

SENATE BILL 44

SECTION 1726

"J"
cont.

1 *-0529/4.159* SECTION 1726. 87.11 (2) of the statutes is amended to read:

2 87.11 (2) But should the total cost, as ascertained and certified by the flood
3 control board after the letting of the contracts, in the manner hereinabove set forth,
4 exceed the total amount found by the department to be collectible under s. 87.09, all
5 contracts for the construction of the work shall be null and void. At the expiration
6 of one year after such certification, any moneys held by the ~~state treasurer~~ secretary
7 of administration on account of the project shall be refunded to the persons by whom
8 they were paid to ~~such treasurer~~ the secretary of administration; and funds in the
9 hands of the flood control board shall be refunded to the public corporation by which
10 they were paid to such board; any funds held by any town, village, or city, having been
11 collected by special assessments against property benefited, shall be refunded to the
12 owners of such property; any funds raised by any public corporation by the issuance
13 of bonds on account of such proposed improvements shall constitute a fund for the
14 retirement or payment of such bonds; and any fund held by any public corporation,
15 having been raised otherwise than by special assessments or bond issues, shall be
16 available for the general purposes of such public corporation. Provided, however,
17 that if within one year after the last mentioned certification of the flood control board
18 there shall be deposited with the treasurer of said board a sum equal to the difference
19 between the aggregate cost of constructing the improvement as estimated by the
20 department and the aggregate cost thereof as determined and certified by the flood
21 control board after the letting of the contracts, said board shall proceed to relet the
22 contracts for the construction of the improvement and to complete the same unless
23 the aggregate of such new contract prices, together with the department's estimate
24 of the cost of acquiring lands and of overhead expenses and of the first 18 months'
25 operation and maintenance, shall again exceed the amount found by the department

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1 to be collectible under s. 87.09. The deposit herein referred to may be made by any
2 person or any public or private corporation.

3 *~~0529/4.160~~* SECTION 1727. 87.13 of the statutes is amended to read:

4 **87.13 Disbursements by board.** All sums which shall be deposited with the
5 ~~state treasurer~~ secretary of administration under s. 87.07 (4) for the construction of
6 the improvement shall be paid by ~~said treasurer~~ the secretary of administration to
7 the flood control board upon requisitions from said board. If any moneys, other than
8 those for operation and maintenance during the first 18 months, remain unexpended
9 in the hands of the flood control board or subject to their requisition after the
10 completion of the construction of the improvement, and if the funds for construction
11 of the improvement shall have been in part raised through voluntary contributions
12 under s. 87.07 (4) or 87.11 (2), the amounts thus contributed, or such proportion
13 thereof as the funds remaining in the hands of the board or subject to its requisition
14 will pay, shall be returned to the persons or corporations who made such voluntary
15 contributions, in proportion to the amounts contributed by them.

16
17 *~~1712/5.30~~* SECTION 1731. 91.19 (6s) (a) (intro.) of the statutes is amended
18 to read:

19 91.19 (6s) (a) (intro.) The department may release from a farmland
20 preservation agreement any land acquired or to be acquired by ~~a local unit of~~
21 ~~government~~ a school board or the governing body of a municipality, as defined in s.
22 ~~106.215 (1) (e)~~ 281.59 (1) (c), for public improvements or structures, including
23 highway improvements, if all of the following occur:

24 *~~b0345/3.2~~* SECTION 1731ec. 91.19 (7) of the statutes is amended to read:

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SECTION 1731ec

1 91.19 (7) ~~Whenever~~ Subject to sub. (14), whenever a farmland preservation
2 agreement is relinquished under sub. (2) or (6t) or all or part of the land is released
3 from a farmland preservation agreement under sub. (2) or (6p) or a transition area
4 agreement is relinquished under sub. (2) or, subject to subs. (12) and (13), a transition
5 area agreement is relinquished under sub. (1) or (1m), the department shall cause
6 to be prepared and recorded a lien against the property formerly subject to the
7 agreement for the total amount of all credits received by all owners of such lands
8 under subch. IX of ch. 71 during the last 10 years that the land was eligible for such
9 credit, plus interest at the rate of 9.3% per year compounded annually on the credits
10 received from the time the credits were received until the lien is paid for farmland
11 preservation agreements relinquished under sub. (6t) and 6% per year compounded
12 annually on the credits received from the time the credits were received until the lien
13 is paid for other agreements. No interest shall be compounded for any period during
14 which the farmland is subject to a subsequent farmland preservation agreement or
15 transition area agreement or is zoned for exclusive agricultural use under an
16 ordinance certified under subch. V.

17 ***b0345/3.2* SECTION 1731eg.** 91.19 (8) of the statutes is amended to read:

18 91.19 (8) Subject to subs. (12) ~~and~~, (13), and (14), upon the relinquishment of
19 a farmland preservation agreement under sub. (1) or (1m), the department shall
20 cause to be prepared and recorded a lien against the property formerly subject to the
21 farmland preservation agreement for the total amount of the credits received by all
22 owners thereof under subch. IX of ch. 71 during the last 10 years that the land was
23 eligible for such credit, plus 6% interest per year compounded from the time of
24 relinquishment. No interest shall be compounded for any period during which the
25 farmland is subject to a subsequent farmland preservation agreement or transition

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SECTION 1731eg

1 area agreement or is zoned for exclusive agricultural use under an ordinance
2 certified under subch. V.

3 *b0345/3.2* SECTION 1731ek. 91.19 (14) of the statutes is created to read:

4 91.19 (14) No lien under this section may be recorded after the effective date
5 of this subsection [revisor inserts date].

6
7 *b0345/3.2* SECTION 1731em. 91.25 of the statutes is created to read:

8 **91.25 Phaseout of agreements.** The department may not enter into, or
9 extend, an agreement under this subchapter after the effective date of this section
10 [revisor inserts date].

11 *b0345/3.2* SECTION 1731g. 91.37 (1) to (5) of the statutes are amended to
12 read:

13 91.37 (1) If Subject to sub. (7), if the owner withdraws during the term of an
14 agreement under this subchapter, the lien shall apply to the amount of all credit
15 under subch. IX of ch. 71 received for the period the land was subject to the
16 agreement plus 6% interest per year compounded annually from the time the credit
17 was received until it is paid.

18 (2) If Subject to sub. (7), if at the end of an agreement under this subchapter,
19 the owner does not apply for a renewal under s. 91.39 or an agreement under subch.
20 II, the lien shall apply, without interest, to the credit received under subch. IX of ch.
21 71 for the last 2 years the land was eligible for such credit if the land is not subject
22 to a certified exclusive agricultural use zoning ordinance under subch. V and either
23 the county in which the land is located has not adopted a certified agricultural
24 preservation plan, or, if such a plan is adopted, the farmland would not be eligible
25 for an agreement under the terms of the plan.

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SECTION 1731g

1 (3) If Subject to sub. (7), if at the end of an agreement under this subchapter,
2 the owner does not apply for a renewal under s. 91.39 or an agreement under subch.
3 II, although the land is eligible for an agreement under subch. II and is not subject
4 to a certified exclusive agricultural use zoning ordinance under subch. V, the lien
5 shall apply to all credit received during the period the land was subject to an
6 agreement under this subchapter, plus 6% interest per year compounded from the
7 time of expiration.

8 (4) If Subject to sub. (7), if at the end of an agreement under this subchapter,
9 the farmland is not eligible for an agreement under subch. II because s. 91.11 (2), (3)
10 or (4) is applicable, the lien shall apply, without interest, to the credit received under
11 subch. IX of ch. 71 for the last 2 years the land was eligible for such credit. If after
12 the expiration of an agreement the land or any portion of the land is zoned for
13 exclusive agricultural use under an ordinance certified under subch. V, all or any
14 portion of a lien filed under this subsection against such land shall be discharged.
15 The discharge of a lien under this subsection does not affect the calculation of any
16 subsequent lien under s. 91.77 (2).

17 (5) If Subject to sub. (7), if at the end of an agreement under this subchapter,
18 the owner does not apply for a renewal under s. 91.39 or an agreement under subch.
19 II and only a portion of the land subject to the agreement is eligible for an agreement
20 under subch. II, the lien shall be calculated under sub. (2) or (4) on that part of the
21 land which is ineligible and under sub. (3) on that part which is eligible.

22 ***b0345/3.2* SECTION 1731gm.** 91.37 (7) of the statutes is created to read:

23 91.37 (7) No lien under this section may be recorded after the effective date of
24 this subsection [revisor inserts date].

