

(E) cont.

1 *-1598/7.58* SECTION 1992. 139.45 of the statutes is amended to read:

2 **139.45 Prosecutions by attorney general.** Upon request by the secretary
3 of revenue, the attorney general may represent this state or assist a district attorney
4 in prosecuting any case arising under this subchapter or under ss. 134.65 and 134.66.

5 The attorney general may take any action necessary to enforce s. 139.345.

6 *b0202/P3.16* SECTION 1992c. 139.46 of the statutes is created to read:

7 **139.46 Lists.** The department shall compile and maintain a list of direct
8 marketers who have complied with the requirements of s. 139.345 and a list of direct
9 marketers who the department knows have not complied with such requirements.
10 The department shall provide copies of the lists described under this section to the
11 attorney general and to each person who delivers cigarettes to consumers in this
12 state that are sold by direct marketing under s. 139.345.

13 () delete line space

14 *-1598/7.69* SECTION 2003. 139.75 (12) of the statutes is amended to read:

15 139.75 (12) "Tobacco products" means cigars; cheroots; stogies; periques;
16 granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff;
17 snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos;
18 shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds
19 and forms of tobacco prepared in such manner as to be suitable for chewing or
20 smoking in a pipe or otherwise, or both for chewing and smoking; but "tobacco
21 products" does not include cigarettes, as defined under s. 139.30 (4) (1m).

22 () delete line space

23 *b0234/P2.2* SECTION 2009m. 139.801 of the statutes is created to read:

24 **139.801 Bad debt deductions.** (1) In this section, "bad debt" means an
25 amount that is equal to the purchase price of tobacco products, if such amount may

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1 be claimed as a deduction under section 166 of the Internal Revenue Code. “Bad
2 debt” does not include financing charges, interest on the wholesale price of tobacco
3 products, uncollectible amounts on property that remains in the seller’s possession
4 until the full purchase price is paid, expenses incurred in attempting to collect any
5 debt, debts sold or assigned to 3rd parties for collection, and repossessed property.

6 (2) A distributor who pays the taxes imposed under s. 139.76 may claim as a
7 deduction on a return under s. 139.77 the amount of any such taxes that are
8 attributable to bad debt that the distributor writes off as uncollectible in the
9 distributor’s books and records and that is eligible to be deducted as bad debt for
10 federal income tax purposes, regardless of whether the distributor is required to file
11 a federal income tax return. A distributor who claims a deduction under this section
12 shall claim the deduction on the return under s. 139.77 that is submitted for the
13 period in which the distributor writes off the amount of the deduction as uncollectible
14 in the distributor’s books and records and in which such amount is eligible to be
15 deducted as bad debt for federal income tax purposes. If the distributor subsequently
16 collects in whole or in part any bad debt for which a deduction is claimed under this
17 section, the distributor shall include the amount collected in the return filed for the
18 period in which the amount is collected and shall pay the tax with the return.

19 (3) A distributor who claims a deduction under this section shall submit with
20 the return under sub. (2) all of the following:

21 (a) A copy of the original invoice for the sale of tobacco products that represents
22 bad debt.

23 (b) Evidence that the tobacco products described in the invoice under par. (a)
24 were delivered to the person who ordered them.

1 (c) Evidence that the person who ordered and received the cigarettes did not
2 pay the distributor for the tobacco products.

3 (d) Evidence that the distributor used reasonable collection practices in
4 attempting to collect the amount owed under par. (c).

5 (4) Any person who possesses tobacco products for which the taxes imposed
6 under this subchapter have not been paid and have been claimed as a deduction
7 under this section shall file a report as prescribed by the department, pay the taxes
8 imposed under this subchapter on the tobacco products, and be subject to this
9 subchapter in the same manner as is provided for persons who hold valid permits
10 under this subchapter.

11 *b0234/P2.2* SECTION 2009n. 139.802 of the statutes is created to read:

12 **139.802 Preferred claims.** If the property of any purchaser of tobacco
13 products from any permittee under this subchapter is seized upon any intermediate
14 or final process of any court in this state, or if the business of any purchaser of tobacco
15 products from any permittee under this subchapter is suspended by the action of
16 creditors or put into the hands of any assignee, receiver, or trustee, all amounts that
17 are due from the purchaser to any permittee taxes imposed under this subchapter
18 that the permittee has paid to the state for tobacco products purchased from the
19 permittee shall be considered preferred claims, and shall be paid in full, and the
20 permittee shall be a preferred creditor.

21 *b0276/1.5* SECTION 2012c. 139.91 (1) of the statutes is amended to read:

22 139.91 (1) The Except as provided in sub. (4), the department may not reveal
23 facts obtained in administering this subchapter, except that the department may
24 publish statistics that do not reveal the identities of dealers.

25 *b0276/1.5* SECTION 2013c. 139.91 (4) of the statutes is created to read:

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SECTION 2013c

1 139.91 (4) The secretary of revenue and employees of that department may
2 reveal facts obtained in administering this subchapter for the purposes of preparing
3 and maintaining the list of persons with unpaid tax obligations as described in s.
4 73.03 (62) so that the list of such persons is available for public inspection.

5 *~~0502/1.1~~* SECTION 2014. 145.08 (1) (b) of the statutes is amended to read:

6 145.08 (1) (b) For master plumber's license, ~~\$250~~ \$500, and ~~\$250~~ \$500 for each
7 renewal of the ~~2-year~~ 4-year license if application is made prior to the date of
8 expiration; after that date an additional fee of \$20.

9 *~~0502/1.2~~* SECTION 2015. 145.08 (1) (d) of the statutes is amended to read:

10 145.08 (1) (d) For journeyman plumber's license, ~~\$90~~ \$180, and ~~\$90~~ \$180 for
11 each renewal of the ~~2-year~~ 4-year license if application is made prior to the date of
12 expiration; after that date an additional fee of \$10.

13 *~~0502/1.3~~* SECTION 2016. 145.08 (1) (e) of the statutes is amended to read:

14 145.08 (1) (e) For temporary permit pending examination and issuance of
15 license for master plumber, \$400; for journeyman \$150 and which shall also cover the
16 examination fee prescribed and the license fee for the ~~2-year~~ 4-year period in which
17 issued.

18 *~~0502/1.4~~* SECTION 2017. 145.08 (1) (g) of the statutes is amended to read:

19 145.08 (1) (g) For master plumber's license (restricted), ~~\$250~~ \$500, and ~~\$250~~
20 \$500 for each renewal of the ~~2-year~~ 4-year license if application is made prior to the
21 date of expiration; after that date an additional fee of \$20. .

22 *~~0502/1.5~~* SECTION 2018. 145.08 (1) (i) of the statutes is amended to read:

23 145.08 (1) (i) For journeyman plumber's license (restricted), ~~\$90~~ \$180, and ~~\$90~~
24 \$180 for each renewal of the ~~2-year~~ 4-year license if application is made prior to the
25 date of expiration; after that date an additional fee of \$10.

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SECTION 2019

1 *~~0502/1.6~~* SECTION 2019. 145.08 (1) (L) of the statutes is amended to read:

2 145.08 (1) (L) For an automatic fire sprinkler contractor's license, ~~\$1,000~~
3 ~~\$2,000~~, and ~~\$1,000~~ \$2,000 for each renewal of the ~~2-year~~ 4-year license if application
4 is made prior to the date of expiration; after that date an additional fee of \$25.

