

1 **SECTION 1986.** 94.38 (13) of the statutes is repealed.

2 **SECTION 1987.** 94.38 (15) of the statutes is repealed.

3 **SECTION 1988.** 94.38 (19) of the statutes is repealed.

4 **SECTION 1989.** 94.38 (20) of the statutes is repealed.

5 **SECTION 1990.** 94.38 (21) of the statutes is repealed.

6 **SECTION 1991.** 94.38 (22) of the statutes is repealed.

7 **SECTION 1992.** 94.38 (23) of the statutes is repealed.

8 **SECTION 1993.** 94.38 (24) of the statutes is repealed.

9 **SECTION 1994.** 94.385 of the statutes is amended to read:

10 **94.385 Seed label ~~locations~~ requirements.** (1) ~~Each~~ No person may sell,
11 distribute, or offer or expose for sale in this state a container of agricultural seed or
12 vegetable seed which is sold, distributed or offered or exposed for sale within this
13 state for seeding or sprouting purposes shall bear or have unless the container bears
14 or has attached to it in a conspicuous place a label containing the information
15 ~~specified in s. 94.39~~ required by the department by rule.

16 (2) Except as provided under s. 94.43 (2), ~~each~~ no person may sell in this state
17 a bulk lot of agricultural or vegetable seed sold within this state for seeding or
18 sprouting purposes shall include unless the person includes with the invoice or
19 shipping document furnished the purchaser at time of delivery a label containing the
20 information ~~specified in s. 94.39~~ required by the department by rule.

21 **SECTION 1995.** 94.39 of the statutes is repealed.

22 **SECTION 1996.** 94.40 (1) of the statutes is repealed.

23 **SECTION 1997.** 94.40 (2) of the statutes is amended to read:

24 94.40 (2) The Wisconsin Crop Improvement Association, a nonprofit
25 organization incorporated under the laws of this state, in cooperation with the

1 University of Wisconsin-Madison College of Agricultural and Life Sciences and the
2 department, shall be the seed certifying agency for the certification of agricultural
3 seed and vegetable seed in the state.

4 **SECTION 1998.** 94.40 (3) of the statutes is amended to read:

5 94.40 (3) The Wisconsin Crop Improvement Association, in cooperation with
6 the University of Wisconsin-Madison College of Agricultural and Life Sciences and
7 the department, shall establish standards and procedures for the certification of
8 agricultural seed and vegetable seed, subject to approval of the department.
9 Standards and procedures established under this subsection shall comply with rules
10 promulgated by the department and be no less stringent than those prescribed by the
11 ~~association of official seed certifying agencies~~ Association of Official Seed Certifying
12 Agencies.

13 **SECTION 1999.** 94.40 (4) of the statutes is created to read:

14 94.40 (4) The Wisconsin Crop Improvement Association, in cooperation with
15 the University of Wisconsin-Madison College of Agricultural and Life Sciences and
16 the department, shall be the certifying agency for the certification of weed free
17 mulch, hay, and straw, and shall base its certifications on the standards of the North
18 American Weed Management Association.

19 **SECTION 2000.** 94.41 (1) (a) of the statutes is amended to read:

20 94.41 (1) (a) Unless the test to determine the percentage of germination
21 required ~~under s. 94.39~~ by the department by rule is completed within a 12-month
22 period immediately prior to the ~~date it~~ end of the month in which the seed is sold,
23 distributed or offered or exposed for sale, ~~as shown by records, exclusive of the~~
24 ~~calendar month in which the test is completed~~, except that seeds seed packaged in
25 hermetically sealed containers may be sold, distributed or offered or exposed for sale

1 under ~~such~~ any conditions as ~~that~~ the department ~~may prescribe~~ prescribes by rule,
2 for a period of 36 months following the end of the month in which the seeds are seed
3 is tested. No seeds seed in hermetically sealed containers ~~shall~~ may be sold,
4 distributed or offered or exposed for sale beyond ~~such~~ that 36-month period unless
5 it is retested within the ~~preceding~~ 9-month period, ~~exclusive of the calendar month~~
6 ~~in which the retest is completed.~~ Seed, for which the germination test date has
7 expired, ~~shall be relabeled by a licensed labeler prior to its being sold, distributed or~~
8 ~~offered or exposed for sale~~ immediately prior to the end of the month in which it is
9 sold, distributed, or offered or exposed for sale and the retested seed is labeled with
10 the extended expiration date.

11 **SECTION 2001.** 94.41 (1) (b) of the statutes is amended to read:

12 94.41 (1) (b) Not labeled in accordance with ~~s. 94.39~~ rules promulgated by the
13 department, or containing any labeling statements which modify or deny label
14 information required under ~~s. 94.39~~ rules promulgated by the department, or having
15 any other false or misleading labeling.

16 **SECTION 2002.** 94.41 (1) (e) of the statutes is repealed.

17 **SECTION 2003.** 94.41 (1) (f) of the statutes is repealed.

18 **SECTION 2004.** 94.41 (1) (g) of the statutes is repealed.

19 **SECTION 2005.** 94.41 (2) (a) of the statutes is amended to read:

20 94.41 (2) (a) To detach, alter, deface or destroy any label attached to or
21 accompanying seed, or to alter or substitute seed in a manner which would defeat the
22 purposes of ~~s. 94.39~~ the rules of the department relating to the labeling of seed or
23 result in the sale or distribution of seed in violation of ss. 94.38 to 94.46 or rules
24 thereunder promulgated under those sections.

25 **SECTION 2006.** 94.41 (2) (e) of the statutes is amended to read:

1 94.41 (2) (e) To use the word "trace" as a substitute for any labeling required
2 under ~~s. 94.39~~ rules of the department relating to the composition of seeds or seed
3 mixtures.

4 **SECTION 2007.** 94.43 (1) of the statutes is amended to read:

5 94.43 (1) Every person whose name and address are required to appear on the
6 label of any seed as the labeler or person responsible for the labeling thereof of the
7 seed under ~~s. 94.39~~, or the rules of the department relating to the labeling of seed,
8 and every person who opens any bag or container of seed and sells any part of the seed
9 contained therein, shall obtain a seed labeler's license from the department before
10 selling, distributing or offering or exposing, ~~such~~ the seed for sale in this state.

11 **SECTION 2008.** 94.43 (3) (intro.) of the statutes is amended to read:

12 94.43 (3) (intro.) Application for a seed labeler's license shall be submitted on
13 a form prescribed by the department and shall be accompanied by a fee based on the
14 gross sales of seed within the state by the applicant under his or her own label during
15 the previous 12 months prior to filing the application. Fees for a labeler's license
16 shall be computed on gross sales according to the following schedule, except that the
17 department may specify different fees by rule:

18 **SECTION 2009.** 94.43 (3) (b) of the statutes is amended to read:

19 94.43 (3) (b) For gross sales that are \$10,000 or more but less than \$25,000
20 \$50,000: \$50.

21 **SECTION 2010.** 94.43 (3) (c) of the statutes is amended to read:

22 94.43 (3) (c) For gross sales that are ~~\$25,000~~ \$50,000 or more but less than
23 ~~\$75,000~~ \$100,000: \$100.

24 **SECTION 2011.** 94.43 (3) (d) of the statutes is amended to read:

1 94.43 (3) (d) For gross sales that are ~~\$75,000~~ \$100,000 or more but less than
2 ~~\$200,000: \$150~~ \$250,000: \$300.

3 **SECTION 2012.** 94.43 (3) (e) of the statutes is amended to read:

4 94.43 (3) (e) For gross sales that are ~~\$200,000~~ \$250,000 or more: ~~\$200~~ but less
5 than \$500,000: \$500.

6 **SECTION 2013.** 94.43 (3) (f) of the statutes is created to read:

7 94.43 (3) (f) For gross sales that are \$500,000 or more but less than \$1,000,000:
8 \$750.

9 **SECTION 2014.** 94.43 (3) (g) of the statutes is created to read:

10 94.43 (3) (g) For gross sales that are \$1,000,000 or more but less than
11 \$10,000,000: \$1,000.

12 **SECTION 2015.** 94.43 (3) (h) of the statutes is created to read:

13 94.43 (3) (h) For gross sales that are \$10,000,000 or more but less than
14 \$100,000,000: \$1,500.

15 **SECTION 2016.** 94.43 (3) (i) of the statutes is created to read:

16 94.43 (3) (i) For gross sales that are \$100,000,000 or more: \$2,500.

17 **SECTION 2017.** 94.44 of the statutes is amended to read:

18 **94.44 Records.** Each person whose name is required to appear on the label
19 as the labeler of agricultural or vegetable seeds pursuant to s. 94.39 under rules of
20 the department shall maintain complete records of each lot of seed sold or labeled for
21 a period of 2 years after final sale or disposition thereof of the seed, except that a file
22 sample of such the seed need be kept for only one year. ~~This and except that this~~
23 section ~~shall not be construed as requiring~~ does not require a record of the sale or
24 disposal of each portion of a lot sold at retail in quantities of less than 40 pounds.

1 All records and samples pertaining to any lot of seed shall be accessible for inspection
2 by the department during customary business hours.

3 **SECTION 2018.** 94.45 (intro.) and (1) to (5) of the statutes are renumbered 94.45
4 (1) (intro.) and (a) to (e).

5 **SECTION 2019.** 94.45 (6) of the statutes is repealed and recreated to read:

6 94.45 (6) The department shall promulgate rules that do all of the following:

7 (a) Prescribe standards for the labeling, distribution, and sale of agricultural
8 seed and vegetable seed.

9 (b) Govern methods of sampling, inspecting, analyzing, testing, and examining
10 agricultural seed and vegetable seed.

11 (c) Prescribe tolerances for purity and rate of germination of agricultural seed
12 and vegetable seed.

13 (d) Prescribe tolerances for the occurrence of noxious weed seeds in agricultural
14 seed and vegetable seed.