25 ***b0345/3.2* SECTION 1731j.** 91.71 of the statutes is amended to read:

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1 **91.71 Purpose.** The purpose of this subchapter is to specify the minimum
2 requirements for zoning ordinances designating certain lands for exclusively
3 agricultural use, ~~allowing the owners of such lands to claim the farmland~~
4 ~~preservation credit permitted under subch. IX of ch. 71.~~

5 ***b0345/3.2* SECTION 1731L.** 91.77 (2) of the statutes is amended to read:

6 91.77 (2) Land which is rezoned under this section shall be subject to the lien
7 provided under s. 91.19 (8) to (10) for the amount of tax credits paid on the land
8 rezoned, except that no lien under this subsection may be recorded after the effective
9 date of this subsection [revisor inserts date]. If the rezoning occurs solely as a
10 result of action initiated by a governmental unit, any lien required under s. 91.19 (8)
11 to (10) shall be paid by the governmental unit initiating the action.

12 ***b0345/3.2* SECTION 1731n.** 91.79 of the statutes is amended to read:

13 **91.79 Conditional uses; lien.** Any land zoned under this subchapter which
14 is granted a special exception or conditional use permit for a use which is not an
15 agricultural use shall be subject to the lien provided under s. 91.19 (8) to (10) for the
16 amount of tax credits paid on the land granted such a permit, except that no lien
17 under this section may be recorded after the effective date of this section [revisor
18 inserts date].

19
20 ***b0131/1.1* SECTION 1739g.** 93.23 (1) (a) 1. (intro.) of the statutes is amended
21 to read:

22 93.23 (1) (a) 1. (intro.) To each county, and any organized agricultural society,
23 association, or board in the state that complies with the requirements of this section,
24 ~~95% of the first \$8,000 actually paid in net premiums and 70% of all net premiums~~
25 ~~paid in excess of \$8,000~~ 50% of the amount actually paid in net premiums in the

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1 junior division at its annual fair upon livestock, articles of production, educational
2 exhibits, agricultural implements and tools, domestic manufactures, mechanical
3 implements, and productions, but not more than \$10,000 per fair, subject to all of the
4 following:

5 ***-0529/4.161*** SECTION 1740. 93.31 of the statutes is amended to read:

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

25 ***-0310/2.4*** SECTION 1741. 93.55 (2) of the statutes is amended to read:

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1 93.55 (2) COLLECTION GRANTS. The department may award a grant to a county
2 for a chemical and container collection program. A grant under this subsection shall
3 fund all or a part of the cost of a program. Costs eligible for funding include the cost
4 of establishing a collection site for chemicals and chemical containers, the cost of
5 transporting chemical containers to a dealer or distributor for refill and reuse or to
6 a hazardous waste facility, as defined in s. 291.01 (8), and costs associated with the
7 proper use and handling and disposal or recycling of chemicals and chemical
8 containers. Grants shall be paid from the appropriation under s. 20.115 (7) ~~(v)~~ (va).

9 *~~0158/1.1~~* SECTION 1742. 93.70 of the statutes is renumbered 93.70 (1).

10 *~~0158/1.2~~* SECTION 1743. 93.70 (2) of the statutes is created to read:

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

16 *~~0310/2.6~~* SECTION 1745. 94.64 (4) (a) 5. of the statutes is amended to read:

17 94.64 (4) (a) 5. An agricultural chemical cleanup surcharge of ~~38~~ 63 cents per
18 ton on all fertilizer that the person sells or distributes in this state ~~after June 30,~~
19 1999, unless the department establishes a lower surcharge under s. 94.73 (15).

20 *~~b0183/5.7~~* SECTION 1745d. 94.64 (4) (c) 4. of the statutes is amended to read:

21 94.64 (4) (c) 4. The department shall deposit the fee under par. (a) 4. in the
22 ~~environmental~~ agricultural management fund ~~for environmental management~~.

23 *~~b0183/5.7~~* SECTION 1745i. 94.65 (6) (a) 4. of the statutes is amended to read:

24 94.65 (6) (a) 4. Annually by March 31, pay to the department a groundwater
25 fee of 10 cents for each ton of soil or plant additive distributed, as described in the

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1 tonnage report filed under subd. 1. The minimum groundwater fee is \$1 for 10 tons
2 or less. ~~All groundwater fees shall be credited to the environmental fund for~~
3 ~~environmental management.~~

4 *b0183/5.7* SECTION 1745L. 94.65 (6) (c) of the statutes is amended to read:

5 94.65 (6) (c) The department shall deposit fees collected under pars. (a) 1. and
6 4. and (b) and subs. (2) (a) and (3) (b) in the agrichemical management fund.

7 *-0310/2.7* SECTION 1746. 94.681 (1) (cm) of the statutes is created to read:

8 94.681 (1) (cm) “Payment period” means the 12 months ending on September
9 30 of the calendar year for which a license is sought under s. 94.68.

10 *-0310/2.8* SECTION 1747. 94.681 (2) of the statutes is repealed and recreated
11 to read:

12 94.681 (2) ANNUAL LICENSE FEE. An applicant for a license under s. 94.68 shall
13 pay an annual license fee for each pesticide product that the applicant sells or
14 distributes for use in this state. The amount of the fee is based on sales of pesticide
15 products during the payment period. An applicant shall pay an estimated fee before
16 the start of each license year as provided in sub. (3s) (a) and shall make a fee
17 adjustment payment before the end of the license year if required under sub. (3s) (b).
18 Except as provided in sub. (5) or (6), the fee for each pesticide product is as follows:

19 (a) For each household pesticide product:

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

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

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

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1 (b) For each industrial pesticide product:

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

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

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

8 (c) For each nonhousehold pesticide product:

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

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

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

16 *-0310/2.9* SECTION 1748. 94.681 (3) of the statutes is amended to read:

17 94.681 (3) NONHOUSEHOLD PESTICIDES; CLEANUP SURCHARGE. ~~Except for the~~
18 ~~license years that begin on January 1, 1999, and January 1, 2000, an~~ An applicant
19 for a license under s. 94.68 shall pay an agricultural chemical cleanup surcharge for
20 each nonhousehold pesticide product that the applicant sells or distributes for use
21 in this state. The amount of the surcharge is based on sales of nonhousehold
22 pesticide products during the payment period. An applicant shall pay an estimated
23 surcharge before the start of each license year as provided in sub. (3s) (a) and shall
24 make a surcharge adjustment payment before the end of the license year if required

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1 by sub. (3s) (b). Except as provided in sub. (6) or under s. 94.73 (15), the amount of
2 the surcharge is as follows:

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

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

7 (c) If the applicant ~~sold~~ sells at least \$75,000 of that product during the
8 ~~preceding year payment period~~ for use in this state, an amount equal to 1.1% of gross
9 revenues from sales of the product during the ~~preceding year payment period~~ for use
10 in this state.

11 *~~0310/2.10~~* SECTION 1749. 94.681 (3m) of the statutes is amended to read:

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

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

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

3 (c) If the applicant ~~sold~~ sells at least \$75,000 of that product during the
4 ~~preceding year~~ payment period for use in this state, an amount equal to 1.1% of gross
5 revenues from sales of the product during the ~~preceding year~~ payment period for use
6 in this state.

7 *~~0310/2.11~~* SECTION 1750. 94.681 (3s) of the statutes is created to read:

8 94.681 (3s) PAYMENT OF FEES AND SURCHARGES. (a) Before the start of a license
9 year, an applicant shall estimate the gross revenues that the applicant will receive
10 from sales of each pesticide product during the payment period that ends during the
11 year for which a license is sought under s. 94.68 and shall pay the amounts under
12 subs. (2), (3), and (3m) based on that estimate. At least 15 days before beginning to
13 sell a new pesticide product in this state, a licensee shall estimate the gross revenues
14 that the applicant will receive from sales of that pesticide product during the
15 payment period in which the licensee begins to sell the pesticide product and shall
16 pay the amounts under subs. (2), (3), and (3m) based on that estimate.

17 (b) Before the end of a license year, a licensee shall report to the department
18 the gross revenues that the licensee received from sales of each pesticide product
19 during the payment period that ended during the license year, as required under s.
20 94.68 (2) (a) 2., and shall reconcile the estimated payment made under par. (a) with
21 the amounts actually due under subs. (2), (3), and (3m) as follows:

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

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

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

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

10 2. Subdivision 1. does not apply to a licensee if the licensee's payments under
11 par. (a) are based on estimates of gross revenues from sales for each pesticide product
12 that equal at least 90% of the licensee's gross revenues from sales of the pesticide
13 product during the preceding year.

