

1           \***-1215/P3.319**\*SECTION 2515. 76.638 (1) of the statutes is amended to read:

2           76.638 (1) DEFINITIONS. In this section, “fund manager” means an investment  
3 fund manager certified under s. 235.15 (2) or s. 238.15 (2), 2013 stats., or s. 560.205  
4 (2), 2009 stats.

5           \***-1215/P3.320**\*SECTION 2516. 76.638 (2) of the statutes is amended to read:

6           76.638 (2) FILING CLAIMS. For taxable years beginning after December 31, 2008,  
7 subject to the limitations provided under this subsection and s. 235.15 or s. 238.15,  
8 2013 stats., or s. 560.205, 2009 stats., an insurer may claim as a credit against the  
9 fees imposed under s. 76.60, 76.63, 76.65, 76.66, or 76.67, 25 percent of the insurer’s  
10 investment paid to a fund manager that the fund manager invests in a business  
11 certified under s. 235.15 or s. 238.15, 2013 stats., or s. 560.205 (1), 2009 stats.

12           \***-0602/P4.14**\*SECTION 2517. 76.80 (3) of the statutes is amended to read:

13           76.80 (3) “Telecommunications services” means the transmission of voice,  
14 video, facsimile or data messages, including telegraph messages, except that  
15 “telecommunications services” does not include video service, as defined in s. 66.0420  
16 (2) (y), radio, one-way radio paging or transmitting messages incidental to transient  
17 occupancy in hotels, as defined in ~~s. 254.61(3)~~ 97.01 (7).

18           \***-0310/P4.1**\*SECTION 2518. 77.51 (13) (intro.) of the statutes is amended to  
19 read:

20           77.51 (13) (intro.) “Retailer” Except as provided in sub. (13b), “retailer”  
21 includes:

22           \***-0310/P4.2**\*SECTION 2519. 77.51 (13b) of the statutes is created to read:

23           77.51 (13b) (a) In this subsection:

24           1. “Affiliate” means a person that directly or indirectly, through one or more  
25 intermediaries, controls or is controlled by, or is under common control with, another

1 person. For purposes of this subdivision, a person controls another person if that  
2 person holds at least 50 percent ownership interest in the other person.

3 2. “Distribution facility” means an establishment where tangible personal  
4 property is stored and processed for delivery to customers and where no retail sales  
5 of the property are made.

6 3. “Third-party seller” means a person who owns tangible personal property  
7 or items under s. 77.52 (1) (b), who enters into a contract with a person described in  
8 par. (b) for the sale of the tangible personal property or items and who is not an  
9 affiliate of the person described in par. (b).

10 (b) Except as provided in par. (c), “retailer” does not include a person, or the  
11 person’s affiliates, making sales of tangible personal property or items under s. 77.52  
12 (1) (b), if all of the following apply:

13 1. The person or any of the person’s affiliates operates a distribution facility.

14 2. The person or any of the person’s affiliates sells the tangible personal  
15 property or items under s. 77.52 (1) (b), on behalf of a 3rd-party seller.

16 3. The 3rd-party seller owns the tangible personal property or items under s.  
17 77.52 (1) (b), and is disclosed to the customer as the seller.

18 4. Neither the person nor any affiliate of the person makes any sales for which  
19 the customer takes possession of the tangible personal property or items under s.  
20 77.52 (1) (b), at a location operated by the person or any of the person’s affiliates.

21 (c) Paragraph (b) does not apply to sales at auction; sales of tangible personal  
22 property or items under s. 77.52 (1) (b), owned or previously owned by the person  
23 operating the distribution facility or by any of the person’s affiliates; or the sales of  
24 any of the following that are registered or titled, or required to be registered or titled,  
25 under the laws of this state, or of the United States:

- 1 1. Motor vehicles.
- 2 2. Aircraft.
- 3 3. Snowmobiles.
- 4 4. Recreational vehicles, as defined in s. 340.01 (48r).
- 5 5. Trailers.
- 6 6. Semitrailers.
- 7 7. All-terrain vehicles.
- 8 8. Utility terrain vehicles.
- 9 9. Boats.

10 \*~~1211/P3.1~~**SECTION 2520.** 77.51 (13g) (intro.) of the statutes is amended to  
11 read:

12 77.51 (13g) (intro.) Except as provided in sub. (13h), “retailer engaged in  
13 business in this state”, for purposes of the use tax, ~~means~~ includes any of the  
14 following:

15 \*~~1211/P3.2~~**SECTION 2521.** 77.51 (13g) (a) of the statutes is amended to read:

16 77.51 (13g) (a) Any retailer owning any real property in this state ~~or~~

17 (ab) Any retailer leasing or renting out any tangible personal property, or items  
18 or property under s. 77.52 (1) (b) or (c), ~~located in~~ if the lease or rental is sourced to  
19 ~~this state or~~ under s. 77.522.

20 (ac) Any retailer maintaining, occupying, or using, permanently or  
21 temporarily, directly or indirectly, or through a subsidiary, ~~or an~~ an agent, ~~by whatever~~  
22 ~~name called~~ or some other person, an office, place of distribution, sales or sample  
23 room or place, warehouse or storage place, or other place of business in this state.

24 \*~~1211/P3.3~~**SECTION 2522.** 77.51 (13g) (b) of the statutes is amended to read:

1           77.51 (13g) (b) Any retailer having any representative, including a  
2 manufacturer's representative, agent, salesperson, canvasser, or solicitor operating  
3 in this state under the authority of the retailer or its subsidiary for the purpose of  
4 selling, delivering, or the taking of orders for any tangible personal property, or  
5 items, property, or goods under s. 77.52 (1) (b), (c), or (d), or taxable services or for the  
6 purpose of performing any of the other activities described in this subsection.

7           \*~~-1211/P3.4~~\*SECTION 2523. 77.51 (13g) (e) of the statutes is created to read:

8           77.51 (13g) (e) Any person servicing, repairing, or installing equipment or  
9 other tangible personal property, or items, property, or goods under s. 77.52 (1) (b),  
10 (c), or (d) in this state.

11           \*~~-1211/P3.5~~\*SECTION 2524. 77.51 (13g) (f) of the statutes is created to read:

12           77.51 (13g) (f) Any person delivering tangible personal property or items under  
13 s. 77.52 (1) (b) into this state in a vehicle operated by the person that sells the  
14 property or items that are delivered.

15           \*~~-1211/P3.6~~\*SECTION 2525. 77.51 (13g) (g) of the statutes is created to read:

16           77.51 (13g) (g) Any person performing construction activities in this state.

17           \*~~-1215/P3.321~~\*SECTION 2526. 77.54 (9a) (a) of the statutes is amended to read:

18           77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin  
19 Hospitals and Clinics Authority, the University of Wisconsin System Authority, the  
20 Wisconsin Aerospace Authority, ~~the Wisconsin Economic Development Corporation~~  
21 Forward Wisconsin Development Authority, and the Fox River Navigational System  
22 Authority.

      \*\*\*\*NOTE: This is reconciled s. 77.54 (9a) (a). This SECTION has been affected by  
drafts with the following LRB numbers: -0971/P4 and -1215/P2.

23           \*~~-1253/2.6~~\*SECTION 2527. 77.59 (5) of the statutes is amended to read:

1           77.59 (5) The department may offset the amount of any refund for a period,  
2 together with interest on the refund, against deficiencies for another period, and  
3 against penalties and interest on the deficiencies, or against any amount of whatever  
4 kind, due and owing on the books of the department from the person who is entitled  
5 to the refund. If the refund is to be paid to a buyer, the department may also set off  
6 amounts in the manner in which it sets off income tax and franchise tax refunds  
7 under s. 71.93 and may set off amounts for child support or maintenance or both in  
8 the manner in which it sets off income taxes under ss. 49.855 and 71.93 (3), (6) and  
9 (7). No person has any right to, or interest in, any refund under this chapter until  
10 setoff under ss. 49.855, 71.93, and 71.935 has been completed.

11           \***-0971/P5.552**\*SECTION 2528. 77.665 of the statutes is created to read:

12           **77.665 Educational programs. (1)** In fiscal year 2017–18, \$753,533,000 of  
13 the taxes collected under this subchapter shall be used to pay the amounts under s.  
14 20.285 (1) (a).

15           **(2)** In fiscal year 2018–19, and in each fiscal year thereafter, the amount of the  
16 taxes collected under this subchapter that is used to pay the amounts under s. 20.285  
17 (1) (a) is the amount used in the previous fiscal year, adjusted annually on July 1 to  
18 reflect any changes in the U.S. consumer price index for all urban consumers, U.S.  
19 city average, as determined by the U.S. department of labor, for the 12–month period  
20 ending on the preceding December 31.

21           \***-1047/3.1**\*SECTION 2529. 77.86 (1) (b) of the statutes is renumbered 77.86 (1)  
22 (b) 1. and amended to read:

23           77.86 (1) (b) 1. Except as provided under sub. (6), an owner who intends to cut  
24 merchantable timber on managed forest land shall, at least 30 days before the  
25 cutting is to take place, on a form provided by the department, file a notice of intent

1 to cut and, except as provided under subd. 2., request approval of the proposed  
2 cutting from the department.

3 \*~~1047/3.2~~**SECTION 2530.** 77.86 (1) (b) 2. of the statutes is created to read:

4 77.86 (1) (b) 2. An owner who is required under the terms of an approved  
5 management plan to cut merchantable timber on managed forest land is not required  
6 to obtain approval of the cutting of that timber before the cutting takes place if a  
7 cooperating forester authorized under s. 28.05 to assist the state in the harvesting  
8 and sale of timber provided the required notice of intent to cut to the department  
9 under subd. 1.

10 \*~~1047/3.3~~**SECTION 2531.** 77.86 (3) of the statutes is amended to read:

11 77.86 (3) TIME LIMIT. All cutting specified in the notice under sub. (1) (b) shall  
12 be commenced within one year after the date the proposed cutting is approved or, if  
13 approval is not required under sub. (1) (b) 2., within one year after the date on which  
14 the notice under sub. (1) (b) 1. is filed. The owner shall report to the department the  
15 date on which the cutting is commenced.

16 \*~~1047/3.4~~**SECTION 2532.** 77.86 (4) of the statutes is amended to read:

17 77.86 (4) REPORTING. Within 30 days after completion of any cutting approved  
18 under this section, the owner shall report to the department, on a form provided by  
19 the department, a description of the species of wood, kind of product and the quantity  
20 of each species cut as shown by the scale or measurement made on the ground as cut,  
21 skidded, loaded or delivered, or by tree scale certified by a forester acceptable to the  
22 department if the wood is sold by tree measurement.

23 \*~~0801/P2.27~~**SECTION 2533.** 77.895 (1) (d) of the statutes is amended to read:

24 77.895 (1) (d) “Nonprofit conservation organization” has the meaning given in  
25 s. ~~23.0955~~(1) 23.09 (20m) (a) 3.

1           \*~~1215/P3.322~~\*SECTION 2534. 79.04 (7) (a) of the statutes is amended to read:

2           79.04 (7) (a) Beginning with payments in 2005, if a production plant, as  
3 described in sub. (6) (a), other than a nuclear-powered production plant, is built on  
4 the site of, or on a site adjacent to, an existing or decommissioned production plant;  
5 or is built on a site purchased by a public utility before January 1, 1980, that was  
6 identified in an advance plan as a proposed site for a production plant; or is built on,  
7 or on a site adjacent to, brownfields, as defined in s. ~~238.13~~ 235.13 (1) (a) or s. 560.13  
8 (1) (a), 2009 stats., after December 31, 2003, and has a name-plate capacity of at  
9 least one megawatt, each municipality and county in which such a production plant  
10 is located shall receive annually from the public utility account a payment in an  
11 amount that is equal to the number of megawatts that represents the production  
12 plant's name-plate capacity, multiplied by \$600.

13           \*~~1283/P3.1~~\*SECTION 2535. 79.10 (7m) (a) 1. of the statutes is renumbered  
14 79.10 (7m) (a) 1. (intro.) and amended to read:

15           79.10 (7m) (a) 1. (intro.) Except as provided in par. (cm), the amount  
16 determined under sub. (4) shall be distributed by the department of administration  
17 to the counties on the 4th Monday in July, except as follows:

18           \*~~1283/P3.2~~\*SECTION 2536. 79.10 (7m) (a) 1. a. of the statutes is created to  
19 read:

20           79.10 (7m) (a) 1. a. In the 2016-17 fiscal year, the department of administration  
21 shall distribute \$853,000,000 on the 4th Monday in July, 2016, related to the 2015  
22 property tax levies, and \$105,600,000 on the 4th Monday in June, 2017, related to  
23 the 2016 property tax levies.

24           \*~~1283/P3.3~~\*SECTION 2537. 79.10 (7m) (a) 1. b. of the statutes is created to  
25 read:

1           79.10 (7m) (a) 1. b. In the 2017–18 fiscal year, and in each fiscal year thereafter,  
2 the department of administration shall distribute \$747,400,000 on the 4th Monday  
3 in July, related to property taxes levied in the prior calendar year, and \$105,600,000  
4 on the following 4th Monday in June, related to property taxes levied in the most  
5 recent calendar year.

6           \***-1283/P3.4**\*SECTION 2538. 79.10 (7m) (a) 2. of the statutes is amended to  
7 read:

8           79.10 (7m) (a) 2. Except as provided in par. (cm), the county treasurer shall  
9 settle for the amounts distributed under this paragraph ~~on the 4th Monday in July~~  
10 with each municipality and taxing jurisdiction in the county not later than August  
11 20. Failure to settle timely under this subdivision subjects the county treasurer to  
12 the penalties under s. 74.31.

13           \***-1283/P3.5**\*SECTION 2539. 79.10 (7m) (cm) 1. b. of the statutes is amended  
14 to read:

15           79.10 (7m) (cm) 1. b. The treasurer of the municipality shall settle for the  
16 amounts distributed under pars. (a) 1. and (c) 1. ~~on the 4th Monday in July~~ with the  
17 appropriate county treasurer not later than August 15. Failure to settle timely  
18 under this subdivision subjects the treasurer of the municipality to the penalties  
19 under s. 74.31. On or before August 20, the county treasurer shall settle with each  
20 taxing jurisdiction, including towns, villages, and cities, except 1st class cities, in the  
21 county.

22           \***-1283/P3.6**\*SECTION 2540. 79.10 (7m) (cm) 2. b. of the statutes is amended  
23 to read:

24           79.10 (7m) (cm) 2. b. The treasurer of the municipality shall settle for the  
25 amounts distributed under pars. (a) 1. and (c) 1. ~~on the 4th Monday in July~~ with the



1 appropriate county treasurer not later than August 15. Failure to settle timely  
2 under this subdivision subjects the treasurer of the municipality to the penalties  
3 under s. 74.31. On or before August 20, the county treasurer shall settle with each  
4 taxing jurisdiction, including towns, villages, and cities, except 1st class cities, in the  
5 county.

6 \*~~1283/P3.7~~**SECTION 2541.** 79.14 of the statutes is amended to read:

7 **79.14 School levy tax credit.** The appropriation under s. 20.835 (3) (b), for  
8 the payments under s. 79.10 (4), is \$319,305,000 in 1994, 1995, and 1996;  
9 \$469,305,000 beginning in 1997 and ending in 2006; \$593,050,000 in 2007;  
10 \$672,400,000 in 2008; \$747,400,000 in 2009; \$732,550,000 in 2010, 2011, and 2012;  
11 and \$747,400,000 in 2013, 2014, and 2015; \$958,600,000 in fiscal year 2016–17; and  
12 \$853,000,000 in fiscal year 2017–18 and in each fiscal year thereafter.

13 \*~~1215/P3.323~~**SECTION 2542.** 84.01 (6m) (b) (intro.) of the statutes is  
14 amended to read:

15 84.01 (6m) (b) (intro.) The department, in consultation with the ~~Wisconsin~~  
16 ~~Economic Development Corporation~~ Forward Wisconsin Development Authority,  
17 shall do all of the following for each economic development program administered by  
18 the department:

19 \*~~1215/P3.324~~**SECTION 2543.** 84.01 (11m) (a) of the statutes is amended to  
20 read:

21 84.01 (11m) (a) The department shall coordinate any economic development  
22 assistance with the ~~Wisconsin Economic Development Corporation~~ Forward  
23 Wisconsin Development Authority.

24 \*~~1215/P3.325~~**SECTION 2544.** 84.01 (11m) (b) of the statutes is amended to  
25 read:

1           84.01 (11m) (b) Annually, no later than October 1, the department shall submit  
2 to the joint legislative audit committee and to the appropriate standing committees  
3 of the legislature under s. 13.172 (3) a comprehensive report assessing economic  
4 development programs, as defined in sub. (6m) (a), administered by the department.  
5 The report shall include all of the information required under s. ~~238.07~~ 235.016 (2).  
6 The department shall collaborate with the ~~Wisconsin Economic Development~~  
7 ~~Corporation~~ Forward Wisconsin Development Authority to make readily accessible  
8 to the public on an Internet-based system the information required under this  
9 subsection.

10           \*~~0841/P2.7~~\*SECTION 2545. 84.01 (13) of the statutes is renumbered 84.01 (13)

11 (b) and amended to read:

12           84.01 (13) (b) The department may engage such engineering, consulting,  
13 surveying, or other specialized services as it deems advisable. Any engagement of  
14 services under this subsection is exempt from ss. 16.70 to 16.75, 16.755 to 16.82, and  
15 16.85 to 16.89, but ss. 16.528, 16.752, 16.753, and 16.754 apply to such engagement.  
16 Any engagement involving an expenditure of \$3,000 or more shall be by formal  
17 contract approved by the governor. The department shall conduct a uniform  
18 cost-benefit analysis, ~~as defined in s. 16.70 (3g)~~, of each proposed engagement under  
19 this subsection that involves an estimated expenditure of more than \$300,000 in  
20 accordance with standards prescribed by rule of the department. The department  
21 shall review periodically, and before any renewal, the continued appropriateness of  
22 contracting pursuant to each engagement under this subsection that involves an  
23 estimated expenditure of more than \$300,000.

24           \*~~0841/P2.8~~\*SECTION 2546. 84.01 (13) (a) of the statutes is created to read:

1           84.01 (13) (a) In this subsection, “cost–benefit analysis” means a  
2 comprehensive study to identify and compare the total cost, quality, technical  
3 expertise, and timeliness of a service performed by state employees and resources  
4 with the total cost, quality, technical expertise, and timeliness of the same service  
5 obtained by means of a contract for contractual services.

6           \*–1262/P1.1\*SECTION 2547. 84.01 (35) of the statutes is repealed.

7           \*–0391/P4.2\*SECTION 2548. 84.01 (36) (d) of the statutes is renumbered 84.01  
8 (36) (d) 1. and amended to read:

9           84.01 (36) (d) 1. All Except as provided in subd. 2., all fees received under this  
10 subsection shall be deposited in the general fund and credited to the appropriation  
11 account under s. 20.395 (3) (eg).

12           \*–0391/P4.3\*SECTION 2549. 84.01 (36) (d) 2. of the statutes is created to read:

13           84.01 (36) (d) 2. All fees received under this subsection from sponsorship  
14 agreements under which the department displays information associated with the  
15 sponsor at a passenger railroad station shall be deposited in the transportation fund.

16           \*–0743/P1.1\*SECTION 2550. 84.013 (3) (ai) of the statutes is repealed.

17           \*–0743/P1.2\*SECTION 2551. 84.013 (3) (kg) of the statutes is repealed.

18           \*–0743/P1.3\*SECTION 2552. 84.013 (3) (rm) of the statutes is repealed.

19           \*–0743/P1.4\*SECTION 2553. 84.013 (3) (tr) of the statutes is repealed.

20           \*–0940/P1.1\*SECTION 2554. 84.0145 (1) (a) of the statutes is renumbered  
21 84.0145 (1) (ap).

22           \*–0940/P1.2\*SECTION 2555. 84.0145 (1) (ah) of the statutes is created to read:

23           84.0145 (1) (ah) “I 94 east–west project” means the reconstruction of the I 94  
24 freeway in Milwaukee County from 70th Street to 16th Street, including all  
25 interchanges.

1           \*-0741/P2.4\*SECTION 2556. 84.0145 (2) of the statutes is amended to read:

2           84.0145 (2) Subject to sub. (3) and s. 86.255, any southeast Wisconsin freeway  
3 megaproject may be funded only from the appropriations under ss. 20.395 (3) (aq),  
4 (ar), (av), (ax), and (ct) <sup>( ) ← score parents</sup> and <sup>AK</sup>4(jq) and 20.866 (2) (uup) and (uur).

5           \*-0940/P1.3\*SECTION 2557. 84.0145 (3) (b) 3. of the statutes is created to read:

6           84.0145 (3) (b) 3. The I 94 east-west project.

7           \*-0389/P3.1\*SECTION 2558. 84.06 (1) (a) of the statutes is renumbered 84.06  
8 (1) (am).

9           \*-0389/P3.2\*SECTION 2559. 84.06 (1) (ag) of the statutes is created to read:

10          84.06 (1) (ag) "Construction manager" means a person in the business of  
11 providing construction services that is also qualified to supervise, manage, or  
12 otherwise participate in the engineering, design, or construction work for an  
13 improvement project.

14          \*-0389/P3.3\*SECTION 2560. 84.06 (1) (aj) of the statutes is created to read:

15          84.06 (1) (aj) "Construction manager-general contractor contract" means a  
16 contract for an improvement project awarded under sub. (2m).

17          \*-0389/P3.4\*SECTION 2561. 84.06 (2) (a) of the statutes is amended to read:

18          84.06 (2) (a) All such highway improvements shall be executed by contract  
19 based on bids unless the department finds that another method as provided in sub.  
20 (2m), (3), or (4) would be more feasible and advantageous. Bids shall be advertised  
21 for in the manner determined by the department. Except as provided in s. 84.075,  
22 the contract shall be awarded to the lowest competent and responsible bidder as  
23 determined by the department. If the bid of the lowest competent bidder is  
24 determined by the department to be in excess of the estimated reasonable value of  
25 the work or not in the public interest, all bids may be rejected. The department shall,

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1 so far as reasonable, follow uniform methods of advertising for bids and may  
2 prescribe and require uniform forms of bids and contracts. Except as provided in par.  
3 (b), the secretary shall enter into the contract on behalf of the state. Every such  
4 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but  
5 ss. 16.528, 16.752, 16.753, and 16.754 apply to the contract. Any such contract  
6 involving an expenditure of \$1,000 or more shall not be valid until approved by the  
7 governor. The secretary may require the attorney general to examine any contract  
8 and any bond submitted in connection with the contract and report on its sufficiency  
9 of form and execution. The bond required by s. 779.14 (1m) is exempt from approval  
10 by the governor and shall be subject to approval by the secretary. This subsection  
11 also applies to contracts with private contractors based on bids for maintenance  
12 under s. 84.07.

13 \*~~0389/P3.5~~SECTION 2562. 84.06 (2m) of the statutes is created to read:

14 84.06 (2m) CONSTRUCTION MANAGER-GENERAL CONTRACTOR PROCESS. (a) Prior to  
15 July 1, 2019, if the department finds that it would be more feasible and  
16 advantageous, the department may award a 2-phase construction manager-general  
17 contractor contract to a construction manager for preconstruction and construction  
18 services for an improvement project.

19 (b) The department may award a construction manager-general contractor  
20 contract to a construction manager based on qualifications, experience, best value,  
21 or any other combination of factors the department considers appropriate.

22 (c) Before the project design is 90 percent complete, the construction manager  
23 shall provide to the department a proposal for the construction manager to construct  
24 the project which does all of the following:

25 1. Includes a guaranteed maximum price.

1           2. Certifies that at least 30 percent of the work for the construction phase shall  
2 be performed by the construction manager.

3           (d) The department shall obtain an independent cost estimate for the  
4 construction of the project.

5           (e) For the construction phase, the department may do any of the following:

6           1. Enter into a construction contract with the construction manager pursuant  
7 to a proposal under par. (c).

8           2. Award the construction contract in accordance with sub. (2).

9           (f) The department may utilize a construction manager-general contractor  
10 contract for no more than 3 highway improvement projects.

11           \*~~0807/P6.230~~\*SECTION 2563. 84.075 (1c) (a) of the statutes is amended to  
12 read:

13           84.075 (1c) (a) “Disabled veteran-owned business” means a business certified  
14 ~~by the department of administration~~ under s. ~~16.283~~ 203.03 (3).

15           \*~~0807/P6.231~~\*SECTION 2564. 84.075 (1c) (b) of the statutes is amended to  
16 read:

17           84.075 (1c) (b) “Minority business” means a business certified ~~by the~~  
18 ~~department of administration~~ under s. ~~16.287~~ 203.07 (2).

19           \*~~0807/P6.232~~\*SECTION 2565. 84.076 (1) (c) of the statutes is amended to read:  
20           84.076 (1) (c) “Minority business” has the meaning given under s. ~~16.287~~ 203.07  
21 (1) (e) 1.

22           \*~~0807/P6.233~~\*SECTION 2566. 84.076 (1) (d) of the statutes is amended to  
23 read:

24           84.076 (1) (d) “Minority group member” has the meaning given under s. ~~16.287~~  
25 203.07 (1) (f).

1           \***-0967/P1.1\*SECTION 2567.** 84.185 (2) (b) 5. of the statutes is amended to read:

2           84.185 (2) (b) 5. Whether the political subdivision will contribute, from funds  
3 not provided by this state, not less than 50% 20 percent of the cost of the  
4 improvement.

5           \***-0967/P1.2\*SECTION 2568.** 84.185 (3) (a) 1. of the statutes is amended to read:

6           84.185 (3) (a) 1. 50% Eighty percent of the anticipated cost of the improvement.

7           \***-0967/P1.3\*SECTION 2569.** 84.185 (3) (b) 3. a. of the statutes is amended to  
8 read:

9           84.185 (3) (b) 3. a. The grant ceiling determined under par. (a) is based on 50%  
10 80 percent of the anticipated cost of the improvement and would result in a grant  
11 exceeding \$1 million.

12           \***-0967/P1.4\*SECTION 2570.** 84.185 (6m) of the statutes is amended to read:

13           84.185 (6m) ADMINISTRATION. From the appropriations under s. 20.395 (2) (iq),  
14 (iv) and (ix), upon the approval of the secretary under sub. (2), the department may  
15 make improvements to or provide other assistance for the improvement of a  
16 transportation facility under sub. (1) (d) 1. to 3. or provide other assistance for the  
17 improvement of a transportation facility under sub. (1) (d) 4. or 5. The department  
18 may make loans from the appropriations under s. 20.395 (2) (iq) and (iw) for the  
19 improvement of a transportation facility. The state share of costs for the  
20 improvement of a transportation facility, including any loans made under this  
21 subsection for the improvement of the transportation facility, may not exceed 50%  
22 80 percent of the cost of the improvement.

23           \***-0971/P5.553\*SECTION 2571.** 84.27 of the statutes is amended to read:

24           **84.27 Institution roads.** The department may administer a program to  
25 improve highways forming convenient connections between the University of

1 Wisconsin System Authority and state charitable or penal institutions, and the state  
2 trunk highway system, or to construct roadways under or over state trunk highways  
3 that pass through the grounds thereof, or to construct and maintain all drives and  
4 roadways on such grounds or the grounds of the state capitol. Within the limitations  
5 and for the purposes of this section, work may be performed by or under the  
6 supervision or authority of the department, upon the request for such work filed by  
7 the board of regents of the University of Wisconsin System Authority or the state  
8 boards, commissions, departments or officers, respectively, as to such work in  
9 connection with the institution controlled by them. The cost of any work under this  
10 section shall be the responsibility of the board of regents of the University of  
11 Wisconsin System Authority or the state boards, commissions, departments or  
12 officers involved.

13 **\*-0741/P2.5\*SECTION 2572.** 84.59 (1) of the statutes is amended to read:

14 84.59 (1) Transportation facilities under s. 84.01 (28) and, major highway  
15 projects as defined under s. 84.013 (1) (a) for the purposes under ss. 84.06 and 84.09,  
16 and southeast Wisconsin freeway megaprojects enumerated under s. 84.0145 (3) (b)  
17 may be funded with the proceeds of revenue obligations issued subject to and in  
18 accordance with subch. II of ch. 18.

19 **\*-0742/P2.4\*SECTION 2573.** 84.59 (2) (b) of the statutes is amended to read:

20 84.59 (2) (b) The department may, under s. 18.562, deposit in a separate and  
21 distinct special fund outside the state treasury, in an account maintained by a  
22 trustee, revenues derived under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2),  
23 (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2),  
24 (2e), and (2m), 341.17 (8), 341.19 (1), 341.25, 341.255 (1), (2) (a), (b), and (c), and (5),  
25 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264 (1), 341.265 (1),



1 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.269 (2) (b), 341.30 (3), 341.305 (3),  
2 341.307 (4) (a), 341.308 (3), 341.36 (1) and (1m), 341.51 (2), and 342.14 ~~and, one-half~~  
3 of revenues collected under s. 78.01, and revenues from any payments received with  
4 respect to agreements or ancillary arrangements entered into under s. 18.55 (6) with  
5 respect to revenue obligations issued under this section. The revenues deposited are  
6 the trustee's revenues in accordance with the agreement between this state and the  
7 trustee or in accordance with the resolution pledging the revenues to the repayment  
8 of revenue obligations issued under this section. Revenue obligations issued for the  
9 purposes specified in sub. (1) and for the repayment of which revenues are deposited  
10 under this paragraph are special fund obligations, as defined in s. 18.52 (7), issued  
11 for special fund programs, as defined in s. 18.52 (8).

12 \*~~0741/P2.6~~SECTION 2574. 84.59 (6) of the statutes is amended to read:

13 84.59 (6) The building commission may contract revenue obligations when it  
14 reasonably appears to the building commission that all obligations incurred under  
15 this section can be fully paid from moneys received or anticipated and pledged to be  
16 received on a timely basis. Except as provided in this subsection, the principal  
17 amount of revenue obligations issued under this section may not exceed  
18 ~~\$3,768,059,300~~ \$4,779,086,300, excluding any obligations that have been defeased  
19 under a cash optimization program administered by the building commission, to be  
20 used for transportation facilities under s. 84.01 (28) ~~and~~, major highway projects for  
21 the purposes under ss. 84.06 and 84.09, and southeast Wisconsin freeway  
22 megaprojects enumerated under s. 84.0145 (3) (b). In addition to the foregoing limit  
23 on principal amount, the building commission may contract revenue obligations  
24 under this section as the building commission determines is desirable to refund  
25 outstanding revenue obligations contracted under this section, to make payments

1 under agreements or ancillary arrangements entered into under s. 18.55 (6) with  
2 respect to revenue obligations issued under this section, and to pay expenses  
3 associated with revenue obligations contracted under this section.

\*\*\*\*NOTE: This is reconciled s. 84.59 (6). This SECTION has been affected by drafts  
with the following LRB numbers: -0741/P1 and -0938/P2.

4 **\*-1263/P2.1\*SECTION 2575.** 85.0205 (1m) of the statutes is created to read:

5 85.0205 (1m) The department may not expend state moneys on elements of a  
6 highway improvement project that the department determines are primarily related  
7 to the aesthetic preferences of communities adjacent to the project, generally known  
8 as community sensitive solutions.

9 **\*-0745/P4.3\*SECTION 2576.** 85.066 of the statutes is created to read:

10 **85.066 Transit safety oversight program. (1) DEFINITION.** In this section,  
11 “fixed guideway transit system” means a public transportation system being  
12 designed, engineered, constructed, or operated that is intended to operate upon a  
13 fixed guideway, including a railway, and that is not subject to regulation by the  
14 federal railroad administration.

15 **(2) PROGRAM AND FUNDING.** The department shall develop and administer a  
16 transit safety oversight program. Under the program, the department may oversee,  
17 enforce, investigate, and audit all safety aspects of fixed guideway transit systems.

18 **\*-0971/P5.554\*SECTION 2577.** 85.09 (2) (a) of the statutes is amended to read:

19 85.09 (2) (a) The department of transportation shall have the first right to  
20 acquire, for present or future transportational or recreational purposes, any  
21 property used in operating a railroad or railway, including land and rails, ties,  
22 switches, trestles, bridges, and the like located on that property, that has been  
23 abandoned. The department of transportation may, in connection with abandoned

1 rail property, assign this right to a state agency, the board of regents of the University  
2 of Wisconsin System Authority, any county or municipality, or any transit  
3 commission. Acquisition by the department of transportation may be by gift,  
4 purchase, or condemnation in accordance with the procedure under s. 32.05. In  
5 addition to its property management authority under s. 85.15, the department of  
6 transportation may, subject to any prior action under s. 13.48 (14) (am) or 16.848 (1),  
7 lease and collect rents and fees for any use of rail property pending discharge of the  
8 department's duty to convey property that is not necessary for a public purpose. No  
9 person owning abandoned rail property, including any person to whom ownership  
10 reverts upon abandonment, may convey or dispose of any abandoned rail property  
11 without first obtaining a written release from the department of transportation  
12 indicating that the first right of acquisition under this subsection will not be  
13 exercised or assigned. No railroad or railway may convey any rail property prior to  
14 abandonment if the rail property is part of a rail line shown on the railroad's system  
15 map as in the process of abandonment, expected to be abandoned, or under study for  
16 possible abandonment unless the conveyance or disposal is for the purpose of  
17 providing continued rail service under another company or agency. Any conveyance  
18 made without obtaining such release is void. The first right of acquisition of the  
19 department of transportation under this subsection does not apply to any rail  
20 property declared by the department to be abandoned before January 1, 1977. The  
21 department of transportation may acquire any abandoned rail property under this  
22 section regardless of the date of its abandonment.

23 **\*-0867/P2.26\*SECTION 2578.** 85.09 (4m) of the statutes is amended to read:

24 85.09 (4m) RELOCATION PLAN. The department is exempt from s. 32.25 (1) if the  
25 department determines that acquiring rail property under this section will not result

1 in any displaced persons as defined in s. 32.19 (2) (e). The department shall file a  
2 statement of its determinations with the ~~department of administration public~~  
3 service commission.

4 \*~~0038/P3.2~~SECTION 2579. 85.22 (title) of the statutes is amended to read:

5 85.22 (title) ~~Capital assistance program for specialized~~ Specialized  
6 transportation program.

7 \*~~0038/P3.3~~SECTION 2580. 85.22 (1) of the statutes is amended to read:

8 85.22 (1) PURPOSE. The purpose of this section is to promote the general public  
9 health and welfare by providing ~~capital~~ assistance to eligible applicants providing  
10 transportation services to ~~elderly~~ seniors and ~~disabled persons~~ individuals with  
11 disabilities.

12 \*~~0038/P3.4~~SECTION 2581. 85.22 (2) (ag) of the statutes is renumbered 85.22  
13 (2) (bm) and amended to read:

14 85.22 (2) (bm) “~~Disabled person~~ Individual with a disability” means any  
15 individual who, because of any temporary or permanent physical or mental condition  
16 or institutional residence is unable without special facilities or special planning or  
17 design to use available transportation facilities and services as effectively as persons  
18 who are not so affected.

19 \*~~0038/P3.5~~SECTION 2582. 85.22 (2) (am) (intro.) of the statutes is  
20 renumbered 85.22 (2) (am) and amended to read:

21 85.22 (2) (am) “Eligible applicant” means any applicant that meets eligibility  
22 requirements for federal assistance under 49 USC 5310 (a) ~~and is one of the~~  
23 following:

24 \*~~0038/P3.6~~SECTION 2583. 85.22 (2) (am) 1. of the statutes is repealed.

25 \*~~0038/P3.7~~SECTION 2584. 85.22 (2) (am) 2. of the statutes is repealed.

1           \*~~0038/P3.8~~**SECTION 2585.** 85.22 (2) (b) of the statutes is repealed.

2           \*~~0038/P3.9~~**SECTION 2586.** 85.22 (2) (d) of the statutes is created to read:

3           85.22 (2) (d) “Senior” means any individual age 65 or older.

4           \*~~0038/P3.10~~**SECTION 2587.** 85.22 (3) (a) of the statutes is amended to read:

5           85.22 (3) (a) To receive and review ~~annually~~ applications for aid under this  
6 section and to prescribe the form, nature, and extent of information which shall be  
7 contained in applications. Each applicant shall indicate whether the transportation  
8 services it provides or proposes to provide conflict with any transportation services  
9 being assisted under s. 85.21.

10          \*~~0038/P3.11~~**SECTION 2588.** 85.22 (3) (c) of the statutes is amended to read:

11          85.22 (3) (c) To make and execute agreements with eligible applicants to  
12 provide for the undertaking of transportation services to ~~elderly~~ seniors or disabled  
13 ~~persons~~ individuals with disabilities.

14          \*~~0038/P3.12~~**SECTION 2589.** 85.22 (3) (g) of the statutes is amended to read:

15          85.22 (3) (g) To establish an ~~annual~~ application cycle for the program.

16          \*~~0038/P3.13~~**SECTION 2590.** 85.22 (3) (h) of the statutes is amended to read:

17          85.22 (3) (h) To establish, by rule, standards for the coordination of  
18 transportation services to ~~elderly~~ seniors and ~~disabled persons for purposes of s.~~  
19 ~~85.22 (2) (am) 2. b~~ individuals with disabilities. These standards may require  
20 certification by a local public body that any application for aid under this section  
21 shall be consistent with the recommendations of a local coordinating committee on  
22 transportation that has membership which is, in the department’s judgment,  
23 sufficient to provide for adequate coordination of services available in the applicable  
24 area.

## SECTION 2591

1           \***-0038/P3.14**\*SECTION 2591. 85.22 (4) (a) (intro.) of the statutes is  
2           renumbered 85.22 (4) and amended to read:

3           85.22 (4) Commencing with the highest ranked application and to the extent  
4           that state and federal moneys are available, the department shall offer to each  
5           eligible applicant an amount of state aid such that the sum of federal and state aid  
6           received by an applicant does not exceed ~~any of the following:~~ the funding limitations  
7           defined in 49 USC 5310.

8           \***-0038/P3.15**\*SECTION 2592. 85.22 (4) (a) 1. of the statutes is repealed.

9           \***-0038/P3.16**\*SECTION 2593. 85.22 (4) (a) 2. of the statutes is repealed.

10          \***-0038/P3.17**\*SECTION 2594. 85.22 (4) (b) of the statutes is repealed.

11          \***-1215/P3.326**\*SECTION 2595. 85.25 (2) (a) of the statutes is amended to read:

12          85.25 (2) (a) “Business development organization” means the Forward  
13          Wisconsin Housing and Economic Development Authority created under s. ~~234.02~~  
14          235.011 or any private organization that prepares business and loan plans for and  
15          provides other financial, management, and technical assistance to disadvantaged  
16          businesses.

17          \***-0807/P6.234**\*SECTION 2596. 85.25 (2) (c) 1m. b. of the statutes is amended  
18          to read:

19          85.25 (2) (c) 1m. b. It is currently performing a useful business function as  
20          defined in s. ~~16.287~~ 203.07 (1) (h).

21          \***-1093/P1.3**\*SECTION 2597. 85.53 of the statutes is renumbered 51.49, and  
22          51.49 (3), as renumbered, is amended to read:

23          51.49 (3) ~~Grants under this section shall be paid from the appropriation under~~  
24          ~~s. 20.395 (5) (jr).~~ The amount of a grant under this section may not exceed 80% of  
25          the amount expended by an eligible applicant for services related to the program.

1           \***-0602/P4.15\*SECTION 2598.** 87.305 (1) (intro.) of the statutes is amended to  
2 read:

3           87.305 (1) DEPARTMENT APPROVAL. (intro.) Notwithstanding s. 87.30 or any rule  
4 promulgated, order issued or ordinance adopted under that section, the department  
5 shall authorize the connection of a sanitary sewer line from the sewerage treatment  
6 plant in the city of Prairie du Chien and connection of the public water system of the  
7 city of Prairie du Chien to the railroad depot and the Dousman hotel on St. Feriole  
8 island and shall authorize historic use of the Dousman hotel as a hotel, as defined  
9 under s. ~~254.61(3)~~ 97.01 (7), if all of the following conditions are met:

10           \***-1053/P2.7\*SECTION 2599.** 89.02 (3d) of the statutes is created to read:

11           89.02 (3d) “Department” means the department of agriculture, trade and  
12 consumer protection.

13           \***-1053/P2.8\*SECTION 2600.** 89.063 of the statutes is created to read:

14           **89.063 Fees.** The department shall determine by rule the fees for each initial  
15 license, certification, and permit issued under ss. 89.06 and 89.072, and, if  
16 applicable, for renewal of the license, certification, or permit, including late fees,  
17 based on the department’s administrative and enforcement costs under this chapter.

18           \***-1053/P2.9\*SECTION 2601.** 89.085 of the statutes is created to read:

19           **89.085 Unauthorized practice.** (1) The department may conduct  
20 investigations, hold hearings, and make findings as to whether a person has engaged  
21 in a practice or used a title without a credential required under this chapter.

22           (2) If, after holding a public hearing, the department determines that a person  
23 has engaged in a practice or used a title without a required credential, the  
24 department may issue a special order enjoining the person from continuing the  
25 practice or use of the title.

1           (3) In lieu of holding a public hearing, if the department has reason to believe  
2 that a person has engaged in a practice or used a title without a required credential,  
3 the department may petition the circuit court for a temporary restraining order or  
4 an injunction as provided in ch. 813.

5           (4) (a) Any person who violates a special order issued under sub. (2) may be  
6 required to forfeit not more than \$10,000 for each offense. Each day of continued  
7 violation constitutes a separate offense. The attorney general or any district  
8 attorney may commence an action in the name of the state to recover a forfeiture  
9 under this paragraph.

10           (b) Any person who violates a temporary restraining order or an injunction  
11 issued by a court upon a petition under sub. (3) may be fined not less than \$25 nor  
12 more than \$5,000 or imprisoned for not more than one year in the county jail or both.

13           \*–1191/P2.57\*SECTION 2602. 91.04 (intro.) of the statutes is amended to read:

14           **91.04 Department to report.** (intro.) At least once every 2 years, beginning  
15 not later than December 31, 2011, the department shall submit a farmland  
16 preservation report to the ~~board~~ secretary of agriculture, trade and consumer  
17 protection and provide copies of the report to the department of revenue and the  
18 department of administration. The department shall prepare the report in  
19 cooperation with the department of revenue and shall include all of the following in  
20 the report:

21           \*–0971/P5.555\*SECTION 2603. 92.025 (4) of the statutes is amended to read:

22           92.025 (4) INTERIM GOAL; STATE-RUN FARMS. The soil erosion rate on individual  
23 cropland fields of farms owned or leased by the University of Wisconsin System  
24 Authority or any ~~other~~ department or agency of state government does not exceed the  
25 tolerable soil erosion level on or after July 1, 1990.



1           \***-0971/P5.556**\*SECTION 2604. 92.04 (2) (g) of the statutes is amended to read:

2           92.04 (2) (g) *Advise the University of Wisconsin System Authority*. The board  
3 shall advise the University of Wisconsin System Authority annually on needed  
4 research and educational programs relating to soil and water conservation.

5           \***-0971/P5.557**\*SECTION 2605. 92.05 (3) (d) of the statutes is amended to read:

6           92.05 (3) (d) *Advise University of Wisconsin System Authority*. The department  
7 shall advise the University of Wisconsin System Authority annually on developing  
8 research and educational programs relating to soil and water conservation.

9           \***-0971/P5.558**\*SECTION 2606. 92.07 (5) of the statutes is amended to read:

10          92.07 (5) EDUCATIONAL AND OTHER PROGRAMS. Each land conservation  
11 committee may encourage research and educational, informational and public  
12 service programs, advise the University of Wisconsin System Authority on  
13 educational needs and assist the University of Wisconsin System Authority and the  
14 department in implementing educational programs under ss. 36.25 (7), 59.56 (3) and  
15 92.05.

16          \***-1191/P2.58**\*SECTION 2607. 93.02 of the statutes is amended to read:

17          **93.02 Staff.** The secretary shall appoint all staff necessary for the carrying out  
18 of the duties of the department, all of whom shall be under the classified service  
19 except the deputy secretary, the assistant deputy secretary, and, subject to s. 230.08  
20 (4) (a), the administrators of divisions. ~~Each such deputy secretary, assistant deputy~~  
21 ~~secretary, or administrator shall be appointed by the secretary with the approval of~~  
22 ~~the board.~~

23          \***-0602/P4.16**\*SECTION 2608. 93.06 (14) of the statutes is created to read:

24          93.06 (14) COOPERATION AND COLLABORATIVE AGREEMENTS. Promote cooperation  
25 and formal collaborative agreements among any of the following with regard to

**SECTION 2608**

1 enforcement of the laws and regulations administered by the department, planning,  
2 priority setting, information and data sharing, reporting, resource allocation,  
3 funding, service delivery, and jurisdiction:

4 (a) This state.

5 (b) Local health departments.

6 (c) Federally recognized American Indian tribes or bands located in this state.

7 (d) The federal Indian health service.

8 **\*-1215/P3.327\*SECTION 2609.** 93.07 (3) of the statutes is amended to read:

9 93.07 (3) PROMOTION OF AGRICULTURE. To promote the interests of agriculture,  
10 dairying, horticulture, manufacturing, commercial fishing and the domestic arts and  
11 to advertise Wisconsin and its dairy, food, and agricultural products by conducting  
12 campaigns of education throughout the United States and in foreign markets. Such  
13 campaigns shall include the distribution of educational and advertising material  
14 concerning Wisconsin and its plant, animal, food, and dairy products. The  
15 department shall coordinate efforts by the state to advertise and promote  
16 agricultural products of this state, with the ~~Wisconsin Economic Development~~  
17 ~~Corporation~~ Forward Wisconsin Development Authority where appropriate. The  
18 department shall submit its request and plan for market development program  
19 expenditures for each biennium with its biennial budget request. The plan shall  
20 include the identification and priority of expenditures for each market development  
21 program activity.

22 **\*-0971/P5.559\*SECTION 2610.** 93.07 (5) of the statutes is amended to read:

23 93.07 (5) ~~ADVICE TO UNIVERSITY OF WISCONSIN SYSTEM~~ SYSTEM AUTHORITY. To give  
24 advice to the state superintendent of public instruction as to the courses in  
25 agricultural economics to be given in the University of Wisconsin System Authority.

1           \*~~1215/P3.328~~**SECTION 2611.** 93.07 (18) (b) (intro.) of the statutes is amended  
2 to read:

3           93.07 (18) (b) (intro.) In consultation with the ~~Wisconsin Economic~~  
4 ~~Development Corporation~~ Forward Wisconsin Development Authority, to do all of  
5 the following for each economic development program administered by the  
6 department of agriculture, trade and consumer protection:

7           \*~~1215/P3.329~~**SECTION 2612.** 93.07 (20) (a) of the statutes is amended to read:

8           93.07 (20) (a) The department shall coordinate any economic development  
9 assistance with the ~~Wisconsin Economic Development Corporation~~ Forward  
10 Wisconsin Development Authority.

11           \*~~1215/P3.330~~**SECTION 2613.** 93.07 (20) (b) of the statutes is amended to read:

12           93.07 (20) (b) Annually, no later than October 1, to submit to the joint  
13 legislative audit committee and to the appropriate standing committees of the  
14 legislature under s. 13.172 (3) a comprehensive report assessing economic  
15 development programs, as defined in sub. (18) (a), administered by the department.  
16 The report shall include all of the information required under s. ~~238.07~~ 235.016 (2).  
17 The department shall collaborate with the ~~Wisconsin Economic Development~~  
18 ~~Corperation~~ Forward Wisconsin Development Authority to make readily accessible  
19 to the public on an Internet-based system the information required under this  
20 subsection.

21           \*~~0602/P4.17~~**SECTION 2614.** 93.07 (24) (e) of the statutes is created to read:

22           93.07 (24) (e) To enforce the laws for the sanitary care of campgrounds and  
23 camping resorts, recreational and educational camps, public swimming pools, hotels,  
24 tourist rooming houses, vending machine commissaries, vending machines, and  
25 other persons or entities subject to regulation by the department.

**SECTION 2615**

1           \***-1053/P2.10\*SECTION 2615.** 93.135 (1) (a) of the statutes is renumbered  
2 93.135 (1) (ag).

3           \***-1053/P2.11\*SECTION 2616.** 93.135 (1) (ab) of the statutes is created to read:  
4 93.135 (1) (ab) A license, certification, or permit under ch. 89.

5           \***-1062/P1.1\*SECTION 2617.** 93.135 (1) (km) of the statutes is amended to read:  
6 93.135 (1) (km) A license under s. 97.21 ~~(2)~~ or (3).

7           \***-0602/P4.18\*SECTION 2618.** 93.135 (1) (ng) of the statutes is created to read:  
8 93.135 (1) (ng) A certificate under s. 97.33.

9           \***-0602/P4.19\*SECTION 2619.** 93.135 (1) (nt) of the statutes is created to read:  
10 93.135 (1) (nt) A license under s. 97.605 (1) or 97.67 (1) or (2m).

11           \***-1053/P2.12\*SECTION 2620.** 93.20 (1) of the statutes is amended to read:  
12 93.20 (1) DEFINITION. In this section, “action” means an action that is  
13 commenced in court by, or on behalf of, the department of agriculture, trade and  
14 consumer protection to enforce chs. 88, 89, 91 to 100, or 126.

15           \***-1053/P2.13\*SECTION 2621.** 93.22 (1) of the statutes is amended to read:  
16 93.22 (1) In cases arising under chs. 88, 89, and 93 to 100, the department may  
17 be represented by its attorney.

18           \***-1053/P2.14\*SECTION 2622.** 93.22 (2) of the statutes is amended to read:  
19 93.22 (2) The department may, with the approval of the governor, appoint  
20 special counsel to prosecute or assist in the prosecution of any case arising under chs.  
21 88, 89, and 93 to 100. The cost of such special counsel shall be charged to the  
22 appropriation for the department.

23           \***-1053/P2.15\*SECTION 2623.** 93.22 (3) of the statutes is amended to read:  
24 93.22 (3) In any criminal or civil action under chs. 88, 89, and 93 to 100, any  
25 exception, exemption, proviso, excuse, or qualification contained in any of said

1 chapters, or in any order, standard, or regulation thereunder, may be proved by the  
2 defendant, but need not be specified or negatived in the information or complaint,  
3 and, if so specified or negatived, no proof in relation to the matters so specified or  
4 negatived, shall be required of the plaintiff.

5 **\*-0971/P5.560\*SECTION 2624.** 93.33 (4s) (c) of the statutes is amended to read:

6 93.33 (4s) (c) Each of the individuals specified in s. 15.137 (2) (a) 8. and the  
7 chancellor of the University of Wisconsin-Extension, jointly or individually, shall  
8 annually prepare a review of agricultural education programs in the University of  
9 Wisconsin System, with input from or review by the University of Wisconsin System  
10 administration Authority.

↙ create a.r. vid

11 **\*-1215/P3.331\*SECTION 2625.** 93.33 (5) (intro.) of the statutes is amended to  
12 read:

13 93.33 (5) ANNUAL REPORT. (intro.) In September of each year, the council shall  
14 submit a report to the appropriate standing committees of the legislature as  
15 determined by the speaker of the assembly and the president of the senate, under s.  
16 13.172 (3), the governor, the secretary of agriculture, trade and consumer protection,  
17 the state superintendent of public instruction, the secretary of workforce  
18 development, the secretary of natural resources, the chief executive officer of the  
19 ~~Wisconsin Economic Development Corporation~~ Forward Wisconsin Development  
20 Authority, the president of the University of Wisconsin System, the director of the  
21 technical college system, the chancellor of the University of Wisconsin-Extension,  
22 the chancellor of the University of Wisconsin-Madison, the chancellor of the  
23 University of Wisconsin-Platteville, the chancellor of the University of  
24 Wisconsin-River Falls, and the chancellor of the University of Wisconsin-Stevens  
25 Point. The council shall include all of the following in the report:

1           \***-0971/P5.561**\*SECTION 2626. 93.33 (5) (intro.) of the statutes, as affected by  
2 2015 Wisconsin Act .... (this act), is amended to read:

3           93.33 (5) ANNUAL REPORT. (intro.) In September of each year, the council shall  
4 submit a report to the appropriate standing committees of the legislature as  
5 determined by the speaker of the assembly and the president of the senate, under s.  
6 13.172 (3), the governor, the secretary of agriculture, trade and consumer protection,  
7 the state superintendent of public instruction, the secretary of workforce  
8 development, the secretary of natural resources, the chief executive officer of the  
9 Forward Wisconsin Development Authority, the president of the University of  
10 Wisconsin System Authority, the director of the technical college system, the  
11 chancellor of the University of Wisconsin–Extension, the chancellor of the  
12 University of Wisconsin–Madison, the chancellor of the University of  
13 Wisconsin–Platteville, the chancellor of the University of Wisconsin–River Falls,  
14 and the chancellor of the University of Wisconsin–Stevens Point. The council shall  
15 include all of the following in the report:

          \*\*\*\*NOTE: This is reconciled s. 93.33 (5) (intro.). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0971/P4 and LRB-1215/P2.

16           \***-1215/P3.332**\*SECTION 2627. 93.42 (5) of the statutes is amended to read:  
17           93.42 (5) ~~Cooperating with the Wisconsin Economic Development Corporation~~  
18 Forward Wisconsin Development Authority in promoting the state's products  
19 through the state's foreign trade offices.

20           \***-0971/P5.562**\*SECTION 2628. 93.46 (1m) (a) 2. of the statutes is amended to  
21 read:

1           93.46 (1m) (a) 2. Coordinating the aquaculture activities of the department  
2 with the aquaculture activities of the department of natural resources and the  
3 University of Wisconsin System Authority.

4           \*–0971/P5.563\*SECTION 2629. 93.46 (1m) (a) 3. of the statutes is amended to  
5 read:

6           93.46 (1m) (a) 3. Conducting meetings on a quarterly basis between  
7 representatives of the department, the department of natural resources and the  
8 University of Wisconsin System Authority to exchange information regarding the  
9 progress of their efforts to promote commercial aquaculture in this state.

10          \*–0971/P5.564\*SECTION 2630. 93.46 (1m) (c) of the statutes is amended to  
11 read:

12          93.46 (1m) (c) The University of Wisconsin System shall Authority may, in  
13 cooperation with the commercial aquaculture industry, conduct applied and on-site  
14 research, outreach activities and on-site demonstrations relating to commercial  
15 aquaculture in this state.

16          \*–1228/P2.2\*SECTION 2631. 93.59 of the statutes is created to read:

17          **93.59 Producer led watershed protection grants.** (1) The department  
18 shall make grants for nonpoint source pollution abatement activities conducted with  
19 the assistance of producer led groups that comply with sub. (2). The department  
20 shall make a grant directly to the producer led group, except that, if the group is not  
21 a legal entity, the department may only make the grant to a legal entity on behalf of  
22 the group.

23          (2) The department may provide a grant under sub. (1) if all of the following  
24 apply:

1 (a) The producer led group includes at least 5 agricultural producers each of  
2 whom operates an eligible farm, as defined in s. 91.86 (1), in one watershed. The  
3 group may include additional agricultural producers who are not required to be  
4 operators of eligible farms.

5 (b) The group is formed through a memorandum of understanding with the  
6 collaborating entity under par. (c).

7 (c) The group collaborates with at least one of the following:

- 8 1. The department.
- 9 2. The department of natural resources.
- 10 3. A county land conservation committee.
- 11 4. The University of Wisconsin–Extension or the Discovery Farms program of  
12 the University of Wisconsin–Extension.
- 13 5. A nonprofit conservation organization.

14 (d) The group assists agricultural producers in the watershed under par. (a) to  
15 voluntarily conduct nonpoint source water pollution abatement activities.

16 (3) A producer led group that receives, or on whose behalf a legal entity  
17 receives, a grant under this section shall annually file a report with the department  
18 describing the activities conducted with the grant and the impact of those activities  
19 on water quality in the watershed under sub. (2) (a).

20 (4) The department may promulgate rules that do all of the following:

- 21 (a) Define “legal entity” for the purposes of this section.
- 22 (b) Specify the application process for a grant under this section.
- 23 (c) Specify activities that may be conducted using a grant under this section.

24 \*–0971/P5.565\*SECTION 2632. 94.64 (4) (a) 2. of the statutes is repealed.

25 \*–0971/P5.566\*SECTION 2633. 94.64 (4) (a) 3. of the statutes is repealed.



1           \*~~-0971/P5.567~~\*SECTION 2634. 94.64 (4) (c) 2. of the statutes is repealed.

2           \*~~-0971/P5.568~~\*SECTION 2635. 94.64 (4) (c) 3. of the statutes is repealed.

3           \*~~-0971/P5.569~~\*SECTION 2636. 94.64 (8m) of the statutes is repealed.

4           \*~~-0971/P5.570~~\*SECTION 2637. 94.65 (6) (a) 3. of the statutes is repealed.

5           \*~~-1053/P2.16~~\*SECTION 2638. 94.67 (33m) of the statutes is amended to read:

6           94.67 (33m) “Veterinarian” means an individual who is licensed as a  
7 veterinarian under ch. ~~453~~ 89.

8           \*~~-1053/P2.17~~\*SECTION 2639. 94.67 (33t) of the statutes is amended to read:

9           94.67 (33t) “Veterinary technician” means an individual who is certified as a  
10 veterinary technician under ch. ~~453~~ 89.

11          \*~~-1053/P2.18~~\*SECTION 2640. 95.21 (1) (e) of the statutes is amended to read:

12          95.21 (1) (e) “Veterinarian” has the meaning designated under s. ~~453.02~~ 89.02  
13 (7).

14          \*~~-1053/P2.19~~\*SECTION 2641. 95.21 (1) (em) of the statutes is amended to read:

15          95.21 (1) (em) “Veterinary technician” has the meaning designated under s.  
16 ~~453.02~~ 89.02 (12).

17          \*~~-1053/P2.20~~\*SECTION 2642. 95.21 (2) (a) of the statutes is amended to read:

18          95.21 (2) (a) *Requirement for vaccination.* Except as provided in s. 174.054 or  
19 sub. (9) (d), the owner of a dog shall have the dog vaccinated against rabies by a  
20 veterinarian or, if a veterinarian is physically present at the location the vaccine is  
21 administered, by a veterinary technician, pursuant to s. ~~453.05~~ 89.05 (2) (d), at no  
22 later than 5 months of age and revaccinated within one year after the initial  
23 vaccination. If the owner obtains the dog or brings the dog into this state after the  
24 dog has reached 5 months of age, the owner shall have the dog vaccinated against  
25 rabies within 30 days after the dog is obtained or brought into the state unless the

1 dog has been vaccinated as evidenced by a current certificate of rabies vaccination  
2 from this state or another state. The owner of a dog shall have the dog revaccinated  
3 against rabies by a veterinarian or, if a veterinarian is physically present at the  
4 location the vaccine is administered, by a veterinary technician, pursuant to s.  
5 ~~453.05~~ 89.05 (2) (d), before the date that the immunization expires as stated on the  
6 certificate of vaccination or, if no date is specified, within 3 years after the previous  
7 vaccination.

8 \*~~0602/P4.20~~\*SECTION 2643. Chapter 97 (title) of the statutes is amended to  
9 read:

10 **CHAPTER 97**

11 **FOOD REGULATION, LODGING, AND**

12 **RECREATION**

13 \*~~0602/P4.21~~\*SECTION 2644. Subchapter I (title) of chapter 97 [precedes  
14 97.01] of the statutes is created to read:

15 **CHAPTER 97**

16 **SUBCHAPTER I**

17 **DEFINITIONS**

18 \*~~0602/P4.22~~\*SECTION 2645. 97.01 (1) of the statutes is renumbered 97.01  
19 (1r).

20 \*~~0602/P4.23~~\*SECTION 2646. Subchapter II (title) of chapter 97 [precedes  
21 97.02] of the statutes is created to read:

22 **CHAPTER 97**

23 **SUBCHAPTER II**

24 **FOOD SAFETY AND REGULATION**

25 \*~~0602/P4.24~~\*SECTION 2647. 97.12 (1) of the statutes is amended to read:

1           97.12 (1) For the purpose of enforcing this chapter, the department and its  
2 agents may, at reasonable hours, enter and inspect any premises for which a license  
3 is required under this chapter or any farm, factory, warehouse, building, room,  
4 establishment or place at or in which foods are manufactured, processed, packed,  
5 packaged, stored or held for sale, and may enter any vehicle, including a vehicle used  
6 to transport or hold foods in commerce. The department and its agents may also  
7 secure samples or specimens, including samples or specimens of food and any  
8 product or substance that may affect food, examine and copy relevant documents and  
9 records, and obtain photographic and other evidence needed to enforce this chapter  
10 or a rule promulgated under this chapter. The department shall examine any  
11 samples secured and shall conduct other inspections and examinations needed to  
12 determine whether there is a violation of this chapter. The department shall pay or  
13 offer to pay the market value of samples taken.

14           \***-0602/P4.25**\*SECTION 2648. 97.12 (5) of the statutes is created to read:

15           97.12 (5) Any person who fails to comply with an order issued under this  
16 chapter may be required to forfeit \$50 for each day of noncompliance.

17           \***-0602/P4.26**\*SECTION 2649. 97.18 (5m) of the statutes is repealed.

18           \***-0602/P4.27**\*SECTION 2650. 97.20 (2) (e) 2. of the statutes is amended to read:

19           97.20 (2) (e) 2. The retail preparation and processing of meals for sale directly  
20 to consumers or through vending machines, if the preparation and processing is  
21 covered under a ~~restaurant permit or other permit~~ license issued under s. 254.64  
22 97.605.

23           \***-1062/P1.2**\*SECTION 2651. 97.21 (2) (a) of the statutes is repealed.

24           \***-1062/P1.3**\*SECTION 2652. 97.21 (2) (b) (title) of the statutes is repealed.

1           \*~~1062/P1.4~~\*SECTION 2653. 97.21 (2) (b) of the statutes is renumbered 97.21  
2 (2) and amended to read:

3           97.21 (2) BULK MILK TANKER; LICENSE; GRADE A PERMIT. No person may operate  
4 a bulk milk tanker to transport milk or fluid milk products in bulk for sale or  
5 distribution as grade A milk or grade A milk products without a valid grade A bulk  
6 milk tanker permit issued annually by the department or an equivalent regulatory  
7 agency in another state for that bulk milk tanker. A grade A bulk milk tanker permit  
8 is not transferable between persons or bulk milk tankers. ~~A permit may be issued~~  
9 ~~in the form of an endorsement on a bulk milk tanker license under par. (a).~~ An  
10 application for a permit shall be made on a form provided by the department, ~~and~~  
11 ~~may be included with a license application under par. (a).~~ The. An applicant shall  
12 include with an application for a permit proof that the bulk milk tanker has passed  
13 an inspection conducted within the preceding year by the department or an  
14 individual certified by the department to conduct bulk milk tanker inspections.  
15 Except as provided in sub. (4), the department may not charge a fee for a grade A bulk  
16 milk tanker permit issued under this paragraph.

17           \*~~1062/P1.5~~\*SECTION 2654. 97.21 (4) (a) of the statutes is amended to read:

18           97.21 (4) (a) *License fee.* An applicant for a ~~bulk milk tanker or~~ milk distributor  
19 license shall pay the license fee specified under sub. (4m).

20           \*~~1062/P1.6~~\*SECTION 2655. 97.21 (4) (b) of the statutes is amended to read:

21           97.21 (4) (b) *Reinspection fee.* If the department reinspects a bulk milk tanker  
22 or the vehicle or facilities of a milk distributor because the department finds a  
23 violation of this chapter or rules promulgated under this chapter, the department  
24 shall charge the bulk milk tanker operator or milk distributor the reinspection fee  
25 specified under sub. (4m). The reinspection fee is payable when the reinspection is

1 completed, and is due upon written demand from the department. The department  
2 may issue a demand for payment when it issues a license permit renewal application  
3 to the bulk milk tanker operator or a license renewal application to the milk  
4 distributor.

5 **\*-1062/P1.7\*SECTION 2656.** 97.21 (4) (c) of the statutes is amended to read:

6 97.21 (4) (c) *Surcharge for operating without a license.* An applicant for a bulk  
7 ~~milk tanker operator or~~ milk distributor license shall pay a license fee surcharge of  
8 \$100 or twice the amount of the annual license fee specified under sub. (4m),  
9 whichever is less, if the department determines that, within one year prior to  
10 submitting the license application, the applicant operated without a license ~~or grade~~  
11 ~~A permit~~ in violation of this section. Payment of this license fee surcharge does not  
12 relieve the applicant of any other civil or criminal liability ~~which~~ that results from  
13 a violation of sub. (2) ~~or~~ (3), but does not constitute evidence of any violation of law.

14 **\*-1062/P1.8\*SECTION 2657.** 97.21 (4m) (intro.) of the statutes is renumbered  
15 97.21 (4m) and amended to read:

16 97.21 (4m) FEE AMOUNTS. ~~Unless otherwise established by~~ The department  
17 ~~rule,~~ shall establish the fees required under sub. (4) (a) and (b) ~~are:~~ by rule.

18 **\*-1062/P1.9\*SECTION 2658.** 97.21 (4m) (a) of the statutes is repealed.

19 **\*-1062/P1.10\*SECTION 2659.** 97.21 (4m) (b) of the statutes is repealed.

20 **\*-1062/P1.11\*SECTION 2660.** 97.21 (5) of the statutes is amended to read:

21 97.21 (5) LICENSING AND PERMITTING CONTINGENT ON PAYMENT OF FEES. The  
22 department may not issue or renew a grade A bulk milk tanker permit or milk  
23 distributor license unless the permit or license applicant pays all fees ~~which~~ that are  
24 due and payable by the applicant under sub. (4), as set forth in a statement from the  
25 department. The department shall refund a fee paid under protest if the department

1 determines that the fee was not due and payable as a condition of permitting or  
2 licensing under this section.

3 **\*-0602/P4.28\*SECTION 2661.** 97.25 (3) of the statutes is amended to read:

4 97.25 (3) RULES. The department shall promulgate rules authorizing the  
5 operator of a dairy plant licensed under s. 97.20, or a retail food establishment  
6 licensed under s. 97.30 ~~or a restaurant with a permit under s. 254.64~~ who complies  
7 with the rules to place upon the label of a dairy product the statement  
8 “Farmer-certified rBGH free.” or an equivalent statement that is not false or  
9 misleading. The statement shall be based upon affidavits from milk producers  
10 stating that the milk producers do not use synthetic bovine growth hormone for the  
11 production of milk.

12 **\*-0602/P4.29\*SECTION 2662.** 97.27 (1) (b) 3. of the statutes is amended to read:

13 97.27 (1) (b) 3. A retail food establishment, ~~restaurant~~ or other retail facility  
14 at which food is stored on a temporary basis incidental to retail preparation or sale.

15 **\*-0602/P4.30\*SECTION 2663.** 97.29 (1) (c) of the statutes is amended to read:

16 97.29 (1) (c) “Bottling establishment” means any place where drinking water,  
17 soda water beverage or alcohol beverage is manufactured or bottled for sale.  
18 “Bottling establishment” does not include a retail establishment engaged in the  
19 preparation and sale of beverages under a license issued under s. 125.26 or 125.51  
20 or a ~~restaurant permit~~ license issued under s. 97.30 for a restaurant or other permit  
21 license issued under s. 254.64 97.605.

22 **\*-0602/P4.31\*SECTION 2664.** 97.29 (1) (g) 3. of the statutes is amended to read:

23 97.29 (1) (g) 3. The retail preparation and processing of meals for sale directly  
24 to consumers or through vending machines if the preparation and processing is

1 covered under a ~~restaurant permit or other permit~~ license issued under s. 254.64  
2 97.605.

3 \*~~0602/P4.32~~\*SECTION 2665. 97.29 (1) (h) of the statutes is amended to read:

4 97.29 (1) (h) “Food processing plant” means any place where food processing  
5 is conducted. “Food processing plant” does not include any establishment subject to  
6 the requirements of s. 97.30 ~~or any restaurant or other~~ an establishment holding a  
7 ~~permit~~ license under s. 254.64 97.605, to the extent that the activities of that  
8 establishment are covered by s. 97.30 or the ~~permit~~ license under s. 254.64 97.605.

9 \*~~0602/P4.33~~\*SECTION 2666. 97.30 (1) (c) of the statutes is amended to read:

10 97.30 (1) (c) “Retail food establishment” means a permanent or mobile food  
11 processing facility where food processing is conducted primarily for direct retail sale  
12 to consumers at the facility, a mobile facility from which potentially hazardous food  
13 is sold to consumers at retail or a permanent facility from which food is sold to  
14 consumers at retail, whether or not that facility sells potentially hazardous food or  
15 is engaged in food processing. “Retail food establishment” ~~does not include~~ includes  
16 a restaurant or ~~other establishment~~ temporary restaurant, but does not include an  
17 establishment holding a ~~permit~~ license under s. 254.64 97.605, to the extent that the  
18 activities of the establishment are covered by that ~~permit~~ license.

19 \*~~0602/P4.34~~\*SECTION 2667. 97.30 (2) (b) 1. c. of the statutes is amended to  
20 read:

21 97.30 (2) (b) 1. c. A retail food establishment which is exempted from licensing  
22 by the department by rule. If ~~a restaurant or other~~ an establishment for which a  
23 ~~permit~~ license has been issued under s. 254.64 97.605 is incidentally engaged in  
24 operating a retail food establishment at the same location, the department may  
25 exempt by rule the ~~restaurant or~~ establishment from licensing under this section.

1 ~~Rules under this subd. 1. c. shall conform to a memorandum of understanding~~  
2 ~~between the department and the department of health services, under which the~~  
3 ~~department of health services agrees to inspect the retail food establishment~~  
4 ~~operations on behalf of the department.~~

5 \*~~0602/P4.35~~SECTION 2668. 97.30 (2) (c) of the statutes is created to read:

6 97.30 (2) (c) *Pre-licensing inspection.* The department or an agent city or  
7 county may not issue a license for a new retail food establishment until it inspects  
8 the new retail food establishment for compliance with this section and rules  
9 promulgated under this section. A licensed retail food establishment is not  
10 considered a new retail food establishment under this paragraph solely because of  
11 a change in ownership, or solely because of alterations in the retail food  
12 establishment.

13 \*~~0602/P4.36~~SECTION 2669. 97.30 (3m) (intro.) of the statutes is amended to  
14 read:

15 97.30 (3m) FEE AMOUNTS. (intro.) The department shall specify by rule the  
16 amount of the fees under sub. (3) for a restaurant. Unless otherwise required by  
17 department rule, the fees required under sub. (3) for a retail food establishment other  
18 than a restaurant are:

19 \*~~0602/P4.37~~SECTION 2670. 97.30 (3m) (a) (intro.) of the statutes is amended  
20 to read:

21 97.30 (3m) (a) (intro.) For a retail food establishment, other than a restaurant,  
22 that has annual food sales of \$25,000 or more but less than \$1,000,000 and that  
23 processes potentially hazardous food, the following amounts:

24 \*~~0602/P4.38~~SECTION 2671. 97.30 (3m) (b) (intro.) of the statutes is amended  
25 to read:



1           97.30 (3m) (b) (intro.) For a retail food establishment, other than a restaurant,  
2 that has annual food sales of \$1,000,000 or more and that processes potentially  
3 hazardous food, the following amounts:

4           \*~~0602/P4.39~~\*SECTION 2672. 97.30 (3m) (c) (intro.) of the statutes is amended  
5 to read:

6           97.30 (3m) (c) (intro.) For a retail food establishment, other than a restaurant,  
7 that has annual food sales of \$25,000 or more and that is engaged in food processing,  
8 but that does not process potentially hazardous food, the following amounts:

9           \*~~0602/P4.40~~\*SECTION 2673. 97.30 (3m) (cm) of the statutes is amended to  
10 read:

11           97.30 (3m) (cm) For a retail food establishment, other than a restaurant, that  
12 has annual food sales of less than \$25,000 and that is engaged in food processing, an  
13 annual license fee of \$40 and a reinspection fee of \$40.

14           \*~~0602/P4.41~~\*SECTION 2674. 97.30 (3m) (d) of the statutes is amended to read:

15           97.30 (3m) (d) For a retail food establishment, other than a restaurant, that  
16 is not engaged in food processing, an annual license fee of \$20 and a reinspection fee  
17 of \$50.

18           \*~~0602/P4.42~~\*SECTION 2675. 97.41 (1m) of the statutes is amended to read:

19           97.41 (1m) In the administration of this chapter, the department may enter  
20 into a written agreement with a local health department, if the jurisdictional area  
21 of the local health department has a population greater than 5,000, which designates  
22 the local health department as the agent of the department of agriculture, trade and  
23 consumer protection for issuing licenses to and making investigations or inspections  
24 of retail food establishments, as defined in s. 97.30 (1) (c). When the designation is  
25 made, no license other than the license issued by the local health department under

1 this section may be required by the department of agriculture, trade and consumer  
2 protection or the local health department for the same operations. The department  
3 of agriculture, trade and consumer protection shall ~~coordinate~~ oversee the  
4 designation of agents under this section ~~with the department of health services~~ to  
5 ensure that, to the extent feasible, the same local health department is granted agent  
6 status under this section and under s. ~~254.69 (2)~~ 97.615 (2). Except as otherwise  
7 provided by the department of agriculture, trade and consumer protection, a local  
8 health department granted agent status shall regulate all types of establishments  
9 for which this subsection permits the department of agriculture, trade and consumer  
10 protection to delegate regulatory authority.

11 \*~~0602/P4.43~~SECTION 2676. 97.41 (4) (a) of the statutes is amended to read:

12 97.41 (4) (a) Except as provided in par. (b), a local health department granted  
13 agent status under this section shall establish and collect the license fee for retail  
14 food establishments, as defined in s. 97.30 (1) (c). The local health department may  
15 establish separate fees for ~~preinspections~~ pre-licensing inspections of new  
16 establishments, for ~~preinspections~~ pre-licensing inspections of existing  
17 establishments for which a person intends to be the new operator or for the issuance  
18 of duplicate licenses. No fee may exceed the local health department's reasonable  
19 costs of issuing licenses to, making investigations and inspections of, and providing  
20 education, training and technical assistance to the establishments, plus the state fee  
21 established under sub. (5). A local health department which is granted agent status  
22 under this section or under s. ~~254.69~~, 97.615 may issue a single license and establish  
23 and collect a single fee which authorizes the operation on the same premises of more  
24 than one type of establishment with respect to which it is granted agent status under  
25 this section or under s. ~~254.69 (2)~~ 97.615 (2).



1           **97.70 Authority of department of safety and professional services.**

2           Nothing in this chapter affects the authority of the department of safety and  
3           professional services relative to places of employment, elevators, boilers, fire  
4           escapes, fire protection, or the construction of public buildings.

5           \*~~0602/P4.49~~**SECTION 2682.** 97.703 of the statutes is created to read:

6           **97.703 Joint employment.** The department and the department of safety  
7           and professional services may employ experts, inspectors, or other assistants jointly.

8           \*~~1191/P2.59~~**SECTION 2683.** 100.207 (6) (em) 2. of the statutes is amended to  
9           read:

10           100.207 (6) (em) 2. The department shall submit the recommendations under  
11           subd. 1., if any, to the legislature as part of the report required under s. 227.19 (2)  
12           and to the board of agriculture, trade and consumer protection.

13           \*~~0602/P4.50~~**SECTION 2684.** 100.36 of the statutes is amended to read:

14           **100.36 Frauds; substitute for butter; advertisement.** No person may use  
15           the word “butter” in any way in connection or association with the sale or exposure  
16           for sale or advertisement of any substance designed to be used as a substitute for  
17           butter. No person may use terms such as “cream”, “creamery” or “dairy”, or the name  
18           or representation of any breed of dairy cattle, or any combination of such words and  
19           representation, or any other words or symbols or combinations thereof commonly  
20           used in the sale of butter unless at least 40% of the substitute is butterfat. If the term  
21           “butter” is used in connection with the name of any such product, it shall be qualified  
22           so as to distinguish it from butter as defined in s. 97.01 (1) (1r).

23           \*~~1215/P3.333~~**SECTION 2685.** 100.45 (1) (dm) of the statutes is amended to  
24           read:

1           100.45 (1) (dm) “State agency” means any office, department, agency,  
2 institution of higher education, association, society, or other body in state  
3 government created or authorized to be created by the constitution or any law which  
4 is entitled to expend moneys appropriated by law, including the legislature and the  
5 courts, ~~the Wisconsin Housing and Economic Development Authority~~, the Bradley  
6 Center Sports and Entertainment Corporation, the University of Wisconsin  
7 Hospitals and Clinics Authority, the University of Wisconsin System Authority, the  
8 Wisconsin Health and Educational Facilities Authority, the Wisconsin Aerospace  
9 Authority, ~~the Wisconsin Economic Development Corporation~~ Forward Wisconsin  
10 Development Authority, and the Fox River Navigational System Authority.

      \*\*\*NOTE: This is reconciled s. 100.45 (1) (dm). This SECTION has been affected by  
drafts with the following LRB numbers: -0971/P4 and -1215/P2.

11           **\*-0807/P6.235\*SECTION 2686.** 100.67 of the statutes is created to read:  
12           **100.67 Private trade, business, technical, and other schools. (1)**

13           DEFINITIONS. In this section, unless the context clearly requires otherwise:

14           (b) “Course” has the meaning given in s. 440.52 (1) (b).

15           (c) “Course of instruction” has the meaning given in s. 440.52 (1) (c).

16           (d) “Person” has the meaning given in s. 440.52 (1) (d).

17           (e) “School” has the meaning given in s. 440.52 (1) (e).

18           (2) RESPONSIBILITIES. The department shall protect the general public by  
19 investigating complaints and potential violations related to this section and s.  
20 440.52.

21           (3) RULE-MAKING POWER. The department may promulgate rules and establish  
22 standards necessary to administer this section.

23           **\*-1461/P2.225\*SECTION 2687.** 101.01 (4) of the statutes is amended to read:

1           101.01 (4) “Employer” means any person, firm, corporation, state, county,  
2 town, city, village, school district, sewer district, drainage district, ~~long-term care~~  
3 ~~district~~ and other public or quasi-public corporations as well as any agent, manager,  
4 representative or other person having control or custody of any employment, place  
5 of employment or of any employee.

6           \*~~0807/P6.236~~\*SECTION 2688. 101.02 (20) (b) of the statutes is amended to  
7 read:

8           101.02 (20) (b) Except as provided in par. (e), the department ~~of safety and~~  
9 ~~professional services~~ may not issue or renew a license unless each applicant who is  
10 an individual provides the department ~~of safety and professional services~~ with his  
11 or her social security number and each applicant that is not an individual provides  
12 the department ~~of safety and professional services~~ with its federal employer  
13 identification number. The department ~~of safety and professional services~~ may not  
14 disclose the social security number or the federal employer identification number of  
15 an applicant for a license or license renewal except to the department of revenue for  
16 the sole purpose of requesting certifications under s. 73.0301 and to the department  
17 of workforce development for the sole purpose of requesting certifications under s.  
18 108.227.

19           \*~~0807/P6.237~~\*SECTION 2689. 101.02 (20) (c) of the statutes is amended to  
20 read:

21           101.02 (20) (c) The department ~~of safety and professional services~~ may not  
22 issue or renew a license if the department of revenue certifies under s. 73.0301 that  
23 the applicant or licensee is liable for delinquent taxes or if the department of  
24 workforce development certifies under s. 108.227 that the applicant or licensee is  
25 liable for delinquent unemployment insurance contributions.

1           \*~~0807/P6.238~~**SECTION 2690.** 101.02 (20) (d) of the statutes is amended to  
2 read:

3           101.02 (20) (d) ~~The department of safety and professional services~~ shall revoke  
4 a license if the department of revenue certifies under s. 73.0301 that the licensee is  
5 liable for delinquent taxes or if the department of workforce development certifies  
6 under s. 108.227 that the licensee is liable for delinquent unemployment insurance  
7 contributions.

8           \*~~0807/P6.239~~**SECTION 2691.** 101.02 (20) (e) 1. of the statutes is amended to  
9 read:

10           101.02 (20) (e) 1. If an applicant who is an individual does not have a social  
11 security number, the applicant, as a condition of applying for or applying to renew  
12 a license shall submit a statement made or subscribed under oath or affirmation to  
13 ~~the department of safety and professional services~~ that the applicant does not have  
14 a social security number. The form of the statement shall be prescribed by the  
15 department of children and families.

16           \*~~0807/P6.240~~**SECTION 2692.** 101.02 (21) (b) of the statutes is amended to  
17 read:

18           101.02 (21) (b) As provided in the memorandum of understanding under s.  
19 49.857 and except as provided in par. (e), ~~the department of safety and professional~~  
20 ~~services~~ may not issue or renew a license unless the applicant provides the  
21 ~~department of safety and professional services~~ with his or her social security number.  
22 ~~The department of safety and professional services~~ may not disclose the social  
23 security number except that ~~the department of safety and professional services~~ may  
24 disclose the social security number of an applicant for a license under par. (a) or a

1 renewal of a license under par. (a) to the department of children and families for the  
2 sole purpose of administering s. 49.22.

3 \*~~0807/P6.241~~\*SECTION 2693. 101.02 (21) (e) 1. of the statutes is amended to  
4 read:

5 101.02 (21) (e) 1. If an applicant who is an individual does not have a social  
6 security number, the applicant, as a condition of applying for or applying to renew  
7 a license shall submit a statement made or subscribed under oath or affirmation to  
8 the department of ~~safety and professional services~~ that the applicant does not have  
9 a social security number. The form of the statement shall be prescribed by the  
10 department of children and families.

11 \*~~0602/P4.51~~\*SECTION 2694. 101.05 (2) of the statutes is amended to read:

12 101.05 (2) A bed and breakfast establishment, as defined under s. ~~254.61 (1)~~  
13 97.01 (1g), is not subject to building codes adopted by the department under this  
14 subchapter.

15 \*~~0807/P6.242~~\*SECTION 2695. 101.12 (1) (intro.) of the statutes is amended to  
16 read:

17 101.12 (1) (intro.) Except for plans that are reviewed by the department of  
18 health services under ss. 50.02 (2) (b) ~~and, 50.025, 50.36 (2), or 50.92 (3m)~~, the  
19 department shall require the submission of essential drawings, calculations and  
20 specifications for public buildings, public structures and places of employment  
21 including the following components:

22 \*~~0602/P4.52~~\*SECTION 2696. 101.123 (1) (bn) 1. of the statutes is amended to  
23 read:

24 101.123 (1) (bn) 1. A bed and breakfast establishment, as defined in s. ~~254.61~~  
25 (1) 97.01 (1g).



1           \***-0602/P4.53**\*SECTION 2697. 101.123 (1) (bn) 2. of the statutes is amended to  
2 read:

3           101.123 (1) (bn) 2. A hotel, as defined in s. ~~254.61 (3)~~ 97.01 (7).

4           \***-0602/P4.54**\*SECTION 2698. 101.123 (1) (bn) 3. of the statutes is amended to  
5 read:

6           101.123 (1) (bn) 3. A tourist rooming house, as defined in s. ~~254.61 (6)~~ 97.01  
7 (15k).

8           \***-0602/P4.55**\*SECTION 2699. 101.123 (1) (f) of the statutes is amended to read:

9           101.123 (1) (f) “Restaurant” ~~means an establishment as defined~~ has the  
10 meaning given in s. ~~254.61 (5)~~ 97.01 (14g).

11           \***-0971/P5.571**\*SECTION 2700. 101.123 (2) (d) 4. of the statutes is amended to  
12 read:

13           101.123 (2) (d) 4. A location that is 25 feet or less from a residence hall or  
14 dormitory that ~~is owned or operated by~~ the state leases to the Board of Regents of the  
15 University of Wisconsin System Authority.

16           \***-0602/P4.56**\*SECTION 2701. 101.128 (1) (c) of the statutes is amended to read:

17           101.128 (1) (c) “Hotel” has the meaning given in s. ~~254.61 (3)~~ 97.01 (7).

18           \***-0602/P4.57**\*SECTION 2702. 101.128 (1) (e) of the statutes is amended to read:

19           101.128 (1) (e) “Restaurant” has the meaning given in s. ~~254.61 (5)~~ 97.01 (14g).

20           \***-0971/P5.572**\*SECTION 2703. 101.14 (4) (b) 3. a. of the statutes is amended  
21 to read:

22           101.14 (4) (b) 3. a. Every residence hall and dormitory over 60 feet in height,  
23 the initial construction of which was begun before April 26, 2000, that ~~is owned or~~  
24 ~~operated by~~ the state leases to the board of regents of the University of Wisconsin

1 System Authority to contain an automatic fire sprinkler system on each floor by  
2 January 1, 2006.

3 \***-0971/P5.573**\*SECTION 2704. 101.14 (4) (b) 3. b. of the statutes is amended  
4 to read:

5 101.14 (4) (b) 3. b. Every residence hall and dormitory, the initial construction  
6 of which is begun on or after April 26, 2000, that is ~~owned or operated by the state~~  
7 leases to the board of regents of the University of Wisconsin System Authority to  
8 have an automatic fire sprinkler system installed on each floor at the time the  
9 residence hall or dormitory is constructed.

10 \***-0971/P5.574**\*SECTION 2705. 101.14 (4) (b) 3. c. of the statutes is amended  
11 to read:

12 101.14 (4) (b) 3. c. Every residence hall and dormitory over 60 feet in height,  
13 the initial construction of which was begun before January 7, 2006, that is owned or  
14 operated by an institution of higher education, other than a residence hall or  
15 dormitory that is ~~owned or operated by the state~~ leases to the Board of Regents of the  
16 University of Wisconsin System Authority, to contain an automatic fire sprinkler  
17 system on each floor by January 1, 2014.

18 \***-0971/P5.575**\*SECTION 2706. 101.14 (4) (b) 3. d. of the statutes is amended  
19 to read:

20 101.14 (4) (b) 3. d. Every residence hall and dormitory, the initial construction  
21 of which is begun on or after January 7, 2006, that is owned or operated by an  
22 institution of higher education, other than a residence hall or dormitory that is  
23 ~~owned or operated by the state~~ leases to the Board of Regents of the University of  
24 Wisconsin System Authority, to have an automatic fire sprinkler system installed on  
25 each floor at the time the residence hall or dormitory is constructed.