

## ENGROSSED ASSEMBLY BILL 100

## SECTION 2236m

1 **SECTION 2236m.** 303.01 (8) (c) 8. of the statutes is created to read:

2           303.01 (8) (c) 8. Payment of the drug offender diversion surcharge under s.  
3 973.043.

4 **SECTION 2239m.** 303.015 (1) (e) of the statutes is amended to read:

5 303.015 (1) (e) The board shall review and either approve or deny a proposal  
6 under s. 303.06 (5) to offer for sale in the open market a product or type of product  
7 manufactured in whole or in part by inmates as part of a hobby-craft program or  
8 vocational training. Once the board has approved the sale of a particular product or  
9 type of product under this paragraph, the product or type of product may be offered  
10 for sale by any tax-supported or nonprofit agency under s. 303.06 (5) without further  
11 approval by the board under this paragraph.

12 **SECTION 2240g.** 303.06 (5) of the statutes is amended to read:

13 303.06 (5) A tax-supported institution or a nonprofit agency may offer for sale  
14 in the open market products manufactured in whole or in part by inmates in a state  
15 penal institution as part of a hobby-craft program or vocational training if the  
16 purpose of the sale is to support the institution's or agency's mission or is for some  
17 other charitable purpose and if the sale of that product or type of product has been  
18 approved by the prison industries board under s. 303.015 (1) (e).

19 **SECTION 2240r.** 303.06 (6) of the statutes is created to read:

20 303.06 (6) The department may sell, in the open market, products produced in  
21 whole or in part by inmates in a state penal institution if the products are produced  
22 as part of a technical college course provided to inmates.

23 **SECTION 2241m.** 303.065 (5) (cm) of the statutes is created to read:

24 303.065 (5) (cm) Payment of the drug offender diversion surcharge under s.  
25 973.043.

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## SECTION 2243

1           **SECTION 2243.** 341.09 (2m) (a) 1., 2. and 3. and (d) of the statutes are amended  
2 to read:

3           341.09 (2m) (a) 1. Upon request by a dealer licensed in this state, the  
4 department may issue any number of temporary operation plates and temporary  
5 permits to a dealer under sub. (2) at a fee of \$3 per plate item. The dealer may issue  
6 the temporary operation plate or permit at a fee of \$3 to any of the following:

7           2. Notwithstanding subd. 1., the department shall issue a sufficient number  
8 of temporary operation plates and temporary permits without charge to each dealer  
9 licensed in this state for issuance under this subdivision. Each dealer shall issue a  
10 temporary operation plate or a temporary permit without charge to any state  
11 resident who purchases or leases from the dealer an automobile or motor truck  
12 having a registered weight of 8,000 pounds or less, for use on such vehicle if the state  
13 resident submits to the dealer a complete application for registration of the vehicle,  
14 including evidence of inspection under s. 110.20 when required, and for a new  
15 certificate of title for a purchased vehicle, together with a check or money order made  
16 payable to the department for all applicable title, registration, security interest and  
17 sales tax moneys, for transmittal to the department by the dealer.

18           3. The department shall prescribe the manner in which a dealer shall keep  
19 records of temporary operation plates and temporary permits issued by the dealer.

20           (d) If the department determines that a dealer has misused plates or permits  
21 issued under this subsection or sub. (4) or has failed to comply with the requirements  
22 of this section or rules issued under this section, the department may order the dealer  
23 to return all temporary operation plates and permits in the dealer's possession.  
24 Within 30 days after the issuance of the order, the dealer may request a hearing  
25 before the division of hearings and appeals. The division of hearings and appeals

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1 shall schedule a hearing with reasonable promptness. The dealer may not issue any  
2 temporary operation plates or permits until after the division of hearings and  
3 appeals holds its scheduled hearing and issues its findings.

4 **SECTION 2244.** 341.09 (9) of the statutes is amended to read:

5 341.09 (9) Notwithstanding any other provision of this section, the department  
6 shall issue a temporary operation plate or a temporary permit without charge for an  
7 automobile or motor truck having a registered weight of 8,000 pounds or less upon  
8 receipt of a complete application accompanied by the required fee for registration of  
9 the vehicle, including evidence of any inspection under s. 110.20 when required, if  
10 the department does not immediately issue the regular registration plates for the  
11 vehicle and the department determines that the applicant has not otherwise been  
12 issued a temporary operation plate or a temporary permit under this section.

13 **SECTION 2244f.** 341.135 (1) of the statutes is amended to read:

14 341.135 (1) DESIGN. Every 7th 10th year, the department shall establish new  
15 designs of registration plates to be issued under ss. 341.14 (1a), (1m), (1q), (2), (2m),  
16 (6m), and (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2) and  
17 (3) (a) 1. and (am). Any design for registration plates issued for automobiles and for  
18 vehicles registered on the basis of gross weight shall comply with the applicable  
19 design requirements of ss. 341.12 (3), 341.13, and 341.14 (6r) (c). The designs for  
20 registration plates specified in this subsection shall be as similar in appearance as  
21 practicable during each 7-year 10-year design interval. Except as provided in s.  
22 341.13 (2r), each registration plate issued under s. 341.14 (1a), (1m), (1q), (2), (2m),  
23 (6m), or (6r), 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c), or 341.26 (2) or (3) (a)  
24 1. or (am) during each 7-year 10-year design interval shall be of the design  
25 established under this subsection. The department may not redesign registration

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1 plates for the special groups under s. 341.14 (6r) (f) 53., 54., or 55. until July 1, 2007  
2 2010. Except for registration plates issued under s. 341.14 (6r) (f) 53., 54., or 55., the  
3 first design cycle for registration plates issued under ss. 341.14 (1a), (1m), (1q), (2),  
4 (2m), (6m), and (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26  
5 (2) and (3) (a) 1. and (am) began July 1, 2000.

6 **SECTION 2244k.** 341.135 (2) (a) 2. of the statutes is amended to read:

7 341.135 (2) (a) 2. Notwithstanding s. 341.13 (3), beginning with registrations  
8 initially effective on July 1, ~~2007~~ 2010, upon receipt of a completed application to  
9 initially register a vehicle under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m), or (6r), or  
10 s. 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c) or 341.26 (2) or (3) (a) 1. or (am), or  
11 to renew the registration of a vehicle under those sections for which a registration  
12 plate has not been issued during the previous ~~7~~ 10 years, the department shall issue  
13 and deliver prepaid to the applicant 2 new registration plates of the design  
14 established for that ~~7-year~~ 10-year period under sub. (1).

15 **SECTION 2244o.** 341.135 (2) (am) of the statutes is amended to read:

16 341.135 (2) (am) Notwithstanding s. 341.13 (3) and (3m), beginning with  
17 registrations initially effective on July 1, 2000, upon receipt of a completed  
18 application to renew the registration of a vehicle registered under s. 341.14 (1a),  
19 (1m), (1q), (2), (2m), (6m), or (6r), except s. 341.14 (6r) (f) 53., 54., or 55., or s. 341.25  
20 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c) for which a registration plate of the design  
21 established under sub. (1) has not been issued, the department may issue and deliver  
22 prepaid to the applicant 2 new registration plates of the design established under  
23 sub. (1). This paragraph does not apply to registration plates issued under s. 341.14  
24 (6r) (f) 52., 1997 stats. This paragraph does not apply after June 30, ~~2007~~ 2010.

25 **SECTION 2244r.** 341.135 (2) (e) of the statutes is amended to read:

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SECTION 2244r

1 341.135 (2) (e) The department shall issue new registration plates of the design  
2 established under sub. (1) for every vehicle registered under s. 341.14 (1a), (1m), (1q),  
3 (2), (2m), (6m), or (6r), 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c), or 341.26 (2)  
4 or (3) (a) 1. or (am) after July 1, 2007 2010.

5 **SECTION 2245m.** 341.135 (2m) of the statutes is created to read:

6 341.135 (2m) APPLICABILITY. This section does not apply to special group plates  
7 under s. 341.14 (6r) (f) 19m.

8 **SECTION 2245n.** 341.14 (6r) (a) of the statutes is renumbered 341.14 (6r) (a)  
9 (intro.) and amended to read:

10 341.14 (6r) (a) (intro.) In this subsection and s. 341.145 (1) (c), ~~“authorized;~~

11 1. “Authorized special group” means a special group enumerated in par. (f) or  
12 designated by the department under par. (fm).

13 **SECTION 2245o.** 341.14 (6r) (a) 2. of the statutes is created to read:

14 341.14 (6r) (a) 2. “Immediate family member” means a spouse, grandparent,  
15 parent, sibling, child, stepchild, stepparent, or grandchild, or the spouse of a  
16 grandparent, parent, sibling, child, stepchild, stepparent, or grandchild.

17 **SECTION 2245om.** 341.14 (6r) (b) 2. of the statutes is amended to read:

18 341.14 (6r) (b) 2. An additional fee of \$15 shall be charged for the issuance or  
19 reissuance of the plates for special groups specified under par. (f), except that no  
20 additional fee may be charged under this subdivision for the issuance or reissuance  
21 of the plates for special groups specified under par. (f) 1. to 32., 49., 49m., 51., or 56.

22 **SECTION 2246.** 341.14 (6r) (b) 9. of the statutes is created to read:

23 341.14 (6r) (b) 9. A fee of \$15 shall be charged for the issuance or reissuance  
24 of a plate for a special group specified under par. (f) 1. to 19., 20. to 32., 49., 49m., 51.,  
25 or 56. All moneys received under this subdivision in excess of the initial costs of

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1 production of the special group plate under par. (f) 56. or \$27,600, whichever is less,  
2 shall be deposited in the veterans trust fund.

3 **SECTION 2246m.** 341.14 (6r) (d) of the statutes is renumbered 341.14 (6r) (d)  
4 1. and amended to read:

5 341.14 (6r) (d) 1. The Subject to subd. 2., the department shall specify the word  
6 or words comprising the special group name and the symbol to be displayed upon  
7 special group plates for a group associated with a branch of the armed services or a  
8 related organization after consultation with the appropriate state or federal  
9 representative of that service or organization. Special group plates for a group  
10 associated with a branch of the armed services or a related organization shall be  
11 colored red, white and blue.

12 **SECTION 2246n.** 341.14 (6r) (d) 2. of the statutes is created to read:

13 341.14 (6r) (d) 2. Special group plates under par. (f) 19m. shall display a gold  
14 star flag. The department shall consult the Brian LaViolette Scholarship  
15 Foundation, Inc., in designing the special group plates under par. (f) 19m., and the  
16 department may not specify a design for the special group plates under par. (f) 19m.  
17 unless the design is approved in writing by the department of veterans affairs and  
18 by the Brian LaViolette Scholarship Foundation, Inc.

19 **SECTION 2246o.** 341.14 (6r) (f) 19m. of the statutes is created to read:

20 341.14 (6r) (f) 19m. Persons who have had an immediate family member die  
21 in combat while serving in the U.S. armed forces.

22 **SECTION 2247.** 341.14 (6r) (f) 56. of the statutes is created to read:

23 341.14 (6r) (f) 56. Persons interested in supporting veterans.

