

1           **\*b0749/1.2\* 873.** Page 1176, line 24: after that line insert:

2           **\*b0749/1.2\* "SECTION 2301m.** 166.03 (2) (a) 6. of the statutes is created to read:

3           166.03 (2) (a) 6. Purchase from the appropriation under s. 20.465 (3) (a), at a  
4           cost not to exceed \$110,000, infrared optical equipment to be located and maintained  
5           by the Chippewa County emergency management agency and used by the civil air  
6           patrol to search for lost individuals.”.

7           **\*b0750/1.1\* 874.** Page 1177, line 13: after that line insert:

8           **\*b0750/1.1\* "SECTION 2303b.** 166.215 (1) of the statutes is amended to read:

9           166.215 (1) The Beginning July 1, 2001, the division shall contract with no  
10          ~~fewer than 7 and no more than 9 regional emergency response teams, each of which~~  
11          ~~will one of which shall be located in La Crosse County. Each regional emergency~~  
12          response team shall assist in the emergency response to level A releases in a region  
13          of this state designated by the division. The division shall contract with at least one  
14          regional emergency response team in each area designated under s. 166.03 (2) (b) 1.  
15          The division may only contract with a local agency, as defined in s. 166.22 (1) (c),  
16          under this subsection. A member of a regional emergency response team shall meet  
17          the standards for a hazardous materials specialist in 29 CFR 1910.120 (q) (6) (iv) and  
18          national fire protection association standards NFPA 471 and 472. Payments to  
19          regional emergency response teams under this subsection shall be made from the  
20          appropriation account under s. 20.465 (3) (dd).”.

21          **\*b0767/1.3\* 875.** Page 1179, line 5: after that line insert:

22          **\*b0767/1.3\* "SECTION 2305m.** 180.1901 (1m) (bs) of the statutes is created to  
23          read:

1           180.1901 (1m) (bs) Athletic trainers affiliated credentialing board under  
2 subch. VI of ch. 448.”.

3           **\*b1120/1.1\* 876.** Page 1179, line 5: after that line insert:

4           **\*b1120/1.1\* SECTION 2304c.** 180.0103 (6) of the statutes is repealed and  
5 recreated to read:

6           180.0103 (6) “Deliver” or “delivery” means any method of delivery used in  
7 conventional commercial practice, including delivery by hand, mail, commercial  
8 delivery and electronic transmission.

9           **\*b1120/1.1\* SECTION 2304cm.** 180.0103 (7m) of the statutes is created to read:

10           180.0103 (7m) “Electronic transmission” or “electronically transmitted”  
11 means internet transmission, telephonic transmission, electronic mail  
12 transmission, transmission of a telegram, cablegram or datagram or any other form  
13 or process of communication that does not directly involve the physical transfer of  
14 paper and that is suitable for the retention, retrieval and reproduction of information  
15 by the recipient.

16           **\*b1120/1.1\* SECTION 2304dm.** 180.0103 (16) of the statutes is amended to  
17 read:

18           180.0103 (16) “Signed” or “signature” includes any manual, facsimile,  
19 conformed or electronic signature or any symbol executed or adopted by a party with  
20 present intention to authenticate a writing or electronic transmission.

21           **\*b1120/1.1\* SECTION 2304ed.** 180.0141 (2) (a) of the statutes is amended to  
22 read:

23           180.0141 (2) (a) A person shall give notice in writing, except as provided in par.  
24 (b). For purposes of this section, notice by electronic transmission is written notice.

1           **\*b1120/1.1\* SECTION 2304fb.** 180.0141 (3) of the statutes is amended to read:  
2           180.0141 (3) Except as provided in s. 180.0721 (4) or unless otherwise provided  
3           in the articles of incorporation or bylaws, notice may be communicated in person, ;  
4           by telephone, telegraph, teletype, facsimile or other form of wire or wireless  
5           communication, or by mail or private carrier, and, if mail or other method of delivery;  
6           by telephone, including voice mail, answering machine or answering service; or by  
7           any other electronic means. If these forms of personal notice are impracticable,  
8           notice may be communicated by a newspaper of general circulation in the area where  
9           published, or by radio, television or other form of public broadcast communication.

10           **\*b1120/1.1\* SECTION 2304fh.** 180.0141 (5) (b) of the statutes is renumbered  
11           180.0141 (5) (b) (intro.) and amended to read:

12           180.0141 (5) (b) (intro.) Written notice by a domestic corporation or foreign  
13           corporation to its shareholder is effective ~~when~~ under any of the following conditions:

14           1. When mailed and may be, but only if mailed postpaid and addressed to the  
15           shareholder's address shown in the domestic corporation's or foreign corporation's  
16           current record of shareholders.

17           **\*b1120/1.1\* SECTION 2304gb.** 180.0141 (5) (b) 2. of the statutes is created to  
18           read:

19           180.0141 (5) (b) 2. When electronically transmitted to the shareholder in a  
20           manner authorized by the shareholder.

21           **\*b1120/1.1\* SECTION 2304gm.** 180.0722 (2) of the statutes is repealed and  
22           recreated to read:

23           180.0722 (2) (a) A shareholder entitled to vote at a meeting of shareholders, or  
24           to express consent or dissent in writing to any corporate action without a meeting of  
25           shareholders, may authorize another person to act for the shareholder by appointing

1 the person as proxy. An appointment of a proxy may be in durable form as provided  
2 in s. 243.07.

3 (b) Without limiting the manner in which a shareholder may appoint a proxy  
4 under par. (a), a shareholder or the shareholder's authorized officer, director,  
5 employe, agent or attorney-in-fact may use any of the following as a valid means to  
6 make such an appointment:

7 1. Appointment of a proxy in writing by signing or causing the shareholder's  
8 signature to be affixed to an appointment form by any reasonable means, including,  
9 but not limited to, by facsimile signature.

10 2. Appointment of a proxy by transmitting or authorizing the transmission of  
11 an electronic transmission of the appointment to the person who will be appointed  
12 as proxy or to a proxy solicitation firm, proxy support service organization or like  
13 agent authorized to receive the transmission by the person who will be appointed as  
14 proxy. Every electronic transmission shall contain, or be accompanied by,  
15 information that can be used to reasonably determine that the shareholder  
16 transmitted or authorized the transmission of the electronic transmission. Any  
17 person charged with determining whether a shareholder transmitted or authorized  
18 the transmission of the electronic transmission shall specify the information upon  
19 which the determination is made.

20 (c) Any copy, facsimile telecommunication or other reliable reproduction of the  
21 information in the appointment form under par. (b) 1. or the electronic transmission  
22 under par. (b) 2. may be substituted or used in lieu of the original appointment form  
23 or electronic transmission for any purpose for which the original appointment form  
24 or electronic transmission could be used, but only if the copy, facsimile

1 telecommunication or other reliable reproduction is a complete reproduction of the  
2 information in the original appointment form or electronic transmission.

3 **\*b1120/1.1\* SECTION 2304gz.** 180.0722 (3) of the statutes is amended to read:

4 180.0722 (3) An appointment of a proxy is effective when a signed appointment  
5 form or an electronic transmission of the appointment is received by the secretary  
6 or other inspector of election or the officer or agent of the corporation authorized to  
7 tabulate votes. An appointment is valid for 11 months from the date of its signing  
8 unless a different period is expressly provided in the appointment form.

9 **\*b1120/1.1\* SECTION 2304hd.** 180.0722 (4) (a) (intro.) of the statutes is

10 amended to read:

11 180.0722 (4) (a) (intro.) An appointment of a proxy is revocable ~~by the~~  
12 ~~shareholder~~ unless the appointment form ~~eonspueously~~ or electronic transmission  
13 states that it is irrevocable and the appointment is coupled with an interest.  
14 Appointments coupled with an interest include, but are not limited to, the  
15 appointment of any of the following:

16 **SECTION 2304L.** 180.0722 (7) of the statutes is amended to read:

17 180.0722 (7) Subject to s. 180.0724 and to any express limitation on the proxy's  
18 authority ~~appearing on the face of~~ stated in the appointment form or electronic  
19 transmission, a corporation may accept the proxy's vote or other action as that of the  
20 shareholder making the appointment.

21 **\*b1120/1.1\* SECTION 2304ho.** 180.0722 (8) (a) of the statutes is amended to  
22 read:

23 180.0722 (8) (a) Notwithstanding sub. (4), may be revoked at any time by  
24 openly stating the revocation at a shareholder meeting or appointing a new proxy in  
25 writing the manner provided under sub. (2) (b).

1           **\*b1120/1.1\* SECTION 2304jb.** 180.0724 (4) of the statutes is amended to read:

2           180.0724 (4) The corporation and its officer or agent who accepts or rejects a  
3           vote, consent, waiver or proxy appointment in good faith and in accordance with this  
4           section or s. 180.0722 (2) are not liable in damages to the shareholder for the  
5           consequences of the acceptance or rejection.

6           **\*b1120/1.1\* SECTION 2304jm.** 180.0724 (5) of the statutes is amended to read:

7           180.0724 (5) Corporate action based on the acceptance or rejection of a vote,  
8           consent, waiver or proxy appointment under this section or s. 180.0722 (2) is valid  
9           unless a court of competent jurisdiction determines otherwise.”

10          **\*b1192/2.1\* 877.** Page 1179, line 5: after that line insert:

11          **\*b1192/2.1\* “SECTION 2307a.** 177.01 (10) of the statutes is renumbered 177.01  
12          (10) (a).

13          **\*b1192/2.1\* SECTION 2307d.** 177.01 (10) (b) of the statutes is created to read:

14          177.01 (10) (b) “Intangible property” does not include a credit balance issued  
15          to a commercial customer account by a business association in the ordinary course  
16          of business, unless the credit balance is property described in s. 177.06 (1) or (2) held  
17          by a banking organization or financial organization.”

18          **\*b0730/1.8\* 878.** Page 1179, line 19: after that line insert:

19          **\*b0730/1.8\* “SECTION 2308r.** 186.098 (12) of the statutes is amended to read:

20          186.098 (12) LOANS TO MEMBERS. A credit union may make loans to members  
21          secured by assignment or transfer of stock certificates or other evidence of the  
22          borrower’s ownership interest in a corporation formed for the cooperative ownership  
23          of real estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a  
24          mortgage involving a one-family residence, apply to a proceeding to enforce the

1 lender's rights in security given for a loan under this subsection. The office of credit  
2 unions shall promulgate joint rules with the ~~divisions of savings and loan division~~  
3 of savings institutions and the division of banking that establish procedures for  
4 enforcing a lender's rights in security given for a loan under this subsection.”.

5 \*b1060/1.2\* **879.** Page 1179, line 19: after that line insert:

6 \*b1060/1.2\* “SECTION 2308dm. 189.02 (7) of the statutes is created to read:  
7 189.02 (7) At least 14 days before submitting to the public service commission  
8 any personnel or budget request that affects any appropriation to the department of  
9 transportation, the office shall notify the secretary of the request.”.

10 \*b1068/1.1\* **880.** Page 1179, line 19: after that line insert:

11 \*b1068/1.1\* “SECTION 2308gg. 195.28 (1m) of the statutes is created to read:  
12 195.28 (1m) APPORTIONMENT OF EXPENSE. The office shall fix the proportion of  
13 the cost and expense of crossing protection devices and installation, and any other  
14 work ordered under sub. (1), to be paid by the parties in interest. The office may order  
15 any party in interest to pay the cost and expenses apportioned to that party under  
16 this subsection.

17 \*b1068/1.1\* SECTION 2308gk. 195.28 (2) of the statutes is amended to read:

18 195.28 (2) INSTALLATION COSTS. ~~The~~ Subject to sub. (1m), the cost of any signal  
19 or other crossing protection device ~~which~~ that is ordered installed under sub. (1) and  
20 the cost of installing any such device shall be paid by the department from the  
21 appropriations under s. 20.395 (2) (gj), (gr) and (gx).”.

22 \*b1101/1.2\* **881.** Page 1179, line 19: after that line insert:

23 \*b1101/1.2\* “SECTION 2308mg. 195.28 (1) of the statutes is amended to read:

1           195.28 (1) PETITION; HEARING; ORDER. Upon petition of the department, city  
2 council, village board, town board, superintendent of highways or by 5 or more  
3 electors in any town, village or city, or of any railroad corporation or railroad  
4 historical society, to determine whether a public highway and railroad grade crossing  
5 protects and promotes public safety, the office may investigate and issue an  
6 appropriate order without a public hearing. If the petitioner, railroad, railroad  
7 historical society or any interested party objects to the order and requests a hearing  
8 within 20 days after the date that the order is issued, the office shall proceed under  
9 s. 195.04. Notice of an investigation or hearing shall be served upon the department,  
10 which shall be an interested party, and any recommendation it may file with the  
11 office at or prior to a hearing, if there is one, regarding crossing protection shall be  
12 considered as evidence in the proceeding. The office shall determine whether the  
13 existing warning devices at such crossing are adequate to protect and promote public  
14 safety. If the office determines, either without or after a hearing, that protection is  
15 not adequate, it may order the railroad company or railroad historical society to keep  
16 a flagman at the crossing or to install automatic signals or other suitable safety  
17 device at specific locations at such crossing. The office may order the relocation of  
18 existing signals and devices to improve protection at a crossing. To the greatest  
19 extent practicable, orders under this subsection shall be executed in the priority  
20 recommended under sub. (2m) (d), except that the recommendation shall be  
21 disregarded if the office determines that immediate improvement of a crossing is  
22 necessary to protect public safety. Any crossing protection installed or maintained  
23 as approved by the office, whether by order or otherwise, shall be deemed adequate  
24 and appropriate protection for the crossing.

25           **\*b1101/1.2\* SECTION 2308mj.** 195.28 (2m) of the statutes is created to read:



1           195.28 (2m) DUTIES OF THE COUNCIL ON RAILROAD GRADE CROSSINGS. The council  
2 on railroad grade crossings shall do all of the following:

3           (a) Establish and maintain a railroad crossing data base. The data base shall  
4 be available to the office and the department.

5           (b) Recommend to the office and to the department desirable funding levels for  
6 railroad crossing protection installation and maintenance under subs. (2) and (3).

7           (c) Meet at least once annually to review all railroad crossing improvements  
8 ordered by the office.