15 (e) Identify noxious weeds and prohibited noxious weeds.

16 (f) Govern the issuance of seed labeler licenses.

17 (g) Govern the administration and enforcement of ss. 94.38 to 94.46.

18 **SECTION 2021.** 95.55 (2) of the statutes is amended to read:

19 95.55 (2) APPLICATION. A person shall register under this section using a form
20 provided by the department. The form shall be accompanied by the fee applicable
21 fees specified under sub. (3). Upon registration, the department shall issue the
22 person a registration certificate.

23 **SECTION 2022.** 95.55 (3) (title) of the statutes is repealed and recreated to read:

24 95.55 (3) (title) REGISTRATION FEE; REINSPECTION FEE.

25 **SECTION 2023.** 95.55 (3) of the statutes is renumbered 95.55 (3) (a).



1 **SECTION 2024.** 95.55 (3) (b) of the statutes is created to read:

2 95.55 (3) (b) 1. If the department reinspects the premises where farm-raised
3 deer are kept because the department has found a violation of this chapter or rules
4 promulgated under this chapter, the department shall charge the person registered
5 under this section the reinspection fee specified under subd. 2.

6 2. The department shall specify the reinspection fee to be charged under subd.
7 1. by rule. The reinspection fee may not exceed the reasonable costs to reinspect the
8 premises. The department may specify different reinspection fees for different
9 premises.

10 3. A reinspection fee under this paragraph is payable when the reinspection is
11 completed, and is due upon written demand from the department. The department
12 may issue a demand for payment when it issues a registration renewal application
13 form to the person registered to keep farm-raised deer under this section.

14 **SECTION 2025.** 95.60 (4) (a) of the statutes is amended to read:

15 95.60 (4) (a) The department ~~shall~~ may inspect a fish farm upon initial
16 registration under sub. (3m). ~~The department may inspect a fish farm and~~ at any
17 other time.

18 **SECTION 2026.** 95.60 (5) of the statutes is amended to read:

19 95.60 (5) The department shall, by rule, specify the fees for permits,
20 certificates, registration and inspections under this section, including any
21 reinspection fees required under sub. (5m).

22 **SECTION 2027.** 95.60 (5m) of the statutes is created to read:

23 95.60 (5m) (a) If the department reinspects a fish farm because the department
24 has found a violation of this chapter or rules promulgated under this chapter, the

1 department shall charge the fish farm operator the reinspection fee specified under
2 par. (b).

3 (b) The department shall specify the reinspection fee to be charged under par.
4 (a) by rule. The reinspection fee may not exceed the reasonable costs to reinspect the
5 fish farm. The department may specify different reinspection fees for different fish
6 farms.

7 (c) A reinspection fee under this subsection is payable when the reinspection
8 is completed, and is due upon written demand from the department. The department
9 may issue a demand for payment when it issues a registration renewal application
10 form to the fish farm operator.

11 **SECTION 2028.** 95.68 (4) of the statutes is repealed and recreated to read:

12 **95.68 (4) LICENSE FEE; REINSPECTION FEE.** (a) The department shall, by rule,
13 specify the fee for an animal market license issued under this section.

14 (b) 1. If the department reinspects an animal market because the department
15 has found a violation of this chapter or rules promulgated under this chapter, the
16 department shall charge the animal market operator the reinspection fee specified
17 under subd. 2.

18 2. The department shall specify the reinspection fee to be charged under subd.
19 1. by rule. The reinspection fee may not exceed the reasonable costs to reinspect the
20 animal market. The department may specify different reinspection fees for different
21 animal markets.

22 3. A reinspection fee under this paragraph is payable when the reinspection is
23 completed, and is due upon written demand from the department. The department
24 may issue a demand for payment when it issues a license renewal application form
25 to the animal market operator.

1 **SECTION 2029.** 95.68 (8) of the statutes is amended to read:

2 95.68 (8) RULES. The department may promulgate rules ~~to specify license fees~~
3 ~~under sub. (4) or~~ to regulate the operation of animal markets, including rules related
4 to market operator qualifications, market construction and maintenance,
5 construction and maintenance of animal transport vehicles, identification of animal
6 transport vehicles, disease sanitation, humane treatment of animals, identification
7 of animals, record keeping, reports to the department and compliance with
8 applicable financial security requirements under state or federal law.

9 **SECTION 2030.** 95.69 (4) (title) of the statutes is repealed and recreated to read:

10 95.69 (4) (title) LICENSE FEE; REINSPECTION FEE.

11 **SECTION 2031.** 95.69 (4) of the statutes is renumbered 95.69 (4) (a) and
12 amended to read:

13 95.69 (4) (a) ~~Unless the~~ The department specifies a different fee shall, by rule,
14 specify the fee for an animal dealer license is \$75 issued under this section.

15 **SECTION 2032.** 95.69 (4) (b) of the statutes is created to read:

16 95.69 (4) (b) 1. If the department reinspects an animal dealer operation
17 because the department has found a violation of this chapter or rules promulgated
18 under this chapter, the department shall charge the animal dealer the reinspection
19 fee specified under subd. 2.

20 2. The department shall specify the reinspection fee to be charged under subd.
21 1. by rule. The reinspection fee may not exceed the reasonable costs to reinspect the
22 animal dealer operation. The department may specify different reinspection fees for
23 different animal dealer operations.

24 3. A reinspection fee under this paragraph is payable when the reinspection is
25 completed, and is due upon written demand from the department. The department

1 may issue a demand for payment when it issues a license renewal application form
2 to the animal dealer.

3 **SECTION 2033.** 95.69 (8) of the statutes is amended to read:

4 95.69 (8) RULES. The department may promulgate rules ~~to specify license fees~~
5 ~~under sub. (4) or~~ to regulate animal dealers, including rules related to animal dealer
6 qualifications, construction and maintenance of animal transport vehicles,
7 identification of animal transport vehicles, disease sanitation, humane treatment of
8 animals, identification of animals, record keeping, reports to the department and
9 compliance with applicable financial security requirements under state or federal
10 law.

11 **SECTION 2034.** 95.71 (5) of the statutes is amended to read:

12 95.71 (5) ~~FEES LICENSE FEE; REGISTRATION FEE; REINSPECTION FEE.~~ (a) ~~Unless the~~
13 ~~The department specifies different fees shall,~~ by rule, an applicant for an animal
14 trucker license shall pay a specify the fee in an amount equal to \$20 plus \$5 for each
15 ~~animal transport vehicle registered with the applicant's~~ for an animal trucker
16 ~~license application under sub. (3) issued under this section.~~

17 (b) The department shall, by rule, specify the fee to be paid for each animal
18 transport vehicle registered under sub. (4). If during any license year an animal
19 trucker registers an animal transport vehicle that was not registered with the
20 animal trucker's annual license application under sub. (3), the animal trucker shall,
21 pay the fee required under this paragraph at the time of the ~~additional~~ registration,
22 ~~pay a registration fee of \$5 for each animal transport vehicle registered.~~

23 **SECTION 2035.** 95.71 (5) (c) of the statutes is created to read:

24 95.71 (5) (c) 1. If the department reinspects an animal trucker operation
25 because the department has found a violation of this chapter or rules promulgated

1 under this chapter, the department shall charge the animal trucker the reinspection
2 fee specified under subd. 2.

3 2. The department shall specify the reinspection fee to be charged under subd.
4 1. by rule. The reinspection fee may not exceed the reasonable costs to reinspect the
5 animal trucker operation. The department may specify different reinspection fees
6 for different animal trucker operations.

7 3. A reinspection fee under this paragraph is payable when the reinspection is
8 completed, and is due upon written demand from the department. The department
9 may issue a demand for payment when it issues a license renewal application form
10 to the animal trucker.

11 **SECTION 2036.** 95.71 (8) of the statutes is amended to read:

12 95.71 (8) RULES. The department may promulgate rules ~~to specify license fees~~
13 ~~under sub. (5) or~~ to regulate animal truckers, including rules related to animal
14 trucker qualifications, construction and maintenance of animal transport vehicles,
15 identification of animal transport vehicles, disease sanitation, humane treatment of
16 animals, identification of animals, record keeping, reports to the department and
17 compliance with applicable financial security requirements under state or federal
18 law.

19 **SECTION 2037r.** 97.60 of the statutes is created to read:

20 **97.60 Meat and poultry inspection fee.** The department shall promulgate
21 a rule specifying a fee to be used to fund meat and poultry inspection under s. 97.42.
22 In promulgating the rule, the department shall consult with representatives of
23 industries and groups that would be affected by the fee. The department may not
24 promulgate a rule under this section requiring a person operating a plant where
25 animals are slaughtered to pay a fee based on the number of animals slaughtered.

1 The department may not require payment of the fee under this section before July
2 1, 2010.

3 **SECTION 2038.** 98.16 (title) of the statutes is amended to read:

4 **98.16** (title) ~~Licensing of vehicle~~ **Vehicle scale operators; scale**
5 **installation and testing.**

6 **SECTION 2039.** 98.16 (2) (title) of the statutes is amended to read:

7 98.16 (2) (title) LICENSE FOR OPERATOR.

8 **SECTION 2040.** 98.16 (2) (a) 1. of the statutes is renumbered 98.16 (2) (am) and
9 amended to read:

10 98.16 (2) (am) Except as provided in ~~subd. 2., a par. (dm),~~ no person may not
11 operate a vehicle scale without a an annual license from the department. A separate
12 license is required for each scale. A license is not transferable between persons or
13 scales. A license expires on March 31 annually.

14 (bm) The department shall provide a license application form for persons
15 applying for a license. The form ~~may~~ shall require all of the following:

16 3. Other information reasonably required by the department for licensing
17 purposes.

