

ENGROSSED ASSEMBLY BILL 100

SECTION 1830m

1 required under sub. (2) and at least \$600,000 annually for the contract required
2 under sub. (3).

3 **SECTION 1834v.** 106.12 (title) of the statutes is repealed.

4 **SECTION 1834x.** 106.12 (1) of the statutes is repealed.

5 **SECTION 1835d.** 106.12 (2) of the statutes is renumbered 106.12 and amended
6 to read:

7 **106.12 Employment and education program administration.** The board
8 department shall plan, coordinate, administer, and implement the youth
9 apprenticeship program under s. 106.13 (1) and such other employment and
10 education programs as the governor may by executive order assign to the board
11 department. Notwithstanding any limitations placed on the use of state employment
12 and education funds under this section or s. 106.13 or under an executive order
13 assigning an employment and education program to the board department, the
14 board department may issue a general or special order waiving any of those
15 limitations on finding that the waiver will promote the coordination of employment
16 and education services.

17 **SECTION 1835g.** 106.12 (3) of the statutes is repealed.

18 **SECTION 1835m.** 106.12 (4) of the statutes is renumbered 38.40 (4r) and
19 amended to read:

20 **38.40 (4r) PUBLICATIONS AND SEMINARS.** The board may provide publications and
21 seminars relating to the employment and education programs administered by the
22 board and may establish a schedule of fees for those publications and seminars. Fees
23 established under this subsection for publications and seminars provided by the
24 board may not exceed the actual cost incurred in providing those publications and

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1 seminars. The fees collected under this subsection shall be credited to the
2 appropriation account under s. 20.445 (7) 20.292 (1) (ga).

3 **SECTION 1835p.** 106.13 (title) of the statutes is amended to read:

4 **106.13 (title) Youth apprenticeship, school-to-work and work-based**
5 **learning programs program.**

6 **SECTION 1837d.** 106.13 (2) of the statutes is amended to read:

7 **106.13 (2)** The council on workforce investment established under 29 USC
8 2821, the technical college system board, and the department of public instruction
9 shall assist the board department in providing the youth apprenticeship program
10 under sub. (1).

11 **SECTION 1838d.** 106.13 (2m) of the statutes is amended to read:

12 **106.13 (2m)** The board department shall approve occupations and maintain a
13 list of approved occupations for the youth apprenticeship program. From the
14 appropriation under s. 20.445 (1) (a), the board department shall develop curricula
15 for youth apprenticeship programs for occupations approved under this subsection.

16 **SECTION 1839d.** 106.13 (3m) (b) (intro.) of the statutes is amended to read:

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

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

3 **SECTION 1839g.** 106.13 (3m) (b) 6. of the statutes is amended to read:

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

6 **SECTION 1839j.** 106.13 (4) (a) 1d. of the statutes is amended to 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 **SECTION 1839m.** 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 **SECTION 1839p.** 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

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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 **SECTION 1839r.** 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 **SECTION 1839t.** 106.13 (5) of the statutes is amended to read:

13 106.13 (5) The board department shall promulgate rules to administer this
14 section.

15 **SECTION 1839u.** 106.50 (6) (c) 2. of the statutes is amended to read:

16 106.50 (6) (c) 2. At the conclusion of the investigation of the allegations, the
17 department shall make a determination as to whether probable cause exists to
18 believe that discrimination has occurred or is about to occur. In making a
19 determination of probable cause, the department shall consider whether the facts
20 concerning the alleged discrimination are sufficient to warrant the initiation of a
21 civil action. If the department determines that probable cause exists, the
22 department shall immediately issue a charge on behalf of the aggrieved person and
23 refer the charge to the attorney general. If the attorney general concurs in the
24 department's determination of probable cause, the attorney general shall represent
25 the aggrieved person at the hearing under par. (f) or, if an election is made under

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1 subd. 2m., shall commence a civil action in the name of the state on behalf of the
2 aggrieved person under sub. (6m).

3 2m. Service of copies of the charge shall be made on the complainant, the
4 respondent, and the aggrieved person by certified mail, return receipt requested.

5 When a charge is filed, a complainant, a respondent, or an aggrieved person on whose
6 behalf the complaint was filed may elect to have the claims asserted in that charge

7 decided in a civil action under sub. (6m) in lieu of a hearing under par. (f). The
8 election shall be made no later than 20 days after the receipt by the electing person

9 of service of the charge, along with information about how to make the election. If
10 an election is made, the person making the election shall give notice of doing so to

11 the department and to all other complainants and respondents to whom the charge
12 relates. The department shall notify the aggrieved persons that an election is made.

13 **SECTION 1839v.** 106.50 (6) (d) of the statutes is amended to read:

14 106.50 (6) (d) Temporary judicial relief. At any time after a complaint is filed
15 alleging discrimination in violation of sub. (2), (2m), or (2r), the department may

16 request the attorney general to file a petition in the circuit court for the county in
17 which the act of discrimination allegedly occurred or for the county in which a

18 respondent resides or transacts business, seeking a temporary injunction or
19 restraining order against the respondent to prevent the respondent from performing

20 an act that would tend to render ineffectual an order that the department may enter
21 with respect to the complaint, pending final determination of proceedings under this

22 section. On receipt of the department's request, the attorney general shall promptly
23 file the petition.

24 **SECTION 1839w.** 106.50 (6) (e) 4. of the statutes is amended to read:

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1 106.50 (6) (e) 4. Whenever the department has reasonable cause to believe that
2 a respondent has breached a conciliation agreement, the department shall refer the
3 matter to the department of justice attorney general with a recommendation that a
4 civil action be filed for enforcement of the agreement.

5 **SECTION 1839x.** 106.50 (6) (f) 2. of the statutes is amended to read:

6 106.50 (6) (f) 2. If an election is not made under par. (c) 2. 2m., the hearing shall
7 be conducted by a hearing examiner. A. If the attorney general has concurred in the
8 department's determination of probable cause under par. (c) 2., the aggrieved person
9 on whose behalf the charge was issued shall be represented by the attorney general.
10 Any other person who is aggrieved, with respect to the issues to be determined at the
11 hearing, may be represented by private counsel.

12 **SECTION 1839y.** 106.50 (6) (f) 3. of the statutes is amended to read:

13 106.50 (6) (f) 3. The department, the attorney general, or a party's attorney of
14 record may issue a subpoena to compel the attendance of a witness or the production
15 of evidence. A subpoena issued by an attorney shall be in substantially the same
16 form as provided in s. 805.07 (4) and shall be served in the manner provided in s.
17 805.07 (5). The attorney shall, at the time of issuance, send a copy of the subpoena
18 to the hearing examiner who is responsible for conducting the hearing.

19 **SECTION 183z.** 106.50 (6m) (a) of the statutes is amended to read:

20 106.50 (6m) (a) Any person, ~~including the state~~, alleging a violation of sub. (2),
21 (2m), or (2r), including the attorney general on behalf of an aggrieved person, may
22 bring a civil action for injunctive relief, for damages, including punitive damages,
23 and, in the case of a prevailing plaintiff, for court costs and reasonable attorney fees.

24 **SECTION 1840.** 108.02 (13) (k) of the statutes is amended to read:

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1 108.02 (13) (k) "Employer" does not include a county department or aging unit,
2 or, under s. 46.2785, a private agency that serves as a fiscal agent or contracts with
3 a fiscal intermediary to serve as a fiscal agent under s. 46.27 (5) (i) or 47.035 as to
4 any individual performing services for a person receiving long-term support services
5 under s. 46.27 (5) (b), 46.275, 46.277, 46.278, 46.2785, 46.286, 46.495, 51.42, or
6 51.437 or personal assistance services under s. 47.02 (6) (c).

7 **SECTION 1854g.** 115.28 (7) (d) of the statutes is renumbered 115.28 (7) (d) 1. and
8 amended to read:

9 115.28 (7) (d) 1. Annually, Except as provided in subd. 2., annually establish
10 fees for the ~~certification or licensure~~ of school and public library personnel sufficient
11 to fund ~~certification and~~ licensing administrative costs.

12 **SECTION 1854m.** 115.28 (7) (d) 2. of the statutes is created to read:

13 115.28 (7) (d) 2. Charge a fee of \$150 for the initial and renewal teacher license
14 of each resident applicant.

15 **SECTION 1855.** 115.28 (45) of the statutes is created to read:

16 115.28 (45) GRANTS FOR ADVANCED PLACEMENT COURSES. From the appropriation
17 under s. 20.255 (2) (fw), award grants to school districts to partially reimburse them
18 for the costs of offering advanced placement courses in high schools that are not
19 offering such courses. A grant may not exceed an amount equal to \$300 multiplied
20 by the number of pupils in the high school's advanced placement courses in the fall
21 or spring session in which the grant is awarded.

22 **SECTION 1856f.** 115.28 (48m) of the statutes is created to read:

23 115.28 (48m) EXPENDITURE OF FEDERAL ADMINISTRATIVE FUNDS. Submit each
24 proposal for the expenditure of federal administrative funding for federal programs
25 administered by the department to the joint committee on finance. If the

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1 cochairpersons of the committee do not notify the department within 14 working
2 days after the date of the proposed expenditure's submission that the committee has
3 scheduled a meeting to review the proposed expenditure, the proposed expenditure
4 may be made. If, within 14 working days after the date of the proposed expenditure's
5 submission, the cochairpersons of the committee notify the department that the
6 committee has scheduled a meeting to review the proposed expenditure, the
7 proposed expenditure may be made only upon the committee's approval.

8 **SECTION 1856m.** 115.28 (52) of the statutes is created to read:

9 **115.28 (52) ADULT LITERACY GRANTS.** From the appropriation under s. 20.255
10 (3) (b), award grants to nonprofit organizations, as defined in s. 108.02 (19), to
11 support programs that train community-based adult literacy staff and to establish
12 new volunteer-based programs in areas of this state that have a demonstrated need
13 for adult literacy services. No grant may exceed \$10,000, and no organization may
14 receive more than one grant in any fiscal year.

15 **SECTION 1856w.** 115.28 (54) of the statutes is created to read:

16 **115.28 (54) SECOND CHANCE PARTNERSHIP.** From the appropriation under s.
17 20.255 (2) (ep), pay to the Second Chance Partnership, a nonprofit corporation
18 operating a program in which children at risk participate in apprenticeships while
19 earning high school diplomas, an amount equal to \$4,610 multiplied by the number
20 of pupils participating in the program.