9           (d) Determine and recommend to the office which railroad crossing  
10 improvements should be constructed during the following 3 years and the order in  
11 which those projects should be completed to maximize the safety benefits of the  
12 projects. In determining the order in which projects should be completed, the council  
13 shall consider all of the following:

- 14           1. The volume and speed of trains and traffic at the railroad crossing.
- 15           2. The physical features of the railroad crossing, including curves, hills and  
16 other features that may reduce the visibility of motorists at the railroad crossing.
- 17           3. The history of accidents at the railroad crossing.
- 18           4. Anticipated changes in the volume or speed of motor vehicles or train traffic  
19 at the railroad crossing.
- 20           5. Any other factors the council considers appropriate.”.

21           **\*b1203/1.3\* 882.** Page 1179, line 19: after that line insert:

22           **\*b1203/1.3\* “SECTION 2308m.** 185.981 (4t) of the statutes is amended to read:  
23           185.981 (4t) A sickness care plan operated by a cooperative association is  
24 subject to ss. 252.14, 631.89, 632.72 (2), 632.745 to 632.749, 632.85, 632.853, 632.855,

1 632.87 (2m), (3), (4) and (5), 632.872, 632.895 (10) to (13) and 632.897 (10) and chs.  
2 149 and 155.

3 \*b1203/1.3\* SECTION 2308p. 185.983 (1) (intro.) of the statutes is amended to  
4 read:

5 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be  
6 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,  
7 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72  
8 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87  
9 (2m), (3), (4) and (5), 632.872, 632.895 (5) and (9) to (13), 632.896 and 632.897 (10)  
10 and chs. 609, 630, 635, 645 and 646, but the sponsoring association shall.”.

11 \*b0764/1.1\* 883. Page 1179, line 21: after that line insert:

12 \*b0764/1.1\* “SECTION 2309q. 196.19 (1m) (b) of the statutes is amended to  
13 read:

14 196.19 (1m) (b) A telecommunications utility may not offer a new  
15 telecommunications service to the public without first filing a tariff for that offering  
16 with the commission. A proposed tariff offering a new telecommunications service  
17 shall be effective on the date specified in the tariff ~~but not earlier than 10 days after~~  
18 ~~the date on which the tariff is filed with the commission~~, unless the commission,  
19 either upon complaint or upon its own motion, suspends the operation of the new  
20 tariff by serving written notice of the suspension on the telecommunications utility  
21 within 10 days after the date of filing. The notice shall include a statement of the  
22 reason under par. (c) upon which the commission believes the tariff may be modified.

23 \*b0764/1.1\* SECTION 2309r. 196.19 (1m) (e) of the statutes is repealed.”.

1           **\*b0761/1.1\* 884.** Page 1180, line 15: delete “The ~~commission~~” and substitute  
2           “~~The commission~~ Except as provided in s. 196.218 (4t), the”.

3           **\*b0761/1.2\* 885.** Page 1183, line 20: after that line insert:

4           **\*b0761/1.2\* “SECTION 2329g.** 196.218 (4t) of the statutes is created to read:  
5           196.218 (4t) EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM RULES. The  
6           commission, in consultation with the department of administration and the  
7           technology for educational achievement in Wisconsin board, shall promulgate rules  
8           specifying the telecommunications services eligible for funding through the  
9           educational telecommunications access program under s. 44.73.”.

10          **\*b1240/1.2\* 886.** Page 1184, line 9: after “bases.” insert “This subdivision  
11          does not apply after June 30, 2001.”.

12          **\*b0862/1.4\* 887.** Page 1184, line 18: after that line insert:

13          **\*b0862/1.4\* “SECTION 2332n.** 196.218 (5) (a) 10. of the statutes is created to  
14          read:

15          196.218 (5) (a) 10. To provide administrative services under the rehabilitation  
16          teaching program for blind and visually impaired persons under s. 46.293.”.

17          **\*b1241/1.3\* 888.** Page 1185, line 20: delete the material beginning with that  
18          line and ending with page 1186, line 9, and substitute:

19          **\*b1241/1.3\* “SECTION 2335mr.** 196.44 (2) (b) of the statutes is repealed.

20          **\*b1241/1.3\* SECTION 2336mr.** 196.85 (2m) of the statutes is repealed.”.

21          **\*b0764/1.2\* 889.** Page 1186, line 2: after that line insert:

22          **\*b0764/1.2\* “SECTION 2336g.** 196.77 of the statutes is amended to read:

23          **196.77 Promotional rates.** Except as provided in this section, nothing in this  
24          chapter prohibits a telecommunications utility from filing a tariff to make a limited

1 offering of promotional rates. A promotional rate under this section shall take effect  
2 automatically at the time specified in the tariff ~~but not earlier than 10 days after the~~  
3 ~~date the tariff is filed with the commission~~ unless the commission ~~authorizes an~~  
4 ~~earlier effective date~~ or suspends the tariff within 10 days after the date on which  
5 it is filed. The commission may suspend a tariff if it believes that the tariff violates  
6 s. 196.204, 196.209 or 196.219. If the commission suspends a tariff, it shall  
7 investigate and resolve the matter within 60 days after the date on which the tariff  
8 is suspended or the tariff shall be effective as filed.”.

9 \*b0730/1.9\* **890.** Page 1186, line 9: after that line insert:

10 \*b0730/1.9\* **SECTION 2337a.** 214.01 (1) (im) of the statutes is amended to  
11 read:

12 214.01 (1) (im) “Division” means the division of savings ~~and loan~~ institutions.

13 \*b0730/1.9\* **SECTION 2338a.** 214.592 of the statutes is amended to read:

14 **214.592 Financially related services tie-ins.** In any transaction conducted  
15 by a savings bank, a savings bank holding company or a subsidiary of either with a  
16 customer who is also a customer of any other subsidiary of any of them, the customer  
17 shall be given a notice in 12-point boldface type in substantially the following form:

18 **NOTICE OF RELATIONSHIP**

19 This company, .... (insert name and address of savings bank, savings bank  
20 holding company or subsidiary), is related to .... (insert name and address of savings  
21 bank, savings bank holding company or subsidiary) of which you are also a customer.  
22 You may not be compelled to buy any product or service from either of the above  
23 companies or any other related company in order to participate in this transaction.



1 companies at either of the above addresses or the division of savings ~~and loan~~  
2 institutions at .... (insert address).”.

3 \*b0793/2.22\* **891.** Page 1186, line 9: after that line insert:

4 \*b0793/2.22\* “SECTION 2336s. 197.04 (1) (b) and (2) of the statutes are  
5 amended to read:

6 197.04 (1) (b) If within either of the 90-day periods described in par. (a) a  
7 petition conforming to the requirements of s. 8.40 is filed with the clerk of the  
8 municipality and the petition has been signed by 5% of the electors of a 1st class city  
9 or by 10% of the electors of all other municipalities requesting that the question of  
10 discontinuing the proceeding to acquire the plant or equipment of the public utility  
11 be submitted to the electors of the municipality, the applicable question under par.  
12 (c) shall be submitted to the electors at ~~any general or regular municipal~~ the  
13 succeeding election authorized under s. 8.065 (2) or an election authorized under s.  
14 8.065 (3) that may be is held not less than 30, and not more than 35, days from the  
15 date of the filing of the petition. If no general election or regular municipal election  
16 is to be held within the stated periods, the governing body of the municipality shall  
17 order the holding of a special election for the purpose of submitting the question to  
18 the electors.

19 (2) The governing body of the municipality may provide for notice of, the  
20 manner of holding s, the method of voting on, the method of making returns of, and  
21 the method of canvassing and determining the result of, the election required under  
22 sub. (1). Notice of the election to the electors shall be given by a brief notice of that  
23 fact once a week for 3 weeks in some newspaper of general circulation published in  
24 the municipality. If no newspaper of general circulation is published in the

1 municipality, publication may be made in any newspaper of general circulation in the  
2 county seat of the county in which the municipality is located. ~~The notice of holding~~  
3 ~~any special election shall be incorporated as a part of the notice given under this~~  
4 ~~subsection.~~

5 **\*b0793/2.22\* SECTION 2336u.** 197.10 (2) of the statutes is amended to read:

6 197.10 (2) Such contract when adopted by the common council of said city and  
7 accepted by the owner or owners of such public utility shall be submitted to the public  
8 service commission for its approval and upon such approval the same shall be  
9 submitted in such manner as the common council shall determine to a vote of the  
10 electors of such city at the next ~~regular municipal election or at a special election~~  
11 ~~called for that purpose~~ authorized under s. 8.065 (2) or an election authorized under  
12 s. 8.065 (3) to be held not sooner than 45 days after approval of the commission, and  
13 such contract shall not become binding upon such city until approved by a majority  
14 vote of the qualified electors of such city voting thereon. No bonds shall in any case  
15 be issued by said city under the contract or contracts mentioned in sub. (1), until the  
16 proposition of their issue shall have been submitted to the people of such city and  
17 adopted by a majority of the electors voting thereon.

18 **\*b0793/2.22\* SECTION 2336w.** 198.19 (1) of the statutes is amended to read:

19 198.19 (1) Any territory, constituting one or more municipalities contiguous to  
20 a district may be annexed to and become a part of such district to all intents and  
21 purposes and with like effect as though originally included therein upon such terms  
22 and conditions as the board of directors of the district shall fix by ordinance adopted  
23 by the affirmative vote of two-thirds of the directors-elect, provided that before such  
24 ordinance becomes effective the same shall be accepted and ratified by the  
25 affirmative vote of a majority of the qualified electors entitled to vote and voting in

1 a ~~special election~~ referendum called and held for that purpose, in accordance with  
2 s. 8.065, in each municipality proposed in such ordinance to be annexed to the  
3 district. Such ordinance shall be published and such election shall be noticed, held  
4 and conducted, as nearly as may be, in the manner provided by this chapter for the  
5 noticing, holding and conduct of elections upon the organization of a municipal power  
6 district, except that the returns of such election and the ballots therein shall be  
7 delivered to the clerk of the district. The results of said election shall be canvassed  
8 publicly by the directors of the district.”.

9 \*b0807/1.1\* **892.** Page 1186, line 9: after that line insert:

10 \*b0807/1.1\* **SECTION 2342bc.** 218.01 (2) (L) of the statutes is created to read:  
11 218.01 (2) (L) 1. Words and phrases defined in sub. (2c) (am) have the same  
12 meaning in this paragraph.

13 2. The department may not issue a dealer license under this section, unless the  
14 department has determined that no factory will hold an ownership interest in or  
15 operate or control the dealership or that one of the exceptions under sub. (2c) (cm)  
16 applies.

17 3. If the applicant asserts that sub. (2c) (cm) 2. applies, the department shall  
18 require the applicant to provide a copy of the written agreement described in sub. (2c)  
19 (cm) 2. d. for examination by the department to ensure that the agreement meets the  
20 requirements of sub. (2c) (cm) 2.

21 4. If the division of hearings and appeals determines, after a hearing on the  
22 matter at the request of the department or any licensee, that a factory holds an  
23 ownership interest in a dealership or operates or controls a dealership in violation



1 of this subsection, the division shall order the denial or revocation of the dealership's  
2 license.

3 \*b0807/1.1\* SECTION 2342bf. 218.01 (2c) (intro.) of the statutes is renumbered  
4 218.01 (2c) (bm) and amended to read:

5 218.01 (2c) (bm) A ~~manufacturer, importer or distributor, or a subsidiary~~  
6 ~~thereof, factory~~ shall not ~~own, directly or indirectly, hold an ownership interest in~~  
7 ~~or operate or control~~ a motor vehicle dealership in this state.

8 (cm) This subsection does not prohibit any of the following:

9 \*b0807/1.1\* SECTION 2342bi. 218.01 (2c) (a) of the statutes is renumbered  
10 218.01 (2c) (cm) 1. and amended to read:

11 218.01 (2c) (cm) 1. ~~The ownership and operation by a manufacturer, importer~~  
12 ~~or distributor, or a subsidiary thereof, of A factory from holding an ownership~~  
13 ~~interest in or operating~~ a dealership for a temporary period, not to exceed one year,  
14 during the transition from one owner or dealer operator to another.

15 \*b0807/1.1\* SECTION 2342bL. 218.01 (2c) (am) of the statutes is created to  
16 read:

17 218.01 (2c) (am) In this subsection:

18 1. "Agent" means a person who is employed by or affiliated with a factory or who  
19 directly or through an intermediary is controlled by or under common control of a  
20 factory.

21 2. "Control" means the possession, direct or indirect, of the power to direct or  
22 cause the direction of the management or policies of a person, whether through the  
23 ownership of voting securities, by contract or otherwise.

24 3. "Dealer operator" means an individual who is vested with the power and  
25 authority to operate a dealership.

1           4. “Dealership” means a person licensed or required to be licensed as a motor  
2 vehicle dealer under this section.

3           4m. “Department” means the department of transportation.

4           5. “Factory” means a manufacturer, distributor or importer, or an agent of a  
5 manufacturer, distributor or importer.

6           6. “Operate” means to directly or indirectly manage a dealership.

7           7. “Ownership interest” means the beneficial ownership of one percent or more  
8 of any class of equity interest in a dealership, whether the interest is that of a  
9 shareholder, partner, limited liability company member or otherwise. To “hold” an  
10 ownership interest means to have possession of, title to or control of the ownership  
11 interest, whether directly or indirectly through a fiduciary or an agent.

12           **\*b0807/1.1\* SECTION 2342bo.** 218.01 (2c) (b) of the statutes is repealed.

13           **\*b0807/1.1\* SECTION 2342br.** 218.01 (2c) (c) of the statutes is renumbered  
14 218.01 (2c) (cm) 3. and amended to read:

15           218.01 (2c) (cm) 3. The ownership, operation or control of a dealership by a  
16 ~~manufacturer, importer or distributor, or subsidiary thereof, which factory that~~ does  
17 not meet the conditions under ~~par. (a) or (b)~~ subds. 1. or 2., if the division of hearings  
18 and appeals determines, after a hearing on the matter at the request of any party,  
19 that there is no prospective independent dealer available to own and operate the  
20 dealership in a manner consistent with the public interest and that meets the  
21 reasonable standard and uniformly applied qualifications of the ~~manufacturer,~~  
22 ~~importer or distributor~~ factory.