24 **SECTION 2247g.** 341.14 (6r) (fm) 7. of the statutes is amended to read:

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## SECTION 2247g

1       341.14 (6r) (fm) 7. ~~Except for the authorized special group enumerated under~~  
2       ~~par. (f) 55., after~~ After October 1, 1998, additional authorized special groups may  
3       only be special groups designated by the department under this paragraph. The  
4       authorized special groups enumerated in par. (f) shall be limited solely to those  
5       special groups specified under par. (f) on October 1, 1998, ~~except for the authorized~~  
6       ~~special group enumerated under par. (f) 55.~~ This subdivision does not apply to the  
7       ~~special group groups~~ specified under par. (f) 54., 55., and 56.

8       **SECTION 2247r.** 341.14 (6r) (fm) 7. of the statutes, as affected by 2005 Wisconsin  
9       Act ... (this act), is amended to read:

10       341.14 (6r) (fm) 7. After October 1, 1998, additional authorized special groups  
11       may only be special groups designated by the department under this paragraph. The  
12       authorized special groups enumerated in par. (f) shall be limited solely to those  
13       special groups specified under par. (f) on October 1, 1998. This subdivision does not  
14       apply to the special groups specified under par. (f) 19m., 54., 55., and 56.

15       **SECTION 2252.** 342.06 (1) (intro.) of the statutes is amended to read:

16       342.06 (1) (intro.) An application for a certificate of title shall be made to the  
17       department upon a form or in an automated format prescribed by it and shall be  
18       accompanied by the required fee and any applicable taxes. The department shall  
19       provide the information it obtains under this subsection to the department of  
20       revenue for the sole purpose of administering state taxes. Each application for  
21       certificate of title shall include the following information:

22       **SECTION 2253.** 342.06 (1) (eg) of the statutes is amended to read:

23       342.06 (1) (eg) Except as provided in par. (eh), if the applicant is an individual,  
24       the social security number of the applicant. The department of transportation may  
25       not disclose a social security number obtained under this paragraph to any person

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1 except to the department of workforce development for the sole purpose of  
2 administering s. 49.22 and to the department of revenue for the sole purpose of  
3 administering state taxes.

4 **SECTION 2254.** 342.14 (1) of the statutes is amended to read:

5 342.14 (1) For filing an application for the first certificate of title, \$18.50  
6 \$28.50, by the owner of the vehicle.

7 **SECTION 2255.** 342.14 (1r) of the statutes is amended to read:

8 342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental  
9 impact fee of \$9, by the person filing the application. All moneys collected under this  
10 subsection shall be credited to the environmental fund for environmental  
11 management. This subsection does not apply after December 31, 2005 2007.

12 **SECTION 2256.** 342.14 (3) of the statutes is amended to read:

13 342.14 (3) For a certificate of title after a transfer, ~~\$18.50~~ \$28.50, by the owner  
14 of the vehicle.

15 **SECTION 2258.** 342.14 (5) of the statutes is amended to read:

16 342.14 (5) For a replacement certificate of title, ~~\$8~~ \$20, by the owner of the  
17 vehicle.

18 **SECTION 2259.** 342.16 (1) (a) of the statutes is amended to read:

19 342.16 (1) (a) Except as provided in par. (c), if a dealer acquires a new or used  
20 vehicle that is not a salvage vehicle and holds it for resale, or acquires a salvage  
21 vehicle that is currently titled as a salvage vehicle and holds it for resale or accepts  
22 a vehicle for sale on consignment, the dealer may not submit to the department the  
23 certificate of title or application for certificate of title naming the dealer as owner of  
24 the vehicle. Upon transferring the vehicle to another person, the dealer shall  
25 immediately give the transferee on a form prescribed by the department a receipt for



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1 all title, registration, security interest and sales tax moneys paid to the dealer for  
2 transmittal to the department when required. The dealer shall promptly execute the  
3 assignment and warranty of title, showing the name and address of the transferee  
4 and of any secured party holding a security interest created or reserved at the time  
5 of the resale or sale on consignment, in the spaces provided therefor on the certificate  
6 or as the department prescribes. Within 7 business days following the sale or  
7 transfer, the dealer shall process the application for certificate of title, and within the  
8 next business day after processing the application, the dealer shall mail or deliver  
9 the certificate or original application for certificate and all associated materials  
10 required by the department to the department with the transferee's application for  
11 a new certificate. A nonresident who purchases a motor vehicle from a dealer in this  
12 state may not, unless otherwise authorized by rule of the department, apply for a  
13 certificate of title issued for the vehicle in this state unless the dealer determines that  
14 a title is necessary to protect the interests of a secured party. The dealer is  
15 responsible for determining whether a title and perfection of security interest is  
16 required. The dealer is liable for any damages incurred by the department or any  
17 secured party for the dealer's failure to perfect a security interest which the dealer  
18 had knowledge of at the time of sale.

19 **SECTION 2260.** 342.16 (1) (am) of the statutes is created to read:

20 342.16 (1) (am) 1. Except as provided in subd. 2., a motor vehicle dealer, as  
21 defined in s. 218.0101 (23), who processes an application for transfer of title and  
22 registration as provided in par. (a) shall utilize an electronic process prescribed by  
23 the department under this paragraph or provided for under ss. 341.20 and 341.21.

24 2. The department may, by rule, exempt a motor vehicle dealer from the  
25 requirements of this paragraph. A motor vehicle dealer who is exempted shall pay

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1 a fee to the department to process applications for transfer of title and registration  
2 that are submitted to the department by the exempted dealer.

3 3. The department shall promulgate rules to implement and administer this  
4 paragraph.

5 **SECTION 2261.** 343.027 of the statutes is amended to read:

6 **343.027 Confidentiality of signatures.** Any signature collected under this  
7 chapter may be maintained by the department and shall be kept confidential. ~~The,~~  
8 except that the department may release a signature or a facsimile of a signature only  
9 to the person to whom the signature relates and to the department of revenue for the  
10 sole purpose of investigating allegations of tax fraud.

11 **SECTION 2262.** 343.14 (1) of the statutes is amended to read:

12 **343.14 (1)** Every application to the department for a license or identification  
13 card or for renewal thereof shall be made upon the appropriate form furnished by the  
14 department and shall be accompanied by the required fee. The department shall  
15 provide the information it obtains under this subsection, excluding medical  
16 information, to the department of revenue for the purpose of administering setoffs  
17 under ss. 71.93 and 71.935 and state taxes.

18 **SECTION 2263.** 343.14 (2j) (b) of the statutes is amended to read:

19 **343.14 (2j) (b)** Except as otherwise required to administer and enforce this  
20 chapter, the department of transportation may not disclose a social security number  
21 obtained from an applicant for a license under sub. (2) (bm) to any person except to  
22 the department of workforce development for the sole purpose of administering s.  
23 49.22 or to the department of revenue for the purpose of administering setoffs under  
24 ss. 71.93 and 71.935 and state taxes.

25 **SECTION 2265.** 343.44 (2) (as) of the statutes is created to read:

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1           343.44 (2) (as) Any person who violates sub. (1) (b) after the effective date of  
2 this paragraph .... [revisor inserts date], shall forfeit not more than \$2,500, except  
3 that, if the person has been convicted of a previous violation of sub. (1) (b) within the  
4 preceding 5-year period or if the revocation identified under sub. (1) (b) resulted from  
5 an offense that may be counted under s. 343.307 (2), the penalty under par. (b) shall  
6 apply.

7           **SECTION 2266.** 343.44 (2) (b) (intro.) of the statutes is amended to read:

8           343.44 (2) (b) (intro.) Except as provided in par. ~~pars.~~ (am) and (as), any person  
9 who violates sub. (1) (b), (c) or (d) shall be fined not more than \$2,500 or imprisoned  
10 for not more than one year in the county jail or both. In imposing a sentence under  
11 this paragraph, or a local ordinance in conformity with this paragraph, the court  
12 shall review the record and consider the following:

13           **SECTION 2270.** 350.12 (3h) (a) 1. of the statutes is amended to read:

14           350.12 (3h) (a) 1. Directly issue, transfer, or renew the registration  
15 documentation with or without using the expedited services specified in par. (ag) 1.

16           **SECTION 2271.** 350.12 (3h) (a) 3. of the statutes is amended to read:

17           350.12 (3h) (a) 3. Appoint persons who are not employees of the department  
18 as agents of the department to issue, transfer, or renew the registration  
19 documentation using either or both of the expedited services specified in par. (ag) 1.

20           **SECTION 2272.** 350.12 (3h) (ag) 1. (intro.) of the statutes is amended to read:

21           350.12 (3h) (ag) 1. (intro.) For the issuance of original or duplicate registration  
22 documentation and for the transfer or renewal of registration documentation, the  
23 department may implement either or both of the following expedited procedures to  
24 be provided by the department and any agents appointed under par. (a) 3.:

25           **SECTION 2273.** 350.12 (3h) (ag) 1. a. of the statutes is amended to read:

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1 350.12 (3h) (ag) 1. a. A noncomputerized procedure under which the  
2 department or agent may accept applications for registration certificates  
3 documentation and issue a validated registration receipt at the time the applicant  
4 submits the application accompanied by the required fees.

5 SECTION 2274. 350.12 (3h) (ag) 1. b. of the statutes is amended to read:

6 350.12 (3h) (ag) 1. b. A computerized procedure under which the department  
7 or agent may accept applications for registration documentation and issue to each  
8 applicant all or some of the items of the registration documentation at the time the  
9 applicant submits the application accompanied by the required fees.

10 SECTION 2275. 350.12 (3h) (ag) 2. of the statutes is amended to read:

11 350.12 (3h) (ag) 2. Under either procedure under subd. 1., the applicant shall  
12 receive any remaining items of registration documentation directly from the  
13 department at a later date. The items of registration documentation issued at the  
14 time of the submittal of the application under either procedure shall be sufficient to  
15 allow the snowmobile for which the application is submitted to be operated in  
16 compliance with the registration requirements under this section. The items of  
17 registration documentation issued under subd. 1. b. shall include at least one  
18 registration decal.

19 SECTION 2276. 350.12 (3h) (ar) (title) of the statutes is repealed and recreated  
20 to read:

21 350.12 (3h) (ar) (title) *Registration; supplemental fees.*

22 SECTION 2277. 350.12 (3h) (ar) 1. of the statutes is amended to read:

23 350.12 (3h) (ar) 1. In addition to the applicable fee under sub. (3) (a), each agent  
24 appointed under par. (a) 3. shall collect an expedited a service fee of \$3 each time the

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1 agent issues a validated registration receipt under par. (ag) 1. a. The agent shall  
2 retain the entire amount of each expedited service fee the agent collects.

3 **SECTION 2278.** 350.12 (3h) (ar) 2. of the statutes is amended to read:

4 350.12 (3h) (ar) 2. In addition to the applicable fee under sub. (3) (a), the  
5 department or the agent appointed under par. (a) 3. shall collect an expedited a  
6 service fee of \$3 \$5 each time the expedited service under par. (ag) 1. b. is provided.  
7 The agent shall remit to the department \$1 of each expedited service fee the agent  
8 collects.