21 **SECTION 1857.** 115.29 (6) of the statutes is created to read:

22 **115.29 (6) ENGLISH LANGUAGE PROFICIENCY ASSESSMENT SYSTEM.** Assist in the
23 establishment of, and participate in, a consortium of state education agencies
24 organized to obtain public and private funds to be used to purchase an English
25 language proficiency assessment system.

1 **SECTION 1857m.** 115.34 (2) of the statutes is amended to read:

2 115.34 (2) The state superintendent shall make payments to school districts
3 and to, private schools, charter schools under s. 118.40 (2r), the program under s.
4 115.52, and the center under s. 115.525 for school lunches served to children in the
5 prior year as determined by the state superintendent from the appropriation under
6 s. 20.255 (2) (cn). ~~Payments to school districts and to private schools~~ shall equal the
7 state's matching obligation under 42 USC 1751 et seq. Payments in the current year
8 shall be determined by prorating the state's matching obligation based on the
9 number of school lunches served to children in the prior year. In this subsection,
10 "private school" means any school defined in s. 115.001 (3r) which complies with the
11 requirements of 42 USC 2000d.

12 **SECTION 1859.** 115.3615 of the statutes is amended to read:

13 **115.3615 Head start supplement.** From the appropriations appropriation
14 under s. 20.255 (2) (eh) and (kh), the state superintendent shall distribute funds to
15 agencies determined by the state superintendent to be eligible for designation as
16 head start agencies under 42 USC 9836 to provide comprehensive health,
17 educational, nutritional, social and other services to economically disadvantaged
18 children and their families. The state superintendent shall distribute the funds in
19 a manner consistent with 42 USC 9831 to 9852 except that there is no matching fund
20 requirement. The state superintendent shall give preference in funding under this
21 section to agencies that are receiving federal funds under 42 USC 9831 to 9852 and
22 to agencies that operate full-time or early head start programs. Funds distributed
23 under this section may be used to match available federal funds under 42 USC 9831
24 to 9852 only if the funds are used to secure additional federal funds for the purposes
25 under this section.

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1 **SECTION 1861.** 115.405 (1) of the statutes is renumbered 115.405 (1) (a) and
2 amended to read:
3 **115.405 (1) (a)** A cooperative educational service agency or a consortium
4 consisting of 2 or more school districts or cooperative educational service agencies,
5 or a combination thereof, may apply to the department for a grant to provide
6 technical assistance and training for teachers who are licensed or have been issued
7 a permit under ss. 115.28 (7) and 118.192 to implement peer review and mentoring
8 programs. An applicant for a grant under this section subsection shall submit to the
9 department a plan identifying the school districts and cooperative educational
10 service agencies that will participate in the peer review and mentoring program and
11 describing how the grant funds will be allocated. As a condition of receiving a grant
12 under this section subsection, a cooperative educational service agency or a
13 consortium shall provide matching funds in an amount equal to at least 20% of the
14 amount of the grant awarded. The matching funds may be in the form of money or
15 in-kind services or both.

16 **SECTION 1862.** 115.405 (2) of the statutes is renumbered 115.405 (1) (b) and
17 amended to read:
18 **115.405 (1) (b)** The department shall award grants under par. (a) from the
19 appropriation under s. 20.255 (2) (fk). The department may not award more than
20 \$25,000 to an applicant in a fiscal year.

21 **SECTION 1863.** 115.405 (2m) of the statutes is created to read:
22 **115.405 (2m) (a)** In this subsection, "initial educator" means a person who is
23 licensed by the department as an initial educator under s. PI 34.17, Wis. Adm. Code.
24 **(b)** From the appropriation under s. 20.255 (2) (kg), beginning in the 2006-07
25 school year the department shall award a grant to each person employing an initial

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1 educator in a position requiring a teaching license issued by the department under
2 s. 115.28 (7), for each initial educator so employed. The amount of the grant shall be
3 equal to the amount that the employer is spending to provide a mentor for the initial
4 educator, but not more than \$375. The employer shall use the money to provide a
5 mentor for each initial educator employed.

6 (c) If the amount appropriated under s. 20.255 (2) (kg) in any fiscal year is
7 insufficient to fully fund the grants under this subsection, the department shall
8 prorate the payments to eligible persons.

9 **SECTION 1877.** 115.88 (1) of the statutes is amended to read:

10 115.88 (1) PERSONNEL. A school board, board of control of a cooperative
11 educational service agency or, upon authorization of the county board, a county
12 children with disabilities education board may employ, for a special education
13 program, either full- or part-time licensed teachers, licensed coordinators of special
14 education, licensed school nurses, licensed school social workers, licensed school
15 psychologists, licensed school counselors, paraprofessionals, licensed consulting
16 teachers to work with any teacher of regular education programs who has a child
17 with a disability in a class and any other personnel approved by the department. The
18 board may contract with private or public agencies for physical or occupational
19 therapy services on the basis of demonstrated need. A school board may contract
20 with a charter school to provide special education services to pupils attending the
21 charter school if the charter school is under contract with the school board under s.
22 118.40 (2m) and the charter school is not an instrumentality of the school district.

23 **SECTION 1877m.** 115.88 (1m) (a) of the statutes is amended to read:

24 115.88 (1m) (a) If, upon receipt of the plan under s. 115.77 (4), the state
25 superintendent is satisfied that the special education program has been maintained

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1 during the preceding school year in accordance with law, the state superintendent
2 shall certify to the department of administration in favor of each county, cooperative
3 educational service agency, and school district maintaining such special education
4 program a sum equal to the amount expended by the county, agency, and school
5 district during the preceding year for salaries of personnel enumerated in sub. (1),
6 including, the salary portion of any authorized contract for physical or occupational
7 therapy services; the salary portion of any contract to provide special education
8 services to pupils attending a charter school, as authorized under sub. (1); and other
9 expenses approved by the state superintendent, as costs eligible for reimbursement
10 from the appropriation under s. 20.255 (2) (b).

11 **SECTION 1878.** 115.88 (1m) (am) of the statutes is amended to read:

12 115.88 (1m) (am) If the operator of a charter school established under s. 118.40
13 (2r) operates a special education program and the state superintendent is satisfied
14 that the operator of the charter school is complying with 20 USC 1400 to 1491o, the
15 state superintendent shall certify to the department of administration in favor of the
16 operator of the charter school a sum equal to the amount that the operator of the
17 charter school expended during the previous school year for salaries of full-time or
18 part-time licensed teachers, licensed coordinators of special education, licensed
19 school nurses, licensed school social workers, licensed school psychologists, licensed
20 school counselors, paraprofessionals, licensed consulting teachers to work with any
21 teacher of regular education programs who has a child with a disability in a class and
22 any other personnel, as determined by the state superintendent. Certified costs
23 under this paragraph are eligible for reimbursement from the appropriation under
24 s. 20.255 (2) (b). The state superintendent may audit costs under this paragraph and
25 adjust reimbursement to cover only actual, eligible costs.

ENGROSSED ASSEMBLY BILL 100**SECTION 1878c**

1 **SECTION 1878c.** 115.88 (2m) of the statutes is amended to read:

2 **115.88 (2m) OTHER TRANSPORTATION AID.** If the operator of a charter school
3 established under s. 118.40 (2r) or established as a noninstrumentality charter
4 school under s. 118.40 (2m) transports children with disabilities and the state
5 superintendent is satisfied that the operator of the charter school is complying with
6 20 USC 1400 to 1491o, the state superintendent shall certify to the department of
7 administration in favor of the operator of the charter school a sum equal to the
8 amount that the operator of the charter school expended during the previous school
9 year for transportation under this subsection as costs eligible for reimbursement
10 from the appropriations under s. 20.255 (2) (b). The state superintendent may audit
11 costs under this subsection and adjust reimbursement to cover only actual, eligible
12 costs.

13 **SECTION 1879.** 115.881 of the statutes is created to read:

14 **115.881 Additional special education aid.** (1) A school board, board of
15 control of a cooperative educational service agency, county children with disabilities
16 education board, or operator of a charter school established under s. 118.40 (2r) may
17 apply to the department for aid under this section if the applicant incurred, in the
18 previous school year, more than \$30,000 of nonadministrative costs for providing
19 special education and related services to a child and those costs were not eligible for
20 reimbursement under s. 115.88, 115.93, or 118.255, 20 USC 1400 et seq., or federal
21 medicaid.

22 (2) For each child whose costs exceeded \$30,000 under sub. (1), the department
23 shall, from the appropriation under s. 20.255 (2) (bd), pay an eligible applicant in the
24 current school year an amount equal to 0.90 multiplied by that portion of the cost
25 under sub. (1) that exceeded \$30,000.

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1 (3) If the appropriation under s. 20.255 (2) (bd) is insufficient to pay the full
2 amount of costs under sub. (2), the department shall prorate payments among
3 eligible applicants.

4 **SECTION 1880.** 115.882 of the statutes is amended to read:

5 **115.882 Payment of state aid.** Funds appropriated under s. 20.255 (2) (b)
6 shall be used first for the purpose of s. 115.88 (4). Costs eligible for reimbursement
7 from the appropriation under s. 20.255 (2) (b) under ss. 115.88 (1m) to (3), (6) and (8),
8 115.93, and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount
9 appropriated for reimbursement for the costs, less the amount paid by the
10 department of health and family services under s. 20.435 (4) (b) and (c) under s. 49.45
11 (39) (b) 1m., not to exceed 100%.

12 **SECTION 1881.** 118.153 (4) (b) of the statutes is amended to read:

13 118.153 (4) (b) Upon receipt of a school board's annual report under par. (a) the
14 state superintendent shall pay to the school district from the appropriation under s.
15 20.255 (2) (bc), for each pupil enrolled in a program for children at risk who achieved
16 at least 3 of the objectives under par. (c) in the previous school year, additional state
17 aid in an amount equal to 10% of the school district's average per pupil aids provided
18 under s. 20.835 (7) (a), 1991 stats., and s. 20.255 (2) (ac) and (r) in the previous school
19 year.

