

1 (i) Policies, criteria, and methodology for allocating a portion of the tax benefits
2 available under s. ~~238.303~~ 235.303 to small businesses.

3 (k) Procedures for implementing ss. ~~238.301 to 238.306~~ 235.301 to 235.306.

4 (3) REPORTING. Annually, 6 months after the report has been submitted under
5 s. ~~238.07~~ 235.016 (2), submit to the joint legislative audit committee and to the
6 appropriate standing committees of the legislature under s. 13.172 (3) a
7 comprehensive report assessing the program under ss. ~~238.301 to 238.306~~ 235.301
8 to 235.306. The report under this subsection shall update the applicable information
9 provided in the report under s. ~~238.07~~ 235.016 (2).

10 *~~1215/P3.509~~*SECTION 4012. 238.31 of the statutes is renumbered 235.31,
11 and 235.31 (1) (intro.), (ac), (am), (b), (d) and (e) (intro.), 4. a. and d., (1m) (intro.) and
12 (h), (2) and (3) (intro.), as renumbered, are amended to read:

13 235.31 (1) (intro.) The ~~corporation~~ authority may designate an area as a
14 development zone if all of the following apply:

15 (ac) The ~~corporation~~ authority has invited a local governing body to nominate
16 the area under s. ~~238.315~~ 235.315.

17 (am) A local governing body nominates the area as described in s. ~~238.32~~
18 235.32.

19 (b) The ~~corporation~~ authority has evaluated the local governing body's
20 application as described in s. ~~238.325~~ 235.325.

21 (d) The area meets the applicable requirements under s. ~~238.335~~ 235.335.

22 (e) (intro.) The ~~corporation~~ authority determines all of the following:

23 4. a. The unemployment rate in the area is higher than the state average for
24 the 18 months immediately preceding the date on which the application under s.
25 ~~238.32~~ 235.32 (2) or (3) was submitted to the ~~corporation~~ authority.

1 d. In the 36 months immediately preceding the date on which the application
2 under s. ~~238.32~~ 235.32 (2) or (3) was submitted to the ~~corporation~~ authority, a number
3 of workers in the area were permanently laid off by their employer or became
4 unemployed as a result of a business action subject to s. 109.07 (1m).

5 (1m) (intro.) In making a determination under sub. (1) (e), the ~~corporation~~
6 authority shall consider all of the following:

7 (h) Any other factors that the ~~corporation~~ authority considers relevant.

8 (2) In determining whether an area meets the requirements under sub. (1) (e)
9 or s. ~~238.335~~ 235.335, the ~~corporation~~ authority may rely on any data provided by the
10 local governing body that the ~~corporation~~ authority determines is relevant.

11 (3) (intro.) The ~~corporation~~ authority shall do all of the following:

12 ~~*-1215/P3.510*~~SECTION 4013. 238.315 of the statutes is renumbered 235.315
13 and amended to read:

14 **235.315 Invitation to nominate area.** If the ~~corporation~~ authority
15 determines that an area has experienced or is about to experience economic distress,
16 the ~~corporation~~ authority may invite local governing bodies in the area to nominate
17 the area as a development zone.

18 ~~*-1215/P3.511*~~SECTION 4014. 238.32 of the statutes is renumbered 235.32,
19 and 235.32 (1) (intro.), (2) (intro.), (c), (d) and (i), (3) and (5), as renumbered, are
20 amended to read:

21 235.32 (1) (intro.) A local governing body may nominate an area as a
22 development zone, if the ~~corporation~~ authority has invited the governing body to
23 nominate the area under s. ~~238.315~~ 235.315 and if the governing body does all of the
24 following:

1 (2) (intro.) A local governing body may nominate the area as a development
2 zone by submitting an application to the ~~corporation~~ authority in a form prescribed
3 by the ~~corporation~~ authority. The application shall include all of the following:

4 (c) Evidence that the area meets at least 3 of the criteria under s. ~~238.31~~ 235.31
5 (1) (e) 4.

6 (d) Evidence that the area meets the applicable requirements of s. ~~238.335~~
7 235.335.

8 (i) Any other information required by the ~~corporation~~ authority.

9 (3) Two or more local governing bodies may submit a joint application
10 nominating an area as a development zone, subject to s. ~~238.335~~ 235.335 (2), if each
11 local governing body complies with subs. (1) and (2).

12 (5) The ~~corporation~~ authority may permit a local governing body to revise an
13 application that the ~~corporation~~ authority determines is inadequate or incomplete.

14 *~~1215/P3.512~~*SECTION 4015. 238.325 of the statutes is renumbered 235.325
15 and amended to read:

16 **235.325 Evaluation by ~~corporation~~ authority.** (1) The ~~corporation~~
17 authority shall evaluate applications received under s. ~~238.32~~ 235.32 (2) and (3).

18 (2) Subject to s. ~~238.335~~ 235.335 (5), the ~~corporation~~ authority may reduce the
19 size of an area nominated as a development zone, if the ~~corporation~~ authority
20 determines the boundaries as proposed by the local governing body in an application
21 under s. ~~238.32~~ 235.32 (2) or (3) are inconsistent with the purpose of the development
22 zone program. Any nominated area which is reduced under this subsection need not
23 comply with s. ~~238.335~~ 235.335 (1) and (4).

24 (3) After evaluating an application submitted under s. ~~238.32~~ 235.32 (2) or (3),
25 the ~~corporation~~ authority may approve the application, subject to any reduction in

1 the size of the nominated area under sub. (2). If the ~~corporation~~ authority approves
2 the application, the ~~corporation~~ authority shall designate the area as a development
3 zone, subject to s. ~~238.31~~ 235.31, and notify the local governing body.

4 ***-1215/P3.513*SECTION 4016.** 238.335 of the statutes is renumbered 235.335,
5 and 235.335 (6) (a) 2. and (c) and (7), as renumbered, are amended to read:

6 235.335 (6) (a) 2. Each area meets at least 3 of the criteria listed in s. ~~238.31~~
7 235.31 (1) (e) 4.

8 (c) If an application is submitted by the governing body of a county under s.
9 ~~238.32~~ 235.32 (2) or (3), up to 4 separate areas may be nominated or designated as
10 one development zone, if par. (a) 1. to 3. applies.

11 (7) The ~~corporation~~ authority may waive the requirements of this section in a
12 particular case, if the ~~corporation~~ authority determines that application of the
13 requirement is impractical with respect to a particular development zone.

14 ***-1215/P3.514*SECTION 4017.** 238.34 of the statutes is renumbered 235.34,
15 and 235.34 (1), (2), (3) (intro.) and (a), (4), (5) and (6), as renumbered, are amended
16 to read:

17 235.34 (1) Except as provided under sub. (6), at any time after a development
18 zone is designated by the ~~corporation~~ authority, a local governing body may submit
19 an application to change the boundaries of the development zone. If the boundary
20 change reduces the size of a development zone, the local governing body shall explain
21 why the area excluded should no longer be in a development zone. The ~~corporation~~
22 authority may require the local governing body to submit additional information.

23 (2) The ~~corporation~~ authority may approve an application for a boundary
24 change if the development zone, as affected by the boundary changes, meets the

1 applicable requirements of s. ~~238.335~~ 235.335 and 3 of the criteria under s. ~~238.31~~
2 235.31 (1) (e) 4.

3 (3) (intro.) If the ~~corporation~~ authority approves an application for a boundary
4 change under sub. (2), it shall do all of the following:

5 (a) Redetermine the limit on the tax benefits for the development zone
6 established under s. ~~238.345~~ 235.345 (2) (a).

7 (4) The change in the boundaries or tax benefits limit of a development zone
8 shall be effective on the day the ~~corporation~~ authority notifies the local governing
9 body under sub. (3) (b).

10 (5) No change in the boundaries of a development zone may affect the duration
11 of an area as a development zone under s. ~~238.345~~ 235.345 (1) (a). The ~~corporation~~
12 authority may consider a change in the boundary of a development zone when
13 evaluating an application for an extension of the designation of an area as a
14 development zone under s. ~~238.345~~ 235.345 (1) (b).

15 (6) The ~~corporation~~ authority may not accept any applications under sub. (1)
16 to change the boundaries of a development zone designated under s. ~~238.31~~ 235.31
17 on or after March 6, 2009.

18 *-1215/P3.515*SECTION 4018. 238.345 of the statutes is renumbered 235.345,
19 and 235.345 (1) (a) and (b), (2) (a), (am), (b), (c) 1. and 2. and (d) and (3) (intro.), (a)
20 and (b), as renumbered, are amended to read:

21 235.345 (1) (a) The designation of an area as a development zone shall be
22 effective for 240 months, beginning on the day the ~~corporation~~ authority notifies the
23 local governing body under s. ~~238.325~~ 235.325 (3) of the designation.

24 (b) The local governing body may apply to the ~~corporation~~ authority for one
25 60-month extension of the designation. The ~~corporation~~ authority shall adopt rules

1 policies and procedures establishing criteria for approving an extension of a
2 designation of an area as a development zone under this subsection. No applications
3 may be accepted by the ~~corporation~~ authority under this paragraph on or after March
4 6, 2009.

5 (2) (a) When the ~~corporation~~ authority designates a development zone under
6 s. ~~238.31~~ 235.31, it shall establish a limit for tax benefits for the development zone
7 determined by allocating to the development zone a portion of \$38,155,000.

8 (am) Notwithstanding par. (a), the ~~corporation~~ authority may increase the
9 established limit for tax benefits for a development zone. The ~~corporation~~ authority
10 may not increase the limit for tax benefits established for any development zone
11 designated under s. ~~238.31~~ 235.31 on or after March 6, 2009.

12 (b) Annually the ~~corporation~~ authority shall estimate the amount of forgone
13 state revenue because of tax benefits claimed by persons in each development zone.

14 (c) 1. Ninety days after the day on which the ~~corporation~~ authority determines
15 that the forgone tax revenues under par. (b) will equal or exceed the limit for the
16 development zone established under par. (a) or (am).

17 2. The day that the ~~corporation~~ authority withdraws its designation of an area
18 as a development zone under sub. (3).

19 (d) The ~~corporation~~ authority shall immediately notify the local governing body
20 of a change in the expiration date of the development zone under par. (c).

21 (3) (intro.) The ~~corporation~~ authority may withdraw the designation of an area
22 as a development zone if any of the following applies:

23 (a) No person is certified as eligible to receive tax benefits under s. ~~238.365~~
24 235.365 (3) during the 12-month period beginning on the day the area is designated

1 as a development zone and the ~~corporation~~ authority determines that the local
2 governing body that nominated the zone is not in compliance with s. ~~238.363~~ 235.363.

3 (b) No person is certified as eligible to receive tax benefits under s. ~~238.365~~
4 235.365 (3) during the 24-month period beginning on the day the area is designated
5 a development zone.

6 *~~1215/P3.516~~*SECTION 4019. 238.35 of the statutes is renumbered 235.35,
7 and 235.35 (intro.), (6), (7), (8) and (10), as renumbered, are amended to read:

8 **235.35 Additional duties of the ~~corporation~~ authority.** (intro.) The
9 ~~corporation~~ authority shall do all of the following:

10 (6) Notify University of Wisconsin System Authority small business
11 development centers, the Wisconsin housing and development centers, the central
12 administration of all University of Wisconsin System Authority campuses and
13 regional planning commissions about the development zone program and encourage
14 those entities to provide advice to the ~~corporation~~ authority or local governing bodies
15 on ways to improve the development zone program.

****NOTE: This is reconciled s. 238.35 (6). This SECTION has been affected by drafts
with the following LRB numbers:-0971/P4 and -1215/P2.

16 (7) Prepare forms for the certification described under s. ~~238.365~~ 235.365 (5).

17 (8) Annually verify information submitted to the ~~corporation~~ authority under
18 s. 71.07 (2dx), 71.28 (1dx), 71.47 (1dx), or 76.636.

19 (10) Enter into an agreement with the local governing body of a 1st class city
20 where a development zone is designated under s. ~~238.31~~ 235.31 (3) (c) 1. to provide
21 efficient administration of the development zone program within the development
22 zone.

SECTION 4020

1 *~~1215/P3.517~~*SECTION 4020. 238.363 of the statutes is renumbered 235.363,
2 and 235.363 (1) (intro.) and (c) and (4), as renumbered, are amended to read:

3 235.363 (1) (intro.) If an area nominated by a local governing body is designated
4 as a development zone under s. ~~238.31~~ 235.31, the local governing body shall do all
5 of the following:

6 (c) Assist the ~~corporation~~ authority in the administration of the development
7 zone program.

8 (4) The local governing body of a 1st class city where a development zone is
9 designated under s. ~~238.31~~ 235.31 (3) (c) 1. shall enter into an agreement with the
10 ~~corporation~~ authority to provide efficient administration of the development zone
11 program within the development zone.

12 *~~1215/P3.518~~*SECTION 4021. 238.365 of the statutes is renumbered 235.365,
13 and 235.365 (intro.), (2), (3) (intro.), (b) and (j) and (5) (g) and (h), as renumbered, are
14 amended to read:

15 **235.365 Certification for tax benefits.** (intro.) The ~~corporation~~ authority
16 shall do all of the following:

17 (2) Determine whether a person applying for tax benefits engages or will
18 engage in economic activity that violates s. ~~238.38~~ 235.38 (1).

19 (3) (intro.) Subject to s. ~~238.38~~ 235.38, certify persons who are eligible to claim
20 tax benefits while an area is designated as a development zone, according to the
21 following criteria:

22 (b) The person's commitment not to engage in economic activity that violates
23 s. ~~238.38~~ 235.38 (1).

24 (j) Any other criteria established under ~~rules~~ policies and procedures adopted
25 by the ~~corporation~~ authority.

1 (5) (g) The limit under s. ~~238.368~~ 235.368 on tax benefits the person may claim
2 while an area is designated as a development zone.

3 (h) Other information required by the ~~corporation~~ authority or the department
4 of revenue.

5 *~~1215/P3.519~~*SECTION 4022. 238.368 of the statutes is renumbered 235.368,
6 and 235.368 (1) (a) and (b) (intro.), 1. and 2., (2) (intro.) and (b) and (3) (a) (intro.) and
7 1. and (b), as renumbered, are amended to read:

8 235.368 (1) (a) The ~~corporation~~ authority shall establish a limit on the
9 maximum amount of tax benefits a person certified under s. ~~238.365~~ 235.365 (3) may
10 claim while an area is designated as a development zone.

11 (b) (intro.) When establishing a limit on tax benefits under par. (a), the
12 ~~corporation~~ authority shall do all of the following:

13 1. Consider all of the criteria described in s. ~~238.365~~ 235.365 (3) (a) to (e).

14 2. Establish a limit which does not greatly exceed a recommended limit,
15 established under ~~rules~~ policies and procedures adopted by the ~~corporation~~ authority
16 based on the cost, number and types of full-time jobs that will be created, retained,
17 or upgraded, including full-time jobs available to members of the targeted
18 population, as a result of the economic activity of the person certified under s.
19 ~~238.365~~ 235.365 (3).

20 (2) (intro.) The ~~corporation~~ authority may, upon request, increase a limit on tax
21 benefits established under sub. (1) if the ~~corporation~~ authority does all of the
22 following:

23 (b) Revises the certification required under s. ~~238.365~~ 235.365 (5) and provides
24 a copy of the revised form to the department of revenue and the person whose limit
25 is increased under this subsection.

1 (3) (a) (intro.) The ~~corporation~~ authority may reduce a limit established under
2 sub. (1) or (2) if the ~~corporation~~ authority determines that any of the following
3 applies:

4 1. The limit is not consistent with the criteria listed under s. ~~238.365~~ 235.365
5 (3) (a) to (e).

6 (b) The ~~corporation~~ authority shall notify the department of revenue and the
7 person whose limit on tax benefits is reduced under par. (a) and provide a written
8 explanation to the person of the reasons for reducing the limit.

9 *~~1215/P3.520~~*SECTION 4023. 238.37 of the statutes is renumbered 235.37,
10 and 235.37 (1) (intro.) and (b) and (2), as renumbered, are amended to read:

11 235.37 (1) (intro.) The ~~corporation~~ authority shall revoke the certification of a
12 person certified under s. ~~238.365~~ 235.365 (3) if the person does any of the following:

13 (b) Becomes subject to revocation under s. ~~238.38~~ 235.38 (1).

14 (2) The ~~corporation~~ authority shall notify the department of revenue within 30
15 days of revoking a certification under sub. (1).

16 *~~1215/P3.521~~*SECTION 4024. 238.38 of the statutes is renumbered 235.38,
17 and 235.38 (1) (intro.), (1m), (2) (intro.) and (a) and (3) (a) and (b), as renumbered,
18 are amended to read:

19 235.38 (1) (intro.) Except as provided in subs. (2) and (3), no person may be
20 certified under s. ~~238.365~~ 235.365 (3), or a person's certification may be revoked
21 under s. ~~238.37~~ 235.37, if the proposed new business, expansion of an existing
22 business, or other proposed economic activity in a development zone would do or does
23 any of the following:

24 (1m) No person may be certified under s. ~~238.365~~ 235.365 (3) on or after March
25 6, 2009.

1 (2) (intro.) Subsection (1) does not apply if, after a hearing, the ~~corporation~~
2 authority, or the local governing body under sub. (3) (a), determines that any of the
3 following applies:

4 (a) The total number of full-time jobs provided by the person in this state would
5 be reduced if the person were not certified under s. ~~238.365~~ 235.365 (3) or if the
6 person's certification were revoked.

7 (3) (a) Except as provided in pars. (b) and (c), if the economic activity for which
8 a person is seeking certification under s. ~~238.365~~ 235.365 (3) is the relocation of a
9 business into a development zone from a location that is outside the development
10 zone but within the limits of a city, village, town, or federally recognized American
11 Indian reservation in which that development zone is located, the local governing
12 body that nominated that area as a development zone under s. ~~238.32~~ 235.32 shall
13 determine whether sub. (2) (a) or (b) applies.

14 (b) Only the ~~corporation~~ authority may determine whether sub. (2) (a) or (b)
15 applies to a business relocation described in par. (a) if the business relocation would
16 likely result in the loss of full-time jobs at or transfer of employees from a business
17 location that is in this state but outside the limits of any city, village, town, or
18 federally recognized American Indian reservation in which the development zone is
19 located.

20 *~~-1215/P3.522~~*SECTION 4025. 238.385 of the statutes is renumbered 235.385,
21 and 235.385 (1) (intro.) and (bm) and (2) (intro.), (b) and (c), as renumbered, are
22 amended to read:

23 235.385 (1) (intro.) For the development zone program under ss. ~~238.30~~ 235.30
24 and ~~238.31 to 238.38~~ 235.31 to 235.38, the development opportunity zone program
25 under s. ~~238.395~~ 235.395, and the enterprise development zone program under s.

1 ~~238.397~~ 235.397, the ~~corporation~~ authority shall adopt ~~rules~~ policies and procedures
2 that further define a person's eligibility for tax benefits. The ~~rules~~ policies and
3 procedures shall do at least all of the following:

4 (bm) Allow a person to claim up to \$8,000 in tax benefits during the time that
5 an area is designated as an enterprise development zone for retaining a full-time job
6 if the ~~corporation~~ authority determines that the person made a significant capital
7 investment to retain the full-time job.

8 (2) (intro.) The ~~corporation~~ authority may by rule specify circumstances under
9 which the ~~corporation~~ authority may grant exceptions to any of the following:

10 (b) The requirement under ss. ~~238.30~~ 235.30 (2m) and ~~238.397~~ 235.397 (1) (am)
11 that an individual's pay must equal at least 150% of the federal minimum wage.

12 (c) The requirement under ss. ~~238.30~~ 235.30 (2m) and ~~238.397~~ 235.397 (1) (am)
13 that an individual's position must be regular, nonseasonal, and full-time and that
14 the individual must be required to work at least 2,080 hours per year, including paid
15 leave and holidays.

16 ~~*-1215/P3.523*~~SECTION 4026. 238.395 of the statutes is renumbered 235.395,
17 and 235.395 (1) (a), (b), (c), (d), (e), (f), (g), (h) and (i), (2) (c), (d) 1. and 2. and (e) 1.,
18 2. and 3., (3) (a) 1., 2., 3. and 4., (b) 9., (c) and (d), (4) (a) (intro.) and (b) and (5) (a)
19 (intro.), 2. and 3., (b), (c), (d), (e) (intro.) and 3. and (f), as renumbered, are amended
20 to read:

21 235.395 (1) (a) An area in the city of Beloit, the legal description of which is
22 provided to the ~~corporation~~ authority by the local governing body of the city of Beloit.

23 (b) An area in the city of West Allis, the legal description of which is provided
24 to the ~~corporation~~ authority by the local governing body of the city of West Allis.

1 (c) An area in the city of Eau Claire, the legal description of which is provided
2 to the ~~corporation~~ authority by the local governing body of the city of Eau Claire.

3 (d) An area in the city of Kenosha, the legal description of which is provided to
4 the ~~corporation~~ authority by the local governing body of the city of Kenosha.

5 (e) An area in the city of Milwaukee, the legal description of which is provided
6 to the ~~corporation~~ authority by the local governing body of the city of Milwaukee.

7 (f) For the Gateway Project, an area in the city of Beloit, the legal description
8 of which is provided to the ~~corporation~~ authority by the local governing body of the
9 city of Beloit.

10 (g) An area in the city of Janesville, the legal description of which is provided
11 to the ~~corporation~~ authority by the local governing body of the city of Janesville.

12 (h) An area in the city of Kenosha, the legal description of which is provided to
13 the ~~corporation~~ authority by the local governing body of the city of Kenosha.

14 (i) An area in the city of Beloit, the legal description of which is provided to the
15 ~~corporation~~ authority by the local governing body of the city of Beloit.

16 (2) (c) Annually, the ~~corporation~~ authority shall estimate the amount of forgone
17 state revenue because of tax benefits claimed by persons in each development
18 opportunity zone.

19 (d) 1. Notwithstanding pars. (a) and (e), the designation of an area as a
20 development opportunity zone shall expire 90 days after the day on which the
21 ~~corporation~~ authority determines that the forgone tax revenues under par. (c) will
22 equal or exceed the limit for the development opportunity zone.

23 2. The ~~corporation~~ authority shall immediately notify the local governing body
24 of the city in which the development opportunity zone is located of a change in the
25 expiration date of the development opportunity zone under this paragraph.

1 (e) 1. The ~~corporation~~ authority may extend the designation of an area under
2 sub. (1) (g) as a development opportunity zone for an additional 60 months if the
3 ~~corporation~~ authority determines that an extension under this subdivision would
4 support economic development within the city. If the ~~corporation~~ authority extends
5 the designation of the area as a development opportunity zone, the limit for tax
6 benefits for the development opportunity zone under sub. (1) (g) is increased by
7 \$5,000,000.

8 2. The ~~corporation~~ authority may extend the designation of an area under sub.
9 (1) (h) as a development opportunity zone for an additional 60 months if the
10 ~~corporation~~ authority determines that an extension under this subdivision would
11 support economic development within the city. If the ~~corporation~~ authority extends
12 the designation of the area as a development opportunity zone, the limit for tax
13 benefits for the development opportunity zone under sub. (1) (h) is increased by
14 \$5,000,000.

15 3. The ~~corporation~~ authority may extend the designation of an area under sub.
16 (1) (i) as a development opportunity zone for an additional 60 months if the
17 ~~corporation~~ authority determines that an extension will support economic
18 development within the city. If the ~~corporation~~ authority grants an extension under
19 this subdivision, the limit for tax benefits for the development opportunity zone
20 under sub. (1) (i) is increased by \$5,000,000.

21 (3) (a) 1. Any person that is conducting or that intends to conduct economic
22 activity in a development opportunity zone under sub. (1) (a) or (b) and that, in
23 conjunction with the local governing body of the city in which the development
24 opportunity zone is located, submits a project plan as described in par. (b) to the

1 ~~corporation~~ authority no later than 6 months after April 23, 1994, shall be entitled
2 to claim tax benefits while the area is designated as a development opportunity zone.

3 2. Any person that is conducting or that intends to conduct economic activity
4 in a development opportunity zone under sub. (1) (c) and that, in conjunction with
5 the local governing body of the city in which the development opportunity zone is
6 located, submits a project plan as described in par. (b) to the ~~corporation~~ authority
7 no later than 6 months after April 28, 1995, shall be entitled to claim tax benefits
8 while the area is designated as a development opportunity zone.

9 3. Any person that is conducting or that intends to conduct economic activity
10 in a development opportunity zone under sub. (1) (d) and that, in conjunction with
11 the local governing body of the city in which the development opportunity zone is
12 located, submits a project plan as described in par. (b) to the ~~corporation~~ authority
13 no later than July 1, 2000, shall be entitled to claim tax benefits while the area is
14 designated as a development opportunity zone.

15 4. Any person that is conducting or that intends to conduct economic activity
16 in a development opportunity zone under sub. (1) (e), (f), (g), (h), or (i) and that, in
17 conjunction with the local governing body of the city in which the development
18 opportunity zone is located, submits a project plan as described in par. (b) to the
19 ~~corporation~~ authority shall be entitled to claim tax benefits while the area is
20 designated as a development opportunity zone.

21 (b) 9. Other information required by the ~~corporation~~ authority or the
22 department of revenue.

23 (c) The ~~corporation~~ authority shall notify the department of revenue of all
24 persons entitled to claim tax benefits under this subsection.

1 (d) The ~~corporation~~ authority annually shall verify information submitted to
2 the ~~corporation~~ authority under s. 71.07 (~~2di~~), (2dm), or (2dx), 71.28 (~~1di~~), (1dm), or
3 (1dx), 71.47 (~~1di~~), (1dm), or (1dx), or 76.636.

****NOTE: This is reconciled s. 235.395 (3) (d). This SECTION has been affected by
drafts with the following LRB numbers: -1018/P1 and -1215/P2.

4 (4) (a) (intro.) The ~~corporation~~ authority shall revoke the entitlement of a
5 person to claim tax benefits under sub. (3) if the person does any of the following:

6 (b) The ~~corporation~~ authority shall notify the department of revenue within 30
7 days after revoking an entitlement under par. (a).

8 (5) (a) (intro.) The ~~corporation~~ authority may certify for tax benefits a person
9 that is conducting economic activity in the development opportunity zone under sub.
10 (1) (e) or (f) and that is not otherwise entitled to claim tax benefits if all of the
11 following apply:

12 2. The ~~corporation~~ authority determines that the economic activity of the other
13 person under subd. 1. would not have occurred but for the involvement of the person
14 to be certified for tax benefits under this subsection.

15 3. The person to be certified for tax benefits under this subsection will pass the
16 benefits through to the other person conducting the economic activity under subd.
17 1., as determined by the ~~corporation~~ authority.

18 (b) A person intending to claim tax benefits under this subsection shall submit
19 to the ~~corporation~~ authority an application, in the form required by the ~~corporation~~
20 authority, containing information required by the ~~corporation~~ authority and by the
21 department of revenue.

22 (c) The ~~corporation~~ authority shall notify the department of revenue of all
23 persons certified to claim tax benefits under this subsection.

1 (d) The ~~corporation~~ authority annually shall verify information submitted to
2 the ~~corporation~~ authority under s. 71.07 (2dm) or (2dx), 71.28 (1dm) or (1dx), 71.47
3 (1dm) or (1dx), or 76.636.

4 (e) (intro.) The ~~corporation~~ authority shall revoke the entitlement of a person
5 to claim tax benefits under this subsection if the person does any of the following:

6 3. Does not pass the benefits through to the other person conducting the
7 economic activity under par. (a) 1., as determined by the ~~corporation~~ authority.

8 (f) The ~~corporation~~ authority shall notify the department of revenue within 30
9 days after revoking an entitlement under par. (e).

10 *~~1215/P3.524~~*SECTION 4027. 238.397 of the statutes is renumbered 235.397,
11 and 235.397 (1) (am), (c) and (d), (2) (a) (intro.) and 4. a. and d., (b) (intro.) and 8., (bg)
12 (intro.), (br) (intro.), (c), (d) and (e), (3) (a), (b) 11. and (c), (4) (a), (c), (d) and (g), (5)
13 (a), (b) and (d) 1. and 2. and (6) (a) (intro.) and (b), as renumbered, are amended to
14 read:

15 235.397 (1) (am) “Full-time job” has the meaning given in s. ~~238.30~~ 235.30
16 (2m).

17 (c) “Target population” has the meaning given in s. ~~238.30~~ 235.30 (6).

18 (d) “Tax benefits” has the meaning given in s. ~~238.30~~ 235.30 (7).

19 (2) (a) (intro.) Subject to pars. (c), (d), and (e), the ~~corporation~~ authority may
20 designate an area as an enterprise development zone for a project if the ~~corporation~~
21 authority determines all of the following:

22 4. a. The unemployment rate in the area is higher than the state average for
23 the 18 months immediately preceding the date on which the application under sub.
24 (3) was submitted to the ~~corporation~~ authority.

1 d. In the 36 months immediately preceding the date on which the application
2 under sub. (3) was submitted to the ~~corporation~~ authority, a number of workers in
3 the area were permanently laid off by their employer or became unemployed as a
4 result of a business action subject to s. 109.07 (1m).

5 (b) (intro.) In making a determination under par. (a), the ~~corporation~~ authority
6 shall consider all of the following:

7 8. Any other factors that the ~~corporation~~ authority considers relevant.

8 (bg) (intro.) Notwithstanding par. (a) and subject to pars. (c), (d), and (e), the
9 ~~corporation~~ authority may designate an area as an enterprise development zone for
10 a project if the ~~corporation~~ authority determines all of the following:

11 (br) (intro.) In making a determination under par. (bg), the ~~corporation~~
12 authority shall consider all of the following:

13 (c) The ~~corporation~~ authority may not designate as an enterprise development
14 zone, or as any part of an enterprise development zone, an area that is located within
15 the boundaries of an area that is designated as a development opportunity zone
16 under s. ~~238.395~~ 235.395, the designation of which is in effect.

17 (d) The ~~corporation~~ authority may not designate more than 98 enterprise
18 development zones unless the ~~corporation~~ authority obtains the approval of the joint
19 committee on finance to do so. Of the enterprise development zones that the
20 ~~corporation~~ authority designates, at least 10 shall be designated under par. (bg).

21 (e) The ~~corporation~~ authority may not designate any area as an enterprise
22 development zone on or after March 6, 2009.

23 (3) (a) A person that conducts or that intends to conduct a project and that
24 desires to have the area in which the project is or is to be conducted designated as

1 an enterprise development zone for the purpose of claiming tax benefits may submit
2 to the ~~corporation~~ authority an application and a project plan.

3 (b) 11. Any other information required by the ~~corporation~~ authority or the
4 department of revenue.

5 (c) The ~~corporation~~ authority may not accept or approve any applications or
6 project plans submitted under par. (a) on or after March 6, 2009.

7 (4) (a) Except as provided in par. (h), if the ~~corporation~~ authority approves a
8 project plan under sub. (3) and designates the area in which the person submitting
9 the project plan conducts or intends to conduct the project as an enterprise
10 development zone under the criteria under sub. (2), the ~~corporation~~ authority shall
11 certify the person as eligible for tax benefits.

12 (c) When the ~~corporation~~ authority designates an area as an enterprise
13 development zone for a project, the ~~corporation~~ authority shall notify the governing
14 body of any city, village, town, or federally recognized American Indian tribe or band
15 in which the area is located of the area's designation.

16 (d) The ~~corporation~~ authority shall notify the department of revenue of all
17 persons entitled to claim tax benefits under this section, except that the ~~corporation~~
18 authority shall notify the office of the commissioner of insurance of all persons
19 entitled to claim the credit under s. 76.636.

20 (g) The ~~corporation~~ authority annually shall verify information submitted to
21 the ~~corporation~~ authority under s. 71.07 (2dx), 71.28 (1dx), 71.47 (1dx), or 76.636.

22 (5) (a) When the ~~corporation~~ authority designates an area as an enterprise
23 development zone under this section, the ~~corporation~~ authority shall specify the
24 length of time, not to exceed 84 months, that the designation is effective, subject to
25 par. (d) and sub. (6).

1 (b) When the ~~corporation~~ authority designates an area as an enterprise
2 development zone under this section, the ~~corporation~~ authority shall establish a
3 limit, not to exceed \$3,000,000, for tax benefits for the enterprise development zone.

4 (d) 1. Notwithstanding the length of time specified by the ~~corporation~~ authority
5 under par. (a), the designation of an area as an enterprise development zone shall
6 expire 90 days after the day on which the ~~corporation~~ authority determines that the
7 forgone tax revenues under par. (c) will equal or exceed the limit established for the
8 enterprise development zone.

9 2. The ~~corporation~~ authority shall immediately notify the department of
10 revenue and the governing body of any city, village, town, or federally recognized
11 American Indian tribe or band in which the enterprise development zone is located
12 of a change in the expiration date of the enterprise development zone under this
13 paragraph.

14 (6) (a) (intro.) The ~~corporation~~ authority shall revoke the entitlement of a
15 person to claim tax benefits under this section, and the designation of the area as an
16 enterprise development zone shall expire, if the person does any of the following:

17 (b) The ~~corporation~~ authority shall notify the department of revenue within 30
18 days after revoking an entitlement under par. (a).

19 ~~*-1215/P3.525*~~SECTION 4028. 238.398 of the statutes is renumbered 235.398,
20 and 235.398 (2) (a) and (b), (3) (a) and (b), (4) (a) (intro.) and (b) and (5) (intro.) and
21 (e), as renumbered, are amended to read:

22 235.398 (2) (a) Except as provided under par. (c), the ~~corporation~~ authority may
23 designate one area in the state as an agricultural development zone. The area must
24 be located in a rural municipality. An agricultural business that is located in an

1 agricultural development zone and that is certified by the ~~corporation~~ authority
2 under sub. (3) is eligible for tax benefits as provided in sub. (3).

3 (b) The designation of an area as an agricultural development zone shall be in
4 effect for 10 years from the time that the ~~corporation~~ authority first designates the
5 area. Not more than \$5,000,000 in tax benefits may be claimed in an agricultural
6 development zone, except that the ~~corporation~~ authority may allocate the amount of
7 unallocated airport development zone tax credits, as provided under s. ~~238.3995~~
8 235.3995 (3) (b), to agricultural development zones for which the \$5,000,000
9 maximum allocation is insufficient. The ~~corporation~~ authority may change the
10 boundaries of an agricultural development zone during the time that its designation
11 is in effect. A change in the boundaries of an agricultural development zone does not
12 affect the duration of the designation of the area or the maximum tax benefit amount
13 that may be claimed in the agricultural development zone.

14 (3) (a) Except as provided under par. (c), the ~~corporation~~ authority may certify
15 for tax benefits in an agricultural development zone a new or expanding agricultural
16 business that is located in the agricultural development zone. In determining
17 whether to certify a business under this subsection, the ~~corporation~~ authority shall
18 consider, among other things, the number of jobs that will be created or retained by
19 the business.

20 (b) When the ~~corporation~~ authority certifies an agricultural business under
21 this subsection, the ~~corporation~~ authority shall establish a limit on the amount of tax
22 benefits that the business may claim. The ~~corporation~~ authority shall enter into an
23 agreement with the business that specifies the limit on the amount of tax benefits
24 that the business may claim and reporting requirements with which the business
25 must comply.

1 (4) (a) (intro.) The ~~corporation~~ authority shall notify the department of revenue
2 of all the following:

3 (b) The ~~corporation~~ authority shall annually verify information submitted to
4 the ~~corporation~~ authority under s. 71.07 (2dm) or (2dx), 71.28 (1dm) or (1dx), 71.47
5 (1dm) or (1dx), or 76.636.

6 (5) (intro.) The ~~corporation~~ authority shall adopt rules policies and procedures
7 for the operation of this section, including rules policies and procedures related to all
8 of the following:

9 (e) The exchange of information between the ~~corporation~~ authority and the
10 department of revenue.

as affected by 2015 Wisconsin Act (this act?)

11 ***-1215/P3.526*SECTION 4029.** 238.399 of the statutes is renumbered 235.399,
12 and 235.399 (1) (am) 2. (intro.), (3) (a), (b) (intro.), (bm), (c) and (d), (5) (intro.), (b),
13 (c) 1. a. and b. and 2. b. and c., (d) 1. and (e), (5m) and (6) (a), (b) (intro.), (c), (d), (e),
14 (f) and (g) (intro.) and 1. (intro.), as renumbered, are amended to read:

15 235.399 (1) (am) 2. (intro.) The ~~corporation~~ authority may grant exceptions to
16 the requirement under subd. 1. that a full-time employee means an individual who,
17 as a condition of employment, is required to work at least 2,080 hours per year if all
18 of the following apply:

19 (3) (a) The ~~corporation~~ authority may designate not more than 20 enterprise
20 zones.

21 (b) (intro.) In determining whether to designate an area under par. (a), the
22 ~~corporation~~ authority shall consider all of the following:

23 (bm) The ~~corporation~~ authority shall specify whether an enterprise zone
24 designated under par. (a) is located in a tier I county or municipality or a tier II county
25 or municipality.

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1 (c) The ~~corporation~~ authority shall, to the extent possible, give preference to the
2 greatest economic need.

3 (d) Notwithstanding pars. (b) and (c), the ~~corporation~~ authority shall designate
4 as enterprise zones at least 3 areas comprising political subdivisions whose
5 populations total less than 5,000 and at least 2 areas comprising political
6 subdivisions whose populations total 5,000 or more but less than 30,000. In
7 designating an enterprise zone under this paragraph, the ~~corporation~~ authority may
8 consider indicators of an area's economic need and the effect of designation on other
9 economic development activities.

10 (5) CERTIFICATION. (intro.) The ~~corporation~~ authority may certify for tax
11 benefits any of the following:

12 (b) A business that relocates to an enterprise zone from outside this state, if the
13 business offers compensation and benefits to its employees working in the zone for
14 the same type of work that are at least as favorable as those offered to its employees
15 working outside the zone, as determined by the ~~corporation~~ authority.

16 (c) 1. a. The business enters into an agreement with the ~~corporation~~ authority
17 to claim tax benefits only for years during which the business maintains the
18 increased level of personnel.

19 b. The business offers compensation and benefits for the same type of work to
20 its employees working in the enterprise zone that are at least as favorable as those
21 offered to its employees working in this state but outside the zone, as determined by
22 the ~~corporation~~ authority.

23 2. b. The business enters into an agreement with the ~~corporation~~ authority to
24 claim tax benefits only for years during which the business maintains the capital
25 investment.

1 c. The business offers compensation and benefits for the same type of work to
2 its employees working in the zone that are at least as favorable as those offered to
3 its employees working in this state but outside the zone, as determined by the
4 ~~corporation~~ authority.

5 (d) 1. The business is a manufacturer with a significant supply chain in the
6 state, as determined by the ~~corporation~~ authority.

7 (e) A business located in an enterprise zone if the business purchases tangible
8 personal property, items, property, or goods under s. 77.52 (1) (b), (c), or (d), or
9 services from Wisconsin vendors, as determined by the ~~corporation~~ authority.

10 **(5m)** ADDITIONAL TAX BENEFITS FOR SIGNIFICANT CAPITAL EXPENDITURES. If the
11 ~~corporation~~ authority determines that a business certified under sub. (5) makes a
12 significant capital expenditure in the enterprise zone, the ~~corporation~~ authority may
13 certify the business to receive additional tax benefits in an amount to be determined
14 by the ~~corporation~~ authority, but not exceeding 10 percent of the business' capital
15 expenditures. The ~~corporation~~ authority shall, in a manner determined by the
16 ~~corporation~~ authority, allocate the tax benefits a business is certified to receive under
17 this subsection over the remainder of the time limit of the enterprise zone under sub.
18 (4).

19 **(6)** (a) The ~~corporation~~ authority shall notify the department of revenue when
20 the ~~corporation~~ authority certifies a business to receive tax benefits.

21 (b) (intro.) The ~~corporation~~ authority shall revoke a certification under sub. (5)
22 if the business does any of the following:

23 (c) The ~~corporation~~ authority shall notify the department of revenue within 30
24 days of a revocation under par. (b).

1 (d) The ~~corporation~~ authority may require a business to repay any tax benefits
2 the business claims for a year in which the business failed to maintain employment
3 levels or a significant capital investment in property required by an agreement under
4 sub. (5) (c).

5 (e) The ~~corporation~~ authority shall determine the maximum amount of the tax
6 credits under ss. 71.07 (3w), 71.28 (3w), and 71.47 (3w) that a certified business may
7 claim and shall notify the department of revenue of this amount.

8 (f) The ~~corporation~~ authority shall annually verify the information submitted
9 to the ~~corporation~~ authority under ss. 71.07 (3w), 71.28 (3w), or 71.47 (3w).

10 (g) (intro.) The ~~corporation~~ authority shall adopt policies and procedures
11 specifying all of the following:

12 1. (intro.) The definitions of a tier I county or municipality and a tier II county
13 or municipality. The ~~corporation~~ authority may consider all of the following
14 information when establishing the definitions required under this subdivision:

15 *~~0364/P4.1~~*SECTION 4030. 238.399 (3) (a) of the statutes is amended to read:

16 238.399 (3) (a) The corporation may designate not more than ~~20~~ 30 enterprise
17 zones.

18 *~~1215/P3.527~~*SECTION 4031. 238.3995 of the statutes is renumbered
19 235.3995, and 235.3995 (1) (b) and (c), (2) (a) (intro.) and 4., (b) (intro.) and 8., (c) 1.
20 and 2. and (d), (3) (a), (b), (c) and (d) 1. and 2., (4) (a) (intro.) and 10., (am), (ar), (b)
21 1., (c) (intro.) and (d) and (5), as renumbered, are amended to read:

22 235.3995 (1) (b) “Full-time job” has the meaning given in s. ~~238.30~~ 235.30 (2m).

23 (c) “Target population” has the meaning given in s. ~~238.30~~ 235.30 (6).

1 (2) (a) (intro.) Subject to pars. (c) and (e), the ~~corporation~~ authority may
2 designate an area as an airport development zone if the ~~corporation~~ authority
3 determines all of the following:

4 4. That the airport development project is not likely to occur or continue
5 without the ~~corporation~~ authority designation of the area as an airport development
6 zone.

7 (b) (intro.) In making a determination under par. (a), the ~~corporation~~ authority
8 shall consider all of the following:

9 8. Any other factors that the ~~corporation~~ authority considers relevant.

10 (c) 1. The ~~corporation~~ authority may not designate as an airport development
11 zone, or as any part of an airport development zone, an area that is located within
12 the boundaries of an area that is designated as a development zone under s. ~~238.31~~
13 235.31, as a development opportunity zone under s. ~~238.395~~ 235.395, or as an
14 enterprise development zone under s. ~~238.397~~ 235.397.

15 2. The ~~corporation~~ authority shall give the department of transportation the
16 opportunity to review and comment on any proposed designation under this
17 subsection and the department of transportation may deny any such designation if
18 the department of transportation determines that the designation would
19 compromise the airport's safety or utility. The department of transportation may
20 also review and comment on any land use or compatibility issues related to any
21 proposed designation under this subsection.

22 (d) Notwithstanding pars. (a) to (c), and except as provided in par. (e), the
23 ~~corporation~~ authority shall designate as an airport development zone the area
24 within the boundaries of Adams, Fond du Lac, Green Lake, Juneau, Langlade,

1 Lincoln, Marathon, Marquette, Menominee, Oneida, Portage, Price, Shawano,
2 Taylor, Waupaca, Waushara, Winnebago, Wood, and Vilas counties.

3 (3) (a) When the ~~corporation~~ authority designates an area as an airport
4 development zone, the ~~corporation~~ authority shall specify the length of time, not to
5 exceed 84 months, that the designation is effective, subject to par. (d). The
6 ~~corporation~~ authority shall notify each person certified for tax benefits in an airport
7 development zone, the department of revenue, the department of transportation, ~~the~~
8 ~~Wisconsin Housing and Economic Development Authority~~, and the governing body
9 of each county, city, village, town, and federally recognized American Indian tribe or
10 band in which territory of the airport development zone is located of the designation
11 of and expiration date of the airport development zone.

12 (b) When the ~~corporation~~ authority designates an area as an airport
13 development zone, the ~~corporation~~ authority shall establish a limit, not to exceed
14 \$3,000,000, for tax benefits applicable to the airport development zone, except that
15 the ~~corporation~~ authority shall limit the amount of tax benefits applicable to the
16 airport development zone designated under sub. (2) (d) to \$750,000. The total tax
17 benefits applicable to all airport development zones may not exceed \$9,000,000, less
18 any amount allocated to technology zones under s. ~~238.23~~ 235.23 (2) (b) and to
19 agricultural development zones under s. ~~238.398~~ 235.398 (2) (b), and except that the
20 total amount allocated to all technology zones under s. ~~238.23~~ 235.23 (2) (b) and to
21 all agricultural development zones under s. ~~238.398~~ 235.398 (2) (b), may not exceed
22 \$6,000,000. The ~~corporation~~ authority may not reallocate amounts as provided
23 under this paragraph on or after January 1, 2010, except that the ~~corporation~~
24 authority may, after 48 months from the month of any designation under this section,

1 evaluate the area designated as an airport development zone and reallocate the
2 amount of available tax benefits.

3 (c) Annually, the ~~corporation~~ authority shall estimate the amount of forgone
4 state revenue because of tax benefits claimed by persons in each airport development
5 zone.

6 (d) 1. Notwithstanding the length of time specified by the ~~corporation~~ authority
7 under par. (a), the designation of an area as an airport development zone shall expire
8 90 days after the day on which the ~~corporation~~ authority determines that the forgone
9 tax revenues estimated under par. (c) will equal or exceed the limit established for
10 the airport development zone.

11 2. The ~~corporation~~ authority shall immediately notify each person certified for
12 tax benefits in an airport development zone, the department of revenue, the
13 department of transportation, the ~~Wisconsin Housing and Economic Development~~
14 ~~Authority~~, and the governing body of each county, city, village, town, and federally
15 recognized American Indian tribe or band in which territory of the airport
16 development zone is located of a change in the expiration date of the airport
17 development zone under this paragraph.

18 (4) (a) (intro.) A person that intends to operate a place of business in an airport
19 development zone may submit to the ~~corporation~~ authority an application and a
20 business plan. The business plan shall include all of the following:

21 10. Any other information required by the ~~corporation~~ authority or the
22 department of revenue.

23 (am) A person that intends to operate a business in the airport development
24 zone designated under sub. (2) (d) may submit to the ~~corporation~~ authority an
25 application and a business plan that includes all of the information required under

1 par. (a). In approving business plans submitted under this paragraph, the
2 ~~corporation~~ authority shall give higher priority to airport development projects
3 located or proposed to be located in areas that have a low median household income,
4 as determined by the ~~corporation~~ authority.

5 (ar) The ~~corporation~~ authority may not accept or approve any applications or
6 business plans submitted under par. (a) on or after March 6, 2009.

7 (b) 1. Except as provided in subd. 2., if the ~~corporation~~ authority approves a
8 business plan under par. (a) or (am), the ~~corporation~~ authority shall certify the
9 person as eligible for tax benefits. The ~~corporation~~ authority shall notify the
10 department of revenue within 30 days of certifying a person under this paragraph.

11 (c) (intro.) The ~~corporation~~ authority shall revoke a person's certification under
12 par. (b) when the designation of the applicable airport development zone expires or
13 if the person does any of the following:

14 (d) The ~~corporation~~ authority shall notify the department of revenue within 30
15 days after revoking a certification under par. (c).

16 (5) VERIFICATION OF INFORMATION. The ~~corporation~~ authority annually shall
17 verify information submitted to the ~~corporation~~ authority under ss. 71.07 (2dm) and
18 (2dx), 71.28 (1dm) and (1dx), and 71.47 (1dm) and (1dx) as it relates to airport
19 development zones.

20 ~~*-0807/P6.383*SECTION 4032.~~ 250.041 (1) (b) of the statutes is repealed.

21 ~~*-0807/P6.384*SECTION 4033.~~ 250.041 (1) (e) of the statutes is amended to
22 read:

23 250.041 (1) (e) A permit under s. 254.47 (1), or 254.64 (1) (a) or (b) ~~or 255.08~~
24 (2).

1 ***-0602/P4.80***SECTION 4034. 250.041 (1) (e) of the statutes, as affected by 2015
2 Wisconsin Act (this act), is repealed.

 ****NOTE: This is reconciled s. 250.041 (1) (e). This SECTION has been affected by
drafts with the following LRB numbers: -0602/P3 and -0807/P5.

3 ***-0602/P4.81***SECTION 4035. 250.041 (1) (f) of the statutes is repealed.

4 ***-0971/P5.655***SECTION 4036. 250.20 (2) (d) of the statutes is amended to
5 read:

6 250.20 (2) (d) Work closely with all state agencies, including the board of
7 regents of the University of Wisconsin System Authority and the technical college
8 system board, with the University of Wisconsin Hospitals and Clinics Authority, with
9 the private sector and with groups concerned with issues of the health of
10 economically disadvantaged minority group members to develop long-term
11 solutions to health problems of minority group members.

12 ***-0602/P4.82***SECTION 4037. 252.02 (4) of the statutes is amended to read:

13 252.02 (4) The Except as provided in ss. 93.07 (24) (e) and 97.59, the
14 department may promulgate and enforce rules or issue orders for guarding against
15 the introduction of any communicable disease into the state, for the control and
16 suppression of communicable diseases, for the quarantine and disinfection of
17 persons, localities and things infected or suspected of being infected by a
18 communicable disease and for the sanitary care of jails, state prisons, mental health
19 institutions, schools, hotels and public buildings and connected premises. Any rule
20 or order may be made applicable to the whole or any specified part of the state, or to
21 any vessel or other conveyance. The department may issue orders for any city, village
22 or county by service upon the local health officer. Rules that are promulgated and

1 orders that are issued under this subsection supersede conflicting or less stringent
2 local regulations, orders or ordinances.

3 ***-1257/P2.2*SECTION 4038.** 252.04 (9m) of the statutes is created to read:

4 252.04 (9m) A pharmacist or pharmacy that administers a vaccine under this
5 section to a person 6 to 18 years of age shall update the Wisconsin Immunization
6 Registry established by the department within 24 hours of administering the
7 vaccine.

8 ***-0807/P6.385*SECTION 4039.** 252.12 (2) (a) 9. of the statutes is amended to
9 read:

10 252.12 (2) (a) 9. ‘Grant for family resource center.’ The department shall award
11 a grant to develop and implement an African–American family resource center in the
12 city of Milwaukee that targets activities toward the prevention and treatment of HIV
13 infection and related infections, including hepatitis C virus infection, of minority
14 group members, as defined in s. ~~16.287~~ 203.07 (1) (f).

15 ***-0807/P6.386*SECTION 4040.** 252.12 (2) (c) 2. of the statutes is amended to
16 read:

17 252.12 (2) (c) 2. From the appropriation account under s. 20.435 (1) (am), the
18 department shall award \$75,000 in each fiscal year as grants for services to prevent
19 HIV infection and related infections, including hepatitis C virus infection. Criteria
20 for award of the grants shall include the criteria specified under subd. 1. The
21 department shall award 60% of the funding to applying organizations that receive
22 funding under par. (a) 8. and 40% of the funding to applying community–based
23 organizations that are operated by minority group members, as defined in s. ~~16.287~~
24 203.07 (1) (f).

1 *~~0602/P4.83~~*SECTION 4041. 252.18 of the statutes is renumbered 97.59 and
2 amended to read:

3 **97.59 Handling foods.** No person in charge of any public eating place or other
4 establishment where food products to be consumed by others are handled may
5 knowingly employ any person handling food products who has a disease in a form
6 that is communicable by food handling. If required by the local health officer or any
7 officer of the department for the purposes of an investigation, any person who is
8 employed in the handling of foods or is suspected of having a disease in a form that
9 is communicable by food handling shall submit to an examination by the officer or
10 by a physician, physician assistant, or advanced practice nurse prescriber
11 designated by the officer. The expense of the examination, if any, shall be paid by the
12 person examined. Any person knowingly infected with a disease in a form that is
13 communicable by food handling who handles food products to be consumed by others
14 and any persons knowingly employing or permitting such a person to handle food
15 products to be consumed by others shall be punished as provided by s. ~~252.25~~ 97.72.

16 *~~0807/P6.387~~*SECTION 4042. 252.23 of the statutes is renumbered 463.10,
17 and 463.10 (title), (2), (3) and (4) (a), as renumbered, are amended to read:

18 **463.10 (title) Regulation of tattooists and tattooing establishments.**

19 **(2) DEPARTMENT; DUTY.** Except as provided in ss. ~~250.041 and 252.241~~ 463.14,
20 the department shall provide uniform, statewide licensing and regulation of
21 tattooists and uniform, statewide licensing and regulation of tattoo establishments
22 under this section. The department shall inspect a tattoo establishment once before
23 issuing a license for the tattoo establishment under this section and may make
24 additional inspections that the department determines are necessary.

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1 (3) LICENSE REQUIRED. Except as provided in sub. (5), no person may tattoo or
2 attempt to tattoo another, designate or represent himself or herself as a tattooist or
3 use or assume the title "tattooist" and no tattoo establishment may be operated
4 unless the person and the establishment are licensed by the department under this
5 section or by a local health department that is designated as the department's agent
6 under s. ~~252.245~~ 463.16. ✓

7 (4) (a) Except as provided in ss. ~~250.041 and 252.241~~ s. 463.14 and subject to
8 sub. (4m), standards and procedures, including fee payment to offset the cost of
9 licensing tattooists and tattoo establishments, for the annual issuance of licenses as
10 tattooists or as tattoo establishments to applicants under this section. The
11 department may not promulgate a rule that imposes a fee for a license under sub. (3)
12 on an individual who is eligible for the veterans fee waiver program under s. 45.44.

13 *-0807/P6.388*SECTION 4043. 252.24 of the statutes is renumbered 463.12,
14 and 463.12 (2) ⁽³⁾ and (4) (a), as renumbered, are amended to read:

15 463.12 (2) DEPARTMENT; DUTY. Except as provided in ss. ~~250.041 and 252.241~~
16 s. 463.14, the department shall provide uniform, statewide licensing and regulation
17 of body piercers and uniform, statewide licensing and regulation of body-piercing
18 establishments under this section. The department shall inspect a body-piercing
19 establishment once before issuing a license for the body-piercing establishment
20 under this section and may make additional inspections that the department
21 determines are necessary.

22 (4) (a) Except as provided in ss. ~~250.041 and 252.241~~ s. 463.14 and subject to
23 sub. (4m), standards and procedures, including fee payment to offset the cost of
24 licensing body piercers and body-piercing establishments, for the annual issuance
25 of licenses as body piercers or as body-piercing establishments to applicants under

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1 this section. The department may not promulgate a rule under which the
2 department may charge an individual who is eligible for the veterans fee waiver
3 program under s. 45.44 a fee to obtain a license under sub. (3).

4 *~~0807/P6.389~~SECTION 4044. 252.241 of the statutes is renumbered 463.14,
5 and 463.14 (title), (1), (1m), (3), (4) and (5), as renumbered, are amended to read:

6 **463.14 (title) Denial, nonrenewal and revocation of license or permit**
7 **based on delinquent taxes or unemployment insurance contributions. (1)**
8 Except as provided in sub. (1m), the department shall require each applicant to
9 provide the department with the applicant's social security number, if the applicant
10 is an individual, or the applicant's federal employer identification number, if the
11 applicant is not an individual, as a condition of issuing or renewing a license under
12 s. ~~252.23 (2) or (4) (a) or 252.24 (2) or (4) (a)~~ 463.10 or 463.12, or a permit under s.
13 463.25.

14 (1m) If an individual who applies for or to renew a license or permit under sub.
15 (1) does not have a social security number, the individual, as a condition of obtaining
16 the license or permit, shall submit a statement made or subscribed under oath or
17 affirmation to the department that the applicant does not have a social security
18 number. The form of the statement shall be prescribed by the department of children
19 and families. A license or permit issued or renewed in reliance upon a false
20 statement submitted under this subsection is invalid.

21 (3) Except as provided in sub. (1m), the department shall deny an application
22 for the issuance or renewal of a license or permit specified in sub. (1) if the applicant
23 does not provide the information specified in sub. (1).

24 (4) The department shall deny an application for the issuance or renewal of a
25 license or permit specified in sub. (1), or shall revoke the license or permit specified

1 in sub. (1), if the department of revenue certifies under s. 73.0301 that the applicant
2 for or holder of the license or permit is liable for delinquent taxes.

3 (5) The department shall deny an application for the issuance or renewal of a
4 license or permit specified in sub. (1), or shall revoke the license or permit specified
5 in sub. (1), if the department of workforce development certifies under s. 108.227 that
6 the applicant for or holder of the license or permit is liable for delinquent
7 unemployment insurance contributions.

8 *~~0807/P6.390~~SECTION 4045. 252.245 of the statutes is renumbered 463.16,
9 and 463.16 (1), (2), (3), (4m), (5), (6), (8) and (9), as renumbered, are amended to read:

10 ✓ 463.16 (1) In the administration and enforcement of ss. ~~252.23~~ and ~~252.24~~
11 463.10 and 463.12, the department may enter into a written agreement with a local
12 health department with a jurisdictional area that has a population greater than
13 5,000, which designates the local health department as the department's agent in
14 issuing licenses to and making investigations or inspections of tattooists and tattoo
15 establishments and body piercers and body-piercing establishments. In a
16 jurisdictional area of a local health department without agent status, the
17 department of ~~health services~~ financial institutions and professional standards may
18 issue licenses, collect license fees established by rule under ss. ~~252.23~~ 463.10 (4) (a)
19 and ~~252.24~~ 463.12 (4) (a) and make investigations or inspections of tattooists and
20 tattoo establishments and body piercers and body-piercing establishments. If the
21 department of financial institutions and professional standards designates a local
22 health department as its agent, the department of financial institutions and
23 professional standards or local health department may require no license for the
24 same operations other than the license issued by the local health department under
25 this subsection. If the designation is made and the services are furnished, the

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1 department of financial institutions and professional standards shall reimburse the
2 local health department furnishing the service at the rate of 80% of the net license
3 fee per license per year issued in the jurisdictional area.

4 (2) A local health department designated as the department's agent under this
5 section shall meet standards promulgated under ss. ~~252.23~~ 463.10 (4) (a) and ~~252.24~~
6 463.12 (4) (a). The department shall annually evaluate the licensing, investigation
7 and inspection program of each local health department granted agent status. If, at
8 any time, a local health department designated as the department's agent fails to
9 meet the standards, the department of ~~health services~~ financial institutions and
10 professional standards may revoke its agent status.

11 (3) The department shall provide education and training to agents designated
12 under this section to ensure uniformity in the enforcement of s. ~~252.23~~ 463.10 or
13 ~~252.24~~ 463.12 and rules promulgated under s. ~~252.23~~ 463.10 or ~~252.24~~ 463.12.

14 (4m) A local health department designated as the department's agent under
15 this section may contract with the department of ~~health services~~ financial
16 institutions and professional standards for the department of ~~health services~~
17 financial institutions and professional standards to collect fees and issue licenses
18 under s. ~~252.23~~ 463.10 or ~~252.24~~ 463.12. The department of financial institutions
19 and professional standards shall collect from the local health department the actual
20 and reasonable cost of providing the services.


21 (5) If, under this section, a local health department becomes an agent or its
22 agent status is discontinued during a licensee's license year, the department of
23 ~~health services~~ financial institutions and professional standards and the local health
24 department shall divide any license fee paid by the licensee for that license year
25 according to the proportions of the license year occurring before and after the local

1 health department is designated as an agent or the agent status is discontinued. No
2 additional fee may be required during the license year due to the change in agent
3 status.

4 (6) A village, city or county may enact ordinances and a local board of health
5 may adopt regulations regarding the licensees and premises for which the local
6 health department is the designated agent under this section, which are stricter than
7 s. ~~252.23~~ 463.10 or ~~252.24~~ 463.12 or rules promulgated by the department of health
8 services under s. ~~252.23~~ 463.10 or ~~252.24~~ 463.12. No such provision may conflict with
9 s. ~~252.23~~ 463.10 or ~~252.24~~ 463.12 or with department rules.

10 (8) The department shall hold a hearing under ch. 227 if, in lieu of proceeding
11 under ch. 68, any interested person in the jurisdictional area of a local health
12 department that is designated as the department's agent under this section appeals
13 to the department of ~~health services~~ financial institutions and professional
14 standards alleging that a license fee for a tattooist or tattooist establishment or for
15 a body piercer or body-piercing establishment exceeds the license issuer's
16 reasonable costs of issuing licenses to, making investigations and inspections of, and
17 providing education, training and technical assistance to the tattooist or tattooist
18 establishment or to the body piercer or body-piercing establishment. *plus 1337-19*

19 (9) The department shall promulgate rules establishing state fees for its costs *AMC*
20 related to setting standards under ss. ~~252.23~~ 463.10 and ~~252.24~~ 463.12 and
21 monitoring and evaluating the activities of, and providing education and training to,
22 agent local health departments. The department may not promulgate a rule under
23 which a local health department may charge an individual who is eligible for the
24 veterans fee waiver program under s. 45.44 a state fee to obtain a license under s.
25 ~~252.23~~ 463.10 (3) or ~~252.24~~ 463.12 (3). Agent local health departments shall include



1 the state fees in the license fees established under sub. (4), collect the state fees and
2 reimburse the department for the state fees collected. For tattooists or tattoo
3 establishments and for body piercers or body-piercing establishments, the state fee
4 may not exceed 20% of the license fees established under s. ~~252.23~~ 463.10 (4) (a) or
5 ~~252.24~~ 463.12 (4) (a).

6 ***-0602/P4.84*SECTION 4046.** 254.02 (3) (a) of the statutes is amended to read:

7 254.02 (3) (a) The department of agriculture, trade and consumer protection,
8 the department of corrections, the department of safety and professional services,
9 and the department of natural resources shall enter into memoranda of
10 understanding with the department to establish protocols for the department to
11 review proposed rules of those state agencies relating to air and water quality,
12 occupational health and safety, institutional sanitation, toxic substances, indoor air
13 quality, ~~food protection~~ or waste handling and disposal.

14 ***-1023/3.4*SECTION 4047.** 254.11 (13) of the statutes is amended to read:

15 254.11 (13) "Third-party payer" means a disability insurance policy that is
16 required to provide coverage for a blood lead test under s. 632.895 (10) (a); a health
17 maintenance organization or preferred provider plan under ch. 609; a health care
18 coverage plan offered by the state under s. 40.51 (6); a self-insured health plan
19 offered by a city or village under s. 66.0137 (4), a political subdivision or technical
20 college district under s. 66.0137 (4m), a town under s. 60.23 (25), a county under s.
21 59.52 (11) (c), or a school district under s. 120.13 (2) (b); or a health care plan operated
22 by a cooperative association organized under s. 185.981.

23 ***-0602/P4.85*SECTION 4048.** 254.115 (1) (c) of the statutes is repealed.

24 ***-0807/P6.391*SECTION 4049.** 254.115 (1) (d) of the statutes is repealed.

25 ***-0971/P5.656*SECTION 4050.** 254.19 of the statutes is amended to read:

1 **254.19 Asbestos testing fees.** Notwithstanding s. ~~36.25 (11) (f)~~ 250.08 (6), the
2 state laboratory of hygiene board shall impose a fee sufficient to pay for any asbestos
3 testing services which it provides.

4 *~~0602/P4.86~~*SECTION 4051. 254.47 (title) of the statutes is renumbered 97.67
5 (title) and amended to read:

6 **97.67 Recreational permits licenses and fees.**

7 *~~0602/P4.87~~*SECTION 4052. 254.47 (1) of the statutes is renumbered 97.67
8 (1) and amended to read:

9 97.67 (1) Except as provided in sub. (1g) and ~~ss. 250.041 and 254.115~~ s. 93.135,
10 the department or a local health department granted agent status under s. ~~254.69~~
11 ~~(2)~~ 97.615 (2) shall issue permits licenses to and regulate campgrounds and camping
12 resorts, recreational and educational camps and public swimming pools. No person
13 or state or local government who has not been issued a permit license under this
14 section may conduct, maintain, manage or operate a campground and camping
15 resort, recreational camp and educational camp or public swimming pool, as defined
16 by departmental rule.

17 *~~0602/P4.88~~*SECTION 4053. 254.47 (1g) of the statutes is renumbered 97.67
18 (1g).

19 *~~0602/P4.89~~*SECTION 4054. 254.47 (1m) of the statutes is renumbered 97.67
20 (1m) and amended to read:

21 97.67 (1m) The department or a local health department granted agent status
22 under s. ~~254.69~~ 97.615 (2) may not, without a ~~preinspection~~ pre-licensing inspection,
23 grant a permit license to a person intending to operate a new public swimming pool,
24 campground, or recreational or educational camp or to a person intending to be the

1 new operator of an existing public swimming pool, campground, or recreational or
2 educational camp.

3 *~~0602/P4.90~~SECTION 4055. 254.47 (2) of the statutes is renumbered 97.67
4 (2) and amended to read:

5 97.67 (2) (a) A separate ~~permit~~ license is required for each campground,
6 camping resort, recreational or educational camp, and public swimming pool. Except
7 as provided in par. (b) or (c), no ~~permit~~ license issued under this section is
8 transferable from one premises to another or from one person, state or local
9 government to another.

10 (b) A ~~permit~~ license issued under this section may be transferred from an
11 individual to an immediate family member, as defined in s. ~~254.64~~ 97.605 (4) (a) 2.,
12 if the individual is transferring operation of the campground, camping resort,
13 recreational or educational camp, or public swimming pool to the immediate family
14 member.

15 (c) A sole proprietorship that reorganizes as a business entity, as defined in s.
16 179.70 (1), or a business entity that reorganizes as a sole proprietorship or a different
17 type of business entity may transfer a ~~permit~~ license issued under this section for a
18 campground, camping resort, recreational or educational camp, or public swimming
19 pool to the newly formed business entity or sole proprietorship if all of the following
20 conditions are satisfied:

21 1. The campground, camping resort, recreational or educational camp, or
22 public swimming pool remains at the location for which the ~~permit~~ license was
23 issued.

1 2. At least one individual who had an ownership interest in the sole
2 proprietorship or business entity to which the permit license was issued has an
3 ownership interest in the newly formed sole proprietorship or business entity.

4 *~~-0602/P4.91~~*SECTION 4056. 254.47 (2m) of the statutes is renumbered 97.67
5 (2m) and amended to read:

6 97.67 (2m) Except as provided in ~~ss. 250.041 and 254.115~~ s. 93.135, the initial
7 issuance, renewal or continued validity of a permit license issued under this section
8 may be conditioned upon the requirement that the permittee licensee correct a
9 violation of this section, rules promulgated by the department under this section or
10 ordinances adopted under s. ~~254.69~~ 97.615 (2) (g), within a period of time that is
11 specified. If the condition is not met within the specified period of time, the permit
12 license is void.

13 *~~-0602/P4.92~~*SECTION 4057. 254.47 (3) of the statutes is repealed.

14 *~~-0602/P4.93~~*SECTION 4058. 254.47 (4) of the statutes is renumbered 97.67
15 (4) and amended to read:

16 97.67 (4) ~~Permits Licenses~~ issued under this section expire on June 30, except
17 that ~~permits licenses~~ initially issued during the period beginning on April 1 and
18 ending on June 30 expire on June 30 of the following year. Except as provided in s.
19 ~~254.69~~ 97.615 (2) (d) and (e), the department shall promulgate rules that establish,
20 for ~~permits licenses~~ issued under this section, amounts of permit license fees,
21 ~~preinspection pre-licensing inspection~~ fees, reinspection fees, fees for operating
22 without a license, and late fees for untimely permit license renewal.

23 *~~-0602/P4.94~~*SECTION 4059. 254.47 (5) of the statutes is renumbered 97.67
24 (5) and amended to read:

1 97.67 (5) No ~~permit~~ license may be issued under this section until all applicable
2 fees have been paid. If the payment is by check or other draft drawn upon an account
3 containing insufficient funds, the ~~permit~~ license applicant shall, within 15 days after
4 receipt of notice from the department of the insufficiency, pay by cashier's check or
5 other certified draft, money order or cash the fees from the department, late fees and
6 processing charges that are specified by rules promulgated by the department. If the
7 ~~permit~~ license applicant fails to pay all applicable fees, late fees and the processing
8 charges within 15 days after the applicant receives notice of the insufficiency, the
9 ~~permit~~ license is void. In an appeal concerning voiding of a ~~permit~~ license under this
10 subsection, the burden is on the ~~permit~~ license applicant to show that the entire
11 applicable fees, late fees and processing charges have been paid. During any appeal
12 process concerning payment dispute, operation of the establishment in question is
13 deemed considered to be operation without a ~~permit~~ license.

14 *~~-0602/P4.95~~*SECTION 4060. 254.47 (5m) of the statutes is renumbered 97.67
15 (5m).

16 *~~-0602/P4.96~~*SECTION 4061. 254.47 (6) of the statutes is renumbered 97.67
17 (6).

18 *~~-0602/P4.97~~*SECTION 4062. 254.47 (7) of the statutes is renumbered 97.67
19 (7) and amended to read:

20 97.67 (7) The department may not require that a swimming pool be staffed by
21 a lifeguard as a condition of receiving a ~~permit~~ license under this section if the
22 swimming pool is less than 2,500 square feet, the swimming pool is located in a
23 private club in the city of Milwaukee, and the club has a policy that prohibits a minor
24 from using the swimming pool when not accompanied by an adult.

1 ***-0602/P4.98***SECTION 4063. Subchapter VII (title) of chapter 254 [precedes
2 254.61] of the statutes is repealed.

3 ***-0602/P4.99***SECTION 4064. 254.61 (title) of the statutes is repealed.

4 ***-0602/P4.100***SECTION 4065. 254.61 (intro.) of the statutes is repealed.

5 ***-0602/P4.101***SECTION 4066. 254.61 (1) of the statutes is renumbered 97.01
6 (1g).

7 ***-0602/P4.102***SECTION 4067. 254.61 (2) of the statutes is repealed.

8 ***-0602/P4.103***SECTION 4068. 254.61 (3) of the statutes is renumbered 97.01
9 (7).

10 ***-0602/P4.104***SECTION 4069. 254.61 (3m) of the statutes is renumbered
11 97.01 (13g).

12 ***-0602/P4.105***SECTION 4070. 254.61 (4) of the statutes is renumbered 97.01
13 (13r) and amended to read:

14 97.01 (13r) “Public health and safety” means the highest degree of protection
15 against infection, contagion or disease and freedom from the danger of fire or
16 accident that can be reasonably maintained in the operation of a hotel, restaurant,
17 tourist rooming house, bed and breakfast establishment, vending machine or
18 vending machine commissary.

19 ***-0602/P4.106***SECTION 4071. 254.61 (5) of the statutes is renumbered 97.01
20 (14g), and 97.01 (14g) (intro.), as renumbered, is amended to read:

21 97.01 (14g) (intro.) “Restaurant” means any building, room or place where
22 ~~meals are prepared or served or sold~~ at which the predominant activity is the
23 preparation, service, or sale of meals to transients or the general public, and
24 including all places used in connection with it and ~~includes~~ including any public or
25 private school lunchroom for which food service is provided by contract. “Meals” does

1 not include soft drinks, ice cream, milk, milk drinks, ices and confections.

2 "Restaurant" does not include:

3 ***-0602/P4.107*SECTION 4072.** 254.61 (5m) of the statutes is renumbered
4 97.01 (15b).

5 ***-0602/P4.108*SECTION 4073.** 254.61 (5r) of the statutes is renumbered 97.01
6 (15f).

7 ***-0602/P4.109*SECTION 4074.** 254.61 (6) of the statutes is renumbered 97.01
8 (15k).

9 ***-0602/P4.110*SECTION 4075.** 254.61 (7) of the statutes is renumbered 97.01
10 (15p).

11 ***-0602/P4.111*SECTION 4076.** 254.61 (8) of the statutes is renumbered 97.01
12 (15s) and amended to read:

13 97.01 (15s) "Vending machine commissary" means any building, room or place
14 where the food, beverage, ingredients, containers, transport equipment or supplies
15 for vending machines are kept, handled, prepared or stored by a vending machine
16 operator. "Vending machine commissary" does not mean any place at which the
17 operator is licensed to manufacture, distribute or sell food products under ~~ch. 97~~ this
18 chapter.

19 ***-0602/P4.112*SECTION 4077.** 254.61 (9) of the statutes is renumbered 97.01
20 (15w).

21 ***-0602/P4.113*SECTION 4078.** 254.61 (10) of the statutes is renumbered 97.01
22 (15y).

23 ***-0602/P4.114*SECTION 4079.** 254.62 of the statutes is renumbered 97.60.

24 ***-0602/P4.115*SECTION 4080.** 254.63 of the statutes is renumbered 97.603.

1 *~~0602/P4.116~~SECTION 4081. 254.64 of the statutes is renumbered 97.605,
2 and 97.605 (title), (1), (1m), (1p), (2), (3), (4) (b), (d) and (e) and (5), as renumbered,
3 are amended to read:

4 **97.605 (title) Permit Lodging and vending licenses.** (1) (a) No person may
5 conduct, maintain, manage or operate a hotel, ~~restaurant, temporary restaurant,~~
6 tourist rooming house, vending machine commissary or vending machine if the
7 person has not been issued an annual permit license by the department or by a local
8 health department that is granted agent status under s. ~~254.69~~ 97.615 (2).

9 (b) No person may maintain, manage or operate a bed and breakfast
10 establishment for more than 10 nights in a year without having first obtained an
11 annual permit license from the department.

12 (c) ~~Except as provided in s. 250.041~~ 93.135, no permit license may be issued
13 under this section until all applicable fees have been paid. If the payment is by check
14 or other draft drawn upon an account containing insufficient funds, the permit
15 license applicant shall, within 15 days after receipt of notice from the department of
16 the insufficiency, pay by cashier's check or other certified draft, money order or cash
17 the fees, late fees and processing charges that are specified by rules promulgated by
18 the department. If the permit license applicant fails to pay all applicable fees, late
19 fees and processing charges within 15 days after the applicant receives notice of the
20 insufficiency, the permit license is void. In an appeal concerning voiding of a permit
21 license under this paragraph, the burden is on the permit license applicant to show
22 that the entire applicable fees, late fees and processing charges have been paid.
23 During any appeal process concerning payment dispute, operation of the
24 establishment in question is deemed to be operation without a permit license.

1 (d) If a person or establishment otherwise licensed under ~~ch. 97~~ this chapter
2 is incidentally engaged in an activity for which a permit license is required under this
3 section, the department may, by rule, exempt the person or establishment from the
4 permit license requirement under this section. ~~Rules under this paragraph shall~~
5 ~~conform to a memorandum of understanding between the department and the~~
6 ~~department of agriculture, trade and consumer protection.~~

7 (1m) No county, city, village or town may require any permit license of, or
8 impose any permit license or inspection fee on, a vending machine operator, vending
9 machine commissary or vending machine permitted licensed under this subchapter
10 chapter.

11 (1p) Except as provided in s. ~~250.041~~ 93.135, the department may condition the
12 initial issuance, renewal or continued validity of a permit license issued under this
13 section on correction by the permittee licensee of a violation of this subchapter, rules
14 promulgated by the department under this subchapter or ordinances or regulations
15 adopted under s. ~~254.69~~ 97.615 (2) (g), within a specified period of time. If the
16 permittee licensee fails to meet the condition within the specified period of time, the
17 permit license is void.

18 (2) Except as provided in sub. (3), a separate permit license is required for each
19 hotel, tourist rooming house, bed and breakfast establishment, or vending machine
20 commissary.

21 (3) (a) A bulk milk dispenser may be operated in a restaurant without a
22 vending machine or vending machine operator permit license.

23 (b) A restaurant may operate as a vending machine commissary without a
24 vending machine commissary permit license.

1 (4) (b) Except as provided in par. (d) or (e), no permit license is transferable from
2 one premises to another or from one person to another.

3 (d) The holder of a permit license issued under this section may transfer the
4 permit license to an individual who is an immediate family member if the holder is
5 transferring operation of the hotel, tourist rooming house, bed and breakfast
6 establishment, or vending machine to the immediate family member.

7 (e) A sole proprietorship that reorganizes as a business entity or a business
8 entity that reorganizes as either a sole proprietorship or a different type of business
9 entity may transfer a permit license issued under this section for operation of ~~an a~~
10 hotel, tourist rooming house, bed and breakfast establishment, or vending machine
11 commissary to the newly formed business entity or sole proprietorship if the
12 following conditions are satisfied:

13 1. The hotel, tourist rooming house, bed and breakfast establishment, or
14 vending machine commissary remains at the location for which the permit license
15 was issued.

16 2. At least one individual who had an ownership interest in the sole
17 proprietorship or business entity to which the permit license was issued has an
18 ownership interest in the newly formed sole proprietorship or business entity.

19 (5) (a) Except as provided in par. (b), all permits licenses expire on June 30,
20 except that permits licenses initially issued during the period beginning on April 1
21 and ending on June 30 expire on June 30 of the following year.

22 (b) 1. The local health department of a city of the 1st class that has entered into
23 an agreement with the department under s. ~~254.69~~ 97.615 (2) may issue a permit
24 license for a ~~restaurant or~~ bed and breakfast establishment required under this

1 section at any time during the year. A ~~permit~~ license issued under this subdivision
2 shall expire one year from the date of its issuance.

3 2. The holder of a ~~permit~~ license for a ~~restaurant or~~ bed and breakfast
4 establishment may request an extension to the term of a ~~permit~~ license issued under
5 this section by the local health department of a city of the 1st class that has entered
6 into an agreement with the department under s. ~~254.69~~ 97.615 (2) for the purpose
7 of aligning the annual term of any other license or permit issued to that ~~permit~~
8 license holder with the annual term of a ~~permit~~ license to be issued to that ~~permit~~
9 license holder under subd. 1. The local health department may require a ~~permit~~
10 license holder that receives an extension under this subdivision to pay a prorated fee
11 in an amount determined by dividing the ~~permit~~ license fee imposed under s. ~~254.69~~
12 97.615 (2) by 12 and multiplying the quotient by the number of months by which the
13 ~~permit~~ license issued under this section is extended under this subdivision.

14 *-0602/P4.117*SECTION 4082. 254.65 of the statutes is renumbered 97.607
15 and amended to read:

16 **97.607 ~~Preinspection~~ Pre-licensing inspection.** (1) The department or
17 a local health department granted agent status under s. ~~254.69~~ 97.615 (2) may not
18 grant a ~~permit~~ license to a person intending to operate a new hotel, tourist rooming
19 house, bed and breakfast establishment, ~~restaurant~~ or vending machine commissary
20 or to a person intending to be the new operator of an existing hotel, tourist rooming
21 house, bed and breakfast establishment, ~~restaurant~~ or vending machine commissary
22 without a ~~preinspection~~ pre-licensing inspection. This section does not apply to a
23 temporary ~~restaurant~~ or when a ~~permit~~ license is transferred under s. ~~254.64~~ 97.605
24 (4) (d) or (e).

1 (2) Agents designated by the department under s. ~~254.69~~ 97.615 (1) shall make
2 ~~preinspections~~ pre-licensing inspections of vending machine commissaries as
3 required under this subsection and shall be reimbursed for those services at the rate
4 of 80% of the ~~preinspection~~ pre-licensing inspection fee designated in this
5 subsection. Agents designated by the department under s. ~~254.69~~ 97.615 (2) shall
6 make ~~preinspections~~ pre-licensing inspections of hotels, ~~restaurants~~ and tourist
7 rooming houses and establish and collect ~~preinspection~~ pre-licensing inspection fees
8 under s. ~~254.69~~ 97.615 (2) (d).

9 *~~0602/P4.118~~*SECTION 4083. 254.66 of the statutes is renumbered 97.307
10 and amended to read:

11 **97.307 Average annual surveys.** The department or a local health
12 department granted agent status under s. ~~254.69 (2)~~ 97.41 shall annually make a
13 number of inspections of restaurants in this state that shall equal the number of
14 restaurants for which annual ~~permits~~ licenses are issued under s. ~~254.64 (1) (a)~~
15 97.30.

16 *~~0602/P4.119~~*SECTION 4084. 254.67 of the statutes is renumbered 97.61.

17 *~~0602/P4.120~~*SECTION 4085. 254.68 of the statutes is renumbered 97.613
18 and amended to read:

19 **97.613 Fees.** Except as provided in s. ~~254.69~~ 97.615 (2) (d) and (e), the
20 department shall promulgate rules that establish, for ~~permits~~ licenses issued under
21 s. ~~254.64~~, ~~permit~~ 97.605, license fees, ~~preinspection~~ pre-licensing inspection fees,
22 reinspection fees, fees for operating without a ~~permit~~ license, late fees for untimely
23 ~~permit~~ renewal, fees for comparable compliance or variance requests, and fees for
24 ~~pre-permit~~ pre-license review of restaurant plans.

1 *~~0602/P4.121~~*SECTION 4086. 254.69 of the statutes is renumbered 97.615,
2 and 97.615 (2) (title), (am), (b), (c), (d), (dm), (e), (f), (g), (h) and (j) 1. and 2., as
3 renumbered, are amended to read:

4 97.615 (2) (title) HOTELS, RESTAURANTS, TOURIST ROOMING HOUSES, AND OTHER
5 ESTABLISHMENTS. (am) In the administration of this subchapter or s. ~~254.47~~ 97.67,
6 the department may enter into a written agreement with a local health department
7 with a jurisdictional area that has a population greater than 5,000, which designates
8 the local health department as the department's agent in issuing ~~permits~~ licenses to
9 and making investigations or inspections of hotels, ~~restaurants, temporary~~
10 ~~restaurants~~, tourist rooming houses, bed and breakfast establishments,
11 campgrounds and camping resorts, recreational and educational camps, and public
12 swimming pools. In a jurisdictional area of a local health department without agent
13 status, the department of ~~health services~~ may issue ~~permits~~ licenses, collect fees
14 established by rule under s. ~~254.68~~ 97.613 and make investigations or inspections
15 of hotels, ~~restaurants, temporary restaurants~~, tourist rooming houses, bed and
16 breakfast establishments, campgrounds and camping resorts, recreational and
17 educational camps, and public swimming pools. If the department designates a local
18 health department as its agent, the department or local health department may
19 require no ~~permit~~ license for the same operations other than the ~~permit~~ license
20 issued by the local health department under this subsection. The department shall
21 ~~coordinate~~ oversee the designation of agents under this subsection ~~with the~~
22 ~~department of agriculture, trade and consumer protection~~ to ensure that, to the
23 extent feasible, the same local health department is granted agent status under this
24 subsection and under s. 97.41. ~~Except as otherwise provided by the department, a~~
25 ~~local health department granted agent status shall regulate all types of~~