18 (cm) A license application shall be accompanied by ~~applicable fees under pars.~~
19 ~~(b) and (c).~~ all of the following fees and surcharges:

20 **SECTION 2041.** 98.16 (2) (a) 2. of the statutes is renumbered 98.16 (2) (dm) and
21 amended to read:

22 98.16 (2) (dm) ~~Subdivision 1. Paragraph (am)~~ does not apply to a person who
23 operates a vehicle scale only as an employee of a person who is required to hold a
24 license to operate the scale under this paragraph subsection.

1 **SECTION 2042.** 98.16 (2) (b) of the statutes is renumbered 98.16 (2) (cm) 1. and
2 amended to read:

3 98.16 (2) (cm) 1. A license fee. The fee for a license under par. (a) this subsection
4 is ~~\$60~~ \$100, except that the department may establish a different fee by rule
5 promulgated under sub. (4).

6 **SECTION 2043.** 98.16 (2) (bm) 1. of the statutes is created to read:

7 98.16 (2) (bm) 1. The applicant's correct legal name and business address and
8 any trade name under which the applicant proposes to operate the vehicle scale.

9 **SECTION 2044.** 98.16 (2) (bm) 2. of the statutes is created to read:

10 98.16 (2) (bm) 2. A description of the nature and location of the vehicle scale.

11 **SECTION 2045.** 98.16 (2) (c) of the statutes is renumbered 98.16 (2) (cm) 2. and
12 amended to read:

13 98.16 (2) (cm) 2. ~~An applicant for a license under par. (a) shall pay a~~ A license
14 fee surcharge of \$200 in addition to the license fee, if the department determines that
15 within one year prior to submitting the license application the applicant operated a
16 vehicle scale without a license as required by par. (a) (am). The license fee surcharge
17 is \$200, except that the department may establish a different surcharge by rule
18 promulgated under sub. (4). The department may not issue a license under this
19 subsection to an operator if the operator has failed to pay a license fee surcharge
20 assessed against the operator. Payment of the license fee surcharge does not relieve
21 the applicant of any other civil or criminal liability for the operation of a vehicle scale
22 without a license but shall not constitute evidence of violation of a law.

23 **SECTION 2046.** 98.16 (2) (d) of the statutes is repealed.

24 **SECTION 2047.** 98.16 (2m) of the statutes is created to read:

1 98.16 (2m) PERMIT FOR SCALE INSTALLATION OR CONSTRUCTION; VARIANCE. (a) No
2 person may install or relocate a vehicle scale without a permit from the department.
3 The department shall provide a permit application form for a person applying for a
4 permit under this paragraph. An application for a permit under this paragraph shall
5 be accompanied by a nonrefundable permit application fee in an amount established
6 by the department by rule promulgated under sub. (4).

7 (b) A person who installs or relocates a vehicle scale shall comply with
8 construction, operation, and maintenance standards and procedures established by
9 the department by rule under sub. (4), except that the department may grant a
10 variance from a construction standard if the department determines that the
11 variance is justified by special circumstances. The department may impose
12 conditions on the variance, including alternative construction standards, if the
13 department determines the conditions are necessary. The department shall provide
14 a variance application form for a person applying for a variance under this
15 paragraph. An application for a variance under this paragraph shall be accompanied
16 by a nonrefundable variance application fee in an amount established by the
17 department by rule promulgated under sub. (4).

18 **SECTION 2048.** 98.16 (3) (intro.) of the statutes is renumbered 98.16 (4) and
19 amended to read:

20 98.16 (4) RULES. The department ~~may~~ shall promulgate rules ~~to establish~~
21 ~~license fees under sub. (2) (b) and to regulate the~~ construction, operation, testing, and
22 maintenance of vehicle scales. ~~The rules may include all of the following: The~~
23 ~~department may promulgate rules to adjust fees and surcharges under subs. (2) (cm)~~
24 1. and 2. and (2m) (a) and (b) and to impose a testing surcharge upon a vehicle scale

1 operator if the operator fails to file a vehicle scale test report as required by a rule
2 promulgated by the department under this subsection.

3 **SECTION 2049.** 98.16 (3) (a) of the statutes is repealed.

4 **SECTION 2050.** 98.16 (3) (b) of the statutes is repealed.

5 **SECTION 2051.** 98.16 (3) (c) of the statutes is repealed.

6 **SECTION 2052.** 98.16 (3m) (b) 1. of the statutes is created to read:

7 98.16 **(3m)** (b) 1. Conduct the test and prepare a test report, according to rules
8 promulgated by the department under sub. (4).

9 **SECTION 2053.** 98.16 (3m) (b) 2. of the statutes is created to read:

10 98.16 **(3m)** (b) 2. Provide a copy of the test report to the operator of the vehicle
11 scale and, if required by rules promulgated by the department under sub. (4), to other
12 persons.

13 **SECTION 2054.** 98.16 (3m) (c) of the statutes is created to read:

14 98.16 **(3m)** (c) An operator of a vehicle scale shall file with the department a
15 copy of each test report prepared regarding the vehicle scale not more than 15 days
16 after the operator receives the test report. If an operator fails to file a report as
17 required in this paragraph, the department may assess a testing surcharge against
18 the operator. The department may not issue a license under sub. (2) to an operator
19 if the operator has failed to pay a testing surcharge assessed against the operator.
20 If an operator fails to pay a testing surcharge assessed against the operator within
21 120 days after the department assessed the surcharge, the department may revoke
22 the operator's license to operate the vehicle scale for which the operator has been
23 assessed the surcharge.

24 **SECTION 2055.** 98.224 of the statutes is created to read:

1 **98.224 Vehicle tank meters. (1) DEFINITION.** In this section, “vehicle tank
2 meter” means a commercial meter used to measure liquid fuel, as defined in s. 98.225
3 (1).

4 **(2) OPERATOR LICENSED. (a)** Except as provided in par. (e), no person may
5 operate a vehicle tank meter without an annual license from the department. An
6 annual license expires on October 31. A separate license is required for each vehicle
7 tank meter. A license is not transferable between persons or vehicle tank meters.

8 (b) To obtain a license under par. (a), a person shall submit an application on
9 a form provided by the department. The application shall include all of the following:

10 1. The applicant’s correct legal name and business address, and any trade name
11 under which the applicant proposes to operate the vehicle tank meter.

12 2. A description of the vehicle tank meter, including the serial number or other
13 identifying marks that appear on the meter and the vehicle on which the meter is
14 mounted.

15 3. The fees and surcharges required under par. (c).

16 4. Other relevant information reasonably required by the department for
17 licensing purposes.

18 (c) An application under par. (b) shall include all of the following fees and
19 surcharges:

20 1. A license fee established by the department by rule.

21 2. A surcharge established by the department by rule, if the department
22 determines that within one year prior to submitting the application, the applicant
23 operated the vehicle tank meter without a license required under par. (a). The
24 department may not issue a license under this subsection to an operator if the



1 operator has failed to pay a surcharge under this subdivision assessed against the
2 operator.

3 3. A surcharge established by department rule if the department determines
4 that, within one year prior to submitting the application, the applicant failed to
5 comply with the reporting requirement under sub. (3). The department may not
6 issue a license under this subsection to an operator if the operator has failed to pay
7 a surcharge under this subdivision assessed against the operator.

8 4. Reinspection fees, if any, required under s. 98.255.

9 (d) Payment of a surcharge under par. (c) 2. or 3. does not relieve the applicant
10 of any other civil or criminal liability for a law violation, but is not evidence of a
11 violation of this section.

12 (e) Paragraph (a) does not apply to an individual who operates a vehicle tank
13 meter only as an employee of a person who is required to hold a license under par.
14 (a) to operate that vehicle tank meter.

15 **(3) TESTING AND REPORTING.** The operator of a vehicle tank meter shall have the
16 meter tested for accuracy at least annually by a person who is licensed under s. 98.18
17 (1) to perform the testing. The operator, or the tester on behalf of the operator, shall
18 report the results of each test to the department within 30 days after the testing is
19 completed. The operator shall retain a test report for at least 3 years.

20 **(4) RULES.** (a) The department shall promulgate rules that establish all of the
21 following:

22 1. License fee and surcharge amounts under sub. (2) (c).

23 2. Standards for the testing, reporting, and record keeping required under sub.

24 (3).

1 (b) The department may promulgate rules that establish standards for the
2 construction, operation, and maintenance of vehicle tank meters.

3 **SECTION 2056.** 98.245 (4) (a) of the statutes is amended to read:

4 98.245 (4) (a) When liquefied petroleum gas is sold or delivered to a consumer
5 as a liquid and by liquid measurement the volume of liquid so sold and delivered shall
6 be corrected to a temperature of 60 degrees Fahrenheit through use of an approved
7 volume correction factor table, or through use of a meter that is equipped with a
8 sealed automatic compensating mechanism and that ~~is in compliance with sub. (7)~~
9 has been tested as required under sub. (8). All sale tickets shall show the delivered
10 gallons, the temperature at the time of delivery and the corrected gallonage, or shall
11 state that temperature correction was automatically made.

12 **SECTION 2057.** 98.245 (4) (b) of the statutes is amended to read:

13 98.245 (4) (b) When liquefied petroleum gas is sold or delivered to a consumer
14 in vapor form by vapor measurement, the volume of vapor so sold and delivered shall
15 be corrected to a temperature of 60 degrees Fahrenheit through the use of a meter
16 that is equipped with a sealed automatic temperature compensating mechanism.
17 This paragraph shall apply to all meters installed for use in the vapor measurement
18 of liquefied petroleum gas in vapor form after May 24, 1978. This paragraph does
19 not prohibit the continued use of meters previously installed without a self-sealing
20 automatic temperature compensating mechanism, but no such meter may be
21 continued in use after January 1, 1986, unless brought into compliance with this
22 paragraph. Subsection ~~(7)~~ (8) does not apply to meters used to sell or deliver liquefied
23 petroleum gas that are subject to this paragraph.