20 **SECTION 1883.** 118.35 (4) of the statutes is created to read:

21 118.35 (4) From the appropriation under s. 20.255 (2) (fy), the department shall
22 award grants to cooperative educational service agencies and the school district
23 operating under ch. 119 for the purpose of providing advanced curriculum and
24 assessments for gifted and talented middle school pupils.

25 **SECTION 1883f.** 118.40 (2r) (c) 1. of the statutes is amended to read:

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1 118.40 (2r) (c) 1. Except as provided in ~~subd.~~ subds. 3. and 4., only pupils who
2 reside in the school district in which a charter school established under this
3 subsection is located may attend the charter school.

4 **SECTION 1883g.** 118.40 (2r) (c) 2. of the statutes is repealed.

5 **SECTION 1883r.** 118.40 (2r) (c) 4. of the statutes is created to read:

6 118.40 (2r) (c) 4. A pupil who resides outside the school district operating under
7 ch. 119 may attend a charter school established under this subsection in the school
8 district operating under ch. 119, but the charter school shall give preference in
9 admissions to pupils who reside in the school district operating under ch. 119.

10 **SECTION 1888m.** 118.43 (2) (g) of the statutes is amended to read:

11 118.43 (2) (g) The department may renew an achievement guarantee contract
12 under pars. (b), (bg), and (br) for one or more terms of 5 school years. As a condition
13 of receiving payments under a renewal of an achievement guarantee contract, a
14 school board shall maintain the reduction of class size achieved during the last school
15 year of the original achievement guarantee contract for the grades specified for the
16 last school year of the contract, but this condition does not apply to a school district
17 under sub. (4m).

18 **SECTION 1888r.** 118.43 (3) (intro.) of the statutes is amended to read:

19 118.43 (3) CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am)
20 and (ar) and sub. (4m), an achievement guarantee contract shall require the school
21 board to do all of the following in each participating school:

22 **SECTION 1888s.** 118.43 (4m) of the statutes is created to read:

23 118.43 (4m) EXCEPTIONS. A school district participating in the program under
24 this section on or after the effective date of this subsection [revisor inserts date],

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1 may choose not to comply with the requirement to reduce class size to 15 in grades
2 2 or 3, or both, in any school.

3 **SECTION 1889.** 118.43 (6) (a) of the statutes is amended to read:

4 118.43 (6) (a) In this subsection, "amount appropriated" means the amount
5 appropriated under s. 20.255 (2) (cu) in any fiscal year less \$250,000, plus the amount
6 appropriated under s. 20.255 (2) (ev).

7 **SECTION 1890.** 118.43 (6) (b) (intro.) of the statutes is amended to read:

8 118.43 (6) (b) (intro.) From the ~~appropriations~~ appropriation under s. 20.255
9 (2) (cu) and (ev), subject to par. (c), the department shall pay to each school district
10 that has entered into a contract with the department under this section an amount
11 determined as follows:

12 **SECTION 1891t.** 118.43 (6) (b) 9. of the statutes is created to read:

13 118.43 (6) (b) 9. In the 2005-06 and any subsequent school year, \$2,000
14 multiplied by the number of low-income pupils enrolled in grades eligible for funding
15 in each school in the school district covered by renewals of contracts under sub. (2)
16 (g). For purposes of this subdivision, the grades eligible for funding for a school
17 district under sub. (4m) are those grades in which the school district chooses to
18 comply with the requirement to reduce class size to 15.

19 **SECTION 1893m.** 118.43 (6g) of the statutes is created to read:

20 118.43 (6g) MILWAUKEE PUBLIC SCHOOLS. Notwithstanding subs. (3), (4), and
21 (4m), the department shall pay the school district operating under ch. 119 state aid
22 under sub. (6), if the participating schools comply with either the requirements
23 under subs. (3) or (4) or the requirements under s. 115.45. For purposes of state aid
24 payments for participating schools under this subsection, the department shall

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SECTION 1893m

1 multiply the per pupil payment amount by the number of low-income pupils enrolled
2 in grades eligible for funding under this section.

3 **SECTION 1895d.** 119.23 (1) (d) of the statutes is created to read:

4 119.23 (1) (d) "Teacher" means a person who has primary responsibility for the
5 academic instruction of pupils.

6 **SECTION 1895h.** 119.23 (2) (a) 1. of the statutes is amended to read:

7 119.23 (2) (a) 1. The pupil is a member of a family that has a total family income
8 that does not exceed an amount equal to 1.75 times the poverty level determined in
9 accordance with criteria established by the director of the federal office of
10 management and budget. A pupil attending a private school under this section
11 whose family income increases may continue to attend a private school under this
12 section if the pupil is a member of a family that has a total family income that does
13 not exceed an amount equal to 2.2 times the poverty level determined in accordance
14 with criteria established by the director of the federal office of management and
15 budget. For purposes of admission to a private school under this section, siblings of
16 pupils attending a private school under this section are subject to the higher income
17 limit. If a pupil attending a private school under this section ceases to attend a
18 private school under this section, the lower income limit applies unless the pupil is
19 a sibling of a pupil attending a private school under this section.

20 **SECTION 1895p.** 119.23 (2) (a) 2. of the statutes is repealed.

21 **SECTION 1895t.** 119.23 (2) (a) 6. of the statutes is created to read:

22 119.23 (2) (a) 6. All of the private school's teachers have graduated from high
23 school or been granted a declaration of equivalency of high school graduation.

24 **SECTION 1895v.** 119.23 (4) (b) 2. of the statutes is amended to read:

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SECTION 1895v

1 119.23 (4) (b) 2. The amount paid per pupil under this paragraph in the
2 previous school year multiplied by the sum of 1.0 plus the percentage change from
3 the previous school year to the current school year in the total amount appropriated
4 under s. 20.255 (2) (ac) and (r) expressed as a decimal, but not less than zero.

5 SECTION 1897. 121.007 of the statutes is amended to read:

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

12 SECTION 1897g. 121.05 (1) (a) 9. of the statutes is amended to read:

13 121.05 (1) (a) 9. Pupils enrolled in a charter school, ~~other than a charter school~~
14 ~~under s. 118.40 (2r).~~

15 SECTION 1897i. 121.07 (6) (a) (intro.) of the statutes is amended to read:

16 121.07 (6) (a) (intro.) "~~Shared~~ ^{Subject to par. (am) is shared} cost" is the sum of the net cost of the general fund ✓
17 and the net cost of the debt service fund, ~~except that "shared cost" excludes including~~
18 the amount determined by multiplying the number of pupils who attended a charter
19 school under s. 118.40 (2r) that is located in the school district by the amount paid
20 by the state for each such pupil under s. 118.40 (2r), but excluding any costs,
21 including attorney fees, incurred by a school district as a result of its participation
22 in a lawsuit commenced against the state, beginning with such costs incurred in the
23 fiscal year in which the lawsuit is commenced, ~~excludes~~ any expenditures from a
24 capital improvement fund created under s. 120.135, and ~~excludes~~ the costs of
25 transporting those transfer pupils for whom the school district operating under ch.

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SECTION 1897i

1 119 does not receive intradistrict transfer aid under s. 121.85 (6) as a result of s.
2 121.85 (6) (am). In this paragraph, "net cost of the debt service fund" includes all of
3 the following amounts:

4 **SECTION 1897m.** 121.07 (7) (b) of the statutes is amended to read:

5 121.07 (7) (b) The "secondary guaranteed valuation per member" is an amount,
6 rounded to the next lower dollar, that, after subtraction of payments under ss. 121.09
7 and 121.85 (6) (b) 2. and 3. and (c), fully distributes an amount equal to the amount
8 remaining in the appropriations appropriation under s. 20.255 (2) (ac) and (r).

9 **SECTION 1898b.** 121.08 (4) (a) (intro.) of the statutes is amended to read:

10 121.08 (4) (a) (intro.) The amount of state aid that a school district in which a
11 charter school under s. 118.40 (2r) is located is eligible to be paid from the
12 appropriations appropriation under s. 20.255 (2) (ac) and (r) shall be reduced by the
13 amount determined as follows:

14 **SECTION 1898e.** 121.08 (4) (a) 1. of the statutes is repealed and recreated to
15 read:

16 121.08 (4) (a) 1. Divide the number of pupils who in the current school year are
17 attending charter schools under s. 118.40 (2r) that are located in the school district
18 by the total number of pupils who in the current school year are attending charter
19 schools under s. 118.40 (2r).

20 **SECTION 1898m.** 121.08 (4) (a) 2. of the statutes is repealed and recreated to
21 read:

22 121.08 (4) (a) 2. Multiply the sum of the amounts paid under s. 118.40 (2r) in
23 the current school year by the school district's quotient under subd. 1.

24 **SECTION 1898s.** 121.08 (4) (a) 3. of the statutes is repealed.

25 **SECTION 1899.** 121.08 (4) (b) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100**SECTION 1899**

1 121.08 (4) (b) The amount of state aid that the school district operating under
2 ch. 119 is eligible to be paid from the ~~appropriations~~ appropriation under s. 20.255
3 (2) (ac) ~~and (r)~~ shall also be reduced by 45% of the amounts paid under s. 119.23 (4)
4 and (4m) in the current school year.

5 **SECTION 1899d.** 121.08 (4) (c) of the statutes is created to read:

6 121.08 (4) (c) The amount of state aid that a school district is eligible to be paid
7 from the appropriation under s. 20.255 (2) (ac) shall also be reduced by an amount
8 equal to the amount paid to the Second Chance Partnership under s. 115.28 (54) for
9 pupils enrolled in the school district. The department shall ensure that the amount
10 of the aid reduction lapses to the general fund and that it does not affect the amount
11 determined to be received by a school district as state aid under this section for any
12 other purpose.

13 **SECTION 1899m.** 121.08 (4) (d) of the statutes is amended to read:

14 121.08 (4) (d) The state superintendent shall ensure that the total amount of
15 aid reduction under pars. (a) and (b) lapses to the general fund and that the aid
16 reduction under par. (a) does not affect the amount determined to be received by a
17 school district under this section for any other purpose.