5 *~~0502/1.7~~* SECTION 2020. 145.08 (1) (Lm) of the statutes is amended to read:

6 145.08 (1) (Lm) For an automatic fire sprinkler - maintenance only
7 registration, ~~\$200~~ \$400, and ~~\$200~~ \$400 for each renewal of the ~~2-year~~ 4-year
8 registration if application is made prior to the date of expiration; after that date an
9 additional fee of \$25.

10 *~~0502/1.8~~* SECTION 2021. 145.08 (1) (n) of the statutes is amended to read:

11 145.08 (1) (n) For a journeyman automatic fire sprinkler fitter's license, ~~\$90~~
12 ~~\$180~~, and ~~\$90~~ \$180 for each renewal of the ~~2-year~~ 4-year license if application is
13 made prior to the date of expiration; after that date an additional fee of \$10.

14 *~~0502/1.9~~* SECTION 2022. 145.08 (1) (nm) of the statutes is amended to read:

15 145.08 (1) (nm) For an automatic fire sprinkler fitter - maintenance only
16 registration certificate, ~~\$30~~ \$60, and ~~\$30~~ \$60 for each renewal of the ~~2-year~~ 4-year
17 registration if application is made prior to the date of expiration; after that date an
18 additional fee of \$10.

19 *~~0502/1.10~~* SECTION 2023. 145.08 (1) (o) of the statutes is amended to read:

20 145.08 (1) (o) For utility contractor's license, ~~\$250~~, \$500 and ~~\$250~~ \$500 for each
21 renewal of the ~~2-year~~ 4-year license if application is made prior to the date of
22 expiration; after that date an additional fee of \$10.

23 *~~0502/1.11~~* SECTION 2024. 145.08 (1) (p) of the statutes is amended to read:

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1 145.08 (1) (p) For a plumbing supervisor employed by the department in accord
2 with s. 145.02 (3) (a), no cost for the appropriate ~~2-year~~ 4-year license for which the
3 plumbing supervisor has previously qualified.

4 *~~0502/1.12~~* SECTION 2025. 145.08 (1) (q) of the statutes is amended to read:

5 145.08 (1) (q) For a pipelayer's registration, ~~\$90~~ \$180 at the time of registration
6 and ~~\$90~~ \$180 for each subsequent ~~2-year~~ 4-year period of registration.

7 *~~0502/1.13~~* SECTION 2026. 145.08 (2) of the statutes is amended to read:

8 145.08 (2) No license or registration may be issued for longer than ~~2~~ 4 years.
9 Any license or registration may be renewed upon application made prior to the date
10 of expiration. The department may renew licenses or registrations upon application
11 made after the date of expiration if it is satisfied that the applicant has good cause
12 for not applying for renewal prior to the date of expiration and upon payment of the
13 renewal and additional fees prescribed.

14 *~~b0308/1.1~~* SECTION 2026r. 146.50 (9) of the statutes is amended to read:

15 146.50 (9) TRAINING. The department may arrange for or approve courses of or
16 instructional programs in or outside this state to meet the education and training
17 requirements of this section, including training required for license or certificate
18 renewal. ~~Courses required for a license or renewal of a license as an emergency~~
19 ~~medical technician – basic shall be free of charge to an individual who is employed~~
20 ~~by or affiliated with a public agency, volunteer fire company or nonprofit corporation~~
21 ~~and is the holder of a license or training permit as an emergency medical technician –~~
22 ~~basic or eligible to hold such a license or training permit.~~ If the department
23 determines that an area or community need exists, the courses shall be offered at
24 technical colleges in the area or community. Initial priority shall be given to the
25 training of emergency medical technicians – basic serving the rural areas of the

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1 state. If an emergency medical technician – basic completes a course approved by
2 the department on treatment of anaphylactic shock, the emergency medical
3 technician – basic acts within the scope of the license if he or she performs injections
4 or other treatment for anaphylactic shock under the direction of a physician.

5 *~~0113/2.3~~* SECTION 2028. 146.55 (5) of the statutes is renumbered 146.55 (5)

6 (a) and amended to read:

7 146.55 (5) (a) From the appropriation under s. 20.435 (5) (ch), the department
8 shall annually distribute funds to ~~entities, including technical college districts,~~
9 ~~whose courses or instructional programs are approved by the department under s.~~
10 ~~146.50 (9), to assist the entities in providing ambulance service providers that are~~
11 ~~public agencies, volunteer fire departments, or nonprofit corporations to purchase~~
12 ~~the training required for licensure and renewal of licensure as an emergency medical~~
13 ~~technician – basic under s. 146.50 (6), and to fund each examination administered~~
14 ~~by the entity pay for administration of the examination required for licensure or~~
15 ~~renewal of licensure as an emergency medical technician – basic under s. 146.50 (6)~~

16 (a) 3. and (b) 1.

****NOTE: This is reconciled s. 146.55 (5). This SECTION has been affected by drafts
with the following LRB numbers: 0113/1 and 1560/2.

17 *~~0113/2.4~~* SECTION 2029. 146.55 (5) (b) of the statutes is created to read:

18 146.55 (5) (b) The department shall require as a condition of relicensure that
19 an ambulance service provider submit to the department a financial report on the
20 expenditure of funds received under par. (a).

21 *~~0113/2.5~~* SECTION 2030. 146.58 (7) of the statutes is amended to read:

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1 146.58 (7) Advise, make recommendations to, and consult with the department
2 concerning the funding under s. 146.55 (4) and (5), including recommending a
3 formula for allocating funds among ambulance service providers under s. 146.55 (5).

4 ***b0329/2.1* SECTION 2031m.** 146.65 (1) (c) of the statutes is created to read:

5 146.65 (1) (c) In each fiscal year, not more than \$400,000, to a rural health clinic
6 in Chippewa Falls to provide dental services to persons who are developmentally
7 disabled or elderly or who have low income, in the area surrounding Chippewa Falls,
8 including the counties of Chippewa, Dunn, Barron, Taylor, Clark, and Eau Claire.

9 ***-0984/4.20* SECTION 2032.** 146.70 (3m) (d) 1g. of the statutes is repealed and
10 recreated to read:

11 146.70 (3m) (d) 1g. If an application under par. (c) includes an estimate of costs
12 identified in par. (c) 1. d. incurred during the reimbursement period or between
13 January 1, 1999, and September 3, 2003, the commission may approve the
14 application only if the commission determines that the local government's collection
15 of land information, as defined in s. 16.967 (1) (b), and development of a land
16 information system, as defined in s. 16.967 (1) (c), that is related to that purpose are
17 consistent with the applicable county land records modernization plans developed
18 under s. 59.72 (3) (b), conform to the standards on which such plans are based, and
19 do not duplicate land information collection and other efforts funded through the
20 land information program under s. 16.967 (7). The commission shall obtain the
21 advice of the department of administration in making determinations under this
22 subdivision.

23
24
25
] delete space

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1 149.10 (3e) “Fund” means the ~~health insurance risk-sharing plan~~ Health
2 Insurance Risk-Sharing Plan fund under s. 149.11 (2).

3 ***b0301/1.8* SECTION 2036c.** 149.10 (7) of the statutes is amended to read:

4 149.10 (7) “Medicare” means coverage under both part A and, part B, and part
5 D of Title XVIII of the federal social security act, 42 USC 1395 et seq., as amended.

6 ***b0301/1.8* SECTION 2036m.** 149.10 (9) of the statutes is amended to read:

7 149.10 (9) “Resident” means a person who has been legally domiciled in this
8 state for a period of at least ~~30 days~~ 6 months or, with respect to an eligible individual,
9 an individual who resides in this state. For purposes of this chapter, legal domicile
10 is established by living in this state and obtaining a Wisconsin motor vehicle
11 operator’s license, registering to vote in Wisconsin or filing a Wisconsin income tax
12 return. A child is legally domiciled in this state if the child lives in this state and if
13 at least one of the child’s parents or the child’s guardian is legally domiciled in this
14 state. A person with a developmental disability or another disability which prevents
15 the person from obtaining a Wisconsin motor vehicle operator’s license, registering
16 to vote in Wisconsin, or filing a Wisconsin income tax return, is legally domiciled in
17 this state by living in this state.

18 ***b0301/1.8* SECTION 2037c.** 149.10 (10) of the statutes is repealed.

19 ***b0301/1.8* SECTION 2037m.** 149.11 of the statutes is repealed and recreated
20 to read:

21 **149.11 Administration of plan.** (1) APPOINTMENT OF BOARD OF DIRECTORS;
22 FORMATION OF ADMINISTERING ORGANIZATION. (a) No later than September 1, 2005, the
23 commissioner shall nominate 13 individuals to be appointed with the advice and
24 consent of the senate to serve as the initial directors of the board of the organization
25 to be formed under par. (b). The board shall consist of 4 representatives of

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1 participating insurers; 4 representatives of health care providers, including one
2 representative of the Wisconsin Medical Society, one representative of the Wisconsin
3 Hospital Association, Inc., one representative of the Pharmacy Society of Wisconsin,
4 and one representative of health care providers that provide services to persons with
5 coverage under the plan; and 5 other members, at least one of whom represents small
6 businesses that purchase private health insurance and at least one of whom is a
7 person with coverage under the plan. In making the nominations to the board, the
8 commissioner shall first consult with one or more trade or professional associations
9 whose members include participating insurers, one or more trade or professional
10 associations whose members include health care providers that provide services to
11 persons with coverage under the plan, and one or more trade or professional
12 associations whose members include small business owners.

13 (b) The individuals appointed as initial directors under par. (a) shall form a
14 private, nonprofit organization under ch. 181 and shall take all actions necessary to
15 exempt the organization from federal taxation under section 501 (a) of the Internal
16 Revenue Code. The articles of incorporation shall include all of the following:

- 17 1. The names and addresses of the 13 individuals as the initial directors.
- 18 2. That the purpose of the organization is to administer the plan.
- 19 3. That the directors, including the initial directors, shall serve staggered
20 3-year terms.
- 21 4. That the directors shall satisfy the criteria specified in par. (a) and shall be
22 nominated by the commissioner, after consultation as specified in par. (a), and
23 appointed with the advice and consent of the senate.

24 (c) As a condition for the release of funds under s. 20.145 (5) (g), the
25 organization, through the board, shall administer the plan in conformity with this

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1 chapter and perform any other duties required of the organization or board under
2 this chapter.

3 (2) FUND. (a) The board shall pay the operating and administrative expenses
4 of the plan from the fund, which shall be outside the state treasury and which shall
5 consist of all of the following:

6 3. The earnings resulting from investments under par. (b).

7 4. Any other moneys received by the organization or board from time to time.

8 (b) The board controls the assets of the fund and shall select regulated financial
9 institutions in this state that receive deposits in which to establish and maintain
10 accounts for assets needed on a current basis. If practicable, the accounts shall earn
11 interest.

12 (c) Moneys in the fund may be expended only for the purposes specified in par.

13 (a).

14 (3) IMMUNITY. No cause of action of any nature may arise against and no
15 liability may be imposed upon the organization, plan, or board; or any agent,
16 employee, or director of any of them; or contributor insurers; or the commissioner;
17 or any of the commissioner's agents, employees, or representatives, for any act or
18 omission by any of them in the performance of their powers and duties under this
19 chapter.

20 *b0301/1.8* SECTION 2038c. 149.115 of the statutes is amended to read:

21 149.115 Rules relating to creditable coverage. The commissioner, ~~in~~
22 ~~consultation with the department,~~ shall promulgate rules that specify how
23 creditable coverage is to be aggregated for purposes of s. 149.10 (2t) (a) and that
24 determine the creditable coverage to which s. 149.10 (2t) (b) and (d) applies. The
25 rules shall comply with section 2701 (c) of P.L. 104-191.

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SECTION 2038m

1 ***b0301/1.8* SECTION 2038m.** 149.12 (1) (intro.) of the statutes is amended to
2 read:

3 149.12 (1) (intro.) Except as provided in subs. (1m) and, (2), and (3), the board
4 ~~or plan administrator~~ shall certify as eligible a person who is covered by ~~medicare~~
5 Medicare because he or she is disabled under 42 USC 423, a person who submits
6 evidence that he or she has tested positive for the presence of HIV, antigen or
7 nonantigenic products of HIV, or an antibody to HIV, a person who is an eligible
8 individual, and any person who receives and submits any of the following based
9 wholly or partially on medical underwriting considerations within 9 months prior to
10 making application for coverage by the plan:

11 ***b0301/1.8* SECTION 2039c.** 149.12 (1) (a) of the statutes is amended to read:
12 149.12 (1) (a) A notice of rejection of coverage from ~~one~~ 2 or more insurers.

13 ***b0301/1.8* SECTION 2039m.** 149.12 (1m) of the statutes is amended to read:
14 149.12 (1m) The board ~~or plan administrator~~ may not certify a person as
15 eligible under circumstances requiring notice under sub. (1) (a) to (d) if the required
16 notices were issued by an insurance intermediary who is not acting as an
17 administrator, as defined in s. 633.01.

18 ***b0301/1.8* SECTION 2040c.** 149.12 (2) (g) of the statutes is created to read:
19 149.12 (2) (g) A person is not eligible for coverage under the plan if the person
20 is eligible for any of the following:

21 1. Services under s. 46.27 (11), 46.275, 46.277, or 46.278.

22 2. Medical assistance provided as part of a family care benefit, as defined in s.
23 46.2805 (4).

24 3. Services provided under a waiver requested under 2001 Wisconsin Act 16,
25 section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c).

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1 4. Services provided under the program of all-inclusive care for persons aged
2 55 or older authorized under 42 USC 1396u-4.

3 5. Services provided under the demonstration program under a federal waiver
4 authorized under 42 USC 1315.

5 6. Health care coverage under the Badger Care health care program under s.
6 49.665.

7 ***b0301/1.8* SECTION 2040m.** 149.12 (3) (a) of the statutes is amended to read:

8 149.12 (3) (a) Except as provided in pars. (b) ~~to (e)~~ and (bm), no person is eligible
9 for coverage under the plan for whom a premium, deductible, or coinsurance amount
10 is paid or reimbursed by a federal, state, county, or municipal government or agency
11 as of the first day of any term for which a premium amount is paid or reimbursed and
12 as of the day after the last day of any term during which a deductible or coinsurance
13 amount is paid or reimbursed.

14 ***b0301/1.8* SECTION 2041c.** 149.12 (3) (c) of the statutes is repealed.

15 ***b0301/1.8* SECTION 2041m.** 149.12 (4) and (5) of the statutes are created to
16 read:

17 149.12 (4) Subject to subs. (1m), (2), and (3), the board may establish criteria
18 that would enable additional persons to be eligible for coverage under the plan. The
19 board shall ensure that any expansion of eligibility is consistent with the purpose of
20 the plan to provide health care coverage for those who are unable to obtain health
21 insurance in the private market and does not endanger the solvency of the plan.