14 ***b0183/5.8* SECTION 1750c.** 94.681 (4) of the statutes is amended to read:
15 94.681 (4) PRIMARY PRODUCERS; ~~WELL COMPENSATION FEE.~~ A primary producer
16 applying for a license under s. 94.68 shall pay a ~~well compensation~~ primary producer
17 fee of \$150.

18 ***b0183/5.8* SECTION 1750e.** 94.681 (7) (a) (intro.) of the statutes is
19 renumbered 94.681 (7) (a) and amended to read:

20 94.681 (7) (a) *License fees.* The department shall deposit all license fees
21 collected under subs. (2), (5) and (6) (a) 3. in the agrichemical management fund
22 ~~except as follows:~~

23 ***b0183/5.8* SECTION 1750f.** 94.681 (7) (a) 1. of the statutes is repealed.



24
25 ***b0183/5.8* SECTION 1750g.** 94.681 (7) (a) 2. of the statutes is repealed.

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1 ***b0183/5.8* SECTION 1750j.** 94.681 (7) (bm) of the statutes is amended to read:

2 94.681 (7) (bm) *Wood preservatives; cleanups surcharge.* The department shall
3 deposit the surcharges collected under subs. (3m) and (6) (a) 5. in the ~~environmental~~
4 agrichemical management fund for environmental management.

5 ***b0183/5.8* SECTION 1750L.** 94.681 (7) (c) of the statutes is amended to read:

6 94.681 (7) (c) ~~Well compensation~~ Primary producer fee. The department shall
7 deposit the ~~well compensation~~ primary producer fees collected under sub. (4) in the
8 ~~environmental~~ agrichemical management fund for ~~environmental~~ management.

9 ***-0310/2.15* SECTION 1754.** 94.73 (6) (b) of the statutes is amended to read:

10 94.73 (6) (b) Except as provided in pars. (c) and (e), the department shall
11 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action
12 costs incurred for each discharge site that are greater than \$3,000 and less than
13 \$400,000.

14 ***-0310/2.16* SECTION 1755.** 94.73 (6) (c) (intro.) of the statutes is amended to
15 read:

16 94.73 (6) (c) (intro.) Except as provided in par. (e), the department shall
17 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action
18 costs incurred for each discharge site that are greater than \$7,500 and less than
19 \$400,000 if any of the following applies:

20 ***b0129/1.2* SECTION 1755q.** 94.73 (12m) of the statutes is amended to read:

21 94.73 (12m) **SAMPLE COLLECTION AND ANALYSIS.** For the purpose of investigating
22 a discharge or exercising its authority under this section, the department may collect
23 and analyze samples of plants, soil, surface water, groundwater and other material
24 at a site if the department determines that probable cause exists to believe that a
25 discharge has occurred at the site and determines that sufficient funds are available

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1 in the agricultural chemical cleanup fund to pay a claim that may result from the
2 discharge or that there is reason to believe that the discharge poses a significant risk
3 to human health.

4 ***-0310/2.17* SECTION 1756.** 94.73 (15) (a) of the statutes is amended to read:

5 94.73 (15) (a) The department may, by rule, reduce any of the surcharges in ss.
6 94.64 (3r) (b) and (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703 (3) (a) 2., and 94.704
7 (3) (a) 2. below the amounts specified in those provisions. The department shall
8 adjust surcharge amounts as necessary to maintain a balance in the agricultural
9 chemical cleanup fund at the end of each fiscal year of ~~at least \$2,000,000~~ but not
10 more than ~~\$5,000,000~~ \$2,500,000, but may not increase a surcharge amount over the
11 amount specified in s. 94.64 (3r) (b) or (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703
12 (3) (a) 2., or 94.704 (3) (a) 2.

13 ***-1506/2.1* SECTION 1757.** 97.24 (4) (a) of the statutes is amended to read:

14 97.24 (4) (a) Regulation of the production, processing and distribution of milk
15 and fluid milk products under minimum sanitary requirements which are uniform
16 throughout this state and the United States is essential for the protection of
17 consumers and the economic well-being of the dairy industry, and is therefore a
18 matter of statewide concern; however, nothing in this section shall impair or abridge
19 the power of any municipality or county to regulate milk or fluid milk products under
20 sanitary requirements and standards which are in reasonable accord with those
21 established under this section or the power to impose reasonable license permit and
22 inspection fees which combined shall not exceed the cost of necessary inspection. A
23 municipality or county may not impose any fee for its inspection of milk producers,
24 dairy plant facilities or dairy products which are under the inspection supervision
25 of another governmental unit within or without the state with a valid certification

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1 rating made or approved by the department of health and family services. No
2 governmental unit may impose or collect a fee directly from the producer. A license
3 or permit fee not to exceed \$25 annually may be imposed on milk distributors
4 licensed under s. 97.22 and on dairy plants under the inspection supervision of
5 another governmental unit which are engaged in the distribution of milk within a
6 municipality or county.

7 ***-1506/2.2* SECTION 1758.** 97.24 (4) (b) of the statutes is amended to read:

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

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20 ***-0529/4.162* SECTION 1812.** 100.261 (2) of the statutes is amended to read:

21 100.261 (2) If any deposit is made for a violation to which this section applies,
22 the person making the deposit shall also deposit a sufficient amount to include the
23 consumer protection assessment required under this section. If the deposit is
24 forfeited, the amount of the consumer protection assessment shall be transmitted to

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SECTION 1812

1 the ~~state treasurer~~ secretary of administration under sub. (3). If the deposit is
2 returned, the consumer protection assessment shall also be returned.

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

4 100.261 (3) (a) The clerk of court shall collect and transmit the consumer
5 protection assessment amounts to the county treasurer under s. 59.40 (2) (m). The
6 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
7 administration under s. 59.25 (3) (f) 2.

8 ***b0260/5.8* SECTION 1815.** 100.261 (3) (b) of the statutes is amended to read:

9 100.261 (3) (b) The ~~state treasurer~~ secretary of administration shall deposit the
10 consumer protection assessment amounts in the general fund and shall credit them
11 to the appropriation account under s. 20.115 (1) (jb), subject to the limit under par.
12 (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.

13
14 ***b0260/5.9* SECTION 1815d.** 100.261 (3) (c) of the statutes is amended to read:

15 100.261 (3) (c) The amount credited to the appropriation account under s.
16 20.115 (1) (jb) may not exceed ~~\$185,000~~ \$375,000 in each fiscal year.

17 ***b0260/5.9* SECTION 1817d.** 100.261 (4) of the statutes is created to read:

18 100.261 (4) (a) For each fiscal year, beginning with fiscal year 2003-04, the
19 department of agriculture, trade and consumer protection shall determine the total
20 amount of all assessments that were not imposed by a court as required under sub.
21 (1) during that fiscal year in court actions that were commenced on or after the
22 effective date of this paragraph [revisor inserts date], by the department of justice

SENATE BILL 44**SECTION 1817d**

1 under ch. 100. The department of agriculture, trade and consumer protection shall
2 make this determination before the August 1 immediately following the fiscal year:

3 (b) 1. Before the September 1 immediately following the August 1 deadline
4 under par. (a), the secretary of administration shall transfer from any of the
5 department of justice's sum certain, general purpose revenue state operations
6 appropriations, or from any combination of those appropriations, to the
7 appropriation account under s. 20.115 (1) (km) a total amount equal to the amount
8 determined by the department of agriculture, trade and consumer protection under
9 par. (a), subject to subd. 2.

10 2. If the sum of the amounts credited to the appropriation accounts under s.
11 20.115 (1) (jb) and (km) exceeds \$375,000 in any fiscal year, the secretary of
12 administration shall lapse the amount exceeding \$375,000 in that fiscal year from
13 the appropriation account under s. 20.115 (1) (km) to the general fund.

14 ***-1295/2.21* SECTION 1835.** 101.055 (8) (b) of the statutes is amended to read:

15 101.055 (8) (b) ~~A state employee who believes that he or she has been~~
16 ~~discharged or otherwise discriminated against by a public employer in violation of~~
17 ~~par. (ar) may file a complaint with the personnel commission alleging discrimination~~
18 ~~or discharge, within 30 days after the employee received knowledge of the~~
19 ~~discrimination or discharge. A public employee other than a state employee who~~
20 believes that he or she has been discharged or otherwise discriminated against by
21 a public employer in violation of par. (ar) may file a complaint with the division of
22 equal rights alleging discrimination or discharge, within 30 days after the employee
23 received knowledge of the discrimination or discharge.

24 ***-1295/2.22* SECTION 1836.** 101.055 (8) (c) of the statutes is amended to read:

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SECTION 1836

1 101.055 (8) (c) Upon receipt of a complaint, the ~~personnel commission or the~~
2 division of equal rights, ~~whichever is applicable~~, shall, except as provided in s. 230.45
3 (1m), investigate the complaint and determine whether there is probable cause to
4 believe that a violation of par. (ar) has occurred. If the ~~personnel commission or the~~
5 division of equal rights finds probable cause it shall attempt to resolve the complaint
6 by conference, conciliation or persuasion. If the complaint is not resolved, the
7 ~~personnel commission or the~~ division of equal rights shall hold a hearing on the
8 complaint within 60 days after receipt of the complaint unless both parties to the
9 proceeding agree otherwise. Within 30 days after the close of the hearing, the
10 ~~personnel commission or the~~ division of equal rights shall issue its decision. If the
11 ~~personnel commission or the~~ division of equal rights determines that a violation of
12 par. (ar) has occurred, it shall order appropriate relief for the employee, including
13 restoration of the employee to his or her former position with back pay, and shall
14 order any action necessary to ensure that no further discrimination occurs. If the
15 ~~personnel commission or the~~ division of equal rights determines that there has been
16 no violation of par. (ar), it shall issue an order dismissing the complaint.

17 *~~1295/2.23~~* SECTION 1837. 101.055 (8) (d) of the statutes is amended to read:

18 101.055 (8) (d) Orders of the ~~personnel commission and the~~ division of equal
19 rights under this subsection are subject to judicial review under ch. 227.

20 *~~1638/1.1~~* SECTION 1839. 101.143 (9m) (g) 2. of the statutes is amended to
21 read:

22 101.143 (9m) (g) 2. Revenue obligations issued under this subsection may not
23 exceed \$342,000,000 \$436,000,000 in principal amount, excluding any obligations
24 that have been defeased under a cash optimization program administered by the
25 building commission. In addition to this limit on principal amount, the building

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1 commission may contract revenue obligations under this subsection as the building
2 commission determines is desirable to fund or refund outstanding revenue
3 obligations, to pay issuance or administrative expenses, to make deposits to reserve
4 funds, or to pay accrued or capitalized interest.

5 *~~0529/4.165~~* SECTION 1841. 101.563 (2) (a) of the statutes is amended to read:

6 101.563 (2) (a) *Payments from calendar year 2000 dues.* Notwithstanding s.
7 101.573 (3) (a), the department shall pay every city, village, and town that is entitled
8 to payment under sub. (1) (a) the amount to which that city, village, or town would
9 have been entitled to receive on or before August 1, 2001, had the city, village, or town
10 been eligible to receive a payment on that date. The department shall calculate the
11 amount due under this paragraph as if every city, village, and town maintaining a
12 fire department was eligible to receive a payment on that date. By the date on which
13 the department provides a certification or recertification to the ~~state treasurer~~
14 secretary of administration under par. (b) 1., the department shall certify to the ~~state~~
15 ~~treasurer~~ secretary of administration the amount to be paid to each city, village, and
16 town under this paragraph. On or before August 1, 2002, the ~~state treasurer~~
17 secretary of administration shall pay the amount certified by the department under
18 this paragraph to each such city, village, and town. The ~~state treasurer~~ secretary of
19 administration may combine any payment due under this paragraph with any
20 amount due to be paid on or before August 1, 2002, to the same city, village, or town
21 under par. (b) 1.

22 *~~0529/4.166~~* SECTION 1842. 101.563 (2) (b) 1. of the statutes is amended to
23 read:

24 101.563 (2) (b) 1. 'Payments from calendar year 2001 dues.' Notwithstanding
25 s. ~~101.575~~ 101.573 (3) (a), by the 30th day following July 30, 2002, the department

SENATE BILL 44**SECTION 1842**

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

17 ***-0529/4.167* SECTION 1843.** 101.563 (2) (b) 2. of the statutes is amended to
18 read:

19 101.563 (2) (b) 2. 'Payments from dues for calendar years 2002 to 2004.'
20 Notwithstanding s. 101.573 (3) (a) and except as otherwise provided in this
21 subdivision, on or before May 1 in each year, the department shall compile the fire
22 department dues paid by all insurers under s. 601.93 and the dues paid by the state
23 fire fund under s. 101.573 (1) and funds remaining under s. 101.573 (3) (b), withhold
24 0.5% and certify to the ~~state treasurer~~ secretary of administration the proper amount
25 to be paid from the appropriation under s. 20.143 (3) (L) to each city, village, and town

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

6 *~~0529/4.168~~* SECTION 1844. 101.563 (2) (b) 3. of the statutes is amended to
7 read:

8 101.563 (2) (b) 3. The amounts withheld under subds. 1. and 2. shall be
9 disbursed to correct errors of the department or the commissioner of insurance. The
10 department shall certify to the ~~state treasurer~~ secretary of administration the
11 amount that must be disbursed to correct an error and the ~~state treasurer~~ secretary
12 of administration shall pay the amount to the specified city, village, or town. The
13 balance of the amount withheld in a calendar year under ~~subds.~~ subd. 1. or 2., as
14 applicable, which is not disbursed under this subdivision shall be included in the
15 total compiled by the department under subd. 2. for the next calendar year, except
16 that amounts withheld under subd. 2. from fire department dues collected for
17 calendar year 2004 that are not disbursed under this subdivision shall be included
18 in the total compiled by the department under s. 101.573 (3) (a) for the next calendar
19 year. If errors in payments exceed the amount withheld, adjustments shall be made
20 in the distribution for the next year.

21 *~~0529/4.169~~* SECTION 1845. 101.573 (1) of the statutes is amended to read:

22 101.573 (1) The department shall include in the compilation and certification
23 of fire department dues under sub. (3) 2% of the premiums paid to the state fire fund
24 for the insurance of any public property, other than state property. The department
25 shall notify the ~~state treasurer~~ secretary of administration of the amount certified

SENATE BILL 44**SECTION 1845**

1 under this subsection and the ~~state treasurer~~ secretary of administration shall
2 charge the amount to the state fire fund.

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

4 101.573 (3) (a) On or before May 1 in each year, the department shall compile
5 the fire department dues paid by all insurers under s. 601.93 and the dues paid by
6 the state fire fund under sub. (1) and funds remaining under par. (b), withhold .5%
7 and certify to the ~~state treasurer~~ secretary of administration the proper amount to
8 be paid from the appropriation under s. 20.143 (3) (L) to each city, village, or town
9 entitled to fire department dues under s. 101.575. Annually, on or before August 1,
10 the ~~state treasurer~~ secretary of administration shall pay the amounts certified by the
11 department to the cities, villages and towns eligible under s. 101.575.

12 ***-0529/4.171* SECTION 1847.** 101.573 (3) (b) of the statutes is amended to read:

13 101.573 (3) (b) The amount withheld under par. (a) shall be disbursed to correct
14 errors of the department or the commissioner of insurance or for payments to cities,
15 villages, or towns which are first determined to be eligible for payments under par.
16 (a) after May 1. The department shall certify to the ~~state treasurer~~ secretary of
17 administration, as near as is practical, the amount which would have been payable
18 to the municipality if payment had been properly disbursed under par. (a) on or prior
19 to May 1, except the amount payable to any municipality first eligible after May 1
20 shall be reduced by 1.5% for each month or portion of a month which expires after
21 May 1 and prior to the eligibility determination. The ~~state treasurer~~ secretary of
22 administration shall pay the amount certified to the city, village, or town. The
23 balance of the amount withheld in a calendar year under par. (a) which is not
24 disbursed under this paragraph shall be included in the total compiled by the
25 department under par. (a) for the next calendar year. If errors in payments exceed

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1 the amount set aside for error payments, adjustments shall be made in the
2 distribution for the next year.

3 ***-0529/4.172* SECTION 1848.** 101.573 (4) of the statutes is amended to read:

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

9 ***-0529/4.173* SECTION 1850.** 102.28 (7) (a) of the statutes is amended to read:

10 102.28 (7) (a) If an employer who is currently or was formerly exempted by
11 written order of the department under sub. (2) is unable to pay an award, judgment
12 is rendered in accordance with s. 102.20 against that employer, and execution is
13 levied and returned unsatisfied in whole or in part, payments for the employer's
14 liability shall be made from the fund established under sub. (8). If a currently or
15 formerly exempted employer files for bankruptcy and not less than 60 days after that
16 filing the department has reason to believe that compensation payments due are not
17 being paid, the department in its discretion may make payment for the employer's
18 liability from the fund established under sub. (8). The ~~state treasurer~~ secretary of
19 administration shall proceed to recover such payments from the employer or the
20 employer's receiver or trustee in bankruptcy, and may commence an action or
21 proceeding or file a claim therefor. The attorney general shall appear on behalf of
22 the ~~state treasurer~~ secretary of administration in any such action or proceeding. All
23 moneys recovered in any such action or proceeding shall be paid into the fund
24 established under sub. (8).

25 ***-0529/4.174* SECTION 1851.** 102.63 of the statutes is amended to read:

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SECTION 1851

1 **102.63 Refunds by state.** Whenever the department shall certify to the state
2 ~~treasurer~~ secretary of administration that excess payment has been made under s.
3 102.59 or under s. 102.49 (5) either because of mistake or otherwise, the state
4 ~~treasurer~~ secretary of administration shall within 5 days after receipt of such
5 certificate draw an order against the fund in the state treasury into which such
6 excess was paid, reimbursing such payor of such excess payment, together with
7 interest actually earned thereon if the excess payment has been on deposit for at
8 least 6 months.

9 ***-0529/4.175*** SECTION 1853. 102.85 (4) (c) of the statutes is amended to read:

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

16 ***-0529/4.176*** SECTION 1854. 102.85 (4) (d) of the statutes is amended to read:

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

24 ***-1295/2.24*** SECTION 1855. 103.10 (12) (a) of the statutes is repealed.

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1 *-1243/1.33* SECTION 1858. 106.01 (11) of the statutes is repealed.

2 *-1264/2.8* SECTION 1859. 106.09 (4) of the statutes is repealed.

3 *-1264/2.9* SECTION 1860. 106.09 (5) of the statutes is amended to read:

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

7 *-1264/2.10* SECTION 1861. 106.09 (6) of the statutes is repealed.

8
9 *b0174/6.13* SECTION 1862d. 106.12 (title) of the statutes is repealed.

10 *b0174/6.13* SECTION 1863d. 106.12 (1) of the statutes is repealed.

11 *b0174/6.13* SECTION 1865d. 106.12 (2) of the statutes is renumbered 106.12
12 and amended to read:

13 **106.12 Employment and education program administration.** The ~~board~~
14 department shall plan, coordinate, administer, and implement the youth
15 apprenticeship, ~~school-to-work and work-based learning programs~~ program under
16 s. 106.13 (1) and such other employment and education programs as the governor
17 may by executive order assign to the ~~board~~ department. Notwithstanding any
18 limitations placed on the use of state employment and education funds under this
19 section or s. 106.13 or under an executive order assigning an employment and
20 education program to the ~~board~~ department, the ~~board~~ department may issue a
21 general or special order waiving any of those limitations on finding that the waiver
22 will promote the coordination of employment and education services.

23 *b0174/6.13* SECTION 1866d. 106.12 (3) of the statutes is repealed.

24 *b0174/6.13* SECTION 1867d. 106.12 (4) of the statutes is renumbered 38.40
25 (4r) and amended to read:

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SECTION 1867d

1 38.40 (4r) PUBLICATIONS AND SEMINARS. The board may provide publications and
2 seminars relating to the employment and education programs administered by the
3 board and may establish a schedule of fees for those publications and seminars. Fees
4 established under this subsection for publications and seminars provided by the
5 board may not exceed the actual cost incurred in providing those publications and
6 seminars. The fees collected under this subsection shall be credited to the
7 appropriation account under s. 20.445 (7) 20.292 (1) (ga).

8 ***b0174/6.13* SECTION 1867t.** 106.13 (title) of the statutes is amended to read:

9 **106.13 (title) Youth apprenticeship, ~~school-to-work and work-based~~**
10 **learning programs program.**

11 ***b0174/6.13* SECTION 1868d.** 106.13 (1) (intro.) of the statutes is renumbered
12 106.13 (1) and amended to read:

13 106.13 (1) The ~~board~~ department shall provide all of the following: a youth
14 apprenticeship program that includes the grant programs under subs. (3m) and (4).

15 ***b0174/6.13* SECTION 1868m.** 106.13 (1) (a) of the statutes is repealed.

16 ***b0174/6.13* SECTION 1868p.** 106.13 (1) (b) of the statutes is renumbered
17 38.40 (1m) (b).

18 ***b0174/6.13* SECTION 1868r.** 106.13 (1) (c) of the statutes is renumbered 38.40
19 (1m) (c) and amended to read:

20 38.40 (1m) (c) A ~~work-based learning program for youths who are eligible to~~
21 ~~receive temporary assistance for needy families under 42 USC 601 to 619 that~~
22 ~~includes a component that would permit a participant to earn a youth apprenticeship~~
23 ~~skills certificate through participation in that program if the participant meets the~~
24 ~~requirements for earning that certificate~~ under which the board awards grants to
25 tribal colleges that are recognized as land grant colleges under 7 USC 301 to fund

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SECTION 1868r

1 programs that provide occupational training and work-based learning experiences
2 to youths and adults.

3 *b0174/6.13* SECTION 1869d. 106.13 (2) of the statutes is amended to read:

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

8 *b0174/6.13* SECTION 1870d. 106.13 (2m) of the statutes is amended to read:

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

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

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

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SECTION 1871

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

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

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

7 ***b0174/6.14*** SECTION 1872g. 106.13 (3m) (d) of the statutes is created to read:

8 106.13 (3m) (d) The amount of a grant awarded under par. (b) may not exceed
9 \$900 per youth apprentice. A local partnership that is awarded a grant under par.
10 (b) shall provide matching funds equal to 50% of the grant amount awarded.

11 ***b0174/6.14*** SECTION 1872h. 106.13 (3m) (e) of the statutes is created to read:

12 106.13 (3m) (e) The following outcomes are expected of a local youth
13 apprenticeship program that is funded under par. (b):

14 1. At least 80% of the youth apprentices who participate in the program for 2
15 years must receive a high school diploma on completion of the youth apprenticeship.

16 2. At least 60% of the youth apprentices who participate in the program for 2
17 years must be offered full-time employment by the employer that provided the
18 on-the-job training for the youth apprentice on completion of the youth
19 apprenticeship.

20 ***-1689/3.41*** SECTION 1873. 106.13 (4) (a) 1d. of the statutes is amended to
21 read:

22 106.13 (4) (a) 1d. “Eligible employer” means an employer that is eligible to
23 receive a grant under this subsection according to the criteria established by the
24 ~~board~~ department under par. (d).

25 ***-1689/3.42*** SECTION 1874. 106.13 (4) (b) of the statutes is amended to read:

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

13 *~~1689/3.43~~* SECTION 1875. 106.13 (4) (c) of the statutes is amended to read:

14 106.13 (4) (c) Notwithstanding par. (b), the ~~board~~ department may award a
15 training grant under this subsection to an eligible employer that provides less than
16 180 hours of paid on-the-job training for a youth apprentice during a school year,
17 as defined in s. 115.001 (13), if the ~~board~~ department determines that it would be
18 beneficial for the youth apprentice to receive on-the-job training from more than one
19 eligible employer.

20 *~~1689/3.44~~* SECTION 1876. 106.13 (4) (d) of the statutes is amended to read:

21 106.13 (4) (d) The ~~board~~ department shall establish eligibility criteria for a
22 grant under this subsection. That criteria shall specify that eligibility for a grant
23 shall be limited to small employers, as determined by the ~~board~~ department, and to
24 employers providing on-the-job training in employment areas determined by the

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SECTION 1876

1 board department. Notwithstanding sub. (5), those criteria need not be promulgated
2 as rules.

3 *b0174/6.16* SECTION 1876t. 106.13 (4m) of the statutes is renumbered 38.40
4 (4m) and amended to read:

5 38.40 (4m) SCHOOL-TO-WORK FOR CHILDREN-AT-RISK. (a) The board may approve
6 an innovative school-to-work program provided by a nonprofit organization for
7 children at risk, as defined in s. 118.153 (1) (a), in a county having a population of
8 500,000 or more to assist those children at risk in acquiring employability skills and
9 occupational-specific competencies before leaving high school. If the board approves
10 a program under this paragraph, the board may award a grant, from the
11 appropriation under s. ~~20.445 (7)~~ 20.292 (1) (ef), to the nonprofit organization
12 providing the program and the nonprofit organization shall use the funds received
13 under the grant to provide the program.

14 (b) The board shall establish requirements for the operation of the grant
15 program under this subsection. Notwithstanding sub. (5), those requirements ~~need~~
16 ~~not~~ are not required to be promulgated as rules.

17 *-1689/3.46* SECTION 1878. 106.13 (5) of the statutes is amended to read:

18 106.13 (5) The board department shall promulgate rules to administer this
19 section.

20 *-1264/2.11* SECTION 1879. 106.15 (3) (intro.) of the statutes is amended to
21 read:

22 106.15 (3) GRANTS. (intro.) From the ~~appropriation~~ appropriations under s.
23 20.445 (1) (bc), (jm), ~~(mb) and (me)~~ and (m), the department shall make grants to
24 persons providing employment and training activities to dislocated workers
25 including ~~but not limited to~~ all of the following:

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- 1 ***-1264/2.12*** SECTION 1880. 106.15 (7) of the statutes is amended to read:
- 2 106.15 (7) FUNDING. From the amounts appropriated under s. 20.445 (1) ~~(ma)~~,
- 3 ~~(mb)~~ and ~~(mc)~~ (m), all moneys received under 29 USC 2862 to 2864 shall be expended
- 4 to fund grants and operations under this section.
- 5 ***-1264/2.13*** SECTION 1881. 106.17 (2) of the statutes is amended to read:
- 6 106.17 (2) The collection and distribution of local labor market information
- 7 under sub. (1) shall be funded only from the appropriations under s. 20.445 (1) (m),
- 8 ~~(ma)~~ and (n).
- 9 ***-1688/2.6*** SECTION 1882. 106.21 (title) of the statutes is repealed.
- 10 ***-1688/2.7*** SECTION 1883. 106.21 (1) of the statutes is repealed.
- 11 ***-1688/2.8*** SECTION 1884. 106.21 (2) of the statutes is repealed.
- 12 ***-1688/2.9*** SECTION 1885. 106.21 (3) of the statutes is repealed.
- 13 ***-1688/2.10*** SECTION 1886. 106.21 (4) of the statutes is repealed.
- 14 ***-1688/2.11*** SECTION 1887. 106.21 (5) of the statutes is repealed.
- 15 ***-1688/2.12*** SECTION 1888. 106.21 (6) of the statutes is repealed.
- 16 ***-1688/2.13*** SECTION 1889. 106.21 (7) of the statutes is repealed.
- 17 ***-1688/2.14*** SECTION 1890. 106.21 (8) of the statutes is repealed.
- 18 ***-1688/2.15*** SECTION 1891. 106.21 (9) (a) of the statutes is repealed.
- 19 ***-1688/2.16*** SECTION 1892. 106.21 (9) (b) of the statutes is repealed.
- 20 ***-1688/2.17*** SECTION 1893. 106.21 (9) (c) of the statutes is repealed.
- 21 ***-1688/2.18*** SECTION 1894. 106.21 (9) (e) of the statutes is repealed.
- 22 ***-1688/2.19*** SECTION 1895. 106.21 (9) (f) of the statutes is repealed.
- 23 ***-1688/2.20*** SECTION 1896. 106.21 (9) (g) 1. of the statutes is repealed.
- 24 ***-1688/2.21*** SECTION 1897. 106.21 (9) (g) 2. of the statutes is renumbered
- 25 106.213 and amended to read:

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SECTION 1897

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

7 ***-1688/2.22*** SECTION 1898. 106.21 (10) of the statutes is repealed.

8 ***-1688/2.23*** SECTION 1899. 106.21 (11) of the statutes is repealed.

9 ***-1688/2.24*** SECTION 1900. 106.21 (12) of the statutes is repealed.

10 ***-1688/2.25*** SECTION 1901. 106.21 (13) of the statutes is repealed.

11 ***-1688/2.26*** SECTION 1902. 106.213 of the statutes, as created by 2003
12 Wisconsin Act (this act), is repealed.

13 ***b0166/1.5*** SECTION 1903d. 106.215 (title) of the statutes is repealed.

14 ***-1712/5.32*** SECTION 1904. 106.215 (1) (intro.) of the statutes is repealed.

15 ***-1712/5.33*** SECTION 1905. 106.215 (1) (a) of the statutes is repealed.

16 ***-1712/5.34*** SECTION 1906. 106.215 (1) (b) of the statutes is repealed.

17 ***-1712/5.35*** SECTION 1907. 106.215 (1) (c) of the statutes is repealed.

18 ***-1712/5.36*** SECTION 1908. 106.215 (1) (cg) of the statutes is repealed.

19 ***-1712/5.37*** SECTION 1909. 106.215 (1) (cm) of the statutes is repealed.

20 ***-1712/5.38*** SECTION 1910. 106.215 (1) (d) of the statutes is repealed.

21 ***-1712/5.39*** SECTION 1911. 106.215 (1) (e) of the statutes is repealed.

22 ***-1712/5.40*** SECTION 1912. 106.215 (1) (f) of the statutes is repealed.

23 ***-1712/5.41*** SECTION 1913. 106.215 (1) (fm) of the statutes is renumbered
24 977.01 (2) and amended to read:

1 977.01 (2) "Public assistance" means relief provided by counties under s. 59.53
2 (21), Wisconsin works under ss. 49.141 to 49.161, ~~aid to families with dependent~~
3 ~~children under s. 49.19~~, medical assistance under subch. IV of ch. 49, low-income
4 energy assistance under s. 16.385, weatherization assistance under s. 16.39, and the
5 food stamp program under 7 USC 2011 to 2029.

6 *-1712/5.42* SECTION 1914. 106.215 (1) (g) of the statutes is repealed.

7 *b0166/1.6* SECTION 1915d. 106.215 (2) of the statutes is repealed.

8 *-1712/5.45* SECTION 1917. 106.215 (3) of the statutes is repealed.

9 *-1712/5.46* SECTION 1918. 106.215 (3m) of the statutes is repealed.

10 *-1712/5.47* SECTION 1919. 106.215 (4) of the statutes is repealed.

11 *-1712/5.48* SECTION 1920. 106.215 (5) of the statutes is repealed.

12 *-1712/5.49* SECTION 1921. 106.215 (6) of the statutes is repealed.

13
14 *b0166/1.7* SECTION 1922d. 106.215 (7) of the statutes is repealed.

15 *-1712/5.55* SECTION 1927. 106.215 (8) of the statutes is repealed.

16 *-1712/5.56* SECTION 1928. 106.215 (8g) of the statutes is repealed.

17 *-1712/5.57* SECTION 1929. 106.215 (8m) of the statutes is repealed.

18 *-1712/5.58* SECTION 1930. 106.215 (9) of the statutes is repealed.

19 *-1712/5.59* SECTION 1931. 106.215 (10) (title) of the statutes is repealed.

20 *-1712/5.60* SECTION 1932. 106.215 (10) (a) of the statutes is repealed.

21 *-1712/5.61* SECTION 1933. 106.215 (10) (b) of the statutes is repealed.

22 *-1712/5.62* SECTION 1934. 106.215 (10) (c) of the statutes is repealed.

23 *-1712/5.63* SECTION 1935. 106.215 (10) (e) of the statutes is repealed.

24 *-1712/5.64* SECTION 1936. 106.215 (10) (f) of the statutes is repealed.

25 *-1712/5.65* SECTION 1937. 106.215 (10) (fm) of the statutes is repealed.

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SECTION 1938

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

3 *-1712/5.67* SECTION 1939. 106.215 (10) (g) 1m. of the statutes is repealed.

4 *-1712/5.68* SECTION 1940. 106.215 (10) (g) 2. of the statutes is repealed.

5 *-1712/5.69* SECTION 1941. 106.215 (10) (g) 2m. of the statutes is repealed.

6 *-1712/5.70* SECTION 1942. 106.215 (10) (g) 3. of the statutes is renumbered
7 106.217 and amended to read:

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

14 *-1712/5.71* SECTION 1943. 106.215 (10) (g) 4. of the statutes is repealed.

15 *-1712/5.72* SECTION 1944. 106.215 (10) (h) of the statutes is repealed.

16 *-1712/5.73* SECTION 1945. 106.215 (11) of the statutes is repealed.

17 *-1712/5.74* SECTION 1946. 106.215 (12) of the statutes is repealed.

18 *-1712/5.75* SECTION 1947. 106.215 (13) of the statutes is repealed.

19 *-1712/5.76* SECTION 1948. 106.217 of the statutes, as affected by 2003
20 Wisconsin Act (this act), is repealed.

21 *-0231/1.1* SECTION 1949. 106.26 (4) of the statutes is repealed.

22
23 *-1731/1.3* SECTION 1952. 107.30 (10) of the statutes is amended to read:
24 107.30 (10) "Mining damage appropriation" means the appropriation under s.
25 20.445 (4) (b) 20.143 (3) (a).

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SECTION 1953

1 ***-1731/1.2*** SECTION 1953. 107.31 (5) (a) (intro.) of the statutes is amended to
2 read:

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

7 ***-0529/4.177*** SECTION 1954. 108.15 (6) (c) of the statutes is amended to read:

8 108.15 (6) (c) If such delinquency is finally established under s. 108.10, the
9 fund's treasurer shall, in case such unit receives a share of any state tax or any type
10 of state aid, certify to the ~~state treasurer~~ secretary of administration the existence
11 and amount of such delinquency.

12 ***-0529/4.178*** SECTION 1955. 108.15 (6) (d) (intro.) of the statutes is amended
13 to read:

14 108.15 (6) (d) (intro.) Upon receipt of such certification, the ~~state treasurer~~
15 secretary of administration shall withhold, from each sum of any such tax or aid
16 thereafter payable to the government unit, until the delinquency is satisfied, the
17 lesser of the following amounts:

18 ***-0529/4.179*** SECTION 1956. 108.15 (6) (e) of the statutes is amended to read:

19 108.15 (6) (e) Any amount withheld by the ~~state treasurer~~ secretary of
20 administration under par. (d) shall be paid by the ~~state treasurer~~ secretary of
21 administration to the fund's treasurer, who shall duly credit such payment toward
22 satisfying the delinquency.

23 ***-1939/2.2*** SECTION 1957. 108.161 (3) of the statutes is amended to read:

24 108.161 (3) Consistently with this chapter and said section 903, such moneys
25 shall be used solely for benefits or employment security administration by the

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SECTION 1957

1 department, including unemployment insurance, employment service,
2 apprenticeship programs, and related statistical operations.

3 ***-1939/2.3*** SECTION 1958. 108.161 (4) (c) of the statutes is amended to read:

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

8 ***-1939/2.4*** SECTION 1959. 108.162 (3) of the statutes is amended to read:

9 108.162 (3) The amount obligated under this section during any fiscal year may
10 not exceed the aggregate of all amounts credited under s. 108.161 (1), including
11 amounts credited under s. 108.161 (8), reduced by the amount obligated under s.
12 20.445 (1) (nb) and (nd) and further reduced at the time of any obligation by the sum
13 of the moneys obligated and charged against any of the amounts thus credited.

14 ***-0529/4.180*** SECTION 1960. 108.20 (2) of the statutes is amended to read:

15 108.20 (2) All amounts received by the department for the administrative
16 account shall be paid over to the ~~state treasurer~~ secretary of administration and
17 credited to that account for the administration of this chapter and the employment
18 service, for the payment of benefits chargeable to the account under s. 108.07 (5) and
19 for the purposes specified in sub. (2m).

20 ***b0274/1.2*** SECTION 1960m. 111.09 (1) of the statutes is amended to read:

21 111.09 (1) The commission may adopt reasonable and proper rules and
22 regulations relative to the exercise of its powers and authority and proper rules to
23 govern its proceedings and to regulate the conduct of all elections and hearings. The
24 commission shall, upon request, provide a transcript of a proceeding to any party to
25 the proceeding for a fee, established by rule, by the commission at a uniform rate per

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1 page. All transcript fees shall be credited to the appropriation account under s.
2 20.425 (1) (i), ~~except that fees collected in excess of the uniform rate per page for any~~
3 ~~transcript produced by a reporter who is not employed by the commission shall be~~
4 ~~credited to the appropriation account under s. 20.425 (1) (g).~~

5 ***-1712/5.77* SECTION 1961.** 111.335 (1) (cv) of the statutes is amended to read:

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

12 ***-1295/2.25* SECTION 1962.** 111.375 (1) of the statutes is amended to read:

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

24 ***-1295/2.26* SECTION 1963.** 111.375 (2) of the statutes is amended to read:

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SECTION 1963

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

6
7 *-1102/6.1* SECTION 1966. 111.70 (1) (a) of the statutes is amended to read:

8 111.70 (1) (a) “Collective bargaining” means the performance of the mutual
9 obligation of a municipal employer, through its officers and agents, and the
10 representative of its municipal employees in a collective bargaining unit, to meet and
11 confer at reasonable times, in good faith, with the intention of reaching an
12 agreement, or to resolve questions arising under such an agreement, with respect to
13 wages, hours and conditions of employment, and with respect to a requirement of the
14 municipal employer for a municipal employee to perform law enforcement and fire
15 fighting services under s. 61.66, except as provided in sub. (4) (m), (n), and (o) and
16 s. 40.81 (3) and except that a municipal employer shall not meet and confer with
17 respect to any proposal to diminish or abridge the rights guaranteed to municipal
18 employees under ch. 164. The duty to bargain, however, does not compel either party
19 to agree to a proposal or require the making of a concession. Collective bargaining
20 includes the reduction of any agreement reached to a written and signed document.
21 The municipal employer shall not be required to bargain on subjects reserved to
22 management and direction of the governmental unit except insofar as the manner
23 of exercise of such functions affects the wages, hours and conditions of employment
24 of the municipal employees in a collective bargaining unit. In creating this
25 subchapter the legislature recognizes that the municipal employer must exercise its

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1 powers and responsibilities to act for the government and good order of the
2 jurisdiction which it serves, its commercial benefit and the health, safety and welfare
3 of the public to assure orderly operations and functions within its jurisdiction,
4 subject to those rights secured to municipal employees by the constitutions of this
5 state and of the United States and by this subchapter.

6
7 *b0375/2.2* SECTION 1985m. 111.70 (4) (n) of the statutes is created to read:

8 111.70 (4) (n) *Municipal employer-initiated change in health care coverage*
9 *plan provider.* Notwithstanding the terms of a collective bargaining agreement, in
10 any collective bargaining unit other than a unit consisting of law enforcement or fire
11 fighting personnel a municipal employer may unilaterally change its employees'
12 health care coverage plan to a health care coverage plan under s. 40.51 (7) or a health
13 care coverage plan that is substantially similar to a plan offered under s. 40.51 (7)
14 without the consent of any affected employee in the collective bargaining unit. The
15 commission shall use the criteria in rules promulgated by the commissioner of
16 insurance under s. 601.41 (12) to determine if health care coverage plans are
17 substantially similar. Any such unilateral change in health care coverage plan
18 provider is not a violation of a collective bargaining agreement or a prohibited
19 practice under sub. (3) (a) and, for purposes of a qualified economic offer, satisfies the
20 requirement to maintain fringe benefits under sub. (1) (nc).

21
22 *b0375/2.2* SECTION 1985n. 111.70 (4) (o) of the statutes is created to read:

23 111.70 (4) (o) *Prohibited subject of collective bargaining.* In collective
24 bargaining units other than units consisting of law enforcement or fire fighting
25 personnel, a municipal employer is prohibited from bargaining collectively with

SENATE BILL 44**SECTION 1985n**

1 respect to the employer's selection of a health care coverage plan if the municipal
2 employer offers to enroll the employees in a health care coverage plan under s. 40.51
3 (7) or in a health care coverage plan that is substantially similar to a plan offered
4 under s. 40.51 (7). The commission shall use the criteria in rules promulgated by the
5 commissioner of insurance under s. 601.41 (12) to determine if health care coverage
6 plans are substantially similar.

7 ***b0274/1.3* SECTION 1986m.** 111.71 (1) of the statutes is amended to read:

8 111.71 (1) The commission may adopt reasonable rules relative to the exercise
9 of its powers and authority and proper rules to govern its proceedings and to regulate
10 the conduct of all elections and hearings. The commission shall, upon request,
11 provide a transcript of a proceeding to any party to the proceeding for a fee,
12 established by rule, by the commission at a uniform rate per page. All transcript fees
13 shall be credited to the appropriation account under s. 20.425 (1) (i), ~~except that fees~~
14 ~~collected in excess of the uniform rate per page for any transcript produced by a~~
15 ~~reporter who is not employed by the commission shall be credited to the~~
16 ~~appropriation account under s. 20.425 (1) (g).~~

17 ***b0155/3.87* SECTION 1987m.** 111.81 (5) of the statutes is repealed.

18 ***b0155/3.88* SECTION 1988m.** 111.81 (14) of the statutes is created to read:

19 111.81 (14) "Office" means the office of state human resources management.

20 ***b0155/3.88* SECTION 1988s.** 111.815 of the statutes is amended to read:

21 **111.815 Duties of state.** (1) In the furtherance of this subchapter, the state
22 shall be considered as a single employer and employment relations policies and
23 practices throughout the state service shall be as consistent as practicable. The
24 ~~department~~ office shall negotiate and administer collective bargaining agreements.
25 To coordinate the employer position in the negotiation of agreements, the

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1 department office shall maintain close liaison with the legislature relative to the
2 negotiation of agreements and the fiscal ramifications of those agreements. Except
3 with respect to the collective bargaining units specified in s. 111.825 (1m) and (2) (f),
4 the department office is responsible for the employer functions of the executive
5 branch under this subchapter, and shall coordinate its collective bargaining
6 activities with operating state agencies on matters of agency concern. The legislative
7 branch shall act upon those portions of tentative agreements negotiated by the
8 department office that require legislative action. With respect to the collective
9 bargaining units specified in s. 111.825 (1m), the University of Wisconsin Hospitals
10 and Clinics Board is responsible for the employer functions under this subchapter.
11 With respect to the collective bargaining unit specified in s. 111.825 (2) (f), the
12 governing board of the charter school established by contract under s. 118.40 (2r)
13 (cm) is responsible for the employer functions under this subchapter.

14 (2) In the furtherance of the policy under s. 111.80 (4), the ~~secretary of the~~
15 ~~department shall establish a collective bargaining capability within the department~~
16 ~~outside of the division of merit recruitment and selection and~~ director of the office
17 shall, together with the appointing authorities or their representatives, represent
18 the state in its responsibility as an employer under this subchapter except with
19 respect to negotiations in the collective bargaining units specified in s. 111.825 (1m)
20 and (2) (f). The ~~secretary of the department~~ director of the office shall establish and
21 maintain, wherever practicable, consistent employment relations policies and
22 practices throughout the state service.

23 (3) With regard to collective bargaining activities involving employees who are
24 assistant district attorneys, the ~~secretary of the department~~ director of the office
25 shall maintain close liaison with the ~~department~~ secretary of administration.

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SECTION 1989m

1 ***b0155/3.89* SECTION 1989m.** 111.83 (3) of the statutes is amended to read:

2 111.83 (3) Whenever a question arises concerning the representation of
3 employees in a collective bargaining unit the commission shall determine the
4 representative thereof by taking a secret ballot of the employees and certifying in
5 writing the results thereof to the interested parties and to the ~~secretary of the~~
6 ~~department~~ director of the office. There shall be included on any ballot for the
7 election of representatives the names of all labor organizations having an interest
8 in representing the employees participating in the election as indicated in petitions
9 filed with the commission. The name of any existing representative shall be included
10 on the ballot without the necessity of filing a petition. The commission may exclude
11 from the ballot one who, at the time of the election, stands deprived of his or her rights
12 under this subchapter by reason of a prior adjudication of his or her having engaged
13 in an unfair labor practice. The ballot shall be so prepared as to permit a vote against
14 representation by anyone named on the ballot. The commission's certification of the
15 results of any election is conclusive as to the findings included therein unless
16 reviewed under s. 111.07 (8).

17 ***-0576/8.70* SECTION 1990.** 111.86 (2) of the statutes is amended to read:

18 111.86 (2) The ~~department~~ office shall charge a state department or agency the
19 employer's share of the cost related to grievance arbitration under sub. (1) for any
20 arbitration that involves one or more employees of the state department or agency.
21 Each state department or agency so charged shall pay the amount that the
22 ~~department~~ office charges from the appropriation account or accounts used to pay the
23 salary of the grievant. Funds received under this subsection shall be credited to the
24 appropriation account under s. ~~20.512 (1) (km)~~ 20.545 (1) (km).

25 ***b0155/3.93* SECTION 1990m.** 111.89 (1) of the statutes is amended to read:

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1 111.89 (1) Upon establishing that a strike is in progress, the employer may
2 either seek an injunction or file an unfair labor practice charge with the commission
3 under s. 111.84 (2) (e) or both. It is the responsibility of the department office to
4 decide whether to seek an injunction or file an unfair labor practice charge. The
5 existence of an administrative remedy does not constitute grounds for denial of
6 injunctive relief.

7
8 ***b0310/3.5* SECTION 1991m.** 111.91 (2) (im) of the statutes is created to read:

9 111.91 (2) (im) The employer contribution rate and the number of hours of work
10 per year covered under s. 40.05 (4) (ag) 1.

11 ***-0912/2.15* SECTION 1992.** 111.91 (2) (j) of the statutes is amended to read:

12 111.91 (2) (j) Creditable service to which s. ~~40.25 (7) (f)~~ 40.285 (2) (b) 4. applies.

13 ***b0155/3.94* SECTION 1992e.** 111.91 (4) of the statutes is amended to read:

14 111.91 (4) ~~The secretary of the department~~ director of the office, in connection
15 with the development of tentative collective bargaining agreements to be submitted
16 under s. 111.92 (1) (a), shall endeavor to obtain tentative agreements with each
17 recognized or certified labor organization representing employees or supervisors of
18 employees specified in s. 111.81 (7) (a) and with each certified labor organization
19 representing employees specified in s. 111.81 (7) (b) to (e) which do not contain any
20 provision for the payment to any employee of a cumulative or noncumulative amount
21 of compensation in recognition of or based on the period of time an employee has been
22 employed by the state.

23 ***b0155/3.94* SECTION 1992m.** 111.915 of the statutes is amended to read:

24 **111.915 Labor proposals.** ~~The secretary of the department~~ director of the
25 office shall notify and consult with the joint committee on employment relations, in

end
3

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SECTION 1992m

1 such form and detail as the committee requests, regarding substantial changes in
2 wages, employee benefits, personnel management, and program policy contract
3 provisions to be included in any contract proposal to be offered to any labor
4 organization by the state or to be agreed to by the state before such proposal is
5 actually offered or accepted.

6 *b0155/3.94* SECTION 1992s. 111.92 (1) (a) of the statutes is amended to read:

7 111.92 (1) (a) Any tentative agreement reached between the department office,
8 acting for the state, and any labor organization representing a collective bargaining
9 unit specified in s. 111.825 (1) or (2) (a) to (e) shall, after official ratification by the
10 labor organization, be submitted by the department office to the joint committee on
11 employment relations, which shall hold a public hearing before determining its
12 approval or disapproval. If the committee approves the tentative agreement, it shall
13 introduce in a bill or companion bills, to be put on the calendar or referred to the
14 appropriate scheduling committee of each house, that portion of the tentative
15 agreement which requires legislative action for implementation, such as salary and
16 wage adjustments, changes in fringe benefits, and any proposed amendments,
17 deletions or additions to existing law. Such bill or companion bills are not subject to
18 ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may, however, submit
19 suitable portions of the tentative agreement to appropriate legislative committees
20 for advisory recommendations on the proposed terms. The committee shall
21 accompany the introduction of such proposed legislation with a message that informs
22 the legislature of the committee's concurrence with the matters under consideration
23 and which recommends the passage of such legislation without change. If the joint
24 committee on employment relations does not approve the tentative agreement, it
25 shall be returned to the parties for renegotiation. If the legislature does not adopt

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1 without change that portion of the tentative agreement introduced by the joint
2 committee on employment relations, the tentative agreement shall be returned to
3 the parties for renegotiation.

4 *b0274/1.4* SECTION 1992m. 111.94 (1) of the statutes is amended to read:

5 111.94 (1) The commission may adopt reasonable and proper rules relative to
6 the exercise of its powers and authority and proper rules to govern its proceedings
7 and to regulate the conduct of all elections and hearings. The commission shall, upon
8 request, provide a transcript of a proceeding to any party to the proceeding for a fee,
9 established by rule, by the commission at a uniform rate per page. All transcript fees
10 shall be credited to the appropriation account under s. 20.425 (1) (i), ~~except that fees~~
11 ~~collected in excess of the uniform rate per page for any transcript produced by a~~
12 ~~reporter who is not employed by the commission shall be credited to the~~
13 ~~appropriation account under s. 20.425 (1) (g).~~ (J)

14 *-1634/7.51* SECTION 1993. 114.33 (10) of the statutes is amended to read: (K)

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