18 **SECTION 1906.** 121.58 (2) (a) of the statutes is renumbered 121.58 (2) (a) (intro.)
19 and amended to read:

20 121.58 (2) (a) (intro.) A school district which provides transportation to and
21 from a school under ss. 121.54 (1) to (3), (5) and (6) and 121.57, and the nonresident
22 school district that a pupil attends under s. 118.51 or 121.84 (4) which elects to
23 provide transportation under s. 121.54 (10), shall be paid state aid for such
24 transportation at the rate of \$30 per school year per following rates:

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1 1. For each pupil so transported whose residence is at least 2 miles and not more
2 than 5 miles from the school attended, \$45 per school year per \$30 per school year
3 in the 2005-06 school year and \$35 per school year thereafter.

4 2. For each pupil so transported whose residence is at least more than 5 miles
5 and not more than 8 miles from the school attended, \$60 per school year per \$45 per
6 school year in the 2005-06 school year and \$55 per school year thereafter.

7 3. For each pupil so transported whose residence is at least more than 8 miles
8 and not more than 12 miles from the school attended, \$68 per school year per \$82 per
9 school year in the 2005 school year and \$110 per school year thereafter.

10 4. For each pupil so transported whose residence is at least 12 miles and not
11 more than 15 12 miles from the school attended, \$75 per school year per pupil so
12 transported whose residence is at least 15 miles and not more than 18 miles from the
13 school attended, and \$85 per school year per pupil so transported whose residence
14 is more than 18 miles from the school attended. Such state \$150 per school year in
15 the 2005-06 school year and \$180 per school year thereafter.

16 (am) State aid under par. (a) shall be reduced proportionately in the case of a
17 pupil transported for less than a full school year because of nonenrollment. State aid
18 for transportation shall not exceed the actual cost thereof. No state aid of any kind
19 may be paid to a school district which charges the pupil transported or his or her
20 parent or guardian any part of the cost of transportation provided under ss. 121.54
21 (1) to (3), (5), (6) and (10) and 121.57 or which willfully or negligently fails to
22 transport all pupils for whom transportation is required under s. 121.54.

23 **SECTION 1907.** 121.58 (2) (b) of the statutes is amended to read:

24 121.58 (2) (b) A school board that provides transportation under s. 121.54 (2)
25 (am) shall be paid state aid for such transportation at the rates specified and

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SECTION 1907

1 according to the conditions established under ~~par.~~ pars. (a) and (am), except that the
2 amount of state aid may not exceed the amount which the school district would
3 receive for transporting the child between the child's residence and school attended
4 under s. 121.54 (1) to (3), (5), (6) or (9) or 121.57.

5 **SECTION 1908.** 121.58 (2) (c) of the statutes is amended to read:

6 121.58 (2) (c) A school district which provides transportation to and from a
7 school under s. 121.54 (9) shall be paid state aid for such transportation at the rate
8 of \$12 per school year per pupil so transported in the 2005-06 school year and \$15
9 per school year per pupil so transported thereafter. Such state aid shall be reduced
10 proportionately in the case of a pupil transported for less than a full year because of
11 nonenrollment. State aid for such transportation shall not exceed the actual cost
12 thereof.

13 **SECTION 1909m.** 121.85 (6) (am) 5. of the statutes is amended to read:

14 121.85 (6) (am) 5. In the 2004-05 school year ~~and each school year thereafter~~,
15 the number of pupils whose parents or guardians have not provided the board of
16 school directors with written consent to a pupil transfer to another attendance area.

17 **SECTION 1909r.** 121.85 (6) (am) 6. of the statutes is created to read:

18 121.85 (6) (am) 6. In the 2005-06 school year and in each school year thereafter:

19 a. Subtract from 95% the percentage of pupils whose parents or guardians have
20 provided the board of school directors with written consent to a pupil transfer to
21 another attendance area.

22 b. Multiply the result under subd. 6. a. by the total number of transfer pupils
23 under par. (a) in the current school year.

24 **SECTION 1912m.** 121.90 (1) (f) of the statutes is created to read:

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SECTION 1912m

1 121.90 (1) (f) In determining a school district's revenue limit for the 2005-06
2 school year or for any school year thereafter, the department shall include in the
3 number of pupils enrolled in each school year prior to the 2005-06 school year all
4 pupils attending charter schools under s. 118.40 (2r) that are located in the school
5 district.

6 **SECTION 1913.** 121.905 (1) of the statutes is amended to read:

7 121.905 (1) In this section, "revenue ceiling" means ~~\$6,900~~, except that
8 "revenue ceiling" means ~~\$7,400~~ \$8,100 in the ~~2003-04~~ 2005-06 school year and
9 ~~\$7,800~~ \$8,400 in any subsequent school year.

10 **SECTION 1915.** 121.91 (2m) (e) (intro.) of the statutes is amended to read:

11 121.91 (2m) (e) (intro.) Except as provided in subs. (3) and (4), no school district
12 may increase its revenues for the 1999-2000, 2000-01, 2001-02, 2002-03, 2003-04,
13 or 2004-05 school year ~~or for any school year thereafter~~ to an amount that exceeds
14 the amount calculated as follows:

15 **SECTION 1915d.** 121.91 (2m) (f) of the statutes is created to read:

16 121.91 (2m) (f) Except as provided in subs. (3) and (4), no school district may
17 increase its revenues for the 2005-06 school year to an amount that exceeds the
18 amount calculated as follows:

19 1. Divide the sum of the amount of state aid received in the previous school year
20 and property taxes levied for the previous school year, excluding property taxes
21 levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4)
22 (c), by the average of the number of pupils enrolled in the 3 previous school years.

23 2. Add \$120 to the result under subd. 1.

24 3. Multiply the result under subd. 2. by the average of the number of pupils
25 enrolled in the current and the 2 preceding school years.

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SECTION 1915e

1 **SECTION 1915e.** 121.91 (2m) (g) of the statutes is created to read:

2 121.91 (2m) (g) Except as provided in subs. (3) and (4), no school district may
3 increase its revenues for the 2006-07 school year or for any school year thereafter
4 to an amount that exceeds the amount calculated as follows:

5 1. Divide the sum of the amount of state aid received in the previous school year
6 and property taxes levied for the previous school year, excluding property taxes
7 levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4)
8 (c), by the average of the number of pupils enrolled in the 3 previous school years.

9 2. Add \$100 to the result under subd. 2.

10 3. Multiply the result under subd. 2. by the average of the number of pupils
11 enrolled in the current and the 2 preceding school years.

12 **SECTION 1915f.** 121.91 (2m) (r) 1. (intro.) of the statutes is amended to read:

13 121.91 (2m) (r) 1. (intro.) Notwithstanding pars. (c), (d) and (e) to (g), if a school
14 district is created under s. 117.105, its revenue limit under this section for the school
15 year beginning with the effective date of the reorganization shall be determined as
16 follows except as provided under subs. (3) and (4):

17 **SECTION 1915g.** 121.91 (2m) (r) 1. b. of the statutes is amended to read:

18 121.91 (2m) (r) 1. b. Add an amount equal to the amount of revenue increase
19 per pupil allowed under this subsection for the previous school year multiplied by the
20 sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal
21 \$120 to the result under subd. 1. a. to compute the limit for the 2005-06 school year,
22 and add \$100 to the result under subd. 1. a. to compute the limit for any school year
23 thereafter.

24 **SECTION 1915h.** 121.91 (2m) (r) 2. of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100**SECTION 1915h**

1 121.91 (2m) (r) 2. If a school district is created under s. 117.105, the following
2 adjustments to the calculations under pars. (c), ~~(d) and (e)~~ to (g) apply for the 2 school
3 years beginning on the July 1 following the effective date of the reorganization:

4 a. For the school year beginning on the first July 1 following the effective date
5 of the reorganization the number of pupils in the previous school year shall be used
6 under pars. (c) 1., (d) 1. ~~and (e) 1., (f) 1., and (g) 1.~~ instead of the average of the number
7 of pupils in the 3 previous school years, and for the school year beginning on the 2nd
8 July 1 following the effective date of the reorganization the average of the number
9 of pupils in the 2 previous school years shall be used under pars. (c) 1., (d) 1. ~~and (e)~~
10 ~~1., (f) 1., and (g) 1.~~ instead of the average of the number of pupils in the 3 previous
11 school years.

12 b. For the school year beginning on the first July 1 following the effective date
13 of the reorganization the average of the number of pupils in the current and the
14 previous school years shall be used under pars. (c) 4., (d) 4. ~~and (e) 3., (f) 3., and~~
15 ~~(g) 3.~~ instead of the average of the number of pupils in the current and the 2 preceding
16 school years.

17 **SECTION 1916.** 121.91 (4) (d) of the statutes is amended to read:

18 121.91 (4) (d) If a school district's revenue in the preceding school year was less
19 than the limit under sub. (2m) in the preceding school year, the limit otherwise
20 applicable to the school district's revenue in the current school year under sub. (2m)
21 is increased by an amount equal to 75% of the difference between the amount of its
22 revenue in the preceding school year and the amount of the limit in the preceding
23 school year under sub. (2m).

24 **SECTION 1917.** 121.91 (4) (dg) of the statutes is repealed.

25 **SECTION 1918.** 121.91 (4) (dr) of the statutes is repealed.

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SECTION 1919

1 **SECTION 1919.** 121.91 (4) (f) 1. of the statutes is amended to read:

2 121.91 (4) (f) 1. For the 1999-2000 school year or any school year thereafter,
3 if the average of the number of pupils enrolled in the current and the 2 preceding
4 school years is less than the average of the number of pupils enrolled in the 3 previous
5 school years, the limit otherwise applicable under sub. (2m) (e), (f), or (g) is increased
6 by the additional amount that would have been calculated had the decline in average
7 enrollment been 25% of what it was.

8 **SECTION 1919d.** 121.91 (4) (f) 2. of the statutes is amended to read:

9 121.91 (4) (f) 2. Any additional revenue received by a school district as a result
10 of subd. 1. shall not be included in the base for determining the school district's limit
11 under sub. (2m) (e), (f), or (g) for the following school year.

12 **SECTION 1921.** 125.12 (6) of the statutes is created to read:

13 **125.12 (6) REVOCATION OR SUSPENSION OF INTOXICATING LIQUOR WHOLESALERS'**
14 **PERMITS FOR CERTAIN VIOLATIONS.** (a) Any person may file a sworn written complaint
15 with the department alleging that an intoxicating liquor wholesaler has violated s.
16 125.54 (7) (a). The complaint shall identify the specific legal basis for the complaint
17 and sufficient facts for the department to determine whether there is cause to find
18 that a violation has occurred. The department shall provide a copy of the complaint
19 to any wholesaler against whom allegations are made, along with notice of the time
20 period under par. (b) to show cause why the wholesaler's permit should not be
21 revoked or suspended or to request a hearing.

