

138.14 (1) (be) "Consumer reporting agency" has the meaning given in 15 USC 1681a (f).

SECTION 2637gf. 138.14 (1) (k) 1. of the statutes is amended to read:

138.14 (1) (k) 1. A transaction between an individual with an account at a financial establishment and another person, including a person who is not physically located in this state, in which the person agrees to accept from the individual one or more checks, to hold the check or checks for a period of time before negotiating or presenting the check or checks for payment, and to loan to the individual, for a term of 90 days or less, before negotiating or presenting the check or checks for payment, an amount that is agreed to by the individual.

SECTION 2637gg. 138.14 (1) (k) 2. of the statutes is amended to read:

138.14 (1) (k) 2. A transaction between an individual with an account at a financial establishment and another person, including a person who is not physically located in this state, in which the person agrees to accept the individual's authorization to initiate one or more electronic fund transfers from the account, to wait a period of time before initiating the electronic fund transfer or transfers, and to loan to the individual, for a term of 90 days or less, before initiating the electronic fund transfer or transfers, an amount that is agreed to by the individual.

SECTION 2637gi. 138.14 (3) of the statutes is amended to read:

138.14 (3) EXEMPTIONS. This section does not apply to banks, savings banks, savings and loan associations, trust companies, credit unions, or any of their affiliates.

SECTION 2637gk. 138.14 (7) (e) 6. of the statutes is amended to read:

138.14 (7) (e) 6. The number of payday loans made during the preceding year that resulted in repayment under sub. (11g) (a).

SECTION 2637gm. 138.14 (9g) (a) 6. of the statutes is amended to read:

138.14 (9g) (a) 6. Disclose to the applicant the payment requirements that may apply under sub. (11g) (a) if the loan is not paid in full at the end of the loan term.

SECTION 2637go. 138.14 (9m) of the statutes is created to read:

138.14 (9m) INCOME VERIFICATION. Before entering into a payday loan with an applicant that has not previously been a customer of the licensee, the licensee may request the applicant's consumer report from a consumer reporting agency as part of the licensee's underwriting process and the licensee may rely on the consumer report as a permissible method of income verification in making the payday loan. The licensee may also rely on the same consumer report in underwriting and making subsequent payday loans to the same customer.

SECTION 2637gq. 138.14 (9r) (c) 4. of the statutes is amended to read:

138.14 (9r) (c) 4. The percentage of customers originating payday loans that resulted in repayment under sub. (11g) (a).

SECTION 2637gs. 138.14 (10) (a) 2. of the statutes is amended to read:

138.14 (10) (a) 2. If a payday loan is not paid in full on or before the maturity date, a licensee may charge, after the maturity date, interest at a rate not exceeding 2.75 percent per month, except that if a licensee makes a subsequent payday loan to the customer under sub. (12) (a), and the customer does not pay the subsequent loan in full on or before the maturity date of the subsequent loan, the licensee may charge, after the maturity date of the subsequent loan, interest at a rate not exceeding 2.75 percent per month on the subsequent loan and the licensee may not charge any interest under this subdivision on the prior loan. Interest earned under this subdivision shall be calculated at the rate of one-thirtieth of the monthly rate charged for each calendar day that the balance of the loan is outstanding. Interest may not be assessed on any interest earned under this subdivision.

SECTION 2637gu. 138.14 (10) (am) of the statutes is amended to read:

138.14 (10) (am) *Penalties.* Except as provided in par. (b) 2., no licensee may impose any penalty on a customer arising from the customer's prepayment of or default or late payment on a payday loan, including any payment under sub. (11g) (a).

SECTION 2637hc. 138.14 (11g) of the statutes is renumbered 138.14 (11g) (a) and amended to read:

138.14 (11g) (a) If Except as provided in par. (b), if a customer fails to repay a payday loan in full at the end of the loan term, the licensee that made the loan shall offer the customer the opportunity to repay the outstanding balance of the loan in 4 equal installments with due dates coinciding with the customer's pay period schedule.

SECTION 2637he. 138.14 (11g) (b) of the statutes is created to read:

138.14 (11g) (b) If a licensee offers a customer the opportunity to make repayment under par. (a), then, during the 12-month period following the offer, no licensee, including the licensee making the offer, is required to offer the customer another opportunity to repay a payday loan under par. (a).

SECTION 2637hg. 138.14 (12) (b) of the statutes is amended to read:

138.14 (12) (b) No licensee may make a payday loan to a customer that results in the customer having an outstanding aggregate liability in principal, interest, and all other fees and charges, to all licensees who have made payday loans to the customer of more than \$1,500 or 35 percent of the customer's gross monthly income, whichever is less. As provided in sub. (9m), a licensee may rely

on a consumer report to verify a customer's income for purposes of this paragraph.

SECTION 2637hi. 138.14 (14) (d) 4. of the statutes is amended to read:

138.14 (14) (d) 4. Designate Automatically designate a payday loan as paid in the database 5 days after the maturity date of the loan unless a licensee reports to the database provider before that time that the loan remains open because of the customer's failure to make payment; that the loan is open because the customer's check or an electronic redeposit is in the process of clearing the banking system; that the loan remains open because the customer's check is being returned to the licensee for insufficient funds, a closed account, or a stop payment order; or that any other factors determined by the division are applicable. If a licensee makes such a report, the database provider shall designate the payday loan as an open transaction until the database provider is notified that the transaction is closed.

SECTION 2637hk. 138.14 (14) (h) of the statutes is amended to read:

138.14 (14) (h) The division shall, by order or rule, specify a database transaction fee of no more than \$1 that the database provider shall charge to licensees to cover the costs of developing and implementing the database, and accessing the database to verify that a customer does not have any payday loans with the licensee or others that in combination with a new transaction will create a violation of this section. The database fee is payable directly to the division in a manner prescribed by the division and, if the department has contracted with a 3rd-party provider to operate the database, the division shall remit the fee to the 3rd-party provider as specified in the contract.

SECTION 2637hm. 138.14 (14) (j) of the statutes is created to read:

138.14 (14) (j) If the database, as determined by the division, is not fully operational, or the licensee is unable to access the database and, as determined under rules promulgated by the division, the alternate process established under par. (d) 2. is also unavailable, a licensee may rely upon the written verification of the customer in a statement provided in substantially the following form in at least 12-point type:

"I DO NOT HAVE ANY OUTSTANDING PAYDAY LOANS WITH THIS LICENSEE AND I DO NOT HAVE MORE PAYDAY LOANS WITH ANY OTHER LICENSED PAYDAY LOAN PROVIDER IN THIS STATE."

SECTION 2637kd. 138.16 (1) (a) of the statutes is created to read:

138.16 (1) (a) "Division" means the division of banking attached to the department of financial institutions.

SECTION 2637ke. 138.16 (1) (bm) of the statutes is created to read:

138.16 (1) (bm) "Licensed location" means the location specified in a license issued under s. 138.09 (1m) (a).

SECTION 2637kf. 138.16 (1) (c) of the statutes is amended to read:

138.16 (1) (c) "Title loan" means a loan of \$25,000 or less to a borrower, who obtains or seeks to obtain the loan for personal, family, or household purposes, that is, or is to be, secured by an interest, other than a purchase money security interest, in the borrower's motor vehicle, and that has an original term of not more than 6 months.

SECTION 2637kg. 138.16 (1m) of the statutes is created to read:

138.16 (1m) CERTIFICATE OF AUTHORIZATION. (a) Before a licensed lender may make title loans under this section, the licensed lender shall first obtain from the division, for each licensed location at which any title loan is to be made, a certificate authorizing the licensed lender to make title loans from that location.

(b) At the time of making an application for a certificate under par. (a), an applicant shall pay to the division an initial annual fee of \$5,000. The valid period for the certificate shall be a calendar year and each certificate shall expire on the last day of the calendar year. To renew a certificate, the certificate holder shall, on or before December 10 of the year in which the certificate is to expire, pay to the division an annual renewal fee of \$5,000 for the following calendar year.

SECTION 2637kh. 138.16 (2) of the statutes is renumbered 138.16 (2) (a) and amended to read:

138.16 (2) (a) No licensed lender may make a title loan to a borrower that results in the borrower having liability for the loan, in principal, of more than 50 percent of the retail value of the motor vehicle used as security for the loan. The division shall promulgate rules for determining the retail value of a motor vehicle for purposes of this paragraph, including rules specifying nationally recognized pricing guides that may be used for determining retail value at the time of loan origination.

SECTION 2637ki. 138.16 (2) (b) of the statutes is created to read:

138.16 (2) (b) 1. This section imposes no limit on the interest that a licensed lender may charge before the maturity date of a title loan.

2. If a title loan is not paid in full on or before the maturity date, a licensed lender may charge, after the maturity date, interest at a rate not exceeding 2.75 percent per month. Interest earned under this subdivision shall be calculated at the rate of one-thirtieth of the monthly rate charged for each calendar day that the balance of the loan is outstanding. Interest may not be assessed on any interest earned under this subdivision.

SECTION 2637kj. 138.16 (3) of the statutes is created to read:

138.16 (3) RESCISSION. A borrower may rescind a title loan, before the close of business on the next day of business after the loan is made, or, if the place of business where the loan is made is open 24 hours, before 5 p.m. on the next day of business after the loan is made, by return-

ing to the licensed lender the proceeds of the loan. The licensed lender may not charge the borrower any fee for rescinding the title loan as provided in this subsection.

SECTION 2637kk. 138.16 (4) of the statutes is created to read:

138.16 (4) OTHER REQUIREMENTS. (a) A licensed lender may not make a title loan to a borrower that is secured by an interest in a motor vehicle if the motor vehicle is subject to another security interest.

(b) A licensed lender may not require a borrower to provide the licensed lender with a key or copy of a key to a motor vehicle used as security for a title loan as a condition for making the title loan to the borrower.

(c) A licensed lender or person acting on behalf of a licensed lender may not take possession of a motor vehicle used as security for a title loan to a borrower without sending notice to the borrower at least 20 days prior to taking possession. The notice shall state the intent to take possession and describe the basis for the right to take possession. This paragraph does not apply to possession that is obtained by a borrower's voluntary surrender of a motor vehicle.

(d) A licensed lender or other person may charge a borrower a reasonable storage fee for a motor vehicle of the borrower of which the licensed lender or person acting on behalf of the licensed lender has obtained possession, including possession that is obtained by voluntary surrender.

(e) A licensed lender shall return to a borrower the amount of any proceeds from the disposition of a motor vehicle used as security for a title loan to the borrower that exceed the borrower's liability to the licensed lender for the loan.

(f) A borrower is not liable to a licensed lender for any deficiency resulting from the licensed lender's disposition of a motor vehicle used as security for a title loan, unless the borrower has done any of the following:

1. Impaired the licensed lender's security interest by intentionally damaging or destroying the motor vehicle.
2. Intentionally concealed the motor vehicle.
3. Pledged to the licensed lender a motor vehicle that is already encumbered by an undisclosed prior lien.
4. Subsequent to obtaining the title loan, pledged or sold to a third party a motor vehicle used as security for a title loan without the licensed lender's written consent.

SECTION 2637m. 139.01 (4) of the statutes is amended to read:

139.01 (4) "License," and "fermented malt beverages" have the same meaning as in s. 125.02, and "licensed premises" are premises described in licenses and permits issued by the department, cities, villages, or towns under the authority of said section.

SECTION 2637n. 139.76 (1) of the statutes is amended to read:

139.76 (1) An excise tax is imposed upon the sale, offering or exposing for sale, possession with intent to

sell or removal for consumption or sale or other disposition for any purpose of tobacco products by any person engaged as a distributor of them at the rate, for tobacco products, not including moist snuff, of 71 percent of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products and, for moist snuff, at the rate of ~~100 percent of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products~~ \$1.76 per ounce, and at a proportionate rate for any other quantity or fractional part in excess of 1.2 ounces. The tax imposed on a can or package of moist snuff that weighs less than 1.2 ounces shall be equal to the amount of the tax imposed on a can or package that weighs 1.2 ounces. The tax imposed under this subsection on cigars shall not exceed an amount equal to 50 cents for each cigar. On products imported from another country, not including moist snuff, the rate of tax is 71 percent of the amount obtained by adding the manufacturer's list price to the federal tax, duties and transportation costs to the United States. ~~On moist snuff imported from another country, the rate of the tax is 100 percent of the amount obtained by adding the manufacturer's list price to the federal tax, duties, and transportation costs to the United States.~~ The tax attaches at the time the tobacco products are received by the distributor in this state. The tax shall be passed on to the ultimate consumer of the tobacco products. All tobacco products received in this state for sale or distribution within this state, except tobacco products actually sold as provided in sub. (2), shall be subject to such tax.

SECTION 2637p. 139.78 (1) of the statutes is amended to read:

139.78 (1) A tax is imposed upon the use or storage by consumers of tobacco products in this state at the rate, for tobacco products, not including moist snuff, of 71 percent of the cost of the tobacco products and, for moist snuff, at the rate of ~~100 percent of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products~~ \$1.76 per ounce, and at a proportionate rate for any other quantity or fractional part in excess of 1.2 ounces. The tax imposed on a can or package of moist snuff that weighs less than 1.2 ounces shall be equal to the amount of the tax imposed on a can or package that weighs 1.2 ounces. The tax imposed under this subsection on cigars shall not exceed an amount equal to 50 cents for each cigar. The tax does not apply if the tax imposed by s. 139.76 (1) on the tobacco products has been paid or if the tobacco products are exempt from the tobacco products tax under s. 139.76 (2).

SECTION 2638. 145.01 (4) of the statutes is amended to read:

145.01 (4) DEPARTMENT. "Department" means the department of ~~commerce~~ safety and professional services.

SECTION 2639. 145.02 (4) (a) of the statutes is amended to read:

145.02 (4) (a) The department shall prescribe rules as to the qualifications, examination and licensing of master and journeyman plumbers and restricted plumber licensees, for the licensing of utility contractors, for the registration of plumbing apprentices and pipe layers and for the registration and training of registered learners. The plumbers council, created under s. ~~15.157 (6)~~ 15.407 (16), shall advise the department in formulating the rules.

SECTION 2640. 145.17 (2) of the statutes is amended to read:

145.17 (2) The department shall prescribe rules as to the qualifications, examination and licensing of journeymen automatic fire sprinkler system fitters and automatic fire sprinkler contractors and for the registration and training of automatic fire sprinkler system apprentices. The automatic fire sprinkler system contractors and journeymen council, created under s. ~~15.157 (9)~~ 15.407 (17), shall advise the department in formulating the rules.

SECTION 2641. 145.20 (5) (c) of the statutes is amended to read:

145.20 (5) (c) The department of natural resources may suspend or revoke a license issued under s. 281.48 or a certificate issued under s. 281.17 (3) to the operator of a septage servicing vehicle if the department of natural resources finds that the licensee or operator falsified information on inspection forms. The department of ~~commerce~~ safety and professional services may suspend or revoke the license of a plumber licensed under this chapter if the department finds that the plumber falsified information on inspection forms.

SECTION 2642. 145.245 (12m) (e) of the statutes is amended to read:

145.245 (12m) (e) The department of ~~commerce~~ safety and professional services and the department of administration may enter into a financial assistance agreement with a governmental unit that applies for a loan under this subsection and meets the eligibility requirements for a loan, including the requirements under par. (d).

SECTION 2643. 145.245 (12m) (f) of the statutes is amended to read:

145.245 (12m) (f) The department of administration, in consultation with the department of ~~commerce~~ safety and professional services, may establish those terms and conditions of a financial assistance agreement that relate to its financial management, including what type of municipal obligation is required for the repayment of the financial assistance. In setting the terms and conditions, the department of administration may consider factors that the department of administration finds are relevant, including the type of obligation evidencing the loan, the pledge of security for the obligation and the applicant's creditworthiness.

SECTION 2644. 145.245 (12m) (g) of the statutes is amended to read:

145.245 (12m) (g) The department of administration shall make and disburse a loan to an applicant that has entered into a financial assistance agreement under par. (e). The department of administration, in consultation with the department of ~~commerce~~ safety and professional services, shall establish procedures for disbursing loans.

SECTION 2645. 145.245 (12m) (h) of the statutes is amended to read:

145.245 (12m) (h) If a governmental unit fails to make a principal repayment after its due date, the department of administration shall place on file a certified statement of all amounts due under this subsection. After consulting the department of ~~commerce~~ safety and professional services, the department of administration may collect all amounts due by deducting those amounts from any state payments due the governmental unit or may add a special charge to the amount of taxes apportioned to and levied upon the county under s. 70.60. If the department of administration collects amounts due, it shall remit those amounts to the fund to which they are due and notify the department of ~~commerce~~ safety and professional services of that action.

SECTION 2646. 146.085 (3) of the statutes is amended to read:

146.085 (3) ENFORCEMENT. The department, the department of ~~commerce~~ safety and professional services, and the public service commission shall enforce this section within their respective jurisdictions.

SECTION 2646t. 146.38 (1) (b) 2. of the statutes, as created by 2011 Wisconsin Act 2, is amended to read:

146.38 (1) (b) 2. A facility, association, or business entity, as specified in s. 146.81 (1) (i) to (q) and including a residential care apartment complex, as defined in s. 50.01 (1d).

SECTION 2647. 146.40 (4r) (em) of the statutes is amended to read:

146.40 (4r) (em) If the department receives a report under par. (a) or (am) and determines that an individual who is the subject of the report holds a credential that is related to the individual's employment at, or contract with, the entity, the department shall refer the report to the department of ~~regulation and licensing~~ safety and professional services.

SECTION 2648L. 146.66 of the statutes is created to read:

146.66 Low-income dental clinics. (1) From the appropriation account under s. 20.435 (1) (dk), in each fiscal year, the department shall award grants to no fewer than 9 nonprofit dental clinics that meet the eligibility requirements under sub. (2) and are located in this state.

(2) To be eligible for a grant under sub. (1), a nonprofit dental clinic must satisfy all of the following requirements:

(a) The clinic does not receive federal funds under 42 USC 254b.

(b) The clinic's primary purpose is to provide dental care to low-income patients, which may include any of the following individuals:

1. Recipients of medical assistance, as defined in s. 49.43 (8).
2. Low-income individuals who do not qualify for medical assistance, as defined in s. 49.43 (8).
3. Individuals under the age of 18.
4. Individuals over the age of 65.
5. Individuals with disabilities.

(3) The department shall seek federal funding to support the operations of dental clinics that receive grants under sub. (1) and shall request that the federal department of health and human services encourage collaborative arrangements between private dentists and health centers that receive federal funds under 42 USC 254b.

SECTION 2648q. 146.82 (2) (a) 22. of the statutes is created to read:

146.82 (2) (a) 22. By a person specified in subd. 21. to a correctional officer of the department of corrections who has custody of or is responsible for the supervision of a prisoner, to a person designated by a jailer to have custodial authority over a prisoner, or to a law enforcement officer or other person who is responsible for transferring a prisoner to or from a prison or jail, if the patient health care record indicates that the prisoner has a communicable disease and disclosure of that information is necessary for the health and safety of the prisoner or of other prisoners, of the person whom the information is disclosed, or of any employee of the prison or jail.

SECTION 2649x. 146.83 (1d) of the statutes is renumbered 146.83 (1c) and amended to read:

146.83 (1c) Except as provided in s. 51.30 or 146.82 (2), any patient or person authorized by the patient may, upon submitting a statement of informed consent, inspect the health care records of a health care provider pertaining to that patient. ~~Except as provided in sub. (1g), the health care provider shall make the records available for inspection by the patient or person authorized by the patient during regular business hours, after the health care provider receives notice from the patient or person authorized by the patient. A health care provider may not charge a fee for inspection under this subsection at any time during regular business hours, upon reasonable notice.~~

SECTION 2653. 146.83 (1f) (a) of the statutes is repealed.

SECTION 2654. 146.83 (1f) (b) of the statutes is repealed.

SECTION 2655. 146.83 (1f) (c) of the statutes is repealed.

SECTION 2656. 146.83 (1f) (d) 1. of the statutes is renumbered 146.83 (1f) (am) and amended to read:

146.83 (1f) (am) If a patient or person authorized by the patient requests copies of the patient's health care records under this ~~subsection~~ section for use in appealing a denial of social security disability insurance, under 42 USC 401 to 433, or supplemental security income, under 42 USC 1381 to 1385, the health care provider may charge the patient or person authorized by the patient no more than the amount that the federal social security administration reimburses the department for copies of patient health care records.

SECTION 2657. 146.83 (1f) (d) 2. of the statutes is renumbered 146.83 (1f) (cm) and amended to read:

146.83 (1f) (cm) Except as provided in sub. (1g), a health care provider may not charge a patient or a person authorized by the patient more than 25 percent of the applicable fee under sub. (3f) for providing one set of copies of a patient's health care records under this ~~subsection~~ section if the patient is eligible for medical assistance, as defined in s. 49.43 (8). A health care provider may require that a patient or person authorized by the patient provide proof that the patient is eligible for medical assistance before providing copies under this ~~subdivision~~ without paragraph at a reduced charge. A health care provider may charge ~~the fees 100 percent of the applicable fee under par. (e) sub. (3f)~~ for providing a 2nd or additional set of copies of patient health care records for a patient who is eligible for medical assistance.

SECTION 2658x. 146.83 (1g) of the statutes is amended to read:

146.83 (1g) ~~The time limit for making records available for inspection under sub. (1d), the time limits for providing copies of records under sub. (1f) (a) and (b), and the requirement under sub. (1f) (d) 2. (cm) to provide one set of copies of records without at a reduced charge if the patient is eligible for medical assistance do~~ does not apply if the health care provider is the department or the department of corrections.

SECTION 2659x. 146.83 (1h) (a) of the statutes is repealed.

SECTION 2659y. 146.83 (1h) (b) of the statutes is repealed.

SECTION 2659z. 146.83 (1h) (c) of the statutes is renumbered 146.83 (1f) (bm).

SECTION 2660. 146.83 (1k) of the statutes is repealed.

SECTION 2661. 146.83 (1m) of the statutes is renumbered 146.83 (1m) (a).

SECTION 2662. 146.83 (1m) (b) of the statutes is created to read:

146.83 (1m) (b) The health care provider under par. (a) may be charged reasonable costs for the provision of the patient's health care records.

SECTION 2663m. 146.83 (3f) of the statutes is created to read:

146.83 (3f) (a) Except as provided in sub. (1f) or s. 51.30 or 146.82 (2), if a person requests copies of a

patient's health care records, provides informed consent, and pays the applicable fees under par. (b), the health care provider shall provide the person making the request copies of the requested records.

(b) Except as provided in sub. (1f), a health care provider may charge no more than the total of all of the following that apply for providing the copies requested under par. (a):

1. For paper copies: \$1 per page for the first 25 pages; 75 cents per page for pages 26 to 50; 50 cents per page for pages 51 to 100; and 30 cents per page for pages 101 and above.

2. For microfiche or microfilm copies, \$1.50 per page.

3. For a print of an X-ray, \$10 per image.

4. If the requester is not the patient or a person authorized by the patient, for certification of copies, a single \$8 charge.

5. If the requester is not the patient or a person authorized by the patient, a single retrieval fee of \$20 for all copies requested.

6. Actual shipping costs and any applicable taxes.

(c) 1. In this paragraph, "consumer price index" means the average of the consumer price index for all urban consumers, U.S. city average, as determined by the bureau of labor statistics of the U.S. department of labor.

2. On each July 1, beginning on July 1, 2012, the department shall adjust the dollar amounts specified under par. (b) by the percentage difference between the consumer price index for the 12-month period ending on December 31 of the preceding year and the consumer price index for the 12-month period ending on December 31 of the year before the preceding year. The department shall notify the legislative reference bureau of the adjusted amounts and the legislative reference bureau shall publish the adjusted amounts in the Wisconsin Administrative Register.

SECTION 2664. 146.84 (2) (a) 1. of the statutes is amended to read:

146.84 (2) (a) 1. Requests or obtains confidential information under s. 146.82 or 146.83 ~~(1d), (1f), or (1h)~~ (1c) or (3f) under false pretenses.

SECTION 2664b. 146.89 (1) (d) 2. of the statutes is amended to read:

146.89 (1) (d) 2. A private school, as defined in s. 115.001 (3r), that participates in the choice program under s. 118.60 or the Milwaukee Parental Choice Program under s. 119.23.

SECTION 2664d. 146.89 (1) (g) 3. of the statutes is amended to read:

146.89 (1) (g) 3. A private school, as defined in s. 115.001 (3r), that participates in the choice program under s. 118.60 or the Milwaukee Parental Choice Program under s. 119.23.

SECTION 2664f. 146.89 (3) (b) 9. of the statutes is created to read:

146.89 (3) (b) 9. Any outpatient surgery that is permitted under the volunteer health care provider's license under sub. (1) (r) 1. and for which the provider has the necessary training, experience, equipment, and facilities.

SECTION 2664h. 146.89 (3r) (b) 1. of the statutes is amended to read:

146.89 (3r) (b) 1. Except as specified in par. (c), the health care services specified in sub. (3) (b) 1. to 5. and 7., other than referrals to reproductive health care specialists, and in sub. (3) (b) 8. and 9.

SECTION 2664j. 146.89 (3r) (c) 2. of the statutes is amended to read:

146.89 (3r) (c) 2. Surgery, except as provided in par. (b) 2. and 5. and sub. (3) (b) 9.

SECTION 2665. 150.31 (5m) of the statutes is amended to read:

150.31 (5m) The department shall decrease the state-wide bed limit specified in sub. (1) to account for any reduction in the approved bed capacity of a skilled nursing facility operated by the department of veterans affairs under s. 45.50 ~~(4)~~, as specified in s. 45.50 (10).

SECTION 2666. 150.84 (3) of the statutes is amended to read:

150.84 (3) "Health care provider" means any person licensed, registered, permitted or certified by the department or by the department of ~~regulation and licensing~~ safety and professional services to provide health care services in this state.

SECTION 2667. 153.60 (1) of the statutes is amended to read:

153.60 (1) The department shall, by the first October 1 after the commencement of each fiscal year, estimate the total amount of expenditures under this subchapter for the department for that fiscal year for data collection, database development and maintenance, generation of data files and standard reports, orientation and training provided under s. 153.05 (9) (a) and contracting with the data organization under s. 153.05 (2r). The department shall assess the estimated total amount for that fiscal year, less the estimated total amount to be received for purposes of administration of this subchapter under s. 20.435 (1) (hi) during the fiscal year and the unencumbered balance of the amount received for purposes of administration of this subchapter under s. 20.435 (1) (hi) from the prior fiscal year, to health care providers, other than hospitals and ambulatory surgery centers, who are in a class of health care providers from whom the department collects data under this subchapter in a manner specified by the department by rule. The department shall work together with the department of ~~regulation and licensing~~ safety and professional services to develop a mechanism for collecting assessments from health care providers other than hospitals and ambulatory surgery centers. No health care provider that is not a facility may be assessed under this subsection an amount that exceeds \$75 per fis-

cal year. All payments of assessments shall be credited to the appropriation under s. 20.435 (1) (hg).

SECTION 2668. 157.061 (5) of the statutes is amended to read:

157.061 (5) "Department" means the department of ~~regulation and licensing~~ safety and professional services.

SECTION 2669. 157.11 (9m) of the statutes is amended to read:

157.11 (9m) ACTION BY DISTRICT ATTORNEY. If any money or property is not turned over when required by this section, or default occurs under a bond, the district attorney, upon the request of the department of ~~regulation and licensing~~ safety and professional services, shall bring action to recover.

SECTION 2670. 157.12 (1) of the statutes is amended to read:

157.12 (1) DEFINITION. Notwithstanding s. 157.061 (5), in this section, "department" means the department of ~~commerce~~ safety and professional services.

SECTION 2671. 157.12 (3) (b) of the statutes is amended to read:

157.12 (3) (b) The cemetery's treasurer is the custodian of the fund. The treasurer shall file with the cemetery, at the cemetery's expense, a bond with sureties approved by the department of ~~regulation and licensing~~ safety and professional services to indemnify the cemetery against loss if the treasurer fails to maintain the fund. No indemnity is required if the terms of sale of a mausoleum space require the purchaser to pay directly to a trust company in the state, designated by the cemetery as custodian of the fund. The fund shall be invested as provided in s. 157.19. Income from investment may be used only to maintain the mausoleum, except that if the amount of income exceeds the amount necessary to properly maintain the mausoleum the excess amount may be used to maintain any portion of the cemetery.

SECTION 2672. 157.65 (1) (a) of the statutes is amended to read:

157.65 (1) (a) If the department of ~~regulation and licensing~~ safety and professional services has reason to believe that any person is violating or has violated this subchapter or any rule promulgated under this subchapter and that the continuation of that activity might cause injury to the public interest, the department of ~~regulation and licensing~~ safety and professional services may investigate.

SECTION 2673. 157.65 (1) (b) of the statutes is amended to read:

157.65 (1) (b) If the department of ~~commerce~~ safety and professional services has reason to believe that any person is violating s. 157.12 or any rule promulgated under s. 157.12 and that the continuation of that activity might cause injury to the public interest, the department of ~~commerce~~ safety and professional services may investigate.

SECTION 2674. 157.65 (2) of the statutes is amended to read:

157.65 (2) The department of justice or any district attorney, upon informing the department of justice, may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction any violation of this subchapter. The court may, prior to entry of final judgment, make such orders or judgments as may be necessary to restore to any person any pecuniary loss suffered because of the acts or practices involved in the action, if proof of such loss is submitted to the satisfaction of the court. The department of justice may subpoena persons and require the production of books and other documents, and may request the board described in s. 15.405 (3m) or the department of ~~commerce~~ safety and professional services to exercise its authority under sub. (1) to aid in the investigation of alleged violations of this subchapter.

SECTION 2675. 160.01 (7) of the statutes is amended to read:

160.01 (7) "Regulatory agency" means the department of agriculture, trade and consumer protection, the department of ~~commerce~~ safety and professional services, the department of transportation, the department of natural resources and other state agencies which regulate activities, facilities or practices which are related to substances which have been detected in or have a reasonable probability of entering the groundwater resources of the state.

SECTION 2677. 165.25 (4) (ag) of the statutes is amended to read:

165.25 (4) (ag) The department of justice shall furnish legal services upon request of the department of ~~commerce~~ safety and professional services under s. 167.35 (7).

SECTION 2678. 165.25 (4) (am) of the statutes is amended to read:

165.25 (4) (am) The department of justice shall furnish legal services to the department of ~~regulation and licensing~~ safety and professional services in all proceedings under s. 440.21 (3), together with any other services, including stenographic and investigational, as are necessarily connected with the legal services.

SECTION 2681. 165.25 (12) of the statutes is created to read:

165.25 (12) REPRESENTATION ARISING FROM AGREEMENTS WITH MINNESOTA. Represent any employee of the state of Minnesota who is named as a defendant in any civil action brought under the laws of this state as a result of performing services for this state under a valid agreement between this state and the state of Minnesota providing for interchange of employees or services and any employee of this state who is named as a defendant as a result of performing services for the state of Minnesota under such an agreement in any action brought under the

laws of this state. Witness fees in any action specified in this subsection shall be paid in the same manner as provided in s. 885.07. The attorney general may compromise and settle any action specified in this subsection to the same extent as provided in s. 165.25 (6) (a).

SECTION 2682. 165.70 (3m) of the statutes is repealed.

SECTION 2682m. 165.77 (7) of the statutes is amended to read:

165.77 (7) Whenever a Wisconsin law enforcement agency or a health care professional collects evidence in a case of alleged or suspected sexual assault, the agency or professional shall follow the procedures specified in the department's rules under sub. (8). The laboratories shall perform, in a timely manner, deoxyribonucleic acid analysis of specimens provided by law enforcement agencies under sub. (2). The laboratories shall not include data obtained from deoxyribonucleic acid analysis of those specimens in the data bank under sub. (3).

SECTION 2683. 165.82 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 28, is repealed.

SECTION 2684. 165.82 (1) (am) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

165.82 (1) (am) For each record check, except a fingerprint card record check, ~~requested by a governmental agency~~, \$7.

SECTION 2685. 165.82 (1) (b) of the statutes is repealed.

SECTION 2686. 165.825 of the statutes is amended to read:

165.825 Information link; department of health services. The department of justice shall cooperate with the departments of ~~regulation and licensing~~ safety and professional services and health services in developing and maintaining a computer linkup to provide access to the information obtained from a criminal history search.

SECTION 2687. 167.10 (3) (b) 2. of the statutes is amended to read:

167.10 (3) (b) 2. The possession or use of explosives in accordance with rules or general orders of the department of ~~commerce~~ safety and professional services.

SECTION 2688. 167.10 (6m) (a) of the statutes is amended to read:

167.10 (6m) (a) No person may manufacture in this state fireworks or a device listed under sub. (1) (e), (f) or (i) to (n) without a fireworks manufacturing license issued by the department of ~~commerce~~ safety and professional services under par. (d).

SECTION 2689. 167.10 (6m) (b) of the statutes is amended to read:

167.10 (6m) (b) No person may manufacture in this state fireworks or a device listed under sub. (1) (e), (f) or (i) to (n) unless the person complies with the rules of the department of ~~commerce~~ safety and professional services promulgated under par. (e).

SECTION 2690. 167.10 (6m) (c) of the statutes is amended to read:

167.10 (6m) (c) Any person who manufactures in this state fireworks or a device listed under sub. (1) (e), (f) or (i) to (n) shall provide the department of ~~commerce~~ safety and professional services with a copy of each federal license issued under 18 USC 843 to that person.

SECTION 2691. 167.10 (6m) (d) of the statutes is amended to read:

167.10 (6m) (d) The department of ~~commerce~~ safety and professional services shall issue a license to manufacture fireworks or devices listed under sub. (1) (e), (f) or (i) to (n) to a person who complies with the rules of the department promulgated under par. (e). The department may not issue a license to a person who does not comply with the rules promulgated under par. (e). The department may revoke a license under this subsection for the refusal to permit an inspection at reasonable times by the department or for a continuing violation of the rules promulgated under par. (e).

SECTION 2692. 167.10 (6m) (e) of the statutes is amended to read:

167.10 (6m) (e) The department of ~~commerce~~ safety and professional services shall promulgate rules to establish safety standards for the manufacture in this state of fireworks and devices listed under sub. (1) (e), (f) or (i) to (n).

SECTION 2693. 167.10 (6m) (f) of the statutes is amended to read:

167.10 (6m) (f) The department of ~~commerce~~ safety and professional services may inspect at reasonable times the premises on which each person licensed under this subsection manufactures fireworks or devices listed under sub. (1) (e), (f) or (i) to (n).

SECTION 2694. 167.21 (1) (b) of the statutes is amended to read:

167.21 (1) (b) "Department" means the department of ~~commerce~~ safety and professional services.

SECTION 2695. 167.27 (5) of the statutes is amended to read:

167.27 (5) Whenever any mine shaft, exploration shaft or test well is abandoned or its use discontinued, the operator or contractor shall promptly fill same to grade or enclose the same with a fence of strong woven wire not less than 46 inches wide with one barbwire above or cap same with a reinforced concrete slab at least 6 inches thick or with a native boulder at least 3 times the diameter of the top of the shaft or test well bore. The strands of the woven wire shall not be smaller than No. 12 wire and the cross wires and meshes shall not be smaller than No. 16 wire; the strands shall not be more than 12 inches apart, and the meshes shall not exceed 8 inches square. All wires must be tightly stretched and securely fastened to sufficient posts firmly set not more than 8 feet apart. In case any person shall neglect to repair or rebuild such

fence which the person is so required to build and maintain, any person may complain to the department of ~~commerce~~ safety and professional services or to the local governing body, which shall give notice in writing to the person who is required to build and maintain such fence. The department of ~~commerce~~ safety and professional services or the local governing body shall then proceed to examine the fence, and if it shall determine that such fence is insufficient, it shall notify the person responsible for its erection and maintenance and direct the person to repair or rebuild the fence within such time as it shall deem reasonable. Any person refusing to comply with such order shall be subject to the penalties provided.

SECTION 2696. 167.27 (8) of the statutes is amended to read:

167.27 (8) Any violation of this section coming to the attention of the department of ~~commerce~~ safety and professional services or municipal authorities shall be reported to the attorney general or district attorney for prosecution.

SECTION 2697. 167.31 (4) (a) 4. b. of the statutes is amended to read:

167.31 (4) (a) 4. b. He or she holds a certificate of proficiency to carry a firearm issued by the department of ~~regulation and licensing~~ safety and professional services.

SECTION 2698. 167.31 (4) (a) 4. e. of the statutes is amended to read:

167.31 (4) (a) 4. e. His or her firearm is in plain view, as defined by rule by the department of ~~regulation and licensing~~ safety and professional services.

SECTION 2699. 167.35 (1) (b) of the statutes is amended to read:

167.35 (1) (b) "Department" means the department of ~~commerce~~ safety and professional services unless the context requires otherwise.

SECTION 2700. 167.35 (7) (b) of the statutes is amended to read:

167.35 (7) (b) The department of revenue, in the course of conducting any inspection or examination authorized under s. 139.39, may inspect cigarettes to determine if the cigarettes are marked as provided under sub. (4), and the department of revenue shall notify the department of ~~commerce~~ safety and professional services of any unmarked cigarettes.

SECTION 2701. 167.35 (7) (c) of the statutes is amended to read:

167.35 (7) (c) Authorized personnel from the department of justice, from the department of ~~commerce~~ safety and professional services, and from the department of revenue, and any sheriff, police officer, or other law enforcement personnel, within their respective jurisdictions, may enter and inspect any premises where cigarettes are made, sold, offered for sale, or stored to determine if the cigarettes comply with this section. An inspection under this paragraph includes examining the books, papers, invoices, and other records of any person

who is subject to this section and who is in control, possession, or occupancy of the premises.

SECTION 2702. 168.01 (1) of the statutes is amended to read:

168.01 (1) "Department" means the department of ~~commerce~~ safety and professional services.

SECTION 2702p. 169.19 (3) (d) of the statutes is created to read:

169.19 (3) (d) A municipality or county may not limit the number of wild birds that are released into the wild under the authority of a bird hunting preserve license.

SECTION 2703. 170.12 (3) (dm) of the statutes is repealed.

SECTION 2704m. 175.405 of the statutes is created to read:

175.405 Sexual assault; evidence where no suspect has been identified. (1) In this section, "law enforcement agency" has the meaning given in s. 165.83 (1) (b).

(2) Whenever a Wisconsin law enforcement agency collects, in a case of alleged or suspected sexual assault, evidence upon which deoxyribonucleic acid analysis can be performed, and the person who committed the alleged or suspected sexual assault has not been identified, the agency shall follow the procedures specified in s. 165.77 (8) and shall, in a timely manner, submit the evidence it collects to a crime laboratory, as identified in s. 165.75.

SECTION 2705. 182.0175 (1m) (e) 2. of the statutes is amended to read:

182.0175 (1m) (e) 2. The department of ~~commerce~~ safety and professional services may promulgate a rule that requires retail suppliers, as defined in s. 101.16 (1) (d), of propane to inform their customers each year of the obligation of owners of transmission facilities under this section.

SECTION 2707. 186.235 (15) (b) of the statutes is amended to read:

186.235 (15) (b) Witness fees shall be the same as fees under s. 814.67 (1) (b) and (c). The fees of witnesses who are called by the office in the interests of the state shall be paid by the state upon presentation of proper vouchers approved by the office of credit unions and charged to the appropriation under s. 20.144 ~~(2)~~ (1) (g). A witness subpoenaed by the office at the instance of a party other than the office shall not be entitled to payment of fees by the state unless the office certifies that the testimony was material to the purpose for which the subpoena was issued.

SECTION 2707d. 186.314 (intro.) (except 186.314 (title)) of the statutes is renumbered 186.314 (1m) (intro.).

SECTION 2707e. 186.314 (1) to (4) of the statutes are renumbered 186.314 (1m) (a) to (d).

SECTION 2707f. 186.314 (1m) (title) of the statutes is created to read:

186.314 (1m) (title) TO FEDERAL CREDIT UNION.

SECTION 2707g. 186.314 (2m) of the statutes is created to read:

186.314 (2m) TO SAVINGS BANK OR STATE BANK. (a) In this subsection:

1. "Savings bank" has the meaning given in s. 214.01 (1) (t) and includes a mutual savings bank and a stock savings bank as well as a savings bank that is a subsidiary of, or is otherwise controlled by, a savings bank holding company.

2. "Savings bank holding company" has the meaning given in s. 214.01 (1) (tm).

3. "State bank" means a bank organized under ch. 221.

(b) A credit union may convert to a savings bank or state bank by complying with pars. (c) to (e).

(c) The proposition for a conversion shall first be approved by a majority recommendation of the directors of the credit union. After the board of directors approves the conversion proposal, the directors shall, by a majority vote of the directors, set a date for a meeting of credit union members to vote on the conversion. Credit union members may also vote by written ballot to be filed on or before the meeting date. Written notice stating the credit union's intent to convert to a savings bank or state bank shall be sent to each member at the member's address appearing on the records of the credit union. This notice shall be sent to each credit union member 3 times, once not more than 95 calendar days nor less than 90 calendar days before the date of the meeting to vote on the conversion, once not more than 65 calendar days nor less than 60 calendar days before the date of the meeting to vote on the conversion, and once not more than 35 calendar days nor less than 30 calendar days before the date of the meeting to vote on the conversion. A ballot may be included in the same envelope as the 3rd notice. Each notice shall adequately describe the purpose and subject matter of the vote to be taken at the meeting set by the board of directors or by submission of a written ballot. Each notice shall clearly inform members that they may vote at the meeting or by submitting the written ballot. Each notice shall state the date, time, and place of the meeting. If a written ballot is included with the 3rd notice, the 1st and 2nd notices shall state in a clear and conspicuous manner that a written ballot will be mailed together with another notice between 30 and 35 days before the date of the membership vote on conversion. If a written ballot is included in the same envelope with the 3rd notice, the 3rd notice shall so state in a clear and conspicuous manner. Approval of the proposition for conversion shall be by affirmative vote, in person or in writing, of a majority of the credit union members voting at the meeting or by written ballot.

(d) A credit union that proposes to convert to a savings bank or state bank under this subsection shall file with the office of credit unions a notice of its intent to convert and, within 10 days after the member vote on the

conversion under par. (c), a statement of the results of the member vote. If the credit union members vote to approve the proposition for conversion, the member vote shall be verified by the office of credit unions.

(e) Upon approval by the credit union members of the proposition for conversion under par. (c), the credit union shall take all necessary action under ch. 214 or 221 to complete the conversion to a savings bank or state bank. Within 90 days after receipt from the division of banking of a certificate of incorporation as a savings bank or state bank, the credit union shall file a copy of the certificate with the office of credit unions and the office of credit unions shall issue to a converting credit union a certificate of conversion to a savings bank or state bank.

(f) Upon conversion, the credit union shall cease to be a credit union, shall be a savings bank or state bank, shall no longer be subject to this chapter, and shall be subject to ch. 214 or 221 and all other provisions of law governing savings banks or state banks. Upon conversion, the legal existence of the savings bank or state bank shall be a continuation of the credit union, and all property and every right, privilege, interest, and asset of the credit union immediately, without any conveyance, transfer, or further act of the savings bank or state bank, vests in the savings bank or state bank. The resulting savings bank or state bank shall succeed to and be vested with all the rights, assets, obligations, and relations of the credit union, and all actions and other judicial proceedings to which the credit union is a party may be prosecuted and defended, to the same extent as though the conversion had not taken place.

(g) Upon conversion of a credit union into a stock savings bank or state bank, the stock savings bank or state bank may distribute shares of the capital stock of the stock savings bank or state bank, or may distribute cash, or both, to the former members of the converted credit union in recognition of their ownership of the equity of the converted credit union.

(h) 1. In this paragraph, "senior management official" means a chief executive officer, an assistant chief executive officer, a chief financial officer, and any other senior executive officer as defined by the appropriate federal banking agency as directed under 12 USC 1831i (f).

2. No director or senior management official of a credit union may receive any economic benefit in connection with a conversion of the credit union to a savings bank or state bank except that a director or senior management official may receive director fees as well as compensation and other benefits paid to directors and senior management officials of the converted savings bank or state bank in the ordinary course of business.

SECTION 2707m. 196.31 (2m) of the statutes is amended to read:

196.31 (2m) From the appropriation under s. 20.155 (1) (j), the commission shall may make an annual grant

~~grants that, in the aggregate, do not exceed an annual total of \$300,000 to a one or more nonstock, nonprofit corporation corporations that is are described under section 501 (c) (3) of the Internal Revenue Code, and that has have a history of advocating at the commission on behalf of residential ratepayers for affordable rates ratepayers of this state, for the purpose of offsetting the general expenses of the corporation corporations, including salary, benefit, rent, and utility expenses. The commission may impose conditions on grants made under this subsection and may revoke a grant if the commission finds that such a condition is not being met.~~

SECTION 2708. 196.374 (2) (a) 2. e. of the statutes is amended to read:

196.374 (2) (a) 2. e. Components to implement energy efficiency or renewable energy measures in facilities of manufacturing businesses in this state that are consistent with ~~the objectives under s. 560.128 (1) (a) the implementation of energy efficiency or renewable energy measures in manufacturing facilities to enhance their competitiveness, the retooling of existing facilities to manufacture products that support the green economy, the expansion or establishment of domestic clean energy manufacturing operations, and creating or retaining jobs for workers engaged in such activities.~~

SECTION 2709. 196.374 (2) (a) 4. of the statutes is repealed.

SECTION 2710. 196.374 (3) (a) of the statutes is amended to read:

196.374 (3) (a) *In general.* The commission shall have oversight of programs under sub. (2). The commission shall maximize coordination of program delivery, including coordination between programs under subs. (2) (a) 1., (b) 1. and 2., and (c) and (7), ordered programs, low-income weatherization programs under s. 16.957, renewable resource programs under s. 196.378, and other energy efficiency or renewable resource programs. The commission shall cooperate with the department of natural resources to ensure coordination of energy efficiency and renewable resource programs with air quality programs and to maximize and document the air quality improvement benefits that can be realized from energy efficiency and renewable resource programs. ~~The commission shall cooperate with the department of commerce to ensure coordination of energy efficiency and renewable resource programs under sub. (2) (a) 2. e. with the loan program under s. 560.128 (1) (a).~~

SECTION 2710c. 196.374 (3) (b) 2. (intro.) of the statutes is renumbered 196.374 (3) (b) 2. and amended to read:

196.374 (3) (b) 2. The commission shall require each energy utility to spend 1.2 percent of its annual operating revenues to fund the utility's programs under sub. (2) (b) 1., the utility's ordered programs, the utility's share of the statewide energy efficiency and renewable resource programs under sub. (2) (a) 1., and the utility's share, as

determined by the commission under subd. 4., of the costs incurred by the commission in administering this section. ~~Subject to approval under subd. 3., the commission may require each energy utility to spend a larger percentage of its annual operating revenues to fund these programs and costs. The commission may make such a requirement based on the commission's consideration of all of the following:~~

SECTION 2710e. 196.374 (3) (b) 2. a. to h. of the statutes are repealed.

SECTION 2710g. 196.374 (3) (b) 3. of the statutes is repealed.

SECTION 2711. 196.49 (4) of the statutes is amended to read:

196.49 (4) The commission may not issue a certificate under sub. (1), (2), or (3) for the construction of electric generating equipment and associated facilities unless the commission determines that brownfields, as defined in s. 238.13 (1) (a) or s. 560.13 (1) (a), 2009 stats., are used to the extent practicable.

SECTION 2712. 196.491 (2) (b) 2. of the statutes is amended to read:

196.491 (2) (b) 2. Department of commerce safety and professional services.

SECTION 2713. 196.491 (2) (e) of the statutes is amended to read:

196.491 (2) (e) Any state agency, as defined in s. ~~560.9810~~ 16.310 (1), county, municipality, town, or person may submit written comments to the commission on a strategic energy assessment within 90 days after copies of the draft are issued under par. (b).

SECTION 2714. 196.491 (3) (a) 2m. b. of the statutes is amended to read:

196.491 (3) (a) 2m. b. The applicant proposes alternative construction sites for the facility that are contiguous or proximate, provided that at least one of the proposed sites is a brownfield, as defined in s. ~~560.13~~ 238.13 (1) (a), or the site of a former or existing large electric generating facility.

SECTION 2715. 196.491 (3) (d) 8. of the statutes is amended to read:

196.491 (3) (d) 8. For a large electric generating facility, brownfields, as defined in s. ~~560.13~~ 238.13 (1) (a), are used to the extent practicable.

SECTION 2715s. 200.09 (1) of the statutes is amended to read:

200.09 (1) A district formed under this subchapter shall be governed by a 5-member commission appointed for staggered 5-year terms. Except as provided in sub. (11), commissioners shall be appointed by the county board of the county in which the district is located. If the district contains territory of more than one county, the county boards of the counties not having the greatest population in the district shall appoint one commissioner each and the county board of the county having the greatest population in the district shall appoint the remainder.

Of the initial appointments, the appointments for the shortest terms shall be made by the counties having the least amount of population, in reverse order of their population included in the district. Commissioners shall be residents of the district. Initial appointments shall be made no sooner than 60 days and no later than 90 days after issuance of the department order forming a district or after completion of any court proceedings challenging such order. ~~A per diem compensation not to exceed \$50 may be paid to commissioners. Commissioners may be reimbursed for actual expenses incurred as commissioners in carrying out the work of the commission.~~

SECTION 2715u. 200.09 (7) of the statutes is amended to read:

200.09 (7) A per diem compensation ~~not to exceed \$50~~ may be paid to commissioners in an amount the commission specifies by resolution. Any change in the per diem amount after its initial establishment applies only to subsequently appointed or reappointed commissioners. Commissioners shall be reimbursed for actual expenses incurred as commissioners in carrying out the work of the commission.

SECTION 2716. 200.49 (1) (b) of the statutes is amended to read:

200.49 (1) (b) "Minority group member" has the meaning given under s. ~~560.036~~ 16.287 (1) (f).

SECTION 2717. 200.57 (1) (a) of the statutes is amended to read:

200.57 (1) (a) "Disabled veteran-owned financial adviser" and "disabled veteran-owned investment firm" mean a financial adviser and investment firm, respectively, certified by the department of ~~commerce~~ administration under s. ~~560.0335~~ 16.283 (3).

SECTION 2718. 200.57 (1) (b) of the statutes is amended to read:

200.57 (1) (b) "Minority financial adviser" and "minority investment firm" mean a financial adviser and investment firm, respectively, certified by the department of ~~commerce~~ administration under s. ~~560.036~~ 16.287 (2).

SECTION 2718m. 214.40 (3) of the statutes is amended to read:

214.40 (3) A stock financial institution seeking to convert to a savings bank under s. 214.66 (1m) shall, before declaring a dividend on its capital stock, transfer not less than 50% of its net profits of the preceding half year to its paid-in surplus until it has paid-in surplus equal to 20% of capital stock.

SECTION 2719. 214.48 (4) (a) of the statutes is amended to read:

214.48 (4) (a) An independent qualified appraiser, designated by the board of directors, who is properly licensed and certified by the department of ~~regulation and licensing~~ safety and professional services or by another entity authorized to govern appraisal licensure and certification and who meets the requirements of title XI of the

financial institutions reform, recovery and enforcement act of 1989, 12 USC 3331 to 3351 and regulations adopted pursuant to those sections.

SECTION 2719d. 214.66 (intro.) (except 214.66 (title)) of the statutes is renumbered 214.66 (1m) (intro.).

SECTION 2719e. 214.66 (1) to (7) of the statutes are renumbered 214.66 (1m) (a) to (g).

SECTION 2719f. 214.66 (1m) (title) of the statutes is created to read:

214.66 (1m) (title) FROM SAVINGS AND LOAN ASSOCIATION OR FEDERAL SAVINGS BANK.

SECTION 2719g. 214.66 (2) of the statutes is created to read:

214.66 (2) FROM CREDIT UNION. A credit union under ch. 186 may become a savings bank by doing all of the following:

(a) Applying to the division for authority to organize as a savings bank and satisfying all requirements under this chapter for organizing as a savings bank.

(b) Satisfying all requirements under s. 186.314 (2m) for conversion to a savings bank.

(c) Recording the savings bank's articles of incorporation in the county in which its home office is located.

SECTION 2719w. 218.0171 (1) (h) 2. of the statutes is amended to read:

218.0171 (1) (h) 2. The motor vehicle is out of service for an aggregate of at least 30 days because of warranty nonconformities. Time during which repair services are not available to the consumer because of flood or other natural disaster, war, invasion, fire, or strike may not be included in the 30-day time period under this subdivision.

SECTION 2720. 218.0171 (2) (c) of the statutes is amended to read:

218.0171 (2) (c) To receive a comparable new motor vehicle or a refund due under par. (b) 1. or 2., a consumer described under sub. (1) (b) 1., 2. or 3. shall offer to the manufacturer of the motor vehicle having the nonconformity to transfer title of that motor vehicle to that manufacturer. No later than 30 days after that offer, the manufacturer shall provide the consumer with the comparable new motor vehicle or refund. When the manufacturer provides the new motor vehicle or refund, the consumer shall return the motor vehicle having the nonconformity to the manufacturer and provide the manufacturer with the certificate of title and all endorsements necessary to transfer title to the manufacturer. If another person is in possession of the certificate of title, as shown by the records of the department of transportation, that person shall, upon request of the consumer, provide the certificate to the manufacturer or to the consumer.

SECTION 2721. 218.0171 (2) (cm) 2. of the statutes is amended to read:

218.0171 (2) (cm) 2. To receive a refund due under par. (b) 3., a motor vehicle lessor shall offer to the

manufacturer of the motor vehicle having the nonconformity to transfer title of that motor vehicle to that manufacturer. No later than 30 days after that offer, the manufacturer shall provide the refund to the motor vehicle lessor. When the manufacturer provides the refund, the motor vehicle lessor shall provide to the manufacturer the certificate of title and all endorsements necessary to transfer title to the manufacturer. If another person is in possession of the certificate of title, as shown by the records of the department of transportation, that person shall, upon request of the motor vehicle lessor, provide the certificate to the manufacturer or to the motor vehicle lessor.

SECTION 2722. 218.11 (2) (am) 3. of the statutes is amended to read:

218.11 (2) (am) 3. The department of ~~commerce~~ may not disclose any information received under subd. 1. to any person except to the department of children and families for purposes of administering s. 49.22 or to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

SECTION 2723. 218.12 (2) (am) 2. of the statutes is amended to read:

218.12 (2) (am) 2. The department of ~~commerce~~ may not disclose a social security number obtained under par. (a) to any person except to the department of children and families for the sole purpose of administering s. 49.22 or to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

SECTION 2724. 218.23 (1) of the statutes is amended to read:

218.23 (1) Whenever a licensed motor vehicle salvage dealer acquires a motor vehicle for the purpose of wrecking it, the dealer shall mail or deliver the certificate of title or if the transfer to the salvage dealer was by a bill of sale, the bill of sale, for such vehicle to the department within 30 days after the vehicle is delivered to the salvage yard unless the previous owner already has done so or, if another person is in possession of the certificate of title, as shown by the records of the department of transportation, that person already has done so. ~~If he or she the dealer~~ subsequently wishes to transfer such vehicle to another person, ~~he or she the dealer~~ shall make such transfer only by bill of sale. In such bill of sale, ~~he or she the dealer~~ shall describe the vehicle and shall state that the certificate of title for the vehicle has been mailed or delivered to the department because the vehicle was to have been junked.

SECTION 2724m. 221.0219 of the statutes is created to read:

221.0219 Conversion of a credit union to a state bank. A credit union under ch. 186 may become a state bank under this chapter by doing all of the following:

(1) Applying to the division of banking for authority to organize as a bank under this chapter and satisfying all requirements under this chapter for organizing as a bank.

(2) Satisfying all requirements under s. 186.314 (2m) for conversion to a state bank.

(3) Recording the bank's articles of incorporation in the county in which its home office is located.

SECTION 2725d. 227.01 (13) (Lm) of the statutes is created to read:

227.01 (13) (Lm) Relates to the personnel systems developed under s. 36.115.

SECTION 2725f. 227.01 (13) (Ln) of the statutes is created to read:

227.01 (13) (Ln) Relates to bidding procedures or changes thereto under s. 36.11 (53).

SECTION 2725t. 227.01 (13) (t) of the statutes is amended to read:

227.01 (13) (t) Ascertains and determines prevailing wage rates under ss. 66.0903, ~~66.0904~~, 103.49, 103.50, and 229.8275, except that any action or inaction which ascertains and determines prevailing wage rates under ss. 66.0903, ~~66.0904~~, 103.49, 103.50, and 229.8275 is subject to judicial review under s. 227.40.

SECTION 2726. 227.01 (13) (yc) of the statutes is created to read:

227.01 (13) (yc) Adjusts the total cost threshold for highway projects under ss. 84.013 (2m) and 84.0145 (4).

SECTION 2727. 227.01 (13) (yL) of the statutes is repealed.

SECTION 2728b. 227.01 (13) (zi) of the statutes is amended to read:

227.01 (13) (zi) Lists responsible units, as defined in s. 287.01 (9), ~~and out-of-state units, as defined in s. 287.01 (5),~~ with an effective recycling program under s. 287.11 (3).

SECTION 2729. 227.114 (5) of the statutes is repealed.

SECTION 2730e. 227.115 (1) (a) of the statutes is amended to read:

227.115 (1) (a) "Department" means the department of ~~commerce~~ administration.

SECTION 2730m. 227.115 (1) (b) of the statutes is amended to read:

227.115 (1) (b) "State housing strategy plan" means the plan developed under s. ~~560.9802~~ 16.302.

SECTION 2730s. 227.115 (3) (a) 5. of the statutes is amended to read:

227.115 (3) (a) 5. Housing costs, as defined in s. ~~560.9804~~ 16.301 (3) (a) and (b).

SECTION 2731. 227.116 (1) of the statutes is renumbered 227.116 (1r) and amended to read:

227.116 (1r) Each proposed rule submitted to the legislative council under s. 227.15 that includes a requirement for a business to obtain a permit, ~~as defined in s. 560.41 (2),~~ shall specify the number of business days, calculated beginning on the day a permit application is received, within which the agency will review and make a determination on a permit application.

SECTION 2732. 227.116 (1g) of the statutes is created to read:

227.116 (1g) In this section, "permit" means any approval of an agency required as a condition of operating a business in this state.

SECTION 2733. 227.116 (2) of the statutes is amended to read:

227.116 (2) If any existing rule does not comply with sub. (4) (1r), the agency that promulgated the rule shall submit to the legislative council a proposed revision of the rule that will bring the rule into compliance with sub. (4) (1r). The legislative council staff's review of the proposed revision is limited to determining whether or not the agency has complied with this subsection.

SECTION 2734. 227.116 (3) of the statutes is amended to read:

227.116 (3) Subsections (4) (1r) and (2) do not apply to a rule if the rule, or a law under which the rule was promulgated, effective prior to November 17, 1983, contains a specification of a time period for review and determination on a permit application.

SECTION 2735. 227.116 (4) (intro.) of the statutes is amended to read:

227.116 (4) (intro.) If an agency fails to review and make a determination on a permit application within the time period specified in a rule or law, for each such failure the agency shall prepare a report and submit it to the department of ~~commerce~~ safety and professional services within 5 business days of the last day of the time period specified, setting forth all of the following:

SECTION 2736. 227.116 (5) of the statutes is amended to read:

227.116 (5) If an agency fails to review and make a determination on a permit application within the time period specified in a rule or law, upon completion of the review and determination for that application, the agency shall notify the department of ~~commerce~~ safety and professional services.

SECTION 2738k. 227.137 (3) (f) of the statutes is created to read:

227.137 (3) (f) Except as provided in this paragraph, if the economic impact analysis relates to a proposed rule of the department of safety and professional services under s. 101.63 (1) establishing standards for the construction of a dwelling, as defined in s. 101.61 (1), an analysis of whether the proposed rule would increase the cost of constructing or remodeling such a dwelling by more than \$1,000. This paragraph applies notwithstanding that the purpose of the one- and 2-family dwelling code under s. 101.60 includes promoting interstate uniformity in construction standards. This paragraph does not apply to a proposed rule whose promulgation has been authorized under s. 227.19 (5) (fm).

SECTION 2738m. 227.19 (3) (g) of the statutes is amended to read:

227.19 (3) (g) The report of the department of ~~commerce~~ administration, as required by s. 227.115, if a proposed rule directly or substantially affects the develop-

ment, construction, cost, or availability of housing in this state.

SECTION 2739c. 227.19 (4) (d) 7. of the statutes is created to read:

227.19 (4) (d) 7. In the case of a proposed rule of the department of safety and professional services under s. 101.63 (1) establishing standards for the construction of a dwelling, as defined in s. 101.61 (1), the proposed rule would increase the cost of constructing or remodeling such a dwelling by more than \$1,000. This subdivision applies notwithstanding that the purpose of the one- and 2-family dwelling code under s. 101.60 includes promoting interstate uniformity in construction standards. This subdivision does not apply to a proposed rule whose promulgation has been authorized under sub. (5) (fm).

SECTION 2739d. 227.19 (5) (c) of the statutes, as affected by 2011 Wisconsin Act 21, is amended to read:

227.19 (5) (c) *Agency not to promulgate rule during joint committee review.* An agency may not promulgate a proposed rule or a part of a proposed rule until the joint committee for review of administrative rules nonconcur in the objection of the committee, concurs in the approval of the committee, otherwise approves the proposed rule or part of the proposed rule, or waives its jurisdiction over the proposed rule or part of the proposed rule under par. (d), until the expiration of the review period under par. (b) 1., if no committee has objected to the proposed rule or the part of the proposed rule, ~~or until a bill introduced under par. (e) fails to be enacted,~~ or until a bill introduced under par. (em) is enacted. An agency may promulgate any part of a proposed rule to which no objection has been made.

SECTION 2739e. 227.19 (5) (d) of the statutes, as affected by 2011 Wisconsin Act 21, is amended to read:

227.19 (5) (d) *Joint committee action.* The joint committee for review of administrative rules may nonconcur in a committee's objection to a proposed rule or a part of a proposed rule, concur in a committee's approval of a proposed rule or a part of a proposed rule, otherwise approve a proposed rule or a part of a proposed rule, or waive its jurisdiction over a proposed rule or a part of a proposed rule by voting to nonconcur, concur, or approve, or to waive its jurisdiction, during the applicable review period under par. (b). If Except as provided in par. (dm), if the joint committee for review of administrative rules objects to a proposed rule or a part of a proposed rule, an agency may not promulgate the proposed rule or part of the proposed rule objected to until a bill introduced under par. (e) fails to be enacted. The joint committee for review of administrative rules may object to a proposed rule or a part of a proposed rule only for one or more of the reasons specified under sub. (4) (d).

SECTION 2739f. 227.19 (5) (dm) of the statutes is created to read:

227.19 (5) (dm) *Rules increasing dwelling construction costs; joint committee action.* If the joint committee

for review of administrative rules objects to a proposed rule or a part of a proposed rule for a reason specified in sub. (4) (d) 7., the department of safety and professional services may not promulgate the proposed rule or part of the proposed rule objected to until a bill introduced under par. (em) is enacted. This paragraph applies notwithstanding that the purpose of the one- and 2-family dwelling code under s. 101.60 includes promoting interstate uniformity in construction standards. This paragraph does not apply to a proposed rule whose promulgation has been previously authorized under par. (fm).

SECTION 2739g. 227.19 (5) (e) of the statutes, as affected by 2011 Wisconsin Act 21, is amended to read:

227.19 (5) (e) *Bills to prevent promulgation.* When the joint committee for review of administrative rules objects to a proposed rule or a part of a proposed rule under par. (d) it shall, within 30 days of the date of the objection, meet and take executive action regarding the introduction, in each house of the legislature, of a bill to support the objection. The joint committee shall introduce the bills within 5 working days after taking executive action in favor of introduction of the bills unless the bills cannot be introduced during this time period under the joint rules of the legislature.

SECTION 2739h. 227.19 (5) (em) of the statutes is created to read:

227.19 (5) (em) *Rules increasing dwelling construction costs; bill to authorize promulgation.* If the joint committee for review of administrative rules objects to a proposed rule or a part of a proposed rule under par. (dm), any member of the legislature may introduce a bill to authorize promulgation of the proposed rule or part of the proposed rule. This paragraph applies notwithstanding that the purpose of the one- and 2-family dwelling code under s. 101.60 includes promoting interstate uniformity in construction standards. This paragraph does not apply to a proposed rule whose promulgation has been previously authorized under par. (fm).

SECTION 2739i. 227.19 (5) (fm) of the statutes is created to read:

227.19 (5) (fm) *Rules increasing dwelling construction costs; timely introduction of bill; effect.* If all bills introduced under par. (em) are defeated, or fail to be enacted in any other manner, the agency may not promulgate the proposed rule or part of the proposed rule that was objected to unless subsequent law specifically authorizes its promulgation. If any of those bills becomes law, the agency may promulgate the proposed rule or part of the proposed rule that was objected to.

SECTION 2739j. 227.19 (5) (g) (title) of the statutes is created to read:

227.19 (5) (g) (title) *Introduction of bills in next session; effect.*

SECTION 2739k. 227.19 (6) (title) of the statutes is amended to read:

227.19 (6) (title) PROMULGATION PREVENTION OR AUTHORIZATION PROCEDURE.

SECTION 2739L. 227.19 (6) (a) (intro.) of the statutes is amended to read:

227.19 (6) (a) (intro.) The legislature may not consider a bill required by or permitted under sub. (5) (e) or (em) until the joint committee for review of administrative rules has submitted a written report on the bill. The report shall be printed as an appendix to each bill and shall contain:

SECTION 2739n. 227.24 (1) (e) 1d. of the statutes, as created by 2011 Wisconsin Act 21, is amended to read:

227.24 (1) (e) 1d. Prepare a statement of the scope of the proposed emergency rule as provided in s. 227.135 (1), obtain approval of the statement as provided in s. 227.135 (2), and send the statement to the legislative reference bureau for publication in the register under as provided in s. 227.135 (3) at the same time that the proposed emergency rule is published. If the agency changes the scope of a proposed emergency rule as described in s. 227.135 (4), the agency shall prepare and obtain approval of a revised statement of the scope of the proposed emergency rule as provided in s. 227.135 (4). No state employee or official may perform any activity in connection with the drafting of a proposed emergency rule except for an activity necessary to prepare the statement of the scope of the proposed emergency rule until the governor and the individual or body with policy-making powers over the subject matter of the proposed emergency rule approves the statement.

SECTION 2739p. 227.24 (1) (e) 1g. of the statutes, as created by 2011 Wisconsin Act 21, is amended to read:

227.24 (1) (e) 1g. Submit the proposed emergency rule in final draft form to the governor for approval. The governor, in his or her discretion, may approve or reject the proposed emergency rule. If the governor approves a proposed emergency rule, the governor shall provide the agency with a written notice of that approval. An agency may not file an emergency rule for publication with the legislative reference bureau as provided in s. 227.20 and an emergency rule may not be published until the governor approves the emergency rule in writing.

SECTION 2740. 227.59 of the statutes is amended to read:

227.59 Certification of certain cases from the circuit court of Dane County to other circuits. Any action or proceeding for the review of any order of an administrative officer, commission, department or other administrative tribunal of the state required by law to be instituted in or taken to the circuit court of Dane County except an action or appeal for the review of any order of the department of workforce development or the department of commerce safety and professional services or findings and orders of the labor and industry review commission which is instituted or taken and is not called for trial or

hearing within 6 months after the proceeding or action is instituted, and the trial or hearing of which is not continued by stipulation of the parties or by order of the court for cause shown, shall on the application of either party on 5 days' written notice to the other be certified and transmitted for trial to the circuit court of the county of the residence or principal place of business of the plaintiff or petitioner, where the action or proceeding shall be given preference. Unless written objection is filed within the 5-day period, the order certifying and transmitting the proceeding shall be entered without hearing. The plaintiff or petitioner shall pay to the clerk of the circuit court of Dane County a fee of \$2 for transmitting the record.

SECTION 2741. 229.46 (1) (ag) of the statutes is amended to read:

229.46 (1) (ag) "Disabled veteran-owned business" means a business certified by the department of ~~commerce~~ administration under s. ~~560.0335 16.283~~ (3).

SECTION 2742. 229.46 (1) (b) of the statutes is amended to read:

229.46 (1) (b) "Minority group member" has the meaning given in s. ~~560.036 16.287~~ (1) (f).

SECTION 2743. 229.70 (1) (ag) of the statutes is amended to read:

229.70 (1) (ag) "Disabled veteran-owned business" means a business certified by the department of ~~commerce~~ administration under s. ~~560.0335 16.283~~ (3).

SECTION 2744. 229.70 (1) (am) of the statutes is amended to read:

229.70 (1) (am) "Minority business" has the meaning given in s. ~~560.036 16.287~~ (1) (e).

SECTION 2745. 229.70 (1) (b) of the statutes is amended to read:

229.70 (1) (b) "Minority group member" has the meaning given in s. ~~560.036 16.287~~ (1) (f).

SECTION 2746. 229.8273 (1) (am) of the statutes is amended to read:

229.8273 (1) (am) "Disabled veteran-owned business" means a business certified by the department of ~~commerce~~ administration under s. ~~560.0335 16.283~~ (3).

SECTION 2747. 229.8273 (1) (b) of the statutes is amended to read:

229.8273 (1) (b) "Minority business" has the meaning given in s. ~~560.036 16.287~~ (1) (e).

SECTION 2748. 229.8273 (1) (c) of the statutes is amended to read:

229.8273 (1) (c) "Minority group member" has the meaning given in s. ~~560.036 16.287~~ (1) (f).

SECTION 2749. 229.845 (1) (ag) of the statutes is amended to read:

229.845 (1) (ag) "Disabled veteran-owned business" means a business certified by the department of ~~commerce~~ administration under s. ~~560.0335 16.283~~ (3).

SECTION 2750. 229.845 (1) (am) of the statutes is amended to read:

229.845 (1) (am) "Minority business" has the meaning given in s. ~~560.036 16.287~~ (1) (e).

SECTION 2751b. 230.01 (1) of the statutes is amended to read:

230.01 (1) It is the purpose of this chapter to provide state agencies ~~and institutions of higher education~~ with competent personnel who will furnish state services to citizens as fairly, efficiently and effectively as possible.

SECTION 2751e. 230.03 (3) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

230.03 (3) "Agency" means any board, commission, committee, council, or department in state government or a unit thereof created by the constitution or statutes if such board, commission, committee, council, department, unit, or the head thereof, is authorized to appoint subordinate staff by the constitution or statute, except the Board of Regents of the University of Wisconsin System, a legislative or judicial board, commission, committee, council, department, or unit thereof or an authority created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279. "Agency" does not mean any local unit of government or body within one or more local units of government that is created by law or by action of one or more local units of government.

SECTION 2751g. 230.03 (6) of the statutes is amended to read:

230.03 (6) "Civil service" means all offices and positions of trust or employment in the service of the state, except offices and positions in the organized militia and the Board of Regents of the University of Wisconsin System.

SECTION 2751i. 230.03 (6m) of the statutes is created to read:

230.03 (6m) "Classified service" means the classified service of the civil service.

SECTION 2751k. 230.03 (10h) of the statutes is created to read:

230.03 (10h) "Employee" or "state employee" means an employee of an agency.

SECTION 2751m. 230.03 (13) of the statutes is created to read:

230.03 (13) "Unclassified service" means the unclassified service of the civil service.

SECTION 2751p. 230.08 (2) (cm) of the statutes is repealed.

SECTION 2751q. 230.08 (2) (d) of the statutes is repealed.

SECTION 2751s. 230.08 (2) (dm) of the statutes is repealed.

SECTION 2753m. 230.08 (2) (e) 3. of the statutes is repealed.

SECTION 2754. 230.08 (2) (e) 4. of the statutes is created to read:

230.08 (2) (e) 4. Employment relations commission — 1.

SECTION 2755a. 230.08 (2) (e) 6. of the statutes, as affected by 2011 Wisconsin Act 10, is repealed and recreated to read:

230.08 (2) (e) 6. Workforce development — 9.

SECTION 2755am. 230.08 (2) (e) 8. of the statutes is amended to read:

230.08 (2) (e) 8. Natural resources — 7 10.

SECTION 2756. 230.08 (2) (e) 10. of the statutes is repealed.

SECTION 2757. 230.08 (2) (e) 11m. of the statutes is created to read:

230.08 (2) (e) 11m. Safety and professional services — 8.

SECTION 2758. 230.08 (2) (g) of the statutes is amended to read:

230.08 (2) (g) One stenographer appointed by each elective executive officer, except the secretary of state and the state treasurer; and one deputy or assistant appointed by each elective executive officer, except the attorney general and superintendent of public instruction.

SECTION 2758d. 230.08 (2) (k) of the statutes is repealed.

SECTION 2758g. 230.08 (2) (p) of the statutes is amended to read:

230.08 (2) (p) All employees of the investment board, ~~except blue collar and clerical employees.~~

SECTION 2760. 230.08 (2) (v) of the statutes is amended to read:

230.08 (2) (v) Not more than 5 ~~2~~ bureau directors in the department of regulation and licensing safety and professional services.

SECTION 2761. 230.08 (2) (yb) of the statutes is created to read:

230.08 (2) (yb) The director and the deputy director of the office of business development in the department of administration.

SECTION 2762. 230.08 (2) (yc) of the statutes is repealed.

SECTION 2763. 230.08 (4) (a) of the statutes is amended to read:

230.08 (4) (a) The number of administrator positions specified in sub. (2) (e) includes all administrator positions specifically authorized by law to be employed outside the classified service in each department, board or commission and the historical society. In this paragraph, "department" has the meaning given under s. 15.01 (5), "board" means the educational communications board, government accountability board, investment board, public defender board and technical college system board and "commission" means the employment relations commission and the public service commission. Notwithstanding sub. (2) (z), no division administrator position exceeding the number authorized in sub. (2) (e) may be created in the unclassified service.

SECTION 2763m. 230.08 (4) (d) of the statutes is created to read:

230.08 (4) (d) The division administrator appointed under sub. (2) (e) 4. shall be an attorney.

SECTION 2763p. 230.09 (2) (g) of the statutes is amended to read:

230.09 (2) (g) When filling a new or vacant position, if the director determines that the classification for a position is different than that provided for by the legislature as established by law or in budget determinations, or as authorized by the joint committee on finance under s. 13.10, or as specified by the governor creating positions under s. 16.505 (1) (c) or (2), or the University of Wisconsin Hospitals and Clinics Board creating positions under s. 16.505 (2n) or the board of regents of the University of Wisconsin System creating positions under s. 16.505 (2m), or is different than that of the previous incumbent, the director shall notify the administrator and the secretary of administration. The administrator shall withhold action on the selection and certification process for filling the position. The secretary of administration shall review the position to determine that sufficient funds exist for the position and that the duties and responsibilities of the proposed position reflect the intent of the legislature as established by law or in budget determinations, the intent of the joint committee on finance acting under s. 13.10, the intent of the governor creating positions under s. 16.505 (1) (c) or (2), or the University of Wisconsin Hospitals and Clinics Board creating positions under s. 16.505 (2n) or the intent of the board of regents of the University of Wisconsin System creating positions under s. 16.505 (2m). The administrator may not proceed with the selection and certification process until the secretary of administration has authorized the position to be filled.

SECTION 2763s. 230.10 (2) of the statutes is amended to read:

230.10 (2) The compensation plan in effect at the time that a representative is recognized or certified to represent employees in a collective bargaining unit and the employee salary and benefit provisions under s. 230.12 (3) (e) in effect at the time that a representative is certified to represent employees in a collective bargaining unit under subch. V of ch. 111 constitute the compensation plan or employee salary and benefit provisions for employees in the collective bargaining unit until a collective bargaining agreement becomes effective for that unit. If a collective bargaining agreement under subch. V of ch. 111 expires prior to the effective date of a subsequent agreement, and a representative continues to be recognized or certified to represent employees specified in s. 111.81 (7) (a) or certified to represent employees specified in s. 111.81 (7) ~~(b)~~ (ar) to (f) in that collective bargaining unit, the wage rates of the employees in such a unit shall be frozen until a subsequent agreement becomes effective, and the compensation plan under s.

230.12 and salary and benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in the unit.

SECTION 2764. 230.12 (1) (a) 1. b. of the statutes is amended to read:

230.12 (1) (a) 1. b. The provisions governing the pay of all unclassified positions except positions ~~for employees of the University of Wisconsin System~~, for employees of the legislature who are not identified under s. 20.923 (4), for employees of a service agency under subch. IV of ch. 13, for employees of the state court system, for employees of the investment board identified under s. 230.08 (2) (p), for one stenographer employed by each elective executive officer, except the secretary of state and the state treasurer, under s. 230.08 (2) (g), for 3 sales representatives of prison industries and one sales manager of prison industries identified under s. 303.01 (10), and for sales and development professional of the historical society employed under s. 44.20 (4) (a).

SECTION 2764bg. 230.12 (1) (h) of the statutes is created to read:

230.12 (1) (h) *Other pay, benefits, and working conditions.* The compensation plan may include other provisions relating to pay, benefits, and working conditions that shall supersede the provisions of the civil service and other applicable statutes and rules promulgated by the director and the administrator.

SECTION 2764br. 230.12 (3) (a) of the statutes is amended to read:

230.12 (3) (a) *Submission to the joint committee on employment relations.* The director shall submit to the joint committee on employment relations a proposal for any required changes in the compensation plan ~~which may include across the board pay adjustments for positions in the classified service.~~ The proposal shall include the amounts and methods for within range pay progression, for pay transactions, and for performance awards. The proposal shall be based upon experience in recruiting for the service, the principle of providing pay equity regardless of gender or race, data collected as to rates of pay for comparable work in other public services and in commercial and industrial establishments, recommendations of agencies and any special studies carried on as to the need for any changes in the compensation plan to cover each year of the biennium. The proposal shall also take proper account of prevailing pay rates, costs and standards of living and the state's employment policies.

SECTION 2764bt. 230.12 (3) (b) of the statutes is amended to read:

230.12 (3) (b) *Public hearing on the proposal; adoption of plan.* The director shall submit the proposal for any required changes in the compensation plan to the joint committee on employment relations. The committee shall hold a public hearing on the proposal. The proposal, as may be modified by the joint committee on employment relations together with the unchanged provisions of the current compensation plan, shall, for the

ensuing fiscal year or until a new or modified plan is adopted under this subsection, constitute the state's compensation plan ~~for positions in the classified service.~~ Any modification of the director's proposed changes in the compensation plan by the joint committee on employment relations may be disapproved by the governor within 10 calendar days. A vote of 6 members of the joint committee on employment relations is required to set aside any such disapproval of the governor.

SECTION 2764c. 230.12 (3) (e) (title) of the statutes is amended to read:

230.12 (3) (e) (title) *University of Wisconsin System senior executives, faculty, and academic staff employees; Wisconsin Technical College System senior executives.*

SECTION 2764g. 230.12 (3) (e) 1. of the statutes is amended to read:

230.12 (3) (e) 1. The director, after receiving recommendations from the board of regents and the chancellor of the University of Wisconsin-Madison, shall submit to the joint committee on employment relations a proposal for adjusting compensation and employee benefits for University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective bargaining unit under subch. V or VI of ch. 111 for which a representative is certified. ~~The proposal shall include the salary ranges and adjustments to the salary ranges for the university senior executive salary groups 1 and 2 established under s. 20.923 (4g).~~ The proposal shall be based upon the competitive ability of the board of regents to recruit and retain qualified faculty and academic staff, data collected as to rates of pay for comparable work in other public services, universities and commercial and industrial establishments, recommendations of the board of regents and any special studies carried on as to the need for any changes in compensation and employee benefits to cover each year of the biennium. The proposal shall also take proper account of prevailing pay rates, costs and standards of living and the state's employment policies. The proposal for such pay adjustments may contain recommendations for across-the-board pay adjustments, merit or other adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf) shall apply to the process for approval of all pay adjustments for such University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved by the joint committee on employment relations and the governor shall be based upon a percentage of the budgeted salary base for such University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit and adjustments other than across-the-board pay adjustments is available for discretionary use by the board of regents.

SECTION 2764n. 230.143 (intro.) of the statutes is renumbered 230.143 and amended to read:

230.143 Appointment; selective service registration. A person who is required to register with the selective service system under 50 USC, Appendix, sections 451 to 473, but has not registered, may not receive ~~any of the following an original appointment to a position in the classified service~~ during the period that the person is required to register.

SECTION 2764r. 230.143 (1) of the statutes is repealed.

SECTION 2764w. 230.143 (2) of the statutes is repealed.

SECTION 2765. 230.339 of the statutes is created to read:

230.339 Rights of certain employees of the department of safety and professional services. (1) If any of the following employees who hold the position of bureau director in the classified service at the department of commerce on the day before the effective date of this subsection ... [LRB inserts date], and who have achieved permanent status in class on or before that date are transferred to the position of bureau director in the unclassified service at the department of safety and professional services, that transferred employee shall retain those protections afforded employees in the classified service under ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension, discharge, layoff, or reduction in base pay:

(b) Director of the bureau of petroleum environmental cleanup fund administration in the division of environmental and regulatory services.

(c) Director of the bureau of petroleum products and tanks in the division of environmental and regulatory services.

(d) Director of the bureau of integrated services in the division of safety and buildings.

(e) Director of the bureau of program development in the division of safety and buildings.

(2) Each employee specified under sub. (1) shall also have reinstatement privileges to the classified service as provided under s. 230.33 (1).

SECTION 2766. 230.34 (1) (ar) of the statutes is amended to read:

230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent status in class in the classified service and all employees who have served with the state as an assistant district attorney for a continuous period of 12 months or more, except that for employees specified in s. 111.81 (7) (a) in a collective bargaining unit for which a representative is recognized or certified, or for employees specified in s. 111.81 (7) ~~(b)~~ (ar) or (c) in a collective bargaining unit for which a representative is certified, if a collective bargaining agreement is in effect covering employees in the collective bargaining unit, the determination of just cause and all aspects of the appeal procedure shall be governed by the provisions of the collective bargaining agreement.

SECTION 2767m. 230.48 (3) (b) of the statutes is amended to read:

230.48 (3) (b) Cash awards, in ~~the an~~ an amount equal to 10 percent of the average annual savings that result from the suggestion, with a minimum payment of \$50 and a maximum payment of \$10,000, and payable at the times that the state employees suggestion board determines.

SECTION 2768. 231.01 (1) of the statutes is renumbered 231.01 (1t).

SECTION 2769. 231.01 (1m) of the statutes is created to read:

231.01 (1m) "Affiliate" means an entity that controls, is controlled by, or is under common control with another entity.

SECTION 2770. 231.01 (4t) of the statutes is created to read:

231.01 (4t) "Entity" means any person other than a natural person.

SECTION 2771. 231.01 (5r) of the statutes is amended to read:

231.01 (5r) "Participating child care provider" means a child care provider, or an affiliate of a child care provider, that undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in this chapter.

SECTION 2772. 231.01 (5w) of the statutes is amended to read:

231.01 (5w) "Participating educational institution" means ~~a corporation, agency or association which is an~~ an entity authorized by state law to provide or operate an educational facility, or an affiliate of that entity, and ~~which that~~ which that undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in this chapter.

SECTION 2773. 231.01 (6) (intro.) and (a) of the statutes are consolidated, renumbered 231.01 (6) and amended to read:

231.01 (6) "Participating health institution" means: ~~(a) A corporation, agency or association an~~ an entity authorized by state law to provide or operate a health facility, or an affiliate of that entity, and ~~which that~~ which that undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in this chapter.

SECTION 2774. 231.01 (6t) of the statutes is amended to read:

231.01 (6t) "Participating research institution" means an entity organized under the laws of this state that provides or operates a research facility, or an affiliate of that entity, and that undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in this chapter.

SECTION 2775. 231.01 (7) (c) of the statutes is amended to read:

231.01 (7) (c) "Project" may include more than one project, and it may include any combination of projects undertaken jointly by any participating health institution, participating educational institution, participating research institution, or participating child care provider with one or more other participating health institutions, participating educational institutions, participating research institutions, or participating child care providers.

SECTION 2776. 231.01 (7) (cg) of the statutes is created to read:

231.01 (7) (cg) "Project" includes any project located within or outside of this state.

SECTION 2777. 231.01 (7) (d) 2. of the statutes is amended to read:

231.01 (7) (d) 2. Any office or clinic of a person licensed under ch. 446, 447, 448, 449, or 455, or the substantially equivalent laws or rules of another state.

SECTION 2778. 231.03 (6) (a) 3. c. of the statutes is amended to read:

231.03 (6) (a) 3. c. The expenditure, by or on behalf of a hospital, independent practitioner, partnership, unincorporated medical group or service corporation, as defined in s. 180.1901 (2), or the substantially equivalent laws or rules of another state, for clinical medical equipment.

SECTION 2779. 231.03 (6) (b) of the statutes is amended to read:

231.03 (6) (b) Refinance outstanding debt of any participating health institution if the department of health services certifies that refinancing will result in a reduction in the participating health institution's rates below the rates which would have otherwise prevailed, except that the authority may not refinance any office or clinic of a person licensed under ch. 446, 447, 448, 449 or 455, or the substantially equivalent laws or rules of another state, and except that this certification is not required for the refinancing for a participating health institution that operates a facility as defined under s. 49.45 (6m) (a) 3, or for a participating health institution that is located in another state.

SECTION 2780. 231.06 of the statutes is amended to read:

231.06 Property acquisition. The authority may acquire, directly or by and through a participating health institution, participating educational institution, participating research institution, or participating child care provider as its agent, by purchase or by gift or devise, such lands, structures, property, rights, rights-of-way, franchises, easements, and other interests in lands, including lands lying under water and riparian rights, which are located within this state as it deems necessary or convenient for the construction or operation of a project, upon such terms and at such prices as it considers rea-

sonable and can be agreed upon between it and the owner thereof, and take title thereto in the name of the authority or in the name of a health facility, educational facility, research facility, or child care center as its agent.

SECTION 2781. 231.08 (8) of the statutes is created to read:

231.08 (8) The proceeds of a bond issued under this section may be used for a project in this state or any other state, except that if the proceeds of a bond are used for a project located in another state, that project shall include a substantial component located in this state, as determined by the executive director.

SECTION 2782. 231.20 of the statutes is amended to read:

231.20 Waiver of construction and bidding requirements. In exercising its powers under s. 101.12, the department of ~~commerce~~ safety and professional services or any city, village, town, or county may, within its discretion for proper cause shown, waive any particular requirements relating to public buildings, structures, grounds, works, and improvements imposed by law upon projects under this chapter; the requirements of s. 101.13 may not be waived, however. If, however, the prospective lessee so requests in writing, the authority shall, through the participating health institution, participating educational institution, participating research institution, or participating child care provider as its agent, call for construction bids in such manner as is determined by the authority with the approval of the lessee.

SECTION 2783. 231.27 (1) of the statutes is amended to read:

231.27 (1) In this section, "minority business", "minority financial adviser" and "minority investment firm" mean a business, financial adviser and investment firm, respectively, certified by the department of ~~commerce~~ administration under s. ~~560.036~~ 16.287 (2).

SECTION 2784. 231.29 (1) of the statutes is amended to read:

231.29 (1) In this section, "business," "financial adviser," and "investment firm" mean a business, financial adviser, and investment firm certified by the department of ~~commerce~~ administration under s. ~~560.0335~~ 16.283 (3).

SECTION 2785. 231.35 (6) (a) of the statutes is amended to read:

231.35 (6) (a) The authority shall enter into a guarantee agreement with any person who makes loans described under sub. (3) (b) and who wishes to have those loans guaranteed under this section. The guarantee agreement shall comply with the rules promulgated by the department of ~~commerce~~ administration under sub. (7) (b).

SECTION 2786. 231.35 (6) (b) of the statutes is amended to read:

231.35 (6) (b) The authority may use money from the rural hospital loan fund to guarantee loans made for the

purposes described in sub. (3) (b), if the authority sets out the terms and conditions of the guarantee in a guarantee agreement that complies with the rules promulgated by the department of ~~commerce~~ administration under sub. (7) (b).

SECTION 2787. 231.35 (7) (intro.) of the statutes is amended to read:

231.35 (7) (intro.) With the advice of the rural health development council, the department of ~~commerce~~ administration shall promulgate rules specifying all of the following:

SECTION 2818. 234.01 (4n) (a) 3m. e. of the statutes is amended to read:

234.01 (4n) (a) 3m. e. The facility is located in a targeted area, as determined by the authority after considering the factors set out in s. 560.605 (2m) (c), 2005 stats., s. 560.605 (2m) (d), 2005 stats., s. 560.605 (2m) (e), 2005 stats., s. 560.605 (2m) (g), 2007 stats., and s. 560.605 (2m) (a), (b), (f), and (h), 2009 stats.

SECTION 2819. 234.02 (1) of the statutes is amended to read:

234.02 (1) There is created a public body corporate and politic to be known as the "Wisconsin Housing and Economic Development Authority." The members of the authority shall be the ~~secretary of commerce~~ chief executive officer of the Wisconsin Economic Development Corporation or his or her designee and the secretary of administration or his or her designee, and 6 public members nominated by the governor, and with the advice and consent of the senate appointed, for staggered 4-year terms commencing on the dates their predecessors' terms expire. In addition, one senator of each party and one representative to the assembly of each party appointed as are the members of standing committees in their respective houses shall serve as members of the authority. A member of the authority shall receive no compensation for services but shall be reimbursed for necessary expenses, including travel expenses, incurred in the discharge of duties. Subject to the bylaws of the authority respecting resignations, each member shall hold office until a successor has been appointed and has qualified. A certificate of appointment or reappointment of any member shall be filed with the authority and the certificate shall be conclusive evidence of the due and proper appointment.

SECTION 2820. 234.032 (2) (intro.) of the statutes is amended to read:

234.032 (2) (intro.) The authority, in consultation with the ~~department of commerce~~ Wisconsin Economic Development Corporation, shall do all of the following for each economic development program administered by the authority:

SECTION 2821. 234.034 of the statutes is amended to read:

234.034 Consistency with state housing strategy plan. Subject to agreements with bondholders or noteholders, the authority shall exercise its powers and per-

form its duties related to housing consistent with the state housing strategy plan under s. ~~560.9802~~ 16.302.

SECTION 2822. 234.06 (1) of the statutes is amended to read:

234.06 (1) The authority may, as authorized in the state housing strategy plan under s. ~~560.9802~~ 16.302, use the moneys held in the housing development fund to make temporary loans to eligible sponsors, with or without interest, and with such security for repayment, if any, as the authority determines reasonably necessary and practicable, solely from the housing development fund, to defray development costs for the construction of proposed housing projects for occupancy by persons and families of low and moderate income. No temporary loan may be made unless the authority may reasonably anticipate that satisfactory financing may be obtained by the eligible sponsor for the permanent financing of the housing project.

SECTION 2823. 234.06 (3) of the statutes is amended to read:

234.06 (3) The authority may, as authorized in the state housing strategy plan under s. ~~560.9802~~ 16.302, use the moneys held in the housing development fund to establish and administer programs of grants to counties, municipalities, and eligible sponsors of housing projects for persons of low and moderate income, to pay organizational expenses, administrative costs, social services, technical services, training expenses, or costs incurred or expected to be incurred by counties, municipalities, or sponsors for land and building acquisition, construction, improvements, renewal, rehabilitation, relocation, or conservation under a plan to provide housing or related facilities, if the costs are not reimbursable from other private or public loan, grant, or mortgage sources.

SECTION 2824. 234.08 (5) of the statutes is amended to read:

234.08 (5) This section does not supersede or impair the power of the ~~department of commerce~~ Wisconsin Economic Development Corporation to carry out its program responsibilities relating to economic development which are funded by bonds or notes issued under this section.

SECTION 2825. 234.08 (6) of the statutes is amended to read:

234.08 (6) The authority may reimburse the ~~department of commerce~~ Wisconsin Economic Development Corporation its operating costs to carry out its program responsibilities relating to economic development which are funded by bonds or notes issued under this section.

SECTION 2826. 234.165 (2) (b) 2. of the statutes is amended to read:

234.165 (2) (b) 2. Annually before August 31 the authority shall submit to the governor a plan for expending or encumbering the actual surplus reported under subd. 1. The part of the plan related to housing shall be consistent with the state housing strategy plan under s.

~~560.9802~~ 16.302. The plan submitted under this subdivision may be attached to and submitted as a part of the report filed under subd. 1.

SECTION 2827. 234.25 (1) (e) of the statutes is amended to read:

234.25 (1) (e) An evaluation of its progress in implementing within its own housing programs the goals, policies, and objectives of the state housing strategy plan under s. ~~560.9802~~ 16.302, and recommendations for legislation to improve its ability to carry out its programs consistent with the state housing strategy plan.

SECTION 2828. 234.255 (title) of the statutes is amended to read:

234.255 (title) Economic development assistance coordination and reporting.

SECTION 2829. 234.255 of the statutes is renumbered 234.255 (2) and amended to read:

234.255 (2) Annually, no later than October 1, the authority shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs, as defined in s. 234.032 (1), administered by the authority. The report shall include all of the information required under s. ~~560.01 (2) (am)~~ 238.07 (2). The authority shall collaborate with the ~~department of commerce~~ Wisconsin Economic Development Corporation to make readily accessible to the public on an Internet-based system the information required under this section.

SECTION 2830. 234.255 (1) of the statutes is created to read:

234.255 (1) The authority shall coordinate any economic development assistance with the Wisconsin Economic Development Corporation.

SECTION 2831. 234.35 (1) of the statutes is amended to read:

234.35 (1) In this section, "minority business", "minority financial adviser" and "minority investment firm" mean a business, financial adviser and investment firm, respectively, certified by the department of ~~commerce~~ administration under s. ~~560.036~~ 16.287 (2).

SECTION 2832. 234.36 (1) of the statutes is amended to read:

234.36 (1) In this section, "business," "financial adviser," and "investment firm" mean a business, financial adviser, and investment firm certified by the department of ~~commerce~~ administration under s. ~~560.0335~~ 16.283 (3).

SECTION 2832g. 234.622 (4) of the statutes is renumbered 234.622 (4) (intro.) and amended to read:

234.622 (4) (intro.) "Participant" means ~~a~~ all of the following:

(a) A natural person 65 years of age or older who has been accepted into the program.

SECTION 2832r. 234.622 (4) (b) of the statutes is created to read:

234.622 (4) (b) A veteran, as defined in s. 45.01 (12) (a) to (f), who has been accepted into the program.

SECTION 2833. 234.65 (1) (a) of the statutes is amended to read:

234.65 (1) (a) With the consent of the ~~department of commerce~~ Wisconsin Economic Development Corporation and subject to par. (f), the authority may issue its negotiable bonds and notes to finance its economic development activities authorized or required under this chapter, including financing economic development loans.

SECTION 2834. 234.65 (1) (f) of the statutes is amended to read:

234.65 (1) (f) The authority may not issue bonds or notes under par. (a) unless it has contracted to reimburse the ~~department of commerce~~ Wisconsin Economic Development Corporation a sum certain for the ~~department's corporation's~~ operating costs in carrying out its responsibilities to effectuate and promote the economic development programs created with the bonding authority in this chapter and its responsibilities under s. ~~560.03 (17)~~ 238.25.

SECTION 2835. 234.65 (1m) of the statutes is amended to read:

234.65 (1m) The ~~department of commerce~~ Wisconsin Economic Development Corporation shall, in consultation with the authority, ~~promulgate rules and adopt rules and~~ procedures, in accordance with the procedures ~~under ch. 227,~~ to implement sub. (3).

SECTION 2836. 234.65 (3) (a) of the statutes is amended to read:

234.65 (3) (a) The business that will receive the loan, at least 30 days prior to signing of the loan contract, has given notice of intent to sign the contract, on a form prescribed under s. ~~560.034~~ 238.11 (1), to the ~~department of commerce~~ Wisconsin Economic Development Corporation and to any collective bargaining agent in this state with whom the person has a collective bargaining agreement.

SECTION 2837. 234.65 (3) (am) of the statutes is amended to read:

234.65 (3) (am) The authority has received an estimate issued under s. ~~560.034~~ 238.11 (5) (b), and the ~~department of commerce~~ Wisconsin Economic Development Corporation has estimated whether the project that the authority would finance under the loan is expected to eliminate, create, or maintain jobs on the project site and elsewhere in this state and the net number of jobs expected to be eliminated, created, or maintained as a result of the project.

SECTION 2838. 234.65 (3m) of the statutes is amended to read:

234.65 (3m) An economic development loan may not be made unless the ~~department of commerce~~ Wisconsin Economic Development Corporation complies with

sub. (1m) and certifies that each loan complies with sub. (3).

SECTION 2839. 234.65 (3r) of the statutes is amended to read:

234.65 (3r) Any economic development loan ~~which~~ that a business receives from the authority under this section to finance a project shall require the business to submit to the ~~department of commerce~~ Wisconsin Economic Development Corporation within 12 months after the project is completed or 2 years after a loan is issued to finance the project, whichever is sooner, on a form prescribed under s. ~~560.034~~ 234.11 (1), the net number of jobs eliminated, created, or maintained on the project site and elsewhere in this state as a result of the project. This subsection does not apply to an economic development loan to finance an economic development project described under s. 234.01 (4n) (c).

SECTION 2840. 234.65 (5) (intro.) of the statutes is amended to read:

234.65 (5) (intro.) On or before July 1, 1985, and every July 1 thereafter, the ~~department of commerce~~ Wisconsin Economic Development Corporation shall submit to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), a report ~~which shall address~~ that addresses the effects of lending under this section in the following areas:

SECTION 2840m. 234.75 of the statutes is created to read:

234.75 Public affairs network loan guarantee program. (1) DEFINITION. In this section, "public affairs network" means a nonprofit corporation organized under the laws of this state that has as its primary purpose the broadcast of proceedings of the legislature, including legislative committee meetings, and the reporting of events and activities related to politics in this state, through television, radio, the Internet, or similar communications media.

(2) GUARANTEE REQUIREMENTS. The authority may use money from the Wisconsin development reserve fund to guarantee the unpaid principal of a loan under sub. (5) if all of the following apply:

(a) The borrower applies for a loan guarantee on a form provided by the authority.

(b) The loan is eligible for a guarantee under sub. (3), and any applicable requirements under sub. (5) are met.

(c) The lender is the authority or a financial institution that enters into an agreement under s. 234.93 (2) (a).

(3) ELIGIBLE LOANS. A loan is eligible for guarantee of collection under sub. (5) from the Wisconsin development reserve fund if all of the following apply:

(a) The loan principal equals \$5,000,000 or less.

(b) The authority determines that the borrower is a public affairs network.

(c) The borrower certifies that loan proceeds will be used for the borrower's operating expenses or expenses related to a capital project.

(d) The borrower certifies that loan proceeds will not be used to refinance existing debt or for entertainment expenses.

(e) The loan term is not less than 13 years, and the borrower is not required to pay any principal or interest on the loan within the first 3 years after the loan is made.

(f) The terms of the loan authorize the lender to obtain a security interest in the real or personal property of the borrower to secure repayment of the loan.

(4) AUTHORITY LOAN. The authority may make a loan to a public affairs network if the loan meets the eligibility requirements under sub. (3), except that the total principal amount of all loans that the authority makes under this subsection may not exceed \$5,000,000. Recognizing its moral obligation to do so, the legislature expresses its expectation and aspiration that, if ever called upon to do so, it shall make an appropriation to make the authority whole for defaults on loans issued under this subsection.

(5) GUARANTEE OF REPAYMENT. (a) Subject to par. (b), the authority may guarantee collection of all or part of the unpaid principal of a loan eligible for guarantee under sub. (3). If the authority guarantees all or part of a loan under this subsection, the authority shall establish the amount of the unpaid principal of an eligible loan that will be guaranteed using the procedures described in the guarantee agreement under s. 234.93 (2) (a).

(b) A loan guarantee under this subsection is subject to all of the following:

1. The total principal amount of all loans guaranteed under this subsection may not exceed \$5,000,000.

2. Before the authority guarantees a loan under this subsection, the authority shall demonstrate to the satisfaction of the secretary of administration that there are sufficient moneys in the Wisconsin development reserve fund to guarantee the loan, or that there are sufficient moneys in the housing rehabilitation loan program administration fund that may be transferred under par. (c) to guarantee the loan.

(c) Notwithstanding s. 234.51 (2), the authority may transfer moneys from the housing rehabilitation loan program administration fund to the Wisconsin development reserve fund for a loan guarantee under this subsection if all of the following conditions are met:

1. The authority determines that the transfer is necessary to secure the loan guarantee.

2. The transfer of moneys does not exceed \$5,000,000.

3. Within 14 days after the transfer, the authority submits a report to the joint committee on finance that includes the amount of the transfer and a description of the circumstances surrounding the transfer.

SECTION 2841. 234.83 (1c) (b) of the statutes is amended to read:

234.83 (1c) (b) "Small business" means a business, as defined in s. ~~560.60 (2)~~ 84.185 (1) (a), that employs 50 or fewer employees on a full-time basis.

SECTION 2842. 234.84 (1) of the statutes is amended to read:

234.84 (1) DEFINITION. In this section, "~~department~~" "corporation" means the ~~department of commerce~~ Wisconsin Economic Development Corporation.

SECTION 2843. 234.84 (3) (c) of the statutes is amended to read:

234.84 (3) (c) The interest rate on the loan, including any origination fees or other charges, is approved by the ~~department~~ corporation.

SECTION 2844. 234.84 (4) (a) of the statutes is amended to read:

234.84 (4) (a) Subject to par. (b), the authority shall guarantee collection of a percentage of the principal of, and all interest and any other amounts outstanding on, any loan eligible for a guarantee under sub. (2). The ~~department~~ corporation shall establish the percentage of the principal of an eligible loan that will be guaranteed, using the procedures described in the agreement under s. 234.932 (3) (a). The ~~department~~ corporation may establish a single percentage for all guaranteed loans or establish different percentages for eligible loans on an individual basis.

SECTION 2845. 234.84 (5) (a) of the statutes is amended to read:

234.84 (5) (a) The program under this section shall be administered by the ~~department~~ corporation with the cooperation of the authority. The ~~department~~ corporation shall enter into a memorandum of understanding with the authority setting forth the respective responsibilities of the ~~department~~ corporation and the authority with regard to the administration of the program, including the functions and responsibilities specified in s. 234.932. The memorandum of understanding shall provide for reimbursement to the ~~department~~ corporation by the authority for costs incurred by the ~~department~~ corporation in the administration of the program.

SECTION 2846. 234.84 (5) (b) of the statutes is amended to read:

234.84 (5) (b) The ~~department~~ corporation may charge a premium, fee, or other charge to a borrower of a guaranteed loan under this section for the administration of the loan guarantee.

SECTION 2846c. 234.93 (1) (cm) of the statutes is amended to read:

234.93 (1) (cm) Any moneys transferred under 1999 Wisconsin Act 9, section 9125 (1), or under s. 234.75 (5) (c), from the housing rehabilitation loan program administration fund.

SECTION 2846g. 234.93 (4) (a) 2. of the statutes is amended to read:

234.93 (4) (a) 2. To fund guarantees under all of the programs guaranteed by funds from the Wisconsin development reserve fund, except for the program under s. 234.935, 1997 stats., and the program under s. 234.75, at a ratio of \$1 of reserve funding to \$4.50 of total outstanding principal and outstanding guaranteed principal that the authority may guarantee under all of those programs.

SECTION 2646r. 234.93 (4) (a) 3. of the statutes is amended to read:

234.93 (4) (a) 3. To fund guarantees under the program under s. 234.935, 1997 stats., and the program under s. 234.75 at a ratio of \$1 of reserve funding to \$4 of total principal and outstanding guaranteed principal that the authority may guarantee under that program.

SECTION 2847. 234.932 (1) of the statutes is repealed.

SECTION 2848. 234.932 (2) (a) of the statutes is amended to read:

234.932 (2) (a) Moneys ~~appropriated to the authority under s. 20.490 (6) (a) and (k)~~ or received by the authority for the Wisconsin job training reserve fund from any other source.

SECTION 2849. 234.932 (3) (a) (intro.) of the statutes is amended to read:

234.932 (3) (a) (intro.) The authority ~~or department~~ shall enter into a guarantee agreement with any bank, production credit association, credit union, savings bank, savings and loan association, or other person who wishes to participate in the loan program guaranteed by the Wisconsin job training reserve fund. The authority ~~or department~~ may determine all of the following, consistent with the terms of the loan guarantee program:

SECTION 2850. 234.932 (3) (a) 2. of the statutes is amended to read:

234.932 (3) (a) 2. Any conditions upon which the authority ~~or department~~ may refuse to enter into such an agreement.

SECTION 2851. 234.932 (3) (c) of the statutes is amended to read:

234.932 (3) (c) The ~~department~~ Wisconsin Economic Development Corporation may establish an eligibility criteria review panel, consisting of experts in finance and in the subject area of the job training loan guarantee program, to provide advice about lending requirements and issues related to the job training loan guarantee program.

SECTION 2852. 234.932 (4) of the statutes is amended to read:

234.932 (4) INCREASES OR DECREASES IN LOAN GUARANTEES. The authority ~~or department~~ may request the joint committee on finance to take action under s. 13.10 to permit the authority to increase or decrease the total outstanding guaranteed principal amount of loans that it may guarantee under the job training loan guarantee program. Included with its request, the authority ~~or department~~ shall provide a projection, for the next June 30, that compares the amounts required on that date to pay outstanding claims and to fund guarantees under the job

training loan guarantee program, and the balance remaining in the Wisconsin job training reserve fund on that date after deducting such amounts, if the increase or decrease is approved, with such amounts and the balance remaining, if the increase or decrease is not approved.

SECTION 2853. 234.932 (5) of the statutes is amended to read:

234.932 (5) ANNUAL REPORT. Annually, the authority ~~of department~~ shall report on the number and total dollar amount of guaranteed loans under the job training loan guarantee program, the default rate on the loans and any other information on the program that the authority ~~of department~~ determines is significant.

SECTION 2854. 235.02 (2) (d) of the statutes is amended to read:

235.02 (2) (d) The ~~secretary of commerce, or the secretary's~~ chief executive officer of the Wisconsin Economic Development Corporation, or his or her designee.

SECTION 2855. 236.12 (2) (a) of the statutes is amended to read:

236.12 (2) (a) Two copies for each of the state agencies required to review the plat to the department which shall examine the plat for compliance with ss. 236.15, 236.16, 236.20 and 236.21 (1) and (2). If the subdivision abuts or adjoins a state trunk highway or connecting highway, the department shall transmit 2 copies to the department of transportation so that agency may determine whether it has any objection to the plat on the basis of its rules as provided in s. 236.13. If the subdivision is not served by a public sewer and provision for that service has not been made, the department shall transmit 2 copies to the department of ~~commerce~~ safety and professional services so that that agency may determine whether it has any objection to the plat on the basis of its rules as provided in s. 236.13. In lieu of this procedure the agencies may designate local officials to act as their agents in examining the plats for compliance with the statutes or their rules by filing a written delegation of authority with the approving body.

SECTION 2856. 236.13 (1) (d) of the statutes is amended to read:

236.13 (1) (d) The rules of the department of ~~commerce~~ safety and professional services relating to lot size and lot elevation necessary for proper sanitary conditions in a subdivision not served by a public sewer, where provision for public sewer service has not been made;

SECTION 2857. 236.13 (2m) of the statutes is amended to read:

236.13 (2m) As a further condition of approval when lands included in the plat lie within 500 feet of the ordinary high-water mark of any navigable stream, lake or other body of navigable water or if land in the proposed plat involves lake or stream shorelands referred to in s. 236.16, the department of natural resources, to prevent pollution of navigable waters, or the department of ~~commerce~~ safety and professional services, to protect the

public health and safety, may require assurance of adequate drainage areas for private sewage disposal systems and building setback restrictions, or provisions by the owner for public sewage disposal facilities for waters of the state, as defined in s. 281.01 (18), industrial wastes, as defined in s. 281.01 (5), and other wastes, as defined in s. 281.01 (7). The public sewage disposal facilities may consist of one or more systems as the department of natural resources or the department of ~~commerce~~ safety and professional services determines on the basis of need for prevention of pollution of the waters of the state or protection of public health and safety.

SECTION 2858. 236.335 of the statutes is amended to read:

236.335 Prohibited subdividing; forfeit. No lot or parcel in a recorded plat may be divided, or used if so divided, for purposes of sale or building development if the resulting lots or parcels do not conform to this chapter, to any applicable ordinance of the approving authority or to the rules of the department of ~~commerce~~ safety and professional services under s. 236.13. Any person making or causing such a division to be made shall forfeit not less than \$100 nor more than \$500 to the approving authority, or to the state if there is a violation of this chapter or the rules of the department of ~~commerce~~ safety and professional services.

SECTION 2859. Subchapter I (title) of chapter 238 [precedes 238.01] of the statutes is created to read:

CHAPTER 238

SUBCHAPTER I

GENERAL PROVISIONS

SECTION 2859m. 238.02 (4) of the statutes is created to read:

238.02 (4) All powers and duties assigned to the corporation under this chapter shall be exercised or carried out by the board, unless the board delegates the power or duty to an employee of the corporation.

SECTION 2860. 238.08 of the statutes is created to read:

238.08 Records of the corporation. All records of the corporation are open to the public as provided in s. 19.35 (1) except those records relating to pending grants, loans, or economic development projects that, in the opinion of the corporation, must remain confidential to protect the competitive nature of the grant, loan, or project.

SECTION 2860m. 238.127 (2) (j) of the statutes is created to read:

238.127 (2) (j) The corporation shall expend at least \$250,000 annually on the state main street program.

SECTION 2861. 238.135 of the statutes is created to read:

238.135 Grants to regional economic development organizations. The corporation shall award annual grants to regional economic development organizations to fund marketing activities. The amount of each

grant may not exceed \$100,000 or the amount of matching funds the organization obtains from sources other than the corporation or the state, whichever is less.

SECTION 2862. 238.145 of the statutes is created to read:

238.145 Wisconsin—source assets exclusion; business certification. (1) The corporation shall implement a program to certify businesses for purposes of s. 71.05 (25). A business shall submit an application to the corporation in each calendar year for which the business desires certification.

(2) The corporation may certify a business if, in the business's taxable year ending immediately before the date of the business's application, all of the following are true:

(a) The amount of payroll compensation paid by the business in this state, as determined by the corporation, is equal to at least 50 percent of the amount of all payroll compensation paid by the business, as determined by the corporation.

(b) The value of real and tangible personal property owned or rented and used by the business in this state, as determined by the corporation, is equal to at least 50 percent of the value of all real and tangible personal property owned or rented and used by the business, as determined by the corporation.

(3) The corporation shall notify the department of revenue of every certification issued under this section and of the date on which a certification is revoked or expires.

(4) The corporation, in consultation with the department of revenue, may adopt rules for the administration of this section.

(5) The corporation shall compile a list of businesses certified under this section and the taxable years for which the businesses are certified and shall make the list available to the public at the corporation's Internet Web site.

SECTION 2863. 238.146 of the statutes is created to read:

238.146 Long-term Wisconsin capital assets deferral; business certification. (1) The corporation shall implement a program to certify businesses for purposes of s. 71.05 (26). A business shall submit an application to the corporation in each calendar year for which the business desires certification.

(2) The corporation may certify a business if, in the business's taxable year ending immediately before the date of the business's application, all of the following are true:

(a) The amount of payroll compensation paid by the business in this state, as determined by the corporation, is equal to at least 50 percent of the amount of all payroll compensation paid by the business, as determined by the corporation.

(b) The value of real and tangible personal property owned or rented and used by the business in this state, as determined by the corporation, is equal to at least 50 percent of the value of all real and tangible personal property owned or rented and used by the business, as determined by the corporation.

(3) The corporation shall notify the department of revenue of every certification issued under this section and of the date on which a certification is revoked or expires.

(4) The corporation, in consultation with the department of revenue, may adopt rules for the administration of this section.

(5) The corporation shall compile a list of businesses certified under this section and the taxable years for which the businesses are certified and shall make the list available to the public at the corporation's Internet Web site.

SECTION 2864. 238.16 (3) (am) of the statutes is created to read:

238.16 (3) (am) The person increases net employment in the person's business.

SECTION 2865. Subchapter II (title) of chapter 238 [precedes 238.30] of the statutes is created to read:

CHAPTER 238

SUBCHAPTER II

TAX INCENTIVES FOR BUSINESS DEVELOPMENT

SECTION 2867. 247.06 (1) (a) of the statutes is amended to read:

247.06 (1) (a) The foundation may distribute moneys appropriated under s. 20.220 (1) (r) to the arts board for programs that provide operating support to arts organizations and for the Wisconsin regranting program under s. ~~44.62~~ 41.62.

SECTION 2868. 247.06 (2) (b) of the statutes is amended to read:

247.06 (2) (b) The foundation may not distribute moneys to the arts board under sub. (1) (a) in any fiscal year in which the foundation determines that the amount of general purpose revenue appropriated to the ~~arts board~~ department of tourism under s. ~~20.215~~ 20.380 (3) is less than the amount appropriated in the previous fiscal year.

SECTION 2871. 251.02 (3) of the statutes is amended to read:

251.02 (3) A county board may, in conjunction with the county board of ~~another county~~ one or more other counties, establish a multiple county health department, which shall meet the requirements of this chapter. A multiple county health department shall serve all areas of the respective counties that are not served by a city health department that was established prior to January 1, 1994, by a town or village health department established under sub. (3m), or by a multiple municipal local health department established under sub. (3r).

SECTION 2872. 252.12 (2) (a) 9. of the statutes is amended to read:

252.12 (2) (a) 9. 'Grant for family resource center.' The department shall award a grant to develop and implement an African-American family resource center in the city of Milwaukee that targets activities toward the prevention and treatment of HIV infection and related infections, including hepatitis C virus infection, of minority group members, as defined in s. ~~560.036~~ 16.287 (1) (f).

SECTION 2873. 252.12 (2) (c) 2. of the statutes is amended to read:

252.12 (2) (c) 2. From the appropriation account under s. 20.435 (1) (am), the department shall award \$75,000 in each fiscal year as grants for services to prevent HIV infection and related infections, including hepatitis C virus infection. Criteria for award of the grants shall include the criteria specified under subd. 1. The department shall award 60% of the funding to applying organizations that receive funding under par. (a) 8. and 40% of the funding to applying community-based organizations that are operated by minority group members, as defined in s. ~~560.036~~ 16.287 (1) (f).

SECTION 2873q. 252.15 (3m) (d) 17. of the statutes is created to read:

252.15 (3m) (d) 17. If the subject of the HIV test is a prisoner, by a person specified in subd. 16. to a correctional officer of the department of corrections who has custody of or is responsible for the supervision of the test subject, to a person designated by a jailer to have custodial authority over the test subject, or to a law enforcement officer or other person who is responsible for transferring the test subject to or from a prison or jail, if the HIV test result is positive and disclosure of that information is necessary for the health and safety of the test subject or of other prisoners, of the person to whom the information is disclosed, or of any employee of the prison or jail.

SECTION 2874. 252.15 (5g) (c) of the statutes is amended to read:

252.15 (5g) (c) A physician, physician assistant, or advanced practice nurse prescriber, based on information provided to the physician, physician assistant, or advanced practice nurse prescriber, determines and certifies in writing that the person has had contact that constitutes a significant exposure. The certification shall accompany the request for HIV testing and disclosure. If the person is a physician, physician assistant, or advanced practice nurse prescriber, he or she may not make this determination or certification. The information that is provided to a physician, physician assistant, or advanced practice nurse prescriber to document the occurrence of the contact that constitutes a significant exposure and the physician's, physician assistant's, or advanced practice nurse prescriber's certification that the person has had contact that constitutes a significant exposure, shall be provided on a report form that is developed

by the department of ~~commerce~~ safety and professional services under s. 101.02 (19) (a) or on a report form that the department of ~~commerce~~ safety and professional services determines, under s. 101.02 (19) (b), is substantially equivalent to the report form that is developed under s. 101.02 (19) (a).

SECTION 2875c. 253.07 (title) of the statutes is repealed and recreated to read:

253.07 (title) Women's health block grant.

SECTION 2875f. 253.07 (1) (a) 3. of the statutes is repealed.

SECTION 2875h. 253.07 (1) (b) 3. of the statutes is repealed.

SECTION 2875j. 253.07 (1) (c) of the statutes is created to read:

253.07 (1) (c) "Women's health funds" means state funds appropriated under s. 20.435 (1) (f) or federal funds received by the state under Title V of the federal Social Security Act, 42 USC 701 to 713, that are allocated for the purposes described in this section.

SECTION 2875L. 253.07 (2) (b) of the statutes is amended to read:

253.07 (2) (b) The department shall allocate ~~state and federal family planning~~ women's health funds under its control in a manner which will promote the development and maintenance of an integrated system of community health services. It shall maximize the use of existing community family planning services by encouraging local contractual arrangements.

SECTION 2875n. 253.07 (2) (c) of the statutes is amended to read:

253.07 (2) (c) The department shall coordinate the delivery of family planning services by allocating ~~family planning~~ women's health funds in a manner which maximizes coordination between the agencies.

SECTION 2875p. 253.07 (4) of the statutes is amended to read:

253.07 (4) ~~FAMILY PLANNING WOMEN'S HEALTH BLOCK GRANT SERVICES.~~ From the appropriation ~~account~~ under s. 20.435 (1) (f) ~~and subject to sub. (5),~~ the department shall distribute ~~funds in~~ the following amounts, for ~~all of the following services:~~

(a) ~~For~~ In each fiscal year, \$225,000 to establish and maintain 2 city-based clinics for delivery of family planning services under this section, in the cities of Milwaukee, Racine, or Kenosha.

(b) ~~For~~ In each fiscal year, \$67,500 to subsidize the provision by ~~family planning agencies under this section~~ of papanicolaou tests to individuals with low income by entities that receive women's health funds. In this paragraph, "low income" means adjusted gross income that is less than 200% of the poverty line established under 42 USC 9902 (2).

(c) ~~For~~ In each fiscal year, \$54,000 to subsidize the provision by ~~family planning agencies under this section~~

of follow-up cancer screening by entities that receive women's health funds.

(d) ~~For In~~ each fiscal year, \$31,500 as grants to ~~applying family planning agencies under this section~~ for employment in communities of licensed registered nurses, licensed practical nurses, certified nurse-midwives, or licensed physician assistants who are members of a racial minority.

(e) ~~For In~~ each fiscal year, \$36,000 to initiate, in areas of high incidence of the disease chlamydia, education, and outreach programs to locate, educate, and treat individuals at high risk of contracting the disease chlamydia and their partners.

SECTION 2875r. 253.07 (5) of the statutes is created to read:

253.07 (5) WOMEN'S HEALTH FUNDS. (a) The department shall distribute women's health funds only to public entities. These funds may be allocated for any activities for which funds were provided under this section before the effective date of this paragraph [LRB inserts date], including pregnancy testing; perinatal care coordination and follow-up; cervical cancer screening; sexually transmitted infection prevention, testing, treatment, and follow-up; and general health screening.

(b) Subject to par. (c), a public entity that receives women's health funds under this section may provide some or all of the funds to other public or private entities provided that the recipient of the funds does not do any of the following:

1. Provide abortion services.
2. Make referrals for abortion services.
3. Have an affiliate that provides abortion services or makes referrals for abortion services.

(c) Providing abortion services, making referrals for abortion services, or having an affiliate that provides abortion services or makes referrals for abortion services solely under the circumstances described in s. 20.927 (2) does not disqualify an entity from receiving women's health funds from a public entity under par. (b).

SECTION 2877. 253.13 (2) of the statutes is amended to read:

253.13 (2) TESTS: DIAGNOSTIC, DIETARY AND FOLLOW-UP COUNSELING PROGRAM; FEES. The department shall contract with the state laboratory of hygiene to perform the tests specified under this section and to furnish materials for use in the tests. The department shall provide necessary diagnostic services, special dietary treatment as prescribed by a physician for a patient with a congenital disorder as identified by tests under sub. (1) or (1m) and follow-up counseling for the patient and his or her family. ~~The state laboratory of hygiene board, on behalf of the department, shall impose a fee, by rule, for tests performed under this section sufficient to pay for services provided under the contract. The state laboratory of hygiene board department shall include as part of this the fee established by rule amounts the department~~

~~determines are sufficient~~ to fund the provision of diagnostic and counseling services, special dietary treatment, and periodic evaluation of infant screening programs, the costs of consulting with experts under sub. (5), the costs of administering the hearing screening program under s. 253.115, and the costs of administering the congenital disorder program under this section and shall credit these amounts to the appropriation accounts under s. 20.435 (1) (ja) and (jb).

SECTION 2879. 253.15 (1) (c) of the statutes is amended to read:

253.15 (1) (c) "Health care provider" means any person who is licensed, registered, permitted, or certified by the department of health services or the department of regulation and licensing safety and professional services to provide health care services in this state.

SECTION 2880. 254.02 (3) (a) of the statutes is amended to read:

254.02 (3) (a) The department of agriculture, trade and consumer protection, the department of corrections, the department of ~~commerce~~ safety and professional services, and the department of natural resources shall enter into memoranda of understanding with the department to establish protocols for the department to review proposed rules of those state agencies relating to air and water quality, occupational health and safety, institutional sanitation, toxic substances, indoor air quality, food protection or waste handling and disposal.

SECTION 2881. 254.176 (2) (e) of the statutes is amended to read:

254.176 (2) (e) A person who engages in the business of installing or servicing heating, ventilating or air conditioning equipment if the person is registered with the department of ~~commerce~~ safety and professional services and if the person engages in activities that constitute lead hazard reduction, only to the extent that the activities are within the scope of his or her registration.

SECTION 2883. 254.22 (4) of the statutes is amended to read:

254.22 (4) Assist the department of ~~commerce~~ safety and professional services with the enforcement of s. 101.123.

SECTION 2884. 254.51 (2) of the statutes is amended to read:

254.51 (2) The department shall enter into memoranda of understanding with the department of agriculture, trade and consumer protection, the department of ~~commerce~~ safety and professional services, and the department of natural resources regarding the investigation and control of animal-borne and vector-borne disease.

SECTION 2886. 254.73 (1) of the statutes is amended to read:

254.73 (1) Every hotel with sleeping accommodations with more than 12 bedrooms above the first story shall, between the hours of 12 midnight and 6 a.m. pro-

vide a system of security personnel patrol, or of mechanical and electrical devices, or both, adequate, according to standards established by the department of ~~commerce~~ safety and professional services, to warn all guests and employees in time to permit their evacuation in case of fire.

SECTION 2887. 254.74 (1) (am) of the statutes is amended to read:

254.74 (1) (am) Promulgate rules, in consultation with the department of ~~commerce~~ safety and professional services, under which the department of health services shall conduct regular inspections of sealed combustion units, as required under s. 101.149 (5) (c), for carbon monoxide emissions in hotels, tourist rooming houses, and bed and breakfast establishments. The rules shall specify conditions under which it may issue orders as specified under s. 101.149 (8) (a). The rules may not require the department of health services to inspect sealed combustion units during the period in which the sealed combustion units are covered by a manufacturer's warranty against defects.

SECTION 2888. 254.78 of the statutes is amended to read:

254.78 Authority of department of ~~commerce~~ safety and professional services. Nothing in this chapter shall affect the authority of the department of ~~commerce~~ safety and professional services relative to places of employment, elevators, boilers, fire escapes, fire protection, or the construction of public buildings.

SECTION 2889. 254.79 of the statutes is amended to read:

254.79 Joint employment. The department and the department of ~~commerce~~ safety and professional services may employ experts, inspectors or other assistants jointly.

SECTION 2890e. 255.054 (1) of the statutes is amended to read:

255.054 (1) The Medical College of Wisconsin, Inc., and the University of Wisconsin Comprehensive Cancer Center shall use the moneys appropriated under ~~ss. s. 20.250 (2) (h) and 20.285 (1) (gm)~~ the University of Wisconsin Carbone Cancer Center shall use the moneys paid under s. 71.10 (5h) (i) for prostate cancer research projects. These moneys may not be used to supplant funds available for prostate cancer research from other sources.

SECTION 2890m. 255.055 (1) of the statutes is amended to read:

255.055 (1) The Medical College of Wisconsin, Inc., and the University of Wisconsin Comprehensive Cancer Center shall use the moneys appropriated under ~~ss. s. 20.250 (2) (g) and 20.285 (1) (gm)~~ the University of Wisconsin Carbone Cancer Center shall use the moneys paid under s. 71.10 (5f) (i) for breast cancer research projects. These moneys may not be used to supplant funds available for breast cancer research from other sources.

SECTION 2890s. 255.15 (3) (b) 11. of the statutes is created to read:

255.15 (3) (b) 11. To the Board of Regents of the University of Wisconsin System for advancing the work of the tobacco research and intervention center at the University of Wisconsin-Madison in developing new educational programs to discourage tobacco use, determining the most effective strategies for preventing tobacco use, and expanding smoking cessation programs throughout the state.

SECTION 2894s. 256.125 of the statutes is created to read:

256.125 American Red Cross, Badger Chapter.

The department shall distribute the moneys appropriated under s. 20.435 (1) (gd) to the Badger Chapter of the American Red Cross for use through that organization's Wisconsin Disaster Relief Fund.

SECTION 2895k. 256.35 (3m) (h) of the statutes is amended to read:

256.35 (3m) (h) *Other charges prohibited.* No local government or state agency, as defined in s. ~~560.9810~~ 16.310 (1), except the commission, may require a wireless provider to collect or pay a surcharge or fee related to wireless emergency telephone service.

SECTION 2895m. 281.16 (2) (am) of the statutes is created to read:

281.16 (2) (am) 1. In this paragraph:

a. "Covered municipality" means a municipality that has been issued an individual municipal separate storm sewer permit under s. 283.33 or that is covered by a general municipal separate storm sewer permit under s. 283.35.

c. "New development" means development resulting from the conversion of previously undeveloped land or agricultural land.

d. "Redevelopment" means development that replaces older development.

2. Except as provided in subd. 3., the department may not enforce a provision in a rule that establishes a date by which a covered municipality must implement methods to achieve a specified reduction in the level of total suspended solids carried by runoff, if the provision requires the covered municipality to achieve a reduction of more than 20 percent. This subdivision does not apply to total suspended solids carried by runoff from new development or redevelopment in a covered municipality.

3. If a covered municipality has achieved, on the effective date of this subdivision [LRB inserts date], a reduction of more than 20 percent of total suspended solids carried by runoff, the municipality shall, to the maximum extent practicable, maintain all of the best management practices that the municipality has implemented on or before the effective date of this subdivision [LRB inserts date], to achieve that reduction.

SECTION 2896. 281.33 (2) of the statutes is amended to read:

281.33 (2) STATE STORM WATER MANAGEMENT PLAN. The department, in consultation with the department of ~~commerce~~ safety and professional services, shall promulgate by rule a state storm water management plan. This state plan is applicable to activities contracted for or conducted by any agency, as defined under s. 227.01 (1) but also including the office of district attorney, unless that agency enters into a memorandum of understanding with the department of natural resources in which that agency agrees to regulate activities related to storm water management. The department shall coordinate the activities of agencies, as defined under s. 227.01 (1), in storm water management and make recommendations to these agencies concerning activities related to storm water management.

SECTION 2897. 281.33 (3m) (title) of the statutes is repealed.

SECTION 2898c. 281.33 (3m) (a) of the statutes is renumbered 101.1206 (1) and amended to read:

101.1206 (1) The department shall establish statewide standards for erosion control at building sites for the construction of public buildings, as defined in s. 101.01 (12), and buildings that are places of employment, as defined in s. ~~101.02~~ 101.01 (11).

SECTION 2899. 281.33 (3m) (b) of the statutes is renumbered 101.1206 (2) and amended to read:

101.1206 (2) The department shall require the submission of plans for erosion control at construction sites described in ~~par. (a) sub. (1)~~ to the department or to a county, city, village, or town to which the department has delegated authority under ~~par. (d) sub. (4)~~ and shall require approval of those plans by the department or the county, city, village, or town.

SECTION 2900. 281.33 (3m) (c) of the statutes is renumbered 101.1206 (3) and amended to read:

101.1206 (3) The department shall require inspection of erosion control activities and structures at construction sites described in ~~par. (a) sub. (1)~~ by the department or a county, city, village, or town to which the department has delegated authority under ~~par. (d) sub. (4)~~.

SECTION 2901. 281.33 (3m) (d) of the statutes is renumbered 101.1206 (4).

SECTION 2902. 281.33 (3m) (e) of the statutes is renumbered 101.1206 (5) and amended to read:

101.1206 (5) Except as provided in ~~par. (f) sub. (5m)~~, the authority of a county, city, village, or town with respect to erosion control at sites described in ~~par. (a) sub. (1)~~ is limited to that authority delegated under ~~par. (d) sub. (4)~~ and any other authority provided in rules promulgated under this ~~subsection~~ section.

SECTION 2903. 281.33 (3m) (f) of the statutes is renumbered 101.1206 (5m) and amended to read:

101.1206 (5m) Notwithstanding ~~pars. (a) subs. (1) and (e) (5)~~, a county, city, village, or town that has in

effect on January 1, 1994, an ordinance that establishes standards for erosion control at building sites for the construction of public buildings and buildings that are places of employment may continue to administer and enforce that ordinance if the standards in the ordinance are more stringent than the standards established under ~~par. (a) sub. (1)~~.

SECTION 2904. 281.33 (3m) (g) of the statutes is renumbered 101.1206 (6) and amended to read:

101.1206 (6) The department, or a county, city, village, or town to which the department delegates the authority to act under this ~~paragraph~~ subsection, may issue a special order directing the immediate cessation of work on a construction site described in ~~par. (a) sub. (1)~~ until any required plan approval is obtained or until the site complies with standards established by rules promulgated under this ~~subsection~~ section.

SECTION 2905. 281.33 (3m) (h) of the statutes is renumbered 101.1206 (7).

SECTION 2906. 281.344 (8) (a) of the statutes is amended to read:

281.344 (8) (a) *Goals and objectives.* The department shall specify water conservation and efficiency goals and objectives for the waters of the state. The department shall specify goals and objectives for the waters of the Great Lakes basin that are consistent with the goals under s. 281.343 (4b) (a) and the objectives identified by the regional body under Article 304 (1) of the Great Lakes — St. Lawrence River Basin Sustainable Water Resources Agreement. In specifying these goals and objectives, the department shall consult with the department of ~~commerce~~ safety and professional services and the public service commission.

SECTION 2907. 281.344 (8) (b) (intro.) of the statutes is amended to read:

281.344 (8) (b) *Statewide program.* (intro.) In cooperation with the department of ~~commerce~~ safety and professional services and the public service commission, the department shall develop and implement a statewide water conservation and efficiency program that includes all of the following:

SECTION 2908. 281.344 (8) (b) 3. of the statutes is amended to read:

281.344 (8) (b) 3. Water conservation and efficiency measures that the department of ~~commerce~~ safety and professional services requires or authorizes to be implemented under chs. 101 and 145.

SECTION 2909. 281.346 (8) (a) of the statutes is amended to read:

281.346 (8) (a) *Goals and objectives.* The department shall specify water conservation and efficiency goals and objectives for the waters of the state and for the waters of the Great Lakes basin. The department shall specify goals and objectives for the waters of the Great Lakes basin that are consistent with the goals under s. 281.343 (4b) (a) and the objectives identified by the

Great Lakes council under s. 281.343 (4b) (a) and (c). In specifying these goals and objectives, the department shall consult with the department of ~~commerce~~ safety and professional services and the public service commission and consider the water conservation and efficiency goals and objectives developed in any pilot program conducted by the department in cooperation with the regional body.

SECTION 2910. 281.346 (8) (b) (intro.) of the statutes is amended to read:

281.346 (8) (b) *Statewide program.* (intro.) In cooperation with the department of ~~commerce~~ safety and professional services and the public service commission, the department shall develop and implement a statewide water conservation and efficiency program that includes all of the following:

SECTION 2911. 281.346 (8) (b) 3. of the statutes is amended to read:

281.346 (8) (b) 3. Water conservation and efficiency measures that the department of ~~commerce~~ safety and professional services requires or authorizes to be implemented under chs. 101 and 145.

SECTION 2911c. 281.346 (12) (a) of the statutes is amended to read:

281.346 (12) (a) A person who has a water supply system with the capacity to make a withdrawal from the waters of the state averaging 100,000 gallons per day or more in any 30-day period shall pay to the department an annual fee of \$125, except that the department may promulgate a rule specifying a different amount and except that, notwithstanding the department's rule-making authority, no person is required to pay more than \$1,000 per year under this paragraph.

SECTION 2912. 281.57 (7) (c) 1. of the statutes is amended to read:

281.57 (7) (c) 1. Metropolitan sewerage districts that serve 1st class cities are limited in each fiscal year to receiving total grant awards not to exceed 33% of the sum of the amounts in the schedule for that fiscal year for the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (de) and the amount authorized under sub. (10) for that fiscal year plus the unencumbered balance at the end of the preceding fiscal year for the amount authorized under sub. (10). This subdivision is not applicable to grant awards provided during fiscal years 1985-86, 1986-87, 1988-89 and 1989-90.

SECTION 2913. 281.58 (12) (a) 1. of the statutes is amended to read:

281.58 (12) (a) 1. Except as modified under par. (f) and except as restricted by sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 1. and 2. is ~~55%~~ 60 percent of market interest rate for projects for which the subsidy is allocated from the amount under s. 281.59 (3e) (b) for a biennium before the ~~2009-11~~ 2011-13 biennium and ~~60%~~ 75 percent of market interest rate for projects for which the subsidy is allocated from

the amount under s. 281.59 (3e) (b) for the ~~2009-11~~ 2011-13 biennium or later.

SECTION 2914. 281.58 (12) (a) 2. of the statutes is amended to read:

281.58 (12) (a) 2. Except as modified under par. (f) and except as restricted by sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 5. is ~~65%~~ 65 percent of market interest rate for projects for which the subsidy is allocated from the amount under s. 281.59 (3e) (b) for a biennium before the 2011-13 biennium and 75 percent of market interest rate for projects for which the subsidy is allocated from the amount under s. 281.59 (3e) (b) for the 2011-13 biennium or later.

SECTION 2915. 281.58 (12) (a) 3. of the statutes is amended to read:

281.58 (12) (a) 3. Except as modified under par. (f) and except as restricted by sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 4. is ~~70%~~ 70 percent of market interest rate for projects for which the subsidy is allocated from the amount under s. 281.59 (3e) (b) for a biennium before the 2011-13 biennium and 75 percent of market interest rate for projects for which the subsidy is allocated from the amount under s. 281.59 (3e) (b) for the 2011-13 biennium or later.

SECTION 2916. 281.58 (12) (f) of the statutes is amended to read:

281.58 (12) (f) The department and the department of administration jointly may request the joint committee on finance to take action under s. 13.101 (11) to modify the percentage of market interest rates rate established in par. (a) 1. ~~to 3.~~

SECTION 2917. 281.59 (3e) (b) 1. of the statutes is amended to read:

281.59 (3e) (b) 1. Equal to \$134,900,000 ~~\$69,200,000~~ during the ~~2009-11~~ 2011-13 biennium.

SECTION 2918. 281.59 (3e) (b) 3. of the statutes is amended to read:

281.59 (3e) (b) 3. Equal to \$1,000 for any biennium after the ~~2009-11~~ 2011-13 biennium.

SECTION 2919. 281.59 (3e) (d) of the statutes is amended to read:

281.59 (3e) (d) The department may expend, for financial assistance in a biennium other than financial hardship assistance under s. 281.58 (13) (e), an amount up to ~~85%~~ 95 percent of the amount approved by the legislature under par. (b). The department may expend such amount only from the percentage of the amount approved under par. (b) that is not available under par. (e) for financial hardship assistance.

SECTION 2920. 281.59 (3e) (e) of the statutes is amended to read:

281.59 (3e) (e) The department may expend, for financial hardship assistance, other than federal financial hardship assistance grants under s. 281.58 (13) (be), in a biennium under s. 281.58 (13) (e), an amount up to ~~45%~~

5 percent of the amount approved by the legislature under par. (b) for that biennium. The department may expend such amount only from the percentage of the amount approved by the legislature under par. (b) that is not available under par. (d) for financial assistance.

SECTION 2921. 281.59 (3s) (b) 1. of the statutes is amended to read:

281.59 (3s) (b) 1. Equal to ~~\$17,600,000~~ \$30,700,000 during the ~~2009-11~~ 2011-13 biennium.

SECTION 2922. 281.59 (3s) (b) 2. of the statutes is amended to read:

281.59 (3s) (b) 2. Equal to \$1,000 for any biennium after the ~~2009-11~~ 2011-13 biennium.

SECTION 2923. 281.59 (4) (f) of the statutes is amended to read:

281.59 (4) (f) Revenue obligations may be contracted by the building commission when it reasonably appears to the building commission that all obligations incurred under this subsection, and all payments under an agreement or ancillary arrangement entered into under s. 18.55 (6) with respect to revenue obligations issued under this subsection, can be fully paid on a timely basis from moneys received or anticipated to be received. Revenue obligations issued under this subsection for the clean water fund program shall not exceed ~~\$2,363,300,000~~ \$2,716,300,000 in principal amount, excluding obligations issued to refund outstanding revenue obligation notes.

SECTION 2924. 281.60 (6) of the statutes is amended to read:

281.60 (6) PRIORITY LIST. The department shall establish a priority list that ranks each land recycling loan program project. The department shall promulgate rules for determining project rankings based on the potential of projects to reduce environmental pollution and threats to human health and, for sites and facilities that are not landfills, the extent to which projects will prevent the development of undeveloped land by making land available for redevelopment after a cleanup is conducted. Before the department establishes the priority list, the department shall consider the recommendations of the department of administration and the ~~department of commerce~~ Wisconsin Economic Development Corporation.

SECTION 2925. 281.61 (8) (a) 2. of the statutes is amended to read:

281.61 (8) (a) 2. In any biennium, no local governmental unit may receive more than 25% of the ~~amount established under s. 281.59 (3s) (b) funds that the department of administration projects will be available~~ for that biennium.

SECTION 2927b. 281.68 (2) (a) of the statutes is amended to read:

281.68 (2) (a) The department may provide a grant of ~~75%~~ 67 percent of the cost of a lake management planning project up to a total of ~~\$10,000~~ \$25,000 per grant. In each fiscal year, the total amount of moneys awarded as

grants for lake management planning projects may not exceed \$50,000 for any one lake.

SECTION 2929. 281.75 (18) of the statutes is amended to read:

281.75 (18) SUSPENSION OR REVOCATION OF LICENSES. The department may suspend or revoke a license issued under ch. 280 if the department finds that the licensee falsified information submitted under this section. The department of ~~commerce~~ safety and professional services may suspend or revoke the license of a plumber licensed under ch. 145 if the department of ~~commerce~~ safety and professional services finds that the plumber falsified information submitted under this section.

SECTION 2932. 283.15 (2) (a) of the statutes is renumbered 283.15 (2) (am) and amended to read:

283.15 (2) (am) 1. ~~When~~ Within 60 days after the department ~~issues,~~ reissues or modifies a permit to include a water quality based effluent limitation under s. 283.13 (5), the permittee may apply to the department for a variance from the water quality standard used to derive the limitation.

2. After an application for a variance is submitted to the department under subd. 1., and until the last day for seeking review of the secretary's final decision on the application or a later date fixed by order of the reviewing court, the water quality based effluent limitation under s. 283.13 (5) and the corresponding compliance schedule are not effective. All other provisions of the permit continue in effect except those for which a petition for review has been submitted under s. 283.63. For those provisions for which an application for variance has been submitted under this section, the corresponding or similar provisions of the prior permit continue in effect until the last day for seeking review of the department's final decision or a later date fixed by order of the reviewing court.

SECTION 2933. 283.15 (2) (a) of the statutes is created to read:

283.15 (2) (a) If a permit contains a variance or if a permittee anticipates that a reissued permit will include a water quality based effluent limitation under s. 283.13 (5), when the permittee applies for reissuance of the permit the permittee may apply to the department for renewal of the variance or for a variance from the water quality standard that would be used to derive the water quality based effluent limitation.

SECTION 2934. 283.15 (2) (b) 1. of the statutes is renumbered 283.15 (2) (b) and amended to read:

283.15 (2) (b) The department shall specify by rule the information to be included in ~~the an~~ application. ~~The permittee shall submit an application for a variance within 60 days after the department issues, reissues or modifies the permit under this subsection.~~

SECTION 2935. 283.15 (2) (b) 2. of the statutes is repealed.

SECTION 2936. 283.15 (2) (b) 3. of the statutes is repealed.

SECTION 2937. 283.15 (2) (c) of the statutes is amended to read:

283.15 (2) (c) The department may request additional information from the permittee within 30 days after receiving ~~either the an~~ application under par. (b) ~~1. or the information under par. (b) 2. (am) 1.~~ The permittee shall provide the additional information within 30 days after receipt of the department's request. An application is not complete until the additional information is provided to the department.

SECTION 2938. 283.15 (2) (e) of the statutes is repealed.

SECTION 2939. 283.15 (3) of the statutes is renumbered 283.15 (3) (b) and amended to read:

283.15 (3) (b) The secretary shall issue a tentative decision on ~~the an application for a variance under sub. (2) (am) 1.~~ within 120 days after receipt of a completed application. The department shall circulate the tentative decision ~~to the permittee and~~ to the parties in s. 283.53 (2) (c). If the tentative decision is to grant a variance based upon one or more of the conditions specified in sub. (4) (a) 1. a. to e., the department shall include in the notice under this subsection ~~paragraph~~ a statement on the effect of the variance, if granted, on the designated use of the water body during the term of the underlying permit. The department shall provide a 30-day period for written comments on the tentative decision.

SECTION 2940. 283.15 (3) (a) of the statutes is created to read:

283.15 (3) (a) The secretary shall issue a tentative decision on an application for a variance under sub. (2) (a) in the notice under s. 283.39 for the reissuance of the permit.

SECTION 2941. 283.15 (4) (a) 1. (intro.) of the statutes is amended to read:

283.15 (4) (a) 1. (intro.) ~~Within 90 days after expiration of the comment period under sub. (3), the~~ The secretary shall approve all or part of a requested variance, or modify and approve a requested variance if the permittee demonstrates, by the greater weight of the credible evidence, that attaining the water quality standard is not feasible because:

SECTION 2942. 283.15 (4) (a) 2. of the statutes is amended to read:

283.15 (4) (a) 2. ~~Within 90 days after the expiration of the comment period under sub. (3), the~~ The secretary shall deny a requested variance if the permittee fails to make the demonstration required under subd. 1.

SECTION 2943. 283.15 (4) (a) 3. of the statutes is repealed.

SECTION 2944. 283.15 (4) (b) of the statutes is repealed.

SECTION 2945. 283.15 (4) (c) of the statutes is repealed.

SECTION 2946. 283.15 (5) (b) of the statutes is amended to read:

283.15 (5) (b) A variance applies for the term established by the secretary, but not to exceed ~~3~~ 5 years. The term of the initial variance and any renewals thereof may not exceed the time that the secretary determines is necessary to achieve the water quality based effluent limitation. Initial and interim effluent limitations established under par. (c) 1. apply, as appropriate, for the term of the underlying permit as ~~issued,~~ reissued or modified to implement the decision under sub. (4) ~~(b)~~ (a) 1. or as extended by operation of s. 227.51 (2). Notwithstanding sub. (4) (d), s. 227.51 (2) shall apply for the purposes of continuing the provisions of a permit pending the issuance or reissuance of a permit. ~~Upon the issuance or reissuance of the new permit, sub. (2) (a) 2. and s. 283.63 (1) (am) apply.~~

SECTION 2947. 283.15 (5) (c) (intro.) of the statutes is amended to read:

283.15 (5) (c) (intro.) The ~~department shall require all of the following in a permit reissued or modified pursuant to sub. (4) (e) to implement a variance shall require:~~

SECTION 2948. 283.15 (5) (c) 1. of the statutes is amended to read:

283.15 (5) (c) 1. Compliance with an initial effluent limitation ~~which that~~ at the time the variance is approved represents the level currently achievable by the permittee ~~and that is no less stringent than the effluent limitation achieved under the permit before reissuance.~~ At the time a variance is approved a compliance schedule and an interim effluent limitation that is achievable by the permittee during the term of the variance may be specified. The initial and the interim effluent limitations may not be less stringent than a categorical effluent limitation that applies to the permittee under s. 283.13 (2) or (4) or 283.19 or a toxic effluent standard that applies to the permittee under s. 283.21.

SECTION 2949. 283.15 (5) (c) 2. (intro.) of the statutes is amended to read:

283.15 (5) (c) 2. (intro.) Investigation of treatment technologies, process changes, pollution prevention, wastewater reuse or other techniques that may result in compliance by the permittee with the water quality standard adopted under s. 281.15, and submission of reports on the investigations at such times as required by the department. The secretary shall modify or waive the requirements specified in this subdivision if the secretary determines, based upon comments received on the tentative decision under sub. (3), that the requirements of this subdivision are:

SECTION 2950. 283.15 (6) of the statutes is amended to read:

283.15 (6) RENEWAL. ~~A variance may be renewed using the procedures in and subject to subs. (2) to (5).~~ A variance may not be renewed if the permittee did not submit the reports required under sub. (5) (c) 2. or substantially comply with all other conditions of the variance.

SECTION 2951. 283.39 (3) (dm) of the statutes is created to read:

283.39 (3) (dm) If the applicant applied, under s. 283.15 (2) (a), for a variance, as defined in s. 283.15 (1), a tentative decision to approve or deny the variance, including, if the tentative decision is to grant the variance based upon one or more of the conditions specified in s. 283.15 (4) (a) 1. a. to e., a statement on the effect of the variance, if granted, on the designated use of the water body during the term of the permit;

SECTION 2951k. 283.60 of the statutes is created to read:

283.60 Waiver for certain nutrient management research projects. (1) The department may waive the requirement for a permit under this chapter for a research project for the purpose of evaluating advanced agricultural nutrient management tools and precision agricultural technology, if all of the following conditions are met:

(a) The department determines that the project is unlikely to have a negative impact on, or to threaten, the environment or public health.

(b) The department reviews and approves the project before the project begins.

(c) The person who will operate the project agrees to take necessary actions to maintain compliance with surface water and groundwater requirements under ch. 281 and this chapter, other than the permitting requirement, and to take necessary actions to regain compliance with those requirements if a violation occurs in the course of the project.

(2) A person seeking a waiver under sub. (1) shall apply to the department in writing. The department shall approve or deny an application in writing no more than 45 days after receiving a complete application. The department may approve an application with conditions, including requirements for reporting project activities to the department and limitations on the duration of the project or the waiver for the project.

(3) A project for which the department grants a waiver under sub. (1) is an agricultural practice for the purposes of s. 823.08.

SECTION 2952. 285.39 (4) of the statutes is amended to read:

285.39 (4) **REPORT ON NEW REPLENISHMENT MECHANISMS.** After expiration of the replenishment implementation period, if the department reports under sub. (2) (b) 1. or determines at any other time that the growth accommodation is less than 3,500 tons, the department shall, with the advice of the department of ~~commerce~~ safety and professional services, submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees of the legislature under s. 13.172 (3) on how to most effectively and equitably replenish the growth accommodation. The report shall review existing studies and data to evaluate

the accuracy of this state's state implementation plan with respect to the effect of emissions from inside and outside the volatile organic compound accommodation area on the ambient air quality within the area.

SECTION 2955. 285.79 (3) (intro.) of the statutes is amended to read:

285.79 (3) **ASSISTANCE PROGRAM.** (intro.) The department shall, ~~in cooperation with the small business ombudsman clearinghouse under s. 560.03 (9),~~ develop and administer a small business stationary source technical and environmental compliance assistance program. The program shall include all of the following:

SECTION 2956. 287.01 (5) of the statutes is repealed.

SECTION 2957b. 287.01 (8) of the statutes is amended to read:

287.01 (8) "Region" means the area within the boundaries of a responsible unit ~~or an out-of-state unit.~~

SECTION 2960. 287.03 (1) (f) of the statutes is repealed.

SECTION 2961. 287.07 (3) (intro.) of the statutes is renumbered 287.07 (3) and amended to read:

287.07 (3) **GENERAL DISPOSAL RESTRICTIONS WASTE TIRES.** Beginning on January 1, 1995, no person may dispose of a waste tire, as defined in s. 289.55 (1) (c), in a solid waste disposal facility or burn a waste tire without energy recovery in a solid waste treatment facility in this state ~~any of the following:~~

SECTION 2962. 287.07 (3) (a) to (k) of the statutes are repealed.

SECTION 2963b. 287.07 (4) (intro.) of the statutes is amended to read:

287.07 (4) **GENERAL INCINERATION DISPOSAL RESTRICTIONS.** (intro.) Beginning on January 1, 1995, no person may ~~dispose of in a solid waste disposal facility,~~ convert into fuel, or burn ~~with energy recovery~~ at a solid waste treatment facility in this state any of the following:

SECTION 2963e. 287.07 (4e) of the statutes is created to read:

287.07 (4e) **GENERAL RESTRICTIONS ON PLACING IN CONTAINER.** (a) Beginning on the effective date of this paragraph [LRB inserts date], no person may place in a container the contents of which will be disposed of in a solid waste treatment facility, converted into fuel, or burned at a solid waste treatment facility any of the items identified in sub. (4) (a) to (k).

(b) Beginning on the effective date of this paragraph [LRB inserts date], no person may place a waste tire in a container the contents of which will be disposed of in a solid waste disposal facility or burned without energy recovery in a solid waste treatment facility.

SECTION 2965. 287.07 (7) (b) 2. of the statutes is amended to read:

287.07 (7) (b) 2. A prohibition in sub. (3) ~~(b), (c), (d), (e), (f), (g), (h) or (i)~~ or (4) (b), (c), (f), (g), (h) or (i) does not apply to a person who converts into fuel or burns at an operating solid waste treatment facility a type of material

identified in one of those paragraphs that was converted into fuel or burned at the operating solid waste treatment facility during April, 1990, and either is generated in the operating solid waste treatment facility's current service area or is generated by the owner of the operating solid waste treatment facility.

SECTION 2966. 287.07 (7) (c) 1. cg. of the statutes is amended to read:

287.07 (7) (c) 1. cg. "Medical waste" means containers, packages and materials identified under sub. (3) or (4) that contain infectious waste or that are from a treatment area and are mixed with infectious waste.

SECTION 2967. 287.07 (7) (c) 2. (intro.) of the statutes is amended to read:

287.07 (7) (c) 2. (intro.) The prohibitions in subs. (3) and (4) ~~and (4e)~~ do not apply with respect to any of the following:

SECTION 2968. 287.07 (7) (c) 2. b. of the statutes is amended to read:

287.07 (7) (c) 2. b. The disposal of, in a solid waste disposal facility, ~~or the placing of, in a container the contents of which will be disposed of in a solid waste facility,~~ a container, package or material identified under sub. (3) or (4) that contained infectious waste or that is from a treatment area and is mixed with infectious waste generated in the treatment area, if the container, package or material has been treated, pursuant to standards established under ch. 289, to render the infectious waste non-infectious.

SECTION 2969b. 287.07 (7) (d) of the statutes is amended to read:

287.07 (7) (d) The department may grant, to a responsible unit ~~or out-of-state unit~~, an exception to a prohibition in sub. (3) or (4) for up to one year for a material identified in sub. (3) or (4) in the event of an unexpected emergency condition.

SECTION 2970. 287.07 (7) (f) of the statutes is amended to read:

287.07 (7) (f) The prohibitions in subs. (2) ~~and (3) to (4)~~ do not apply to the beneficial reuse of a material within a solid waste disposal facility if the beneficial reuse of the material is approved in the solid waste disposal facility's plan of operation under s. 289.30.

SECTION 2972. 287.07 (7) (h) 1. (intro.) of the statutes is amended to read:

287.07 (7) (h) 1. (intro.) The department may grant a waiver or conditional waiver to a restriction under sub. (3) (c) ~~or (h)~~ or (4) (c) or (i) for plastics other than polyethylene terephthalate or high-density polyethylene if the department determines all of the following:

SECTION 2977b. 287.11 (1) of the statutes is amended to read:

287.11 (1) DEPARTMENT REVIEW. Upon request of a responsible unit ~~or an out-of-state unit~~, the department shall review documentation of the responsible unit's solid waste management program created under s. 287.09

(2) (a) ~~or the out-of-state unit's solid waste management program~~ and determine whether the program is an effective recycling program. The department shall complete its review and make a determination within 90 days after receiving the documentation.

SECTION 2977d. 287.11 (2e) of the statutes is repealed.

SECTION 2977f. 287.11 (2m) (b) (intro.) of the statutes is amended to read:

287.11 (2m) (b) (intro.) The department shall, at the request of a responsible unit ~~or out-of-state unit~~ that has been determined to have an effective recycling program under this section, grant a variance to the applicable requirements in sub. (2) (b) and (er) for up to one year for a material identified in s. 287.07 (3) or (4) that is generated in the responsible unit's ~~or out-of-state unit's~~ region if the department determines that the cost of selling processed material exceeds any of the following:

SECTION 2977h. 287.11 (2m) (c) of the statutes is amended to read:

287.11 (2m) (c) The department may on its own initiative grant, to one or more responsible units ~~or out-of-state units~~ that have been determined to have effective recycling programs under this section, a variance to the applicable requirements in sub. (2) (b) and (er) for up to one year for a material identified in s. 287.07 (3) or (4) that is generated in the responsible units' ~~or out-of-state units'~~ regions if the department determines that the cost of selling processed material exceeds the amount under par. (b) 1. or 2.

SECTION 2977j. 287.11 (2p) (c) of the statutes is amended to read:

287.11 (2p) (c) The department may grant a responsible unit ~~or an out-of-state unit~~ an exception to an applicable requirement in sub. (2) (b) or (er) for up to one year for a material that is subject to an exception under s. 287.07 (7) (d).

SECTION 2977L. 287.11 (3) of the statutes is amended to read:

287.11 (3) LIST. The department shall prepare and periodically update a list of responsible units ~~and out-of-state units~~ that have an effective recycling program.

SECTION 2977n. 287.11 (4) of the statutes is repealed.

SECTION 2977p. 287.17 (1) (np) of the statutes is amended to read:

287.17 (1) (np) "School" means a public school, as defined in s. 115.01 (1), a private school participating in the program under s. 118.60, or a private school participating in the program under s. 119.23.

SECTION 2980b. 287.23 (1) (c) of the statutes is repealed.

SECTION 2980c. 287.23 (1m) of the statutes is repealed.

SECTION 2980d. 287.23 (3) (a) of the statutes is repealed.

SECTION 2980f. 287.23 (3) (ac) of the statutes is repealed.

SECTION 2980h. 287.23 (5) of the statutes is repealed.

SECTION 2980j. 287.23 (5e) of the statutes is repealed.

SECTION 2980L. 287.23 (5m) of the statutes is repealed.

SECTION 2980n. 287.23 (5p) (a) to (c) of the statutes are amended to read:

287.23 (5p) (a) If a responsible unit submits its application under sub. (4) after October 1 but no later than October 10, the amount of the responsible unit's grant is 95% of the amount determined under sub. ~~(5) or (5m)~~ (5b).

(b) If a responsible unit submits its application under sub. (4) after October 10 but no later than October 20, the amount of the responsible unit's grant is 90% of the amount determined under sub. ~~(5) or (5m)~~ (5b).

(c) If a responsible unit submits its application under sub. (4) after October 20 but no later than October 30, the amount of the responsible unit's grant is 75% of the amount determined under sub. ~~(5) or (5m)~~ (5b).

SECTION 2980p. 287.23 (6) (a) of the statutes is renumbered 287.23 (6) and amended to read:

287.23 (6) DISBURSEMENT. ~~Except as provided in par. (b), the~~ The department shall disburse a grant to the applicant after approval, but no later than June 1 of the year for which the grant is made.

SECTION 2980r. 287.23 (6) (b) of the statutes is repealed.

SECTION 2981. 287.235 of the statutes is repealed.

SECTION 2981g. 287.24 of the statutes is created to read:

287.24 Recycling consolidation grants. (1) In this section, "population" means the number of persons residing in a region, as determined by the department based upon the most recent decennial or special census or the most recent, subsequent population estimate under s. 16.96.

(2) The department shall make a grant from the appropriation account under s. 20.370 (6) (bw) for a year to a responsible unit that has been determined under s. 287.11 to have an effective recycling program if any of the following applies:

(a) The responsible unit is a county.

(b) The responsible unit is a federally recognized Indian tribe or band.

(c) The responsible unit has a population of 25,000 or more and consists of one or more municipalities.

(d) The responsible unit is not eligible under par. (a), (b), or (c) but one of the following applies:

1. By October 1 in the year preceding the year for which the grant is made, the responsible unit consists of what had been at least 2 responsible units.

2. By October 1 in the year preceding the year for which the grant is made, the responsible unit enters into a cooperative agreement with another responsible unit for the joint provision of at least one of the following elements of an effective recycling program:

a. Performing comprehensive program planning.

b. Collecting and transporting recyclable materials.

c. Sorting recyclable materials at a materials recovery facility.

d. Developing and distributing educational materials relating to waste reduction, reuse, and recycling.

e. Carrying out a program of technical assistance to businesses and owners and occupants of multifamily dwellings to increase the availability and convenience of recycling.

f. Any other program element approved by the department.

(3) Subject to sub. (4), the department shall determine the amount of a grant to a responsible unit under this section as follows:

(a) Divide the amount available under s. 20.370 (6) (bw) for the year by the total population of the responsible units eligible under sub. (2).

(b) Multiply the amount determined under par. (a) by the population of the responsible unit.

(4) A grant under this section plus a grant under s. 287.23 may not exceed the allowable expenses under s. 287.23 (3) (b).

SECTION 2982. 287.25 of the statutes is repealed.

SECTION 2983. 287.26 of the statutes is repealed.

SECTION 2984. 287.31 (6) of the statutes is amended to read:

287.31 (6) USE OF REVENUES. The newspaper recycling fees collected under sub. (5) shall be deposited in the ~~recycling and renewable energy environmental~~ fund under s. 25.49.

SECTION 2984n. 289.63 (6) (title) of the statutes is amended to read:

289.63 (6) (title) EXEMPTION FROM GROUNDWATER AND WELL COMPENSATION FEES; FOR CERTAIN MATERIALS USED IN OPERATION OF THE FACILITY.

SECTION 2984p. 289.63 (6) of the statutes is renumbered 289.63 (6) (a).

SECTION 2984r. 289.63 (6) (b) of the statutes is created to read:

289.63 (6) (b) 1. In this paragraph, "natural disaster" means a severe natural or human-caused flood or a severe tornado, heavy rain, or storm.

2. Solid waste materials that are generated as the result of a natural disaster are not subject to the groundwater and well compensation fees imposed under sub. (1) if all of the following apply:

a. The natural disaster resulted in a federal or state disaster declaration.

b. The solid waste materials were generated within a municipality that was included in the federal or state disaster declaration.

c. The solid waste materials resulting from the natural disaster were disposed of in the solid waste disposal facility within 60 days after the occurrence of the natural disaster.

d. The solid waste materials were removed as part of the disaster recovery effort and were segregated from other solid wastes when delivered to the solid waste disposal facility.

SECTION 2984t. 289.64 (4) (title) of the statutes is amended to read:

289.64 (4) (title) EXEMPTION FROM SOLID WASTE FACILITY SITING BOARD FEE; FOR CERTAIN MATERIALS USED IN OPERATION OF THE FACILITY.

SECTION 2984v. 289.64 (4) of the statutes is renumbered 289.64 (4) (a).

SECTION 2984x. 289.64 (4) (b) of the statutes is created to read:

289.64 (4) (b) 1. In this paragraph, "natural disaster" means a severe natural or human-caused flood or a severe tornado, heavy rain, or storm.

2. Solid waste materials that are generated as the result of a natural disaster are not subject to the solid waste facility siting board fee imposed under sub. (1) if all of the following apply:

a. The natural disaster resulted in a federal or state disaster declaration.

b. The solid waste materials were generated within a municipality that was included in the federal or state disaster declaration.

c. The solid waste materials were disposed of in the solid waste disposal facility within 60 days after the occurrence of the natural disaster.

d. The solid waste materials were removed as part of the disaster recovery effort and were segregated from other solid wastes when delivered to the solid waste disposal facility.

SECTION 2984z. 289.645 (4) (f) of the statutes is created to read:

289.645 (4) (f) 1. In this paragraph, "natural disaster" means a severe natural or human-caused flood or a severe tornado, heavy rain, or storm.

2. Solid waste materials that are generated as the result of a natural disaster are not subject to the recycling fee imposed under sub. (1) if all of the following apply:

a. The natural disaster resulted in a federal or state disaster declaration.

b. The solid waste materials were generated within a municipality that was included in the federal or state disaster declaration.

c. The solid waste materials were disposed of in the solid waste disposal facility within 60 days after the occurrence of the natural disaster.

d. The solid waste materials were removed as part of the disaster recovery effort and were segregated from other solid wastes when delivered to the solid waste disposal facility.

SECTION 2985b. 289.645 (6) of the statutes is amended to read:

289.645 (6) USE OF RECYCLING FEES. The fees collected under sub. (2) shall be deposited in the ~~recycling and renewable energy~~ environmental fund.

SECTION 2985f. 289.67 (1) (a) of the statutes is amended to read:

289.67 (1) (a) *Imposition of fee.* Except as provided under ~~par. pars. (f) and (fm)~~, a generator of solid or hazardous waste shall pay an environmental repair fee for each ton or equivalent volume of solid or hazardous waste which is disposed of at a licensed solid or hazardous waste disposal facility. If a person arranges for collection or disposal services on behalf of one or more generators, that person shall pay the environmental repair fee to the licensed solid or hazardous waste disposal facility or to any intermediate hauler used to transfer wastes from collection points to a licensed facility. An intermediate hauler who receives environmental repair fees under this paragraph shall pay the fees to the licensed solid or hazardous waste disposal facility. Tonnage or equivalent volume shall be calculated in the same manner as the calculation made for tonnage fees under s. 289.62 (1).

SECTION 2985g. 289.67 (1) (fm) of the statutes is created to read:

289.67 (1) (fm) *Exemption from environmental repair fee; certain materials resulting from natural disasters.* 1. In this paragraph, "natural disaster" means a severe natural or human-caused flood or a severe tornado, heavy rain, or storm.

2. Solid waste materials that are generated as the result of a natural disaster are not subject to the environmental repair fee imposed under par. (a) if all of the following apply:

a. The natural disaster resulted in a federal or state disaster declaration.

b. The solid waste materials were generated within a municipality that was included in the federal or state disaster declaration.

c. The solid waste materials were disposed of in the solid waste disposal facility within 60 days after the occurrence of the natural disaster.

d. The solid waste materials were removed as part of the disaster recovery effort and were segregated from other solid wastes when delivered to the solid waste disposal facility.

SECTION 2986. 292.11 (2) (e) of the statutes is amended to read:

292.11 (2) (e) The department shall report notifications that it receives under this subsection related to dis-

charges from petroleum storage tanks, as defined in s. 101.144 (1) (bm), to the department of ~~commerce~~ safety and professional services.

SECTION 2987. 292.11 (7) (d) 1m. b. of the statutes is amended to read:

292.11 (7) (d) 1m. b. An area designated by the local governmental unit if the area consists of 2 or more properties affected by a contiguous region of groundwater contamination or contains 2 or more properties that are brownfields, as defined in s. ~~560.13~~ 238.13 (1) (a).

SECTION 2988. 292.12 (1) (a) of the statutes is amended to read:

292.12 (1) (a) "Agency with administrative authority" means the department of agriculture, trade and consumer protection with respect to a site over which it has jurisdiction under s. 94.73 (2), the department of ~~commerce~~ safety and professional services with respect to a site over which it has jurisdiction under s. 101.144 (2) (a), or the department of natural resources with respect to a site over which it has jurisdiction under s. 292.11 (7).

SECTION 2989. 292.255 of the statutes is amended to read:

292.255 Report on brownfield efforts. The department of natural resources, the department of administration, and the ~~department of commerce~~ Wisconsin Economic Development Corporation shall submit a report evaluating the effectiveness of this state's efforts to remedy the contamination of, and to redevelop, brownfields, as defined in s. ~~560.13~~ 238.13 (1) (a).

SECTION 2990. 292.33 (6) of the statutes is amended to read:

292.33 (6) EXCEPTION. A local governmental unit may not recover costs under this section for remedial activities conducted on a property or portion of a property with respect to a discharge after the department of natural resources, the department of ~~commerce~~ safety and professional services, or the department of agriculture, trade and consumer protection has indicated that no further remedial activities are necessary on the property or portion of the property with respect to the discharge.

SECTION 2990r. 292.75 of the statutes is renumbered 238.133, and 238.133 (2), (3) (intro.), (4), (5) (intro.) and (c), (6) and (7), as renumbered, are amended to read:

238.133 (2) DUTIES OF THE ~~DEPARTMENT CORPORATION~~. (a) The ~~department corporation~~ shall administer a program to award brownfield site assessment grants from the appropriation under s. ~~20.370 (6) (et) 20.192 (1) (s)~~ to local governmental units for the purposes of conducting any of the eligible activities under sub. (3).

(b) The ~~department corporation~~ may not award a grant to a local governmental unit under this section if that local governmental unit caused the environmental contamination that is the basis for the grant request.

(c) The ~~department corporation~~ may only award grants under this section if the person that caused the environmental contamination that is the basis for the

grant request is unknown, cannot be located or is financially unable to pay the cost of the eligible activities.

(d) The ~~department corporation~~ shall ~~promulgate rules establish criteria~~ as necessary to administer the program. ~~Rules promulgated by the department~~ The corporation under this paragraph may limit the total amount of funds that may be used to cover the costs of each category of eligible activity described in sub. (3).

(3) ELIGIBLE ACTIVITIES. (intro.) The ~~department corporation~~ may award grants to local governmental units to cover the costs of the following activities:

(4) APPLICATION FOR GRANT. The applicant shall submit an application on a form prescribed by the ~~department corporation~~ and shall include any information that the ~~department corporation~~ finds necessary to calculate the amount of a grant.

(5) GRANT CRITERIA. (intro.) The ~~department corporation~~ shall consider the following criteria when determining whether to award a grant:

(c) Other criteria that the ~~department corporation~~ finds necessary to calculate the amount of a grant.

(6) LIMITATION OF GRANT. The total amount of all grants awarded to a local governmental unit in a fiscal year under this section shall be limited to an amount equal to 15% of the available funds appropriated under s. ~~20.370 (6) (et) 20.192 (1) (s)~~ for the fiscal year.

(7) MATCHING FUNDS. The ~~department corporation~~ may not distribute a grant ~~unless the applicant contributes matching funds equal to 20% of the grant. Matching funds may be in the form of cash or in-kind contribution or both that exceeds 67 percent of eligible project costs.~~

SECTION 2991b. 292.79 of the statutes is repealed.

SECTION 2992. 293.11 of the statutes is amended to read:

293.11 Mine effect responsibility. The department shall serve as the central unit of state government to ensure that the air, lands, waters, plants, fish and wildlife affected by prospecting or mining in this state will receive the greatest practicable degree of protection and reclamation. The administration of occupational health and safety laws and rules that apply to mining shall remain exclusively the responsibility of the department of ~~commerce~~ safety and professional services. The powers and duties of the geological and natural history survey under s. 36.25 (6) shall remain exclusively the responsibility of the geological and natural history survey. Nothing in this section prevents the department of ~~commerce~~ safety and professional services and the geological and natural history survey from cooperating with the department in the exercise of their respective powers and duties.

SECTION 2993. 299.13 (1m) (intro.) of the statutes is amended to read:

299.13 (1m) PROMOTION OF POLLUTION PREVENTION. (intro.) In carrying out the duties under this section and ~~ss. s. 36.25 (30) and 560.19~~, the department, ~~the depart-~~

ment of commerce and the center shall promote all of the following techniques for pollution prevention:

SECTION 2994. 299.83 (8) (f) of the statutes is amended to read:

299.83 (8) (f) The department and the department of ~~commerce~~ safety and professional services shall jointly provide information about participation contracts and environmental management systems to potential participants in the program and to other interested persons. The department shall consult with the department of ~~commerce~~ safety and professional services about the administration of the program.

SECTION 2995h. 301.03 (5d) of the statutes is created to read:

301.03 (5d) Ensure that the superintendent or other person in charge of each state correctional institution designates a person to meet with correctional officers employed at the institution to discuss potential or ongoing safety concerns at the institution and to develop solutions to the concerns.

SECTION 2995k. 301.03 (5h) of the statutes is created to read:

301.03 (5h) Develop, with the assistance of the office of state employment relations, a policy for staff assignments that shall consider an employee's seniority when assigning shifts.

SECTION 2999. 301.26 (3) (c) of the statutes is amended to read:

301.26 (3) (c) Within the limits of the appropriations under s. 20.410 (3) (cd), ~~(ke), and (e)~~ and (ko), the department shall allocate funds to each county for services under this section.

SECTION 3000. 301.26 (4) (b) of the statutes is amended to read:

301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on the basis of the per person per day cost estimate specified in par. (d) 2. ~~and, 3., and 4.~~ Except as provided in pars. (bm), (c), and (cm), liability shall apply to county departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising jurisdiction under chs. 48 and 938 for each person receiving services from the department of corrections under s. 48.366, 938.183, or 938.34 or the department of health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and (cm), in multicounty court jurisdictions, the county of residency within the jurisdiction shall be liable for costs under this subsection. Assessment of costs under par. (a) shall also be made according to the general placement type or level of care provided, as defined by the department, and prorated according to the ratio of the amount designated under sub. (3) (c) to the total applicable estimated costs of care, services, and supplies provided by the department of corrections under ss. 48.366, 938.183, and 938.34 and the department of health services under s. 46.057 or 51.35 (3).

SECTION 3001. 301.26 (4) (cm) 3. of the statutes is amended to read:

301.26 (4) (cm) 3. The per person daily reimbursement rate for juvenile correctional services under this paragraph shall be equal to the per person daily cost assessment to counties under par. (d) 2. ~~and, 3., and 4.~~ for juvenile correctional services.

SECTION 3002. 301.26 (4) (ct) of the statutes is created to read:

301.26 (4) (ct) 1. Subject to subd. 2. and notwithstanding ss. 16.50 (2), 16.52, 20.002 (11), and 20.903, if there is a deficit in the appropriation account under s. 20.410 (3) (hm) at the close of a fiscal year, any unencumbered balance in the appropriation account under s. 20.410 (3) (ho) at the close of that fiscal year, less the amounts required by s. 20.410 (3) (ho) to be remitted to counties or transferred to the appropriation account under s. 20.410 (3) (kx), and any unencumbered balance in the appropriation account under s. 20.410 (3) (hr) at the close of that fiscal year, shall be transferred to the appropriation account under s. 20.410 (3) (hm), up to the amount that when added to other amounts credited to that appropriation account in that fiscal year equals the amount shown in the schedule under s. 20.005 (3) for that appropriation account for that fiscal year.

2. The total amount transferred at the end of a fiscal year under subd. 1. may not exceed the amount of the deficit in the appropriation account under s. 20.410 (3) (hm) for that fiscal year, and if that deficit is less than the total amount of the unencumbered balances available for transfer under subd. 1., the amount transferred from the appropriation accounts under s. 20.410 (3) (ho) and (hr) shall be in proportion to the respective unencumbered balance available for transfer from each of those appropriation accounts.

SECTION 3002m. 301.26 (4) (cx) of the statutes is created to read:

301.26 (4) (cx) If, notwithstanding ss. 16.50 (2), 16.52, 20.002 (11), and 20.903, there is a deficit in the appropriation account under s. 20.410 (3) (hm) at the close of a fiscal biennium, the governor shall, to address that deficit, increase each of the rates specified under s. 301.26 (4) (d) 2. and 3. for care in a Type 1 juvenile correctional institution and for care for juveniles transferred from a correctional institution by \$17, in addition to any increase due to actual costs, in the executive budget bill for each fiscal biennium, until the deficit under s. 20.410 (3) (hm) is eliminated.

SECTION 3003. 301.26 (4) (d) 2. of the statutes is amended to read:

301.26 (4) (d) 2. Beginning on ~~January~~ July 1, 2010 ~~2011~~, and ending on June 30, ~~2010~~ 2012, the per person daily cost assessment to counties shall be ~~\$270~~ \$284 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$270~~ \$284 for care for juveniles trans-

ferred from a juvenile correctional institution under s. 51.35 (3), ~~\$298 for care in a residential care center for children and youth, \$190 for care in a group home for children, \$72 for care in a foster home, \$124 for care in a treatment foster home under rules promulgated under s. 48.62 (8) (e), \$101~~ \$99 for departmental corrective sanctions services, and \$40 for departmental aftercare services.

SECTION 3004. 301.26 (4) (d) 3. of the statutes is amended to read:

301.26 (4) (d) 3. Beginning on July 1, ~~2010~~ 2012, and ending on June 30, ~~2011~~ 2013, the per person daily cost assessment to counties shall be ~~\$275~~ \$289 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$275~~ \$289 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$313 for care in a residential care center for children and youth, \$200 for care in a group home for children, \$75 for care in a foster home, \$130 for care in a treatment foster home under rules promulgated under s. 48.62 (8) (e), \$103~~ \$100 for departmental corrective sanctions services, and ~~\$41~~ \$40 for departmental aftercare services.

SECTION 3005. 301.26 (4) (d) 4. of the statutes is created to read:

301.26 (4) (d) 4. The per person daily cost assessment to counties for care in a foster home, group home, or residential care center for children and youth shall be an amount equal to the amount the provider charges the department for that care as authorized by the department of children and families.

SECTION 3006. 301.26 (6) (a) of the statutes is amended to read:

301.26 (6) (a) The intent of this subsection is to develop criteria to assist the legislature in allocating funding, excluding funding for base allocations, from the appropriations under s. 20.410 (3) ~~(cd), (ko), and (e) and (ko)~~ for purposes described in this section.

SECTION 3007. 301.26 (7) (intro.) of the statutes is amended to read:

301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability of ~~federal funds and of the appropriations under s. 20.410 (3) (cd), (ko), and (e) and (ko)~~, the department shall allocate funds for community youth and family aids for the period beginning on July 1, ~~2009~~ 2011, and ending on June 30, ~~2011~~ 2013, as provided in this subsection to county departments under ss. 46.215, 46.22, and 46.23 as follows:

SECTION 3008. 301.26 (7) (a) of the statutes is amended to read:

301.26 (7) (a) For community youth and family aids under this section, amounts not to exceed ~~\$50,395,100~~ \$45,478,000 for the last 6 months of ~~2009~~ 2011, ~~\$100,790,200~~ \$90,956,100 for ~~2010~~ 2012, and ~~\$50,395,100~~ \$45,478,100 for the first 6 months of ~~2011~~ 2013.

SECTION 3009. 301.26 (7) (b) (intro.) of the statutes is amended to read:

301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall allocate \$2,000,000 for the last 6 months of ~~2009~~ 2011, \$4,000,000 for ~~2010~~ 2012, and \$2,000,000 for the first 6 months of ~~2011~~ 2013 to counties based on each of the following factors weighted equally:

SECTION 3010. 301.26 (7) (bm) of the statutes is amended to read:

301.26 (7) (bm) Of the amounts specified in par. (a), the department shall allocate \$6,250,000 for the last 6 months of ~~2009~~ 2011, \$12,500,000 for ~~2010~~ 2012, and \$6,250,000 for the first 6 months of ~~2011~~ 2013 to counties based on each county's proportion of the number of juveniles statewide who are placed in a juvenile correctional facility during the most recent 3-year period for which that information is available.

SECTION 3011. 301.26 (7) (c) of the statutes is amended to read:

301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate \$1,053,200 for the last 6 months of ~~2009~~ 2011, \$2,106,500 for ~~2010~~ 2012, and \$1,053,300 for the first 6 months of ~~2011~~ 2013 to counties based on each of the factors specified in par. (b) 1. to 3. weighted equally, except that no county may receive an allocation under this paragraph that is less than 93% nor more than 115% of the amount that the county would have received under this paragraph if the allocation had been distributed only on the basis of the factor specified in par. (b) 3.

SECTION 3012. 301.26 (7) (e) of the statutes is amended to read:

301.26 (7) (e) For emergencies related to community youth and family aids under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2009~~ 2011, \$250,000 for ~~2010~~ 2012, and \$125,000 for the first 6 months of ~~2011~~ 2013. A county is eligible for payments under this paragraph only if it has a population of not more than 45,000.

SECTION 3013. 301.26 (7) (h) of the statutes is amended to read:

301.26 (7) (h) For counties that are participating in the corrective sanctions program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2009~~ 2011, \$2,124,800 in ~~2010~~ 2012, and \$1,062,400 in the first 6 months of ~~2011~~ 2013 for the provision of corrective sanctions services for juveniles from that county. In distributing funds to counties under this paragraph, the department shall determine a county's distribution by dividing the amount allocated under this paragraph by the number of slots authorized for the program under s. 938.533 (2) and multiplying the quotient by the number of slots allocated to that county by agreement between the department and the county. The department may transfer funds among coun-

ties as necessary to distribute funds based on the number of slots allocated to each county.

SECTION 3014. 301.26 (8) of the statutes is amended to read:

301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last 6 months of ~~2009~~ 2011, \$1,333,400 in ~~2010~~ 2012, and \$666,700 in the first 6 months of ~~2011~~ 2013 for alcohol and other drug abuse treatment programs.

SECTION 3014m. 301.328 (1m) of the statutes is created to read:

301.328 (1m) No prisoner may receive more than \$100 annually in litigation loans, except that any amount of the debt the prisoner repays during the year may be advanced to the prisoner again without counting against the \$100 litigation loan limit. No prisoner may receive a litigation loan in any amount until he or she has repaid a prior loan in full or has made arrangements for repayment with the warden of the institution.

SECTION 3051h. 302.388 (2) (g) of the statutes is created to read:

302.388 (2) (g) If a prisoner's health summary form or complete medical file indicates that the prisoner has a communicable disease and if disclosure of that information is necessary for the health and safety of the prisoner or of other prisoners, of a correctional officer who has custody of or is responsible for the supervision of the prisoner, of a person designated by a jailer to have custodial authority over the prisoner, of any other employee of the prison or jail, or of a law enforcement officer or other person who is responsible for transferring the prisoner to or from a prison or jail, receiving institution intake staff shall disclose that information to the persons specified in par. (f) 1. to 4. and to that correctional officer, person with custodial authority, law enforcement officer, or other person.

SECTION 3051j. 302.388 (3) of the statutes is renumbered 302.388 (3) (a).

SECTION 3051L. 302.388 (3) (b) of the statutes is created to read:

302.388 (3) (b) If a prisoner's treatment summary indicates that the prisoner has a communicable disease and if disclosure of that information is necessary for the health and safety of the prisoner or of other prisoners, of a correctional officer who has custody of or is responsible for the supervision of the prisoner, of a person designated by a jailer to have custodial authority over the prisoner, of any employee of the prison or jail, or of a law enforcement officer or other person who is responsible for transferring the prisoner to or from a prison or jail, the department or jailer shall disclose that information to the persons to whom a treatment summary may be made available under par. (a) and to that correctional officer, person with custodial authority, law enforcement officer, or other person.

SECTION 3084. 321.40 (3) (b) 1. of the statutes is amended to read:

321.40 (3) (b) 1. Be submitted to the department for approval of payment no later than ~~60~~ 90 days after the completion date of the course;

SECTION 3086. 340.01 (18j) of the statutes is created to read:

340.01 (18j) "Federal out-of-service order for unsatisfactory safety compliance" means an out-of-service order issued by the federal motor carrier safety administration under 49 CFR 385.13 (a), 385.105 (b), 385.111 (a) or (c), 385.325 (c), 385.337 (b), 386.72 (b) (2), 386.83 (a) (1), or 386.84 (a) (1).

SECTION 3087. 341.10 (16) of the statutes is created to read:

341.10 (16) The applicant has applied for registration under the international registration plan specified in s. 341.405 and, in the registration application, the applicant has identified as the motor carrier responsible for the safety of the motor vehicle to be registered a motor carrier for which the department has received notice that the motor carrier is subject to a federal out-of-service order for unsatisfactory safety compliance. This subsection does not prohibit the applicant from registering the motor vehicle under any applicable provision of this chapter other than s. 341.405.

SECTION 3088. 341.10 (17) of the statutes is created to read:

341.10 (17) The applicant has applied for registration under the international registration plan specified in s. 341.405 and the motor vehicle for which application is made has been identified by the federal motor carrier safety administration as having been assigned for safety to a motor carrier whose business is operated, managed, or otherwise controlled or affiliated with a person that has been issued a federal out-of-service order for unsatisfactory safety compliance. This subsection does not prohibit the applicant from registering the motor vehicle under any applicable provision of this chapter other than s. 341.405.

SECTION 3096. 341.13 (3m) of the statutes is repealed.

SECTION 3097m. 341.135 of the statutes is amended to read:

341.135 Rebasing registration plates. At intervals determined by the department, the department shall establish new designs of registration plates to be issued under ss. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), and (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2) and (3) (a) 1. and (am). Any design for registration plates issued for automobiles and for vehicles registered on the basis of gross weight shall comply with the applicable design requirements of ss. 341.12 (3), 341.13, and 341.14 (6r) (c). The designs for registration plates specified in this section shall be as similar in appearance as practicable during each design inter-

val. Except as provided in ss. 341.13 (2r) and 341.14 (1), each registration plate issued under s. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), or (6r), 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c), or 341.26 (2) or (3) (a) 1. or (am) during each design interval shall be of the design established under this section. The department may not redesign registration plates for the special groups under s. 341.14 (6r) (f) 53., 54., or 55. until July 1, 2010. Notwithstanding s. 341.13 (3), as the department establishes new designs for registration plates under this section, the department shall, at the time determined appropriate by the department, issue registration plates of the new design to replace registration plates previously issued. This section does not apply to special group plates under s. 341.14 (6r) (f) 19m., 33m., and 48m.

SECTION 3098. 341.14 (6r) (b) 4. of the statutes is amended to read:

341.14 (6r) (b) 4. An additional fee of \$20 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual basis for a special group specified under par. (f) 35. to 47. An additional fee of \$40 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on a biennial basis for a special group specified under par. (f) 35. to 47. if the plate is issued or renewed during the first year of the biennial registration period or \$20 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. The fee under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71. The department shall pay all moneys received under this subdivision to the Board of Regents of the University of Wisconsin system to fund the scholarship programs under s. 36.44.

SECTION 3099. 341.14 (6r) (c) of the statutes is amended to read:

341.14 (6r) (c) Special group plates shall display the word "Wisconsin", the name of the applicable authorized special group, a symbol representing the special group, not exceeding one position, and identifying letters or numbers or both, not exceeding 6 positions and not less than one position. The Except as provided in this paragraph, the department shall specify the design for special group plates, but the department shall consult the president of the University of Wisconsin System before specifying the word or symbol used to identify the special groups under par. (f) 35. to 47., the secretary of natural resources before specifying the word or symbol used to identify the special groups under par. (f) 50. and 59., the chief executive officer of the professional football team and an authorized representative of the league of professional football teams described in s. 229.823 to which that team belongs before specifying the design for the applicable special group plate under par. (f) 55., the chief trademark officer of Harley-Davidson Michigan, LLC before specifying the design for the applicable special

group plate under par. (f) 61r., the department of veterans affairs before specifying the design for the special group plates under par. (f) 49d., 49h., and 49s., and the department of tourism and chief executive officer of the organization specified in par. (f) 55m. before specifying the design and word or symbol used to identify the special group name for special group plates under par. (f) 55m. Special group plates under par. (f) 50. shall be as similar as possible to regular registration plates in color and design. The department shall make available 2 designs for the special group plates under par. (f) 60. The department may not specify any design for the special group plates under par. (f) 60. unless the design is approved by the executive vice president of the Milwaukee Brewers Baseball Club LP. The word or symbol used to identify the special group under par. (f) 59. shall be different from the word or symbol used to identify the special group under par. (f) 50. and the design shall cover the entire plate. Special group plates under par. (f) 61m. shall display a logo or image of the lion associated with the Lions Clubs International. Special group plates under par. (f) 61r. shall display a bar and shield logo associated with Harley-Davidson, Inc., on the left portion of the plates and the words "share the road" on the bottom portion of the plates. Notwithstanding par. (e), special group plates under par. (f) 33m. and 48m. shall be the same color and design that was specified by the department for special group plates under par. (f) 33. and 48., respectively, immediately prior to January 1, 2007. The design for special group plates under par. (f) 33. and 48. shall be different from the design of special group plates under par. (f) 33m. and 48m., respectively.

SECTION 3100s. 341.14 (6r) (f) 33m. of the statutes is created to read:

341.14 (6r) (f) 33m. Fire fighters and surviving spouses of fire fighters who die in the line of duty.

SECTION 3101d. 341.14 (6r) (f) 48m. of the statutes is created to read:

341.14 (6r) (f) 48m. Emergency medical technicians and first responders.

SECTION 3101h. 341.14 (6r) (fm) 7. of the statutes, as affected by 2009 Wisconsin Act 230, is amended to read:

341.14 (6r) (fm) 7. After October 1, 1998, additional authorized special groups may only be special groups designated by the department under this paragraph. The authorized special groups enumerated in par. (f) shall be limited solely to those special groups specified under par. (f) on October 1, 1998. This subdivision does not apply to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m., 15m., 19m., 33m., 48m., 49d., 49h., 49s., 54., 55., 55m., 56., 57., 58., 59., 60., 61., 61m., and 61r.

SECTION 3101p. 341.14 (6r) (g) 1. and 2. of the statutes are amended to read:

341.14 (6r) (g) 1. Except as provided in subd. 2. and sub. (8) (a), if an individual in possession of special plates under par. (f) 33., 33m., 34., ~~or~~, 48., or 48m. or of personalized plates under s. 341.145 (1) (c) of the same color and design as special plates under par. (f) 33., 33m., 34., ~~or~~, 48., or 48m. does not maintain membership in the applicable authorized special group during a year that is not a plate issuance year, the individual shall dispose of the special plates in a manner prescribed by the department. This paragraph does not apply to plates issued to the surviving spouse of a fire fighter who died in the line of duty.

2. If an individual in possession of special plates under par. (f) 33., 33m., 34., ~~or~~, 48., or 48m. or of personalized plates under s. 341.145 (1) (c) of the same color and design as special plates under par. (f) 33., 33m., 34., ~~or~~, 48., or 48m. suffers an injury in the course of his or her job duties as a fire fighter, rescue squad member, or emergency medical technician and the injury prevents the individual from subsequently performing such job duties, the individual may retain these special plates.

SECTION 3101t. 341.14 (8) (a) of the statutes is amended to read:

341.14 (8) (a) If a special plate for a group associated with a branch of the armed services or otherwise military in nature has been issued to a person under this section, or if a special plate under sub. (6r) (f) 33. or 33m. has been issued to a person who dies in the line of duty, upon application by the surviving spouse of the person, the department shall permit the surviving spouse to retain the plate. If the plate has been returned to the department or surrendered to another state, the department shall reissue the plate to the surviving spouse if the application for reissuance of the plate is made within 2 years of the plate's return or surrender. The department shall charge an additional fee of \$15 to reissue the plate.

SECTION 3106e. 341.16 (2e) of the statutes is created to read:

341.16 (2e) The owner of a vehicle to which special group plates under s. 341.14 (6r) (f) 33. or 48. are attached may apply to the department for replacement special group plates under s. 341.14 (6r) (f) 33m. or 48m., respectively. Upon receipt of the application and payment of a fee of \$40, the department shall issue the replacement special group plates. Upon receipt of replacement plates, the applicant shall destroy the replaced plates.

SECTION 3106m. 341.16 (4) of the statutes is amended to read:

341.16 (4) Any person issued replacement plates who fails to destroy the original plates as required by sub. (2), (2e), or (3) may be required to forfeit not more than \$200.

SECTION 3107. 341.405 (3m) of the statutes is created to read:

341.405 (3m) (a) If the registration of a motor vehicle registered under this section is suspended under s. 341.63 (1) (f), (1m), or (1r), or if an application for registration is refused under s. 341.10 (16) or (17), the motor vehicle may be registered, subject to all applicable requirements and fees, under any applicable provision of this chapter other than this section.

(b) All of the following apply to a person who registers a motor vehicle under another applicable provision of this chapter as described in par. (a):

1. The person is not entitled to credit for any registration fee previously paid to register the motor vehicle under this section.

2. If the motor vehicle's registration under this section is reinstated after this registration period has expired, in renewing the motor vehicle's registration under this section the person is entitled to credit for the registration fee paid to register the motor vehicle as described in par. (a), calculated based upon the unused portion of that registration period.

(c) Notwithstanding s. 341.10 (16) and (17), the department may refuse registration of a motor vehicle under this section if the department determines that the motor carrier identified on the motor vehicle's registration application as the motor carrier responsible for safety of the vehicle is the same or substantially the same business, or that elements of the motor carrier operation are the same or substantially the same business elements, as a motor carrier that has been issued a federal out-of-service order for unsatisfactory safety compliance.

SECTION 3108. 341.41 (7) of the statutes is amended to read:

341.41 (7) Except as to foreign owned vehicles required by s. 341.07 to be registered in this state, vehicles owned or operated by a nonresident in interstate or intrastate movement may be qualified by advance purchase of a trip permit which authorizes operation for a 72-hour period when the vehicle is not eligible for reciprocal privileges. Unless waived by the secretary, the fee for the trip permit shall be not less than \$15. The secretary may, upon determining that a special transportation need exists, waive the fee for the trip permit. The secretary shall make rules and regulations for the issuance and use of the permits. No permit may be issued under this subsection for any motor vehicle for which the motor carrier identified on the permit application as the motor carrier responsible for safety of the vehicle has been issued a federal out-of-service order for unsatisfactory safety compliance.

SECTION 3109. 341.52 of the statutes is amended to read:

341.52 Design of registration plates. Registration plates for dealers, distributors, manufacturers, and transporters are subject to the provisions of s. 341.12 (2) and (3) except s. 341.12 (3) (c). In addition, each plate shall

have displayed upon it a symbol capable of distinguishing it from any other plate which may be issued to the same dealer, distributor, manufacturer, or transporter.

SECTION 3111. 341.53 of the statutes is amended to read:

341.53 Expiration of registration; transferability of plates. Certificates of registration and registration plates issued to dealers, distributors, manufacturers, or transporters shall be issued for the calendar year and are valid only during the calendar year for which issued. Notwithstanding s. 341.13 (3), the department may renew registration plates issued to dealers, distributors, manufacturers, or transporters without issuing new plates or insert tags, decals, or other evidence of registration. Registration plates are transferable from one motor vehicle, trailer or semitrailer to another motor vehicle, trailer or semitrailer and from one recreational vehicle to another.

SECTION 3112. 341.57 (2) of the statutes is amended to read:

341.57 (2) A finance company licensed under ss. 138.09 or 218.0101 to 218.0163, a credit union licensed under ch. 186, a savings bank organized under ch. 214, a savings and loan association organized under ch. 215 or a state bank or a national bank with offices in this state may apply to the department for registration on such form as the department provides. Upon receipt of the application together with a registration fee of \$75, the department shall register the applicant and shall issue one registration plate containing the registration number assigned to the applicant. The department, upon receiving a fee of \$5 for each additional plate desired by the applicant, shall issue additional plates as the applicant orders. Section 341.52 applies to the design of the plates. The registration and plates are valid only during the calendar year for which issued. Notwithstanding s. 341.13 (3), the department may renew registration plates issued under this subsection without issuing new plates or insert tags, decals, or other evidence of registration. A plate is transferable from one motor vehicle to another. The department may charge a fee of \$2 per plate for replacing lost, damaged or illegible plates issued under this subsection.

SECTION 3122. 341.63 (1) (f) of the statutes is created to read:

341.63 (1) (f) The motor vehicle is registered under the international registration plan specified in s. 341.405 and the motor vehicle has been identified by the federal motor carrier safety administration as having been assigned for safety to a motor carrier whose business is operated, managed, or otherwise controlled or affiliated with a person that has been issued a federal out-of-service order for unsatisfactory safety compliance.

SECTION 3123. 341.63 (1m) of the statutes is created to read:

341.63 (1m) Upon receiving notice that a motor carrier has been issued a federal out-of-service order for

unsatisfactory safety compliance, the department shall suspend the registration of each motor vehicle to which all of the following apply:

(a) The motor carrier is identified on the motor vehicle's registration application as the motor carrier responsible for the safety of the vehicle.

(b) The motor vehicle is registered under the international registration plan specified in s. 341.405.

SECTION 3124. 341.63 (1r) of the statutes is created to read:

341.63 (1r) The department may suspend the registration of a motor vehicle registered under the international registration plan specified in s. 341.405 if the department determines that the motor carrier identified on the motor vehicle's registration application as the motor carrier responsible for safety of the vehicle is the same or substantially the same business, or that elements of the motor carrier operation are the same or substantially the same business elements, as a motor carrier that has been issued a federal out-of-service order for unsatisfactory safety compliance.

SECTION 3125. 341.63 (3) of the statutes is renumbered 341.63 (3) (a).

SECTION 3126. 341.63 (3) (b) of the statutes is created to read:

341.63 (3) (b) In addition to or in lieu of ordering the return of registration plates under par. (a), the department may seize and destroy the registration plates of any motor vehicle for which all of the following apply:

1. The motor carrier identified on the motor vehicle's registration application as the motor carrier responsible for safety of the vehicle has been issued a federal out-of-service order for unsatisfactory safety compliance.

2. The motor vehicle is registered under the international registration plan specified in s. 341.405 or under a similar international registration plan under the law of another jurisdiction.

SECTION 3128. 342.09 (1) of the statutes is renumbered 342.09 (1) (a) and amended to read:

342.09 (1) (a) The department shall maintain a record of each application for certificate of title received by it and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue and, except as provided in par. (b), deliver a certificate to the owner of the vehicle.

SECTION 3129. 342.09 (1) (b) of the statutes is created to read:

342.09 (1) (b) If there is a perfected security interest in a vehicle, the department shall deliver the certificate of title to the secured party having the primary perfected security interest in the vehicle.

SECTION 3130. 342.13 (1) of the statutes is amended to read:

342.13 (1) If a certificate of title is lost, stolen, mutilated, or destroyed, or becomes illegible, the owner or ~~legal representative of the owner~~ named in person in pos-

session of the certificate, as shown by the records of the department, shall promptly make application for and may obtain a replacement upon furnishing information satisfactory to the department. The replacement certificate of title shall contain a notation, in a form determined by the department, identifying the certificate as a replacement certificate that may be subject to the rights of a person under the original certificate.

SECTION 3131. 342.14 (1) of the statutes is amended to read:

342.14 (1) For filing an application for the first certificate of title, ~~\$53.00~~ \$62, by the owner of the vehicle.

SECTION 3132. 342.14 (1r) of the statutes is repealed.

SECTION 3133. 342.14 (3) of the statutes is amended to read:

342.14 (3) For a certificate of title after a transfer, ~~\$53.00~~ \$62, by the owner of the vehicle.

SECTION 3134. 342.15 (1) (a) of the statutes is amended to read:

342.15 (1) (a) If an owner transfers an interest in a vehicle, other than by the creation of a security interest, the owner shall comply with the requirements of s. 342.155 and, at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate, and the owner or person in possession of the certificate, as shown by the records of the department, shall cause the certificate to be mailed or delivered to the transferee, except that if the vehicle being transferred is a junk vehicle or has been junked, the owner shall return the certificate to the department in accordance with s. 342.34.

SECTION 3135. 342.15 (1) (c) of the statutes is amended to read:

342.15 (1) (c) If an owner transfers his or her interest in a salvage vehicle, the owner shall at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate, and the owner or person in possession of the certificate, as shown by the records of the department, shall cause the certificate to be mailed or delivered to the transferee.

SECTION 3136. 342.15 (5) of the statutes is amended to read:

342.15 (5) Any owner of a vehicle for which a certificate of title has been issued, who upon transfer of the vehicle fails to execute ~~and deliver~~ the assignment and warranty of title required by sub. (1), or the owner or person in possession of such certificate of title, as shown by the records of the department, who fails to deliver the assignment and warranty of title required by sub. (1), may be required to forfeit not more than \$500.

SECTION 3137. 342.20 (1) of the statutes is amended to read:

342.20 (1) The owner shall immediately execute, in the space provided therefor on the certificate of title or on a separate form or in an automated format prescribed by

the department, an application to name the secured party on the certificate, showing the name and address of the secured party, and the owner or person in possession of the owner's certificate, as shown by the records of the department, shall cause the certificate, application and the required fee to be delivered to the secured party.

SECTION 3138. 342.20 (3) of the statutes is amended to read:

342.20 (3) Upon receipt of the certificate of title, application, and the required fee, or upon receipt of the security interest statement and required fee if the secured party has utilized the process specified in s. 342.245 (1), the department shall issue to the owner a new certificate containing the name and address of the new secured party. The department shall deliver to such new secured party, unless the secured party utilized the process specified in s. 342.245 (1), and to the register of deeds of the county of the owner's residence, memoranda, in such form as the department prescribes, evidencing the notation of the security interest upon the certificate; and thereafter, upon any assignment, termination or release of the security interest, additional memoranda evidencing such action.

SECTION 3139. 342.22 (1) (intro.) of the statutes is amended to read:

342.22 (1) (intro.) Within one month or within 10 days following written demand by the debtor after there is no outstanding obligation and no commitment to make advances, incur obligations or otherwise give value, secured by the security interest in a vehicle under any security agreement between the owner and the secured party, the secured party shall mail or deliver the certificate of title for the vehicle to the department if the secured party is in possession of the certificate and shall also do one of the following:

SECTION 3140. 342.22 (2) of the statutes is amended to read:

342.22 (2) ~~An If an~~ owner, other than a dealer holding the vehicle for resale, is in possession of the owner's certificate of title, the owner, upon receipt of the release and notice of obligation delivered under sub. (1) (a), shall promptly cause the certificate and release to be mailed or delivered to the department, which shall release the secured party's rights on the certificate and issue a new certificate. Upon receipt of the notice under sub. (1) (b), the owner may, in the form and manner prescribed by the department and without additional fee, deliver an application and the certificate of title to the department and the department shall issue a new certificate of title free of the security interest notation.

SECTION 3141. 342.23 (2) (a) of the statutes is renumbered 342.23 (2) and amended to read:

342.23 (2) An owner or person in possession of the owner's certificate of title, as shown by the records of the department, shall promptly deliver the ~~owner's~~ certificate of title to any secured party who is named on it or

who has a security interest in the vehicle described in it under any other applicable prior law of this state, upon receipt of a notice from such secured party that the security interest is to be assigned, extended or perfected.

SECTION 3142. 342.23 (2) (b) of the statutes is repealed.

SECTION 3143. 342.23 (4) of the statutes is amended to read:

342.23 (4) Any owner or other person in possession of the owner's certificate of title who fails to deliver the certificate of title to a secured party requesting it pursuant to sub. (2) (a) shall be liable to such secured party for any loss caused to the secured party thereby and may be required to forfeit not more than \$200.

SECTION 3144. 343.03 (3r) of the statutes is created to read:

343.03 (3r) REAL ID NONCOMPLIANT LICENSE. If any license described under sub. (3) is issued based upon the exception specified in s. 343.165 (7), the license shall, in addition to any legend or label described in sub. (3), be marked in a manner consistent with requirements under applicable federal law and regulations to indicate that the license is issued in accordance with P.L. 109-13, section 202 (d) (11), and is not intended to be accepted by any federal agency for federal identification or any other official purpose.

SECTION 3145. 343.06 (1) (L) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

343.06 (1) (L) To any person who does not satisfy the requirements under s. 343.165 (1).

SECTION 3146. 343.065 (3) of the statutes is created to read:

343.065 (3) (a) If a person issued any commercial driver license under this chapter authorizing operation of commercial motor vehicles in interstate commerce does not have on file with the department a current certification specified in s. 343.14 (2) (i) 1. covering the person's physical qualifications, the department may downgrade the commercial driver license to a restricted commercial driver license under this section and impose a "K" restriction on the license.

(b) The department shall promulgate rules to define "downgrade" in accordance with federal law and regulations or guidance from the applicable federal agency, to establish the process for downgrading a commercial driver license and whether or not a new commercial driver license document will be issued after a commercial driver license is downgraded, and to establish the process for reinstating a downgraded commercial driver license after the department receives from the licensee a valid medical certification or other appropriate certification of physical qualifications.

SECTION 3147. 343.10 (7) (d) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

343.10 (7) (d) An occupational license issued by the department under this subsection shall be in the form of

a license that includes a photograph described in s. 343.14 (3), unless the exception under s. 343.14 (3m) applies, and any special restrictions cards under s. 343.17 (4). The license shall clearly indicate that restrictions on a special restrictions card apply and that the special restrictions card is part of the person's license.

SECTION 3148. 343.11 (1) of the statutes is amended to read:

343.11 (1) The department shall not issue a license to a person previously licensed in another jurisdiction unless such person surrenders to the department all valid operator's licenses possessed by the person issued by any other jurisdiction, which surrender operates as a cancellation of the surrendered licenses insofar as the person's privilege to operate a motor vehicle in this state is concerned. When such applicant surrenders the license to the department, the department shall issue a receipt therefor, which receipt shall constitute a temporary license to operate a motor vehicle for a period not to exceed 60 days if the applicant meets the standard required for eyesight and, in the opinion of the examiner, is not a dangerous hazard to the applicant and other users of the highways. ~~Except as provided in s. 343.055, the temporary license shall not be valid authorization for the operation of commercial motor vehicles.~~ The temporary license shall be surrendered to the examiner for cancellation by the department if the 3rd attempt at the driving test is failed and the applicant shall be required to secure a temporary instruction permit for further practice driving.

SECTION 3149. 343.11 (3) of the statutes is amended to read:

343.11 (3) Except as provided in sub. (1), the department may issue a receipt to any applicant for a license, which receipt shall constitute a temporary license to operate a motor vehicle while the application for license is being processed. Such temporary license shall be valid for a period not to exceed ~~30~~ 60 days.

SECTION 3150. 343.11 (3) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is amended to read:

343.11 (3) Except as provided in sub. (1), the department may issue a receipt to any applicant for a license, which receipt shall constitute a temporary license to operate a motor vehicle while the application for license is being processed. Such temporary license shall be valid for a period not to exceed 60 days. If the application for a license is processed under the exception specified in s. 343.165 (7), the receipt shall include the marking specified in s. 343.03 (3r).

SECTION 3151. 343.14 (3) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

343.14 (3) ~~The~~ Except as provided in sub. (3m), the department shall, as part of the application process, take a digital photograph including facial image capture of the applicant to comply with s. 343.17 (3) (a) 2. ~~No~~ Except as provided in sub. (3m), no application may be processed without the photograph being taken. Except as

provided in ~~sub. (3m) and~~ s. 343.165 (4) (d), in the case of renewal licenses, the photograph shall be taken once every 8 years, and shall coincide with the appearance for examination which is required under s. 343.16 (3).

SECTION 3152. 343.14 (3m) of the statutes is created to read:

343.14 (3m) If the application for a license is processed under the exception specified in s. 343.165 (7), the application may be processed and the license issued or renewed without a photograph being taken of the applicant if the applicant provides to the department an affidavit stating that the applicant has a sincerely held religious belief against being photographed; identifying the religion to which he or she belongs or the tenets of which he or she adheres to; and stating that the tenets of the religion prohibit him or her from being photographed.

SECTION 3152c. 343.16 (1) (b) (intro.) of the statutes is amended to read:

343.16 (1) (b) Third-party driving skills testing for commercial motor vehicle and school bus operators. (intro.) The department may contract with a person, including an agency or department of this state or its political subdivisions or another state, or a private employer of commercial motor vehicle drivers, to administer commercial motor vehicle skills tests required by 49 CFR 383.110 to 383.135, examinations required to be administered under s. 343.12 (2) (h), ~~and, abbreviated driving skills tests required by sub. (3) (b).~~ The department may not enter into such testing contracts with a private driver training school or other private institution, or driving skills tests required by par. (a) for authorization to operate "Class D" vehicles, or any combination of these tests and examinations. This paragraph does not apply with respect to a law enforcement agency eligible to contract with the department under par. (bm). A contract with a 3rd-party tester under this paragraph shall include all of the following provisions:

SECTION 3152d. 343.16 (1) (b) 2. of the statutes is amended to read:

343.16 (1) (b) 2. The department, ~~or the applicable federal agency, or a its representative of the applicable federal agency with respect to testing for commercial driver licenses,~~ may conduct random examinations, inspections, and audits of the 3rd-party tester without any prior notice.

SECTION 3152e. 343.16 (1) (b) 3. (intro.) of the statutes is amended to read:

343.16 (1) (b) 3. (intro.) At least annually, the department shall conduct an on-site inspection of the 3rd-party tester to determine compliance with the contract and with department and federal standards for testing applicants for commercial driver licenses and with department standards for testing applicants for school bus endorsements and applicants for operators' licenses to operate "Class D" vehicles. At least annually, the department shall also

evaluate testing given by the 3rd-party tester by one of the following means:

SECTION 3152f. 343.16 (1) (b) 4. of the statutes is amended to read:

343.16 (1) (b) 4. Examiners of the 3rd-party tester shall meet the same qualifications and training standards as the department's license examiners to the extent established by the department as necessary to satisfactorily perform the skills tests required by 49 CFR 383.110 to 383.135, examinations required to be administered under s. 343.12 (2) (h) ~~and, abbreviated driving skills tests required by sub. (3) (b), and driving skills tests required by par. (a) for authorization to operate "Class D" vehicles.~~

SECTION 3152g. 343.16 (1) (b) 5. of the statutes is amended to read:

343.16 (1) (b) 5. The department shall take prompt and appropriate remedial action against the 3rd-party tester in the event that the tester fails to comply with department or federal standards for commercial driver license testing, department standards for school bus endorsement testing or testing for operators' licenses to operate "Class D" vehicles, or any provision of the contract. Such action may include immediate termination of testing by the 3rd-party tester and recovery of damages.

SECTION 3152h. 343.16 (1) (b) 6. of the statutes is created to read:

343.16 (1) (b) 6. The 3rd-party tester may not administer any test or examination of a person who has received instruction in driver training from the 3rd-party tester or from any person who controls, is controlled by, or is under common control with the 3rd-party tester.

SECTION 3152i. 343.16 (1) (bm) (title) of the statutes is amended to read:

343.16 (1) (bm) (title) Third-party testing for other vehicle operators by certain law enforcement agencies.

SECTION 3153. 343.165 (1) (intro.) of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

343.165 (1) (intro.) ~~The Subject to ss. 343.14 (3m) and 343.50 (4g), the~~ department may not complete the processing of an application for initial issuance or renewal of an operator's license or identification card received by the department after ~~May 10, 2008 the effective date of this subsection ... [LRB inserts date],~~ and no such license or identification card may be issued or renewed, unless the applicant presents or provides, ~~and, subject to sub. (7),~~ the department verifies under sub. (3), all of the following information:

SECTION 3154. 343.165 (2) of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

343.165 (2) (a) ~~The Subject to sub. (7), the~~ department shall, in processing any application for an operator's license or identification card under sub. (1), capture a digital image of each document presented or provided to the department by an applicant. Images captured under

this paragraph shall be maintained, in electronic storage and in a transferable format, in the applicant's file or record as provided under ss. 343.23 (2) (a) and 343.50 (8) (a).

(b) ~~The Subject to sub. (7),~~ the department shall record in the applicant's file under s. 343.23 (2) (a) or record under s. 343.50 (8) (a) the date on which verification under subs. (1) and (3) is completed.

SECTION 3155. 343.165 (3) (a) of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

343.165 (3) (a) Except as provided in pars. (b) and (c) and subject to sub. (7), the department shall verify, in the manner and to the extent required under federal law, each document presented or provided to the department that is required to be presented or provided to the department by an applicant under sub. (1).

SECTION 3156. 343.165 (4) (a) of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

343.165 (4) (a) Subsection (1) does not apply to an application for renewal of an operator's license or identification card received by the department after ~~May 10, 2008~~ the effective date of this paragraph [LRB inserts date], if in connection with a prior application after ~~May 10, 2008~~ the effective date of this paragraph [LRB inserts date], the applicant previously presented or provided, and the department verified under sub. (3) or (7), the information specified in sub. (1) and, if verified under sub. (3), the department recorded the date on which the verification procedures were completed as described in sub. (2) (b).

SECTION 3157. 343.165 (4) (c) of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

343.165 (4) (c) Notwithstanding pars. (a) and (b), no operator's license displaying the legend required under s. 343.03 (3m) or identification card displaying the legend required under s. 343.50 (3) (a) may be renewed unless the applicant presents or provides valid documentary proof under sub. (1) (e) and this proof shows that the status by which the applicant qualified for the license or identification card has been extended by the secretary of the federal department of homeland security.

SECTION 3158. 343.165 (4) (d) of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

343.165 (4) (d) With any license or identification card renewal following a license or identification card expiration established under s. 343.20 (1m) or 343.50 (5) (c) at other than an 8-year interval, the department may determine whether the applicant's photograph is to be taken, or if the renewal is for a license the applicant is to be examined, or both, at the time of such renewal, so long as the applicant's photograph is taken, and if the renewal is for a license the applicant is examined, with a license or card renewal at least once every 8 years and the applicant's license or identification card at all times includes a photograph unless an exception under s. 343.14 (3m) or 343.50 (4g) applies.

SECTION 3159. 343.165 (5) of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

343.165 (5) The department may, by rule, require that applications for reinstatement of operator's licenses or identification cards, issuance of occupational licenses, reissuance of operator's licenses, or issuance of duplicate operator's licenses or identification cards, received by the department after ~~May 10, 2008~~ the effective date of this subsection [LRB inserts date], be processed in a manner consistent with the requirements established under this section for applications for initial issuance or renewal of operator's licenses and identification cards.

SECTION 3160. 343.165 (7) of the statutes is created to read:

343.165 (7) (a) The department may process an application for, and issue or renew, an operator's license or identification card without meeting the requirements under subs. (2) and (3) if all of the following apply:

1. The operator's license contains the marking specified in s. 343.03 (3r) or the identification card contains the marking specified in s. 343.50 (3) (b).

2. The operator's license or identification card is processed and issued or renewed in compliance with applicable department practices and procedures that were in effect immediately prior to the effective date of this subdivision [LRB inserts date].

(b) In addition to other instances of original issuance or renewal, this subsection specifically applies to renewals occurring after the effective date of this paragraph [LRB inserts date], of operator's licenses or identification cards originally issued prior to the effective date of this paragraph [LRB inserts date].

SECTION 3161. 343.17 (3) (a) 2. of the statutes is amended to read:

343.17 (3) (a) 2. A color photograph of the person, unless the exception under s. 343.14 (3m) applies.

SECTION 3162. 343.17 (3) (a) 14. of the statutes is created to read:

343.17 (3) (a) 14. If the license contains the marking specified in s. 343.03 (3r), a distinctive appearance specified by the department that clearly distinguishes the license from other operator's licenses or identification cards issued by the department and that alerts federal agency and other law enforcement personnel that the license may not be accepted for federal identification or any other official purpose.

SECTION 3163. 343.17 (5) of the statutes is amended to read:

343.17 (5) **NO PHOTOS ON TEMPORARY LICENSES.** The temporary licenses issued under ss. 343.10, 343.11 (1) and (3), 343.16 (6) (b), and 343.305 (8) (a) shall be on forms provided by the department and shall contain the information required by sub. (3), except the license is that temporary licenses under ss. 343.16 (6) (b) and 343.305 (8) (a), and temporary licenses subject to any photograph

exception under s. 343.14 (3), are not required to include a photograph of the licensee.

SECTION 3164. 343.17 (5) of the statutes, as affected by 2007 Wisconsin Act 20 and 2011 Wisconsin Act ... (this act), is repealed and recreated to read:

343.17 (5) **NO PHOTOS ON TEMPORARY LICENSES.** The temporary licenses issued under ss. 343.10, 343.11 (1) and (3), 343.16 (6) (b), and 343.305 (8) (a) shall be on forms provided by the department and shall contain the information required by sub. (3), except that temporary licenses under ss. 343.16 (6) (b) and 343.305 (8) (a) are not required to include a photograph of the licensee. This subsection does not apply to a noncitizen temporary license, as described in s. 343.03 (3m).

SECTION 3165. 343.20 (2) (a) of the statutes is amended to read:

343.20 (2) (a) ~~The~~ At least 30 days prior to the expiration of an operator's license, the department shall ~~mail to the~~ provide to the licensee notice of renewal of the license either by mail at the licensee's last-known address of a licensee at least 30 days prior to the expiration of the license a notice of the date upon which the license must be renewed or, if desired by the licensee, by any electronic means offered by the department.

SECTION 3166. 343.20 (2) (a) of the statutes, as affected by 2007 Wisconsin Act 20 and 2011 Wisconsin Act ... (this act), is repealed and recreated to read:

343.20 (2) (a) At least 30 days prior to the expiration of an operator's license, the department shall provide to the licensee notice of renewal of the license either by mail at the licensee's last-known address or, if desired by the licensee, by any electronic means offered by the department. If the license was issued or last renewed based upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es) 4. to 7., the notice shall inform the licensee of the requirement under s. 343.165 (4) (c).

SECTION 3167. 343.20 (2) (b) of the statutes is amended to read:

343.20 (2) (b) Notwithstanding par. (a), at least 60 days prior to the expiration of an "H" endorsement specified in s. 343.17 (3) (d) 1m., the department of transportation shall ~~mail~~ provide a notice to the ~~licensee either by mail at the licensee's last-known address of the licensee or, if desired by the licensee, by any electronic means offered by the department of transportation~~ that the licensee is required to pass a security threat assessment screening by the federal transportation security administration of the federal department of homeland security as part of the application to renew the endorsement. The notice shall inform the licensee that the licensee may commence the federal security threat assessment screening at any time, but no later than 30 days before expiration of the endorsement.

SECTION 3168m. 343.21 (2) (a) of the statutes is amended to read:

343.21 (2) (a) In addition to the fees set under sub. (1), any applicant whose application for a permit, license, upgrade or endorsement, taken together with the applicant's currently valid license, if any, requires the department to administer a driving skills test of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle shall pay to the department an examination fee of \$20 for an examination in a commercial motor vehicle other than a school bus and \$15 for an examination in any other vehicle. Payment Except with respect to examination in a "Class D" vehicle, payment of the examination fee entitles the applicant to not more than 3 tests of the applicant's ability to exercise reasonable control in the operation of a motor vehicle. If the applicant does not qualify for issuance of a license, upgraded license or endorsement in 3 such tests, then a 2nd examination fee in the same amount shall be paid, which payment entitles the applicant to not more than 3 additional tests. For an examination in a "Class D" vehicle, a \$15 examination fee shall be paid for each examination.

SECTION 3170. 343.315 (2) (h) of the statutes is amended to read:

343.315 (2) (h) Except as provided in par. (i), a person shall be disqualified for a period of 90 days from operating a commercial motor vehicle if convicted of an out-of-service violation, or 2 years if convicted of 2 out-of-service violations, or 3 years if convicted of 3 or more out-of-service violations, arising from separate occurrences committed within a 10-year period while operating a commercial motor vehicle. A disqualification under this paragraph shall be in addition to any penalty imposed under s. 343.44. In this paragraph, "out-of-service violation" means violating s. 343.44 (1) (c) or a law of another jurisdiction for an offense therein which, if committed in this state, would have been a violation of s. 343.44 (1) (c), ~~by operating a commercial motor vehicle while the operator or vehicle is ordered out-of-service under the law of this state or another jurisdiction or under federal law,~~ if the operator holds a commercial driver license or is required to hold a commercial driver license to operate the commercial motor vehicle.

SECTION 3171. 343.44 (1) (c) of the statutes is amended to read:

343.44 (1) (c) *Operating while ordered out-of-service.* No person may operate a commercial motor vehicle while the person or the commercial motor vehicle is ordered out-of-service under the law of this state or another jurisdiction or under federal law. No person may operate a commercial motor vehicle for which the motor carrier identified on the motor vehicle's registration application as the motor carrier responsible for safety of the vehicle has been issued a federal out-of-service order for unsatisfactory safety compliance, while this federal out-of-service order is in effect.

SECTION 3172. 343.50 (1) of the statutes is renumbered 343.50 (1) (a).

SECTION 3173. 343.50 (1) of the statutes, as affected by 2007 Wisconsin Act 20 and 2011 Wisconsin Act ... (this act), is repealed and recreated to read:

343.50 (1) (a) Subject to par. (b) and s. 343.165, the department shall issue to every qualified applicant, who has paid all required fees, an identification card as provided in this section.

(b) The department may not issue an identification card to a person previously issued an operator's license in another jurisdiction unless the person surrenders to the department any valid operator's license possessed by the person issued by another jurisdiction, which surrender operates as a cancellation of the license insofar as the person's privilege to operate a motor vehicle in this state is concerned. Within 30 days following issuance of the identification card under this section, the department shall destroy any operator's license surrendered under this paragraph and report to the jurisdiction that issued the surrendered operator's license that the license has been destroyed and the person has been issued an identification card in this state.

(c) The department may issue a receipt to any applicant for an identification card, which receipt shall constitute a temporary identification card while the application is being processed and shall be valid for a period not to exceed 60 days. If the application for an identification card is processed under the exception specified in s. 343.165 (7), the receipt shall include the marking specified in sub. (3) (b).

SECTION 3174. 343.50 (1) (c) of the statutes is created to read:

343.50 (1) (c) The department may issue a receipt to any applicant for an identification card, which receipt shall constitute a temporary identification card while the application is being processed and shall be valid for a period not to exceed 60 days.

SECTION 3175. 343.50 (3) of the statutes is amended to read:

343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as an operator's license but shall be of a design which is readily distinguishable from the design of an operator's license and bear upon it the words "IDENTIFICATION CARD ONLY". The information on the card shall be the same as specified under s. 343.17 (3). The card may serve as a record of gift under s. 157.06 (2) (t) and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may also serve as a record of refusal under s. 157.06 (2) (u). The Except as provided in sub. (4g), the card shall contain the holder's photograph and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

SECTION 3176. 343.50 (3) of the statutes, as affected by 2007 Wisconsin Act 20 and 2011 Wisconsin Act ... (this act), is repealed and recreated to read:

343.50 (3) DESIGN AND CONTENTS OF CARD. (a) The card shall be the same size as an operator's license but shall be of a design which is readily distinguishable from the design of an operator's license and bear upon it the words "IDENTIFICATION CARD ONLY." The information on the card shall be the same as specified under s. 343.17 (3). If the issuance of the card requires the applicant to present any documentary proof specified in s. 343.14 (2) (es) 4. to 7., the card shall display, on the front side of the card, a legend identifying the card as temporary. The card shall contain physical security features consistent with any requirement under federal law. The card may serve as a record of gift under s. 157.06 (2) (t) and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may also serve as a record of refusal under s. 157.06 (2) (u). Except as provided in sub. (4g), the card shall contain the holder's photograph and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

(b) If an identification card is issued based upon the exception specified in s. 343.165 (7), the card shall, in addition to any other required legend or design, be of the design specified under s. 343.17 (3) (a) 14. and include a marking similar or identical to the marking described in s. 343.03 (3r).

SECTION 3177. 343.50 (4) of the statutes is amended to read:

343.50 (4) APPLICATION. The application for an identification card shall include any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (em), and (er), and such further information as the department may reasonably require to enable it to determine whether the applicant is entitled by law to an identification card. The Except with respect to renewals by mail or electronic means as authorized under sub. (6), and except as provided in sub. (4g), the department shall, as part of the application process for original issuance or renewal of an identification card, take a photograph of the applicant to comply with sub. (3). ~~No application may be processed without the photograph being taken.~~ Misrepresentations in violation of s. 343.14 (5) are punishable as provided in s. 343.14 (9).

SECTION 3178. 343.50 (4) of the statutes, as affected by 2007 Wisconsin Act 20 and 2011 Wisconsin Act ... (this act), is repealed and recreated to read:

343.50 (4) APPLICATION. The application for an identification card shall include any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (em), and (es), and such further information as the department may reasonably require to enable it to determine whether the applicant is entitled by law to an identification card. Except with respect to renewals described in s. 343.165 (4) (d) or renewals by mail or electronic means as authorized under sub. (6), and except as provided in sub. (4g), the department shall, as part of the application process for original issuance or renewal of an identifica-