22 (5) The board shall establish policies for determining and verifying the
23 continued eligibility of an eligible person.

24 ***b0301/1.8* SECTION 2042c.** 149.13 (1) of the statutes is amended to read:

1 149.13 (1) Every insurer shall participate in the cost of administering the plan,
2 except the commissioner may by rule exempt as a class those insurers whose share
3 as determined under sub. (2) would be so minimal as to not exceed the estimated cost
4 of levying the assessment. The commissioner shall advise the department board of
5 the insurers participating in the cost of administering the plan.

6 ***b0301/1.8* SECTION 2042m.** 149.13 (3) (a) of the statutes is amended to read:

7 149.13 (3) (a) Each insurer's proportion of participation under sub. (2) shall be
8 determined annually by the commissioner based on annual statements and other
9 reports filed by the insurer with the commissioner. The commissioner shall assess
10 an insurer for the insurer's proportion of participation based on the total
11 assessments estimated by the department ~~under s. 149.143 (2) (a) 3.~~ board.

12 ***b0301/1.8* SECTION 2043c.** 149.13 (3) (b) of the statutes is amended to read:

13 149.13 (3) (b) If the department board or the commissioner finds that the
14 commissioner's authority to require insurers to report under chs. 600 to 646 and 655
15 is not adequate to permit ~~the department,~~ the commissioner or the board to carry out
16 the ~~department's,~~ commissioner's or board's responsibilities under this chapter, the
17 commissioner shall promulgate rules requiring insurers to report the information
18 necessary for the ~~department,~~ commissioner and board to make the determinations
19 required under this chapter.

20 ***b0301/1.8* SECTION 2043m.** 149.13 (4) of the statutes is amended to read:

21 149.13 (4) Notwithstanding subs. (1) to (3), the department board, with the
22 agreement of the commissioner, may perform various administrative functions
23 related to the assessment of insurers participating in the cost of administering the
24 plan.

25 ***b0301/1.8* SECTION 2044c.** 149.14 (1) (a) of the statutes is amended to read:

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1 149.14 (1) (a) The plan shall offer coverage for each eligible person in an
2 annually renewable policy ~~the coverage specified in this section for each eligible~~
3 ~~person~~. If an eligible person is also eligible for ~~medicare~~ Medicare coverage, the plan
4 shall not pay or reimburse any person for expenses paid for by ~~medicare~~ Medicare.

5 ***b0301/1.8* SECTION 2044m.** 149.14 (2) (a) of the statutes is amended to read:

6 149.14 (2) (a) The plan shall provide every eligible person who is not eligible
7 for ~~medicare~~ Medicare with major medical expense coverage. Major medical expense
8 coverage offered under the plan under this section shall pay an eligible person's
9 covered expenses, subject to ~~sub. (3) and~~ deductible, copayment, and coinsurance
10 payments ~~authorized under sub. (5)~~, up to a lifetime limit of \$1,000,000 per covered
11 individual. ~~The maximum limit under this paragraph shall not be altered by the~~
12 ~~board, and no actuarially equivalent benefit may be substituted by the board.~~

13 ***b0301/1.8* SECTION 2045c.** 149.14 (3) (intro.) of the statutes is renumbered
14 149.14 (3) and amended to read:

15 149.14 (3) COVERED EXPENSES. ~~Except as provided in sub. (4), except as~~
16 ~~restricted by cost containment provisions under s. 149.17 (4) and except as reduced~~
17 ~~by the department under ss. 149.143 and 149.144, covered~~ Covered expenses for the
18 coverage under ~~this section~~ the plan shall be the payment rates established by the
19 ~~department under s. 149.142~~ board for the services provided by persons licensed
20 under ch. 446 and certified under s. 49.45 (2) (a) 11. ~~Except as provided in sub. (4),~~
21 ~~except as restricted by cost containment provisions under s. 149.17 (4) and except as~~
22 ~~reduced by the department under ss. 149.143 and 149.144, covered~~ Covered expenses
23 for the coverage under ~~this section~~ the plan shall also be the payment rates
24 established by the ~~department under s. 149.142~~ board for the following services and
25 articles if the service or article is prescribed by a physician who is licensed under ch.

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1 448 or in another state and who is certified under s. 49.45 (2) (a) 11. and if the service
2 or article is provided by a provider certified under s. 49.45 (2) (a) 11.:

3 *b0301/1.8* SECTION 2045m. 149.14 (3) (a) to (r) of the statutes are repealed.

4 *b0301/1.8* SECTION 2046c. 149.14 (4) of the statutes is repealed and
5 recreated to read:

6 149.14 (4) BENEFIT DESIGN. Except as provided in subs. (2) (a) and (6), the board
7 shall determine the benefit design of the plan, including the covered expenses,
8 expenses excluded from coverage, deductibles, copayments, coinsurance,
9 out-of-pocket limits, and coverage limitations. The board may establish more than
10 one benefit design under the plan. All benefit designs shall be comparable to typical
11 individual health insurance policies offered in the private sector market in this state.

12 *b0301/1.8* SECTION 2046m. 149.14 (4c) of the statutes is repealed.

13 *b0301/1.8* SECTION 2047c. 149.14 (4m) of the statutes is renumbered
14 149.142 (2m) and amended to read:

15 149.142 (2m) PAYMENT IS PAYMENT IN FULL. Except for copayments, coinsurance,
16 or deductibles required or authorized under the plan, a provider of a covered service
17 or article shall accept as payment in full for the covered service or article the payment
18 rate determined under ~~ss. 149.142, 149.143 and 149.144 sub. (1)~~ and may not bill an
19 eligible person who receives the service or article for any amount by which the charge
20 for the service or article is reduced under ~~s. 149.142, 149.143 or 149.144 sub. (1)~~.

21 *b0301/1.8* SECTION 2047m. 149.14 (5) of the statutes is repealed.

22 () delete space

23 *b0301/1.8* SECTION 2048c. 149.14 (5m) of the statutes is repealed.

24 *b0301/1.8* SECTION 2048m. 149.14 (6) (a) of the statutes is repealed.

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SECTION 2049c

1 ***b0301/1.8* SECTION 2049c.** 149.14 (6) (b) of the statutes is renumbered
2 149.14 (6).

3 ***b0301/1.8* SECTION 2049m.** 149.14 (7) (b) of the statutes is amended to read:
4 149.14 (7) (b) The department organization has a cause of action against an
5 eligible participant for the recovery of the amount of benefits paid which are not for
6 covered expenses under the plan. Benefits under the plan may be reduced or refused
7 as a setoff against any amount recoverable under this paragraph.

8 ***b0301/1.8* SECTION 2050c.** 149.14 (7) (c) of the statutes is amended to read:
9 149.14 (7) (c) The department organization is subrogated to the rights of an
10 eligible person to recover special damages for illness or injury to the person caused
11 by the act of a 3rd person to the extent that benefits are provided under the plan.
12 Section 814.03 (3) applies to the department organization under this paragraph.

13 ***b0301/1.8* SECTION 2050m.** 149.14 (8) of the statutes is repealed and
14 recreated to read:

15 149.14 (8) **SUBSIDIES.** The board shall provide for subsidies for premiums,
16 deductibles, and copayments for eligible persons with household incomes below a
17 level established by the board.