22 (b) Within 30 days of receiving a copy of the complaint under par. (a), any
23 wholesaler against whom allegations are made may file a sworn written response or
24 a written request for an evidentiary hearing before the department under s. 227.44.

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SECTION 1921

1 (c) Subject to pars. (d) 1. and (dm), if no request for an evidentiary hearing is
2 made under par. (b), within 60 days of receiving any response under par. (b) or, if no
3 response is made, within 60 days of the date on which a response or request for
4 hearing is due under par. (b), the department shall make a written decision as to
5 whether a violation has occurred and either dismiss the complaint or take action
6 under par. (e). Any decision under this paragraph shall include findings of fact and
7 conclusions of law and shall state all reasons for the decision. The department shall
8 provide a copy of the decision to the complainant and to any wholesaler against whom
9 allegations are made.

10 (cm) Subject to pars. (d) 2. and (dm), if a request for an evidentiary hearing is
11 made under par. (b), the hearing shall be conducted in the manner specified for a
12 contested case under ss. 227.44 to 227.50, except that the hearing shall be conducted
13 within 45 days of receiving the request for hearing under par. (b) and the department
14 shall make its written decision, including whether a violation has occurred and
15 whether the complaint is dismissed or action is taken under par. (e), within 15 days
16 after the hearing. In addition to service of the decision as provided under s. 227.48,
17 the department shall provide a copy of the decision to the complainant.

18 (d) 1. If no request for an evidentiary hearing is made under par. (b), within 60
19 days of receiving any response under par. (b) or, if no response is made, within 60 days
20 of the date on which a response or request for hearing is due under par. (b), the
21 department may extend the time period for making a decision under par. (c) by an
22 additional 60 days if the department provides notice within the time period specified
23 in par. (c) that an additional 60 days is necessary for investigation.

24 2. If a request for an evidentiary hearing is made under par. (b), within 45 days
25 of receiving the request for hearing under par. (b), the department may extend the

ENGROSSED ASSEMBLY BILL 100

SECTION 1921

1 time period for conducting the hearing by an additional 45 days if the department
2 provides notice within 45 days of receiving the request for hearing under par. (b) that
3 an additional 45 days is necessary for investigation.

4 (dm) Within 45 days of receiving any response or request for hearing under par.
5 (b) or, if no response or request for hearing is made, within 45 days of the date on
6 which a response or request for hearing is due under par. (b), the department may
7 elect to file a complaint in circuit court under sub. (4) that includes all allegations of
8 the complaint under par. (a) for which the department determines there is cause to
9 find that a violation of s. 125.54 (7) (a) has occurred. If the department files a
10 complaint in circuit court as provided under this paragraph, the department shall
11 not conduct a hearing under par. (cm) or make a written decision under par. (c), but
12 shall proceed with the matter as provided under sub. (4).

13 (e) If the department finds the allegations under par. (a) true and sufficient, the
14 department shall either suspend for not less than 10 days nor more than 90 days or
15 revoke the wholesaler's permit, and give notice of the suspension or revocation to the
16 wholesaler.

17 (f) A revocation or suspension proceeding under this subsection is a contested
18 case under ch. 227, except that ss. 227.44 to 227.50 apply to a proceeding under this
19 subsection only if a request for an evidentiary hearing is made under par. (b).

20 **SECTION 1922.** 125.145 of the statutes is amended to read:

21 **125.145 Prosecutions by attorney general or department.** Upon request
22 by the secretary of revenue, the attorney general may represent this state or assist
23 a district attorney in prosecuting any case arising under this chapter. The
24 department may represent this state in prosecuting any violation of s. 125.54 (7) (a)
25 or (b) and shall bring any such action in the circuit court for Dane County.

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SECTION 1923

1 **SECTION 1923.** 125.15 of the statutes is created to read:

2 **125.15 Actions against intoxicating liquor wholesalers.** (1) An
3 intoxicating liquor wholesaler, intoxicating liquor retail licensee, or
4 intoxicating liquor trade association that makes a written complaint to the
5 department under s. 125.12 (6) of a violation of s. 125.54 (7) (a) may bring an action
6 to enforce the provisions of s. 125.54 (7) if any of the following apply:

7 (a) The department has not rendered a decision within the time periods
8 specified in s. 125.12 (6) (c) to (d).

9 (b) The department has rendered a decision under s. 125.12 (6) in which the
10 department has determined that a violation has occurred but no action has been
11 brought in circuit court by the department, attorney general, or a district attorney
12 to prosecute the violation.

13 (2) An intoxicating liquor wholesaler, intoxicating liquor retail licensee or
14 permittee, or intoxicating liquor trade association that brings an action under sub.
15 (1) shall be entitled to recover reasonable attorney fees if found to be the prevailing
16 party.

17 **SECTION 1924.** 125.54 (7) of the statutes is created to read:

18 **125.54 (7) BONA FIDE WHOLESALERS.** (a) 1. The premises described in a permit
19 issued under this section shall be capable of warehousing intoxicating liquor. Any
20 intoxicating liquor sold by the permittee shall be physically unloaded at the premises
21 described in the permit, or at any warehouse premises for which the permittee under
22 this section also holds a permit issued under s. 125.19, prior to being delivered to a
23 retail licensee or permittee or to another wholesaler.

24 2. A permittee under this section shall annually sell and deliver intoxicating
25 liquor to at least 10 retail licensees or permittees that do not have any direct or

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1 indirect interest in each other or in the permittee under this section. The department
2 shall not issue a permit under this section unless the applicant represents to the
3 department an intention to satisfy this requirement, and shall not renew a permit
4 issued under this section unless the permittee demonstrates that this requirement
5 has been satisfied.

6 (b) No intoxicating liquor retail licensee or permittee may receive a benefit from
7 a violation under par. (a) with knowledge of the circumstances giving rise to the
8 violation.

9 (c) 1. A wholesaler who violates this subsection shall be fined not more than
10 \$10,000. In addition, a court shall order the wholesaler to forfeit an amount equal
11 to any profit gained by the wholesaler or by a retail licensee or permittee that violates
12 par. (b), or by both, resulting from the violation, and the court shall further order that
13 the wholesaler's permit be revoked.

14 2. A court shall order a retail licensee or permittee who violates this subsection
15 to forfeit an amount equal to any profit gained by the retail licensee or permittee
16 resulting from the violation, and the court shall further order that the retail license
17 or permit be revoked.

18 3. This paragraph shall not affect the authority of any municipality or the
19 department to revoke, suspend, or refuse to renew or issue a license or permit under
20 s. 125.12.

21 (d) The department shall promulgate rules to administer and enforce the
22 requirements under this subsection. The rules shall ensure coordination between
23 the department's issuance and renewal of permits under this section and its
24 enforcement of the requirements of this subsection, and shall require that all
25 applications for issuance or renewal of permits under this section be processed by

ENGROSSED ASSEMBLY BILL 100**SECTION 1924**

1 department personnel generally familiar with activities of intoxicating liquor
2 wholesalers. The department shall establish by rule minimum requirements for
3 warehouse facilities on premises described in permits issued under this section and
4 for periodic site inspections by the department of such warehouse facilities.

5 **SECTION 1924m.** 125.68 (10) (bs) of the statutes is amended to read:

6 125.68 (10) (bs) No individual may resell wine received under par. (bm) or
7 receive more than 9 27 liters of wine annually under par. (bm).

8 **SECTION 1930.** 134.66 (1) (a) of the statutes is amended to read:

9 134.66 (1) (a) "Cigarette" has the meaning given in s. 139.30 ~~(1)~~ (1m).

10 **SECTION 1931.** 134.66 (1) (am) of the statutes is created to read:

11 134.66 (1) (am) "Direct marketer" has the meaning given in s. 139.30 (2n).

12 **SECTION 1932.** 134.66 (2) (a) of the statutes is amended to read:

13 134.66 (2) (a) No retailer, direct marketer, manufacturer, distributor, jobber or
14 subjobber, no agent, employee or independent contractor of a retailer, direct
15 marketer, manufacturer, distributor, jobber or subjobber and no agent or employee
16 of an independent contractor may sell or provide for nominal or no consideration
17 cigarettes or tobacco products to any person under the age of 18, except as provided
18 in s. 254.92 (2) (a). A vending machine operator is not liable under this paragraph
19 for the purchase of cigarettes or tobacco products from his or her vending machine
20 by a person under the age of 18 if the vending machine operator was unaware of the
21 purchase.

22 **SECTION 1933.** 134.66 (2) (am) of the statutes is amended to read:

23 134.66 (2) (am) No retailer, direct marketer, manufacturer, distributor, jobber,
24 subjobber, no agent, employee or independent contractor of a retailer, direct
25 marketer, manufacturer, distributor, jobber or subjobber and no agent or employee

ENGROSSED ASSEMBLY BILL 100**SECTION 1933**

1 of an independent contractor may provide for nominal or no consideration cigarettes
2 or tobacco products to any person except in a place where no person younger than 18
3 years of age is present or permitted to enter unless the person who is younger than
4 18 years of age is accompanied by his or her parent or guardian or by his or her spouse
5 who has attained the age of 18 years.

6 **SECTION 1935.** 134.66 (2) (e) of the statutes is amended to read:

7 134.66 (2) (e) No retailer or direct marketer may sell cigarettes in a form other
8 than as a package or container on which a stamp is affixed under s. 139.32 (1).

9 **SECTION 1946.** 139.06 (1) (a) of the statutes is amended to read:

10 139.06 (1) (a) The taxes imposed under s. 139.03 (intro.) on intoxicating liquor
11 at the rates under s. 139.03 (2m) shall be paid to, and a monthly return filed with,
12 the department of revenue on or before the 15th of the month following the month
13 in which the tax liability is incurred. An administrative fee of 3 11 cents per gallon
14 on intoxicating liquor taxed at the rates under s. 139.03 (2m) is imposed, shall be paid
15 along with the taxes and shall be deposited in the appropriation under s. 20.566 (1)
16 (ha).

17 **SECTION 1948.** 139.30 (1) of the statutes is renumbered 139.30 (1m).