24 **SECTION 2058.** 98.245 (6) (a) (intro.) of the statutes is amended to read:

1 98.245 (6) (a) (intro.) No person may sell liquefied petroleum gas and deliver
2 it by a vehicle equipped with a pump and meter unless the meter is equipped with
3 a delivery ticket printer and ~~is in compliance with sub. (7)~~ has been tested as required
4 under sub. (8). Except as provided in par. (b), the seller shall, at the time of delivery,
5 either provide a copy of the delivery ticket printed by the delivery ticket printer to
6 the purchaser or leave a copy at the place of delivery. The delivery ticket shall contain
7 all of the following information:

8 **SECTION 2059.** 98.245 (7) of the statutes is repealed.

9 **SECTION 2060.** 98.245 (7m) of the statutes is created to read:

10 98.245 (7m) METER OPERATORS LICENSED. (a) No person may operate a meter
11 to determine the amount of liquefied petroleum gas sold or delivered under sub. (4)
12 (a) unless the person holds an annual license from the department under this
13 subsection. An annual license expires on November 30. A separate license is
14 required for each liquefied petroleum gas meter. A license is not transferable
15 between persons or meters.

16 (b) To obtain a license under par. (a), a person shall submit an application on
17 a form provided by the department. The application shall include all of the following:

18 1. The applicant's correct legal name and business address, and any trade name
19 under which the applicant proposes to operate the liquefied petroleum gas meter.

20 2. A description of the liquefied petroleum gas meter, including the serial
21 number or other identifying marks that appear on the meter, and if applicable, the
22 vehicle on which the meter is mounted.

23 3. The fees and surcharges required under par. (c).

24 4. Other relevant information reasonably required by the department for
25 licensing purposes.

1 (c) An application under par. (b) shall include the following fees and surcharges:

2 1. A license fee established by department rule.

3 2. A surcharge established by department rule, if the department determines
4 that, within one year prior to submitting the application, the applicant operated the
5 liquefied petroleum gas meter without a license required under par. (a). The
6 department may not issue a license under this subsection to an operator if the
7 operator has failed to pay a surcharge under this subdivision assessed against the
8 operator.

9 3. A surcharge established by the department by rule if the department
10 determines that, within one year prior to submitting the application, the applicant
11 failed to comply with a test reporting requirement under sub. (8). The department
12 may not issue a license under this subsection to an operator if the operator has failed
13 to pay a surcharge under this subdivision assessed against the operator.

14 4. Reinspection fees, if any, required under s. 98.255.

15 (d) Payment of a surcharge under par. (c) 2. or 3. does not relieve the applicant
16 of any other civil or criminal liability for a law violation, but is not evidence of a
17 violation of this section.

18 (e) Paragraph (a) does not apply to an individual who operates a liquefied
19 petroleum gas meter only as an employee of a person who is required to hold a license
20 under par. (a) to operate that meter.

21 **SECTION 2061.** 98.245 (8) of the statutes is created to read:

22 98.245 (8) TESTING AND REPORTING. A person that is required to hold a license
23 under sub. (7m) to operate a liquefied petroleum gas meter shall have the meter
24 tested for accuracy, at least annually, by a person who is licensed under s. 98.18 (1)
25 to perform the test. The meter operator, or the tester on behalf of the meter operator,

1 shall report the results of each test to the department within 30 days after the testing
2 is completed. The operator shall retain a record of each test for at least 3 years.

3 **SECTION 2062.** 98.245 (9) of the statutes is created to read:

4 98.245 (9) RULES. (a) The department shall promulgate rules that establish
5 all of the following:

6 1. License fee and surcharge amounts under sub. (7m) (c).

7 2. Standards for the testing, reporting, and record keeping required under sub.
8 (8).

9 (b) The department may promulgate rules that establish standards for the
10 construction, operation, and maintenance of liquefied petroleum gas meters.

11 **SECTION 2063.** 98.25 (title) of the statutes is renumbered 98.16 (3m) (title) and
12 amended to read:

13 98.16 (3m) (title) ~~VEHICLE SCALES: ANNUAL~~ ANNUAL TESTING.

14 **SECTION 2064.** 98.25 (1) of the statutes is renumbered 98.16 (3m) (a) and
15 amended to read:

16 98.16 (3m) (a) The owner or operator of a scale with a weighing capacity of
17 5,000 pounds or more used for the commercial weighing of commodities shall cause
18 the scales to be tested and inspected at least annually for accuracy by ~~an independent~~
19 ~~scale testing or service company in accordance with specifications, tolerances,~~
20 ~~standards and procedures established by the national institute of standards and~~
21 ~~technology and the department for the testing and examination of scales, using test~~
22 ~~weights approved by the department. The annual tests and inspections shall be at~~
23 ~~the expense of the owner or operator~~ a person licensed under s. 98.18 (1).

24 **SECTION 2065.** 98.25 (2) of the statutes is renumbered 98.16 (3m) (b) (intro.)
25 and amended to read:

1 98.16 (3m) (b) (intro.) A ~~scale testing or service company person~~ conducting a
2 test under sub. (1) par. (a) shall, ~~at the time of testing and inspection, promptly~~
3 ~~furnish to the owner or operator of the scale a report showing the results of the test~~
4 ~~and inspection with an additional copy for the department. The owner and operator~~
5 ~~of a scale which is found to be inaccurate at the time of testing shall immediately~~
6 ~~withdraw the scale from further use until necessary corrections, adjustments or~~
7 ~~repairs are made and do all of the following:~~

8 (d) If a test under this subsection shows that a vehicle scale is inaccurate, the
9 scale may not be used until the inaccuracy is corrected and the scale is determined
10 to be accurate by the scale testing or service company. A copy of the report prepared
11 by the scale testing or service company shall be filed with the department by the
12 owner or operator of the scale within 15 days after the test and inspection has been
13 completed. The department shall maintain a list open for public inspection of all
14 scales tested and found to be accurate on the annual test a subsequent test under this
15 subsection.

16 **SECTION 2066.** 98.25 (3) of the statutes is renumbered 98.16 (3m) (e) and
17 amended to read:

18 98.16 (3m) (e) No person may falsify a test ~~or determination of the accuracy of~~
19 ~~a vehicle scale tested under sub. (1) or file with the department a false report of a test~~
20 ~~of a vehicle scale under sub. (1), test result, or test report under this subsection.~~

21 **SECTION 2067.** 98.25 (4) of the statutes is renumbered 98.16 (3m) (f).

22 **SECTION 2068.** 98.255 of the statutes is created to read:

23 **98.255 Reinspection; fee.** (1) If the department reinspects a weight or
24 measure because the department has found a violation of this chapter or a rule

1 promulgated under this chapter, the department may charge the operator of the
2 weight or measure a reinspection fee.

3 (2) The department shall establish the amount of the reinspection fee under
4 sub. (1) by rule and may establish different reinspection fees for different types of
5 weights and measures. The amount of a reinspection fee for a weight or measure may
6 not exceed the department's average cost to reinspect that type of weight or measure.

7 (3) A reinspection fee under sub. (1) is payable after the reinspection is
8 completed and is due upon written demand from the department. The department
9 may issue a demand for payment when it issues an annual license application form
10 to the operator of the weighing or measuring device.

11 **SECTION 2073.** 100.45 (1) (dm) of the statutes is amended to read:

12 100.45 (1) (dm) "State agency" means any office, department, agency,
13 institution of higher education, association, society or other body in state
14 government created or authorized to be created by the constitution or any law which
15 is entitled to expend moneys appropriated by law, including the legislature and the
16 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
17 Center Sports and Entertainment Corporation, the University of Wisconsin
18 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
19 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care
20 Authority, and the Fox River Navigational System Authority.

21 **SECTION 2074f.** 101.02 (20) (a) of the statutes, as affected by 2009 Wisconsin
22 Act 16, is repealed and recreated to read:

23 101.02 (20) (a) For purposes of this subsection, "license" means a license,
24 permit, or certificate of certification or registration issued by the department under
25 ss. 101.09 (3) (c), 101.122 (2) (c), 101.136, 101.143 (2) (g), 101.147, 101.15 (2) (e),

1 101.16 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653,
2 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952,
3 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,
4 145.175, 145.18, or 167.10 (6m).

5 **SECTION 2074h.** 101.02 (21) (a) of the statutes, as affected by 2009 Wisconsin
6 Act 16, is repealed and recreated to read:

7 101.02 (21) (a) In this subsection, "license" means a license, permit, or
8 certificate of certification or registration issued by the department under s. 101.09
9 (3) (c), 101.122 (2) (c), 101.136, 101.143 (2) (g), 101.147, 101.15 (2) (e), 101.16 (3g),
10 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or (6),
11 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3),
12 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or
13 167.10 (6m).

14 **SECTION 2075c.** 101.1205 (title) of the statutes is repealed.

15 **SECTION 2075d.** 101.1205 (1) of the statutes is renumbered 281.33 (3m) (a) and
16 amended to read:

17 281.33 (3m) (a) The department, ~~in consultation with the department of~~
18 ~~natural resources,~~ shall establish statewide standards for erosion control at building
19 sites for the construction of public buildings, as defined in s. 101.01 (12), and
20 buildings that are places of employment, as defined in s. 101.02 (11).

21 **SECTION 2075e.** 101.1205 (2) of the statutes is renumbered 281.33 (3m) (b) and
22 amended to read:

23 281.33 (3m) (b) The department shall require the submission of plans for
24 erosion control at construction sites described in ~~sub. (1) par. (a)~~ to the department
25 or to a county, city, village, or town to which the department has delegated authority



1 under ~~sub. (4)~~ par. (d) and shall require approval of those plans by the department
2 or the county, city, village, or town.

3 **SECTION 2075f.** 101.1205 (3) of the statutes is renumbered 281.33 (3m) (c) and
4 amended to read:

5 281.33 (3m) (c) The department shall require inspection of erosion control
6 activities and structures at construction sites described in ~~sub. (1)~~ par. (a) by the
7 department or a county, city, village, or town to which the department has delegated
8 authority under ~~sub. (4)~~ par. (d).