9 **SECTION 2278m.** 350.12 (4) (bg) (title) of the statutes is amended to read:

10 350.12 (4) (bg) (title) *Supplemental trail aid payments aids; funding.*

11 **SECTION 2278s.** 350.12 (4) (bm) (intro.) of the statutes is amended to read:

12 350.12 (4) (bm) (intro.) *Supplemental trail aid payments aids; eligibility.* A  
13 county or the department shall be eligible for payments under par. (bg) for a given  
14 fiscal year if it applies for the aid and if all of the following apply:

15 **SECTION 2279.** 350.12 (4) (bm) 2. of the statutes is amended to read:

16 350.12 (4) (bm) 2. Of the actual cost incurred by the department or the county  
17 in maintaining its trails that are qualified under par. (b) 1. or 4. for the fiscal year  
18 applicable under subd. 1., the actual cost incurred in grooming the trails exceeds a  
19 maximum of \$130 \$150 per mile per year.

20 **SECTION 2279m.** 350.12 (4) (bn) of the statutes is created to read:

21 350.12 (4) (bn) *Supplemental trail aids; payments.* Each county shall submit  
22 its application for aid under par. (bm) before the August 1 immediately following  
23 June 30 of the fiscal year for which the county is applying. Before the September 15  
24 immediately following the date of application, the department shall make an initial  
25 payment to each county that is equal to 50 percent of the amount applied for. After

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1 determining under pars. (bg) and (bm) the total amounts due all counties, the  
2 department shall notify each county, before the December 1 immediately following  
3 the date of the initial payment, of the balance still owing. If the department  
4 determines that the total amount for which the county is eligible is less than the  
5 amount applied for, the department shall deduct the difference from the balance paid  
6 to the county.

7 **SECTION 2279p.** 350.12 (4) (br) (title) of the statutes is amended to read:

8 350.12 (4) (br) (title) *Supplemental trail aid payments aids; insufficient*  
9 *funding.*

10 **SECTION 2280.** 350.125 (1) (am) of the statutes is repealed.

11 **SECTION 2281.** 351.02 (1) (b) of the statutes is amended to read:

12 351.02 (1) (b) Twelve or more convictions of ~~moving violations of ch. 346,~~  
13 ~~including violations under par. (a), of traffic regulations or of crimes in the operation~~  
14 ~~of a motor vehicle which are required to be reported under s. 343.28 or 345.37 (5).~~

15 **SECTION 2282.** 351.02 (1) (f) of the statutes is amended to read:

16 351.02 (1) (f) The department may, by rule, exempt specific ~~moving violations~~  
17 ~~of ch. 346~~ from being counted under par. (b) if the department determines that the  
18 violation is a petty offense, except that the department may not exempt any violation  
19 for which the department assigns demerit points under s. 343.32 (2) or rules  
20 promulgated thereunder.

21 **SECTION 2283.** 351.02 (2) of the statutes is repealed.

22 **SECTION 2283g.** 440.03 (9) (b) of the statutes is amended to read:

23 440.03 (9) (b) A recommended change to each fee specified under s. 440.05 (1)  
24 for an initial credential for which an examination is not required, under s. 440.05 (2)  
25 for a reciprocal credential and under s. 440.08 (2) (a) for a credential renewal if the

## ENGROSSED ASSEMBLY BILL 100

## SECTION 2283g

1 change is necessary to reflect the approximate administrative and enforcement costs  
2 of the department that are attributable to the regulation of the particular occupation  
3 or business during the period in which the initial or reciprocal credential or  
4 credential renewal is in effect and, for purposes of the recommended change to each  
5 fee specified under s. 440.08 (2) (a) for a credential renewal, to reflect an estimate of  
6 any additional moneys available for the department's general program operations,  
7 during the budget period to which the biennial budget request applies, as a result of  
8 appropriation transfers that have been or are estimated to be made under s. 20.165  
9 (1) (i) prior to and during that budget period. The department may not recommend  
10 an initial credential fee that exceeds the amount of the fee that the department  
11 recommends for a renewal of the same credential, if no examination is required for  
12 the initial credential.

13 **SECTION 2284.** 440.03 (11m) (c) of the statutes is amended to read:

14 440.03 (11m) (c) The department of regulation and licensing may not disclose  
15 a social security number obtained under par. (a) to any person except the coordinated  
16 licensure information system under s. 441.50 (7); the department of workforce  
17 development for purposes of administering s. 49.22; and, for a social security number  
18 obtained under par. (a) 1., the department of revenue for the sole purpose of  
19 requesting certifications under s. 73.0301 and administering state taxes.

20 **SECTION 2284m.** 440.03 (13) (b) 5m. of the statutes is created to read:

21 440.03 (13) (b) 5m. Alcohol and other drug abuse counselor.

22 **SECTION 2285.** 440.03 (13) (b) 66d. of the statutes is created to read:

23 440.03 (13) (b) 66d. Sanitarian.

24 **SECTION 2286b.** 440.05 (intro.) of the statutes is amended to read:

## ENGROSSED ASSEMBLY BILL 100

## SECTION 2286b.

1 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial  
2 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 440.9935,  
3 444.03, 444.11, 446.02 (2)(c), 447.04 (2) (c) 2., 449.17, and 449.18:

4 **SECTION 2287.** 440.08 (2) (a) 1. of the statutes is amended to read:  
5 440.08 (2) (a) 1. Accountant, certified public: January 1 December 15 of each  
6 ~~even-numbered~~ odd-numbered year; \$59.

7 **SECTION 2288.** 440.08 (2) (a) 3. of the statutes is amended to read:  
8 440.08 (2) (a) 3. Accounting corporation or partnership: January 1 December  
9 15 of each ~~even-numbered~~ odd-numbered year; \$56.

10 **SECTION 2289.** 440.08 (2) (a) 5. of the statutes is amended to read:  
11 440.08 (2) (a) 5. Aesthetician: July April 1 of each odd-numbered year; \$87.

12 **SECTION 2290.** 440.08 (2) (a) 6. of the statutes is amended to read:  
13 440.08 (2) (a) 6. Aesthetics establishment: July April 1 of each odd-numbered  
14 year; \$70.

15 **SECTION 2291.** 440.08 (2) (a) 7. of the statutes is amended to read:  
16 440.08 (2) (a) 7. Aesthetics instructor: July April 1 of each odd-numbered year;  
17 \$70.

18 **SECTION 2292.** 440.08 (2) (a) 8. of the statutes is amended to read:  
19 440.08 (2) (a) 8. Aesthetics school: July April 1 of each odd-numbered year;  
20 \$115.

21 **SECTION 2293.** 440.08 (2) (a) 9. of the statutes is amended to read:  
22 440.08 (2) (a) 9. Aesthetics specialty school: July April 1 of each odd-numbered  
23 year; \$53.

24 **SECTION 2293m.** 440.08 (2) (a) 9m. of the statutes is created to read:



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SECTION 2293m

INSERT 6 ✓

1 440.08 (2) (a) 9m. Alcohol and other drug abuse counselor: March 1 of each  
2 odd-numbered year; \$70.

3 SECTION 2294. 440.08 (2) (a) 11. of the statutes is amended to read:

4 440.08 (2) (a) 11. Appraiser, real estate, certified general: ~~January 1~~ December  
5 15 of each even-numbered odd-numbered year; \$162.

6 SECTION 2295. 440.08 (2) (a) 11m. of the statutes is amended to read:

7 440.08 (2) (a) 11m. Appraiser, real estate, certified residential: ~~January 1~~  
8 December 15 of each even-numbered odd-numbered year; \$167.

9 SECTION 2296. 440.08 (2) (a) 12. of the statutes is amended to read:

10 440.08 (2) (a) 12. Appraiser, real estate, licensed: ~~January 1~~ December 15 of  
11 each even-numbered odd-numbered year; \$185.

12 SECTION 2296k. 440.08 (2) (a) 14d. of the statutes is amended to read:

13 440.08 (2) (a) 14d. Athlete agent: July 1 of each even-numbered year; ~~the~~  
14 amount specified in rules promulgated under s. 440.9935 \$53.

15 SECTION 2297. 440.08 (2) (a) 14g. of the statutes is amended to read:

16 440.08 (2) (a) 14g. Auction company: ~~January 1~~ December 15 of each  
17 odd-numbered even-numbered year; \$56.

18 SECTION 2298. 440.08 (2) (a) 14r. of the statutes is amended to read:

19 440.08 (2) (a) 14r. Auctioneer: ~~January 1~~ December 15 of each odd-numbered  
20 even-numbered year; \$174.

21 SECTION 2299. 440.08 (2) (a) 16. of the statutes is amended to read:

22 440.08 (2) (a) 16. Barbering or cosmetology establishment: ~~July~~ April 1 of each  
23 odd-numbered year; \$56.

24 SECTION 2300. 440.08 (2) (a) 17. of the statutes is amended to read:

## ENGROSSED ASSEMBLY BILL 100

## SECTION 2300

1 440.08 (2) (a) 17. Barbering or cosmetology instructor: ~~July~~ April 1 of each  
2 odd-numbered year; \$91.

3 SECTION 2301. 440.08 (2) (a) 18. of the statutes is amended to read:

4 440.08 (2) (a) 18. Barbering or cosmetology manager: ~~July~~ April 1 of each  
5 odd-numbered year; \$71.

6 SECTION 2302. 440.08 (2) (a) 19. of the statutes is amended to read:

7 440.08 (2) (a) 19. Barbering or cosmetology school: ~~July~~ April 1 of each  
8 odd-numbered year; \$138.

9 SECTION 2303. 440.08 (2) (a) 20. of the statutes is amended to read:

10 440.08 (2) (a) 20. Barber or cosmetologist: ~~July~~ April 1 of each odd-numbered  
11 year; \$63.

12 SECTION 2303k. 440.08 (2) (a) 21. of the statutes is amended to read:

13 440.08 (2) (a) 21. Cemetery authority, licensed: ~~January 1~~ December 15 of each  
14 odd-numbered even-numbered year; \$343, plus an amount to be determined by rule  
15 by the cemetery board.

16 SECTION 2305. 440.08 (2) (a) 22. of the statutes is amended to read:

17 440.08 (2) (a) 22. Cemetery preneed seller: ~~January 1~~ December 15 of each  
18 odd-numbered even-numbered year; \$61.

19 SECTION 2306. 440.08 (2) (a) 23. of the statutes is amended to read:

20 440.08 (2) (a) 23. Cemetery salesperson: ~~January 1~~ December 15 of each  
21 odd-numbered even-numbered year; \$90.

22 SECTION 2307. 440.08 (2) (a) 24. of the statutes is amended to read:

23 440.08 (2) (a) 24. Chiropractor: ~~January 1~~ December 15 of each odd-numbered  
24 even-numbered year; \$168.

25 SECTION 2308. 440.08 (2) (a) 30. of the statutes is amended to read:

## ENGROSSED ASSEMBLY BILL 100

## SECTION 2308

1 440.08 (2) (a) 30. Electrologist: July April 1 of each odd-numbered year; \$76.

2 **SECTION 2309.** 440.08 (2) (a) 31. of the statutes is amended to read:

3 440.08 (2) (a) 31. Electrology establishment: July April 1 of each  
4 odd-numbered year; \$56.