18 **SECTION 1949.** 139.30 (1d) of the statutes is created to read:

19 139.30 (1d) "Bonded direct marketer" means any person who acquires
20 unstamped cigarettes from the manufacturer thereof, affixes stamps to the packages
21 or other containers, stores them and sells them by direct marketing to consumers for
22 their own personal use and who may also acquire stamped cigarettes from
23 manufacturers or distributors for such sales.

24 **SECTION 1950.** 139.30 (1s) of the statutes is created to read:

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SECTION 1950

1 139.30 (1s) "Consumer" means any individual who receives cigarettes for his
2 or her personal use or consumption or any individual who has title to or possession
3 of cigarettes for any purpose other than for sale or resale.

4 SECTION 1951. 139.30 (2n) of the statutes is created to read:

5 139.30 (2n) "Direct marketer" means a bonded direct marketer or a nonbonded
6 direct marketer.

7 SECTION 1952. 139.30 (2p) of the statutes is created to read:

8 139.30 (2p) "Direct marketing" means publishing or making accessible an offer
9 for the sale of cigarettes to consumers in this state, or selling cigarettes to consumers
10 in this state, using any means by which the consumer is not physically present at the
11 time of sale on a premise that sells cigarettes.

12 SECTION 1954b. 139.30 (4n) of the statutes is created to read:

13 139.30 (4n) "Government issued identification" includes a valid driver's
14 license, state identification card, passport, or military identification.

15 SECTION 1956. 139.30 (8d) of the statutes is created to read:

16 139.30 (8d) "Nonbonded direct marketer" means any person who acquires
17 stamped cigarettes from the manufacturers or distributors, stores them, and sells
18 them by direct marketing to consumers for their own personal use.

19 SECTION 1958. 139.30 (10) of the statutes is amended to read:

20 139.30 (10) "Retailer" means any person who sells, exposes for sale or possesses
21 with intent to sell to consumers any cigarettes has the meaning given in s. 134.66 (1)
22 (g).

23 SECTION 1959. 139.32 (1) of the statutes is amended to read:

24 139.32 (1) The tax imposed by s. 139.31 (1) shall be paid. To evidence the
25 payment, the department shall provide stamps. A person who has paid the tax shall

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SECTION 1959

1 affix stamps of the proper denomination to each package in which cigarettes are
2 packed, prior to the first sale within this state. First sale does not include a sale by
3 a manufacturer to a distributor or to a bonded direct marketer or by a distributor to
4 a permittee who has obtained department approval as provided for in s. 139.321 (1).

5 (a) 2. The tax shall be paid only once on each package or container.

6 SECTION 1961. 139.32 (5) of the statutes is amended to read:

7 139.32 (5) Manufacturers, bonded direct marketers, and distributors having
8 a permit from the secretary who are authorized by the department to purchase tax
9 stamps shall receive a discount of 1.6% of the tax paid on stamp purchases.

10 SECTION 1962. 139.32 (5m) of the statutes is amended to read:

11 139.32 (5m) Distributors, bonded direct marketers, and manufacturers shall
12 pay to the department the cost of printing and shipping those stamps.

13 SECTION 1963. 139.32 (6) of the statutes is amended to read:

14 139.32 (6) Manufacturers, bonded direct marketers, and distributors having
15 a permit from the secretary who are authorized by the department to purchase tax
16 stamps may purchase stamps on credit. The secretary may require manufacturers,
17 bonded direct marketers, and distributors who purchase stamps on credit to file
18 under the conditions prescribed by the secretary by rule.

19 SECTION 1964. 139.321 (1) (intro.) of the statutes is amended to read:

20 139.321 (1) (intro.) It is unlawful for any person to possess ~~in excess of~~ 400
21 cigarettes unless the required stamps are properly affixed as provided in ss. 139.32
22 (1) and 139.33 (4).

23 SECTION 1966. 139.33 (3) of the statutes is amended to read:

24 139.33 (3) No person other than a member of the armed forces, as specified in
25 this subsection, a licensed distributor, or a bonded direct marketer who is authorized

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SECTION 1966

1 by the department to purchase and affix tax stamps may import into this state more
2 than 400 cigarettes on which the excise tax imposed by s. 139.31 has not been paid
3 and the container of which does not bear proper stamps. Within 15 days, any such
4 person importing cigarettes shall file a declaration of such cigarettes imported and
5 shall remit therewith the tax on such cigarettes imposed by this section. Members
6 of the armed forces shall not be required to report or pay the tax on cigarettes in their
7 possession if such cigarettes are issued to them by the U.S. government or any of its
8 subdivisions or were purchased in any armed forces post exchange or service store
9 for their personal use or consumption. If the use tax imposed by this section is not
10 paid when due, it shall become delinquent and the person liable for it shall pay, in
11 addition, a penalty of \$25 for each 200 cigarettes. Interest on the delinquent tax and
12 penalty shall accrue at the rate of 1.5% per month or each fraction of a month from
13 the date the tax became due until paid.

14 **SECTION 1975.** 139.34 (3) of the statutes is amended to read:

15 **139.34 (3)** No distributor or bonded direct marketer may affix stamps to
16 cigarette packages, as provided in s. 139.32, unless the distributor or bonded direct
17 marketer certifies to the department, in a manner prescribed by the department,
18 that the distributor or bonded direct marketer purchases cigarettes directly from a
19 manufacturer.

20 **SECTION 1979b.** 139.345 of the statutes is created to read:

21 **139.345 Direct marketing.** (1) (a) (intro.) No person may sell cigarettes to
22 consumers in this state as a direct marketer unless the person submits to the
23 department the person's name, trade name, address of the person's principal place
24 of business, phone number, e-mail address, and Web site address.

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SECTION 1979b

1 (b) No person may sell cigarettes as described under this section unless the
2 person certifies to the department, in the manner prescribed by the department, that
3 the person shall acquire stamped cigarettes from a licensed distributor or
4 unstamped cigarettes from the manufacturer thereof, pay the tax imposed under this
5 subchapter on all unstamped cigarettes and affix stamps to the cigarette packages
6 or containers as provided under s. 139.32 (1), store such packages or containers, and
7 sell only such packages or containers to consumers in this state by direct marketing;
8 or acquire cigarettes from a distributor, to the packages or containers of which
9 stamps have been affixed as provided under s. 139.32 (1), and sell only such packages
10 or containers to consumers in this state by direct marketing.

11 (d) No person may sell cigarettes as described in this section unless the person
12 certifies to the department, in the manner prescribed by the department, that the
13 person shall register with credit card and debit card companies; that the invoices and
14 all means of solicitation for all shipments of cigarette sales from the person shall bear
15 the person's name and address; and that the person shall provide the department any
16 information the department considers necessary to administer this section.

17 (2) No person may sell cigarettes to consumers in this state by direct marketing
18 unless the tax imposed under s. 77.52 or 77.53 is paid on the sale of such cigarettes.

19 (3) No person may sell cigarettes to consumers in this state unless the person
20 does all of the following:

21 (a) Verifies the consumer's name and address and that the consumer is at least
22 18 years of age by any of the following methods:

23 1. The person uses a database that includes information based on public
24 records.

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SECTION 1979b

1 2. The person receives from the consumer, at the time of purchase, a copy of a
2 government issued identification.

3 3. The person uses a mechanism, other than a mechanism specified under subd.
4 1. or 2., that is approved by the department.

5 (b) Obtains from the consumer, at the time of purchase, a statement signed by
6 the consumer that confirms all of the following:

7 1. The consumer's name, address, and birth date.

8 2. That the consumer understands that no person who is under 18 years of age
9 may purchase or possess cigarettes or falsely represent his or her age for the purpose
10 of receiving cigarettes, as provided under s. 254.92.

11 3. That the consumer understands that any person who, for the purpose of
12 obtaining credit, goods, or services, intentionally uses, attempts to use, or possesses
13 with intent to use, any personal identifying information or personal identification
14 document of an individual, including a deceased individual, without the
15 authorization or consent of the individual and by representing that he or she is the
16 individual, that he or she is acting with the authorization or consent of the
17 individual, or that the information or document belongs to him or her, is guilty of a
18 Class H felony, as provided under s. 943.201.

19 (4) Any person who makes a sale of cigarettes by means of the Internet shall,
20 at the time of purchase, obtain the purchaser's electronic mail address and shall
21 receive payment for the sale by credit card, debit card, or check prior to shipping.

22 (5) The invoice for any shipment of cigarettes sold to consumers in this state
23 by direct marketing shall specify the name and address of the seller and any valid
24 permit issued under s. 139.34 that is held by the seller.

ENGROSSED ASSEMBLY BILL 100**SECTION 1979b**

1 (6) All packages of cigarettes shipped to consumers in this state shall be clearly
2 labelled "CIGARETTES" on the outside of such packages.

3 (7) (a) No person may deliver a package of cigarettes sold by direct marketing
4 to a consumer in this state unless the person making the delivery receives a
5 government issued identification card from the person receiving the package and
6 verifies that the person receiving the package is at least 18 years of age. If the person
7 receiving the package is not the person to whom the package is addressed, the person
8 delivering the package shall have the person receiving the package sign a statement
9 that affirms that the person to whom the package is addressed is at least 18 years
10 of age.

11 (b) No person may deliver a package of cigarettes to a consumer in this state
12 unless the seller of the cigarettes provides proof to the person making the delivery
13 that the seller has complied with all requirements under this subchapter. A seller
14 shall have no course of action against any person who refuses to deliver cigarettes
15 as provided under this subdivision.

16 **SECTION 1980.** 139.35 (1) of the statutes is amended to read:

17 **139.35 (1) TRANSFERS.** No person may give, sell or lend any stamps to another
18 and no person may accept, purchase or borrow any stamps from another. All sales
19 and transfers of stamps may be made only by the secretary to permit holding
20 manufacturers and, distributors, and bonded direct marketers who are authorized
21 by the department to purchase and affix tax stamps.

22 **SECTION 1980m.** 139.362 of the statutes is created to read:

23 **139.362 Bad debt deductions.** (1) In this section, "bad debt" means an
24 amount that is equal to the purchase price of cigarettes, if such amount may be
25 claimed as a deduction under section 166 of the Internal Revenue Code. "Bad debt"

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1 does not include financing charges, interest on the wholesale price of cigarettes,
2 uncollectible amounts on property that remains in the seller's possession until the
3 full purchase price is paid, expenses incurred in attempting to collect any debt, debts
4 sold or assigned to 3rd parties for collection, and repossessed property.