9 **SECTION 2075g.** 101.1205 (4) of the statutes is renumbered 281.33 (3m) (d).

10 **SECTION 2075gm.** 101.1205 (5) of the statutes is renumbered 281.33 (3m) (e)
11 and amended to read:

12 281.33 (3m) (e) Except as provided in ~~sub. (5m)~~ par. (f), the authority of a
13 county, city, village, or town with respect to erosion control at sites described in ~~sub.~~
14 ~~(1)~~ par. (a) is limited to that authority delegated under ~~sub. (4)~~ par. (d) and any other
15 authority provided in rules promulgated under this ~~section~~ subsection.

16 **SECTION 2075h.** 101.1205 (5m) of the statutes is renumbered 281.33 (3m) (f)
17 and amended to read:

18 281.33 (3m) (f) Notwithstanding ~~subs. (1)~~ pars. (a) and ~~(5)~~ (e), a county, city,
19 village, or town that has in effect on January 1, 1994, an ordinance that establishes
20 standards for erosion control at building sites for the construction of public buildings
21 and buildings that are places of employment may continue to administer and enforce
22 that ordinance if the standards in the ordinance are more stringent than the
23 standards established under ~~sub. (1)~~ par. (a).

24 **SECTION 2075i.** 101.1205 (6) of the statutes is renumbered 281.33 (3m) (g) and
25 amended to read:

1 281.33 (3m) (g) The department, or a county, city, village, or town to which the
2 department delegates the authority to act under this ~~subsection~~ paragraph, may
3 issue a special order directing the immediate cessation of work on a construction site
4 described in ~~sub. (1)~~ par. (a) until any required plan approval is obtained or until the
5 site complies with standards established by rules promulgated under this ~~section~~
6 subsection.

7 **SECTION 2075j.** 101.1205 (7) of the statutes is renumbered 281.33 (3m) (h).

8 **SECTION 2153.** 101.143 (4) (ei) 1m. a. of the statutes is amended to read:

9 101.143 (4) (ei) 1m. a. The owner or operator of the farm tank owns a parcel
10 of 35 or more acres of contiguous land, on which the farm tank is located, which is
11 devoted primarily to agricultural use, as defined in s. 91.01 ~~(1)~~ (2), including land
12 designated by the department of natural resources as part of the ice age trail under
13 s. 23.17, which during the year preceding submission of a first claim under sub. (3)
14 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or
15 which, during the 3 years preceding that submission produced gross farm profits, as
16 defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres, on
17 which the farm tank is located, of which at least 35 acres, during part or all of the
18 year preceding that submission, were enrolled in the conservation reserve program
19 under 16 USC 3831 to 3836.

20 **SECTION 2154.** 101.143 (4) (ei) 1m. b. of the statutes is amended to read:

21 101.143 (4) (ei) 1m. b. The claim is submitted by a person who, at the time that
22 the notification was made under sub. (3) (a) 3., was the owner of the farm tank and
23 owned a parcel of 35 or more acres of contiguous land, on which the farm tank is or
24 was located, which was devoted primarily to agricultural use, as defined in s. 91.01
25 ~~(1)~~ (2), including land designated by the department of natural resources as part of

1 the ice age trail under s. 23.17, which during the year preceding that notification
2 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or
3 which, during the 3 years preceding that notification, produced gross farm profits,
4 as defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres, on
5 which the farm tank is located, of which at least 35 acres, during part or all of the
6 year preceding that notification, were enrolled in the conservation reserve program
7 under 16 USC 3831 to 3836.

8 **SECTION 2155.** 101.1435 of the statutes is created to read:

9 **101.1435 Removal of abandoned underground petroleum storage**
10 **tanks.** (1) In this section:

11 (a) "Backfill" does not include landscaping or replacing sidewalk, asphalt,
12 fence, or sod or other vegetation.

13 (b) "Underground petroleum product storage tank system" has the meaning
14 given in s. 101.143 (1) (i).

15 (2) The department may contract with a person registered or certified under
16 s. 101.09 (3) to empty, clean, remove, and dispose of an underground petroleum
17 product storage tank system; to assess the site on which the underground petroleum
18 product storage tank system is located; and to backfill the excavation if all of the
19 following apply:

20 (a) The department determines that the underground petroleum product
21 storage tank system is abandoned.

22 (b) Using the method that the department uses to determine inability to pay
23 under s. 101.143 (4) (ee), the department determines that the owner of the
24 underground petroleum product storage tank system is unable to pay to empty,
25 clean, remove, and dispose of the underground petroleum product storage tank

1 system; to assess the site on which the underground petroleum product storage tank
2 system is located; and to backfill the excavation.

3 (3) If the department incurs costs under sub. (2), the department shall record
4 a statement of lien with the register of deeds of the county in which the underground
5 petroleum product storage tank system was located. Upon recording the statement
6 of lien, the department has a lien on the property on which the underground
7 petroleum product storage tank system was located in the amount of the costs
8 incurred. The property remains subject to the lien until that amount is paid in full
9 to the department. The department shall deposit payments received under this
10 subsection into the petroleum inspection fund.

11 **SECTION 2155m.** 101.147 of the statutes is created to read:

12 **101.147 Contractor registration.** (1) No person may hold himself or herself
13 out or act as a construction contractor unless that person is registered as a
14 construction contractor by the department.

15 (2) The department shall promulgate rules to administer and enforce this
16 section.

17 (3) The department may directly assess a forfeiture by issuing an order against
18 any person who violates this section.

19 (4) The registration requirement under sub. (1) does not apply to any of the
20 following:

21 (a) A person who engages in construction on property owned or leased by that
22 person.

23 (b) A state agency or local governmental unit.

24 (c) A person who engages in construction in the course of his or her employment
25 by a state agency or local governmental unit.

1 **SECTION 2156.** 101.177 (1) (d) of the statutes is amended to read:

2 101.177 (1) (d) “State agency” means any office, department, agency,
3 institution of higher education, association, society, or other body in state
4 government created or authorized to be created by the constitution or any law, that
5 is entitled to expend moneys appropriated by law, including the legislature and the
6 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
7 Center Sports and Entertainment Corporation, the University of Wisconsin
8 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin
9 Quality Home Care Authority, and the Wisconsin Health and Educational Facilities
10 Authority, but excluding the Health Insurance Risk-Sharing Plan Authority and the
11 Lower Fox River Remediation Authority.

12 **SECTION 2156c.** 101.19 (1) (m) of the statutes is created to read:

13 101.19 (1) (m) Registering construction contractors under s. 101.147.

14 **SECTION 2157r.** 101.85 of the statutes is created to read:

15 **101.85 Contracting for services. (1)** In this section, “cost-benefit analysis”
16 means a comprehensive study to identify and compare the total cost, quality,
17 technical expertise, and timeliness of a service performed by department employees
18 and resources with the total cost, quality, technical expertise, and timeliness of the
19 same service obtained by means of a contract.

20 **(2)** The department may not engage any person who is not an employee of the
21 department to perform services for the department under this subchapter unless the
22 department finds, based upon a cost-benefit analysis, that those services can be
23 performed more cost-effectively and efficiently by that person than by an employee
24 of the department.

25 **SECTION 2158.** 101.9208 (4m) of the statutes is amended to read:

1 101.9208 **(4m)** Upon filing an application under sub. (1) or (4), a supplemental
2 title fee to be paid by the owner of the manufactured home, except that this fee shall
3 be waived with respect to an application under sub. (4) for transfer of a decedent's
4 interest in a manufactured home to his or her surviving spouse or domestic partner
5 under ch. 770. The fee required under this subsection shall be paid in addition to any
6 other fee specified in this section.

7 **SECTION 2158h.** 102.07 (8) (d) of the statutes is created to read:

8 102.07 **(8)** (d) Any employer described in s. 108.18 (2) (c) who willfully and with
9 intent to evade any requirement of this chapter misclassifies or attempts to
10 misclassify an individual who is an employee of the employer as a nonemployee shall
11 be fined \$25,000 for each violation.

12 **SECTION 2159.** 102.475 (6) of the statutes is amended to read:

13 102.475 **(6)** PROOF. In administering this section the department may require
14 reasonable proof of birth, marriage, domestic partnership under ch. 770,
15 relationship, or dependency.

16 **SECTION 2160.** 102.49 (1) of the statutes is amended to read:

17 102.49 **(1)** ~~Where~~ When the beneficiary under s. 102.46 or 102.47 (1) is the ~~wife~~
18 ~~or husband~~ spouse or domestic partner under ch. 770 of the deceased employee and
19 is wholly dependent for support, an additional death benefit shall be paid from the
20 funds provided by sub. (5) for each child by their marriage or domestic partnership
21 under ch. 770 who is living at the time of the death of the employee, and who is
22 likewise wholly dependent upon the employee for support. ~~Such~~ That payment shall
23 commence at the time that primary death benefit payments are completed, or, if
24 advancement of compensation has been paid, at the time when payments would
25 normally have been completed. Payments shall continue at the rate of 10% of the

1 surviving parent's weekly indemnity until the child's 18th birthday. If the child is
2 physically or mentally incapacitated, such payments may be continued beyond the
3 child's 18th birthday but the payments may not continue for more than a total of 15
4 years.

5 **SECTION 2161.** 102.49 (2) of the statutes is amended to read:

6 102.49 (2) A child lawfully adopted by the deceased employee and the surviving
7 spouse or domestic partner under ch. 770, prior to the time of the injury, and a child
8 not the deceased employee's own by birth or adoption but living with the deceased
9 employee as a member of the deceased employee's family at the time of the injury
10 shall for the purpose of this section be taken as a child by their marriage or domestic
11 partnership under ch. 770.

12 **SECTION 2162.** 102.49 (3) of the statutes is amended to read:

13 102.49 (3) If the employee leaves a spouse or domestic partner under ch. 770
14 wholly dependent and also a child by a former marriage, domestic partnership under
15 ch. 770, or adoption, likewise wholly dependent, aggregate benefits shall be the same
16 in amount as if the child were the child of the surviving spouse or partner, and the
17 entire benefit shall be apportioned to the dependents in the amounts that the
18 department ~~shall determine~~ determines to be just, considering the ages of the
19 dependents and other factors bearing on dependency. The benefit awarded to the
20 surviving spouse or partner shall not exceed 4 times the average annual earnings of
21 the deceased employee.

22 **SECTION 2163.** 102.51 (1) (a) 2m. of the statutes is created to read:

23 102.51 (1) (a) 2m. A domestic partner under ch. 770 upon his or her partner
24 with whom he or she is living at the time of the partner's death.

25 **SECTION 2164.** 102.51 (2) (a) of the statutes is amended to read:

1 102.51 (2) (a) No person shall be considered a dependent unless that person is
2 a spouse, a domestic partner under ch. 770, a divorced spouse who has not remarried,
3 or a lineal descendant, lineal ancestor, brother, sister, or other member of the family,
4 whether by blood or by adoption, of the deceased employee.

5 **SECTION 2165.** 102.51 (6) of the statutes is amended to read:

6 102.51 (6) DIVISION AMONG DEPENDENTS. Benefits accruing to a minor dependent
7 child may be awarded to either parent in the discretion of the department.
8 Notwithstanding sub. (1), the department may reassign the death benefit, in
9 accordance with their respective needs ~~therefor~~ for the death benefit as between a
10 surviving spouse or a domestic partner under ch. 770 and children designated in sub.
11 (1) and s. 102.49.

12 **SECTION 2166.** 102.64 (1) of the statutes is amended to read:

13 102.64 (1) Upon request of the department of administration, a representative
14 of the department of justice shall represent the state in cases involving payment into
15 or out of the state treasury under s. 20.865 (1) (fm), (kr), or (ur) or 102.29. The
16 department of justice, after giving notice to the department of administration, may
17 compromise the amount of ~~such~~ those payments but such compromises shall be
18 subject to review by the department of workforce development. If the spouse or
19 domestic partner under ch. 770 of the deceased employee compromises his or her
20 claim for a primary death benefit, the claim of the children of ~~such~~ the employee
21 under s. 102.49 shall be compromised on the same proportional basis, subject to
22 approval by the department. If the persons entitled to compensation on the basis of
23 total dependency under s. 102.51 (1) compromise their claim, payments under s.
24 102.49 (5) (a) shall be compromised on the same proportional basis.

25 **SECTION 2169.** 103.10 (1) (a) (intro.) of the statutes is amended to read:

1 103.10 (1) (a) (intro.) "Child" means a natural, adopted, ~~foster or treatment or~~
2 foster child, a stepchild, or a legal ward to whom any of the following applies:

3 **SECTION 2170.** 103.10 (1) (ar) of the statutes is created to read:

4 103.10 (1) (ar) "Domestic partner" has the meaning given in s. 40.02 (21c) or
5 770.01 (1).

6 **SECTION 2171.** 103.10 (1) (b) of the statutes is amended to read:

7 103.10 (1) (b) "Employee" means an individual employed in this state by an
8 employer, except the employer's parent, spouse, domestic partner, or child.

9 **SECTION 2171r.** 103.10 (1) (e) of the statutes is amended to read:

10 103.10 (1) (e) "Health care provider" means a person described under s. 146.81
11 (1) (a) to (p), but does not include a person described under s. 146.81 (1) (hp).

12 **SECTION 2172.** 103.10 (1) (f) of the statutes is amended to read:

13 103.10 (1) (f) "Parent" means a natural parent, foster parent, treatment foster
14 parent, adoptive parent, stepparent, or legal guardian of an employee or of an
15 employee's spouse or domestic partner.

16 **SECTION 2173.** 103.10 (1) (f) of the statutes, as affected by 2009 Wisconsin Act
17 (this act), is amended to read:

18 103.10 (1) (f) "Parent" means a natural parent, foster parent, ~~treatment foster~~
19 ~~parent~~, adoptive parent, stepparent, or legal guardian of an employee or of an
20 employee's spouse or domestic partner.

21 **SECTION 2174.** 103.10 (3) (b) 3. of the statutes is amended to read:

22 103.10 (3) (b) 3. To care for the employee's child, spouse, domestic partner, or
23 parent, if the child, spouse, domestic partner, or parent has a serious health
24 condition.

25 **SECTION 2175.** 103.10 (6) (b) (intro.) of the statutes is amended to read:

1 103.10 (6) (b) (intro.) If an employee intends to take family leave because of the
2 planned medical treatment or supervision of a child, spouse, domestic partner, or
3 parent or intends to take medical leave because of the planned medical treatment or
4 supervision of the employee, the employee shall do all of the following:

5 **SECTION 2176.** 103.10 (6) (b) 1. of the statutes is amended to read:

6 103.10 (6) (b) 1. Make a reasonable effort to schedule the medical treatment
7 or supervision so that it does not unduly disrupt the employer's operations, subject
8 to the approval of the health care provider of the child, spouse, domestic partner,
9 parent, or employee.

10 **SECTION 2177.** 103.10 (7) (a) of the statutes is amended to read:

11 103.10 (7) (a) If an employee requests family leave for a reason described in sub.
12 (3) (b) 3. or requests medical leave, the employer may require the employee to provide
13 certification, as described in par. (b), issued by the health care provider or Christian
14 Science practitioner of the child, spouse, domestic partner, parent, or employee,
15 whichever is appropriate.

16 **SECTION 2178.** 103.10 (7) (b) 1. of the statutes is amended to read:

17 103.10 (7) (b) 1. That the child, spouse, domestic partner, parent, or employee
18 has a serious health condition.

19 **SECTION 2180.** 103.10 (12) (c) of the statutes is amended to read:

20 103.10 (12) (c) If 2 or more health care providers disagree about any of the
21 information required to be certified under sub. (7) (b), the department may appoint
22 another health care provider to examine the child, spouse, domestic partner, parent,
23 or employee and render an opinion as soon as possible. The department shall
24 promptly notify the employee and the employer of the appointment. The employer
25 and the employee shall each pay 50% of the cost of the examination and opinion.



1 **SECTION 2181.** 103.165 (3) (a) 1. of the statutes is amended to read:

2 103.165 (3) (a) 1. The decedent's surviving spouse or domestic partner under
3 ch. 770.

4 **SECTION 2182.** 103.165 (3) (a) 2. of the statutes is amended to read:

5 103.165 (3) (a) 2. The decedent's children if the decedent ~~shall leave~~ leaves no
6 surviving spouse or domestic partner under ch. 770.

7 **SECTION 2183.** 103.165 (3) (a) 3. of the statutes is amended to read:

8 103.165 (3) (a) 3. The decedent's father or mother if the decedent ~~shall leave~~
9 leaves no surviving spouse, domestic partner under ch. 770, or children.

10 **SECTION 2184.** 103.165 (3) (a) 4. of the statutes is amended to read:

11 103.165 (3) (a) 4. The decedent's brother or sister if the decedent ~~shall leave~~
12 leaves no surviving spouse, domestic partner under ch. 770, children, or parent.

13 **SECTION 2185.** 103.165 (3) (c) of the statutes is amended to read:

14 103.165 (3) (c) The amount of the cash bond, together with principal and
15 interest, to which the deceased employee would have been entitled had the deceased
16 employee lived, shall, as soon as paid out by the depository, be turned over to the
17 ~~relative of the deceased employee~~ person designated under par. (a) effecting the
18 accounting and withdrawal with the employer. The turning over shall be a discharge
19 and release of the employer to the amount of the payment.

20 **SECTION 2186.** 103.165 (3) (d) of the statutes is amended to read:

21 103.165 (3) (d) If no ~~relatives~~ persons designated under par. (a) survive, the
22 employer may apply the cash bond, or so much of the cash bond as may be necessary,
23 to paying creditors of the decedent in the order of preference prescribed in s. 859.25
24 for satisfaction of debts by personal representatives. The making of payment under

1 this paragraph shall be a discharge and release of the employer to the amount of the
2 payment.

3 **SECTION 2186f.** 103.457 of the statutes is amended to read:

4 **103.457 Listing deductions from wages.** An employer shall state clearly
5 on the employee's pay check, pay envelope, or paper accompanying the wage
6 payment the amount of and reason for each deduction from the wages due or earned
7 by the employee, except such miscellaneous deductions as may have been authorized
8 by request of the individual employee for reasons personal to the employee. A
9 reasonable coding system may be used by the employer. If the department finds that
10 an employer has failed to state that information clearly as required under this
11 section, the department may order the employer to pay the employee, as liquidated
12 damages, not less than \$50 nor more than \$500 for each violation.

13 **SECTION 2186t.** 103.49 (1) (a) of the statutes is amended to read:

14 103.49 (1) (a) "Area" means the county in which a proposed project of public
15 works that is subject to this section is located or, if the department determines that
16 there is insufficient wage data in that county, "area" means those counties that are
17 contiguous to that county or, if the department determines that there is insufficient
18 wage data in those counties, "area" means those counties that are contiguous to those
19 counties or, if the department determines that there is insufficient wage data in those
20 counties, "area" means the entire state or, if the department is requested to review
21 a determination under sub. (3) (c), "area" means the city, village, or town in which
22 a proposed project of public works that is subject to this section is located.

*insert
from
p. 1032* → **SECTION 2186v.** 103.49 (1) (bg) of the statutes is amended to read:

1 103.49 (1) (bg) "Insufficient wage data" means less than 500 hours of work
2 performed in a particular trade or occupation on projects that are similar to a
3 proposed project of public works that is subject to this section.

4 **SECTION 2186x.** 103.49 (1) (bj) of the statutes is created to read:

5 103.49 (1) (bj) "Minor service and maintenance work" means a project of public
6 works that is limited to minor crack filling, chip or slurry sealing, or other minor
7 pavement patching, not including overlays, that has a projected life span of no longer
8 than 5 years cleaning of drainage or sewer ditches or structures; or any other limited,
9 minor work on public facilities or equipment that is routinely performed to prevent
10 breakdown or deterioration.

11 *P. 1031* **SECTION 2186~~f~~^u** 103.49 (1) (am) of the statutes is created to read:

12 103.49 (1) (am) "Bona fide economic benefit" means an economic benefit for
13 which an employer makes irrevocable contributions to a trust or fund created under
14 29 USC 186 (c) or to any other bona fide plan, trust, program, or fund no less often
15 than quarterly or, if an employer makes annual contributions to such a bona fide
16 plan, trust, program, or fund, for which the employer irrevocably escrows moneys at
17 least quarterly based on the employer's expected annual contribution.

18 **SECTION 2187.** 103.49 (1) (bm) of the statutes is repealed.

19 **SECTION 2187f.** 103.49 (1) (d) 1. of the statutes is amended to read:

20 103.49 (1) (d) 1. Except as provided in subd. 2., "prevailing wage rate" for any
21 trade or occupation engaged in the erection, construction, remodeling, repairing ~~or~~,
22 demolition, or improvement of any project of public works in any area means the
23 hourly basic rate of pay, plus the hourly contribution for health insurance benefits,
24 vacation benefits, pension benefits, and any other bona fide economic benefit, paid

1 directly or indirectly for a majority of the hours worked in the trade or occupation on
2 projects in the area.

3 **SECTION 2187h.** 103.49 (1) (d) 2. of the statutes is amended to read:

4 103.49 (1) (d) 2. If there is no rate at which a majority of the hours worked in
5 the trade or occupation on projects in the area is paid, “prevailing wage rate” for any
6 trade or occupation engaged in the erection, construction, remodeling, repairing ~~or~~,
7 demolition, or improvement of any project of public works in any area means the
8 average hourly basic rate of pay, weighted by the number of hours worked, plus the
9 average hourly contribution, weighted by the number of hours worked, for health
10 insurance benefits, vacation benefits, pension benefits, and any other bona fide
11 economic benefit, paid directly or indirectly for all hours worked at the hourly basic
12 rate of pay of the highest-paid 51% of hours worked in that trade or occupation on
13 projects in that area.

14 **SECTION 2187j.** 103.49 (1) (dm) of the statutes is created to read:

15 103.49 (1) (dm) “Project of public works” means a project involving the erection,
16 construction, repair, remodeling, demolition, or improvement, including any
17 alteration, painting, decorating, or grading, of a public facility, including land, a
18 building, or other infrastructure.

19 **SECTION 2188.** 103.49 (1) (e) of the statutes is repealed.

20 **SECTION 2188e.** 103.49 (1) (f) of the statutes is amended to read:

21 103.49 (1) (f) “State agency” means any office, department, independent
22 agency, institution of higher education, association, society or other body in state
23 government created or authorized to be created by the constitution or any law,
24 including the legislature and the courts. “State agency” also includes a state public
25 body and corporate created by constitution, statute, rule, or order, including

1 specifically the University of Wisconsin Hospitals and Clinics Authority, the Fox
2 River Navigational System Authority, and the Wisconsin Aerospace Authority.

3 **SECTION 2188f.** 103.49 (1) (fm) of the statutes is created to read:

4 103.49 (1) (fm) "Supply and installation contract" means a contract under
5 which the material is installed by the supplier, the material is installed by means of
6 simple fasteners or connectors such as screws or nuts and bolts and no other work
7 is performed on the site of the project of public works, and the total labor cost to
8 install the material does not exceed 20 percent of the total cost of the contract.

9 **SECTION 2188f.** 103.49 (1m) of the statutes is created to read:

10 103.49 (1m) APPLICABILITY. Subject to sub. (3g), this section applies to any
11 project of public works erected, constructed, repaired, remodeled, demolished, or
12 improved for the state or a state agency, other than a highway, street, or bridge
13 construction or maintenance project, including all of the following:

14 (a) A project erected, constructed, repaired, remodeled, demolished, or
15 improved by one state agency for another state agency under any contract or under
16 any statute specifically authorizing cooperation between state agencies.

17 (b) A project in which the completed facility is leased, purchased, lease
18 purchased, or otherwise acquired by, or dedicated to, the state in lieu of the state or
19 a state agency contracting for the erection, construction, repair, remodeling,
20 demolition, or improvement of the facility.

21 (c) A "sanitary sewer" or water main project in which the completed sanitary
22 sewer or water main is acquired by, or dedicated to, the state for ownership or
23 maintenance by the state.

24 **SECTION 2188h.** 103.49 (2) of the statutes is amended to read:



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103.49 (2) PREVAILING WAGE RATES AND HOURS OF LABOR. Any contract hereafter
 made for the erection, construction, remodeling, repairing, ^{or ← strike} demolition, or
improvement of any project of public works, ~~except contracts for the construction or~~
~~maintenance of public highways, streets, and bridges,~~ to which the state or any state
 agency is a party shall contain a stipulation that no person performing the work
 described in sub. (2m) may be permitted to work a greater number of hours per day
 or per week than the prevailing hours of labor, except that any such person may be
 permitted or required to work more than such prevailing hours of labor per day and
 per week if he or she is paid for all hours worked in excess of the prevailing hours of
 labor at a rate of at least 1.5 times his or her hourly basic rate of pay; nor may he or
 she be paid less than the prevailing wage rate determined under sub. (3) in the same
 or most similar trade or occupation in the area ~~wherein such~~ in which the project of
 public works is situated. A reference to the prevailing wage rates determined under
 sub. (3) and the prevailing hours of labor shall be published in the notice issued for
 the purpose of securing bids for the project. If any contract or subcontract for a
 project of public works that is subject to this section is entered into, the prevailing
 wage rates determined under sub. (3) and the prevailing hours of labor shall be
 physically incorporated into and made a part of the contract or subcontract, except
 that for a minor subcontract, as determined by the department, the department shall
 prescribe by rule the method of notifying the minor subcontractor of the prevailing
 wage rates and prevailing hours of labor applicable to the minor subcontract. The
 prevailing wage rates and prevailing hours of labor applicable to a contract or
 subcontract may not be changed during the time that the contract or subcontract is
 in force.

SECTION 2188k. 103.49 (2m) (a) 1. of the statutes is amended to read:

1 103.49 (2m) (a) 1. All laborers, workers, mechanics, and truck drivers
2 employed on the site of a project of public works that is subject to this section.

3 **SECTION 2188m.** 103.49 (2m) (a) 2. of the statutes is amended to read:

4 103.49 (2m) (a) 2. All laborers, workers, mechanics, and truck drivers
5 employed in the manufacturing or furnishing of materials, articles, supplies, or
6 equipment on the site of a project of public works that is subject to this section or from
7 a facility dedicated exclusively, or nearly so, to a project of public works that is subject
8 to this section by a contractor, subcontractor, agent, or other person performing any
9 work on the site of the project.

10 **SECTION 2188p.** 103.49 (2m) (b) 1. of the statutes is amended to read:

11 103.49 (2m) (b) 1. The laborer, worker, mechanic, or truck driver is employed
12 to go to the source of mineral aggregate such as sand, gravel, or stone that is to be
13 immediately incorporated into the work, and not stockpiled or further transported
14 by truck, pick up that mineral aggregate, and deliver that mineral aggregate to the
15 site of a project of public works that is subject to this section by depositing the
16 material substantially in place, directly or through spreaders from the transporting
17 vehicle.

18 **SECTION 2188r.** 103.49 (2m) (b) 2. of the statutes is amended to read:

19 103.49 (2m) (b) 2. The laborer, worker, mechanic, or truck driver is employed
20 to go to the site of a project that is subject to this section, pick up excavated material
21 or spoil from the site of the project of public works and transport that excavated
22 material or spoil away from the site of the project.

23 **SECTION 2188v.** 103.49 (3) (am) of the statutes is amended to read:

24 103.49 (3) (am) The department shall, by January 1 of each year, compile the
25 prevailing wage rates for each trade or occupation in each area. The compilation

1 shall, in addition to the current prevailing wage rates, include future prevailing
2 wage rates when those prevailing wage rates can be determined for any trade or
3 occupation in any area and shall specify the effective date of those future prevailing
4 wage rates. If a ~~construction~~ project of public works extends into more than one area
5 there shall be but one standard of prevailing wage rates for the entire project.

6 **SECTION 2189.** 103.49 (3) (ar) of the statutes is amended to read:

7 103.49 (3) (ar) In determining prevailing wage rates under par. (a) or (am), the
8 department may not use data from projects that are subject to this section, s. 66.0903,
9 66.0904, 103.50, or 229.8275 or 40 USC 276a 3142 unless the department determines
10 that there is insufficient wage data in the area to determine those prevailing wage
11 rates, in which case the department may use data from projects that are subject to
12 this section, s. 66.0903, 66.0904, 103.50, or 229.8275 or 40 USC 276a 3142.

13 **SECTION 2189v.** 103.49 (3) (c) of the statutes is amended to read:

14 103.49 (3) (c) In addition to the recalculation under par. (b), the state agency
15 that requested the determination under this subsection may request a review of any
16 portion of a determination within 30 days after the date of issuance of the
17 determination if the state agency submits evidence with the request showing that
18 the prevailing wage rate for any given trade or occupation included in the
19 determination does not represent the prevailing wage rate for that trade or
20 occupation in the city, village, or town in which the proposed project of public works
21 is located. That evidence shall include wage rate information for the contested trade
22 or occupation on at least 3 similar projects located in the city, village, or town where
23 the proposed project of public works is located on which some work has been
24 performed during the current survey period and which were considered by the
25 department in issuing its most recent compilation under par. (am). The department

1 shall affirm or modify the determination within 15 days after the date on which the
2 department receives the request for review.

3 **SECTION 2190d.** 103.49 (3g) of the statutes is renumbered 103.49 (3g) (intro.)
4 and amended to read:

5 103.49 (3g) NONAPPLICABILITY. (intro.) This section does not apply to any
6 ~~single-trade public works project~~ of the following:

7 (a) A project of public works for which the estimated project cost of completion
8 is less than \$30,000 ~~or an amount determined by the department under s. 66.0903~~
9 ~~(5) or to any multiple-trade public works project for which the estimated project cost~~
10 ~~of completion is less than \$150,000 or an amount determined by the department~~
11 ~~under s. 66.0903 (5)~~ \$25,000.

12 **SECTION 2190f.** 103.49 (3g) (b) of the statutes is created to read:

13 103.49 (3g) (b) A project of public works in which the labor for the project is
14 provided by unpaid volunteers.

15 **SECTION 2190j.** 103.49 (3g) (c) of the statutes is created to read:

16 103.49 (3g) (c) Minor service or maintenance work, warranty work, or work
17 under a supply and installation contract.

18 **SECTION 2190n.** 103.49 (4r) (b) of the statutes is amended to read:

19 103.49 (4r) (b) Upon completion of a project of public works and before
20 receiving final payment for his or her work on the project, each agent or
21 subcontractor shall furnish the contractor with an affidavit stating that the agent
22 or subcontractor has complied fully with the requirements of this section. A
23 contractor may not authorize final payment until the affidavit is filed in proper form
24 and order.

25 **SECTION 2190p.** 103.49 (4r) (c) of the statutes is amended to read:

1 103.49 (4r) (c) Upon completion of a project of public works and before receiving
2 final payment for his or her work on the project, each contractor shall file with the
3 state agency authorizing the work an affidavit stating that the contractor has
4 complied fully with the requirements of this section and that the contractor has
5 received an affidavit under par. (b) from each of the contractor's agents and
6 subcontractors. A state agency may not authorize a final payment until the affidavit
7 is filed in proper form and order. If a state agency authorizes a final payment before
8 an affidavit is filed in proper form and order or if the department determines, based
9 on the greater weight of the credible evidence, that any person performing the work
10 specified in sub. (2m) has been or may have been paid less than the prevailing wage
11 rate or less than 1.5 times the hourly basic rate of pay for all hours worked in excess
12 of the prevailing hours of labor and requests that the state agency withhold all or part
13 of the final payment, but the state agency fails to do so, the state agency is liable for
14 all back wages payable up to the amount of the final payment.

15 **SECTION 2191d.** 103.49 (5) (a) of the statutes is amended to read:

16 103.49 (5) (a) Each contractor, subcontractor, or contractor's or subcontractor's
17 agent performing work on a project of public works that is subject to this section shall
18 keep full and accurate records clearly indicating the name and trade or occupation
19 of every person performing the work described in sub. (2m) and an accurate record
20 of the number of hours worked by each of those persons and the actual wages paid
21 for the hours worked.

22 **SECTION 2191f.** 103.49 (5) (am) of the statutes is created to read:

23 103.49 (5) (am) 1. Except as provided in this subdivision, by no later than the
24 end of the first week of a month following a month in which a contractor,
25 subcontractor, or contractor's or subcontractor's agent performs work on a project of



1 public works that is subject to this section, the contractor, subcontractor, or agent
2 shall submit to the department in an electronic format a certified record of the
3 information specified in par. (a) for that preceding month. This requirement does not
4 apply to a contractor, subcontractor, or agent if all persons employed by the
5 contractor, subcontractor, or agent who are performing the work described in sub.
6 (2m) are covered under a collective bargaining agreement and the wage rates for
7 those persons under the collective bargaining agreement are not less than the
8 prevailing wage rate. In that case, the contractor, subcontractor, or agent shall
9 submit to the department in an electronic format a copy of all collective bargaining
10 agreements that are pertinent to the project of public works by no later than the end
11 of the first week of the first month in which the contractor, subcontractor, or agent
12 performs work on the project of public works.

13 2. The department shall post on its Internet site all certified records and
14 collective bargaining agreements submitted to the department under subd. 1.,
15 except that the department may not post on that site the name of or any other
16 personally identifiable information relating to any employee of a contractor,
17 subcontractor, or agent that submits information to the department under subd. 1.
18 In this subdivision, "personally identifiable information" does not include an
19 employee's trade or occupation, his or her hours of work, or the wages paid for those
20 hours worked.

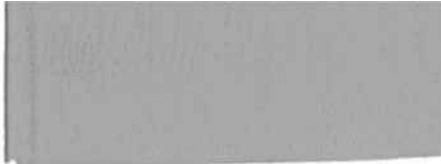
21 (De)

22 **SECTION 2191h.** 103.49 (5) (b) of the statutes is amended to read:
23 103.49 (5) (b) It shall be the duty of the department to enforce this section. To
24 this end it may demand and examine, and every contractor, subcontractor, and
25 contractor's and subcontractor's agent shall keep, and furnish upon request by the

1 department, copies of payrolls and other records and information relating to the
2 wages paid to persons performing the work described in sub. (2m) for work to which
3 this section applies. The department may inspect records in the manner provided
4 in this chapter. Every contractor, subcontractor, or agent performing work on a
5 project of public works that is subject to this section is subject to the requirements
6 of this chapter relating to the examination of records. Section 111.322 (2m) applies
7 to discharge and other discriminatory acts arising in connection with any proceeding
8 under this section.

9 **SECTION 2192.** 103.49 (5) (c) of the statutes is amended to read:

10 103.49 (5) (c) If requested by any person, the department shall inspect the
11 payroll records of any contractor, subcontractor, or agent performing work on a
12 project of public works that is subject to this section to ensure compliance with this
13 section. If In the case of a request made by a person performing the work specified
14 in sub. (2m), if the department finds that the contractor, subcontractor, or agent
15 subject to the inspection is found to be in compliance and if the person making the
16 request is a person performing the work specified in sub. (2m) that the request is
17 frivolous, the department shall charge the person making the request the actual cost
18 of the inspection. If In the case of a request made by a person not performing the work
19 specified in sub. (2m), if the department finds that the contractor, subcontractor, or
20 agent subject to the inspection is found to be in compliance and if the person making
21 the request is not a person performing the work specified in sub. (2m) that the
22 request is frivolous, the department shall charge the person making the request \$250
23 or the actual cost of the inspection, whichever is greater. In order to find that a
24 request is frivolous, the department must find that the person making the request
25 made the request in bad faith, solely for the purpose of harassing or maliciously



1 injuring the contractor, subcontractor, or agent subject to the inspection, or that the
2 person making the request knew, or should have known, that there was no
3 reasonable basis for believing that a violation of this section had been committed.

4 *Handwritten initials or signature.*

5 **SECTION 2192e.** 103.49 (6m) (a) of the statutes is renumbered 103.49 (6m) (am).

6 **SECTION 2192f.** 103.49 (6m) (ag) of the statutes is created to read:

7 103.49 **(6m)** (ag) 1. Any contractor, subcontractor, or contractor's or
8 subcontractor's agent who fails to pay the prevailing wage rate determined by the
9 department under sub. (3) or who pays less than 1.5 times the hourly basic rate of
10 pay for all hours worked in excess of the prevailing hours of labor is liable to any
11 affected employee in the amount of his or her unpaid wages or his or her unpaid
12 overtime compensation and in an additional amount as liquidated damages as
13 provided in subd. 2., 3., or 4., whichever is applicable.

14 2. If the department determines upon inspection under sub. (5) (b) or (c) that
15 a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay
16 the prevailing wage rate determined by the department under sub. (3) or has paid
17 less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the
18 prevailing hours of labor, the department shall order the contractor to pay to any
19 affected employee the amount of his or her unpaid wages or his or her unpaid
20 overtime compensation and an additional amount equal to 100 percent of the amount
21 of those unpaid wages or that unpaid overtime compensation as liquidated damages
22 within a period specified by the department in the order.

23 3. In addition to or in lieu of recovering the liability specified in subd. 1. as
24 provided in subd. 2., any employee for and in behalf of that employee and other
25 employees similarly situated may commence an action to recover that liability in any

1 court of competent jurisdiction. In an action that is commenced before the end of any
2 period specified by the department under subd. 2., if the court finds that a contractor,
3 subcontractor, or contractor's or subcontractor's agent has failed to pay the
4 prevailing wage rate determined by the department under sub. (3) or has paid less
5 than 1.5 times the hourly basic rate of pay for all hours worked in excess of the
6 prevailing hours of labor, the court shall order the contractor, subcontractor, or agent
7 to pay to any affected employee the amount of his or her unpaid wages or his or her
8 unpaid overtime compensation and an additional amount equal to 100 percent of the
9 amount of those unpaid wages or that unpaid overtime compensation as liquidated
10 damages.

11 4. In an action that is commenced after the end of any period specified by the
12 department under subd. 2., if the court finds that a contractor, subcontractor, or
13 contractor's or subcontractor's agent has failed to pay the prevailing wage rate
14 determined by the department under sub. (3) or has paid less than 1.5 times the
15 hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor,
16 the court shall order the contractor, subcontractor, or agent to pay to any affected
17 employee the amount of his or her unpaid wages or his or her unpaid overtime
18 compensation and an additional amount equal to 200 percent of the amount of those
19 unpaid wages or that unpaid overtime compensation as liquidated damages.

20 5. No employee may be a party plaintiff to an action under subd. 3. or 4. unless
21 the employee consents in writing to become a party and the consent is filed in the
22 court in which the action is brought. Notwithstanding s. 814.04 (1), the court shall,
23 in addition to any judgment awarded to the plaintiff, allow reasonable attorney fees
24 and costs to be paid by the defendant.

25 **SECTION 2192p.** 103.49 (6m) (b) of the statutes is amended to read: