

1 ••87b0248/2••SECTION 2072n. 560.036 (2) (em) of the statutes is repealed.

2 ••87b0474/2••SECTION 2072o. 560.036 (3) (c) of the statutes is amended to
3 read:

4 560.036 (3) (c) The department may promulgate rules establishing condi-
5 tions with which a business, financial adviser or investment firm must comply
6 to qualify for certification, in addition to the qualifications specified
7 under sub. (1) (e), (ep) and (fm), respectively.

8 ••87b0248/2••SECTION 2072p. 560.036 (4) of the statutes is repealed.

9 ••87-2066/6••SECTION 2073. 560.07 (2m) of the statutes is amended to
10 read:

11 560.07 (2m) In cooperation with the university of Wisconsin small busi-
12 ness development center, the university of Wisconsin center for cooperatives,
13 the board of vocational, technical and adult education, the university of
14 Wisconsin-extension, and the community development finance authority ~~and the~~
15 ~~council on economic adjustment~~, collect and disseminate information regarding
16 employe-owned businesses and promote the appropriate establishment of
17 employe-owned businesses.

18 ••87-2066/6••SECTION 2074. 560.07 (8) of the statutes is repealed.

19 ••87-2066/6••SECTION 2075. 560.085 of the statutes is repealed.

20 ••87-2066/6••SECTION 2076. 560.095 of the statutes is repealed.

21 ••87-0747/3••SECTION 2077. 560.097 of the statutes is created to read:

22 560.097 NOTIFICATION OF POSITION OPENINGS; COMPLIANCE. The department
23 shall monitor compliance with the position-opening notification requirements
24 under ss. 66.521 (6m) and 101.28.

25 ••87-2066/6••SECTION 2078. 560.15 (1) (intro.) of the statutes is amended
26 to read:

27 560.15 (1) (intro.) The department, with the advice and assistance of the
28 ~~council for economic adjustment~~ and community response committees created

1 under sub. (3), and in cooperation with the department of industry, labor and
2 human relations, shall perform the responsibilities under sub. (2) if the
3 following conditions are met:

4 ••87-2066/6••SECTION 2079. 560.15 (1) (b) 5 of the statutes is repealed.

5 ••87-2066/6••SECTION 2081. 560.15 (3) (d) of the statutes is amended to
6 read:

7 560.15 (3) (d) Each community response committee shall advise and assist
8 the department ~~and the council for economic adjustment~~ in the performance of
9 ~~their~~ its responsibilities under this section ~~and s. 15.157 (5)~~.

10 ••87-2066/6••SECTION 2082. 560.15 (4) of the statutes is amended to read:

11 560.15 (4) All records received or created for the purposes of this
12 section shall be closed to public inspection if the department, ~~the council~~
13 ~~for economic adjustment~~, a chief executive officer of a village, town or city
14 or a community response committee determines that public inspection of the
15 records could adversely affect the business, its employees or former employees.

16 ••87-2066/6••SECTION 2083. 560.15 (5) of the statutes is amended to read:

17 560.15 (5) Each employe of the department, and each member of the ~~council~~
18 ~~for economic adjustment and of the~~ community response committee, and each
19 chief executive officer of a village, town or city and employes of his or her
20 office shall keep secret all facts and information obtained in the course of
21 performing their responsibilities under this section. This subsection does
22 not prohibit the public inspection of records to the extent permitted under
23 sub. (4) nor meetings in open session to the extent permitted under s. 19.85
24 (1) (i).

25 ••87b0764/3 •• 87b1226/2••SECTION 2084m. 560.26 of the statutes is
26 created to read:

1 560.26 FILM PROMOTION. (1) In this section, "film" means any product
2 created using any technology for the recording, storage and reproduction of
3 audio-visual material.

4 (2) The department shall create in the division of tourism a subunit for
5 film promotion, the purpose of which is to encourage persons to produce films
6 which will enhance the image of this state and its communities and
7 countryside. To carry out this purpose, the subunit shall:

8 (a) Prepare and distribute promotional and informational materials iden-
9 tifying factors which make it desirable to produce films in this state and
10 describing the services available from local and state governmental units and
11 from the private sector in this state.

12 (b) Help persons secure licenses and permits, and provide other appro-
13 priate services, related to film production.

14 (c) Help persons obtain cooperation from local, state and federal
15 governmental units and from the private sector in order to produce films.

16 (d) Coordinate its activities with the activities of similar bodies
17 created by local governmental units in this state.

18 (3) The subunit may apply for, receive and spend grants and donations to
19 fund its operations.

20 (4) The subunit shall employ staff in the classified service to carry out
21 its functions.

22 ••87b1404/2 •• 87b1791/en••SECTION 2085e. 560.29 (1) of the statutes is
23 amended to read:

24 560.29 (1) (title) ALLOCATION OF FUNDS. The department shall promulgate
25 rules allocating cooperating advertising funds ~~equitably~~ equally among the
26 tourism regions. Such rules shall provide that not ~~less than one-third~~ more
27 than 30% of the funds set aside for the execution of functions under this
28 section shall be allocated for qualified projects initiated by corporations.

1 If any region or corporation fails to initiate sufficient projects to exhaust
2 its allocation, the department may distribute such funds to other applicants
3 in such manner as it deems equitable.

4 ••87-2066/6••SECTION 2087. Subchapter IV of chapter 560 of the statutes
5 is created to read:

6 CHAPTER 560

7 SUBCHAPTER IV

8 WISCONSIN DEVELOPMENT FUND

9 560.60 DEFINITIONS. In this subchapter:

10 (1) "Board" means the development finance board created under s. 15.155

11 (1).

12 (2) "Business" means a company located in this state, a company which has
13 made a firm commitment to locate a facility in this state or a group of
14 companies at least 80% of which are located in this state.

15 (3) "Consortium" means an association of a business and a higher educa-
16 tional institution, which association is subject to an agreement complying
17 with this subchapter.

18 (4) "Eligible recipient" means a business, consortium or governing body.

19 (6) "Governing body" means a county board, city council, village board,
20 town board, regional planning commission or transit commission under s. 59.967
21 or 66.943.

22 (8) "Higher educational institution" means any of the following:

23 (a) The university of Wisconsin system.

24 (b) An institution which is located in this state and offers a
25 post-baccalaureate or professional degree program.

26 (10) "Job" means a position providing full-time equivalent employment for
27 one individual for one year, beginning after a project is completed. "Job"
28 does not include initial training before an employment position begins.

1 (11) "Major economic development project" means a project to which any of
2 the following applies:

3 (a) The project is necessary to retain a significant number of jobs in a
4 political subdivision.

5 (b) The project is necessary to significantly increase the number of jobs
6 in a political subdivision.

7 (c) The project will lead to significant capital investment in this state
8 by a business.

9 (d) The project will make a significant contribution to the economy of
10 this state.

11 (12) "New business" means an existing business that has been in operation
12 for less than 3 years.

13 (13) "Political subdivision" means a county, city, town or village.

14 (14) "Project" means a business development that increases the produc-
15 tivity of a business or its employes in this state, leads to significant
16 capital investment in a business in this state, leads to the retention of
17 existing jobs in this state or creates new jobs in this state.

18 560.605 GRANT AND LOAN CRITERIA; GENERALLY. (1) The board may award a
19 grant or loan under s. 560.61 upon the receipt and consideration of an appli-
20 cation by an eligible recipient for a project under ss. 560.62 to 560.66, if
21 the board determines all of the following:

22 (a) The project serves a public purpose.

23 (b) The project will retain or increase employment in this state.

24 (c) The project is not likely to occur without the grant or loan.

25 (d) Financing is unavailable from any other source on reasonably equiva-
26 lent terms.

27 (e) The eligible recipient receiving the grant or loan will contribute,
28 from funds not provided by this state, whichever of the following applies:

1 1. Except as provided under subd. 2 and s. 560.68 (6), not less than 25%
2 of the cost of the project.

3 2. For grants and loans under s. 560.63, not less than 50% of the cost of
4 the project excluding costs described in s. 560.63 (3).

5 (f) The project meets all criteria set forth in s. 560.62, 560.63 or
6 560.66, whichever is appropriate.

7 (g) Funds from the grant or loan under this subchapter will not be used
8 to pay overhead costs or to replace funds from any other source.

9 (h) The project will not displace any workers in this state.

10 (2) The board shall consider all of the following before awarding a grant
11 or loan to an eligible recipient for a project:

12 (a) The extent to which the project will retain or increase employment in
13 this state.

14 (b) The extent to which the project will contribute to the economic
15 growth of this state and the well-being of the residents of this state.

16 (c) Whether the project will be located in an area of high unemployment
17 or low average income.

18 (d) The financial soundness of the business.

19 (e) The intention of the eligible recipient to repay the grant or loan.

20 560.61 WISCONSIN DEVELOPMENT FUND. (1) Subject to sub. (2), at the
21 request of the board, the department shall make a grant or loan to an eligible
22 recipient for a project which meets the criteria for funding under s. 560.605
23 and under s. 560.62, 560.63 or 560.66, whichever is appropriate from the
24 appropriations under s. 20.143 (1) (c), (d) and (ie).

25 (2) The department may not make a grant or loan under this subchapter in
26 an amount greater than \$1,000,000, unless the grant or loan is approved by a
27 majority of the members of the joint committee on finance.

1 560.62 TECHNOLOGY DEVELOPMENT GRANTS AND LOANS. (1) The board may award
2 a technology development grant or loan under s. 560.61 to a consortium to fund
3 technical research intended to result in the development of a new, or the
4 improvement of an existing, industrial product or process.

5 (2) The board may not award a technology development grant or loan unless
6 the consortium seeking the grant or loan first enters into a written agreement
7 regarding all of the following:

8 (a) The ownership of any patents or licenses which result from the tech-
9 nical research.

10 (b) Dissemination of information relating to the technical research.

11 (c) Responsibilities of persons conducting the technical research.

12 (3) Funds expended or encumbered in any fiscal year for grants and loans
13 under this section may not exceed 40% of the total budgets of all technical
14 research projects awarded grants or loans under this section in that fiscal
15 year.

16 (4) In each biennium, the board may expend or encumber up to a total of
17 one percent of the moneys appropriated under s. 20.143 (1) (c) for that bien-
18 nium for evaluations of proposed technical research projects.

19 560.63 CUSTOMIZED LABOR TRAINING GRANTS AND LOANS. (1) The board may
20 award a grant or loan under s. 560.61 to a business to fund a labor training
21 program which provides state residents with job training in new technology and
22 industrial skills in order to meet the staffing needs of a business, if the
23 training is not available through existing federal, state or local resources
24 except as provided in sub. (4).

25 (2) Any business requesting a customized labor training grant or loan
26 shall guarantee to the board that the business shall provide a job in this
27 state to all persons who successfully complete the labor training program
28 funded by the grant or loan.

1 (3) The board may not award a customized labor training grant or loan to
2 finance any of the following costs incurred by a vocational, technical and
3 adult education district or by a public secondary or postsecondary
4 institution:

5 (a) The cost, incurred before the beginning of the labor training
6 program, of recruiting program instructors.

7 (b) The cost of developing a labor training program curriculum.

8 (c) The cost of recruiting, screening and counseling program trainees.

9 (d) The cost of a financial audit.

10 (e) The cost of renting instructional equipment and training facilities
11 owned or leased by the district or institution, unless the equipment or
12 facilities are rented only for the customized labor training program.

13 (4) The contribution required under s. 560.605 (1) (e) 2 may consist of
14 funding or of in-kind contributions. Not more than 20% of the contribution of
15 a business may consist of funding which the business receives under the fed-
16 eral job training partnership act, 29 USC 1501 to 1781.

17 560.66 MAJOR ECONOMIC DEVELOPMENT PROJECTS. (1) The board may award
18 grants and loans under s. 560.61 to eligible recipients for any project which
19 is not eligible for a grant or loan under ss. 560.62 and 560.63, if the board
20 determines that the project is a major economic development project and con-
21 siders all of the following:

22 (a) The number of jobs which the major economic development project will
23 cause to be retained or increased in a political subdivision.

24 (b) The value of the capital investment which the eligible recipient will
25 make in the major economic development project.

26 (c) The value of the expenditures required for local infrastructure
27 relating to the major economic development project.

1 (d) The immediate and continuing effects of the major economic develop-
2 ment project upon the affected political subdivisions within which it will be
3 located.

4 (2) In awarding grants and loans under this section, the board may con-
5 sider the effects of the project upon jobs, school, transportation and law
6 enforcement services and facilities.

7 560.68 ADMINISTRATION. (2) In each fiscal year, the board shall expend
8 not less than 50% of the funds appropriated under s. 20.143 (1) (c) or (ie)
9 for any of the following:

10 (a) Projects entered into by businesses employing 25 or fewer persons.

11 (b) Projects entered into by businesses which, together with all of their
12 affiliates, subsidiaries and parent companies, have current gross annual sales
13 of \$5,000,000 or less.

14 (c) Projects entered into by new businesses having less than 50% of their
15 ownership held or controlled by other businesses.

16 (4) The board shall develop a policy relating to obtaining reimbursement
17 of grants and loans provided under this subchapter. The policy may provide
18 that reimbursement shall be obtained through full repayment of the principal
19 amount of the grant or loan plus interest, through receipt of a share of
20 future profits from or an interest in a product or process, or through any
21 other appropriate means.

22 (5) The department, with the approval of the board, shall develop proce-
23 dures to evaluate applications, monitor project performance and audit grants
24 and loans awarded under this subchapter.

25 (6) If appropriate, the board may require that more than 25% of the cost
26 of any project or category of projects be paid from funds not provided by this
27 state.

1 560.685 RULES. (1) The department may not promulgate a rule under this
2 subchapter without first considering the recommendations of the board regard-
3 ing the proposed rule.

4 (2) Subject to sub. (1), the department shall promulgate rules regarding
5 the form of applications for grants and loans, procedures for processing
6 applications and disbursing funds and any other procedures necessary for the
7 administration of this subchapter.

8 (3) The department and the board shall jointly promulgate rules defining
9 "a major economic development project" under s. 560.66.

10 ••87-0960/2••SECTION 2088. 601.31 (1) (u) and (v) of the statutes are
11 created to read:

12 601.31 (1) (u) For preparation and furnishing of an agent's letter of
13 certification, \$10.

14 (v) For preparation and furnishing of an agent's letter of clearance,
15 \$10.

16 SECTION 2088m. 601.415 (6) of the statutes is amended to read:

17 601.415 (6) VALUATION OF FUTURE OR LIMITED ESTATES. The commissioner
18 shall value estates ~~under s. 72.28 (1) (e) 1. b~~ upon application ~~as provided~~
19 ~~therein by the department of revenue or by a circuit court.~~

20 ••87b1490/3 •• 87b1922/en••SECTION 2088s. 601.422 of the statutes is
21 created to read:

22 601.422 COMMERCIAL LIABILITY INSURANCE REPORTS. (1) REQUIREMENT. Each
23 insurer authorized to write commercial liability insurance shall file an
24 annual commercial liability insurance report complying with this section with
25 the commissioner on or before May 1 of each year.

26 (2) CONTENTS. The report filed under sub. (1) shall contain the name of
27 the insurer and all of the following information, for each category or type of
28 commercial liability insurance designated by the commissioner by rule under

1 sub. (2m) and offered by the insurer, for policies covering insureds located
2 in this state for each group of policies with effective dates within a par-
3 ticular calendar year:

4 (a) The total dollar amount of premiums written and earned for primary
5 coverage and for excess coverage.

6 (b) The number of policies written.

7 (c) The amount of reserves established for each of the following:

8 1. Reported claims.

9 2. Incurred but not reported claims.

10 3. Loss adjustment expenses.

11 (d) Reported paid losses.

12 (e) Net investment gain or loss and other income gain or loss allocated
13 to each category or type, computed by the formula used in the annual insurance
14 expenses exhibit for allocation among lines of business.

15 (f) The actual expenses attributable to each category or type, reported
16 separately as loss adjustment expenses and all other expenses.

17 (g) Total number of claims reported.

18 (h) Total number of claims closed without payment.

19 (i) Total number of claims paid.

20 (j) Total number of legal actions filed.

21 (k) Total number of verdicts or judgments for defendants.

22 (L) Total number of verdicts or judgments for plaintiffs.

23 (m) Total amounts awarded plaintiffs.

24 (2m) CATEGORIES AND TYPES. In designating by rule the categories or
25 types of commercial liability insurance included in the report filed under
26 sub. (1), the commissioner shall at a minimum designate those categories or
27 types of commercial liability insurance that cover any of the following:

28 (a) Day care centers.

1 (b) Municipalities.

2 (c) Recreational activities.

3 (d) Professional liability.

4 (3) OTHER INSURANCE EXCLUDED. If commercial liability insurance coverage
5 includes any insurance other than commercial liability insurance delivered as
6 a part of a package with commercial liability insurance, only information
7 relating to the commercial liability insurance portion of the coverage shall
8 be included in the report filed under sub. (1).

9 (4) PERIOD OF REPORT. The report filed under sub. (1) shall provide all
10 required information updated as of the last day of the calendar year preceding
11 the year in which the report is filed. The report shall include required
12 information for policies with effective dates within calendar years beginning
13 with calendar year 1988 and ending with the calendar year preceding the year
14 in which the report is filed. Effective with filings in 1999, the report
15 shall exclude required information for policies with effective dates within
16 any calendar year commencing more than 10 years prior to January 1 of the year
17 in which the report is filed.

18 (5) SUMMARY. The commissioner shall provide a summary of the information
19 contained in the 2 most recent filings of reports under sub. (1) in the bien-
20 nial report to the governor and the legislature under s. 15.04 (1) (d).

21 (6) RULES, ADJUSTMENTS AND EXCLUSIONS. The commissioner may, by rule,
22 establish the form of the report filed under sub. (1), including the manner of
23 reporting the elements of the report. The commissioner may, by rule, require
24 reports to include information in addition to that specified in this section.
25 The commissioner may adjust the reporting requirements for any insurer for
26 which the requirements of this section are burdensome. The commissioner may
27 determine that no report need be filed if the commercial liability insurance

1 issued by an insurer is of such a small amount that its reporting would be
2 burdensome to the insurer or would be of no statistical significance.

3 (7) NO LIABILITY OR CAUSE OF ACTION. There shall be no liability on the
4 part of and no cause of action shall arise against an insurer or an insurer's
5 agents or employes for reporting in good faith under this section, or against
6 the commissioner or employes of the office for any good faith act or omission
7 under this section.

8 ••87-1851/7••SECTION 2099. 604.02 (1) (a) of the statutes is amended to
9 read:

10 604.02 (1) (a) The "local government property insurance fund" or
11 "property fund", ~~previously known as the "state insurance fund" or the "state~~
12 ~~property insurance fund"~~.

13 ••87b1165/1 •• 87b1226/2••SECTION 2099am. 609.70 of the statutes is
14 created to read:

15 609.70 CHIROPRACTIC COVERAGE. Health maintenance organizations, limited
16 service health organizations and preferred provider plans are subject to s.
17 632.87 (3).

18 SECTION 2099ga. 613.81 of the statutes, as affected by 1987 Wisconsin Act
19 (this act), is amended to read:

20 613.81 TAX EXEMPTION FOR HOSPITAL SERVICE INSURANCE CORPORATIONS. Every
21 nonprofit service insurance corporation organized under s. 613.80 which does
22 not pay any dividends, benefits or pecuniary profits to any members or direc-
23 tors is, except for purposes of the franchise tax measured by net income, a
24 charitable and benevolent corporation, ~~and the transfer of property to it by~~
25 ~~gift or inheritance is exempt from taxation as provided in s. 72.15 and subch.~~
26 ~~IV of ch. 72.~~

27 ••87b0501/2••SECTION 2099gb. 613.81 (1) of the statutes is renumbered
28 613.81 and amended to read:

1 613.81 TAX EXEMPTION FOR HOSPITAL SERVICE INSURANCE CORPORATIONS. Every
2 nonprofit service insurance corporation organized under s. 613.80 which does
3 not pay any dividends, benefits or pecuniary profits to any members or direc-
4 tors is, except for purposes of the franchise tax measured by net income, a
5 charitable and benevolent corporation, ~~and its property and the transfer of~~
6 ~~property to it by gift or inheritance,~~ is exempt from taxation as provided in
7 ~~ss. 70.11, s. 72.15 and subch. IV of ch. 72 but shall make reasonable payments~~
8 ~~for municipal services under sub. (2).~~

9 ••87b0501/2••SECTION 2099m. 613.81 (2) of the statutes is repealed.

10 ••87b0501/2••SECTION 2099r. 613.81 (3) of the statutes is repealed.

11 ••87-2333/1••SECTION 2110. 619.04 (1) and (5) (intro.) of the statutes
12 are amended to read:

13 619.04 (1) The commissioner shall promulgate rules establishing a plan of
14 health care liability coverage for all medical or osteopathic physicians
15 licensed under ch. 448 and nurse anesthetists licensed under ch. 441 who
16 practice in this state or who satisfy s. 655.002; for partnerships comprised
17 of such physicians or nurse anesthetists; for corporations organized and
18 operated in this state for the purpose of providing the medical services of
19 physicians or nurse anesthetists; for operating cooperative sickness care
20 plans organized under ss. 185.981 to 185.985 which directly provide services
21 in their own facilities with salaried employes; and for all hospitals as
22 defined by s. 50.33 (2) (a) and (c), but excluding those facilities exempted
23 by s. 50.39 (3), which operate in this state and any entity operated in this
24 state in connection with one or more hospitals and owned or controlled by the
25 hospital or hospitals when the entity is assisting the hospital or hospitals
26 in providing diagnosis or treatment of, or care for, patients of the hospital
27 or hospitals.

1 (5) (intro.) The plan shall offer professional health care liability
2 coverage in a standard policy form for all hospitals, medical or osteopathic
3 physicians and nurse anesthetists ~~operating or practicing who operate or~~
4 practice in this state or who satisfy s. 655.002. The plan shall include, but
5 not be limited to, the following:

6 ••87b0394/2••SECTION 2110e. 619.12 (1) (a) of the statutes is amended to
7 read:

8 619.12 (1) (a) A notice of rejection or cancellation of coverage from 2
9 one or more insurers.

10 ••87b0394/2••SECTION 2110m. 619.12 (2) (c) of the statutes is amended to
11 read:

12 619.12 (2) (c) No person on whose behalf the plan has paid out ~~\$250,000~~
13 \$500,000 or more is eligible for coverage under the plan.

14 ••87b0395/2••SECTION 2110p. 619.13 (3) of the statutes is created to
15 read:

16 619.13 (3) The board shall reduce the amount of assessments annually
17 charged participating insurers under this section by the amount appropriated
18 under s. 20.145 (7) (b).

19 ••87b0394/2••SECTION 2110s. 619.14 (2) (a) of the statutes is amended to
20 read:

21 619.14 (2) (a) The plan shall provide every eligible person who is not
22 eligible for medicare with major medical expense coverage. Major medical
23 expense coverage offered under the plan shall pay an eligible person's covered
24 expenses, subject to sub. (3) and deductible and coinsurance payments autho-
25 rized under sub. (5), up to a lifetime limit of ~~\$250,000~~ \$500,000 per covered
26 individual. The maximum limit under this paragraph shall not be altered by
27 the board, and no actuarially equivalent benefit may be substituted by the
28 board.

1 ••87-0980/2••SECTION 2111. 619.14 (3) (intro.) of the statutes is amended
2 to read:

3 619.14 (3) COVERED EXPENSES. (intro.) ~~Covered~~ Except as restricted by
4 cost containment provisions under s. 619.17 (4), covered expenses shall be the
5 usual and customary charges for the services provided by persons licensed
6 under ch. 446. ~~Covered~~ Except as restricted by cost containment provisions
7 under s. 619.17 (4), covered expenses shall also be the usual and customary
8 charges for the following services and articles when prescribed by a physician
9 licensed under ch. 448 or in another state:

10 ••87b1422/2 •• 87h1990/en••SECTION 2111g. 619.14 (5) (a) of the statutes
11 is amended to read:

12 619.14 (5) (a) The plan shall offer a ~~\$1,000~~ deductible in combination
13 with appropriate premiums determined under this subchapter for major medical
14 expense coverage required under this section. For coverage offered to those
15 persons eligible for medicare, the plan shall offer a deductible equal to the
16 deductible charged by part A of title XVIII of the federal social security
17 act, as amended. ~~Expenses~~ The deductible amounts for all other eligible per-
18 sons shall be dependent upon household income as determined under s. 619.165.
19 For eligible persons under s. 619.165 (1) (b) 1, the deductible shall be
20 \$500. For eligible persons under s. 619.165 (1) (b) 2, the deductible shall
21 be \$600. For eligible persons under s. 619.165 (1) (b) 3, the deductible
22 shall be \$700. For eligible persons under s. 619.165 (1) (b) 4, the deduct-
23 ible shall be \$800. For eligible persons under s. 619.165 (1) (b) 5, the
24 deductible shall be \$900. For all other eligible persons who are not eligible
25 for medicare, the deductible shall be \$1,000. With respect to all eligible
26 persons, expenses used to satisfy the deductible during the last 90 days of a
27 calendar year shall also be applied to satisfy the deductible for the follow-
28 ing calendar year. The schedule of premiums shall be promulgated by rule by

1 the commissioner. The rating plan shall not provide for rates greater than
2 150% of the rate which a standard risk would be charged under an individual
3 policy providing substantially the same coverage and deductibles as provided
4 under this section.

5 ••87b1422/2 •• 87b1990/en••SECTION 2111r. 619.165 (1) (b) 1 to 5 of the
6 statutes are amended to read:

7 619.165 (1) (b) 1. If equal to or greater than \$0 and less than \$6,000,
8 by ~~30%~~ 33.3%.

9 2. If equal to or greater than \$6,000 and less than \$9,000, by ~~24%~~ 33.3%.

10 3. If equal to or greater than \$9,000 and less than \$12,000, by ~~18%~~ 29%.

11 4. If equal to or greater than \$12,000 and less than \$15,000, by ~~12%~~ 23%.

12 5. If equal to or greater than \$15,000 and less than \$16,500, by ~~6%~~ 17%.

13 ••87-0980/2••SECTION 2112. 619.17 (4) of the statutes is created to read:

14 619.17 (4) (a) Subject to par. (b), cost containment provisions estab-
15 lished by the commissioner by rule which include, but are not limited to, all
16 of the following:

17 1. A procedure for prior authorization and subsequent review of all
18 nonemergency hospital admissions and hospital outpatient treatments to deter-
19 mine if the admission, length of stay or treatment is appropriate.

20 2. A procedure for prior authorization and subsequent review of
21 nonemergency admissions and treatments at a facility other than a hospital to
22 determine if the admission, length of stay or treatment is appropriate, if the
23 admission or treatment is for any of the following:

24 a. Nervous or mental disorders.

25 b. Alcoholism or drug abuse.

26 c. Conditions treated by a chiropractor or podiatrist.

27 d. Nursing home or other long-term care.

1 3. A requirement that, if practical under the circumstances, a person
2 covered by the plan obtain medical tests on an outpatient basis before the
3 person is admitted to a hospital.

4 4. A system of case management for persons covered by the plan who
5 require long-term health care.

6 5. As feasible, preferred provider agreements with health care providers,
7 including hospitals and clinics, selected on the basis of quality and cost of
8 services.

9 6. A self-audit program which provides monetary awards for persons cov-
10 ered by the plan who notify the commissioner of billing errors which result in
11 savings to the plan and which would otherwise not be detected.

12 (b) If the commissioner at any time determines that any of the cost con-
13 tainment provisions described in par. (a) 1 to 6 should not be included in the
14 plan because the provision is not cost-effective or would not be cost-effec-
15 tive if included, the commissioner shall appear before the joint committee on
16 finance at the committee's next regular quarterly meeting and present reasons
17 why the provision is not cost-effective or would not be cost-effective if
18 included.

19 ••87b1165/1 •• 87b1226/2••SECTION 2112d. 628.33 of the statutes is
20 repealed.

21 ••87b1165/1 •• 87b1226/2••SECTION 2112h. 628.36 (2) (b) 5 of the statutes
22 is created to read:

23 628.36 (2)(b) 5. All health care plans, including health maintenance
24 organizations, limited service health organizations and preferred provider
25 plans are subject to s. 632.87 (3).

26 ••87b0234/1••SECTION 2112m. 628.36 (2m) (e) 2 and 3 of the statutes are
27 amended to read:

1 628.36 (2m) (e) 2. Except as provided in subd. 3, subd. 1 applies to
2 health maintenance organizations on and after May 10, 1984, and before July 1,
3 ~~1988~~ 1989, or the effective date of the 1989-91 budget bill, whichever is
4 later.

5 3. If compliance with the requirements of subd. 1 during the period
6 specified in subd. 2 would impair any provision of a contract between a health
7 maintenance organization and any other person, and if the contract provision
8 was in existence prior to May 10, 1984, then immediately after the expiration
9 of all such contract provisions, if before July 1, ~~1988~~ 1989, or the effective
10 date of the 1989-91 budget bill, whichever is later, the health maintenance
11 organization shall comply with the requirements of subd. 1, and if on or after
12 July 1, ~~1988~~ 1989, or the effective date of the 1989-91 budget bill, whichever
13 is later, shall provide one period of at least 30 days during which any
14 pharmacist may elect to participate in the health maintenance organization, as
15 provided in subd. 1, for at least one year.

16 ••87b0360/1••SECTION 2112n. 632.75 (5) of the statutes is amended to
17 read:

18 632.75 (5) PAYMENTS FOR HOSPITAL SERVICES. No insurer may reimburse a
19 hospital for patient health care costs at a rate exceeding the rate estab-
20 lished under ch. 54, 1985 stats., or s. 146.60, 1983 stats., for care provided
21 prior to July 1, 1987.

22 ••87b1165/1 •• 87b1226/2••SECTION 2112p. 632.87 (1) of the statutes is
23 amended to read:

24 632.87 (1) No insurer may refuse to provide or pay for benefits for
25 health care services provided by a licensed health care professional on the
26 ground that the services were not rendered by a physician as defined in s.
27 990.01 (28), unless the contract clearly excludes services by such

1 practitioners, but no contract or plan may exclude services in violation of
2 ~~sub-~~ subs. (2m) and (3).

3 ••87b1165/1 •• 87b1226/2••SECTION 2112t. 632.87 (3) of the statutes is
4 created to read:

5 632.87 (3) (a) No policy, plan or contract may exclude coverage for
6 diagnosis and treatment of a condition or complaint by a licensed chiropractor
7 within the scope of the chiropractor's professional license, if the policy,
8 plan or contract covers diagnosis and treatment of the condition or complaint
9 by a licensed physician or osteopath, even if different nomenclature is used
10 to describe the condition or complaint. Examination by or referral from a
11 physician shall not be a condition precedent for receipt of chiropractic care
12 under this paragraph. This paragraph does not:

13 1. Prohibit the application of deductibles or coinsurance provisions to
14 chiropractic and physician charges on an equal basis.

15 2. Prohibit the application of cost containment or quality assurance
16 measures generally applicable to chiropractic and physician services in a like
17 manner and consistent with this section.

18 3. Require the plan to cover any service by a chiropractor if the plan's
19 coverage is limited to surgical benefits.

20 4. Require the plan to cover any service by a chiropractor to a person
21 who is not a registered bed patient in a hospital if the plan does not cover
22 any service by a physician to a person who is not a registered bed patient in
23 a hospital.

24 (b) A policy, plan or contract which limits participation to providers
25 selected by the plan, but which does not employ a licensed chiropractor, shall
26 select one or more licensed chiropractors and shall permit a subscriber to
27 receive chiropractic care in accordance with par. (a) from one or more of the
28 selected chiropractors. A plan which does not limit participation to provi-

1 ders selected by the plan shall permit a subscriber to receive chiropractic
2 care in accordance with par. (a) from the subscriber's choice of one or more
3 licensed chiropractors who have agreed to participate in the plan and abide by
4 its terms.

5 (c) Health maintenance organizations, preferred provider plans and
6 limited service health organizations, in complying with par. (a), shall
7 include as participating providers licensed chiropractors in sufficient
8 numbers to meet the demand for chiropractic services by enrolled participants.

9 (d) The commissioner shall promulgate rules requiring all cooperative
10 associations, health maintenance organizations, insurers and other persons
11 offering health care policies, plans or contracts affected by the requirements
12 of this section to maintain records for 36 months, beginning on the first day
13 of the 7th month after the effective date of this paragraph [revisor
14 inserts date], showing any changes in costs associated with compliance with
15 the requirements of this section.

16 ••87-2333/1••SECTION 2113. 655.001 (11) of the statutes is amended to
17 read:

18 655.001 (11) "Permanently practicing in this state" means the full-time
19 or part-time practice in this state of a health care provider's profession for
20 more than 240 hours in any fiscal year beginning each July 1 by a health care
21 provider whose principal place of practice is in this state, or a health care
22 provider satisfying s. 655.002.

23 ••87-2333/1••SECTION 2114. 655.002 to 655.005 of the statutes are renum-
24 bered 655.003 to 655.006.

25 ••87-2333/1••SECTION 2115. 655.002 of the statutes is created to read:

26 655.002 OUT-OF-STATE PRACTICE. A medical or osteopathic physician
27 licensed under ch. 448 or a nurse anesthetist licensed or registered under ch.

1 441 is permanently practicing in this state even though he or she practices at
2 a hospital located in Michigan if all of the following are satisfied:

3 (1) The hospital, as defined under s. 50.33 (2), is an affiliate of a
4 corporation organized under the laws of this state which maintains its prin-
5 cipal office and a hospital in this state.

6 (3) The medical or osteopathic physician or nurse anesthetist is a resi-
7 dent of this state.

8 (4) The medical or osteopathic physician or nurse anesthetist practices
9 in this state or in Michigan or both for a total of at least 240 hours in any
10 fiscal year beginning each July 1.

11 (5) The principal place of practice of the medical or osteopathic physi-
12 cian or nurse anesthetist is in this state or in Michigan.

13 (6) If the principal place of practice of a medical or osteopathic
14 physician or nurse anesthetist is in Michigan, the medical or osteopathic
15 physician or nurse anesthetist performs more procedures in the hospital de-
16 scribed under sub. (1) than in any other hospital.

17 ••87-2333/1••SECTION 2116. 655.27 (3) (b) 2m of the statutes is created
18 to read:

19 655.27 (3) (b) 2m. In addition to the fees and payment classifications
20 described under subds. 1 and 2, the commissioner, after approval by the board
21 of governors, may by rule establish a separate payment classification for
22 medical and osteopathic physicians satisfying s. 655.002 and a separate fee
23 for nurse anesthetists satisfying s. 655.002 which takes into account the loss
24 experience of health care providers practicing in Michigan.

25 SECTION 2117g. 701.09 (3) and (4) of the statutes are amended to read:

26 701.09 (3) LIFE INSURANCE PROCEEDS TRANSFERRED TO TRUST OF INSURED. A
27 trustee named or to be named in the will of an insured person may be desig-
28 nated beneficiary of an insurance policy on the life of the insured if the

1 designation is made in accordance with the terms of the policy. After admis-
2 sion of the insured's will to probate and issuance of letters to such trustee,
3 the insurance proceeds shall be paid to the trustee to be administered in
4 accordance with the terms of the trust as they exist at the death of the
5 insured, and ~~such~~ the proceeds may be commingled with other assets passing to
6 the trust. Insurance proceeds paid to a testamentary trustee because of his or
7 her designation as life insurance beneficiary shall not be subject to ~~inheri-~~
8 ~~tance~~ death tax to any greater extent than if ~~such~~ the proceeds were payable
9 to a beneficiary other than the insured's estate. ~~Such~~ The proceeds shall be
10 inventoried for tax purposes only and shall not be subject to taxes, debts or
11 charges enforceable against the estate ~~nor~~ or otherwise considered assets of
12 the insured's estate to any greater extent than if ~~such~~ the proceeds were
13 payable to a beneficiary other than the insured's estate.

14 (4) EMPLOYE BENEFITS TRANSFERRED TO TRUST OF EMPLOYE. A trustee named or
15 to be named in the will of an employe covered by any employe benefit plan de-
16 scribed in s. 815.18 (31) or any annuity or insurance contract purchased by an
17 employer ~~which~~ that is a religious, scientific, educational, benevolent or
18 other corporation or association not organized or conducted for pecuniary
19 profit may be designated payee of any benefits payable after the death of the
20 employe if the designation is made in accordance with the terms of the plan or
21 contract. After admission of the employe's will to probate and issuance of
22 letters to ~~such~~ the trustee, the death benefits shall be paid to the trustee
23 to be administered in accordance with the terms of the trust as they exist at
24 the death of the employe, and ~~such~~ the benefits may be commingled with other
25 assets passing to the trust. Death benefits paid to a testamentary trustee
26 because of his or her designation as payee shall not be subject to ~~inheritance~~
27 the death tax to any greater extent than if ~~such~~ the benefits were payable to
28 a beneficiary other than the employe's estate. ~~Such~~ The benefits shall be

1 inventoried for tax purposes only and shall not be subject to taxes, debts or
2 charges enforceable against the estate ~~nor~~ or otherwise considered assets of
3 the employe's estate to any greater extent than if such the benefits were
4 payable to a beneficiary other than the employe's estate.

5 SECTION 2117m. 701.20 (12) (d) 5 of the statutes is amended to read:

6 701.20 (12) (d) 5. If ~~an estate, inheritance~~ a death tax or generation
7 skipping transfer tax is levied in respect ~~of~~ to a trust, any amount appor-
8 tioned to the trust, or any beneficial interest in the trust.

9 SECTION 2117r. 705.06 (1) (intro.) of the statutes is amended to read:

10 705.06 (1) (intro.) In accordance with the terms of an account, and
11 subject to this chapter, ch. 112 and ~~s. 72.29~~ the duties prescribed for per-
12 sonal representatives in ch. 72 and unless otherwise ordered by a court of
13 competent jurisdiction:

14 SECTION 2117x. 705.06 (1) (d) of the statutes is amended to read:

15 705.06 (1) (d) Any sums in a marital account may be paid, on request, to
16 either party without regard to whether the other party is under legal dis-
17 ability or is deceased, unless the financial institution receives actual
18 notice that the other party is deceased. After receipt of actual notice of
19 the death of one party to a marital account, the financial institution may pay
20 on request not more than 50% of the sums on deposit to the surviving party,
21 and 50% of that amount, ~~less any amount required to be withheld under s.~~
22 ~~72.29,~~ to the personal representative of the deceased party or if applicable
23 to any P.O.D. beneficiary of the deceased party's interest, unless before
24 payment is made the financial institution receives a verified statement under
25 s. 865.201 or a certified copy of a certificate or recorded application con-
26 cerning survivorship rights under s. 867.046, in which case the financial
27 institution shall make payment as provided in that document.

1 ••87b0198/1••SECTION 2128a. 753.075 (3) (a) of the statutes is amended to
2 read:

3 753.075 (3) (a) Temporary reserve judges shall receive a per diem of \$150
4 \$175 and while serving outside the county in which they reside shall also
5 receive actual and necessary expenses incurred in the discharge of judicial
6 duties. This per diem compensation is not subject to s. 40.26 but the com-
7 bined amount of this compensation and any other judicial compensation together
8 with retirement annuities under the Wisconsin retirement system, the Milwaukee
9 county retirement fund and other state, county, municipal, or other Wisconsin
10 governmental retirement funds or social security received by him or her during
11 any one calendar year shall not exceed the yearly compensation of a circuit
12 judge. The per diem compensation and actual and necessary expenses shall be
13 paid from the appropriation under s. 20.625 (1) (a) when the judge is assigned
14 to a circuit court and from the appropriation under s. 20.660 (1) (a) when the
15 judge is assigned to the court of appeals.

16 ••87b0200/1••SECTION 2128c. 757.69 (1) (b) of the statutes is amended to
17 read:

18 757.69 (1) (b) In criminal matters issue summonses, arrest warrants or
19 search warrants and conduct initial appearances of persons arrested and set
20 bail to the same extent as a judge. At the initial appearance, the court
21 commissioner shall, when necessary, inform the defendant in accordance with s.
22 970.02 (1). If the defendant appears or claims to be unable to afford
23 counsel, the court commissioner may refer the person to the authority for
24 indigency determinations specified under s. 977.07 (1). If the court commis-
25 sioner is a full-time court commissioner, he or she may conduct the prelimi-
26 nary examination to the same extent as a judge.

27 ••87b0251/2••SECTION 2128g. 757.81 (1m) of the statutes is created to
28 read:

1 757.81 (1m) "Costs" means the compensation and necessary expenses of
2 panels or juries, compensation, fees and expenses of staff and other counsel
3 for the commission, a reasonable disbursement for the service of process or
4 other papers, amounts actually paid out for certified copies of records in any
5 public office, postage, telephoning, adverse examinations and depositions and
6 copies, expert witness fees, witness fees and expenses, compensation and
7 reasonable expenses of experts and investigators employed on a contractual
8 basis, and any other costs and fees permitted by ch. 814.

9 ••87-1340/7••SECTION 2129. 757.83 (4) of the statutes is amended to read:
10 757.83 (4) STAFF. The judicial commission shall hire an executive
11 director, and may hire one staff member, in the unclassified service. The
12 executive director shall be a member of the state bar. ~~The judicial commis-~~
13 ~~sion may hire additional support staff, within budgetary limitations, in the~~
14 ~~unclassified service of Wisconsin.~~

15 ••87b0251/2••SECTION 2129m. 757.98 of the statutes is created to read:
16 757.98 ASSESSMENT OF COSTS. (1) The supreme court shall assess all or
17 part of the costs of the proceeding against a judge who is found to have
18 engaged in misconduct and enter a judgment for costs. Costs are payable to
19 the commission and shall be deposited into the general fund.

20 (2) In seeking the assessment of costs by the supreme court, the commis-
21 sion shall file a statement of costs within 14 days of the filing of the
22 findings of fact, conclusions of law and recommendations of the panel or the
23 presiding judge with the supreme court under s. 757.89. Objection to the
24 statement of costs shall be filed by motion within 7 days after service of the
25 statement of costs.

26 (3) Upon the assessment of costs by the supreme court, the clerk of the
27 supreme court shall issue a judgment for costs and furnish a transcript of the
28 judgment to the commission. The transcript may be filed and docketed in the

1 office of the clerk of court in any county and shall have the same force and
2 effect as judgments docketed under s. 806.16.

3 ••87b1096/2 •• 87b1226/2••SECTION 2133m. 767.01 (2) of the statutes is
4 repealed and recreated to read:

5 767.01 (2) In an action to establish paternity or to establish or enforce
6 a child support obligation, in regard to a child who is the subject of the
7 action, a person is subject to the jurisdiction of the courts of this state if
8 any of the following circumstances exists:

9 (a) The person has the necessary minimum contact with this state for the
10 exercise of jurisdiction under s. 801.05 or 801.07 (5).

11 (b) The person engaged in sexual intercourse with the child's mother in
12 this state during the child's period of conception or the affected child was
13 conceived in this state.

14 (c) The affected child resides in this state.

15 (d) The person resides or has resided with the child in this state.

16 ••87-2103/1••SECTION 2134. 767.077 of the statutes is created to read:

17 767.077 SUPPORT FOR DEPENDENT CHILD. The state or its delegate under s.
18 46.25 (7) shall bring an action for support of a minor child under s. 767.02
19 (1) (f) or, if appropriate, for paternity determination and child support
20 under s. 767.45 whenever the child's right to support is assigned to the state
21 under s. 49.19 (4) (h) 1. b if all of the following apply:

22 (1) The child has been deprived of parental support by reason of the
23 continued absence of a parent from the home.

24 (2) A court has not issued an order under s. 767.25 requiring the parent
25 who is absent from the home to support the child.

26 ••87-2104/4••SECTION 2135. 767.078 of the statutes is created to read:

1 767.078 ORDER IN CASE INVOLVING DEPENDENT CHILD. (1) (a) In this
2 subsection, "case involving a dependent child" means an action which meets all
3 of the following criteria:

4 1. Is an action for modification of a child support order under s. 767.32
5 or an action in which an order for child support is required under s. 767.25
6 (1) or 767.51 (3).

7 2. The child's right to support is assigned to the state under s. 49.19
8 (4) (h) 1. b.

9 3. The child has been deprived of parental support by reason of the con-
10 tinued absence of a parent from the home.

11 (b) Except as provided in par. (c), in a case involving a dependent
12 child, if the child's parent who is absent from the home is not employed, the
13 court shall order that parent to do one or more of the following:

14 1. Register for work at a public employment office established under s.
15 101.23.

16 2. Apply for jobs.

17 3. Participate in a job training program.

18 (c) An order is not required under par. (b) if the court makes written
19 findings that there is good cause for not issuing the order.

20 (2) Subsection (1) does not limit the authority of a court to issue an
21 order, other than an order under sub. (1), regarding employment of a parent in
22 an action for modification of a child support order under s. 767.32 or an
23 action in which an order for child support is required under s. 767.25 (1) or
24 767.51 (3).

25 ••87b0549/2 •• 87b1226/2••SECTION 2135b. 767.13 (2) (c) of the statutes
26 is created to read:

27 767.13 (2) (c) Appointment of state hearing examiners. In a county hav-
28 ing a population of 500,000 or more, the chief judge of the judicial adminis-

1 trative district may, with the agreement of the secretary of health and social
2 services, appoint hearing examiners employed by the department of health and
3 social services to act as family court commissioners in cases for the
4 determination of paternity under s. 767.45, including postjudgment enforcement
5 actions, in which a party has assigned child support rights under s. 49.19 or
6 49.45 or has applied for services under s. 46.25. This paragraph does not
7 apply after June 30, 1989.

8 ••87b1096/2 •• 87b1226/2••SECTION 2135c. 767.25 (5) of the statutes is
9 amended to read:

10 767.25 (5) Liability for past support shall be limited to the period
11 after ~~commencement of the action~~ birth of the child.

12 ••87b0551/1 •• 87b1226/2••SECTION 2135g. 767.32 (1) of the statutes is
13 amended to read:

14 767.32 (1) After a judgment providing for child support under s. 767.25
15 or 767.51, maintenance payments under s. 767.26 or family support payments
16 under s. 767.261, or for the appointment of trustees under s. 767.31 the court
17 may, from time to time, on the petition of either of the parties, or upon the
18 petition of the department of health and social services, a county department
19 under s. 46.215, 46.22 or 46.23 or a child support agency if an assignment has
20 been made under s. 49.19 (4) (h) or 49.45 (19) or if either party or their
21 minor children receives aid under ch. 49, and upon notice to the family court
22 commissioner, revise and alter such judgment respecting the amount of such
23 maintenance or child support and the payment thereof, and also respecting the
24 appropriation and payment of the principal and income of the property so held
25 in trust, and may make any judgment respecting any of the matters which such
26 court might have made in the original action, except that a judgment which
27 waives maintenance payments for either party shall not thereafter be revised
28 or altered in that respect nor shall the provisions of a judgment with respect

1 to final division of property be subject to revision or modification. Any
2 change in child support because of alleged change in circumstances shall take
3 into consideration each parent's earning capacity and total economic
4 circumstances. In any action under this section, receipt of aid to families
5 with dependent children under s. 49.19 or a substantial change in the cost of
6 living by either party or as measured by the federal bureau of labor statis-
7 tics may be sufficient to justify a revision of judgment, except that a change
8 in an obligor's cost of living is not in itself sufficient if payments are
9 expressed as a percentage of income.

10 ••87b0551/1 •• 87b1226/2••SECTION 2135i. 767.32 (1m) of the statutes is
11 created to read:

12 767.32 (1m) In an action under sub. (1) to revise a judgment providing
13 for child support, maintenance payments or family support payments, the court
14 may not revise the amount of child support, maintenance payments or family
15 support payments due prior to the date that notice of the action is given to
16 the respondent, except to correct previous errors in calculations.

17 ••87b0548/1 •• 87b1226/2••SECTION 2135k. 767.45 (1) (h) of the statutes
18 is created to read:

19 767.45 (1) (h) This state as provided under sub. (6m).

20 ••87b1096/2 •• 87b1226/2••SECTION 2135m. 767.45 (5) of the statutes is
21 renumbered 767.45 (5) (b).

22 ••87b1096/2 •• 87b1226/2••SECTION 2135n. 767.45 (5) (a) of the statutes
23 is created to read:

24 767.45 (5) (a) In this subsection, "any alleged father" includes any male
25 who has engaged in sexual intercourse with the child's mother during a pos-
26 sible time of conception of the child.

27 ••87b0548/1 •• 87b1226/2••SECTION 2135p. 767.45 (6m) of the statutes is
28 created to read:

1 You have been sued. claims that you are the father of the child,
2 born on (date), in (city) (county) (state). You must appear
3 to answer this claim of paternity. Your court appearance is:

4 Date:
5 Time:
6 Room:
7 Judge:
8 Address:

9 If you do not appear, the court will ~~order law enforcement officers to find~~
10 ~~you and bring you to court~~ enter a default judgment finding you to be the
11 father. A default judgment will take effect 10 days after it is served on or
12 mailed to you, unless within those 10 days you present to the court or a
13 family court commissioner evidence of good cause for failure to appear. If
14 you plan to be represented by an attorney, you should contact the attorney
15 prior to the court appearance listed above. If you are unable to afford an
16 attorney, the court will appoint one for you. ~~If you do not appear you may be~~
17 ~~found to be the father of the child in a judgment by the court~~ Appearance is
18 not required if you complete the attached waiver of first appearance statement
19 and send it to the court at least 10 days prior to the date of your scheduled
20 appearance in this summons.

21 Dated:, 19

22 C.D.
23 Clerk of Circuit Court
24 Petitioner's Attorney

25 ••87b1096/2 •• 87b1226/2••SECTION 2136e. 767.455 (5g) of the statutes is
26 created to read:

1 (b) That you did not have sexual intercourse with the mother of the child
2 during the conceptive period as provided in s. 891.395.

3 (c) That another man did have sexual intercourse with the mother of the
4 child during the conceptive period.

5 6. You have the right to request a jury trial.

6 7. If you fail to appear at any stage of the proceeding, including a
7 scheduled blood test, the court will enter a default judgment finding you to
8 be the father. A default judgment will take effect 10 days after it is served
9 on or mailed to you at your address on file with the court, unless within
10 those 10 days you present to the court or a family court commissioner evidence
11 of good cause for your failure to appear or your failure to have undergone a
12 blood test. You need not appear at the time and place specified in the sum-
13 mons if you complete the attached waiver of first appearance statement and
14 deliver it to the court by the date specified in the waiver of first appear-
15 ance statement.

16 8. You must keep the clerk of court informed of your current address at
17 all times.

18 ••87b1096/2 •• 87b1226/2••SECTION 2136m. 767.455 (5r) of the statutes is
19 created to read:

20 767.455 (5r) WAIVER OF FIRST APPEARANCE. The waiver of first appearance
21 statement shall be attached to the summons. The waiver of first appearance
22 statement shall be in boldface type and substantially the following form:

23 **WAIVER OF FIRST APPEARANCE**

24 1. I understand that by signing this waiver and agreeing to its terms I
25 am not required to appear at the time and place specified in the summons. If
26 I do not sign this statement, I am required to appear at the time and place
27 specified in the summons.

1 2. I understand that I will be notified by the court of all future stages
 2 in the proceeding and agree to appear at those stages. If I fail to appear at
 3 any stage, including a scheduled blood test, the court will enter a default
 4 judgment finding me to be the father. A default judgment will take effect 10
 5 days after it is served on or mailed to me, unless within those 10 days I
 6 present to the court or a family court commissioner evidence of good cause for
 7 my failure to appear or my failure to have undergone a blood test.

8 3. I enter the following plea (check only one):

9 I agree that I am the child's father.

10 I deny that I am the child's father.

11 I agree that I am the child's father, subject to
 12 confirmation by a blood test.

13 If I enter a plea agreeing that I am the child's father, a judgment of
 14 paternity will be entered against me. If I enter a plea denying that I am the
 15 child's father or a plea agreeing that I am the child's father, subject to a
 16 blood test, I agree to undergo a blood test.

17 4. I have read the summons and the notice or have had them read to me.

18 5. This waiver of first appearance statement is valid only if it is
 19 delivered to the court on or before

20 6. I will keep the clerk of court informed of my address at all times.

21 The following is my current address:

22
 23 Street address and apartment number
 24
 25 City State Zip Code
 26
 27 Date Signature of Respondent

28 ••87b1662/1 •• 87b1990/en••SECTION 2136p. 767.455 (5w) of the statutes is
 29 created to read:

1 767.455 (5w) EXCEPTION. Subsections (5) to (5r) do not apply in an
2 action brought by a man alleging himself to be the father of the child.

3 ••87b1662/1 •• 87b1990/en••SECTION 2136t. 767.457 of the statutes is
4 renumbered 767.458 (1), and 767.458 (1) (c) and (d), as renumbered, are
5 amended to read:

6 767.458 (1) (c) The Except as provided under sub. (1m), the respondent
7 may request the administration of blood tests which either demonstrate that he
8 is not the father of the child or which demonstrate the probability that he is
9 or is not the father of the child;

10 (d) ~~That~~ Except as provided under sub. (1m), the court or family court
11 commissioner will order blood tests upon the request of any party; and

12 ••87b1096/2 •• 87b1226/2••SECTION 2137b. 767.457 of the statutes is
13 created to read:

14 767.457 TIME OF FIRST APPEARANCE. (1) The first appearance under s.
15 767.458 may not be held any sooner than 30 days after service or receipt of
16 the summons and petition.

17 (2) A first appearance of a respondent is not required if, at least 10
18 days prior to the scheduled appearance, the respondent waives his first
19 appearance by filing a completed waiver of first appearance statement under s.
20 767.455 (5r).

21 ••87b1662/1 •• 87b1990/en••SECTION 2137d. 767.458 (1m) of the statutes is
22 created to read:

23 767.458 (1m) At the first appearance in an action to establish the
24 paternity of a child who was born to a woman while she was married, where a
25 man other than the woman's husband alleges that he, not the husband, is the
26 child's father, a party may allege that a judicial determination that a man
27 other than the husband is the father is not in the best interest of the child.
28 If the judge or court commissioner determines that a judicial determination of

1 whether a man other than the husband is the father is not in the best interest
2 of the child, no blood tests may be ordered and the action shall be dismissed.

3 ••87b1096/2 •• 87b1226/2••SECTION 2137e. 767.458 (2) of the statutes is
4 created to read:

5 767.458 (2) At the first appearance, if it appears from a sufficient
6 petition or affidavit of the child's mother that there is probable cause to
7 believe that any of the males named has had sexual intercourse with the mother
8 during a possible time of the child's conception, the court or family court
9 commissioner shall order any of the named persons to submit to blood tests.
10 The tests shall be conducted in accordance with s. 767.48.

11 ••87b1096/2 •• 87b1226/2••SECTION 2137h. 767.46 (2) (intro.) of the
12 statutes is amended to read:

13 767.46 (2) (intro.) On the basis of the information produced at the pre-
14 trial hearing, the judge or family court commissioner conducting the hearing
15 shall evaluate the probability of determining the existence or nonexistence of
16 paternity in a trial ~~and whether a judicial determination of paternity would~~
17 ~~be in the best interest of the child,~~ and shall so advise the parties. On the
18 basis of the evaluation, the judge or family court commissioner may make an
19 appropriate recommendation for settlement to the parties. This recommendation
20 may include any of the following:

21 ••87b1096/2 •• 87b1226/2••SECTION 2137L. 767.465 (2) of the statutes is
22 repealed and recreated to read:

23 767.465 (2) WHEN RESPONDENT FAILS TO APPEAR. (a) If a respondent is the
24 alleged father and fails to appear at the first appearance, unless the first
25 appearance is not required under s. 767.457 (2), scheduled blood test, pre-
26 trial hearing or trial, the court or family court commissioner shall enter an
27 order adjudicating the respondent to be the father and appropriate orders for
28 support and custody. The orders shall be either personally served on the

1 respondent or mailed by registered or certified mail, with return receipt
2 signed by the respondent. The orders shall take effect 10 days after service
3 or receipt unless, within that time, the respondent presents to the court or
4 court commissioner evidence of good cause for failure to appear or failure to
5 have undergone a blood test.

6 (b) A default judgment may not be entered under par. (a) if there is more
7 than one person alleged in the petition to be the father, unless only one of
8 those persons fails to appear and all of the other male respondents have been
9 excluded as the father.

10 ••87b1096/2 •• 87b1226/2••SECTION 2137o. 767.465 (3) of the statutes is
11 renumbered 767.465 (3) (intro.) and amended to read:

12 767.465 (3) MOTION TO REOPEN. (intro.) A default judgment rendered
13 under this section which adjudicates a person to be the father of a child may
14 be reopened ~~at~~:

15 (a) At any time upon motion or petition for good cause shown ~~or upon~~.

16 (b) Upon a motion under s. 806.07.

17 ••87b1096/2 •• 87b1226/2••SECTION 2137p. 767.465 (3) (c) of the statutes
18 is created to read:

19 767.465 (3) (c) Within one year after the judgment upon motion or
20 petition, unless the respondent has previously undergone a blood test or blood
21 tests that show that the respondent is not excluded and that the statistical
22 probability of the respondent's parentage is 92.0% or higher.

23 ••87b1096/2 •• 87b1226/2••SECTION 2137r. 767.48 (1) of the statutes is
24 renumbered 767.48 (1) (a) and amended to read:

25 767.48 (1) (a) The court or family court commissioner may, and upon
26 request of a party shall, require the child, mother, ~~alleged father~~ any male
27 for whom there is probable cause to believe that he had sexual intercourse
28 with the mother during a possible time of the child's conception, or any male

1 witness who testifies or will testify about his sexual relations with the
2 mother at a possible time of conception to submit to blood tests. Probable
3 cause of sexual intercourse during a possible time of conception may be
4 established by a sufficient petition or affidavit of the child's mother filed
5 with the court, or after an examination under oath of a complainant or
6 witness, when the court or family court commissioner determines such an
7 examination is necessary.

8 (b) The blood tests shall be performed by an expert qualified as an
9 examiner of genetic markers present on blood cells and components, appointed
10 by the court. A report completed and certified by the court-appointed expert
11 stating blood test results and the statistical probability of the alleged
12 father's paternity based upon the blood tests is admissible as evidence with-
13 out expert testimony and may be entered into the record at the trial or pre-
14 trial hearing if, at least 10 days before the trial or pretrial hearing, the
15 party offering the report files it with the court and notifies all other par-
16 ties of that filing.

17 ••87b1096/2 •• 87b1226/2••SECTION 2137s. 767.48 (1m) of the statutes is
18 created to read:

19 767.48 (1m) Under sub. (1), if the blood tests show that the alleged
20 father is not excluded and that the statistical probability of the alleged
21 father's parentage is 99.0% or higher, the alleged father shall be rebuttably
22 presumed to be the child's parent.

23 ••87b1096/2 •• 87b1226/2••SECTION 2137u. 767.48 (4) of the statutes is
24 amended to read:

25 767.48 (4) Whenever the results of the blood tests exclude the alleged
26 father as the father of the child, this evidence shall be conclusive evidence
27 of nonpaternity and the court shall dismiss the action. Whenever the results
28 of the tests exclude any male witness from possible paternity, the tests shall

1 be conclusive evidence of nonpaternity of the male witness. Testimony relat-
2 ing to sexual intercourse or possible sexual intercourse of the mother with
3 any person excluded as a possible father, as a result of a blood test, is
4 inadmissible as evidence. If any party refuses to submit to the blood test,
5 this fact shall be disclosed to the fact finder. This refusal is a contempt
6 of the court for failure to produce evidence under s. 767.47 (5). If the
7 action was brought by the child's mother but she refuses to submit herself or
8 the child to blood tests, the action shall be dismissed.

9 ••87b0571/1 •• 87b1226/2••SECTION 2137um. 767.49 of the statutes is
10 created to read:

11 767.49 TRIAL DATE. In any paternity action in which blood tests are
12 ordered under s. 767.48 (1), the court shall set a trial date which is not
13 more than 180 days after the date on which the court receives the test
14 results. The trial shall commence within that 180-day period unless the court
15 finds, in writing, that good cause exists for granting a delay to a new
16 specified trial date.

17 ••87b1096/2 •• 87b1226/2••SECTION 2137v. 767.50 of the statutes is
18 renumbered 767.50 (1) and amended to read:

19 767.50 (1) The trial shall be divided into 2 parts. The first part shall
20 deal with the determination of paternity ~~and the initial establishment of~~
21 ~~support.~~ The 2nd part shall deal with child support, custody, visitation and
22 related issues. At the first part of the trial, the main issue shall be
23 whether the alleged or presumed father is or is not the father of the mother's
24 child, but if the child was born to the mother while she was the lawful wife
25 of a specified man there shall first be determined, as provided in s. 891.39,
26 the prior issue of whether the husband was not the father of the child. The
27 first part of the trial shall be by jury, unless the defendant waives the
28 right to trial by jury in writing or by statement in open court, on the

1 ~~record, with the approval of the court and the complainant only if the defen-~~
2 ~~dant verbally requests a jury trial either at the initial appearance or pre-~~
3 ~~trial hearing or requests a jury trial in writing prior to the pretrial~~
4 ~~hearing.~~ The court may direct, and if requested by either party, before the
5 introduction of any testimony in the party's behalf, shall direct the jury, in
6 cases where there is a jury, to find a special verdict as to any of the issues
7 specified in this section except that the court shall make all the findings
8 enumerated in s. 767.51 (2) to (5). If the mother is dead, becomes insane,
9 cannot be found within the jurisdiction or fails to commence or pursue the
10 action, the proceeding does not abate if any of the persons under s. 767.45
11 (1) makes a motion to continue. The testimony of the mother taken at the
12 pretrial hearing may in any such case be read in evidence if it is competent,
13 relevant and material. The issues of child support, custody and visitation
14 and related issues shall be determined by the court either immediately after
15 the first part of the trial or at a later hearing before the court or a family
16 court commissioner.

17 ••87b1096/2 •• 87b1226/2••SECTION 2137w. 767.50 (2) of the statutes is
18 created to read:

19 767.50 (2) If a jury is requested under sub. (1), the jury shall consist
20 of 6 persons. No verdict is valid or received unless agreed to by at least 5
21 of the jurors.

22 ••87b1096/2 •• 87b1226/2••SECTION 2137y. 767.51 (4) of the statutes is
23 amended to read:

24 767.51 (4) Support judgments or orders ordinarily shall be for periodic
25 payments which may vary in amount if appropriate. The payment amount may be
26 expressed as a percentage of the parent's income or as a fixed sum. The
27 father's liability for past support of the child shall be limited to support
28 for the period after ~~commencement of action~~ the birth of the child.

1 ••87b1690/1••SECTION 2138b. 778.02 of the statutes is amended to read:
2 778.02 ACTION IN NAME OF STATE; COMPLAINT; ATTACHMENT. Every such for-
3 feiture action shall be in the name of the state of Wisconsin, and it shall be
4 is sufficient to allege in the complaint that the defendant is indebted to the
5 plaintiff in the amount of the forfeiture claimed, according to the provisions
6 of the statute which imposes it, specifying the statute and for the penalty
7 assessment imposed by s. 165.87 and the jail assessment imposed by s. 53.46
8 (1). If ~~such~~ the statute imposes a forfeiture for several offenses or delin-
9 quencies the complaint shall specify the particular offense or delinquency for
10 which the action is brought, with a demand for judgment for the amount of ~~such~~
11 the forfeiture and the penalty assessment and jail assessment. If the
12 defendant is a nonresident of the state, an attachment may issue.

13 ••87b1690/1••SECTION 2138c. 778.03 of the statutes is amended to read:
14 778.03 COMPLAINT TO RECOVER FORFEITED GOODS. In an action to recover
15 property forfeited by any statute it shall be sufficient to allege in the
16 complaint that the property has been forfeited, specifying the statute, with a
17 demand of judgment for the delivery of the property, or the value thereof and
18 for payment of the penalty assessment imposed by s. 165.87 and the jail
19 assessment imposed by s. 53.46 (1).

20 ••87b1690/1••SECTION 2138d. 778.06 of the statutes is amended to read:
21 778.06 ACTION FOR WHAT SUM. When a forfeiture is imposed, not exceeding
22 a specific sum or when it is not less than one sum or more than another, the
23 action may be brought for the highest sum specified and for the penalty
24 assessment imposed by s. 165.87 and the jail assessment imposed by s. 53.46
25 (1); and judgment may be rendered for such sum as the court or jury shall
26 assess or determine to be proportionate to the offense.

27 ••87b1690/1••SECTION 2138e. 778.10 of the statutes is amended to read:

1 778.10 MUNICIPAL FORFEITURES. HOW RECOVERED. All forfeitures imposed by
2 any ordinance or regulation of any county, town, city or village, or of any
3 other domestic corporation may be sued for and recovered, pursuant to this
4 chapter, in the name of the county, town, city, village or corporation. It
5 ~~shall be~~ is sufficient to allege in the complaint that the defendant is
6 indebted to the plaintiff in the amount of the forfeiture claimed, specifying
7 the ordinance or regulation which imposes it and of the penalty assessment
8 imposed by s. 165.87. ~~And when~~ and the jail assessment imposed by s. 53.46
9 (1). If the ordinance or regulation imposes a penalty or forfeiture for sev-
10 eral offenses or delinquencies the complaint shall specify the particular
11 offenses or delinquency for which the action is brought, with a demand for
12 judgment for the amount of the forfeiture ~~and of~~ the penalty assessment
13 imposed by s. 165.87 and the jail assessment imposed by s. 53.46 (1). All
14 moneys collected on the judgment shall be paid to the treasurer of the county,
15 town, city, village or corporation, except that all jail assessments shall be
16 paid to the county treasurer.

17 ••87b1690/1••SECTION 2138f. 778.105 of the statutes is amended to read:
18 778.105 DISPOSITION OF FORFEITURES. Revenues from forfeitures imposed by
19 any court or any branch thereof for the violation of any municipal or county
20 ordinance shall be paid to the municipality or county. Penalty assessment
21 payments shall be made as provided in s. 165.87. Jail assessment payments
22 shall be made as provided in s. 53.46 (1).

23 ••87b1690/1••SECTION 2138g. 778.13 of the statutes is amended to read:
24 778.13 FORFEITURES COLLECTED, TO WHOM PAID. All moneys collected in
25 favor of the state for forfeiture, except the portion to be paid to any person
26 who sues with the state, shall be paid by the officer who collects the for-
27 feiture to the treasurer of the county within which the forfeiture was incur-
28 red within 20 days after its receipt. In case of any failure in the payment

1 the county treasurer may collect the payment of the officer by action, in the
2 name of the office and upon the official bond of the officer, with interest at
3 the rate of 12% per year from the time when it should have been paid. Penalty
4 assessment payments shall be made as provided in s. 165.87. Jail assessment
5 payments shall be made as provided in s. 53.46 (1).

6 ••87b1690/1••SECTION 2138h. 778.18 of the statutes is amended to read:
7 778.18 PENALTY UPON MUNICIPAL JUDGE. If any municipal judge, of his or
8 her own will, dismisses any action brought before the judge under this
9 chapter, unless by order of the district attorney or attorney general or the
10 person joined as plaintiff with the state, or renders a less judgment therein
11 than is prescribed by law, or releases or discharges any such judgment or part
12 thereof without payment or collection, the judge and the judge's sureties
13 shall be liable, in an action upon the judge's bond, for the full amount of
14 the forfeitures imposed by law or of the forfeiture imposed by the judge and
15 for the penalty assessment imposed by s. 165.87 and the jail assessment
16 imposed by s. 53.46 (1), or for an amount equal to the amount in which any
17 such judgment or any part thereof is released or discharged. If any municipal
18 judge gives time or delay to any person against whom any such judgment is
19 rendered by the judge, or takes any bond or security for its future payment,
20 the judge and the judge's sureties shall also be liable for the payment of the
21 judgment upon the judge's bond.

22 ••87b1690/1••SECTION 2138i. 778.25 (2) (e) of the statutes is amended to
23 read:
24 778.25 (2) (e) The maximum forfeiture ~~and~~, penalty assessment and jail
25 assessment for which the defendant might be found liable and other penalties
26 which may be imposed including suspension or revocation under s. 343.30 (6).
27 Suspension or revocation under s. 343.30 (6) is not an option for violation of
28 a statute or ordinance specified under sub. (1) (a) 2 or 3.

1 ••87b0201/1••SECTION 2139b. 778.25 (2) (g) of the statutes is amended to
2 read:

3 778.25 (2) (g) Notice that if the defendant makes a deposit and fails to
4 appear in court at the time fixed in the citation, the failure to appear will
5 be considered tender of a plea of no contest and submission to a forfeiture
6 ~~and a~~ penalty assessment and jail assessment plus costs, including ~~the~~ any
7 applicable fees prescribed in ~~s-~~ ss. 814.63 (1) and (2) and 814.635, not to
8 exceed the amount of the deposit. The notice shall also state that the court
9 may decide to summon the defendant or, if the defendant is an adult, issue an
10 arrest warrant for the defendant rather than accept the deposit and plea.

11 ••87b0201/1••SECTION 2139g. 778.25 (2) (h) of the statutes is amended to
12 read:

13 778.25 (2) (h) Notice that if the defendant makes a deposit and signs the
14 stipulation, the stipulation is treated as a plea of no contest and submission
15 to a forfeiture ~~and a~~ penalty assessment and jail assessment plus costs,
16 including ~~the~~ any applicable fees prescribed in ~~s-~~ ss. 814.63 (1) and (2) and
17 814.635, not to exceed the amount of the deposit. The notice shall also state
18 that the court may decide to summon the defendant or, if the defendant is an
19 adult, issue an arrest warrant for the defendant rather than accept the
20 deposit and stipulation, and that the defendant may, at any time prior to or
21 at the time of the court appearance date, move the court for relief from the
22 effect of the stipulation.

23 ••87b0201/1••SECTION 2139m. 778.25 (3) of the statutes is amended to
24 read:

25 778.25 (3) If a person is issued a citation under this section the person
26 may deposit the amount of money the issuing officer directs by mailing or
27 delivering the deposit and a copy of the citation to the clerk of court of the
28 county where the violation occurred or the sheriff's office or police head-

1 quarters of the officer who issued the citation prior to the court appearance
2 date. The basic amount of the deposit shall be determined under a deposit
3 schedule established by the judicial conference. The judicial conference
4 shall annually review and revise the schedule. In addition to the basic
5 amount determined by the schedule the deposit shall include costs, including
6 ~~the any applicable~~ fees prescribed in ~~s-~~ ss. 814.63 (1) and (2) and 814.635,
7 penalty assessment and jail assessment.

8 ••87b1690/1••SECTION 2139n. 778.25 (4) of the statutes is amended to
9 read:

10 778.25 (4) A person may make a stipulation of no contest by submitting a
11 deposit and a stipulation in the manner provided by sub. (3) prior to the
12 court appearance date. The signed stipulation is a plea of no contest and
13 submission to a forfeiture plus costs and a penalty assessment and jail
14 assessment not exceeding the amount of the deposit.

15 ••87b1690/1••SECTION 2139p. 778.25 (5) of the statutes is amended to
16 read:

17 778.25 (5) Except as provided by sub. (6) a person receiving a deposit
18 shall prepare a receipt in triplicate showing the purpose for which the
19 deposit is made, stating that the defendant may inquire at the office of the
20 clerk of court regarding the disposition of the deposit, and notifying the
21 defendant that if he or she fails to appear in court at the time fixed in the
22 citation he or she will be deemed to have tendered a plea of no contest and
23 submitted to a forfeiture ~~and a~~ penalty assessment and jail assessment plus
24 costs, including ~~the any applicable~~ fees prescribed in ~~s-~~ ss. 814.63 (1) and
25 (2) and 814.635, not to exceed the amount of the deposit which the court may
26 accept. The original of the receipt shall be delivered to the defendant in
27 person or by mail. If the defendant pays by check, the check is the receipt.

1 ••87b1690/1••SECTION 2139t. 778.25 (6) of the statutes is amended to
2 read:

3 778.25 (6) The person receiving a deposit and stipulation of no contest
4 shall prepare a receipt in triplicate showing the purpose for which the
5 deposit is made, stating that the defendant may inquire at the office of the
6 clerk of court regarding the disposition of the deposit, and notifying the
7 defendant that if the stipulation of no contest is accepted by the court the
8 defendant will be considered to have submitted to a forfeiture ~~and a~~ penalty
9 assessment and jail assessment plus costs, including ~~the~~ any applicable fees
10 prescribed in ~~s-~~ ss. 814.63 (1) and (2) and 814.635, not to exceed the amount
11 of the deposit. Delivery of the receipt shall be made in the same manner as
12 in sub. (5).

13 ••87b1690/1••SECTION 2139v. 778.25 (8) (b) of the statutes is amended to
14 read:

15 778.25 (8) (b) If the defendant has made a deposit, the citation may
16 serve as the initial pleading and the defendant shall be considered to have
17 tendered a plea of no contest and submitted to a forfeiture ~~and a~~ penalty
18 assessment and jail assessment plus costs, including ~~the~~ any applicable fees
19 prescribed in ~~s-~~ ss. 814.63 (1) and (2) and 814.635, not exceeding the amount
20 of the deposit. The court may either accept the plea of no contest and enter
21 judgment accordingly, or reject the plea and issue a summons or arrest
22 warrant, except if the defendant is a minor the court shall proceed under s.
23 48.28. Chapter 48 governs taking and holding a minor in custody. If the
24 court accepts the plea of no contest, the defendant may move within 90 days
25 after the date set for appearance to withdraw the plea of no contest, open the
26 judgment and enter a plea of not guilty if the defendant shows to the satis-
27 faction of the court that failure to appear was due to mistake, inadvertence,
28 surprise or excusable neglect. If a party is relieved from the plea of no

1 contest, the court or judge may order a written complaint or petition to be
2 filed. If on reopening the defendant is found not guilty, the court shall
3 delete the record of conviction and shall order the defendant's deposit
4 returned.

5 ••87b1690/1••SECTION 2139x. 778.25 (8) (c) of the statutes is amended to
6 read:

7 778.25 (8) (c) If the defendant has made a deposit and stipulation of no
8 contest, the citation serves as the initial pleading and the defendant shall
9 be considered to have tendered a plea of no contest and submitted to a for-
10 feiture ~~and a~~ penalty assessment and jail assessment plus costs, including
11 ~~the~~ any applicable fees prescribed in ~~s.~~ ss. 814.63 (1) and (2) and 814.635,
12 not exceeding the amount of the deposit. The court may either accept the plea
13 of no contest and enter judgment accordingly, or reject the plea and issue a
14 summons or arrest warrant, except if the defendant is a minor the court shall
15 proceed under s. 48.28. Chapter 48 governs taking and holding a minor in
16 custody. After signing a stipulation of no contest, the defendant may, at any
17 time prior to or at the time of the court appearance date, move the court for
18 relief from the effect of the stipulation. The court may act on the motion,
19 with or without notice, for cause shown by affidavit and upon just terms, and
20 relieve the defendant from the stipulation and the effects of the stipulation.

21 ••87b1690/1••SECTION 2139z. 778.25 (10) of the statutes is amended to
22 read:

23 778.25 (10) An officer collecting moneys for a forfeiture, penalty
24 assessment, jail assessment and costs under this section shall pay the same to
25 the appropriate municipal or county treasurer within 20 days after its receipt
26 by the officer, except that all jail assessments shall be paid to the county
27 treasurer. If the officer fails to make timely payment, the municipal or
28 county treasurer may collect the payment from the officer by an action in the