23           **\*b0807/1.1\* SECTION 2342bu.** 218.01 (2c) (cm) 2. of the statutes is created to  
24 read:

1           218.01 (2c) (cm) 2. A factory from holding an ownership interest in a  
2 dealership, if all of the following apply:

3           a. The dealer operator of the dealership is an individual who is not an agent  
4 of the factory.

5           b. The dealer operator of the dealership is unable to acquire full ownership of  
6 the dealership with his or her own assets or in conjunction with financial  
7 investments and loans from investors or lenders other than the factory holding an  
8 ownership interest in the dealership.

9           c. The dealer operator of the dealership holds not less than 15 percent of the  
10 total ownership interests in the dealership within one year from the date that the  
11 factory initially acquires any ownership interest in the dealership.

12           d. There is a bona fide written agreement in effect between the factory and the  
13 dealer operator of the dealership under which the dealer operator will acquire all of  
14 the ownership interest in the dealership held by the factory on reasonable terms  
15 specified in the agreement and that grants the dealer operator the right to acquire  
16 all of the ownership interest in the dealership held by the factory not later than five  
17 years after the effective date of the agreement.

18           e. The written agreement described in subd. 2. d. does not unreasonably restrict  
19 the source of funds used by the dealer operator to acquire ownership interest in the  
20 dealership held by the factory. A restriction that requires the dealer operator to use  
21 only funds that are received in the form of salaries, bonuses, dividends or other  
22 payments to him or her as the dealer operator, or as the holder of an ownership  
23 interest in the dealership, to acquire the factory's ownership interest in the  
24 dealership is considered unreasonable.

1 f. The written agreement described in subd. 2. d. provides that the dealer  
2 operator will make reasonable progress toward acquiring all of the ownership  
3 interest in the dealership, and the dealer is making reasonable progress toward  
4 acquiring all of the ownership interest in the dealership.

5 g. Not more than eight years have elapsed since the factory initially acquired  
6 its ownership interest in the dealership, unless the department, upon petition by the  
7 dealer operator, determines that there is good cause to allow the dealer operator a  
8 longer period to complete his or her acquisition of all of the ownership interest in the  
9 dealership held by the factory and the longer period determined by the department  
10 has not yet elapsed.

11 h. If the factory owns the real property at which the dealership is located, the  
12 written agreement described in subd. 2. d. provides the dealer operator with the right  
13 to purchase the real property from the factory for its fair market value at the time  
14 that the dealer completes his or her acquisition of the factory's ownership interest  
15 in the dealership and there is no obligation by the dealer operator to lease the real  
16 property to the factory after the dealer operator purchase the real property.

17 \*b0807/1.1\* SECTION 2342bw. 218.01 (3x) (d) 1. of the statutes is repealed.”.

18 \*b0729/2.1\* 893. Page 1193, line 3: after that line insert:

19 \*b0729/2.1\* “SECTION 2345e. 221.0901 (3) (a) 1. of the statutes is amended to  
20 read:

21 221.0901 (3) (a) 1. Merge or consolidate with an in–state bank holding company  
22 or an in–state bank.

23 \*b0729/2.1\* SECTION 2245m. 221.0901 (8) (a) of the statutes is amended to  
24 read:

1           221.0901 (8) (a) Except as provided in pars. (b) and (c), the division may not  
2 approve an application ~~by an out-of-state bank holding company~~ under sub. (3) (a),  
3 other than an application by an in-state bank or an in-state bank holding company,  
4 unless the in-state bank to be acquired, or ~~all every~~ in-state bank ~~subsidiaries~~  
5 subsidiary of the in-state bank holding company to be acquired, ~~have as of the~~  
6 ~~proposed date of acquisition~~ has been in existence and in continuous operation for  
7 at least 5 years as of the proposed date of acquisition.

8           **\*b0729/2.1\* SECTION 2245p.** 221.0901 (8) (b) of the statutes is amended to  
9 read:

10           221.0901 (8) (b) The division may approve an application for an acquisition of  
11 an in-state bank holding company that owns one or more in-state banks that have  
12 been in existence for less than 5 years, if the ~~out-of-state bank holding company~~  
13 applicant divests itself of those in-state banks within 2 years after the date of the  
14 applicant's acquisition of the in-state bank holding company ~~by the out-of-state~~  
15 ~~bank holding company.~~ This paragraph does not apply to an application by an  
16 in-state bank or an in-state bank holding company."

17           **\*b0730/1.10\* 894.** Page 1193, line 3: after that line insert:

18           **\*b0730/1.10\* "SECTION 2343a.** 220.04 (9) (a) 2. of the statutes is amended to  
19 read:

20           220.04 (9) (a) 2. "Regulated entity" means a bank, universal bank, trust  
21 company bank and any other entity which is described in s. 220.02 (2) or 221.0526  
22 as under the supervision and control of the division.

23           **\*b0730/1.10\* SECTION 2344a.** 221.0303 (2) of the statutes is amended to read:

1           221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS  
2 TERMINALS. A bank may, directly or indirectly, acquire, place and operate, or  
3 participate in the acquisition, placement and operation of, at locations other than its  
4 main or branch offices, customer bank communications terminals, in accordance  
5 with rules established by the division. The rules of the division shall provide that  
6 any such customer bank communications terminal shall be available for use, on a  
7 nondiscriminatory basis, by any state or national bank and by all customers  
8 designated by a bank using the terminal. This subsection does not authorize a bank  
9 which has its principal place of business outside this state to conduct banking  
10 business in this state. The customer bank communications terminals also shall be  
11 available for use, on a nondiscriminatory basis, by any credit union, savings and loan  
12 association or savings bank, if the credit union, savings and loan association or  
13 savings bank requests to share its use, subject to rules jointly established by the  
14 division of banking, the office of credit unions and the division of savings ~~and loan~~  
15 institutions. The division by order may authorize the installation and operation of  
16 a customer bank communications terminal in a mobile facility, after notice and  
17 hearing upon the proposed service stops of the mobile facility.

18           **\*b0730/1.10\* SECTION 2345a.** 221.0321 (5) of the statutes is amended to read:

19           221.0321 (5) CERTAIN SECURED LOANS. A bank may make loans secured by  
20 assignment or transfer of stock certificates or other evidence of the borrower's  
21 ownership interest in a corporation formed for the cooperative ownership of real  
22 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage  
23 involving a one-family residence, apply to a proceeding to enforce the lender's rights  
24 in security given for a loan under this subsection. The division shall promulgate joint  
25 rules with the office of credit unions and the division of savings ~~and loan~~ institutions

1 that establish procedures for enforcing a lender's rights in security given for a loan  
2 under this subsection.

3 \*b0730/1.10\* SECTION 2346. Chapter 222 of the statutes is created to read:

4 **CHAPTER 222**

5 **UNIVERSAL BANKS**

6 **SUBCHAPTER I**

7 **GENERAL PROVISIONS**

8 **222.0101 Title.** This chapter may be cited as the "Wisconsin universal bank  
9 law".

10 **222.0102 Definitions.** In this chapter:

11 (1) "Adequately capitalized" has the meaning given in 12 USC 1831o (b) (1) (B).

12 (2) "Capital" of a universal bank means the sum of the following, less the  
13 amount of intangible assets that is not considered to be qualifying capital by a deposit  
14 insurance corporation or the division:

15 (a) For a universal bank organized as a stock organization, the universal bank's  
16 capital stock, preferred stock, undivided profits, surplus, outstanding notes and  
17 debentures approved by the division, other forms of capital designated as capital by  
18 the division and other forms of capital considered to be qualifying capital of the  
19 universal bank by a deposit insurance corporation.

20 (b) For a universal bank organized as a mutual organization, the universal  
21 bank's net worth, undivided profits, surplus, outstanding notes and debentures  
22 approved by the division, other forms of capital designated as capital by the division  
23 and other forms of capital considered to be qualifying capital by a deposit insurance  
24 corporation.

1           (3) “Deposit insurance corporation” means the Federal Deposit Insurance  
2 Corporation or other instrumentality of, or corporation chartered by, the United  
3 States that insures deposits of financial institutions and that is supported by the full  
4 faith and credit of the U.S. government as stated in a congressional resolution.

5           (4) “Division” means the division of banking.

6           (5) “Financial institution” means a state savings bank organized under ch. 214,  
7 state savings and loan association organized under ch. 215 or a state bank chartered  
8 under ch. 221.

9           (6) “Universal bank” means a financial institution that has been issued a  
10 certificate of authority under s. 222.0205.

11           (7) “Well-capitalized” has the meaning given in 12 USC 1831o (b) (1) (A).

12           **222.0103 Applicability. (1) SAVINGS BANKS.** A universal bank that is a savings  
13 bank organized under ch. 214 remains subject to all of the requirements, duties and  
14 liabilities, and may exercise all of the powers, of a savings bank, except that in the  
15 event of a conflict between this chapter and those requirements, duties, liabilities or  
16 powers, this chapter shall control.

17           **(2) SAVINGS AND LOAN ASSOCIATIONS.** A universal bank that is a savings and loan  
18 association organized under ch. 215 remains subject to all of the requirements,  
19 duties and liabilities, and may exercise all of the powers, of a savings and loan  
20 association, except that, in the event of a conflict between this chapter and those  
21 requirements, duties, liabilities or powers, this chapter shall control.

22           **(3) BANKS.** A universal bank that is a bank chartered under ch. 221 remains  
23 subject to all of the requirements, duties and liabilities, and may exercise all of the  
24 powers, of a bank, except that, in the event of a conflict between this chapter and  
25 these requirements, duties, liabilities or powers, this chapter shall control.





1 (a) The financial institution is chartered or organized, and regulated, under ch.  
2 214, 215 or 221 and has been in existence and continuous operation for a minimum  
3 of 3 years prior to the date of the application.

4 (b) The financial institution is well-capitalized or adequately capitalized.

5 (c) The financial institution does not exhibit a combination of financial,  
6 managerial, operational and compliance weaknesses that is moderately severe or  
7 unsatisfactory, as determined by the division based upon the division's assessment  
8 of the financial institution's capital adequacy, asset quality, management capability,  
9 earnings quantity and quality, adequacy of liquidity, and sensitivity to market risk.

10 (d) During the 12-month period prior to the application, the financial  
11 institution has not been the subject of an enforcement action and there is no  
12 enforcement action pending against the financial institution by any state or federal  
13 financial institution regulatory agency, including the division.

14 (2) FAILURE TO MAINTAIN COMPLIANCE. For any period during which a universal  
15 bank fails to meet the requirements under sub. (1), the division may by order limit  
16 or restrict the exercise of the powers of the universal bank under this chapter.

17 **222.0205 Certificate of authority.** Upon approval of the application under  
18 s. 222.0201 for certification as a universal bank, the division shall issue to the  
19 applicant a certificate of authority stating that the financial institution is certified  
20 as a universal bank under this chapter.

21 **222.0207 Decertification.** A financial institution that is certified as a  
22 universal bank under this chapter may elect to terminate its certification upon 60  
23 days' prior written notice to the division and written approval of the division. The  
24 financial institution shall, as a condition to the termination, terminate its exercise  
25 of all powers granted under this chapter prior to the termination of the certification.

1 Written approval of the termination by the division is void if the financial institution  
2 fails to satisfy the precondition to termination under this section.

3 SUBCHAPTER III

4 ORGANIZATION

5 **222.0301 Articles of incorporation and bylaws.** A universal bank shall  
6 continue to operate under its articles of incorporation and bylaws as in effect prior  
7 to certification as a universal bank or as such articles or bylaws may be subsequently  
8 amended in accordance with the provisions of the chapter under which the universal  
9 bank was organized or chartered.

10 **222.0303 Name.** (1) USE OF "BANK". Notwithstanding ss. 214.035, 215.40 (1)  
11 and 215.60 (1) and subject to subs. (2) and (4), a universal bank may use the word  
12 "bank" in its name, without having to include the word "savings". Notwithstanding  
13 ss. 215.40 (1) and 215.60 (1) and subject to subs. (2) and (4), a universal bank that  
14 is organized under ch. 215 and that uses the word "bank" in its name in accordance  
15 with this section need not include the words "savings and loan association" or  
16 "savings association" in its name.

17 (2) DISTINGUISHABILITY. Except as provided in subs. (3) and (4), the name of the  
18 universal bank shall be distinguishable upon the records of the division from all of  
19 the following names:

20 (a) The name of any other financial institution organized under the laws of this  
21 state.

22 (b) The name of a national bank or foreign bank authorized to transact business  
23 in this state.

24 (3) EXCEPTIONS. A universal bank may apply to the division for authority to use  
25 a name that does not meet the requirement under sub. (2). The division may

1 authorize the use of the name if any of the conditions under s. 221.0403 (2) (a) or (b)  
2 is met.

3 (4) USE OF SAME NAME. A universal bank may use a name that is used in this  
4 state by another financial institution or by an institution authorized to transact  
5 business in this state, if the universal bank has done any of the following:

6 (a) Merged with the other institution.

7 (b) Been formed by reorganization of the other institution.

8 (c) Acquired all or substantially all of the assets, including the name, of the  
9 other institution.

10 **222.0305 Capital and assets. (1) CAPITAL REQUIREMENTS.** Notwithstanding  
11 subch. VI of ch. 214 and ss. 215.24 and 221.0205, the division shall determine the  
12 minimum capital requirements of universal banks.

13 (2) CERTAIN ASSET REQUIREMENTS. Section 214.045 does not apply to universal  
14 banks.

15 **222.0307 Acquisitions, mergers and asset purchases. (1) IN GENERAL.** A  
16 universal bank may, with the approval of the division, purchase the assets of, merge  
17 with, acquire or be acquired by any other financial institution, universal bank,  
18 national bank, federally chartered savings bank or savings and loan association, or  
19 by a holding company of any of these entities. Notwithstanding subch. III of ch. 214  
20 and ss. 214.09 and 215.36, the approval of the division of savings institutions is not  
21 required.

22 (2) APPLICATIONS FOR APPROVAL. An application for approval under sub. (1) shall  
23 be submitted on a form prescribed by the division and accompanied by a fee  
24 determined by the division. In processing and acting on applications under this  
25 section the division shall apply the following standards:

1 (a) For universal banks organized under ch. 214, ss. 214.09, 214.62 to 214.64  
2 and 214.665 and subch. III of ch. 214.

3 (b) For universal banks organized under ch. 215, ss. 215.35, 215.36, 215.53 and  
4 215.73.

5 (c) For universal banks chartered under ch. 221, subchs. VII and IX of ch. 221.

#### 6 SUBCHAPTER IV

#### 7 POWERS

8 **222.0401 Federal financial institution powers.** (1) IN GENERAL. Subject  
9 to the limitations in this section, universal banks may exercise all powers that may  
10 be exercised, directly or indirectly through a subsidiary, by a federally chartered  
11 savings bank, a federally chartered savings and loan association, a federally  
12 chartered national bank or by an affiliate of such an institution.

13 (2) REQUIRED NOTIFICATION FOR EXERCISE OF A FEDERAL POWER. A universal bank  
14 shall give 60 days' prior written notice to the division of the universal bank's  
15 intention to exercise a power under this section.

16 (3) EXERCISE OF FEDERAL POWERS THROUGH A SUBSIDIARY. The division may  
17 require that certain powers exercisable by universal banks under this section be  
18 exercised through a subsidiary of the universal bank with appropriate safeguards to  
19 limit the risk exposure of the universal bank.

20 **222.0403 Loan powers.** (1) PERMITTED PURPOSES. A universal bank may  
21 make, sell, purchase, arrange, participate in, invest in or otherwise deal in loans or  
22 extensions of credit for any purpose.

23 (2) IN GENERAL. Except as provided in subs. (3) to (8), the total liabilities of any  
24 person, other than a municipal corporation, to a universal bank for a loan or  
25 extension of credit may not exceed 20% of the capital of the universal bank at any

1 time. In determining compliance with this section, liabilities of a partnership  
2 includes the liabilities of the general partners, computed individually as to each  
3 general partner on the basis of his or her direct liability.

4 (3) CERTAIN SECURED LIABILITIES. The percentage limitation under sub. (2) is  
5 50% of the universal bank's capital, if the liabilities under sub. (2) are limited to the  
6 following types of liabilities:

7 (a) *Warehouse receipts*. A liability secured by warehouse receipts issued by  
8 warehouse keepers who are licensed and bonded in this state under ss. 99.02 and  
9 99.03 or under the federal Bonded Warehouse Act or who hold a registration  
10 certificate under ch. 127, if all of the following requirements are met:

- 11 1. The receipts cover readily marketable nonperishable staples.
- 12 2. The staples are insured, if it is customary to insure the staples.
- 13 3. The market value of the staples is not, at any time, less than 140% of the face  
14 amount of the obligation.

15 (b) *Certain bonds or notes*. A liability in the form of a note or bond that meets  
16 any of the following qualifications:

- 17 1. The note or bond is secured by not less than a like amount of bonds or notes  
18 of the United States issued since April 24, 1917, or certificates of indebtedness of the  
19 United States.
- 20 2. The note or bond is secured or covered by guarantees or by commitments or  
21 agreements to take over, or to purchase, the bonds or notes, and the guarantee,  
22 commitment or agreement is made by a federal reserve bank, the federal small  
23 business administration, the federal department of defense or the federal maritime  
24 commission.

1           3. The note or bond is secured by mortgages or trust deeds insured by the  
2 federal housing administration.

3           (4) OBLIGATIONS OF LOCAL GOVERNMENTAL UNITS. (a) *Definition.* In this  
4 subsection, “local governmental unit” has the meaning given in s. 16.97 (7).

5           (b) *General limitation.* Except as otherwise provided in this subsection, the  
6 total liabilities of a local governmental unit to a universal bank for money borrowed  
7 may not, at any time, exceed 25% of the capital of the universal bank.

8           (c) *Revenue obligations.* Liabilities in the form of revenue obligations of a local  
9 governmental unit are subject to the limitations provided in par. (b). In addition, a  
10 universal bank is permitted to invest in a general obligation of that local  
11 governmental unit in an amount that will bring the combined total of the general  
12 obligations and revenue obligations of a single local governmental unit to a sum not  
13 in excess of 50% of the capital of the universal bank.

14           (d) *General obligations.* If the liabilities of the local governmental unit are in  
15 the form of bonds, notes or other evidences of indebtedness that are a general  
16 obligation of a local governmental unit, the total liability of the local governmental  
17 unit may not exceed 50% of the capital of the universal bank.

18           (e) *Temporary borrowings.* The total amount of temporary borrowings of any  
19 local governmental unit maturing within one year after the date of issue may not  
20 exceed 60% of the capital of the universal bank. Temporary borrowings and  
21 longer-term general obligation borrowings of a single local governmental unit may  
22 be considered separately in determining compliance with this subsection.

23           (5) OBLIGATIONS OF CERTAIN INTERNATIONAL ORGANIZATIONS; OTHER FOREIGN BONDS.  
24 A universal bank may purchase bonds offered for sale by the International Bank for  
25 Reconstruction and Development and the Inter-American Development Bank or

1 such other foreign bonds as may be approved under rules established by the division.  
2 At no time shall the aggregate investment in any of these bonds issued by a single  
3 issuer exceed 10% of the capital of the universal bank.

4 (6) FOREIGN NATIONAL GOVERNMENT BONDS. A universal bank may purchase  
5 general obligation bonds issued by any foreign national government if the bonds are  
6 payable in United States funds. The aggregate investment in these foreign bonds  
7 may not exceed 3% of the capital of the universal bank, except that this limitation  
8 does not apply to bonds of the Canadian government and Canadian provinces that  
9 are payable in United States funds.

10 (7) LIMITS ESTABLISHED BY BOARD. (a) *When financial statements required.* A  
11 universal bank may not make or renew a loan or loans, the aggregate total of which  
12 exceeds the level established by the board of directors without being supported by a  
13 signed financial statement of the borrower, unless the loan is secured by collateral  
14 having a value in excess of the amount of the loan. A signed financial statement  
15 furnished by the borrower to a universal bank in compliance with this paragraph  
16 must be renewed annually as long as the loan or any renewal of the loan remains  
17 unpaid and is subject to this paragraph.

18 (b) *Treatment of loans complying with limits.* A loan or a renewal of a loan made  
19 by a universal bank in compliance with par. (a), without a signed financial statement,  
20 may be treated by the universal bank as entirely independent of any secured loan  
21 made to the same borrower if the loan does not exceed the limitations provided in this  
22 section.

23 (8) EXCEPTIONS. This section does not apply to any of the following:

24 (a) *Liabilities secured by certain short-term federal obligations.* A liability that  
25 is secured by not less than a like amount of direct obligations of the United States



1 which will mature not more than 18 months after the date on which such liabilities  
2 to the universal bank are entered into.

3 (b) *Certain federal and state obligations or guaranteed obligations.* A liability  
4 that is a direct obligation of the United States or this state, or an obligation of any  
5 governmental agency of the United States or this state, that is fully and  
6 unconditionally guaranteed by the United States or this state.

7 (c) *Commodity Credit Corporation liabilities.* A liability in the form of a note,  
8 debenture or certificate of interest of the Commodity Credit Corporation.

9 (d) *Discounting bills of exchange or business or commercial paper.* A liability  
10 created by the discounting of bills of exchange drawn in good faith against actually  
11 existing values or the discounting of commercial or business paper actually owned  
12 by the person negotiating the same.

13 (e) *Certain other federal or federally guaranteed obligations.* In obligations of,  
14 or obligations that are fully guaranteed by, the United States and in obligations of  
15 any federal reserve bank, federal home loan bank, the Student Loan Marketing  
16 Association, the Government National Mortgage Association, the Federal National  
17 Mortgage Association, the Federal Home Loan Mortgage Corporation, the  
18 Export–Import Bank of Washington or the Federal Deposit Insurance Corporation.

19 (9) ADDITIONAL AUTHORITY. (a) *In general.* In addition to the authority granted  
20 under subs. (1) to (8), and except as provided in par. (b), a universal bank may lend  
21 under this subsection, through the universal bank or subsidiary of the universal  
22 bank, to all borrowers from the universal bank and all of its subsidiaries, an  
23 aggregate amount not to exceed 20% of the universal bank's capital. Neither a  
24 universal bank nor any subsidiary of the universal bank may lend to any borrower,  
25 under this subsection and any other law or rule, an amount that would result in an

1 aggregate amount for all loans to that borrower that exceeds 20% of the universal  
2 bank's capital. A universal bank or its subsidiary may take an equity position or  
3 other form of interest as security in a project funded through such loans. Every  
4 transaction by a universal bank or its subsidiary under this subsection shall require  
5 prior approval by the governing board of the universal bank or its subsidiary,  
6 respectively. Such loans are not subject to s. 221.0326 or to classification as losses,  
7 for a period of 3 years from the date of each loan except as provided in par. (b).

8 (b) *Suspension of additional authority.* The division may suspend authority  
9 established under this subsection and, in such case, may specify how an outstanding  
10 loan shall be treated by the universal bank or its subsidiary. Among the factors that  
11 the division may consider in suspending authority under this subsection are the  
12 universal bank's capital adequacy, asset quality, earnings quantity, earnings quality,  
13 adequacy of liquidity and sensitivity to market risk and the ability of the universal  
14 bank's management.

15 **222.0405 Investment powers.** (1) INVESTMENT SECURITIES. Except as  
16 provided in subs. (3) to (8), a universal bank may purchase, sell, underwrite and hold  
17 investment securities, consistent with safe and sound banking practices, up to 100%  
18 of the universal bank's capital. A universal bank shall not invest greater than 20%  
19 of the universal bank's capital in the investment securities of one obligor or issuer.  
20 In this subsection, "investment securities" includes commercial paper, banker's  
21 acceptances, marketable securities in the form of bonds, notes, debentures and  
22 similar instruments that are regarded as investment securities.

23 (2) EQUITY SECURITIES. Except as provided in subs. (3) to (8), a universal bank  
24 may purchase, sell, underwrite and hold equity securities, consistent with safe and

1 sound banking practices, up to 20% of capital or, if approved by the division in  
2 writing, a greater percentage of capital.

3 (3) HOUSING ACTIVITIES. With the prior written consent of the division, a  
4 universal bank may invest in the initial purchase and development, or the purchase  
5 or commitment to purchase after completion, of home sites and housing for sale or  
6 rental, including projects for the reconstruction, rehabilitation or rebuilding of  
7 residential properties to meet the minimum standards of health and occupancy  
8 prescribed for a local governmental unit, the provision of accommodations for retail  
9 stores, shops and other community services that are reasonably incident to that  
10 housing, or in the stock of a corporation that owns one or more of those projects and  
11 that is wholly owned by one or more financial institutions. The total investment in  
12 any one project may not exceed 15% of the universal bank's capital, nor may the  
13 aggregate investment under this subsection exceed 50% of capital. A universal bank  
14 may not make an investment under this subsection unless it is in compliance with  
15 the capital requirements set by the division under s. 222.0305 (1) and with the capital  
16 maintenance requirements of its deposit insurance corporation.

17 (4) PROFIT-PARTICIPATION PROJECTS. A universal bank may take equity positions  
18 in profit-participation projects, including projects funded through loans from the  
19 universal bank, in an aggregate amount not to exceed 20% of capital. The division  
20 may suspend the investment authority under this subsection. If the division  
21 suspends the investment authority under this subsection, the division may specify  
22 how outstanding investments under this subsection shall be treated by the universal  
23 bank or its subsidiary. Among the factors that the division may consider in  
24 suspending authority under this subsection are the universal bank's capital  
25 adequacy, asset quality, earnings quantity, earnings quality, adequacy of liquidity

1 and sensitivity to market risk and the ability of the universal bank's management.  
2 This subsection does not authorize a universal bank, directly or indirectly through  
3 a subsidiary, to engage in the business of underwriting insurance.

4 (5) DEBT INVESTMENTS. A universal bank may invest in bonds, notes, obligations  
5 and liabilities described under s. 222.0403 (3) to (7), subject to the limitations under  
6 those subsections.

7 (6) CERTAIN LIABILITIES. This section does not limit investment in the  
8 liabilities described in s. 222.0403 (8).

9 (7) CERTAIN INVESTMENTS. A universal bank may invest without limitation in  
10 any of the following:

11 (a) *Business development corporations.* Stocks or obligations of a corporation  
12 organized for business development by this state or by the United States or by an  
13 agency of this state or the United States.

14 (b) *Urban renewal investment corporations.* Obligations of an urban renewal  
15 investment corporation organized under the laws of this state or of the United States.

16 (c) *Certain bank insurance companies.* An equity interest in an insurance  
17 company or an insurance holding company organized to provide insurance for  
18 universal banks and for persons affiliated with universal banks, solely to the extent  
19 that this ownership is a prerequisite to obtaining directors' and officers' insurance  
20 or blanket bond insurance for the universal bank through the company.

21 (d) *Certain remote service unit corporations.* Shares of stock, whether  
22 purchased or otherwise acquired, in a corporation acquiring, placing and operating  
23 remote service units under s. 214.04 (21) or 215.13 (46) or bank communications  
24 terminals under s. 221.0303 (2).

1           (e) *Service corporations.* Equity or debt securities or instruments of a service  
2 corporation subsidiary of the universal bank.

3           (f) *Federal funds.* Advances of federal funds.

4           (g) *Certain risk management financial products.* With the prior written  
5 approval of the division, financial futures transactions, financial options  
6 transactions, forward commitments or other financial products for the purpose of  
7 reducing, hedging or otherwise managing its interest rate risk exposure.

8           (h) *Certain fiduciaries.* A subsidiary organized to exercise corporate fiduciary  
9 powers under ch. 112.

10          (i) *Agricultural credit corporations.* An agricultural credit corporation. Unless  
11 a universal bank owns at least 80% of the stock of the agricultural credit corporation,  
12 a universal bank may not invest more than 20% of the universal bank's capital in the  
13 agricultural credit corporation.

14          (j) *Deposit accounts and insured obligations.* Deposit accounts or insured  
15 obligations of any financial institution, the accounts of which are insured by a deposit  
16 insurance corporation.

17          (k) *Certain federal obligations.* Obligations of, or obligations that are fully  
18 guaranteed by, the United States and stocks or obligations of any federal reserve  
19 bank, federal home loan bank, the Student Loan Marketing Association, the  
20 Government National Mortgage Association, the Federal National Mortgage  
21 Association, the Federal Home Loan Mortgage Corporation or the Federal Deposit  
22 Insurance Corporation.

23          (l) *Other investments.* Any other investment authorized by the division.

1           (8) INVESTMENTS IN OTHER FINANCIAL INSTITUTIONS. In addition to the authority  
2 granted under ss. 222.0307 and 222.0409, and subject to the limitations of sub. (2),  
3 a universal bank may invest in other financial institutions.

4           (9) INVESTMENTS THROUGH SUBSIDIARIES. A universal bank may make  
5 investments under this section, directly or indirectly through a subsidiary, unless  
6 the division determines that an investment shall be made through a subsidiary with  
7 appropriate safeguards to limit the risk exposure of the universal bank.

8           **222.0407 Universal bank purchase of its own stock.** (1) IN GENERAL. A  
9 universal bank may hold or purchase not more than 10% of its capital stock, notes  
10 or debentures, except as provided in sub. (2) or (3).

11           (2) DIVISION APPROVAL. A universal bank may hold or purchase more than 10%  
12 of its capital stock, notes or debentures, if approved by the division.

13           (3) ADDITIONAL AUTHORITY. A universal bank may hold or purchase more than  
14 10% of its capital stock, notes or debentures if the purchase is necessary to prevent  
15 loss upon a debt previously contracted in good faith. Stock, notes or debentures held  
16 or purchased under this subsection may not be held by the universal bank for more  
17 than 6 months if the stock, notes or debentures can be sold for the amount of the claim  
18 of the universal bank against the holder of the debt previously contracted. The  
19 universal bank shall either sell the stock, notes or debentures within 12 months of  
20 acquisition under this subsection or shall cancel the stock, notes or debentures.  
21 Cancellation of the stock, notes or debentures reduces the amount of the universal  
22 bank's capital stock, notes or debentures. If the reduction reduces the universal  
23 bank's capital below the minimum level required by the division, the universal bank  
24 shall increase its capital to the amount required by the division.

1           (4) LOANS SECURED BY CAPITAL, SURPLUS OR DEPOSITS. A universal bank may not  
2 loan any part of its capital, surplus or deposits on its own capital stock, notes or  
3 debentures as collateral security, except that a universal bank may make a loan  
4 secured by its own capital stock, notes or debentures to the same extent that the  
5 universal bank may make a loan secured by the capital stock, notes and debentures  
6 of a holding company for the universal bank.

7           **222.0409 Stock in bank-owned banks.** With the approval of the division,  
8 a universal bank may acquire and hold stock in one or more banks chartered under  
9 s. 221.1202 or national banks chartered under 12 USC 27 (b) or in one or more  
10 holding companies wholly owning such a bank. Aggregate investments under this  
11 section may not exceed 10% of the universal bank's capital.

12           **222.0411 General deposit powers. (1) IN GENERAL.** A universal bank may  
13 set eligibility requirements for, and establish the types and terms of, deposits that  
14 the universal bank solicits and accepts. The terms set under this subsection may  
15 include minimum and maximum amounts that the universal bank may accept and  
16 the frequency and computation method of paying interest.

17           (2) PLEDGE OF SECURITY FOR DEPOSITS. Subject to the limitations of s. 221.0324  
18 that are applicable to banks, a universal bank may pledge its assets as security for  
19 deposits.

20           (3) SECURITIZATION OF ASSETS. With the approval of the division, a universal  
21 bank may securitize its assets for sale to the public. The division may establish  
22 procedures governing the exercise of authority granted under this subsection.

23           (4) SAFE DEPOSIT POWERS. A universal bank may take and receive, from any  
24 individual or corporation for safekeeping and storage, gold and silver plate, jewelry,  
25 money, stocks, securities, and other valuables or personal property; and rent out the

1 use of safes or other receptacles upon its premises upon such compensation as may  
2 be agreed upon. A universal bank has a lien for its charges on any property taken  
3 or received by it for safekeeping. If the lien is not paid within 2 years from the date  
4 the lien accrues, or if property is not called for by the person depositing the property,  
5 or by his or her representative or assignee, within 2 years from the date the lien  
6 accrues, the universal bank may sell the property at public auction. A universal bank  
7 shall provide the same notice for a sale under this subsection that is required by law  
8 for sales of personal property on execution. After retaining from the proceeds of the  
9 sale all of the liens and charges due the bank and the reasonable expenses of the sale,  
10 the universal bank shall pay the balance to the person depositing the property, or to  
11 his or her representative or assignee.

12 **222.0413 Other service and incidental activity powers.** (1) NECESSARY  
13 OR CONVENIENT POWERS. Unless otherwise prohibited or limited by this chapter, a  
14 universal bank may exercise all powers necessary or convenient to effect the  
15 purposes for which the universal bank is organized or to further the businesses in  
16 which the universal bank is lawfully engaged.

17 (2) REASONABLY RELATED POWERS. (a) Subject to any applicable state or federal  
18 regulatory or licensing requirements, a universal bank may engage, directly or  
19 indirectly through a subsidiary, in activities reasonably related or incident to the  
20 purposes of the universal bank. Activities reasonably related or incident to the  
21 purposes of the universal bank are those activities that are part of the business of  
22 financial institutions, or closely related to the business of financial institutions, or  
23 convenient and useful to the business of financial institutions, or reasonably related  
24 or incident to the operation of financial institutions or are financial in nature.



1 Activities that are reasonably related or incident to the purposes of a universal bank  
2 include the following:

- 3 1. Business and professional services.
- 4 2. Data processing.
- 5 3. Courier and messenger services.
- 6 4. Credit-related activities.
- 7 5. Consumer services.
- 8 6. Real estate-related services, including real estate brokerage services.
- 9 7. Insurance and related services, other than insurance underwriting.
- 10 8. Securities brokerage.
- 11 9. Investment advice.
- 12 10. Securities and bond underwriting.
- 13 11. Mutual fund activities.
- 14 12. Financial consulting.
- 15 13. Tax planning and preparation.
- 16 14. Community development and charitable activities.
- 17 15. Debt cancellation contracts.
- 18 16. Any activities reasonably related or incident to activities under subds. 1.

19 to 15.

20 (b) An activity that is authorized by statute or regulation for financial  
21 institutions to engage in as of the effective date of this paragraph .... [revisor inserts  
22 date], is an activity that is reasonably related to or incident to the purposes of a  
23 universal bank. An activity permitted under the Bank Holding Company Act is an  
24 activity that is reasonably related to or incident to the purposes of a universal bank.  
25 The list of activities reasonably related or incident to the purposes of a universal

1 bank may be expanded by the division. Any additional activity approved by the  
2 division shall be authorized for all universal banks.

3 (3) NOTICE REQUIREMENT. A universal bank shall give 60 days' prior written  
4 notice to the division of the universal bank's intention to engage in an activity under  
5 this section.

6 (4) STANDARDS FOR DENIAL. The division may deny the authority of a universal  
7 bank to engage in an activity under this section, other than those activities described  
8 in sub. (2) (a) 1. to 16., if the division determines that the activity is not an activity  
9 reasonably related or incident to the purposes of a universal bank, that the financial  
10 institution is not well-capitalized or adequately capitalized, that the financial  
11 institution is the subject of an enforcement action or that the financial institution  
12 does not have satisfactory management expertise for the proposed activity.

13 (5) INSURANCE INTERMEDIATION. A universal bank, or an officer or salaried  
14 employe of a universal bank, may obtain a license as an insurance intermediary, if  
15 otherwise qualified. A universal bank may not, directly or indirectly through a  
16 subsidiary, engage in the business of underwriting insurance.

17 (6) OTHER ACTIVITIES APPROVED BY THE DIVISION. A universal bank may engage  
18 in any other activity that is approved by rule of the division.

19 (7) ACTIVITIES PROVIDED THROUGH A SUBSIDIARY. A universal bank may engage  
20 in activities under this section, directly or indirectly through a subsidiary, unless the  
21 division determines that an activity must be conducted through a subsidiary with  
22 appropriate safeguards to limit the risk exposure of the universal bank.

23 (8) LIMITATIONS ON INVESTMENTS THROUGH SUBSIDIARIES. The amount of the  
24 investment in any one subsidiary that engages in an activity under this section may  
25 not exceed 20% of capital or, if approved by the division, a higher percentage

1 authorized by the division. The aggregate investment in all subsidiaries that engage  
2 in an activity under this subsection may not exceed 50% of capital or, if approved by  
3 the division, a higher percentage authorized by the division.

4 (9) OWNERSHIP OF SUBSIDIARIES. A subsidiary that engages in an activity under  
5 this section may be owned jointly, with one or more other financial institutions,  
6 individuals or entities.

7 **222.0415 Trust powers.** Subject to rules of the division, a universal bank may  
8 exercise trust powers in accordance with s. 221.0316.

9 **\*b0730/1.10\* SECTION 2347a.** 223.105 (3) (a) of the statutes is amended to  
10 read:

11 223.105 (3) (a) To assure compliance with such rules as may be established  
12 under s. 220.04 (7) the division of banking, the office of credit unions and the division  
13 of savings and ~~loan~~ institutions shall, at least once every 18 months, examine the  
14 fiduciary operations of each organization which is under its respective jurisdiction  
15 and is subject to examination under sub. (2). If a particular organization subject to  
16 examination under sub. (2) is not otherwise under the jurisdiction of one of the  
17 foregoing agencies, such examination shall be conducted by the division of banking.

18 **\*b0730/1.10\* SECTION 2348a.** 223.105 (4) of the statutes is amended to read:

19 223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations  
20 licensed under ch. 221 or this chapter, any organization engaged in fiduciary  
21 operations as defined in this section shall, as required by rule, notify the division of  
22 banking, the office of credit unions or the division of savings and ~~loan~~ institutions of  
23 that fact, directing the notice to the agency then exercising regulatory authority over  
24 the organization or, if there is none, to the division of banking. Any organization  
25 which intends to engage in fiduciary operations shall, prior to engaging in such

1 operations, notify the appropriate agency of this intention. The notifications  
2 required under this subsection shall be on forms and contain information required  
3 by the rules promulgated by the division of banking.

4 \*b0730/1.10\* SECTION 2349a. 223.105 (5) of the statutes is amended to read:

5 223.105 (5) ENFORCEMENT REMEDY. The division of banking or the division of  
6 savings ~~and loan~~ institutions or office of credit unions shall upon the failure of such  
7 organization to submit notifications or reports required under this section or  
8 otherwise to comply with the provisions of this section, or rules established by the  
9 division of banking under s. 220.04 (7), upon due notice, order such defaulting  
10 organization to cease and desist from engaging in fiduciary activities and may apply  
11 to the appropriate court for enforcement of such order.

12 \*b0730/1.10\* SECTION 2350a. 223.105 (6) of the statutes is amended to read:

13 223.105 (6) SUNSET. Except for an organization regulated by the office of credit  
14 unions or the division of savings ~~and loan~~ institutions or an organization authorized  
15 by the division of banking to operate as a bank or trust company under ch. 221 or this  
16 chapter, an organization may not begin activity as a fiduciary operation under this  
17 section after May 12, 1992. An organization engaged in fiduciary operations under  
18 this section on May 12, 1992, may continue to engage in fiduciary operations after  
19 that date.”.

20 \*b0980/1.20\* 895. Page 1193, line 20: delete lines 20 to 25.

21 \*b0980/1.21\* 896. Page 1194, line 1: delete lines 1 to 3.

22 \*b0713/1.3\* 897. Page 1194, line 9: after that line insert:

23 \*b0713/1.3\* “SECTION 2353sm. 227.01 (13) (zu) of the statutes is created to  
24 read:

1 227.01 (13) (zu) Establishes standards under subch. IX of ch. 254.”

2 \*b1141/2.15\* **898**. Page 1194, line 9: after that line insert:

3 \*b1141/2.15\* “SECTION 2353t. 227.01 (13) (ym) of the statutes is repealed.

4 \*b1141/2.15\* SECTION 2353u. 227.01 (13) (zi) of the statutes is repealed.”.

5 \*b0980/1.22\* **899**. Page 1194, line 10: delete lines 10 to 13.

6 \*b0897/2.2\* **900**. Page 1194, line 13: after that line insert:

7 \*b0897/2.2\* “SECTION 2355mm. 227.14 (1s) of the statutes is created to read:

8 227.14 (1s) EXCEPTION; PREPARATION OF CERTAIN RULES BASED ON FEDERAL FOOD  
9 CODE. Notwithstanding sub. (1), if the department of agriculture, trade and  
10 consumer protection or the department of health and family services prepares a  
11 proposed rule based on the model food code published by the federal food and drug  
12 administration, the proposed rule may be in the format of the model food code.”.

13 \*b0730/1.11\* **901**. Page 1194, line 20: after that line insert:

14 \*b0730/1.11\* “SECTION 2357a. 227.52 (5) of the statutes is amended to read:

15 227.52 (5) Decisions of the division of savings ~~and loan~~ institutions.

16 \*b0730/1.11\* SECTION 2358a. 227.53 (1) (b) 4. of the statutes is amended to  
17 read:

18 227.53 (1) (b) 4. The savings and loan review board, the division of savings ~~and~~  
19 ~~loan~~ institutions, except if the petitioner is the division of savings ~~and loan~~  
20 institutions, the prevailing parties before the savings and loan review board shall be  
21 the named respondents.

22 \*b0730/1.11\* SECTION 2359a. 227.53 (1) (b) 5. of the statutes is amended to  
23 read:

1           227.53 (1) (b) 5. The savings bank review board, the division of savings and loan  
2 institutions, except if the petitioner is the division of savings and loan institutions,  
3 the prevailing parties before the savings bank review board shall be the named  
4 respondents.”.

5           **\*b0796/1.14\* 902.** Page 1194, line 20: after that line insert:

6           **\*b0796/1.14\*** “SECTION 2359f. 229.41 (8m) of the statutes is created to read:  
7 229.41 (8m) “Labor organization” has the meaning given in s. 5.02 (8m).”.

8           **\*b0796/1.15\* 903.** Page 1195, line 5: after that line insert:

9           **\*b0796/1.15\*** “SECTION 2359j. 229.44 (4) (d) of the statutes is amended to read:  
10 229.44 (4) (d) Enter into contracts. All contracts, the estimated costs of which  
11 exceed \$30,000, are subject to s. 229.46 (8), except contracts subject to s. 229.46 (5)  
12 and contracts for personal or professional services, The contracts shall be subject  
13 to bid and shall be awarded to the lowest qualified and competent bidder. The district  
14 may reject any bid that is submitted under this paragraph.

15           **\*b0796/1.15\* SECTION 2359k.** 229.46 (8) of the statutes is created to read:

16           229.46 (8) (a) The district shall ensure that the specifications for bids and  
17 contracts for construction projects entered into under this subchapter do not do any  
18 of the following:

19           1. Require any bidder, contractor or subcontractor to enter into or to adhere to  
20 an agreement with any labor organization concerning services to be performed in  
21 relation to the project or a related project.

22           2. Discriminate against any bidder, contractor or subcontractor for refusing to  
23 enter into or continue to adhere to an agreement with any labor organization  
24 concerning services to be performed in relation to the project or a related project.

1           3. Require any bidder, contractor or subcontractor to enter into, continue to  
2 adhere to or enforce any agreement that requires its employes, as a condition of  
3 employment, to do any of the following:

4           a. Become members of or become affiliated with a labor organization.

5           b. Make payments to a labor organization, without the authorization of the  
6 employes, exceeding the employes' proportionate share of the cost of collective  
7 bargaining, contract administration and grievance adjustment.

8           (b) Any taxpayer of this state or any other person who enters into contracts or  
9 subcontracts for building construction services may bring an action to require  
10 compliance with par (a). If that person prevails in his or her action, the court shall  
11 award to that person reasonable actual attorney fees in addition to other costs  
12 allowed to prevailing parties under ch. 814.

13           **\*b0796/1.15\* SECTION 2359L.** 229.65 (6m) of the statutes is created to read:

14           229.65 (6m) "Labor organization" has the meaning given in s. 5.02 (8m).

15           **\*b0796/1.15\* SECTION 2359m.** 229.68 (4)(d) of the statutes is amended to read:

16           229.68 (4) (d) Enter into contracts, subject to s. 229.682 (9) and to such  
17 standards as may be established by the district board. The district board may award  
18 any such contract for any combination or division of work it designates and, subject  
19 to s. 229.682 (9), may consider any factors in awarding a contract, including price,  
20 time for completion of work and qualifications and past performance of a contractor.

21           **\*b0796/1.15\* SECTION 2359n.** 229.682 (9) of the statutes is created to read:

22           229.682 (9) CONTRACTS WITH LABOR ORGANIZATIONS. (a) The district shall ensure  
23 that the specifications for bids and contracts for construction projects entered into  
24 under this subchapter do not do any of the following:

1           1. Require any bidder, contractor or subcontractor to enter into or to adhere to  
2 an agreement with any labor organization concerning services to be performed in  
3 relation to the project or a related project.

4           2. Discriminate against any bidder, contractor or subcontractor for refusing to  
5 enter into or continue to adhere to an agreement with any labor organization  
6 concerning services to be performed in relation to the project or a related project.

7           3. Require any bidder, contractor or subcontractor to enter into, continue to  
8 adhere to or enforce any agreement that requires its employees, as a condition of  
9 employment, to do any of the following:

10           a. Become members of or become affiliated with a labor organization.

11           b. Make payments to a labor organization, without the authorization of the  
12 employees, exceeding the employees' proportionate share of the cost of collective  
13 bargaining, contract administration and grievance adjustment.

14           (b) Any taxpayer of this state or any other person who enters into contracts or  
15 subcontracts for building construction services may bring an action to require  
16 compliance with par. (a). If that person prevails in his or her action, the court shall  
17 award to that person reasonable actual attorney fees in addition to other costs  
18 allowed to prevailing parties under ch. 814.”.

19           **\*b1162/2.3\* 904.** Page 1195, line 6: delete the material beginning with that  
20 line and ending with page 1196, line 13.

21           **\*b1162/2.4\* 905.** Page 1197, line 3: delete lines 3 to 13 and substitute:

22           **\*b1162/2.4\* “SECTION 2359ts.** 230.046 (4) of the statutes is amended to read:

23           230.046 (4) RECORDS OF TRAINING PROGRAM PARTICIPATION. Each agency shall  
24 adopt a standardized system for measuring, recording, reporting, accumulating and



1 recognizing employe participation in its training program. ~~The system may not take~~  
2 ~~effect until approved by the secretary.~~

3 \*b1162/2.4\* SECTION 2359tw. 230.046 (5) (intro.) of the statutes is amended  
4 to read:

5 230.046 (5) INITIATION OF PROGRAMS. (intro.) Unless otherwise empowered by  
6 law, any agency desiring to initiate a training program under sub. (3) shall ~~certify~~  
7 ~~to the secretary~~ ensure that:

8 \*b1162/2.4\* SECTION 2359uc. 230.046 (10) of the statutes is repealed and  
9 recreated to read:

10 230.046 (10) DEPARTMENT FUNCTIONS. The department may do all of the  
11 following:

12 (a) Conduct off-the-job employe development and training programs relating  
13 to functions under this chapter or subch. V of ch. 111.

14 (b) Charge fees to state agencies whose employes participate in employe  
15 development and training programs under this subsection.

16 \*b1162/2.4\* SECTION 2359uh. 230.046 (11) of the statutes is repealed.”.

17 \*b0778/1.3\* 906. Page 1198, line 14: after that line insert:

18 \*b0778/1.3\* “SECTION 2362p. 230.08 (2) (pm) of the statutes is amended to  
19 read:

20 230.08 (2) (pm) ~~The All employes of the state fair park director~~ board.”.

21 \*b1162/2.5\* 907. Page 1201, line 1: delete lines 1 to 5.

22 \*b0710/3.2\* 908. Page 1205, line 3: after that line insert:

23 \*b0710/3.2\* “SECTION 2376c. 234.64 of the statutes is created to read:

24 234.64 Biotechnology development finance company. (1) In this section:

- 1 (a) "Biotechnology" means technology related to life sciences.
- 2 (b) "Capital participation instrument" means all of the following:
- 3 1. Any of the following or an option or other right to acquire any of the following:
- 4 a. Common or preferred capital stock.
- 5 b. Convertible securities.
- 6 c. Evidences of long-term or short-term indebtedness.
- 7 d. Warrants.
- 8 e. Subscriptions.
- 9 f. Partnership or membership interests.
- 10 2. Royalties or other lawful derivations of a capital participation instrument
- 11 listed under subd. 1.
- 12 (c) "Cost of a project" means costs associated with the design, planning and
- 13 implementation of a project that, in accordance with sound business and financial
- 14 practices, are appropriate charges to the project. The costs may include the costs of
- 15 planning and design, options to buy land, feasibility or other studies, equipment,
- 16 seed money, construction, working capital and any other costs determined by the
- 17 biotechnology development finance company to be necessary to the purposes of this
- 18 section.
- 19 (d) "Project" means commercial, industrial or other economic activity that is
- 20 undertaken by a biotechnology company in this state.
- 21 (2) (a) The authority may organize and maintain a biotechnology development
- 22 finance company as a nonstock, nonprofit corporation under ch. 181 for the exclusive
- 23 purpose of investing in new or existing biotechnology companies in this state. If the
- 24 authority organizes a biotechnology development finance company, the authority
- 25 shall transfer all moneys received by the authority in the transfer under 1999

1 Wisconsin Act .... (this act), section 9210 (2e), to the company for start-up capital and  
2 for reasonable administrative expenses of the company.

3 (b) Subject to par. (c), the biotechnology development finance company may  
4 purchase a capital participation instrument of a project. The biotechnology  
5 development finance company shall ensure that all of the following apply with  
6 respect to a project before any investment is made in the project:

7 1. The biotechnology company has certified that the project plans conform to  
8 all applicable environmental, zoning, building, planning or sanitation laws.

9 2. There is a reasonable expectation that the biotechnology company will be  
10 successful.

11 3. Private industry has not provided sufficient capital required for the project.

12 4. The investment is necessary to the successful completion of the proposed  
13 project because other investment in the project is unavailable in the traditional  
14 capital markets, or because capital has been offered on terms that would preclude  
15 the success of the project.

16 5. Provision has been made by contract for adequate reporting of financial data  
17 by the project to the biotechnology development finance company. Those provisions  
18 may include a requirement for an annual or other periodic audit of the project's  
19 financial records.

20 6. The proceeds of the purchase will be used solely in connection with the costs  
21 of the project.

22 7. The biotechnology company is able to manage its project responsibilities.

23 (c) 1. The biotechnology development finance company may not own more than  
24 49% of the voting stock or other interest in any enterprise as a result of a purchase  
25 under par. (b).

1           2. The total investment by the biotechnology development finance company in  
2 any one biotechnology company may not exceed \$200,000.

3           (d) The findings made by the biotechnology development finance company with  
4 respect to whether a project meets the conditions under par. (b) 1. to 7. are conclusive.

5           **(3)** The authority shall enter into a contract with the biotechnology  
6 development finance company. The contract shall provide that the authority may  
7 make use of the services of the biotechnology development finance company and that  
8 the authority shall advise, assist and provide administrative services to the  
9 biotechnology development finance company. The authority shall determine the  
10 type and scope of any administrative services provided by the authority to the  
11 biotechnology development finance company. The authority may assign employees or  
12 contract with private or state agencies to perform the administrative services. The  
13 biotechnology development finance company may not engage in political activities.

14           **(4)** (a) The board of directors of the biotechnology development finance  
15 company shall consist of all of the following members:

- 16           1. The executive director of the authority, or his or her designee.
- 17           2. The secretary of commerce, or his or her designee.
- 18           3. The secretary of administration, or his or her designee.
- 19           4. The executive director of the investment board, or his or her designee.
- 20           5. The president of the University of Wisconsin System, or his or her designee.
- 21           6. The president of Forward Wisconsin, Inc., or his or her designee.
- 22           7. A representative of the state's biotechnology research community.
- 23           8. A representative of the state's biotechnology industry.
- 24           9. A representative of the state's venture capital industry.

1 (b) The members under par. (a) 7. to 9. shall serve 5-year terms and the initial  
2 members under par. (a) 7. to 9. shall be appointed by the governor. The biotechnology  
3 development finance company, in its bylaws, shall specify the method for electing  
4 new members under par. (a) 7. to 9. and for filling vacancies.

5 (5) Annually, the biotechnology development finance company shall provide a  
6 report on its activities to the appropriate standing committees of each house of the  
7 legislature in the manner provided under s. 13.172 (3) and to the governor.

8 (6) The assets transferred to, and the assets and liabilities of, the biotechnology  
9 development finance company shall be separate from all other assets and liabilities  
10 of the state, of all political subdivisions of the state and of the authority. Neither the  
11 state, any political subdivision of the state nor the authority guarantees any  
12 obligation of or has any obligation to the biotechnology development finance  
13 company. Neither the state, any political subdivision of the state nor the authority  
14 is liable for any debt or liability of the biotechnology development finance company.”.

15 \*b0980/1.23\* **909.** Page 1208, line 5: delete the material beginning with that  
16 line and ending with page 1209, line 4.

17 \*b0980/1.24\* **910.** Page 1209, line 13: delete lines 13 to 19.

18 \*b0774/2.1\* **911.** Page 1210, line 11: after that line insert:

19 \*b0774/2.1\* **SECTION 2400em.** 250.01 (4) (a) 4. of the statutes is repealed and  
20 recreated to read:

21 250.01 (4) (a) 4. A multiple municipal local health department established  
22 under s. 251.02 (3m).”.

23 \*b1150/1.2\* **912.** Page 1211, line 9: delete “\$3,500,000” and substitute  
24 “\$1,750,000”.

1           **\*b1150/1.3\* 913.** Page 1211, line 9: delete “\$4,000,000” and substitute  
2           “\$2,000,000”.

3           **\*b0774/2.2\* 914.** Page 1211, line 18: after that line insert:

4           **\*b0774/2.2\* SECTION 2400qc.** 251.02 (1) of the statutes is amended to read:

5           251.02 (1) In counties with a population of less than 500,000, the county board  
6           shall establish a county health department that meets the requirements of this  
7           chapter. The county health department shall serve all areas of the county that are  
8           not served by a city health department that was established prior to January 1, 1994,  
9           or by a ~~town or village~~ multiple municipal local health department established under  
10          sub. (3m). No city health department may be established after ~~that date~~ January 1,  
11          1994, but a city–county health department may be established after that date.

12          **\*b0774/2.2\* SECTION 2400qd.** 251.02 (3m) of the statutes is repealed and  
13          recreated to read:

14          251.02 (3m) If a county has a population of at least 100,000 but less than  
15          500,000 and the county board of that county has, by July 1, 1985, abolished a county  
16          health commission or committee established under s. 141.10, 1991 stats., the  
17          governing body of a city, village or town in that county may, in concert with the  
18          governing body of another city, village or town in that county, establish a multiple  
19          municipal local health department and elect a local health officer consistent with  
20          this chapter.

21          **\*b0774/2.2\* SECTION 2400qe.** 251.03 (4m) of the statutes is repealed and  
22          recreated to read:

23          251.03 (4m) Subsections (1) to (4) do not apply to a city, village or town that  
24          establishes a multiple municipal local health department under s. 251.02 (3m). In

1 establishing a multiple municipal local health department as described under s.  
2 251.02 (3m), the relevant governing bodies shall agree on how many members of the  
3 local board of health are appointed by each governing body and how many of each  
4 governing body's appointees shall be members who are not elected officials or  
5 employes of the governing body. The members shall be appointed by the relevant  
6 governing bodies. A local board of health under this subsection shall elect a  
7 chairperson and clerk.

8 **\*b0774/2.2\* SECTION 2400qf.** 251.04 (1) of the statutes is amended to read:

9 251.04 (1) A city or county board of health shall govern each local health  
10 department other than a local health department as authorized in s. 251.02 (3m) and  
11 a city or county board of health or a board of health for a local health department as  
12 authorized in s. 251.02 (3m) shall assure the enforcement of state public health  
13 statutes and public health rules of the department as prescribed for a Level I local  
14 health department. A local board of health may contract or subcontract to provide  
15 public health services. The contractor's staff shall meet the appropriate  
16 qualifications for positions in a Level I local health department.

17 **\*b0774/2.2\* SECTION 2400qg.** 251.04 (2) of the statutes is amended to read:

18 251.04 (2) A city or county board of health or a board of health for a local health  
19 department as authorized in s. 251.02 (3m) shall assure that its local health  
20 department is a Level I, Level II or Level III local health department, as specified in  
21 s. 251.05 (1).

22 **\*b0774/2.2\* SECTION 2400qh.** 251.04 (3) of the statutes is amended to read:

23 251.04 (3) A city or county board of health or a board of health for a local health  
24 department as authorized in s. 251.02 (3m) may adopt those regulations, for its own  
25 guidance and for the governance of the local health department, that it considers

1 necessary to protect and improve public health. The regulations may be no less  
2 stringent than, and may not conflict with, state statutes and rules of the department.

3 **\*b0774/2.2\* SECTION 2400qi.** 251.06 (1) (a) 2. of the statutes is amended to  
4 read:

5 251.06 (1) (a) 2. A local health officer of a ~~village or town~~ multiple municipal  
6 local health department established under s. 251.02 (3m) shall be either a physician  
7 or a registered nurse. The local health officer shall be a voting member of the local  
8 board of health and shall take an oath of office. With respect to the levels of services  
9 of a Level I local health department, as specified in s. 251.05 (2) (a), the local health  
10 officer shall be authorized to act by and be directed by the county health officer of the  
11 county specified under s. 251.02 (3m).

12 **\*b0774/2.2\* SECTION 2400qim.** 251.06 (2) (c) (intro.) of the statutes is  
13 amended to read:

14 251.06 (2) (c) (intro.) A local health officer of a multiple municipal local health  
15 department of a ~~village or town~~ established under s. 251.02 (3m) shall be one of the  
16 following:

17 **\*b0774/2.2\* SECTION 2400qin.** 251.06 (2) (c) 1. of the statutes is amended to  
18 read:

19 251.06 (2) (c) 1. An employe of the multiple municipal local health department  
20 of the ~~village or town~~.

21 **\*b0774/2.2\* SECTION 2400qj.** 251.06 (4) (c) of the statutes is amended to read:

22 251.06 (4) (c) A local health officer of a ~~village or town~~ multiple municipal local  
23 health department established under s. 251.02 (3m) shall be appointed by the local  
24 board of health.

25 **\*b0774/2.2\* SECTION 2400qk.** 251.12 of the statutes is amended to read:



1           **251.12 City health department, how financed.** The common council shall  
2 appropriate funds for the operation of a city health department that is established  
3 as specified in s. 251.02 (1) and (2) and for the operation of a multiple municipal local  
4 health department that is established under s. 251.02 (3m) by the governing body of  
5 a city in concert with the governing body of another city or a village or town.

6           **\*b0774/2.2\* SECTION 2400qL.** 251.125 of the statutes is amended to read:

7           **251.125 Village health department, how financed.** If a village health  
8 department is established under s. 251.02 (2) ~~or (3m)~~ or if a multiple municipal local  
9 health department is established under s. 251.01 (3m) by the governing body of a  
10 village in concert with the governing body of another village or a city or town, the  
11 village board shall appropriate funds for the operation of the department.

12           **\*b0774/2.2\* SECTION 2400qm.** 251.127 of the statutes is amended to read:

13           **251.127 Town health department, how financed.** If a town ~~multiple~~  
14 municipal local health department is established under s. 251.02 (3m) by the  
15 governing body of a town in concert with the governing body of another town or a city  
16 or village, the town board shall appropriate funds for the operation of the  
17 department.”.

18           **\*b0828/2.15\* 915.** Page 1211, line 18: after that line insert:

19           **\*b0828/2.15\* “SECTION 2400mf.** 252.07 (1) of the statutes is renumbered  
20 252.07 (1m) and amended to read:

21           252.07 (1m) ~~Tuberculosis is a communicable disease caused by mycobacterium~~  
22 ~~tuberculosis and is~~ Infectious tuberculosis and suspect tuberculosis are subject to the  
23 reporting requirements specified in s. 252.05. Any laboratory that ~~performs a test~~  
24 receives a specimen for tuberculosis testing shall report all positive results obtained

1 by any appropriate procedure, including a procedure performed by an out-of-state  
2 laboratory, to the local health officer and to the department.

3 \*b0828/2.15\* SECTION 2400mg. 252.07 (1g) of the statutes is created to read:  
4 252.07 (1g) In this section:

5 (a) “Infectious tuberculosis” means tuberculosis disease of the respiratory  
6 tract, capable of producing infection or disease in others as demonstrated by the  
7 presence of acid-fast bacilli in the sputum or bronchial secretions or by chest  
8 radiograph and clinical findings.

9 (b) “Isolate” means a population of mycobacterium tuberculosis bacteria that  
10 has been obtained in pure culture medium.

11 (c) “Isolation” means the separation from other persons of a person with  
12 infectious tuberculosis in a place and under conditions that prevent the transmission  
13 of the infection.

14 (d) “Suspect tuberculosis” means an illness marked by symptoms and  
15 laboratory tests that may be indicative of tuberculosis, such as a prolonged cough,  
16 prolonged fever, hemoptysis, compatible roentgenographic findings or other  
17 appropriate medical imaging findings.

18 \*b0828/2.15\* SECTION 2400mh. 252.07 (1p) of the statutes is created to read:  
19 252.07 (1p) Any laboratory that performs primary culture for mycobacteria  
20 shall also perform organism identification for mycobacterium tuberculosis complex  
21 using an approved rapid testing procedure specified by the department by rule.

22 \*b0828/2.15\* SECTION 2400mi. 252.07 (1t) of the statutes is created to read:  
23 252.07 (1t) Any laboratory that identifies mycobacterium tuberculosis shall  
24 ensure that antimicrobial drug susceptibility tests are performed on the initial

1 isolate. The laboratory shall report the results of these tests to the local health officer  
2 and the department.

3 **\*b0828/2.15\* SECTION 2400mj.** 252.07 (2) of the statutes is amended to read:

4 252.07 (2) The department shall identify groups at risk for contracting or  
5 transmitting mycobacterium tuberculosis and shall recommend the protocol for  
6 screening members of those groups. ~~If necessary to prevent or control the~~  
7 ~~transmission of mycobacterium tuberculosis, the department may promulgate rules~~  
8 ~~that require screening of members of specific groups that are at risk for contracting~~  
9 ~~or transmitting mycobacterium tuberculosis.~~

10 **\*b0828/2.15\* SECTION 2400mk.** 252.07 (4) of the statutes is repealed.

11 **\*b0828/2.15\* SECTION 2400mL.** 252.07 (5) of the statutes is amended to read:

12 252.07 (5) Upon report of any person under sub. ~~(1)~~ (1m) or (1t), the local health  
13 officer shall at once investigate and make and enforce the necessary orders. If any  
14 person does not voluntarily comply with any order made by the local health officer  
15 with respect to that person, the local health officer or the department may order a  
16 medical evaluation, directly observed therapy or home isolation of that person.

17 **\*b0828/2.15\* SECTION 2400mm.** 252.07 (7) of the statutes is repealed.

18 **\*b0828/2.15\* SECTION 2400mn.** 252.07 (8) of the statutes is created to read:

19 252.07 (8) (a) The department or a local health officer may order the  
20 confinement to a facility of an individual who has a confirmed diagnosis of infectious  
21 tuberculosis or suspect tuberculosis if all of the following conditions are met:

22 1. The department or local health officer notifies a court in writing of the  
23 confinement.

1           2. The department or local health officer provides to the court a written  
2 statement from a physician that the individual has infectious tuberculosis or suspect  
3 tuberculosis.

4           3. The department or local health officer provides to the court evidence that the  
5 individual has refused to follow a prescribed treatment regimen or, in the case of an  
6 individual with suspect tuberculosis, has refused to undergo a medical examination  
7 to confirm whether the individual has infectious tuberculosis.

8           4. In the case of an individual with a confirmed diagnosis of infectious  
9 tuberculosis, the department or local health officer determines that the individual  
10 poses an imminent and substantial threat to himself or herself or to the public  
11 health. The department or local health officer shall provide to the court a written  
12 statement of that determination.

13           (b) If the department or local health officer orders the confinement of an  
14 individual under this subsection, a law enforcement officer, or other person  
15 authorized by the local public health officer, shall transport the individual, if  
16 necessary, to a facility that the department or local health officer determines will  
17 meet the individual's need for medical evaluation, isolation and treatment.

18           (c) No individual may be confined under this subsection for more than 72 hours,  
19 excluding Saturdays, Sundays and legal holidays, without a court hearing under  
20 sub. (9) to determine whether the confinement should continue.

21           **\*b0828/2.15\* SECTION 2400mo.** 252.07 (9) of the statutes is created to read:

22           252.07 (9) (a) The department or a local health officer may petition any court  
23 for a hearing to determine whether an individual with infectious or suspect  
24 tuberculosis should be confined for longer than 72 hours in a facility where proper  
25 care and treatment will be provided and spread of the disease will be prevented. The

1 department or local health officer shall include in the petition documentation that  
2 demonstrates all of the following:

3 1. That the individual named in the petition has infectious tuberculosis; that  
4 the individual has noninfectious tuberculosis but is at high risk of developing  
5 infectious tuberculosis; or that the individual has suspect tuberculosis.

6 2. That the individual has failed to comply with the prescribed treatment  
7 regimen or with any rules promulgated by the department under sub. (11); or that  
8 the disease is resistant to the medication prescribed to the individual.

9 3. That all other reasonable means of achieving voluntary compliance with  
10 treatment have been exhausted and no less restrictive alternative exists; or that no  
11 other medication to treat the resistant disease is available.

12 4. That the individual poses an imminent and substantial threat to himself or  
13 herself or to the public health.

14 (b) The department or local health officer shall give the individual written  
15 notice of a hearing at least 48 hours before a scheduled hearing is to be held. Notice  
16 of the hearing shall include all of the following information:

17 1. The date, time and place of the hearing.

18 2. The grounds, and underlying facts, upon which confinement of the individual  
19 is being sought.

20 3. An explanation of the individual's rights specified under par. (d).

21 4. The proposed actions to be taken and the reasons for each action.

22 (c) If the court orders confinement of an individual under this subsection, the  
23 individual shall remain confined until the department or local health officer, with the  
24 concurrence of a treating physician, determines that treatment is complete or that  
25 the individual is no longer a substantial threat to himself or herself or to the public

1 health. If the individual is to be confined for more than 6 months, the court shall  
2 review the confinement every 6 months.

3 (d) An individual who is the subject of a petition for a hearing under this  
4 subsection has the right to appear at the hearing, the right to present evidence and  
5 cross-examine witnesses and the right to be represented by adversary counsel. At  
6 the time of the filing of the petition the court shall assure that the individual who is  
7 the subject of the petition is represented by adversary counsel. If the individual  
8 claims or appears to be indigent, the court shall refer the individual to the authority  
9 for indigency determinations specified under s. 977.07 (1). If the individual is a child,  
10 the court shall refer that child to the state public defender who shall appoint counsel  
11 for the child without a determination of indigency, as provided in s. 48.23 (4). Unless  
12 good cause is shown, a hearing under this subsection may be conducted by telephone  
13 or live audiovisual means, if available.

14 (e) An order issued by the court under this subsection may be appealed as a  
15 matter of right. An appeal shall be heard within 30 days after the appeal is filed.  
16 An appeal does not stay the order.

17 **\*b0828/2.15\* SECTION 2400mp.** 252.07 (11) of the statutes is created to read:  
18 252.07 (11) The department may promulgate any rules necessary for the  
19 administration and enforcement of this section, including, if necessary to prevent or  
20 control the transmission of mycobacterium tuberculosis, rules that require screening  
21 of members of specific groups that are at risk for contracting or transmitting  
22 mycobacterium tuberculosis.

23 **\*b0828/2.15\* SECTION 2400mq.** 252.073 of the statutes is repealed.

24 **\*b0828/2.15\* SECTION 2400mr.** 252.076 of the statutes is repealed.

25 **\*b0828/2.15\* SECTION 2400ms.** 252.08 (1) of the statutes is repealed.

1           **\*b0828/2.15\* SECTION 2400mt.** 252.08 (2) of the statutes is repealed.

2           **\*b0828/2.15\* SECTION 2400mu.** 252.08 (3) of the statutes is renumbered  
3 252.07 (10) and amended to read:

4           252.07 (10) Inpatient care for isolated pulmonary tuberculosis patients, and  
5 inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are  
6 not eligible for federal medicare benefits, for medical assistance under subch. V IV  
7 of ch. 49 or for health care services funded by a relief block grant under subch. II of  
8 ch. 49 may be reimbursed if provided by a facility contracted by the department. If  
9 the patient has private health insurance, the state shall pay the difference between  
10 health insurance payments and total charges.

11           **\*b0828/2.15\* SECTION 2400mv.** 252.08 (4) of the statutes is repealed.

12           **\*b0828/2.15\* SECTION 2400mw.** 252.08 (5) of the statutes is repealed.

13           **\*b0828/2.15\* SECTION 2400mx.** 252.08 (6) of the statutes is repealed.

14           **\*b0828/2.15\* SECTION 2400my.** 252.09 of the statutes is repealed.”

15           **\*b0828/2.16\* 916.** Page 1213, line 22: after that line insert:

16           **\*b0828/2.16\* “SECTION 2430L.** 252.10 (7) of the statutes, as affected by 1997  
17 Wisconsin Act 156, is amended to read:

18           252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis  
19 shall be purchased by the department from the appropriation under s. 20.435 (5) (e)  
20 and dispensed to patients through the public health dispensaries ~~or through health~~  
21 ~~care providers, as defined in s. 146.81 (1), other than massage therapists or~~  
22 ~~bodyworkers issued a license of registration under subch. X of ch. 440, social workers,~~  
23 ~~marriage and family therapists or professional counselors certified under ch. 457,~~  
24 ~~speech language pathologists or audiologists licensed under subch. II of ch. 459,~~

1 ~~speech and language pathologists licensed by the department of public instruction~~  
2 ~~or dietitians certified under subch. V of ch. 448, local health departments, physicians~~  
3 ~~or advanced practice nurse prescribers.”.~~

4 \*b0773/2.28\* **917.** Page 1214, line 4: after that line insert:

5 \*b0773/2.28\* “SECTION 2432d. 252.12 (2) (a) 3. (intro.) of the statutes is  
6 amended to read:

7 252.12 (2) (a) 3. ‘Statewide public education campaign.’ (intro.) The  
8 department shall promote public awareness of the risk of contracting acquired  
9 immunodeficiency syndrome and measures for acquired immunodeficiency  
10 syndrome protection by development and distribution of information through clinics  
11 providing family planning services, as defined in s. ~~253.07(1)(b)~~ 49.001 (1s), offices  
12 of physicians and clinics for sexually transmitted diseases and by newsletters, public  
13 presentations or other releases of information to newspapers, periodicals, radio and  
14 television stations and other public information resources. The information would  
15 be targeted at individuals whose behavior puts them at risk of contracting acquired  
16 immunodeficiency syndrome and would encompass the following topics.”.

17 \*b1164/1.2\* **918.** Page 1214, line 7: delete “\$1,994,900” and substitute  
18 “\$1,933,600”.

19 \*b0767/1.4\* **919.** Page 1215, line 4: after that line insert:

20 \*b0767/1.4\* “SECTION 2432r. 252.14 (1) (ar) 4q. of the statutes is created to  
21 read:

22 252.14 (1) (ar) 4q. An athletic trainer licensed under subch. VI of ch. 448.”.

23 \*b0773/2.29\* **920.** Page 1215, line 4: after that line insert:

24 \*b0773/2.29\* “SECTION 2435d. 253.02 (2) (a) of the statutes is repealed.



1           **\*b0773/2.29\* SECTION 2435e.** 253.02 (2) (g) of the statutes is amended to read:

2           253.02 (2) (g) Maternal and child health system coordination services that  
3           promote coordination of public and private sector activities in areas of the maternal  
4           and child health program described in pars. ~~(a)~~ (b) to (f).”.

5           **\*b0803/3.16\* 921.** Page 1215, line 4: after that line insert:

6           **\*b0803/3.16\* “SECTION 2434d.** 252.15 (1) (ab) of the statutes is amended to  
7           read:

8           252.15 (1) (ab) “Affected person” means an emergency medical technician, first  
9           responder, fire fighter, peace officer, correctional officer, person who is employed at  
10          a secured correctional facility, as defined in s. 938.02 (15m), ~~or at~~ a secured child  
11          caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined  
12          in s. 938.02 (15p), state patrol officer, jailer or keeper of a jail or person designated  
13          with custodial authority by the jailer or keeper, health care provider, employe of a  
14          health care provider or staff member of a state crime laboratory.

15          **\*b0803/3.16\* SECTION 2435d.** 252.15 (2) (a) 7. a. of the statutes is amended to  
16          read:

17          252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an  
18          emergency medical technician, first responder, fire fighter, peace officer, correctional  
19          officer, person who is employed at a secured correctional facility, as defined in s.  
20          938.02 (15m), ~~or at~~ a secured child caring institution, as defined in s. 938.02 (15g),  
21          or a secured group home, as defined in s. 938.02 (15p), state patrol officer, jailer or  
22          keeper of a jail or person designated with custodial authority by the jailer or keeper  
23          who, during the course of providing care or services to an individual; or a peace  
24          officer, correctional officer, state patrol officer, jailer or keeper of a jail or person

1 designated with custodial authority by the jailer or keeper who, while searching or  
2 arresting an individual or while controlling or transferring an individual in custody;  
3 or a health care provider or an employe of a health care provider who, during the  
4 course of providing care or treatment to an individual or handling or processing  
5 specimens of body fluids or tissues of an individual; or a staff member of a state crime  
6 laboratory who, during the course of handling or processing specimens of body fluids  
7 or tissues of an individual; is significantly exposed to the individual may subject the  
8 individual's blood to a test or a series of tests for the presence of HIV, antigen or  
9 nonantigenic products of HIV or an antibody to HIV and may receive disclosure of  
10 the results.”.

11 **\*b0828/2.17\* 922.** Page 1215, line 4: after that line insert:

12 **\*b0828/2.17\* “SECTION 2432jk.** 252.14 (1) (d) of the statutes is amended to  
13 read:

14 252.14 (1) (d) “Inpatient health care facility” means a hospital, nursing home,  
15 community-based residential facility, county home, county mental health complex,  
16 ~~tuberculosis sanatorium~~ or other place licensed or approved by the department  
17 under ~~ss. s.~~ 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, ~~or 51.09, 58.06, 252.073~~  
18 ~~and 252.076~~ or a facility under s. 45.365, 48.62, 51.05, 51.06, 233.40, 233.41, 233.42  
19 or 252.10.”.

20 **\*b0872/2.2\* 923.** Page 1215, line 4: after that line insert:

21 **\*b0872/2.2\* “SECTION 2434n.** 253.02 (2m) (intro.) of the statutes is amended  
22 to read:

23 253.02 (2m) (intro.) Nothing in this section authorizes the performance,  
24 promotion, encouragement or counseling in favor of, or referral either directly or

1 through an intermediary for, voluntary termination of pregnancy. Nothing in this  
2 section prohibits the ~~providing of nondirective information explaining~~ promotion,  
3 encouragement or counseling in favor of, or referral either directly or through an  
4 intermediary for, any of the following:

5 \*b0872/2.2\* **SECTION 2434p.** 253.02 (2m) (c) of the statutes is repealed.”.

6 \*b0773/2.30\* **924.** Page 1215, line 22: after that line insert:

7 \*b0773/2.30\* “**SECTION 2435qg.** 253.07 of the statutes is repealed.

8 \*b0773/2.30\* **SECTION 2438p.** 253.10 (3) (c) 2. g. of the statutes is repealed.”.

9 \*b0773/2.31\* **925.** Page 1215, line 25: delete “, and”.

10 \*b0773/2.32\* **926.** Page 1216, line 1: delete “information on family planning,  
11 as defined in”.

12 \*b0773/2.33\* **927.** Page 1216, line 2: delete that line.

13 \*b0773/2.34\* **928.** Page 1217, line 8: after that line insert:

14 \*b0773/2.34\* “**SECTION 2439g.** 253.10 (7) of the statutes is amended to read:  
15 253.10 (7) **AFFIRMATIVE DEFENSE.** No person is liable under sub. (5) or (6) or  
16 under s. 441.07 (1) (f), 448.02 (3) (a) or 457.26 (2) (gm) for failure under sub. (3) (c)  
17 2. d. to provide the printed materials described in sub. (3) (d) to a woman or for failure  
18 under sub. (3) (c) 2. d., e., or f. ~~or g.~~ to describe the contents of the printed materials  
19 if the person has made a reasonably diligent effort to obtain the printed materials  
20 under sub. (3) (e) and s. 46.245 and the department and the county department under  
21 s. 46.215, 46.22 or 46.23 have not made the printed materials available at the time  
22 that the person is required to give them to the woman.”.

23 \*b0713/1.4\* **929.** Page 1233, line 19: after that line insert:



1           (9) "Tobacco vending machine operator" means a person who acquires tobacco  
2 products or stamped cigarettes from manufacturers, as defined in s. 134.66 (1) (e),  
3 or permittees, stores them and sells them through the medium of tobacco vending  
4 machines that he or she owns, operates or services and that are located on premises  
5 that are owned or under the control of other persons.

6           (10) "Tobacco vending machine premises" means any area in which a tobacco  
7 vending machine is located.

8           **\*b0713/1.4\* SECTION 2485j.** 254.916 of the statutes is created to read:

9           **254.916 Department; authority.** (1) (a) In the administration of this  
10 subchapter, the department may contract with local health departments, as agents  
11 of the department, with a state agency or with law enforcement agencies of the state,  
12 or of a county, city, village or town, to cause unannounced investigations to be  
13 conducted annually at retail outlets, including sites of tobacco vending machines, to  
14 survey overall levels of compliance with s. 134.66 (2) (a). A person with whom the  
15 department contracts under this paragraph may contract with another person to  
16 conduct the investigations. Except any survey conducted under 21 CFR part 897, the  
17 survey under this subsection shall cover a range of retail outlets that are not  
18 preselected on the basis of prior violations, in order to measure overall levels of  
19 compliance as well as to identify violations. The survey shall be conducted so as to  
20 provide a sample of retail outlets that reflects the distribution of minors throughout  
21 the state and the distribution of the retail outlets throughout the state where minors  
22 are likely to attempt to purchase cigarettes. The survey shall include all types of  
23 retail outlets that are required to comply with s. 134.66 (2) (a). The department shall  
24 use statistically sound sampling techniques in designing the annual surveys so as

1 to measure overall levels of compliance and shall stratify the sample so as to measure  
2 compliance by type of retail outlet, including all of the following:

3 1. A private place of business other than a retail establishment.

4 2. A barroom, as defined in s. 125.51 (3m) (a), that is located on premises  
5 described in a license issued under s. 125.26 or 125.51 (3).

6 (b) The department, in consultation with retailers, shall establish standards  
7 for procedures and training for conducting investigations under this section.

8 (2) With the permission of his or her parent or guardian, a person under 18  
9 years of age, but not under 15 years of age, may buy, attempt to buy or possess any  
10 cigarette or tobacco product if all of the following are true:

11 (a) The person commits the act for the purpose of conducting an investigation  
12 under this section.

13 (b) The person is directly supervised during the conducting of the investigation  
14 by an adult employe of a governmental regulatory authority.

15 (c) The person has prior written authorization to commit the act from a  
16 governmental regulatory authority or a district attorney or from an authorized agent  
17 of a governmental regulatory authority or a district attorney.

18 (3) (a) All of the following, unless otherwise specified, apply in conducting  
19 investigations under this section:

20 1. If questioned about his or her age during the course of an investigation, the  
21 minor shall state his or her true age.

22 2. A minor may not be used for the purposes of an investigation at a retail outlet  
23 at which the minor is a regular customer.

24 3. The appearance of a minor may not be materially altered so as to indicate  
25 greater age.

1           4. A photograph or videotape of the minor shall be made before and after the  
2 investigation, or series of investigations, and shall be retained for 2 years.

3           5. Except investigations conducted under a grant received under 42 USC  
4 300x–21, within 24 hours after the completion of a sale or other distribution of  
5 cigarettes or tobacco products, the employe of the governmental regulatory authority  
6 supervising the minor under sub. (2) shall inform the person who sold or distributed  
7 the cigarettes or tobacco products to the minor of the investigation.

8           6. The results of an investigation, including the issuance of any citation by a  
9 governmental regulatory authority for a violation that occurs during the conduct of  
10 the investigation, shall be made known to the retailer or the retailer's employe or  
11 agent within 24 hours after the occurrence of the violation. This subdivision does not  
12 apply to investigations conducted under a grant received under 42 USC 300x–021.

13           7. Except with respect to investigations conducted under 42 USC 300x–021 or  
14 21 CFR part 897, all of the following information shall be reported to the department,  
15 and to the retailer, within 7 days after the conduct of an investigation under this  
16 section:

17           a. The name and position of the governmental regulatory authority employe  
18 who directly supervised the investigation.

19           b. The date of birth of the minor.

20           c. The date and time of the investigation.

21           d. A reasonably detailed description of the circumstances giving rise to a  
22 violation, if any, or, if there is no violation, written notice to that effect.

23           e. Any other relevant information requested by the department.

24           (b) An investigation under this section conducted by a governmental regulatory  
25 authority shall be conducted in strict conformity with this section.

1           (4) No results of an investigation conducted under this section may be included  
2 in the survey specified under sub. (1) if it is proved that the requirements under sub.  
3 (3) were not met in conducting the investigation.

4           (5) No evidence obtained during or otherwise arising from the course of an  
5 investigation under this section that is used to prosecute a person for a violation of  
6 s. 134.66 (2) (a) may be used in the prosecution of an alleged violation of s. 125.07 (3).

7           (6) The department shall compile the results of investigations performed under  
8 this section and shall prepare an annual report that reflects the results for  
9 submission with the state's application for federal funds under 42 USC 300x-21. The  
10 report shall be published for public comment at least 60 days before the beginning  
11 of negotiations under sub. (7).

12           (7) The department shall strive annually to negotiate with the federal  
13 department of health and human services realistic and attainable interim  
14 performance targets for compliance with 42 USC 300x-26.

15           (8) A governmental regulatory agency under this section shall meet standards  
16 established by the department of health and family services. The department shall  
17 annually evaluate the investigation program of each governmental regulatory  
18 authority. If, at any time, a governmental regulatory authority fails to meet the  
19 standards, the department of health and family services may terminate the contract  
20 under sub. (1).

21           (9) The department shall provide education and training to governmental  
22 regulatory authorities to ensure uniformity in the enforcement of this subchapter.

23           (10) This section does not limit the authority of the department to investigate  
24 establishments in jurisdictional areas of governmental regulatory authorities if the  
25 department investigates in response to an emergency, for the purpose of monitoring



1 and evaluating the governmental regulatory authority's investigation and  
2 enforcement program or at the request of the governmental regulatory authority.

3 (11) The department shall hold a hearing under ch. 227 if any interested  
4 person, in lieu of proceeding under ch. 68, appeals to the department alleging that  
5 the person making an investigation of the appellant has a financial interest in a  
6 regulated cigarette and tobacco product retailer, tobacco vending machine operator,  
7 tobacco vending machine premises or tobacco vending machine which may interfere  
8 with his or her ability to properly take that action.

9 \*b0713/1.4\* **SECTION 2485L.** 254.92 (2) (b) of the statutes is created to read:  
10 254.92 (2) (b) A person under 18 years of age, but not under 15 years of age,  
11 may purchase, attempt to purchase or possess cigarettes or tobacco products in the  
12 course of his or her participation in an investigation under s. 254.916 that is  
13 conducted in accordance with s. 254.916 (3) (a).”.

14 \*b0828/2.18\* **930.** Page 1233, line 19: after that line insert:

15 \*b0828/2.18\* **SECTION 2485t.** 255.05 (1)(a) of the statutes is amended to read:  
16 255.05 (1) (a) “Institution” means any hospital, nursing home, county home,  
17 county mental hospital, ~~tuberculosis sanatorium,~~ community-based residential  
18 facility or other place licensed or approved by the department under ~~ss. s.~~ s. 49.70,  
19 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, ~~or 51.09, 58.06, 252.073 and 252.076.~~”.

20 \*b0777/2.17\* **931.** Page 1234, line 14: after “may” insert “, beginning July 1,  
21 2000,”.

22 \*b0777/2.18\* **932.** Page 1234, line 24: delete that line and substitute  
23 “\$500,000 in fiscal year 2000–01 and in each fiscal year thereafter.”.