5 **SECTION 2310.** 440.08 (2) (a) 32. of the statutes is amended to read:

6 440.08 (2) (a) 32. Electrology instructor: July April 1 of each odd-numbered  
7 year; \$86.

8 **SECTION 2311.** 440.08 (2) (a) 33. of the statutes is amended to read:

9 440.08 (2) (a) 33. Electrology school: July April 1 of each odd-numbered year;  
10 \$71.

11 **SECTION 2312.** 440.08 (2) (a) 34. of the statutes is amended to read:

12 440.08 (2) (a) 34. Electrology specialty school: July April 1 of each  
13 odd-numbered year; \$53.

14 **SECTION 2313.** 440.08 (2) (a) 36. of the statutes is amended to read:

15 440.08 (2) (a) 36. Funeral director: ~~January 1~~ December 15 of each  
16 ~~even-numbered odd-numbered~~ year; \$135.

17 **SECTION 2314.** 440.08 (2) (a) 38g. of the statutes is amended to read:

18 440.08 (2) (a) 38g. Home inspector: ~~January 1~~ December 15 of each  
19 odd-numbered ~~even-numbered~~ year; \$53.

20 **SECTION 2315.** 440.08 (2) (a) 42. of the statutes is amended to read:

21 440.08 (2) (a) 42. Manicuring establishment: July April 1 of each  
22 odd-numbered year; \$53.

23 **SECTION 2316.** 440.08 (2) (a) 43. of the statutes is amended to read:

24 440.08 (2) (a) 43. Manicuring instructor: July April 1 of each odd-numbered  
25 year; \$53.

## ENGROSSED ASSEMBLY BILL 100

## SECTION 2317

1 SECTION 2317. 440.08 (2) (a) 44. of the statutes is amended to read:

2 440.08 (2) (a) 44. Manicuring school: ~~July~~ April 1 of each odd-numbered year;

3 \$118.

4 SECTION 2318. 440.08 (2) (a) 45. of the statutes is amended to read:

5 440.08 (2) (a) 45. Manicuring specialty school: ~~July~~ April 1 of each  
6 odd-numbered year; \$53.

7 SECTION 2319. 440.08 (2) (a) 46. of the statutes is amended to read:

8 440.08 (2) (a) 46. Manicurist: ~~July~~ April 1 of each odd-numbered year; \$133.

9 SECTION 2320. 440.08 (2) (a) 46m. of the statutes is amended to read:

10 440.08 (2) (a) 46m. Marriage and family therapist: ~~July~~ March 1 of each  
11 odd-numbered year; \$84.

12 SECTION 2321. 440.08 (2) (a) 54. of the statutes is amended to read:

13 440.08 (2) (a) 54. Optometrist: ~~January 1~~ December 15 of each even-numbered  
14 odd-numbered year; \$65.

15 SECTION 2322. 440.08 (2) (a) 62. of the statutes is amended to read:

16 440.08 (2) (a) 62. Private detective agency: September 1 of each  
17 even-numbered odd-numbered year; \$53.

18 SECTION 2323. 440.08 (2) (a) 63m. of the statutes is amended to read:

19 440.08 (2) (a) 63m. Professional counselor: ~~July~~ March 1 of each  
20 odd-numbered year; \$76.

21 SECTION 2324. 440.08 (2) (a) 65. of the statutes is amended to read:

22 440.08 (2) (a) 65. Real estate broker: ~~January 1~~ December 15 of each  
23 odd-numbered even-numbered year; \$128.

24 SECTION 2325. 440.08 (2) (a) 66. of the statutes is amended to read:

## ENGROSSED ASSEMBLY BILL 100

## SECTION 2325

1           440.08 (2) (a) 66. Real estate business entity: ~~January 1~~ December 15 of each  
2 ~~odd-numbered even-numbered~~ year; \$56.

3           **SECTION 2326.** 440.08 (2) (a) 67. of the statutes is amended to read:

4           440.08 (2) (a) 67. Real estate salesperson: ~~January 1~~ December 15 of each  
5 ~~odd-numbered even-numbered~~ year; \$83.

6           **SECTION 2327.** 440.08 (2) (a) 68b. of the statutes is created to read:

7           440.08 (2) (a) 68b. Sanitarian: January 1 of each even-numbered year, \$53.

8           **SECTION 2328.** 440.08 (2) (a) 68d. of the statutes is amended to read:

9           440.08 (2) (a) 68d. Social worker: ~~July~~ March 1 of each odd-numbered year;  
10 \$63.

11           **SECTION 2329.** 440.08 (2) (a) 68h. of the statutes is amended to read:

12           440.08 (2) (a) 68h. Social worker, advanced practice: ~~July~~ March 1 of each  
13 ~~odd-numbered~~ year; \$70.

14           **SECTION 2330.** 440.08 (2) (a) 68p. of the statutes is amended to read:

15           440.08 (2) (a) 68p. Social worker, independent: ~~July~~ March 1 of each  
16 ~~odd-numbered~~ year; \$58.

17           **SECTION 2331.** 440.08 (2) (a) 68t. of the statutes is amended to read:

18           440.08 (2) (a) 68t. Social worker, independent clinical: ~~July~~ March 1 of each  
19 ~~odd-numbered~~ year; \$73.

20           **SECTION 2332.** 440.08 (2) (a) 69. of the statutes is amended to read:

21           440.08 (2) (a) 69. Time-share salesperson: ~~January 1~~ December 15 of each  
22 ~~odd-numbered even-numbered~~ year; \$119.

23           **SECTION 2333.** 440.08 (2) (a) 70. of the statutes is amended to read:

24           440.08 (2) (a) 70. Veterinarian: ~~January 1~~ December 15 of each  
25 ~~even-numbered odd-numbered~~ year; \$105.

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**SECTION 2334**

1 **SECTION 2334.** 440.08 (2) (a) 71. of the statutes is amended to read:

2 440.08 (2) (a) 71. Veterinary technician: ~~January 1~~ December 15 of each  
3 ~~even-numbered odd-numbered~~ year; \$58.

4 **SECTION 2336.** Subchapter VI of chapter 440 [precedes 440.70] of the statutes  
5 is created to read:

**CHAPTER 440**

**SUBCHAPTER VI**

**SANITARIANS**

6  
7  
8  
9 **SECTION 2336m.** 440.70 (6) of the statutes is created to read:

10 440.70 (6) APPLICATIONS. An application for a sanitarian registration under this  
11 section shall be made on a form provided by the department and filed with the  
12 department and shall be accompanied by the fee specified in s. 440.05 (1). The  
13 renewal date and renewal fee for a sanitarian registration are specified under  
14 s.440.08 (2) (a).

15 **SECTION 2337.** 440.70 (9) of the statutes is created to read:

16 440.70 (9) FORFEITURE. In addition to or in lieu of a reprimand or a denial,  
17 limitation, suspension, or revocation of a registration under sub. (8), the department  
18 may assess against any person a forfeiture of not less than \$100 nor more than \$1,000  
19 for each violation under sub. (8).

20 **SECTION 2337am.** Subchapter VII of chapter 440 [precedes 440.75] of the  
21 statutes is created to read:

**CHAPTER 440**

**SUBCHAPTER VII**

**ALCOHOL AND OTHER DRUG ABUSE**

**COUNSELORS**

24

25

1       **440.75 Alcohol and other drug abuse counselors. (1) CERTIFICATION.**

2       Except as provided in s. 440.12 or 440.13, the department shall certify as an alcohol  
3       and other drug abuse counselor any individual who satisfies the conditions in sub.  
4       (3) and who has presented evidence satisfactory to the department that alcohol and  
5       other drug abuse counselor certification standards and qualifications of the  
6       department, as established by rule, have been met.

7       **(2) CERTIFICATION; STANDARDS AND QUALIFICATIONS.** The department shall  
8       promulgate rules that establish minimum standards and qualifications for the  
9       certification of alcohol and other drug abuse counselors, including substance abuse  
10      counselors described under s. HFS 75.02 (84) (b), Wis. Adm. Code.

11      **(3) APPLICATIONS; CERTIFICATION PERIOD.** An application for an alcohol and other  
12      drug abuse counselor certification under this section shall be made on a form  
13      provided by the department and filed with the department and shall be accompanied  
14      by the fee specified in s. 440.05 (1). The renewal date and renewal fee for an alcohol  
15      and other drug abuse counselor certification are specified under s. 440.08 (2) (a).

16      **(4) CERTIFICATION REQUIRED.** No person may represent himself or herself to the  
17      public as an alcohol and other drug abuse counselor or a certified alcohol and other  
18      drug abuse counselor or use in connection with his or her name a title or description  
19      that conveys the impression that he or she is an alcohol and other drug abuse  
20      counselor or a certified alcohol and other drug abuse counselor unless he or she is  
21      certified under sub. (1).

22      **(5) REVOCATION, DENIAL, SUSPENSION, OR LIMITATION OF CERTIFICATION.** The  
23      department may, after a hearing held in conformity with chapter 227, revoke, deny,  
24      suspend, or limit under this subchapter the certification of any alcohol and other  
25      drug abuse counselor or reprimand the alcohol and other drug abuse counselor, for

## ENGROSSED ASSEMBLY BILL 100

## SECTION 2337am

1 practice of fraud or deceit in obtaining the certification or any unprofessional  
2 conduct, incompetence, or professional negligence.

3 (6) CERTIFICATION OTHER THAN BY DEPARTMENT PROHIBITED. No entity other than  
4 the department may certify alcohol and other drug abuse counselors.

5 ~~INSECT~~ SECTION 2337b. 440.90 (1) of the statutes is renumbered 440.90 (1c).

6 SECTION 2337c. 440.90 (1b) of the statutes is created to read:

7 440.90 (1b) "Board" means the cemetery board.

8 SECTION 2337d. 440.90 (4m) of the statutes is created to read:

9 440.90 (4m) "Licensed cemetery authority" means a cemetery authority that  
10 is licensed under s. 440.91 (1).

11 SECTION 2337e. 440.90 (4r) of the statutes is created to read:

12 440.90 (4r) "Licensee" means a person licensed under this subchapter.

13 SECTION 2337g. 440.905 of the statutes is created to read:

14 440.905 **General duties and powers of board.** (1) In addition to the other  
15 duties and powers of the board under this subchapter, the board shall advise the  
16 secretary of regulation and licensing on matters relating to cemeteries, to this  
17 chapter, or to the board.

18 (2) The board has rule-making authority and may promulgate rules relating  
19 to the regulation of cemetery authorities, cemetery salespersons, and cemetery  
20 preneed sellers. The board may determine, by rule, a fee under s. 440.05 (1) (a) and  
21 under s. 440.08 (2) (a) 21. that is sufficient to fund the board's operating costs.

22 SECTION 2337h. 440.91 (1) of the statutes is renumbered 440.91 (1) (a) and  
23 amended to read:

24 440.91 (1) (a) ~~Except as provided in sub. (6m), every~~ Any cemetery authority  
25 that operates a cemetery that is 5 acres or more in size, that sells or solicits the sale



## ENGROSSED ASSEMBLY BILL 100

## SECTION 2337h

1 of a total of ~~10~~ 20 or more cemetery lots or mausoleum spaces at a cemetery during  
2 a calendar year and that ~~pays any commission or other compensation to any person~~  
3 ~~for selling or soliciting the sale of its cemetery lots or mausoleum spaces shall register~~  
4 ~~with, or that has \$100,000 or more in preneed trust fund accounts for a cemetery~~  
5 ~~shall apply to the department. The registration shall be in writing and shall include~~  
6 ~~the names of the officers of the cemetery authority board for a license for that~~  
7 ~~cemetery. A cemetery authority that operates more than one cemetery shall apply~~  
8 ~~for a separate license for each cemetery that is 5 acres or more in size and for each~~  
9 ~~cemetery at which it sells 20 or more burial spaces or at which it has \$100,000 or more~~  
10 ~~in preneed trust fund accounts.~~

11 **SECTION 2337i.** 440.91 (1) (b) and (c) of the statutes are created to read:

12 440.91 (1) (b) The board shall grant a license to a cemetery authority if all of  
13 the following are satisfied:

14 1. The cemetery authority submits an application for the license to the board  
15 on a form provided by the board. The application shall require the cemetery  
16 authority to provide the names of the officers of the cemetery authority and to  
17 identify a business representative who is primarily responsible for the cemetery  
18 authority's compliance with subch. II of ch. 157 and this subchapter.

19 2. The cemetery authority pays the fee specified in s. 440.05 (1).

20 (c) 1. The renewal dates and renewal fees for licenses granted under par. (b) are  
21 specified in s. 440.08 (2) (a), except that a licensed cemetery authority is not required  
22 to renew its license if the cemetery authority sells less than 20 cemetery lots or  
23 mausoleum spaces at a cemetery during a calendar year, or that has less than  
24 \$100,000 in preneed trust fund accounts for a cemetery.

## ENGROSSED ASSEMBLY BILL 100

## SECTION 2337i

1           2. A licensed cemetery authority that is not required to renew its license under  
2           subd. 1. shall renew the license if, during a period of 2 consecutive calendar years  
3           that is subsequent to the period specified in subd. 1., the cemetery authority sells 20  
4           or more cemetery lots or mausoleum spaces for a cemetery or has \$100,000 or more  
5           in preneed trust fund accounts for a cemetery.

6           **SECTION 2337k.** 440.91 (2) (intro.) of the statutes is amended to read:

7           440.91 (2) (intro.) Except as provided in subs. (7) and sub. (10), every individual  
8           ~~who person that~~ sells or solicits the sale of, or ~~who~~ that expects to sell or solicit the  
9           sale of, a total of ~~10~~ 20 or more cemetery lots or mausoleum spaces per year during  
10          ~~a~~ 2 consecutive calendar year years shall register ~~with~~ be licensed by the  
11          department. ~~An individual board.~~ A person may not be registered licensed as a  
12          cemetery salesperson except upon the written request of a cemetery authority and  
13          the payment of the fee specified in s. 440.05 (1). The cemetery authority shall certify  
14          in writing to the department board that the individual person is competent to act as  
15          a cemetery salesperson. ~~Within 10 days after the certification of any cemetery~~  
16          salesperson, the cemetery salesperson shall verify and An applicant for licensure as  
17          a cemetery salesperson shall furnish to the department board, in such form as the  
18          department board prescribes, all of the following information:

19          **SECTION 2337L.** 440.91 (2) (a) of the statutes is repealed and recreated to read:

20          440.91 (2) (a) The name and address of the applicant and, if the applicant is  
21          a business entity, the name and address of each business representative.

22          **SECTION 2337m.** 440.91 (6m) of the statutes is amended to read:

23          440.91 (6m) A cemetery authority of a cemetery organized, maintained and  
24          operated by a town, village, city, church, synagogue or mosque, religious, fraternal

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## SECTION 2337m

1 or benevolent society or incorporated college of a religious order is not required to be  
2 registered licensed under sub. (1).

3 **SECTION 2337n.** 440.91 (7) of the statutes is amended to read:

4 440.91 (7) An individual who solicits the sale of cemetery lots or mausoleum  
5 spaces in a cemetery organized, maintained and operated by a town, village, city,  
6 church, synagogue or mosque, religious, fraternal or benevolent society or  
7 incorporated college of a religious order is not required to be registered licensed  
8 under sub. (2).

9 **SECTION 2337p.** 440.91 (9) of the statutes is amended to read:

10 440.91 (9) No cemetery authority or cemetery salesperson registered licensed  
11 under sub. (1) or (2) may pay a fee or commission as compensation for a referral or  
12 as a finder's fee relating to the sale of a ~~cemetery lot~~, cemetery merchandise or  
13 ~~mausoleum~~ a burial space to any person who is not registered licensed under sub. (1)  
14 or (2) or who is not regularly and lawfully engaged in the sale of cemetery lots,  
15 cemetery merchandise or ~~mausoleum~~ burial spaces in another state or territory of  
16 the United States or a foreign country.

17 **SECTION 2337q.** 440.91 (10) of the statutes is amended to read:

18 440.91 (10) Nothing in this section requires an individual who is registered  
19 licensed as a preneed seller under s. 440.92 (1) to be registered licensed as a cemetery  
20 salesperson under sub. (2) if the individual only sells or solicits the sale of cemetery  
21 merchandise or undeveloped spaces under preneed sales contracts.

22 **SECTION 2337r.** 440.92 (1) (title) of the statutes is repealed and recreated to  
23 read:

24 440.92 (1) (title) LICENSURE.

25 **SECTION 2337s.** 440.92 (1) (a) of the statutes is amended to read:

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1 440.92 (1) (a) Except as provided in subs. (4), (9) (a) and (10), every individual  
2 who sells or solicits the sale of cemetery merchandise or an undeveloped space under  
3 a preneed sales contract and, if the individual is employed by or acting as an agent  
4 for a cemetery authority or any other person, that cemetery authority or other person  
5 is also required to be registered licensed under this subsection.

6 **SECTION 2337t.** 440.92 (1) (b) (intro.) of the statutes is amended to read:

7 440.92 (1) (b) (intro.) The department board shall issue a certificate of  
8 registration licensure as a cemetery preneed seller to any person who does all of the  
9 following:

10 **SECTION 2337u.** 440.92 (1) (bm) of the statutes is created to read:

11 440.92 (1) (bm) If a cemetery authority that is licensed under this subsection  
12 notifies the board that it proposes to take an action specified in s. 157.08 (2) (b) 1. b.  
13 or c. and the board does not object to the action under s. 157.08 (2) (b) 3., the board  
14 shall revoke the license and require the cemetery authority to reapply for a license  
15 under this subsection.

16 **SECTION 2337v.** 440.92 (1) (e) of the statutes is amended to read:

17 440.92 (1) (e) Nothing in this subsection requires an individual who is  
18 registered licensed as a cemetery salesperson under s. 440.91 (2) to be registered  
19 licensed under this subsection if the individual does not conduct or solicit any sale  
20 under a preneed sales contract.

21 **SECTION 2337wc.** 440.92 (4) (a) (intro.) and (b) of the statutes are amended to  
22 read:

23 440.92 (4) (a) (intro.) Any person who sells or solicits the sale of cemetery  
24 merchandise under a preneed sales contract is not required to be registered licensed  
25 under sub. (1) and the requirements of sub. (3) (a) and (b) do not apply to the sale if

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## SECTION 2337wc

1 all payments received under the preneed sales contract are trusted as required under  
2 s. 445.125 (1) (a) 1. or if all of the following conditions are met:

3 (b) If any preneed seller who is not registered licensed under sub. (1) accepts  
4 a payment under a preneed sales contract and the merchandise is not delivered  
5 within 180 days after the date of the sale, the preneed seller shall immediately notify  
6 the purchaser that the purchaser is entitled to a refund of all money paid by the  
7 purchaser, together with interest calculated at the legal rate of interest as provided  
8 under s. 138.04, at any time before the merchandise is delivered.

9 **SECTION 2337wf.** 440.92 (6) (a), (d), (e), (h), (i), (j) and (k) of the statutes are  
10 amended to read:

11 440.92 (6) (a) Every preneed seller registered licensed under sub. (1) shall file  
12 an annual report with the department board. The report shall be made on a form  
13 prescribed and furnished by the department board. The report shall be made on a  
14 calendar-year basis unless the department board, by rule, provides for other  
15 reporting periods. The report is due on or before the 60th day after the last day of  
16 the reporting period.

17 (d) All records described under pars. (b) 2. and (c) and maintained by the  
18 department board are confidential and are not available for inspection or copying  
19 under s. 19.35 (1). This paragraph does not apply to any information regarding the  
20 name, address or employer of or financial information related to an individual that  
21 is requested under s. 49.22 (2m) by the department of workforce development or a  
22 county child support agency under s. 59.53 (5).

23 (e) The department board shall review each report filed under par. (a) to  
24 determine whether the preneed seller is complying with this section.

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## SECTION 2337wf

1 (h) The records under par. (b) 1. shall be permanently maintained by the  
2 preneed seller. The records under par. (b) 2. shall be maintained for not less than 3  
3 years after all of the obligations of the preneed sales contract have been fulfilled. The  
4 department board may promulgate rules to establish longer time periods for  
5 maintaining records under this paragraph.

6 (i) The department board may promulgate rules requiring preneed sellers  
7 registered licensed under sub. (1) to maintain other records and establishing  
8 minimum time periods for the maintenance of those records.

9 (j) The department board may audit, at reasonable times and frequency, the  
10 records, trust funds and accounts of any preneed seller registered licensed under sub.  
11 (1), including records, trust funds and accounts pertaining to services provided by a  
12 preneed seller which are not otherwise subject to the requirements under this  
13 section. The department may conduct audits under this paragraph on a random  
14 basis, and shall conduct all audits under this paragraph without providing prior  
15 notice to the preneed seller.

16 (k) The department board may promulgate rules establishing a filing fee to  
17 accompany the report required under par. (a). The filing fee shall be based on the  
18 approximate cost of regulating preneed sellers.

19 **SECTION 2337wh.** 440.92 (9) (a) of the statutes is amended to read:

20 440.92 (9) (a) If the cemetery authority of a cemetery that is affiliated with a  
21 religious society organized under ch. 187 or that religious society files an annual  
22 certification with the department as provided in this subsection, neither the  
23 cemetery authority nor any employee of the cemetery is required to be registered  
24 licensed as a cemetery preneed seller under sub. (1) during the period for which the  
25 certification is effective.

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SECTION 2337wj

1           **SECTION 2337wj.** 440.92 (10) of the statutes is amended to read:

2           **440.92 (10) EXEMPTIONS; CERTAIN NONPROFIT CEMETERIES.** This section does not  
3           apply to a cemetery authority that is not required to be registered licensed under s.  
4           440.91 (1) and that is not organized or conducted for pecuniary profit.

5           **SECTION 2337y.** 440.93 (1) (intro.) of the statutes is amended to read:

6           **440.93 (1) (intro.)** The department board may reprimand a registrant licensee  
7           or deny, limit, suspend, or revoke a certificate of licensure of a cemetery authority,  
8           cemetery salesperson, or preneed seller if it finds that the applicant or registrant  
9           licensee, or, if the applicant or registrant, licensee is an association, partnership,  
10          limited liability company, or corporation, any officer, director, trustee, member, or  
11          shareholder who beneficially owns, holds, or has the power to vote 5% or more of any  
12          class of security issued by the applicant or registrant licensee, has done any of the  
13          following:

14          **SECTION 2337z.** 440.95 (1) of the statutes is amended to read:

15          **440.95 (1)** Any cemetery authority that is required to register be licensed under  
16          s. 440.91 (1) and that knowingly fails to register be licensed may be fined not more  
17          than \$100.

18          **SECTION 2338m.** 440.992 (1) of the statutes is amended to read:

19          **440.992 (1)** Except as otherwise provided in sub. (2), the department shall issue  
20          a certificate of registration to an individual who complies with s. 440.9915 (1) or  
21          whose application has been accepted under s. 440.9915 (2), if the individual has paid  
22          the fees specified in s. 440.9935 fee specified in s. 440.05 (1) (a).

23          **SECTION 2338p.** 440.9935 of the statutes is amended to read:

24          **440.9935 Registration and renewal fees Renewal.** An application for  
25          registration must be accompanied by a processing fee in an amount established in

## ENGROSSED ASSEMBLY BILL 100

## SECTION 2338p

~~rules promulgated by the department. If the department determines to issue a certificate of registration to an applicant, the department shall require the applicant to pay a fee for issuing the certificate in an amount established in rules promulgated by the department. The renewal dates date and fee for certificates of registration issued under this subchapter are specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include a fee in an amount established in rules promulgated by the department, except that for the first renewal after a certificate of registration is issued, the department shall prorate the fee based on the length of time between between issuance and renewal. The amounts established in the rules promulgated under this section shall be based on the department's administrative and enforcement costs attributable to processing applications and regulating athlete agents.~~

**SECTION 2338q.** 446.02 (2) (c) of the statutes is created to read:

446.02 (2) (c) The examining board shall issue a certificate to a chiropractor who is licensed under this chapter, who submits satisfactory evidence that the chiropractor has completed 48 hours of postgraduate study in nutrition that is approved by the examining board, and who pays a one-time certification fee of \$25.

**SECTION 2338r.** 446.02 (6m) of the statutes is created to read:

446.02 (6m) No chiropractor may provide counsel, direction, guidance, advice, or a recommendation to a patient regarding the health effects of vitamins, herbs, or nutritional supplements unless the chiropractor has been issued a certificate under sub. (2) (c). This subsection does not apply to a chiropractor licensed under this chapter who is certified as a dietician under subch. V of ch. 448.

**SECTION 2338v.** 452.13 (2) (b) 3. of the statutes is amended to read:



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SECTION 2338v

1 452.13 (2) (b) 3. Furnish the department of regulation and licensing with a  
2 letter authorizing the department of regulation and licensing and the department  
3 of administration commerce to examine and audit the interest-bearing common  
4 trust account whenever the department of regulation and licensing or the  
5 department of administration commerce considers it necessary.

6 **SECTION 2339.** 452.13 (2) (bm) of the statutes is amended to read:

7 452.13 (2) (bm) The department of regulation and licensing shall forward to the  
8 department of administration commerce the information and documents furnished  
9 under par. (b).

10 **SECTION 2340.** 452.13 (2) (d) of the statutes is amended to read:

11 452.13 (2) (d) The department of administration commerce is the beneficial  
12 owner of the interest accruing to the interest-bearing common trust account, minus  
13 any service charges or fees.

14 **SECTION 2341.** 452.13 (2) (e) 1. of the statutes is amended to read:

15 452.13 (2) (e) 1. Annually, before February 1, remit to the department of  
16 administration commerce the total interest or dividends, minus service charges or  
17 fees, earned on the average daily balance in the interest-bearing common trust  
18 account during the 12 months ending on the previous December 31. A depository  
19 institution is not required to remit any amount if the total interest or dividends for  
20 that period is less than \$10 before any deduction for service charges or fees.

21 **SECTION 2342.** 452.13 (2) (e) 2. of the statutes is amended to read:

22 452.13 (2) (e) 2. When the interest remittance is sent, furnish to the  
23 department of administration commerce and to the broker maintaining the  
24 interest-bearing common trust account a statement that includes the name of the  
25 broker for whose account the remittance is made, the rate of interest applied, the

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SECTION 2342

1 amount of service charges or fees deducted, if any, and the account balance for the  
2 period that the statement covers.

3 SECTION 2343. 452.13 (2) (f) 2. of the statutes is amended to read:

4 452.13 (2) (f) 2. May not assess a service charge or fee for an interest-bearing  
5 common trust account against the department of ~~administration~~ commerce.

6 SECTION 2344. 452.13 (2) (f) 3. of the statutes is amended to read:

7 452.13 (2) (f) 3. May deduct a service charge or fee from the interest earned by  
8 an interest-bearing common trust account, and if a balance remains, may deduct the  
9 remaining charge or fee from the interest earned on any other interest-bearing  
10 common trust account maintained in that depository institution, before remitting  
11 interest to the department of ~~administration~~ commerce.

12 SECTION 2345. 452.13 (5) of the statutes is amended to read:

13 452.13 (5) RULES. In consultation with the department of regulation and  
14 licensing, the department of ~~administration~~ commerce shall promulgate rules  
15 necessary to administer this section.

16 SECTION 2345m. 457.02 (5m) of the statutes is amended to read:

17 457.02 (5m) Authorize any individual who is certified or licensed under this  
18 chapter to treat alcohol or substance dependency or abuse as a specialty unless the  
19 individual is a ~~substance abuse counselor, as defined in s. HFS 75.02 (84), Wis. Adm.~~

20 Code certified alcohol and other drug abuse counselor under s. 440.75, or unless the ✓

21 <sup>INSJ</sup> individual satisfies educational and supervised training requirements established  
22 in rules promulgated by the examining board. In promulgating rules under this  
23 subsection, the examining board shall consider the requirements for qualifying as a

24 ~~substance abuse counselor under s. HFS 75.02 (84), Wis. Adm. Code certified~~ alcohol ✓

25 and other drug abuse counselor under s. 440.75. ✓

**ENGROSSED ASSEMBLY BILL 100****SECTION 2346**

1           **SECTION 2346.** 460.05 (1) (e) 1. of the statutes is amended to read:

2           460.05 (1) (e) 1. Graduated from a school of massage therapy or bodywork  
3           approved by the educational approval board under s. 45.54 38.50 or completed a  
4           training program approved by the department under the rules promulgated under  
5           s. 460.04 (2) (b).

6           **SECTION 2347.** 460.05 (3) of the statutes is repealed and recreated to read:

7           460.05 (3) The department shall grant a certificate as a massage therapist or  
8           bodyworker to a person who satisfies the requirements specified in sub. (1) (a) to (d),  
9           (g), and (h) and who includes with the application specified in sub. (1) (c) all of the  
10          following:

11           (a) Evidence satisfactory to the department that, during the 2-year period after  
12          March 1, 2003, the person was actively engaged in the practice of massage therapy  
13          or bodywork.

14           (b) An attestation that the person only recently became aware of the  
15          requirements of this chapter.

16          **SECTION 2347p.** 560.031 of the statutes is created to read:

17          **560.031 Grants for ethanol production facilities.** Notwithstanding ss.  
18          560.135 (2), 560.138 (2) (a), and 560.17 (3), the department may not make a grant for  
19          an ethanol production facility on which construction begins after the effective date  
20          of this section ... [revisor inserts date], unless a competitive bidding process is used  
21          for the construction of the ethanol production facility.

22          **SECTION 2348m.** 560.075 of the statutes is created to read:

23          **560.075 Repayment of grants, loans, and tax benefits.** (1) In this section,  
24          “tax benefits” means the credits under ss. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm),  
25          (2dr), (2ds), (2dx), (3g), and (3t), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds),

**ENGROSSED ASSEMBLY BILL 100****SECTION 2348m**

1 (1dx), (3g), and (3t), and 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (3g),  
2 and (3t).

3 (2) The department may not award a grant or loan under this chapter to a  
4 person or certify a person to receive tax benefits unless the department enters into  
5 an agreement with the person that requires the person to repay the grant, loan, or  
6 tax benefits if, within 5 years after receiving the grant or loan or being certified to  
7 receive tax benefits, the person ceases to conduct in this state the economic activity  
8 for which the person received the grant or loan or for which the person was certified  
9 to receive tax benefits and commences substantially the same economic activity  
10 outside this state.

11 **SECTION 2348q.** 560.125 of the statutes is created to read:

12 **560.125 Diesel truck idling reduction grants.** (1) **DEFINITIONS.** In this  
13 section:

14 (a) "Common motor carrier" has the meaning given in s. 194.01 (1).

15 (b) "Contract motor carrier" has the meaning given in s. 194.01 (2).

16 (c) "Idling reduction unit" means a device that is installed on a diesel truck to  
17 reduce the long-duration idling of the truck by providing heat, air conditioning, or  
18 electricity to the truck while the truck is stationary and the main drive engine of the  
19 truck is not operating.

20 (d) "Post-1998 diesel truck engine" means a heavy-duty highway diesel engine  
21 that complies with the air pollutant emission standards promulgated by the federal  
22 environmental protection agency under 42 USC 7521 for engine model year 1998 or  
23 a later engine model year.

24 (e) "Private motor carrier" has the meaning given in s. 194.01 (11).

25 (f) "Truck tractor" has the meaning given in s. 340.01 (73).

## ENGROSSED ASSEMBLY BILL 100

## SECTION 2348q

1           (2) AUTHORITY. Beginning on July 1, 2006, and ending on June 30, 2011, the  
2 department may award a grant to an eligible applicant for the purchase and field  
3 testing of one or more idling reduction units as provided in subs. (3) and (4).

4           (3) ELIGIBLE APPLICANTS. An applicant is eligible for a grant under this section  
5 only if all of the following apply:

6           (a) The applicant is a common motor carrier, contract motor carrier, or private  
7 motor carrier that transports freight.

8           (b) The applicant is headquartered in this state.

9           (c) The applicant pays 30 percent of the eligible costs for each idling reduction  
10 unit covered by a grant under this section without the use of grants, loans, or other  
11 financial assistance from this state or from a local governmental unit in this state.

12           (d) The applicant agrees to collect information relating to the operation and  
13 performance of each idling reduction unit covered by a grant under this section, as  
14 required by the department, and to report that information to the department.

15           (4) GRANTS. (a) Except as provided in par. (b), the costs that an applicant has  
16 incurred or will incur to purchase and install an idling reduction unit on a truck  
17 tractor that is owned and operated by the applicant and that has a post-1998 diesel  
18 truck engine are eligible costs under this section if the use of the idling reduction unit  
19 will result, in the aggregate, in a decrease in the emissions of one or more air  
20 contaminants, as defined in s. 285.01 (1), from the truck tractor on which the idling  
21 reduction unit is installed or in a decrease in the use of energy by the truck tractor  
22 on which the idling reduction unit is installed.

23           (b) The following costs are not eligible costs:

24           1. The cost of shipping an idling reduction unit from the manufacturer to the  
25 facility where the idling reduction unit will be installed on the truck tractor.

**ENGROSSED ASSEMBLY BILL 100****SECTION 2348q**

- 1           2. The cost of operating an idling reduction unit.
- 2           3. The cost of maintaining an idling reduction unit.
- 3           (c) Subject to par. (d), the department may make a grant under this section of
- 4           70 percent of the eligible costs for not more than the following number of idling
- 5           reduction units:
- 6           1. If the applicant owns and operates one truck tractor with a post-1998 diesel
- 7           truck engine, one.
- 8           2. If the applicant owns and operates at least 2 but not more than 10 truck
- 9           tractors with post-1998 diesel truck engines, 2.
- 10          3. If the applicant owns and operates at least 11 but not more than 50 truck
- 11          tractors with post-1998 diesel truck engines, the greater of the following:
- 12           a. Two.
- 13           b. Ten percent of the number of truck tractors with post-1998 diesel truck
- 14          engines that the applicant owns and operates.
- 15          4. If the applicant owns and operates at least 51 but not more than 250 truck
- 16          tractors with post-1998 diesel truck engines, the greater of the following:
- 17           a. Six.
- 18           b. Seven percent of the number of truck tractors with post-1998 diesel truck
- 19          engines that the applicant owns and operates.
- 20          5. If the applicant owns and operates at least 251 but not more than 500 truck
- 21          tractors with post-1998 diesel truck engines, the greater of the following:
- 22           a. Eighteen.
- 23           b. Six percent of the number of truck tractors with post-1998 diesel truck
- 24          engines that the applicant owns and operates.

## ENGROSSED ASSEMBLY BILL 100

## SECTION 2348q

1 6. If the applicant owns and operates at least 501 but not more than 2,500 truck  
2 tractors with post-1998 diesel truck engines, the greater of the following:

3 a. Twenty-five.

4 b. Five percent of the number of truck tractors with post-1998 diesel truck  
5 engines that the applicant owns and operates.

6 7. If the applicant owns and operates more than 2,500 truck tractors with  
7 post-1998 diesel truck engines, 3 percent of the number of truck tractors with  
8 post-1998 diesel truck engines that the applicant owns and operates.

9 (d) In any fiscal year, the department may not pay to any one applicant more  
10 than 20 percent of the amount appropriated under s. 20.143 (3) (sm) for the fiscal  
11 year.

12 (e) The department may pay a grant over more than one fiscal year, subject to  
13 the availability of funds and to par. (d).

14 (f) The department shall require that applicants receiving grants under this  
15 section covering more than one idling reduction unit purchase idling reduction units  
16 of more than one type and from more than one manufacturer. The department may  
17 impose other conditions on the receipt of grants.

18 (g) The department shall withhold payment of at least 20 percent of a grant  
19 under this section until the recipient has complied with the conditions of the grant  
20 established by the department, including providing to the department information  
21 relating to the operation and performance of each idling reduction unit covered by  
22 the grant.

23 (5) INFORMATION: The department shall collect information from recipients of  
24 grants under this section relating to the operation and performance of idling  
25 reduction units. The department shall summarize the information collected and

**ENGROSSED ASSEMBLY BILL 100****SECTION 2348q**

1 make it available to common motor carriers, contract motor carriers, and private  
2 motor carriers in an accessible and cost-effective manner, such as on department's  
3 Internet site.

4 **(5m) RULES.** The department shall promulgate rules for the administration of  
5 the program under this section.

6 **(6) SUNSET.** Subsections (2) to (4) do not apply after December 31, 2012.

7 **SECTION 2351.** 560.137 (2) (f) of the statutes is created to read:

8 560.137 (2) (f) If the department awards a grant under this subsection, the  
9 department may contract directly with and pay grant proceeds directly to any person  
10 providing technical or management assistance to the grant recipient.

11 **SECTION 2352.** 560.138 (6) of the statutes is created to read:

12 560.138 (6) If the department awards a grant under this section, the  
13 department may contract directly with and pay grant proceeds directly to any person  
14 providing technical or management assistance to the grant recipient.

15 **SECTION 2357m.** 560.155 of the statutes is repealed.

16 **SECTION 2361m.** 560.18 of the statutes is renumbered 26.40, and 26.40 (1m),  
17 as renumbered, is amended to read:

18 26.40 (1m) ~~From the appropriation under s. 20.143 (1) (t), the~~ The department  
19 may award grants to nonprofit organizations to develop forestry educational  
20 programs and instructional materials for use in the public schools. The department  
21 may not award a grant unless it enters into a memorandum of understanding with  
22 the grant recipient and the director of the timber management program at the  
23 University of Wisconsin-Stevens Point regarding the use of the funds.

24 **SECTION 2366m.** 560.275 (2) (a) to (d) and (e) (intro.) of the statutes are  
25 amended to read:



## ENGROSSED ASSEMBLY BILL 100

## SECTION 2366m

1           560.275 (2) (a) *Early stage planning grants and loans.* The department may  
2           make a grant or loan from the appropriation under s. 20.143 (1) ~~(dk) or (ik)~~ (c) or (ie)  
3           for the purpose of funding professional services related to completing an application  
4           to be submitted to the federal government for the purpose of obtaining early stage  
5           research and development funding or for the purpose of funding professional services  
6           that are required to accomplish specific tasks established as a condition of receiving  
7           early stage financing from 3rd parties that is necessary for business development.

8           (b) *Matching grants and loans.* 1. The department may make a grant or loan  
9           from the appropriation under s. 20.143 (1) ~~(dk) or (ik)~~ (c) or (ie) for the purpose of  
10          funding professional services related to developing a proposed technologically  
11          innovative product, process, or service, if the applicant has received a grant from the  
12          federal government for a substantially similar purpose.

13          2. The department may make a grant or loan from the appropriation under s.  
14          20.143 (1) ~~(dk) or (ik)~~ (c) or (ie) for the purpose of funding professional services related  
15          to the accelerated commercialization of a technologically innovative product,  
16          process, or service, if the federal government has notified the applicant that the  
17          applicant will receive a grant from the federal government for a substantially similar  
18          purpose.

19          (c) *Bridge grants and loans.* The department may make a grant or loan from  
20          the appropriation under s. 20.143 (1) ~~(dk) or (ik)~~ (c) or (ie) to a person who has  
21          received early stage financing from 3rd parties or a grant from the federal  
22          government to fund early stage research and development and who has sought  
23          additional early stage financing from 3rd parties or applied for an additional grant  
24          from the federal government to fund early stage research and development. A grant  
25          or loan under this paragraph shall be for the purpose of funding professional services

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## SECTION 2366m

1 necessary to maintain the project research and management team and funding basic  
2 operations until the applicant's additional 3rd party financing request or federal  
3 grant application is approved or denied.

4 (d) *Venture capital grants and loans.* The department may make a grant or loan  
5 from the appropriation under s. 20.143 (1) ~~(dk) or (ik)~~ (c) or (ie) for the purpose of  
6 enhancing the applicant's ability to obtain early stage financing from 3rd parties.

7 (e) (intro.) *Entrepreneurial and technology transfer center grants.* The  
8 department may make a grant from the appropriation under s. 20.143 (1) ~~(dk) or (ik)~~  
9 (c) or (ie) for the purpose of supporting any entrepreneurial and technology transfer  
10 center that satisfies all of the following criteria:

11 **SECTION 2376j.** 560.275 (8) of the statutes is created to read:

12 560.275 (8) **SMALL BUSINESSES.** The department shall award not less than 50  
13 percent of the total amount of grants and loans made under this section to small  
14 businesses, as defined in 560.60 (15).

15 **SECTION 2376k.** 560.275 (9) of the statutes is created to read:

16 560.275 (9) **DISTRESSED AREAS.** The department shall award not less than 35  
17 percent of the total amount of grants and loans made under this section to businesses  
18 in distressed areas, as defined in 560.605 (7) (b).

19 **SECTION 2376L.** 560.60 (15) of the statutes is renumbered 560.60 (15) (intro.)  
20 and amended to read:

21 560.60 (15) (intro.) "Small business" means a business that is operating for  
22 profit, ~~with 250~~ and to which any of the following apply:

23 (a) The business has 100 or fewer employees, including employees of any  
24 subsidiary or affiliated organization.

25 **SECTION 2376m.** 560.60 (15) (b) of the statutes is created to read:

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1 560.60 (15) (b) The business has annual gross receipts of \$10,000,000 or less.

2 **SECTION 2388p.** 560.605 (1) (p) of the statutes is created to read:

3 560.605 (1) (p) For an ethanol production facility on which construction begins  
4 after the effective date of this paragraph ... [revisor inserts date], a competitive  
5 bidding process is used for the construction of the ethanol production facility.

6 **SECTION 2407L.** 560.605 (7) of the statutes is created to read:

7 560.605 (7) (a) The board shall award not less than 50 percent of the total  
8 amount of grants and loans made under this subchapter to small businesses.

9 (b) The board shall award not less than 35 percent of the total amount of grants  
10 and loans made under this subchapter to businesses in distressed areas. In this  
11 paragraph, "distressed area" means an area to which any of the following apply:

- 12 1. The area has a high level of unemployment.
- 13 2. The area has a low median household income.
- 14 3. A significant number of workers in the area have been permanently laid off.
- 15 4. An employer in the area has given public notice of a plant closing or a  
16 substantial reduction in force that will result in a significant number of workers in  
17 the area being permanently laid off.
- 18 5. The area is designated as a development zone under s. 560.71 or an  
19 enterprise development zone under s. 560.797.

20 6. As determined by the board, the area is affected by another factor that  
21 indicates the area is a distressed area.

22 **SECTION 2418m.** 560.797 (2) (c) of the statutes is amended to read:

23 560.797 (2) (c) The department may not designate as an enterprise  
24 development zone, or as any part of an enterprise development zone, an area that is  
25 located within the boundaries of an area that is designated as a development zone

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1 under s. 560.71, or as a development opportunity zone under s. 560.795, the  
2 designation of which is in effect.

3 **SECTION 2419.** 560.797 (2) (d) of the statutes is amended to read:

4 560.797 (2) (d) The department may not designate more than ~~79~~ 85 enterprise  
5 development zones unless the department obtains the approval of the joint  
6 committee on finance to do so. Of the enterprise development zones that the  
7 department designates, at least 10 shall be designated under par. (bg).

8 **SECTION 2419k.** 560.797 (4) (a) of the statutes is amended to read:

9 560.797 (4) (a) ~~Subject to par. (b), if~~ If the department approves a project plan  
10 under sub. (3) and designates the area in which the person submitting the project  
11 plan conducts or intends to conduct the project as an enterprise development zone  
12 under the criteria under sub. (2), the department shall certify the person as eligible  
13 for tax benefits.

14 **SECTION 2419L.** 560.797 (4) (b) of the statutes is repealed.

15 **SECTION 2419m.** 560.797 (4) (bm) of the statutes is created to read:

16 560.797 (4) (bm) Of the persons certified as eligible for tax benefits in the areas  
17 designated by the department as enterprise development zones after the effective  
18 date of this paragraph...[revisor inserts date], not less than one-half shall be  
19 businesses with 100 or fewer employees.

20 **SECTION 2422.** 560.9810 (5) of the statutes is created to read:

21 560.9810 (5) NONAPPLICATION. This section does not apply to property that is  
22 authorized to be sold under s. 16.848.

23 **SECTION 2422b.** 562.01 (11g) of the statutes is amended to read:

24 562.01 (11g) "Race meeting" means the period during a calendar year for which  
25 a person has been issued a license under s. 562.05 (1) (b) or (bm).

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## SECTION 2422c

1           **SECTION 2422c.** 562.02 (1) (L) of the statutes is created to read:

2           562.02 (1) (L) Promulgate rules administering s. 562.058.

3           **SECTION 2422d.** 562.02 (5) of the statutes is created to read:

4           562.02 (5) The department may not impose a fee greater than \$75 for renewal  
5           of a license issued under this chapter to operate a concession at a racetrack.

6           **SECTION 2422e.** 562.05 (1) (bm) of the statutes is created to read:

7           562.05 (1) (bm) The ownership and operation of a racetrack at which  
8           pari-mutuel wagering is conducted and the sponsorship and management of any  
9           race on which pari-mutuel wagering is conducted and which is not located at a fair.

10           **SECTION 2422f.** 562.05 (1g) of the statutes is amended to read:

11           562.05 (1g) A license issued under sub. (1) (a) or (bm) may authorize the  
12           ownership and operation of a racetrack where horse racing is conducted, the  
13           ownership and operation of a racetrack not at a fair where dog racing is conducted  
14           or the ownership and operation of a racetrack not at a fair where both horse racing  
15           and dog racing are conducted. A license issued under sub. (1) (b) or (bm) may  
16           authorize the sponsorship and management of horse races or dog races, or both horse  
17           races and dog races, at the same location.

18           **SECTION 2422g.** 562.05 (2m) of the statutes is amended to read:

19           562.05 (2m) In issuing a license to own and operate a racetrack not at a fair,  
20           the department shall consider the competitive effects on any other licensee under  
21           sub. (1) (a) ~~or~~, (b), or (bm). These competitive effects shall include, but not be  
22           restricted to, the impact on the economic viability of existing licensed racetracks and  
23           the jobs that have been created by such licensed racetracks.

24           **SECTION 2422h.** 562.05 (3) of the statutes is amended to read:

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## SECTION 2422h

1           562.05 (3) No person may hold more than one license issued under sub. (1) (a)  
2           that authorizes ownership and operation of a racetrack at which pari-mutuel  
3           wagering is conducted and one license issued under sub. (1) (b) or (c) that authorizes  
4           sponsorship and management of any race on which pari-mutuel wagering is  
5           conducted. If the applicant for any of those licenses is a corporation, association,  
6           limited liability company or partnership, the department shall determine whether  
7           the applicant is the same person as another licensee for the purpose of applying this  
8           subsection. Nothing in this subsection prohibits any person with a license under sub.  
9           (1) from contracting for services with any other person with a license under sub. (1),  
10          subject to any rules promulgated by the department.

11          **SECTION 2422i.** 562.05 (3r) of the statutes is renumbered 562.05 (3r) (a) and  
12          amended to read:

13          562.05 (3r) (a) The Except as provided under par. (b), the application for the  
14          first license under sub. (1) (a) or (bm) to be issued for any location shall be  
15          accompanied by a resolution, supporting the proposed location of the racetrack and  
16          its ownership and operation by the applicant, which has been adopted, after a public  
17          hearing, by the governing body of the city, village or town where the racetrack is  
18          proposed to be located. A common council may not adopt such a resolution if an  
19          ordinance prohibiting the location of a racetrack at the proposed location has been  
20          adopted under s. 9.20 before May 3, 1988, or a petition for such an ordinance has been  
21          filed, under s. 9.20, before May 3, 1988. Except as provided in this subsection, no  
22          ordinance adopted under s. 9.20 or 66.0101 may prohibit the location of a racetrack  
23          in any city or village.

24          **SECTION 2422j.** 562.05 (3r) (b) of the statutes is created to read:

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1           562.05 (3r) (b) The requirements under par. (a) do not apply to an application  
2           for the first license under sub. (1) (bm) for a location if a license under sub. (1) (a) has  
3           been issued for the location.

4           **SECTION 2422L.** 562.05 (3wr) of the statutes is renumbered 562.05 (3wr) (a)  
5           and amended to read:

6           562.05 (3wr) (a) The Except as provided under par. (b), the first license issued  
7           to each applicant under sub. (1) (a) or (bm) for each racetrack expires after 5 years.  
8           Any subsequent license issued to the same applicant for that racetrack expires after  
9           one year.

10          **SECTION 2422m.** 562.05 (3wr) (b) of the statutes is created to read:

11          562.05 (3wr) (b) A first license issued to an applicant under sub. (1) (bm) for  
12          a racetrack expires after one year if the applicant held a license under sub. (1) (a) for  
13          the racetrack at the time of application for the license under sub. (1) (bm).

14          **SECTION 2422n.** 562.05 (3wt) of the statutes is amended to read:

15          562.05 (3wt) In the first license issued to each applicant under sub. (1) (a) or  
16          (bm) for each racetrack, the department shall specify a date by which each of the  
17          types of racing authorized under the license shall begin at that racetrack. Upon  
18          request of the licensee, the department may change a specified date to an earlier or  
19          later date pursuant to rules of the department.

20          **SECTION 2422o.** 562.05 (4m) (c) of the statutes is amended to read:

21          562.05 (4m) (c) The license will not create competition that will adversely affect  
22          any other licensee under sub. (1) (a) ~~or~~, (b), or (bm).

23          **SECTION 2422om.** 562.05 (4r) of the statutes is created to read:

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1 562.05 (4r) Except as provided under subs. (3) to (3r) and (4), the department  
2 may issue a license under sub. (1) (bm) if the department determines that the  
3 conditions under subs. (3w) (a) to (d) and (4m) (a) to (c) are satisfied.

4 SECTION 2422p. 562.05 (5) (c) 2. of the statutes is amended to read:

5 562.05 (5) (c) 2. Except as otherwise provided in this subdivision, if after the  
6 application for a license is made or a license is issued any new officer, director,  
7 partner, member or owner subject to par. (a), as specified in par. (b), or any other new  
8 person with a present or future direct or indirect financial or management interest  
9 in the application or license joins the applicant or licensee, the applicant or licensee  
10 shall, within 5 working days, notify the department of the change and provide the  
11 affidavit under subd. 1. After an application for a license under sub. (1) (a) ~~or~~ (b),  
12 or (bm) is made or after a license under sub. (1) (a) ~~or~~ (b), or (bm) is issued, no  
13 ownership interest or right of ownership in the applicant or licensee may be  
14 transferred unless the applicant or licensee provides the affidavit under subd. 1. for  
15 the proposed new owner and the proposed new owner is approved by the department.  
16 The department shall conduct the background investigations required under sub. (7)  
17 of any new officer, director, partner, member, shareholder or proposed owner of an  
18 applicant or licensee named in a notice to the department under this subdivision.

19 SECTION 2422q. 562.05 (6m) (a) 1. of the statutes is amended to read:

20 562.05 (6m) (a) 1. An application for an intertrack wagering license shall  
21 identify each licensee under sub. (1) (b) or (bm) on whose races the applicant proposes  
22 to conduct intertrack wagering and, except as provided in subd. 2., shall be  
23 accompanied by a statement, signed by each licensee that is identified in the  
24 application, giving consent to the applicant to conduct intertrack wagering on all  
25 races that are simulcast by the licensee during the licensee's race meeting.



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## SECTION 2422r

1           **SECTION 2422r.** 562.05 (6m) (a) 2. of the statutes is amended to read:

2           562.05 (6m) (a) 2. A licensee under sub. (1) (b) or (bm) who signs a statement  
3           specified in subd. 1. is considered to have given consent to all applicants for  
4           intertrack wagering licenses to conducting intertrack wagering on all races that are  
5           simulcast by the licensee during the licensee's race meeting, and no similar  
6           statements signed by that licensee need be filed by other applicants for intertrack  
7           wagering licenses who propose to conduct intertrack wagering on those races.

8           **SECTION 2422s.** 562.05 (6m) (b) 1. of the statutes is amended to read:

9           562.05 (6m) (b) 1. The applicant is licensed under sub. (1) (a) ~~or~~, (b), or (bm).

10          **SECTION 2422t.** 562.05 (6m) (b) 2. of the statutes is amended to read:

11          562.05 (6m) (b) 2. At least 250 race performances were conducted at the  
12          racetrack for which the applicant is licensed under sub. (1) (a) ~~or~~, (b), or (bm) during  
13          the calendar year immediately preceding the year in which the applicant proposes  
14          to conduct intertrack wagering. The department may waive the requirement in this  
15          subdivision if the department determines that the waiver is in the public interest.

16          **SECTION 2422tm.** 562.05 (6m) (b) 3. of the statutes is repealed.

17          **SECTION 2422u.** 562.05 (6m) (e) of the statutes is repealed.

18          **SECTION 2422um.** 562.05 (9) (a) of the statutes is amended to read:

19          562.05 (9) (a) Every license issued under sub. (1) (b), (bm), or (c) authorizing  
20          the sponsorship or management of a race shall set forth the time and number of days,  
21          or the specific dates, during which racing may be conducted under that license, as  
22          determined by the department.

23          **SECTION 2422v.** 562.05 (9) (b) of the statutes is amended to read:

24          562.05 (9) (b) A license under sub. (1) (c) may authorize horse races on days on  
25          which the fair is conducted and for 2 additional periods not to exceed 5 days each.

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1 Either or both of the additional periods may be consecutive with the days on which  
2 the fair is conducted. In assigning race days and race times under this paragraph,  
3 the department shall consider the competitive effects on licensees under sub. (1) (a)  
4 and, (b), and (bm).

5 **SECTION 2422vm.** 562.05 (10) of the statutes is amended to read:

6 **562.05 (10)** The department shall revoke the license issued under sub. (1) (a)  
7 or (bm) of any person who accepts any public money to construct or operate a  
8 racetrack in Wisconsin. This subsection does not apply to any racetrack operated in  
9 conjunction with a county fair.

10 **SECTION 2422w.** 562.057 (4) of the statutes is amended to read:

11 **562.057 (4)** Subject to sub. (4m), the department may permit a licensee under  
12 s. 562.05 (1) (b) or (bm) to receive simulcast races from out-of-state racetracks, to  
13 conduct pari-mutuel wagering on those races and to commingle the licensee's  
14 wagering pools on those races with those of any out-of-state racetrack from which  
15 the licensee is permitted to receive simulcast races. The department may permit a  
16 licensee under s. 562.05 (1) (b) or (bm) to simulcast races to any out-of-state legal  
17 wagering entity, and to commingle the licensee's wagering pools on those races with  
18 those of any out-of-state legal wagering entity to which the licensee is permitted to  
19 simulcast those races.

20 **SECTION 2422wm.** 562.057 (4m) (intro.) of the statutes is amended to read:

21 **562.057 (4m) (intro.)** The department may not permit a licensee under s.  
22 562.05 (1) (b) or (bm) to receive simulcast races under sub. (4) unless the department  
23 determines that all of the following conditions are met:

24 **SECTION 2422x.** 562.057 (4m) (bm) of the statutes, as created by 2003  
25 Wisconsin Act 33, is repealed.