5 (2) A person who pays the taxes imposed under this subchapter may claim as
6 a deduction on a return under s. 139.38, and against the purchase of stamps under
7 s. 139.32, the amount of any such taxes that are attributable to bad debt that the
8 person writes off as uncollectible in the person's books and records and that is eligible
9 to be deducted as bad debt for federal income tax purposes, regardless of whether the
10 person is required to file a federal income tax return. A person who claims a
11 deduction under this section shall claim the deduction on the return under s. 139.38
12 that is submitted for the period in which the person writes off the amount of the bad
13 debt as uncollectible in the person's books and records and in which such amount is
14 eligible to be deducted as bad debt for federal income tax purposes. If the person
15 subsequently collects in whole or in part any bad debt for which a deduction is
16 claimed under this section, the person shall submit to the department the portion of
17 the deduction related to the amount collected, in the manner prescribed by the
18 department and for the period in which the amount is collected.

19 (3) A person who claims a deduction under this section shall submit the claim
20 on a form prescribed by the department and shall submit with the form all of the
21 following:

22 (a) A copy of the original invoice for the sale of cigarettes that represents bad
23 debt.

24 (b) Evidence that the cigarettes described in the invoice under par. (a) were
25 delivered to the person who ordered them.

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SECTION 1980m

1 (c) Evidence that the person who ordered and received the cigarettes did not
2 pay the person who claims a deduction under this section for the cigarettes.

3 (d) Evidence that the person who claims a deduction under this section used
4 reasonable collection practices in attempting to collect the amount owed under par.

5 (c).

6 (4) Any person who possesses cigarettes for which the taxes imposed under this
7 subchapter have not been paid and have been claimed as a deduction under this
8 section shall file a report as prescribed by the department, pay the taxes imposed
9 under this subchapter on the cigarettes, and be subject to this subchapter in the same
10 manner as is provided for persons who hold valid permits under this subchapter.

11 **SECTION 1980n.** 139.363 of the statutes is created to read:

12 **139.363 Preferred claims.** If the property of any purchaser of cigarettes from
13 any permittee under this subchapter is seized upon any intermediate or final process
14 of any court in this state, or if the business of any purchaser of cigarettes from any
15 permittee under this subchapter is suspended by the action of creditors or put into
16 the hands of any assignee, receiver, or trustee, all amounts that are due from the
17 purchaser to any permittee for taxes imposed under this subchapter that the
18 permittee has paid to the state for cigarettes purchased from the permittee shall be
19 considered preferred claims, and shall be paid in full, and the permittee shall be a
20 preferred creditor.

21 **SECTION 1982.** 139.38 (1) of the statutes is amended to read:

22 **139.38 (1)** Every manufacturer located out of the state shall keep records of all
23 sales of cigarettes shipped into this state. Every manufacturer located in the state
24 shall keep records of production, sales and withdrawals of cigarettes. Every
25 distributor and direct marketer shall keep records of purchases and sales of

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SECTION 1982

1 cigarettes. Every manufacturer, bonded direct marketer, and distributor holding a
2 ~~permit from the secretary with the right~~ who is authorized by the department to
3 purchase and apply stamps shall also keep records of purchases and disposition of
4 stamps. Every jobber, multiple retailer, and vending machine operator shall keep
5 records of all purchases and disposition of cigarettes. Every warehouse operator
6 shall keep records of receipts and withdrawals of cigarettes. All such records shall
7 be accurate and complete and be kept in a manner prescribed by the secretary. These
8 records shall be preserved on the premises described in the permit or license in such
9 a manner as to ensure permanency and accessibility for inspection at reasonable
10 hours by authorized personnel of the department.

11 **SECTION 1983.** 139.38 (1m) of the statutes is created to read:

12 **139.38 (1m)** Records of purchases and sales of cigarettes under sub. (1) that
13 are kept by direct marketers shall indicate, for each shipment of cigarettes into this
14 state in the month preceding the report under sub. (2), the invoice date and number;
15 the quantity of cigarettes shipped; the brand name of the cigarettes shipped; the
16 manufacturer of the cigarettes shipped and the point of origin; the purchaser's name,
17 address, and birth date; the name of the person to whom the cigarettes were shipped;
18 the address to which the cigarettes were shipped; and any other information the
19 department requires.

20 **SECTION 1984.** 139.38 (2) of the statutes is amended to read:

21 **139.38 (2) (a)** Except as provided in par. (b), every permittee manufacturer,
22 distributor, jobber, and direct marketer shall render a true and correct invoice of
23 every sale of cigarettes at wholesale and every permittee shall on or before the 15th
24 day of each calendar month file a verified report of all cigarettes purchased, sold,
25 received, warehoused or withdrawn during the preceding calendar month.

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SECTION 1984

1 (b) The department may allow any jobber, multiple retailer, nonbonded direct
2 marketer, or vending machine operator permittee who does not sell cigarettes, except
3 for those on which the tax under this chapter is paid, to file a quarterly report. The
4 quarterly report shall be filed on or before the 15th day of the next month following
5 the close of each calendar quarter. The report shall specify the number of cigarettes
6 purchased and sold during the preceding calendar quarter.

7 **SECTION 1986.** 139.395 of the statutes is amended to read:

8 **139.395 Theft of tax moneys.** All cigarette tax moneys received by a
9 distributor, bonded direct marketer, or manufacturer for the sale of cigarettes on
10 which the tax under this subchapter has become due and has not been paid are trust
11 funds in the hands of the distributor, bonded direct marketer, or manufacturer and
12 are the property of this state. Any distributor, bonded direct marketer, or
13 manufacturer who fraudulently withholds, appropriates or otherwise uses cigarette
14 tax moneys that are the property of this state is guilty of theft under s. 943.20 (1),
15 whether or not the distributor, bonded direct marketer, or manufacturer has or
16 claims to have an interest in those moneys.

17 **SECTION 1992.** 139.45 of the statutes is amended to read:

18 **139.45 Prosecutions by attorney general.** Upon request by the secretary
19 of revenue, the attorney general may represent this state or assist a district attorney
20 in prosecuting any case arising under this subchapter or under ss. 134.65 and 134.66.
21 The attorney general may take any action necessary to enforce s. 139.345.

22 **SECTION 1992c.** 139.46 of the statutes is created to read:

23 **139.46 Lists.** The department shall compile and maintain a list of direct
24 marketers who have complied with the requirements of s. 139.345 and a list of direct
25 marketers who the department knows have not complied with such requirements.

ENGROSSED ASSEMBLY BILL 100**SECTION 1992c**

1 The department shall provide copies of the lists described under this section to the
2 attorney general and to each person who delivers cigarettes to consumers in this
3 state that are sold by direct marketing under s. 139.345.

4 **SECTION 2003.** 139.75 (12) of the statutes is amended to read:

5 139.75 (12) "Tobacco products" means cigars; cheroots; stogies; periques;
6 granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff;
7 snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos;
8 shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds
9 and forms of tobacco prepared in such manner as to be suitable for chewing or
10 smoking in a pipe or otherwise, or both for chewing and smoking; but "tobacco
11 products" does not include cigarettes, as defined under s. 139.30 (1) (1m).

12 **SECTION 2009m.** 139.801 of the statutes is created to read:

13 **139.801 Bad debt deductions.** (1) In this section, "bad debt" means an
14 amount that is equal to the purchase price of tobacco products, if such amount may
15 be claimed as a deduction under section 166 of the Internal Revenue Code. "Bad
16 debt" does not include financing charges, interest on the wholesale price of tobacco
17 products, uncollectible amounts on property that remains in the seller's possession
18 until the full purchase price is paid, expenses incurred in attempting to collect any
19 debt, debts sold or assigned to 3rd parties for collection, and repossessed property.

20 (2) A distributor who pays the taxes imposed under s. 139.76 may claim as a
21 deduction on a return under s. 139.77 the amount of any such taxes that are
22 attributable to bad debt that the distributor writes off as uncollectible in the
23 distributor's books and records and that is eligible to be deducted as bad debt for
24 federal income tax purposes, regardless of whether the distributor is required to file
25 a federal income tax return. A distributor who claims a deduction under this section

ENGROSSED ASSEMBLY BILL 100**SECTION 2009m**

1 shall claim the deduction on the return under s. 139.77 that is submitted for the
2 period in which the distributor writes off the amount of the deduction as uncollectible
3 in the distributor's books and records and in which such amount is eligible to be
4 deducted as bad debt for federal income tax purposes. If the distributor subsequently
5 collects in whole or in part any bad debt for which a deduction is claimed under this
6 section, the distributor shall include the amount collected in the return filed for the
7 period in which the amount is collected and shall pay the tax with the return.

8 (3) A distributor who claims a deduction under this section shall submit with
9 the return under sub. (2) all of the following:

10 (a) A copy of the original invoice for the sale of tobacco products that represents
11 bad debt.

12 (b) Evidence that the tobacco products described in the invoice under par. (a)
13 were delivered to the person who ordered them.

14 (c) Evidence that the person who ordered and received the tobacco products did
15 not pay the distributor for the tobacco products.

16 (d) Evidence that the distributor used reasonable collection practices in
17 attempting to collect the amount owed under par. (c).

18 (4) Any person who possesses tobacco products for which the taxes imposed
19 under this subchapter have not been paid and have been claimed as a deduction
20 under this section shall file a report as prescribed by the department, pay the taxes
21 imposed under this subchapter on the tobacco products, and be subject to this
22 subchapter in the same manner as is provided for persons who hold valid permits
23 under this subchapter.

24 **SECTION 2009n.** 139.802 of the statutes is created to read:

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SECTION 2009n

1 **139.802 Preferred claims.** If the property of any purchaser of tobacco
2 products from any permittee under this subchapter is seized upon any intermediate
3 or final process of any court in this state, or if the business of any purchaser of tobacco
4 products from any permittee under this subchapter is suspended by the action of
5 creditors or put into the hands of any assignee, receiver, or trustee, all amounts that
6 are due from the purchaser to any permittee for taxes imposed under this subchapter
7 that the permittee has paid to the state for tobacco products purchased from the
8 permittee shall be considered preferred claims, and shall be paid in full, and the
9 permittee shall be a preferred creditor.

10 **SECTION 2012c.** 139.91 (1) of the statutes is amended to read:

11 **139.91 (1)** The Except as provided in sub. (4), the department may not reveal
12 facts obtained in administering this subchapter, except that the department may
13 publish statistics that do not reveal the identities of dealers.

14 **SECTION 2013c.** 139.91 (4) of the statutes is created to read:

15 **139.91 (4)** The secretary of revenue and employees of that department may
16 reveal facts obtained in administering this subchapter for the purposes of preparing
17 and maintaining the list of persons with unpaid tax obligations as described in s.
18 73.03 (62) so that the list of such persons is available for public inspection.

19 **SECTION 2014.** 145.08 (1) (b) of the statutes is amended to read:

20 **145.08 (1) (b)** For master plumber's license, ~~\$250~~ \$500, and ~~\$250~~ \$500 for each
21 renewal of the ~~2-year~~ 4-year license if application is made prior to the date of
22 expiration; after that date an additional fee of \$20.

23 **SECTION 2015.** 145.08 (1) (d) of the statutes is amended to read:

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SECTION 2015

1 145.08 (1) (d) For journeyman plumber's license, ~~\$90~~ \$180, and ~~\$90~~ \$180 for
2 each renewal of the ~~2-year~~ 4-year license if application is made prior to the date of
3 expiration; after that date an additional fee of \$10.

4 **SECTION 2016.** 145.08 (1) (e) of the statutes is amended to read:

5 145.08 (1) (e) For temporary permit pending examination and issuance of
6 license for master plumber, \$400; for journeyman \$150 and which shall also cover the
7 examination fee prescribed and the license fee for the ~~2-year~~ 4-year period in which
8 issued.

9 **SECTION 2017.** 145.08 (1) (g) of the statutes is amended to read:

10 145.08 (1) (g) For master plumber's license (restricted), ~~\$250~~ \$500, and ~~\$250~~
11 \$500 for each renewal of the ~~2-year~~ 4-year license if application is made prior to the
12 date of expiration; after that date an additional fee of \$20.

13 **SECTION 2018.** 145.08 (1) (i) of the statutes is amended to read:

14 145.08 (1) (i) For journeyman plumber's license (restricted), ~~\$90~~ \$180, and ~~\$90~~
15 \$180 for each renewal of the ~~2-year~~ 4-year license if application is made prior to the
16 date of expiration; after that date an additional fee of \$10.

17 **SECTION 2019.** 145.08 (1) (L) of the statutes is amended to read:

18 145.08 (1) (L) For an automatic fire sprinkler contractor's license, \$1,000
19 \$2,000, and ~~\$1,000~~ \$2,000 for each renewal of the ~~2-year~~ 4-year license if application
20 is made prior to the date of expiration; after that date an additional fee of \$25.

21 **SECTION 2020.** 145.08 (1) (Lm) of the statutes is amended to read:

22 145.08 (1) (Lm) For an automatic fire sprinkler - maintenance only
23 registration, ~~\$200~~ \$400, and ~~\$200~~ \$400 for each renewal of the ~~2-year~~ 4-year
24 registration if application is made prior to the date of expiration; after that date an
25 additional fee of \$25.

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SECTION 2021

1 **SECTION 2021.** 145.08 (1) (n) of the statutes is amended to read:

2 145.08 (1) (n) For a journeyman automatic fire sprinkler fitter's license, \$90
3 \$180, and \$90 \$180 for each renewal of the 2-year 4-year license if application is
4 made prior to the date of expiration; after that date an additional fee of \$10.

5 **SECTION 2022.** 145.08 (1) (nm) of the statutes is amended to read:

6 145.08 (1) (nm) For an automatic fire sprinkler fitter - maintenance only
7 registration certificate, \$30 \$60, and \$30 \$60 for each renewal of the 2-year 4-year
8 registration if application is made prior to the date of expiration; after that date an
9 additional fee of \$10.

10 **SECTION 2023.** 145.08 (1) (o) of the statutes is amended to read:

11 145.08 (1) (o) For utility contractor's license, \$250, \$500 and \$250 \$500 for each
12 renewal of the 2-year 4-year license if application is made prior to the date of
13 expiration; after that date an additional fee of \$10.

14 **SECTION 2024.** 145.08 (1) (p) of the statutes is amended to read:

15 145.08 (1) (p) For a plumbing supervisor employed by the department in accord
16 with s. 145.02 (3) (a), no cost for the appropriate 2-year 4-year license for which the
17 plumbing supervisor has previously qualified.

18 **SECTION 2025.** 145.08 (1) (q) of the statutes is amended to read:

19 145.08 (1) (q) For a pipelayer's registration, \$90 \$180 at the time of registration
20 and \$90 \$180 for each subsequent 2-year 4-year period of registration.

21 **SECTION 2026.** 145.08 (2) of the statutes is amended to read:

22 145.08 (2) No license or registration may be issued for longer than 2 4 years.

23 Any license or registration may be renewed upon application made prior to the date

24 of expiration. The department may renew licenses or registrations upon application

25 made after the date of expiration if it is satisfied that the applicant has good cause

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SECTION 2026

1 for not applying for renewal prior to the date of expiration and upon payment of the
2 renewal and additional fees prescribed.

3 **SECTION 2026r.** 146.50 (9) of the statutes is amended to read:

4 **146.50 (9) TRAINING.** The department may arrange for or approve courses of or
5 instructional programs in or outside this state to meet the education and training
6 requirements of this section, including training required for license or certificate
7 renewal. ~~Courses required for a license or renewal of a license as an emergency~~
8 ~~medical technician - basic shall be free of charge to an individual who is employed~~
9 ~~by or affiliated with a public agency, volunteer fire company or nonprofit corporation~~
10 ~~and is the holder of a license or training permit as an emergency medical technician-~~
11 ~~basic or eligible to hold such a license or training permit. If the department~~
12 ~~determines that an area or community need exists, the courses shall be offered at~~
13 ~~technical colleges in the area or community. Initial priority shall be given to the~~
14 ~~training of emergency medical technicians - basic serving the rural areas of the~~
15 ~~state. If an emergency medical technician - basic completes a course approved by~~
16 ~~the department on treatment of anaphylactic shock, the emergency medical~~
17 ~~technician - basic acts within the scope of the license if he or she performs injections~~
18 ~~or other treatment for anaphylactic shock under the direction of a physician.~~

19 **SECTION 2028.** 146.55 (5) of the statutes is renumbered 146.55 (5) (a) and
20 amended to read:

21 **146.55 (5) (a)** From the appropriation under s. 20.435 (5) (ch), the department
22 shall annually distribute funds to entities, ~~including technical college districts,~~
23 ~~whose courses or instructional programs are approved by the department under s.~~
24 ~~146.50 (9), to assist the entities in providing ambulance service providers that are~~
25 ~~public agencies, volunteer fire departments, or nonprofit corporations to purchase~~

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1 the training required for licensure and renewal of licensure as an emergency medical
2 technician – basic under s. 146.50 (6), and to ~~fund each examination administered~~
3 ~~by the entity~~ pay for administration of the examination required for licensure or
4 renewal of licensure as an emergency medical technician – basic under s. 146.50 (6)
5 (a) 3. and (b) 1.

6 **SECTION 2029.** 146.55 (5) (b) of the statutes is created to read:

7 146.55 (5) (b) The department shall require as a condition of relicensure that
8 an ambulance service provider submit to the department a financial report on the
9 expenditure of funds received under par. (a).

10 **SECTION 2030.** 146.58 (7) of the statutes is amended to read:

11 146.58 (7) Advise, make recommendations to, and consult with the department
12 concerning the funding under s. 146.55 (4) and (5), including recommending a
13 formula for allocating funds among ambulance service providers under s. 146.55 (5).

14 **SECTION 2031m.** 146.65 (1) (c) of the statutes is created to read:

15 146.65 (1) (c) In each fiscal year, not more than \$400,000, to a rural health clinic
16 in Chippewa Falls to provide dental services to persons who are developmentally
17 disabled or elderly or who have low income, in the area surrounding Chippewa Falls,
18 including the counties of Chippewa, Dunn, Barron, Taylor, Clark, and Eau Claire.

19 **SECTION 2032.** 146.70 (3m) (d) 1g. of the statutes is repealed and recreated to
20 read:

21 146.70 (3m) (d) 1g. If an application under par. (c) includes an estimate of costs
22 identified in par. (c) 1. d. incurred during the reimbursement period or between
23 January 1, 1999, and September 3, 2003, the commission may approve the
24 application only if the commission determines that the local government's collection
25 of land information, as defined in s. 16.967 (1) (b), and development of a land

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1 information system, as defined in s. 16.967 (1) (c), that is related to that purpose are
2 consistent with the applicable county land records modernization plans developed
3 under s. 59.72 (3) (b), conform to the standards on which such plans are based, and
4 do not duplicate land information collection and other efforts funded through the
5 land information program under s. 16.967 (7). The commission shall obtain the
6 advice of the department of administration in making determinations under this
7 subdivision.

8 **SECTION 2032m.** Chapter 149 (title) of the statutes is amended to read:

9 **CHAPTER 149**

10 **MANDATORY HEALTH INSURANCE**

11 **RISK-SHARING PLAN**

12 **SECTION 2033m.** 149.10 (2) of the statutes is amended to read:

13 149.10 (2) "Board" means the board of ~~governors~~ established directors under
14 s. ~~149.15~~ 149.11 (1).

15 **SECTION 2033r.** 149.10 (2j) (a) 3. of the statutes is amended to read:

16 149.10 (2j) (a) 3. Part A ~~or~~, part B, or part D of title XVIII of the federal Social
17 Security Act.

18 **SECTION 2034c.** 149.10 (2m) of the statutes is repealed.

19 **SECTION 2034m.** 149.10 (2t) (c) of the statutes is amended to read:

20 149.10 (2t) (c) The individual does not have creditable coverage and is not
21 eligible for coverage under a group health plan, part A ~~or~~, part B, or part D of title
22 XVIII of the federal Social Security Act or a state plan under title XIX of the federal
23 Social Security Act or any successor program.

24 **SECTION 2035c.** 149.10 (3) of the statutes is amended to read: