropriate relief for the employee, including
2 restoration of the employee to his or her former position with back pay, and shall
3 order any action necessary to ensure that no further discrimination occurs. If the
4 ~~personnel commission or the~~ division of equal rights determines that there has been
5 no violation of par. (ar), it shall issue an order dismissing the complaint.

6 ***-1295/2.23* SECTION 1837.** 101.055 (8) (d) of the statutes is amended to read:

7 101.055 (8) (d) Orders of the ~~personnel commission and the~~ division of equal
8 rights under this subsection are subject to judicial review under ch. 227.

9 ***-1546/2.9* SECTION 1838.** 101.143 (4) (cc) 2. b. of the statutes is amended to

10 read:

11 101.143 (4) (cc) 2. b. An applicant that is engaged in the expansion or
12 redevelopment of brownfields, as defined in s. ~~560.13 (1) (a)~~ 560.60 (1) (v), if federal
13 or state financial assistance other than under this section, has been provided for that
14 expansion or redevelopment.

15 ***-1638/1.1* SECTION 1839.** 101.143 (9m) (g) 2. of the statutes is amended to

16 read:

17 101.143 (9m) (g) 2. Revenue obligations issued under this subsection may not
18 exceed ~~\$342,000,000~~ \$457,000,000 in principal amount, excluding any obligations
19 that have been defeased under a cash optimization program administered by the
20 building commission. In addition to this limit on principal amount, the building
21 commission may contract revenue obligations under this subsection as the building
22 commission determines is desirable to fund or refund outstanding revenue
23 obligations, to pay issuance or administrative expenses, to make deposits to reserve
24 funds, or to pay accrued or capitalized interest.

SENATE BILL**SECTION 1840**

1 *~~1111/4.87~~* **SECTION 1840.** 101.175 (3) (intro.) of the statutes is amended to
2 read:

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

7 *~~0529/4.165~~* **SECTION 1841.** 101.563 (2) (a) of the statutes is amended to read:

8 101.563 (2) (a) *Payments from calendar year 2000 dues.* Notwithstanding s.
9 101.573 (3) (a), the department shall pay every city, village, and town that is entitled
10 to payment under sub. (1) (a) the amount to which that city, village, or town would
11 have been entitled to receive on or before August 1, 2001, had the city, village, or town
12 been eligible to receive a payment on that date. The department shall calculate the
13 amount due under this paragraph as if every city, village, and town maintaining a
14 fire department was eligible to receive a payment on that date. By the date on which
15 the department provides a certification or recertification to the ~~state treasurer~~
16 secretary of administration under par. (b) 1., the department shall certify to the ~~state~~
17 ~~treasurer~~ secretary of administration the amount to be paid to each city, village, and
18 town under this paragraph. On or before August 1, 2002, the ~~state treasurer~~
19 ~~secretary of administration~~ shall pay the amount certified by the department under
20 this paragraph to each such city, village, and town. The ~~state treasurer~~ secretary of
21 administration may combine any payment due under this paragraph with any
22 amount due to be paid on or before August 1, 2002, to the same city, village, or town
23 under par. (b) 1.

24 *~~0529/4.166~~* **SECTION 1842.** 101.563 (2) (b) 1. of the statutes is amended to
25 read:

SENATE BILL

SECTION 1842

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

19 *~~0529/4.167~~* SECTION 1843. 101.563 (2) (b) 2. of the statutes is amended to
20 read:

21 101.563 (2) (b) 2. 'Payments from dues for calendar years 2002 to 2004.'
22 Notwithstanding s. 101.573 (3) (a) and except as otherwise provided in this
23 subdivision, on or before May 1 in each year, the department shall compile the fire
24 department dues paid by all insurers under s. 601.93 and the dues paid by the state
25 fire fund under s. 101.573 (1) and funds remaining under s. 101.573 (3) (b), withhold

SENATE BILL**SECTION 1843**

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

8 ***-0529/4.168* SECTION 1844.** 101.563 (2) (b) 3. of the statutes is amended to
9 read:

10 101.563 (2) (b) 3. The amounts withheld under subds. 1. and 2. shall be
11 disbursed to correct errors of the department or the commissioner of insurance. The
12 department shall certify to the ~~state treasurer~~ secretary of administration the
13 amount that must be disbursed to correct an error and the ~~state treasurer~~ secretary
14 of administration shall pay the amount to the specified city, village, or town. The
15 balance of the amount withheld in a calendar year under subds. subd. 1. or 2., as
16 applicable, which is not disbursed under this subdivision shall be included in the
17 total compiled by the department under subd. 2. for the next calendar year, except
18 that amounts withheld under subd. 2. from fire department dues collected for
19 calendar year 2004 that are not disbursed under this subdivision shall be included
20 in the total compiled by the department under s. 101.573 (3) (a) for the next calendar
21 year. If errors in payments exceed the amount withheld, adjustments shall be made
22 in the distribution for the next year.

23 ***-0529/4.169* SECTION 1845.** 101.573 (1) of the statutes is amended to read:

24 101.573 (1) The department shall include in the compilation and certification
25 of fire department dues under sub. (3) 2% of the premiums paid to the state fire fund

SENATE BILL

SECTION 1845

1 for the insurance of any public property, other than state property. The department
2 shall notify the ~~state treasurer~~ secretary of administration of the amount certified
3 under this subsection and the ~~state treasurer~~ secretary of administration shall
4 charge the amount to the state fire fund.

5 ***-0529/4.170* SECTION 1846.** 101.573 (3) (a) of the statutes is amended to read:

6 101.573 (3) (a) On or before May 1 in each year, the department shall compile
7 the fire department dues paid by all insurers under s. 601.93 and the dues paid by
8 the state fire fund under sub. (1) and funds remaining under par. (b), withhold .5%
9 and certify to the ~~state treasurer~~ secretary of administration the proper amount to
10 be paid from the appropriation under s. 20.143 (3) (L) to each city, village, or town
11 entitled to fire department dues under s. 101.575. Annually, on or before August 1,
12 the ~~state treasurer~~ secretary of administration shall pay the amounts certified by the
13 department to the cities, villages and towns eligible under s. 101.575.

14 ***-0529/4.171* SECTION 1847.** 101.573 (3) (b) of the statutes is amended to read:

15 101.573 (3) (b) The amount withheld under par. (a) shall be disbursed to correct
16 errors of the department or the commissioner of insurance or for payments to cities,
17 villages, or towns which are first determined to be eligible for payments under par.
18 (a) after May 1. The department shall certify to the ~~state treasurer~~ secretary of
19 administration, as near as is practical, the amount which would have been payable
20 to the municipality if payment had been properly disbursed under par. (a) on or prior
21 to May 1, except the amount payable to any municipality first eligible after May 1
22 shall be reduced by 1.5% for each month or portion of a month which expires after
23 May 1 and prior to the eligibility determination. The ~~state treasurer~~ secretary of
24 administration shall pay the amount certified to the city, village, or town. The
25 balance of the amount withheld in a calendar year under par. (a) which is not

SENATE BILL**SECTION 1847**

1 disbursed under this paragraph shall be included in the total compiled by the
2 department under par. (a) for the next calendar year. If errors in payments exceed
3 the amount set aside for error payments, adjustments shall be made in the
4 distribution for the next year.

5 ***-0529/4.172* SECTION 1848.** 101.573 (4) of the statutes is amended to read:

6 101.573 (4) The department shall transmit to the treasurer of each city, village,
7 and town entitled to fire department dues, a statement of the amount of dues payable
8 to it, and the commissioner of insurance shall furnish to the ~~state treasurer~~ secretary
9 of administration, upon request, a list of the insurers paying dues under s. 601.93
10 and the amount paid by each.

11 ***-1256/5.76* SECTION 1849.** 102.07 (17m) of the statutes is amended to read:

12 102.07 (17m) A participant in a trial job under s. 49.147 (3) or a transitional
13 subsidized private sector job under s. 49.147 (3m) is an employee of any employer
14 under this chapter for whom the participant is performing service at the time of the
15 injury.

16 ***-0529/4.173* SECTION 1850.** 102.28 (7) (a) of the statutes is amended to read:

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

SENATE BILL

SECTION 1850

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

7 *~~0529/4.174~~* SECTION 1851. 102.63 of the statutes is amended to read:

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

16 *~~1824/6.26~~* SECTION 1852. 102.81 (2) of the statutes is amended to read:

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

SENATE BILL

SECTION 1852

1 charges for the services retained under this subsection shall be paid from the
2 appropriation under s. 20.445 (1) (hp). The cost of any reinsurance obtained under
3 this subsection shall be paid from the appropriation under s. 20.445 (1) (sm).

4 ***-0529/4.175* SECTION 1853.** 102.85 (4) (c) of the statutes is amended to read:

5 102.85 (4) (c) 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 uninsured employer assessment prescribed in this section. If the deposit is forfeited,
8 the amount of the uninsured employer assessment shall be transmitted to the state
9 ~~treasurer~~ secretary of administration under par. (d). If the deposit is returned, the
10 uninsured employer assessment shall also be returned.

11 ***-0529/4.176* SECTION 1854.** 102.85 (4) (d) of the statutes is amended to read:

12 102.85 (4) (d) The clerk of the court shall collect and transmit to the county
13 ~~treasurer~~ the uninsured employer assessment and other amounts required under s.
14 59.40 (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 uninsured employer
17 assessment, together with any interest thereon, in the uninsured employers fund as
18 provided in s. 102.80 (1).

19 ***-1295/2.24* SECTION 1855.** 103.10 (12) (a) of the statutes is repealed.

20 ***-1756/2.1* SECTION 1856.** 103.10 (12) (bm) of the statutes is created to read:

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

SENATE BILL

SECTION 1856

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

6 ***-1756/2.2* SECTION 1857.** 103.10 (13) of the statutes is amended to read:

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

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

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

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

23 ***-1243/1.33* SECTION 1858.** 106.01 (11) of the statutes is repealed.

24 ***-1264/2.8* SECTION 1859.** 106.09 (4) of the statutes is repealed.

25 ***-1264/2.9* SECTION 1860.** 106.09 (5) of the statutes is amended to read:

SENATE BILL**SECTION 1860**

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

4 ***-1264/2.10*** **SECTION 1861.** 106.09 (6) of the statutes is repealed.

5 ***-1689/3.30*** **SECTION 1862.** 106.12 (title) of the statutes is amended to read:

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

7 ***-1689/3.31*** **SECTION 1863.** 106.12 (1) of the statutes is amended to read:

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

10 ***-1689/3.32*** **SECTION 1864.** 106.12 (1m) of the statutes is created to read:

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

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

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

SENATE BILL

SECTION 1864

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

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

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

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

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

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

20 ***-1689/3.33* SECTION 1865.** 106.12 (2) of the statutes is amended to read:

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

SENATE BILL

SECTION 1865

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

7 ***-1689/3.34*** SECTION 1866. 106.12 (3) of the statutes is amended to read:

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

13 ***-1689/3.35*** SECTION 1867. 106.12 (4) of the statutes is amended to read:

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

21 ***-1689/3.36*** SECTION 1868. 106.13 (1) (intro.) of the statutes is amended to
22 read:

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

24 ***-1689/3.37*** SECTION 1869. 106.13 (2) of the statutes is amended to read:

SENATE BILL

SECTION 1869

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

6 *~~1689/3.38~~* SECTION 1870. 106.13 (2m) of the statutes is amended to read:

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

13 *~~1689/3.39~~* SECTION 1871. 106.13 (3m) (b) (intro.) of the statutes is amended
14 to read:

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

SENATE BILL**SECTION 1872**

1 *~~1689/3.40~~* **SECTION 1872.** 106.13 (3m) (b) 6. of the statutes is amended to
2 read:

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

5 *~~1689/3.41~~* **SECTION 1873.** 106.13 (4) (a) 1d. of the statutes is amended to
6 read:

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

10 *~~1689/3.42~~* **SECTION 1874.** 106.13 (4) (b) of the statutes is amended to read:

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

23 *~~1689/3.43~~* **SECTION 1875.** 106.13 (4) (c) of the statutes is amended to read:

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

SENATE BILL

SECTION 1875

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

5 ~~*-1689/3.44*~~ SECTION 1876. 106.13 (4) (d) of the statutes is amended to read:

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

12 ~~*-1689/3.45*~~ SECTION 1877. 106.13 (4m) of the statutes is amended to read:

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

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

SENATE BILL

SECTION 1878

1 *~~1689/3.46~~* SECTION 1878. 106.13 (5) of the statutes is amended to read:

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

4 *~~1264/2.11~~* SECTION 1879. 106.15 (3) (intro.) of the statutes is amended to
5 read:

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

10 *~~1264/2.12~~* SECTION 1880. 106.15 (7) of the statutes is amended to read:

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

14 *~~1264/2.13~~* SECTION 1881. 106.17 (2) of the statutes is amended to read:

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

18 *~~1688/2.6~~* SECTION 1882. 106.21 (title) of the statutes is repealed.

19 *~~1688/2.7~~* SECTION 1883. 106.21 (1) of the statutes is repealed.

20 *~~1688/2.8~~* SECTION 1884. 106.21 (2) of the statutes is repealed.

21 *~~1688/2.9~~* SECTION 1885. 106.21 (3) of the statutes is repealed.

22 *~~1688/2.10~~* SECTION 1886. 106.21 (4) of the statutes is repealed.

23 *~~1688/2.11~~* SECTION 1887. 106.21 (5) of the statutes is repealed.

24 *~~1688/2.12~~* SECTION 1888. 106.21 (6) of the statutes is repealed.

25 *~~1688/2.13~~* SECTION 1889. 106.21 (7) of the statutes is repealed.

SENATE BILL

SECTION 1890

- 1 ***-1688/2.14*** SECTION 1890. 106.21 (8) of the statutes is repealed.
- 2 ***-1688/2.15*** SECTION 1891. 106.21 (9) (a) of the statutes is repealed.
- 3 ***-1688/2.16*** SECTION 1892. 106.21 (9) (b) of the statutes is repealed.
- 4 ***-1688/2.17*** SECTION 1893. 106.21 (9) (c) of the statutes is repealed.
- 5 ***-1688/2.18*** SECTION 1894. 106.21 (9) (e) of the statutes is repealed.
- 6 ***-1688/2.19*** SECTION 1895. 106.21 (9) (f) of the statutes is repealed.
- 7 ***-1688/2.20*** SECTION 1896. 106.21 (9) (g) 1. of the statutes is repealed.
- 8 ***-1688/2.21*** SECTION 1897. 106.21 (9) (g) 2. of the statutes is renumbered
- 9 106.213 and amended to read:
- 10 **106.213 Wisconsin service corps education vouchers.** The An education
- 11 voucher under s. 106.21 (9) (g) 1., 2001 stats., is valid for 3 years after the date of
- 12 issuance for the payment of tuition and required program activity fees at any
- 13 institution of higher education, as defined under s. 39.32 (1) (a), that accepts the
- 14 voucher and the department shall authorize payment to the institution of face value
- 15 of the voucher upon presentment.
- 16 ***-1688/2.22*** SECTION 1898. 106.21 (10) of the statutes is repealed.
- 17 ***-1688/2.23*** SECTION 1899. 106.21 (11) of the statutes is repealed.
- 18 ***-1688/2.24*** SECTION 1900. 106.21 (12) of the statutes is repealed.
- 19 ***-1688/2.25*** SECTION 1901. 106.21 (13) of the statutes is repealed.
- 20 ***-1688/2.26*** SECTION 1902. 106.213 of the statutes, as created by 2003
- 21 Wisconsin Act ... (this act), is repealed.
- 22 ***-1712/5.31*** SECTION 1903. 106.215 (title) of the statutes is amended to read:
- 23 **106.215 (title) ~~Wisconsin conservation corps program~~ Youth**
- 24 **employment projects.**
- 25 ***-1712/5.32*** SECTION 1904. 106.215 (1) (intro.) of the statutes is repealed.

SENATE BILL

SECTION 1905

1 *-1712/5.33* SECTION 1905. 106.215 (1) (a) of the statutes is repealed.

2 *-1712/5.34* SECTION 1906. 106.215 (1) (b) of the statutes is repealed.

3 *-1712/5.35* SECTION 1907. 106.215 (1) (c) of the statutes is repealed.

4 *-1712/5.36* SECTION 1908. 106.215 (1) (cg) of the statutes is repealed.

5 *-1712/5.37* SECTION 1909. 106.215 (1) (cm) of the statutes is repealed.

6 *-1712/5.38* SECTION 1910. 106.215 (1) (d) of the statutes is repealed.

7 *-1712/5.39* SECTION 1911. 106.215 (1) (e) of the statutes is repealed.

8 *-1712/5.40* SECTION 1912. 106.215 (1) (f) of the statutes is repealed.

9 *-1712/5.41* SECTION 1913. 106.215 (1) (fm) of the statutes is renumbered
10 977.01 (2) and amended to read:

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

16 *-1712/5.42* SECTION 1914. 106.215 (1) (g) of the statutes is repealed.

17 *-1712/5.43* SECTION 1915. 106.215 (2) of the statutes is amended to read:

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

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

SENATE BILL

SECTION 1915

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

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

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

11 ***-1712/5.44* SECTION 1916.** 106.215 (2) (e) of the statutes is created to read:

12 106.215 (2) (e) *Wages.* Providing project participants with a wage that is not
13 less than the federal minimum wage or the applicable state minimum wage
14 established under ch. 104, whichever is greater.

15 ***-1712/5.45* SECTION 1917.** 106.215 (3) of the statutes is repealed.

16 ***-1712/5.46* SECTION 1918.** 106.215 (3m) of the statutes is repealed.

17 ***-1712/5.47* SECTION 1919.** 106.215 (4) of the statutes is repealed.

18 ***-1712/5.48* SECTION 1920.** 106.215 (5) of the statutes is repealed.

19 ***-1712/5.49* SECTION 1921.** 106.215 (6) of the statutes is repealed.

20 ***-1712/5.50* SECTION 1922.** 106.215 (7) (title) of the statutes is repealed.

21 ***-1712/5.51* SECTION 1923.** 106.215 (7) (a) of the statutes is repealed.

22 ***-1712/5.52* SECTION 1924.** 106.215 (7) (am) of the statutes is repealed.

23 ***-1712/5.53* SECTION 1925.** 106.215 (7) (b) of the statutes is repealed.

24 ***-1712/5.54* SECTION 1926.** 106.215 (7) (c) of the statutes is renumbered
25 106.215 (1m) and amended to read:

SENATE BILL

SECTION 1926

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

11 *-1712/5.55* SECTION 1927. 106.215 (8) of the statutes is repealed.

12 *-1712/5.56* SECTION 1928. 106.215 (8g) of the statutes is repealed.

13 *-1712/5.57* SECTION 1929. 106.215 (8m) of the statutes is repealed.

14 *-1712/5.58* SECTION 1930. 106.215 (9) of the statutes is repealed.

15 *-1712/5.59* SECTION 1931. 106.215 (10) (title) of the statutes is repealed.

16 *-1712/5.60* SECTION 1932. 106.215 (10) (a) of the statutes is repealed.

17 *-1712/5.61* SECTION 1933. 106.215 (10) (b) of the statutes is repealed.

18 *-1712/5.62* SECTION 1934. 106.215 (10) (c) of the statutes is repealed.

19 *-1712/5.63* SECTION 1935. 106.215 (10) (e) of the statutes is repealed.

20 *-1712/5.64* SECTION 1936. 106.215 (10) (f) of the statutes is repealed.

21 *-1712/5.65* SECTION 1937. 106.215 (10) (fm) of the statutes is repealed.

22 *-1712/5.66* SECTION 1938. 106.215 (10) (g) (title) and 1. of the statutes are
23 repealed.

24 *-1712/5.67* SECTION 1939. 106.215 (10) (g) 1m. of the statutes is repealed.

25 *-1712/5.68* SECTION 1940. 106.215 (10) (g) 2. of the statutes is repealed.

SENATE BILL

SECTION 1941

1 *~~1712/5.69~~* SECTION 1941. 106.215 (10) (g) 2m. of the statutes is repealed.

2 *~~1712/5.70~~* SECTION 1942. 106.215 (10) (g) 3. of the statutes is renumbered
3 106.217 and amended to read:

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

10 *~~1712/5.71~~* SECTION 1943. 106.215 (10) (g) 4. of the statutes is repealed.

11 *~~1712/5.72~~* SECTION 1944. 106.215 (10) (h) of the statutes is repealed.

12 *~~1712/5.73~~* SECTION 1945. 106.215 (11) of the statutes is repealed.

13 *~~1712/5.74~~* SECTION 1946. 106.215 (12) of the statutes is repealed.

14 *~~1712/5.75~~* SECTION 1947. 106.215 (13) of the statutes is repealed.

15 *~~1712/5.76~~* SECTION 1948. 106.217 of the statutes, as affected by 2003
16 Wisconsin Act (this act), is repealed.

17 *~~0231/1.1~~* SECTION 1949. 106.26 (4) of the statutes is repealed.

18 *~~1756/2.3~~* SECTION 1950. 106.50 (6) (c) 4. of the statutes is amended to read:

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

SENATE BILL**SECTION 1950**

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

4 ***-1756/2.4* SECTION 1951.** 106.52 (4) (a) 4m. of the statutes is created to read:

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

15 ***-1731/1.3* SECTION 1952.** 107.30 (10) of the statutes is amended to read:

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

18 ***-1731/1.2* SECTION 1953.** 107.31 (5) (a) (intro.) of the statutes is amended to
19 read:

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

24 ***-0529/4.177* SECTION 1954.** 108.15 (6) (c) of the statutes is amended to read:

SENATE BILL

SECTION 1954

1 108.15 (6) (c) If such delinquency is finally established under s. 108.10, the
2 fund's treasurer shall, in case such unit receives a share of any state tax or any type
3 of state aid, certify to the ~~state treasurer~~ secretary of administration the existence
4 and amount of such delinquency.

5 *~~0529/4.178~~* SECTION 1955. 108.15 (6) (d) (intro.) of the statutes is amended
6 to read:

7 108.15 (6) (d) (intro.) Upon receipt of such certification, the ~~state treasurer~~
8 secretary of administration shall withhold, from each sum of any such tax or aid
9 thereafter payable to the government unit, until the delinquency is satisfied, the
10 lesser of the following amounts:

11 *~~0529/4.179~~* SECTION 1956. 108.15 (6) (e) of the statutes is amended to read:

12 108.15 (6) (e) Any amount withheld by the ~~state treasurer~~ secretary of
13 administration under par. (d) shall be paid by the ~~state treasurer~~ secretary of
14 administration to the fund's treasurer, who shall duly credit such payment toward
15 satisfying the delinquency.

16 *~~1939/2.2~~* SECTION 1957. 108.161 (3) of the statutes is amended to read:

17 108.161 (3) Consistently with this chapter and said section 903, such moneys
18 shall be used solely for benefits or employment security administration by the
19 department, including unemployment insurance, employment service,
20 apprenticeship programs, and related statistical operations.

21 *~~1939/2.3~~* SECTION 1958. 108.161 (4) (c) of the statutes is amended to read:

22 108.161 (4) (c) Specifying that the appropriated amounts are available for
23 obligation solely within the 2 years beginning on the appropriation law's date of
24 enactment. This paragraph does not apply to the appropriation under s. 20.445 (1)
25 (nd).

SENATE BILL

SECTION 1959

1 *~~1939/2.4~~* **SECTION 1959.** 108.162 (3) of the statutes is amended to read:

2 108.162 (3) The amount obligated under this section during any fiscal year may
3 not exceed the aggregate of all amounts credited under s. 108.161 (1), including
4 amounts credited under s. 108.161 (8), reduced by the amount obligated under s.
5 20.445 (1) (nb) and (nd) and further reduced at the time of any obligation by the sum
6 of the moneys obligated and charged against any of the amounts thus credited.

7 *~~0529/4.180~~* **SECTION 1960.** 108.20 (2) of the statutes is amended to read:

8 108.20 (2) All amounts received by the department for the administrative
9 account shall be paid over to the ~~state treasurer~~ secretary of administration and
10 credited to that account for the administration of this chapter and the employment
11 service, for the payment of benefits chargeable to the account under s. 108.07 (5) and
12 for the purposes specified in sub. (2m).

13 *~~1712/5.77~~* **SECTION 1961.** 111.335 (1) (cv) of the statutes is amended to read:

14 111.335 (1) (cv) Notwithstanding s. 111.322, it is not employment
15 discrimination because of conviction record to refuse to employ in a position in the
16 classified service, or in a position described in s. 230.08 (2) (k), ~~or as a corps enrollee~~
17 ~~with the Wisconsin conservation corps under s. 106.215 (1) (e)~~ a person who has been
18 convicted under 50 USC, Appendix, section 462 for refusing to register with the
19 selective service system and who has not been pardoned.

20 *~~1295/2.25~~* **SECTION 1962.** 111.375 (1) of the statutes is amended to read:

21 111.375 (1) ~~Except as provided under sub. (2), this~~ This subchapter shall be
22 administered by the department. The department may make, amend and rescind
23 such rules as are necessary to carry out this subchapter. The department or the
24 commission may, by such agents or agencies as it designates, conduct in any part of
25 this state any proceeding, hearing, investigation or inquiry necessary to the

SENATE BILL**SECTION 1962**

1 performance of its functions. The department shall preserve the anonymity of any
2 employee who is the aggrieved party in a complaint of discrimination in promotion,
3 compensation or terms and conditions of employment, of unfair honesty testing or
4 of unfair genetic testing against his or her present employer until a determination
5 as to probable cause has been made, unless the department determines that the
6 anonymity will substantially impede the investigation.

7 ***-1295/2.26* SECTION 1963.** 111.375 (2) of the statutes is amended to read:

8 111.375 (2) This subchapter applies to each agency of the state ~~except that~~
9 ~~complaints of discrimination, unfair honesty testing or unfair genetic testing against~~
10 ~~the agency as an employer shall be filed with and processed by the personnel~~
11 ~~commission under s. 230.45 (1) (b). Decisions of the personnel commission are~~
12 ~~subject to review under ch. 227.~~

13 ***-1756/2.5* SECTION 1964.** 111.39 (4) (bm) of the statutes is created to read:

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

25 ***-1756/2.6* SECTION 1965.** 111.40 of the statutes is created to read:

SENATE BILL**SECTION 1965**

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

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

11 *~~1102/6.1~~* **SECTION 1966.** 111.70 (1) (a) of the statutes is amended to read:

12 111.70 (1) (a) “Collective bargaining” means the performance of the mutual
13 obligation of a municipal employer, through its officers and agents, and the
14 representative of its municipal employees in a collective bargaining unit, to meet and
15 confer at reasonable times, in good faith, with the intention of reaching an
16 agreement, or to resolve questions arising under such an agreement, with respect to
17 wages, hours and conditions of employment, and with respect to a requirement of the
18 municipal employer for a municipal employee to perform law enforcement and fire
19 fighting services under s. 61.66, except as provided in sub. (4) (m) and s. 40.81 (3) and
20 except that a municipal employer shall not meet and confer with respect to any
21 proposal to diminish or abridge the rights guaranteed to municipal employees under
22 ch. 164. The duty to bargain, however, does not compel either party to agree to a
23 proposal or require the making of a concession. Collective bargaining includes the
24 reduction of any agreement reached to a written and signed document. The
25 municipal employer shall not be required to bargain on subjects reserved to

SENATE BILL

SECTION 1966

1 management and direction of the governmental unit except insofar as the manner
2 of exercise of such functions affects the wages, hours and conditions of employment
3 of the municipal employees in a collective bargaining unit and except as provided in
4 sub. (4)(p). In creating this subchapter the legislature recognizes that the municipal
5 employer must exercise its powers and responsibilities to act for the government and
6 good order of the jurisdiction which it serves, its commercial benefit and the health,
7 safety and welfare of the public to assure orderly operations and functions within its
8 jurisdiction, subject to those rights secured to municipal employees by the
9 constitutions of this state and of the United States and by this subchapter.

10 ***-1102/6.2* SECTION 1967.** 111.70 (1) (b) of the statutes is amended to read:

11 111.70 (1) (b) “Collective bargaining unit” means a unit ~~consisting of municipal~~
12 ~~employees who are school district professional employees or of municipal employees~~
13 ~~who are not school district professional employees~~ that is determined by the
14 commission to be appropriate for the purpose of collective bargaining.

15 ***-1102/6.3* SECTION 1968.** 111.70 (1) (dm) of the statutes is repealed.

16 ***-1102/6.4* SECTION 1969.** 111.70 (1) (fm) of the statutes is repealed.

17 ***-1102/6.5* SECTION 1970.** 111.70 (1) (nc) of the statutes is repealed.

18 ***-1102/6.6* SECTION 1971.** 111.70 (4) (cm) 5. of the statutes is amended to read:

19 111.70 (4) (cm) 5. ‘Voluntary impasse resolution procedures.’ In addition to the
20 other impasse resolution procedures provided in this paragraph, a municipal
21 employer and labor organization may at any time, as a permissive subject of
22 bargaining, agree in writing to a dispute settlement procedure, including
23 authorization for a strike by municipal employees or binding interest arbitration,
24 which is acceptable to the parties for resolving an impasse over terms of any
25 collective bargaining agreement under this subchapter. A copy of such agreement

SENATE BILL

SECTION 1971

1 shall be filed by the parties with the commission. If the parties agree to any form of
2 binding interest arbitration, the arbitrator shall give weight to the factors
3 enumerated under ~~subds. 7., 7g.~~ and subd. 7r.

4 ***-1102/6.7* SECTION 1972.** 111.70 (4) (cm) 5s. of the statutes is repealed.

5 ***-1102/6.8* SECTION 1973.** 111.70 (4) (cm) 6. a. of the statutes is amended to
6 read:

7 111.70 (4) (cm) 6. a. If in any collective bargaining unit a dispute ~~relating to one~~
8 ~~or more issues, qualifying for interest arbitration under subd. 5s. in a collective~~
9 ~~bargaining unit to which subd. 5s. applies,~~ has not been settled after a reasonable
10 period of negotiation and after mediation by the commission under subd. 3. and other
11 settlement procedures, if any, established by the parties have been exhausted, and
12 the parties are deadlocked with respect to any dispute between them over wages,
13 hours, and conditions of employment to be included in a new collective bargaining
14 agreement, either party, or the parties jointly, may petition the commission, in
15 writing, to initiate compulsory, final, and binding arbitration, as provided in this
16 paragraph. At the time the petition is filed, the petitioning party shall submit in
17 writing to the other party and the commission its preliminary final offer containing
18 its latest proposals on all issues in dispute. Within 14 calendar days after the date
19 of that submission, the other party shall submit in writing its preliminary final offer
20 on all disputed issues to the petitioning party and the commission. If a petition is
21 filed jointly, both parties shall exchange their preliminary final offers in writing and
22 submit copies to the commission at the time the petition is filed.

23 ***-1102/6.9* SECTION 1974.** 111.70 (4) (cm) 6. am. of the statutes is amended to
24 read:

SENATE BILL**SECTION 1974**

1 111.70 (4) (cm) 6. am. Upon receipt of a petition to initiate arbitration, the
2 commission shall make an investigation, with or without a formal hearing, to
3 determine whether arbitration should be commenced. If in determining whether an
4 impasse exists the commission finds that the procedures set forth in this paragraph
5 have not been complied with and such compliance would tend to result in a
6 settlement, it may order such compliance before ordering arbitration. The validity
7 of any arbitration award or collective bargaining agreement shall not be affected by
8 failure to comply with such procedures. Prior to the close of the investigation each
9 party shall submit in writing to the commission its single final offer containing its
10 final proposals on all issues in dispute that are subject to interest arbitration under
11 this subdivision ~~or under subd. 5s. in collective bargaining units to which subd. 5s.~~
12 applies. If a party fails to submit a single, ultimate final offer, the commission shall
13 close the investigation based on the last written position of the party. ~~The municipal~~
14 ~~employer may not submit a qualified economic offer under subd. 5s. after the close~~
15 ~~of the investigation.~~ Such final offers may include only mandatory subjects of
16 bargaining, except that a permissive subject of bargaining may be included by a
17 party if the other party does not object and shall then be treated as a mandatory
18 subject. No later than such time, the parties shall also submit to the commission a
19 stipulation, in writing, with respect to all matters which are agreed upon for
20 inclusion in the new or amended collective bargaining agreement. The commission,
21 after receiving a report from its investigator and determining that arbitration should
22 be commenced, shall issue an order requiring arbitration and immediately submit
23 to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall
24 alternately strike names until a single name is left, who shall be appointed as
25 arbitrator. The petitioning party shall notify the commission in writing of the

SENATE BILL**SECTION 1974**

1 identity of the arbitrator selected. Upon receipt of such notice, the commission shall
2 formally appoint the arbitrator and submit to him or her the final offers of the
3 parties. The final offers shall be considered public documents and shall be available
4 from the commission. In lieu of a single arbitrator and upon request of both parties,
5 the commission shall appoint a tripartite arbitration panel consisting of one member
6 selected by each of the parties and a neutral person designated by the commission
7 who shall serve as a chairperson. An arbitration panel has the same powers and
8 duties as provided in this section for any other appointed arbitrator, and all
9 arbitration decisions by such panel shall be determined by majority vote. In lieu of
10 selection of the arbitrator by the parties and upon request of both parties, the
11 commission shall establish a procedure for randomly selecting names of arbitrators.
12 Under the procedure, the commission shall submit a list of 7 arbitrators to the
13 parties. Each party shall strike one name from the list. From the remaining 5
14 names, the commission shall randomly appoint an arbitrator. Unless both parties
15 to an arbitration proceeding otherwise agree in writing, every individual whose
16 name is submitted by the commission for appointment as an arbitrator shall be a
17 resident of this state at the time of submission and every individual who is
18 designated as an arbitration panel chairperson shall be a resident of this state at the
19 time of designation.

20 *~~1102/6.10~~* **SECTION 1975.** 111.70 (4) (cm) 7. of the statutes is repealed.

21 *~~1102/6.11~~* **SECTION 1976.** 111.70 (4) (cm) 7g. of the statutes is repealed.

22 *~~1102/6.12~~* **SECTION 1977.** 111.70 (4) (cm) 7r. (intro.) of the statutes is
23 amended to read:

SENATE BILL

SECTION 1977

1 111.70 (4) (cm) 7r. ~~‘Other factors~~ Factors considered.’ (intro.) In making any
2 decision under the arbitration procedures authorized by this paragraph, the
3 arbitrator or arbitration panel shall also give weight to the following factors:

4 *~~-1102/6.13~~* SECTION 1978. 111.70 (4) (cm) 7r. hm. of the statutes is created
5 to read:

6 111.70 (4) (cm) 7r. hm. In a school district, a determination as to which party’s
7 proposal best provides for a fundamental right to an equal opportunity for a sound
8 basic education under article X, section 3, of the constitution.

9 *~~-1102/6.14~~* SECTION 1979. 111.70 (4) (cm) 7r. ie. of the statutes is created to
10 read:

11 111.70 (4) (cm) 7r. ie. Any state law or directive lawfully issued by a state
12 legislative or administrative officer, body, or agency which places limitations on
13 expenditures that may be made or revenues that may be collected by a municipal
14 employer.

15 *~~-1102/6.15~~* SECTION 1980. 111.70 (4) (cm) 7r. ir. of the statutes is created to
16 read:

17 111.70 (4) (cm) 7r. ir. Economic conditions in the jurisdiction of the municipal
18 employer.

19 *~~-1102/6.16~~* SECTION 1981. 111.70 (4) (cm) 8m. a. and c. of the statutes are
20 consolidated, renumbered 111.70 (4) (cm) 8m. and amended to read:

21 111.70 (4) (cm) 8m. ‘Term of agreement; reopening of negotiations.’ Except for
22 the initial collective bargaining agreement between the parties and except as the
23 parties otherwise agree, every collective bargaining agreement covering municipal
24 employees subject to this paragraph ~~other than school district professional~~
25 ~~employees~~ shall be for a term of 2 years. No, but in no case may a collective

SENATE BILL**SECTION 1981**

1 bargaining agreement for any collective bargaining unit consisting of municipal
2 employees ~~subject to this paragraph other than school district professional~~
3 ~~employees shall be for a term exceeding 3 years. e.~~ No arbitration award may
4 contain a provision for reopening of negotiations during the term of a collective
5 bargaining agreement, unless both parties agree to such a provision. The
6 requirement for agreement by both parties does not apply to a provision for
7 reopening of negotiations with respect to any portion of an agreement that is
8 declared invalid by a court or administrative agency or rendered invalid by the
9 enactment of a law or promulgation of a federal regulation.

10 *~~1102/6.17~~* **SECTION 1982.** 111.70 (4) (cm) 8m. b. of the statutes is repealed.

11 *~~1102/6.18~~* **SECTION 1983.** 111.70 (4) (cm) 8p. of the statutes is repealed.

12 *~~1102/6.19~~* **SECTION 1984.** 111.70 (4) (cm) 8s. of the statutes is repealed.

13 *~~1102/6.20~~* **SECTION 1985.** 111.70 (4) (d) 2. a. of the statutes is amended to
14 read:

15 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
16 bargaining unit for the purpose of collective bargaining and shall whenever possible,
17 unless otherwise required under this subchapter, avoid fragmentation by
18 maintaining as few collective bargaining units as practicable in keeping with the size
19 of the total municipal work force. In making such a determination, the commission
20 may decide whether, in a particular case, the municipal employees in the same or
21 several departments, divisions, institutions, crafts, professions, or other
22 occupational groupings constitute a collective bargaining unit. Before making its
23 determination, the commission may provide an opportunity for the municipal
24 employees concerned to determine, by secret ballot, whether or not they desire to be
25 established as a separate collective bargaining unit. ~~The commission shall not~~