18 ***b0301/1.8* SECTION 2051c.** 149.141 of the statutes is created to read:
19 **149.141 Premiums.** The board shall set premiums for coverage under the
20 plan at a level that is sufficient to cover 60 percent of plan costs, as provided in s.
21 149.143 (1).

22 ***b0301/1.8* SECTION 2051m.** 149.142 (1) (a) of the statutes is renumbered
23 149.142 (1) and amended to read:

24 149.142 (1) ESTABLISHMENT OF RATES. ~~Except as provided in par. (b), the~~
25 department The board shall establish provider payment rates for covered expenses

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SECTION 2051m

1 that consist of the allowable charges paid under s. 49.46 (2) for the services and
2 articles provided plus an enhancement determined by the department board. The
3 rates shall be based on the allowable charges paid under s. 49.46 (2), projected plan
4 costs, and trend factors. Using the same methodology that applies to medical
5 assistance under subch. IV of ch. 49, the department board shall establish hospital
6 outpatient per visit reimbursement rates and hospital inpatient reimbursement
7 rates that are specific to diagnostically related groups of eligible persons. The
8 adjustments to the usual and customary rates shall be sufficient to cover 20 percent
9 of plan costs, as provided in s. 149.143 (3).

10 *b0301/1.8* SECTION 2052c. 149.142 (1) (b) of the statutes is repealed.

11 *b0301/1.8* SECTION 2052m. 149.142 (2) of the statutes is repealed.

12 *b0301/1.8* SECTION 2053c. 149.143 of the statutes is repealed and recreated
13 to read:

14 **149.143 Payment of plan costs.** The board shall pay plan costs, including
15 any premium, deductible, and copayment subsidies, as follows:

16 (1) Sixty percent from premiums paid by eligible persons.

17 (2) Twenty percent from insurer assessments under s. 149.13.

18 (3) Twenty percent from adjustments to provider payment rates under s.
19 149.142.

20 *b0301/1.8* SECTION 2053m. 149.144 of the statutes is repealed.

21 *b0301/1.8* SECTION 2054c. 149.145 of the statutes is repealed.

22 *b0301/1.8* SECTION 2054m. 149.146 (1) (a) and (b) of the statutes are
23 consolidated, renumbered 149.14 (2) (c) and amended to read:

24 149.14 (2) (c) ~~Beginning on January 1, 1998, in~~ In addition to the coverage
25 ~~required under s. 149.14 pars. (a) and (b),~~ the plan shall offer to all eligible persons

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SECTION 2054m

1 who are not eligible for medicare Medicare a choice of coverage, as described in
2 section 2744 (a) (1) (C), P.L. 104-191. Any such choice of coverage shall be major
3 medical expense coverage. ~~(b) An eligible person under par. (a) who is not eligible~~
4 ~~for Medicare may elect once each year, at the time and according to procedures~~
5 ~~established by the department board, among the coverages offered under this section~~
6 ~~and s. 149.14. If an eligible person elects new coverage, any preexisting condition~~
7 ~~exclusion imposed under the new coverage is met to the extent that the eligible~~
8 ~~person has been previously and continuously covered under this chapter. No~~
9 ~~preexisting condition exclusion may be imposed on an eligible person who elects new~~
10 ~~coverage if the person was an eligible individual when first covered under this~~
11 ~~chapter and the person remained continuously covered under this chapter up to the~~
12 ~~time of electing the new coverage paragraph and par. (a).~~

13 () delete space

14 *b0301/1.8* SECTION 2055c. 149.146 (2) of the statutes is repealed.

15 *b0301/1.8* SECTION 2055m. 149.15 of the statutes is repealed.

16 *b0301/1.8* SECTION 2056c. 149.155 of the statutes is created to read:

17 **149.155 Additional duties of board.** The board shall do all of the following:

18 (1) Adopt policies for the administration of this chapter, including delegation
19 of any part of its powers and its own procedures.

20 (5) Seek to qualify the plan as a state pharmacy assistance program, as defined
21 in 42 CFR 423.464.

22 (6) Annually submit a report to the legislature under s. 13.172 (2) and to the
23 governor on the operation of the plan.

24 *b0301/1.8* SECTION 2056m. 149.16 (title) of the statutes is repealed.

25 *b0301/1.8* SECTION 2057c. 149.16 (1m) of the statutes is repealed.

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SECTION 2057m.

1 ***b0301/1.8* SECTION 2057m.** 149.16 (3) (a) of the statutes is renumbered
2 149.155 (2) and amended to read:

3 149.155 (2) ~~The plan administrator shall perform~~ Perform all eligibility and
4 administrative claims payment functions relating to the plan.

5 ***b0301/1.8* SECTION 2058c.** 149.16 (3) (b) of the statutes is renumbered
6 149.155 (3) and amended to read:

7 149.155 (3) ~~The plan administrator shall establish~~ Establish a premium billing
8 procedure for collection of premiums from insured persons. Billings shall be made
9 on a periodic basis as determined by the department board.

10 ***b0301/1.8* SECTION 2058m.** 149.16 (3) (c) of the statutes is renumbered
11 149.155 (4), and 149.155 (4) (intro.), as renumbered, is amended to read:

12 149.155 (4) (intro.) ~~The plan administrator shall perform~~ Perform all necessary
13 functions to assure timely payment of benefits to covered persons under the plan,
14 including:

15 ***b0301/1.8* SECTION 2059c.** 149.16 (3) (e) of the statutes is repealed.

16 ***b0301/1.8* SECTION 2059m.** 149.16 (4) of the statutes is repealed.

17 ***b0301/1.8* SECTION 2060c.** 149.16 (5) of the statutes is repealed.

18 ***b0301/1.8* SECTION 2060m.** 149.165 of the statutes is repealed.

19 ***b0301/1.8* SECTION 2061c.** 149.17 (1) of the statutes is amended to read:

20 149.17 (1) Subject to ss. ~~149.14 (5m)~~, s. 149.143 and ~~149.146 (2) (b)~~, a rating
21 plan calculated in accordance with generally accepted actuarial principles.

22 ***b0301/1.8* SECTION 2061m.** 149.17 (2) of the statutes is repealed.

23 ***b0301/1.8* SECTION 2062c.** 149.17 (4) of the statutes is repealed.

24 Delete space

25 ***b0301/1.8* SECTION 2062m.** 149.175 of the statutes is repealed.

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SECTION 2063c

1 ***b0301/1.8* SECTION 2063c.** 149.20 of the statutes is repealed.

2 ***-0319/P1.1* SECTION 2065.** 149.25 of the statutes is repealed.

3 ***-0316/3.5* SECTION 2067.** 153.05 (6m) of the statutes is amended to read:

4 153.05 (6m) The department may contract with the group insurance board for
5 the provision of data collection and analysis services related to health maintenance
6 organizations and insurance companies that provide health insurance for state
7 employees. The department shall establish contract fees for the provision of the
8 services. All moneys collected under this subsection shall be credited to the
9 appropriation under s. 20.435 (4) (1) (hg).

10 ***b0413/3.51* SECTION 2067g.** 153.05 (14) of the statutes is created to read:

11 153.05 (14) With respect to health care information required to be collected
12 under this section from health care providers that are not hospitals or ambulatory
13 surgery centers, the department shall do all of the following:

14 (a) Develop procedures to ensure that data are submitted consistently and
15 accurately, including clarifying the place-of-service codes and types of ancillary
16 services that are required to be reported.

17 (b) Work directly with individual physician practice groups to identify and
18 correct data submission errors.

19 (c) Develop and publish standard reports under s. 153.45 (1) (a) that are
20 understandable by individuals other than medical professionals.

21 (d) Make program data available in a timely fashion.

22 (e) Enter into a memorandum of understanding with the department of
23 regulation and licensing to improve the timeliness of updating physician information
24 and to improve the assessment process under s. 153.60 (1).

25

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SECTION 2074

1 *~~0316/3.6~~* SECTION 2074. 153.60 (1) of the statutes is amended to read:

2 153.60 (1) The department shall, by the first October 1 after the
3 commencement of each fiscal year, estimate the total amount of expenditures under
4 this chapter for the department and the board for that fiscal year for data collection,
5 database development and maintenance, generation of data files and standard
6 reports, orientation and training provided under s. 153.05 (9) (a) and maintaining
7 the board. The department shall assess the estimated total amount for that fiscal
8 year, less the estimated total amount to be received for purposes of administration
9 of this chapter under s. 20.435 (4) (1) (hi) during the fiscal year; and the
10 unencumbered balance of the amount received for purposes of administration of this
11 chapter under s. 20.435 (4) (1) (hi) from the prior fiscal year ~~and the amount in the~~
12 ~~appropriation account under s. 20.435 (1) (dg), 1997 stats., for the fiscal year, to~~
13 health care providers, other than hospitals and ambulatory surgery centers, who are
14 in a class of health care providers from whom the department collects data under this
15 chapter in a manner specified by the department by rule. The department shall
16 obtain approval from the board for the amounts of assessments for health care
17 providers other than hospitals and ambulatory surgery centers. The department
18 shall work together with the department of regulation and licensing to develop a
19 mechanism for collecting assessments from health care providers other than
20 hospitals and ambulatory surgery centers. No health care provider that is not a
21 facility may be assessed under this subsection an amount that exceeds \$75 per fiscal
22 year. All payments of assessments shall be credited to the appropriation under s.
23 20.435 (4) (1) (hg).

24 *~~0316/3.7~~* SECTION 2075. 153.60 (3) of the statutes is amended to read:

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SECTION 2075

1 153.60 (3) The department shall, by the first October 1 after the
2 commencement of each fiscal year, estimate the total amount of expenditures
3 required for the collection, database development and maintenance and generation
4 of public data files and standard reports for health care plans that voluntarily agree
5 to supply health care data under s. 153.05 (6r). The department shall assess the
6 estimated total amount for that fiscal year to health care plans in a manner specified
7 by the department by rule and may enter into an agreement with the office of the
8 commissioner of insurance for collection of the assessments. Each health plan that
9 voluntarily agrees to supply this information shall pay the assessments on or before
10 December 1. All payments of assessments shall be deposited in the appropriation
11 under s. 20.435 (4) (1) (hg) and may be used solely for the purposes of s. 153.05 (6r).

12 *~~0316/3.8~~* SECTION 2076. 153.65 (1) of the statutes is amended to read:

13 153.65 (1) The department may, but is not required to, provide, upon request
14 from a person, a data compilation or a special report based on the information
15 collected by the department. The department shall establish user fees for the
16 provision of these compilations or reports, payable by the requester, which shall be
17 sufficient to fund the actual necessary and direct cost of the compilation or report.
18 All moneys collected under this subsection shall be credited to the appropriation
19 under s. 20.435 (4) (1) (hi).

20 () delete space

21 *b0120/3.5* SECTION 2081na. 157.061 (2g) of the statutes is created to read:

22 157.061 (2g) "Cemetery board" means the board created in s. 15.405 (3m).

23 *b0120/3.5* SECTION 2081nb. 157.08 (2) (b) of the statutes is amended to read:

24 157.08 (2) (b) Before a cemetery authority sells or encumbers any cemetery
25 land, except for a sale described in par. (a), the cemetery authority shall notify the

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SECTION 2081nb

1 ~~department~~ cemetery board in writing of the proposed sale or encumbrance. If
2 within 60 days after the ~~department~~ cemetery board is notified of the proposed sale
3 or encumbrance the ~~department~~ cemetery board notifies the cemetery authority in
4 writing that the ~~department~~ cemetery board objects to the sale or encumbrance the
5 cemetery authority may not sell or encumber the cemetery land unless the
6 ~~department~~ cemetery board subsequently notifies the cemetery authority in writing
7 that the objection is withdrawn. The ~~department~~ cemetery board may object to a sale
8 or encumbrance only if it determines that the cemetery authority will not be
9 financially solvent or that the rights and interests of owners of cemetery lots and
10 mausoleum spaces will not be adequately protected if the sale or encumbrance
11 occurs. The ~~department~~ cemetery board may, before the expiration of the 60-day
12 period, notify the cemetery authority in writing that the ~~department~~ cemetery board
13 approves of the sale or encumbrance. Upon receipt of the department's cemetery
14 board's written approval, the cemetery authority may sell or encumber the cemetery
15 land and is released of any liability under this paragraph. The ~~department~~ cemetery
16 board shall make every effort to make determinations under this paragraph in an
17 expeditious manner.

18 ***b0120/3.5* SECTION 2081nc.** 157.08 (5) of the statutes is amended to read:

19 157.08 (5) Subsections (1) and (2) (b) do not apply to a religious society
20 organized under ch. 187, and sub. (2) (b) does not apply to a cemetery authority that
21 is not required to be ~~registered~~ licensed under s. 440.91 (1) and that is not organized
22 or conducted for pecuniary profit.

23 ***b0120/3.5* SECTION 2081nd.** 157.11 (11) of the statutes is amended to read:

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SECTION 2081nd

1 157.11 (11) EXEMPTION FOR CERTAIN NONPROFIT CEMETERIES. Subsection (9g) does
2 not apply to a cemetery authority that is not required to be ~~registered~~ licensed under
3 s. 440.91 (1) and that is not organized or conducted for pecuniary profit.

4 ***b0120/3.5* SECTION 2081ne.** 157.128 (3) (b) of the statutes is amended to
5 read:

6 157.128 (3) (b) A cemetery consisting of less than 20 contiguous acres may be
7 dedicated by a cemetery authority that is not required to be ~~registered~~ licensed under
8 s. 440.91 (1) and that is not organized or conducted for pecuniary profit.

9 ***b0120/3.5* SECTION 2081ng.** 157.19 (5) (a) of the statutes is amended to read:

10 157.19 (5) (a) This section does not apply to care funds under s. 157.11 (9g) that
11 are deposited with a city or county as provided under s. 157.11 (9g) (a), to care funds
12 of a cemetery for which a certification under s. 157.63 is effective, to preneed trust
13 funds of a cemetery for which a certification under s. 440.92 (9) is effective, or to care
14 funds or preneed trust funds of a cemetery authority that is not required to be
15 ~~registered~~ licensed under s. 440.91 (1) and that is not organized or conducted for
16 pecuniary profit.

17 ***b0120/3.5* SECTION 2081ni.** 157.625 (3) of the statutes is amended to read:

18 157.625 (3) Section 157.62 does not apply to a cemetery authority that is not
19 required to be ~~registered~~ licensed under s. 440.91 (1) and that is not organized or
20 conducted for pecuniary profit.

21 ***b0120/3.5* SECTION 2081s.** 157.65 (2) of the statutes is amended to read:

22 157.65 (2) The department of justice or any district attorney, upon informing
23 the department of justice, may commence an action in circuit court in the name of
24 the state to restrain by temporary or permanent injunction any violation of this
25 subchapter. The court may, prior to entry of final judgment, make such orders or

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SECTION 2081s

1 judgments as may be necessary to restore to any person any pecuniary loss suffered
2 because of the acts or practices involved in the action, if proof of such loss is submitted
3 to the satisfaction of the court. The department of justice may subpoena persons and
4 require the production of books and other documents, and may request the
5 ~~department of regulation and licensing board described in s. 15.405 (3m)~~ or the
6 department of commerce to exercise its authority under sub. (1) to aid in the
7 investigation of alleged violations of this subchapter.

8 *~~1059/P2.3~~ SECTION 2086. 165.755 (1) (a) of the statutes is amended to read:

9 165.755 (1) (a) Except as provided in par. (b), a court shall impose under ch. 814
10 a crime laboratories and drug law enforcement surcharge of \$7 ~~\$8~~ if the court
11 imposes a sentence, places a person on probation, or imposes a forfeiture for a
12 violation of state law or for a violation of a municipal or county ordinance.

13 *b0134/2.10* SECTION 2086s. 165.89 (title) and (4) of the statutes are created

14 to read:

15 **165.89 (title) Grants to certain counties for law enforcement programs.**

16 (4) Notwithstanding subs. (1) and (2) and any criteria and procedures
17 developed under sub. (3), the department shall allocate \$300,000 to Forest County
18 each fiscal year from the appropriation account under s. 20.455 (2) (kq) to fund law
19 enforcement services.

20 *b0134/2.11* SECTION 2088m. 165.91 (title) of the statutes is created to read:

21 **165.91 (title) Grants to tribes for law enforcement programs.**

22 *(delete space)*

23 *~~0302/4.64~~* SECTION 2094. 168.01 (2) of the statutes is amended to read:

24 168.01 (2) "Supplier" includes a person who imports, or acquires immediately
25 upon import, petroleum products by pipeline or marine vessel from a state, territory

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SECTION 2094

1 or possession of the United States or from a foreign country into a terminal and who
2 is registered under 26 USC 4101 for tax-free transactions in gasoline. "Supplier"
3 also includes a person who produces in this state; or imports into a terminal or bulk
4 plant; or acquires immediately upon import by truck, railcar or barge into a terminal;
5 alcohol or alcohol derivative products. "Supplier" also includes a person who
6 produces, manufactures or refines petroleum products in this state. "Supplier" also
7 includes a person who acquires petroleum products pursuant to an industry terminal
8 exchange agreement or by a 2-party exchange under section 4105 of the Internal
9 Revenue Code. "Supplier" does not include a retail dealer or wholesaler who merely
10 blends alcohol with gasoline before the sale or distribution of the product and does
11 not include a terminal operator who merely handles in a terminal petroleum
12 products consigned to the terminal operator.

13 *b0044/P1.1* SECTION 2094m. 180.0122 (1) (u) of the statutes is amended to
14 read:

15 180.0122 (1) (u) Application for certificate of authority, \$100, and \$2 \$3 for
16 every \$1,000 or fraction thereof of the foreign corporation's capital exceeding \$60,000
17 employed or to be employed in this state, computed as provided in s. 180.1503, as
18 shown by the application.

19 *b0331/2.3* SECTION 2094f. 168.12 (1) of the statutes is amended to read:

20 168.12 (1) Except as provided in subs. (1g) and (1r), there is imposed a
21 petroleum inspection fee at the rate of 3 2 cents per gallon on all petroleum products
22 that are received by a supplier for sale in this state or for sale for export to this state.
23 The department of revenue shall determine when a petroleum product is received
24 under this subsection in the same manner that it determines under s. 78.07 when

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SECTION 2094f

1 motor vehicle fuel is received. The fee shall be paid under s. 168.125 and shall be
2 based on the number of gallons reported under s. 168.125.

3 *~~1255/2.1~~* SECTION 2095. 180.0122 (1) (w) of the statutes is amended to read:

4 180.0122 (1) (w) Application for certificate of withdrawal, \$40, and in case that
5 application shows that the foreign corporation employs in this state capital in excess
6 of the amount of capital on which a fee has previously been paid, computed as
7 provided in s. 180.1520 (2) (f), an additional fee which, with previous payments made
8 on account of capital employed in this state, will amount to \$2 ~~\$3~~ for each \$1,000 or
9 fraction thereof of the excess.

10 *~~1255/2.2~~* SECTION 2096. 180.0122 (1) (y) of the statutes is amended to read:

11 180.0122 (1) (y) Annual report of a foreign corporation, \$65, and in case the
12 annual report shows that the foreign corporation employs in this state capital in
13 excess of the amount of capital on which a fee has previously been paid, computed
14 as provided in s. 180.1503, an additional fee which, with previous payments made
15 on account of capital employed in this state, will amount to \$2 ~~\$3~~ for each \$1,000 or
16 fraction thereof of the excess.

17 *~~1510/2.31~~* SECTION 2097. 182.028 of the statutes is amended to read:

18 **182.028 School corporations.** Any corporation formed for the establishment
19 and maintenance of schools, academies, seminaries, colleges, or universities or for
20 the cultivation and practice of music shall have power to enact bylaws for the
21 protection of its property, and provide fines as liquidated damages upon its members
22 and patrons for violating the bylaws, and may collect the same in tort actions, and
23 to prescribe and regulate the courses of instruction therein, and to confer such
24 degrees and grant such diplomas as are usually conferred by similar institutions or
25 as shall be appropriate to the courses of instruction prescribed, except that no

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1 corporation shall operate or advertise a school that is subject to s. 45.54 38.50 (10)
2 without complying with the requirements of s. 45.54 38.50. Any stockholder may
3 transfer his or her stock to the corporation for its use; and if the written transfer so
4 provides the stock shall be perpetually held by the board of directors with all the
5 rights of a stockholder, including the right to vote.

6 *b0370/3.7* SECTION 2097m. 196.20 (7) (c) of the statutes is renumbered
7 196.20 (7) (c) 1. and amended to read:

8 196.20 (7) (c) 1. The Except as provided in subd. 2., the commission shall only
9 approve a mitigation payment agreement that is received by the commission before
10 June 10, 2003, and, if the commission finds the agreement to be reasonable, shall not
11 subsequently modify the agreement.

12 *b0370/3.7* SECTION 2097n. 196.20 (7) (c) 2. of the statutes is created to read:

13 196.20 (7) (c) 2. If the commission receives a mitigation payment agreement
14 before June 10, 2003, and does not determine that the agreement is unreasonable
15 before November 11, 2003, mitigation payments in accordance with the terms of the
16 agreement shall be recoverable in rates, notwithstanding any subsequent
17 limitations imposed by the commission on the mitigation payments.

18 *b0419/2.1* SECTION 2097q. 196.218 (3) (e) of the statutes is amended to read:

19 196.218 (3) (e) Except as provided in par. (f) and s. 196.196 (2) (d), a
20 telecommunications provider or other person may not establish a surcharge on
21 customers' bills to collect from customers contributions required under this
22 subsection.

23 *b0419/2.1* SECTION 2097r. 196.218 (3) (f) of the statutes is amended to read:

24 196.218 (3) (f) Notwithstanding ss. 196.196 (1) and (5) (d) 2., 196.20 (2m), (5)
25 and (6), 196.213 and 196.215, a telecommunications utility that provides local

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SECTION 2097r

1 exchange service may make adjustments to local exchange service rates for the
2 purpose of recovering the portion of its contributions to the universal service fund
3 that is determined by the commission under par. (a) 4. A telecommunications utility
4 that adjusts local exchange service rates for the purpose of recovering all or any
5 amount of that portion shall identify on customer bills a single amount that is the
6 total amount of the adjustment. The public service commission shall provide
7 telecommunications utilities the information necessary to identify such amounts on
8 customer bills.

9 *–1786/P1.2* SECTION 2098. 196.219 (3m) of the statutes is created to read:

10 196.219 (3m) LATE PAYMENT CHARGES. (a) *Maximum allowed.* 1. Except as
11 provided in subds. 2. and 3., a telecommunications utility may not impose a late
12 payment charge on a retail consumer at a rate that exceeds \$1.50 upon \$100 for each
13 month computed upon the declining principal balance of any amount that is not paid
14 when due.

15 2. Except as provided in subd. 3., if the maximum late payment charge for any
16 month that is allowed under subd. 1. is less than \$5 for that month, the
17 telecommunications utility may impose a late payment charge that does not exceed
18 \$5 for that month. This subdivision does not apply to residential retail consumers.

19 3. The commission may allow a telecommunications utility to impose a late
20 payment charge at a rate that is greater than that allowed under subd. 1. or 2. if the
21 commission determines that the greater amount is consistent with the factors
22 specified in s. 196.03 (6).

23 (c) *Commission jurisdiction.* The commission does not have jurisdiction over
24 late payment charges except as may be necessary to enforce the requirements of this
25 subsection.

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SECTION 2098m

1 ***b0370/3.8* SECTION 2098m.** 196.491 (3) (gm) of the statutes is amended to
2 read:

3 196.491 (3) (gm) The commission may not approve an application filed after
4 October 29, 1999, under this subsection for a certificate of public convenience and
5 necessity for a high-voltage transmission line that is designed for operation at a
6 nominal voltage of 345 kilovolts or more unless the approval includes the condition
7 that the applicant shall pay the fees specified in sub. (3g) (a). If the commission has
8 approved an application under this subsection for a certificate of public convenience
9 and necessity for a high-voltage transmission line that is designed for operation at
10 a nominal voltage of 345 kilovolts or more that was filed after April 1, 1999, and
11 before October 29, 1999, the commission shall require the applicant to pay the fees
12 specified in sub. (3g) (a). For any application subject to this paragraph, the
13 commission shall determine the cost net book value of the high-voltage transmission
14 line, identify the counties, towns, villages and cities through which the high-voltage
15 transmission line is routed and allocate the amount of investment associated with
16 the high-voltage transmission line to each such county, town, village and city.

17 ***-1394/1.1* SECTION 2099.** 218.0116 (1) (gr) of the statutes is created to read:
18 218.0116 (1) (gr) Being a dealer who violates s. 218.0146 (4).

19 ***-1394/1.2* SECTION 2100.** 218.0146 (4) of the statutes is created to read:
20 218.0146 (4) A motor vehicle dealer who is required to process ^{an} application
21 for transfer of title and registration under s. 342.16 (1) (a) shall comply with the
22 requirements of s. 342.16 (1) (am).

23 ***-1826/1.1* SECTION 2107.** 230.08 (2) (e) 5m. of the statutes is amended to
24 read:

25 230.08 (2) (e) 5m. Historical society — 6 5.

ASSEMBLY BILL 100

SECTION 2107d

1 ***b0039/1.1* SECTION 2107d.** 230.08 (2) (e) 8. of the statutes is amended to read:

2 230.08 (2) (e) 8. Natural resources — 7 6.

3 *() delete line space*

4 ***-0745/2.4* SECTION 2109.** 230.08 (2) (x) of the statutes is amended to read:

5 230.08 (2) (x) The executive director of the waste facility siting board, unless
6 the board chooses to appoint the executive director under the classified service. ✓

7 ***b0128/2.17* SECTION 2109j.** 230.08 (2) (yr) of the statutes is repealed. ✓

8 ***-0648/1.2* SECTION 2111.** 230.45 (3) of the statutes is amended to read:

9 230.45 (3) The commission shall promulgate rules establishing a schedule of
10 filing fees to be paid by any person who files an appeal under sub. (1) (c) or (e) or s.
11 230.44 (1) (a) or (b) with the commission on or after the effective date of the rules
12 promulgated under this subsection. Fees paid under this subsection shall be
13 deposited ~~in the general fund as general purpose revenue – earned~~ credited to the
14 appropriation account under s. 20.425 (1) (i).

15 ***b0147/2.19* SECTION 2118r.** 236.13 (1) (c) (intro.) of the statutes is amended
16 to read:

17 236.13 (1) (c) (intro.) ~~–A comprehensive plan under s. 66.1001 or, if the~~
18 ~~municipality, town, or county does not have a comprehensive plan, either~~ Either of
19 the following:

20 ***b0241/P2.2* SECTION 2118k.** 234.165 (2) (c) (intro.) of the statutes is
21 amended to read:

22 234.165 (2) (c) (intro.) Surplus Except as provided in sub. (3), surplus may be
23 expended or encumbered only in accordance with the plan approved under par. (b),
24 except that the authority may transfer from one plan category to another:

ASSEMBLY BILL 100

SECTION 2118L

1 ***b0241/P2.2* SECTION 2118L.** 234.165 (2) (c) (intro.) of the statutes, as
2 affected by 2005 Wisconsin Act (this act), is amended to read:

3 234.165 (2) (c) (intro.) ~~Except as provided in sub. (3), surplus~~ Surplus may be
4 expended or encumbered only in accordance with the plan approved under par. (b),
5 except that the authority may transfer from one plan category to another:

6 ***b0241/P2.2* SECTION 2118m.** 234.165 (3) of the statutes is created to read:

7 234.165 (3) For the purpose of housing grants and loans under s. 560.9803 and
8 housing grants under s. 560.9805, in fiscal year 2005-06 the authority shall transfer
9 to the department of commerce \$3,000,000 of its actual surplus under this section
10 and in fiscal year 2006-07 the authority shall transfer to the department of
11 commerce \$2,000,000 of its actual surplus under this section.

12 ***b0241/P2.2* SECTION 2118n.** 234.165 (3) of the statutes, as created by 2005
13 Wisconsin Act (this act), is repealed.

14 ***-1363/1.8* SECTION 2119.** 237.15 of the statutes is repealed.

15 ***-0347/2.4* SECTION 2120.** 250.041 (1) (a) of the statutes is repealed.

16 ***-0347/2.5* SECTION 2121.** 250.05 (title) of the statutes is renumbered 440.70
17 (title).

18 ***-0347/2.6* SECTION 2122.** 250.05 (1) of the statutes is renumbered 440.70 (1).

19 ***-0347/2.7* SECTION 2123.** 250.05 (2) of the statutes is renumbered 440.70 (2).

20 ***-0347/2.8* SECTION 2124.** 250.05 (3) of the statutes is renumbered 440.70 (3)
21 and amended to read:

22 440.70 (3) SANITARIANS; EMPLOYMENT OR CONTRACTUAL SERVICES. Any agency of
23 the state may employ or contract for the services of sanitarians, registered under this
24 section, who shall enforce the public health statutes under chs. 250 to 255 or rules
25 promulgated under those statutes.

ASSEMBLY BILL 100

SECTION 2125

1 *~~0347/2.9~~* SECTION 2125. 250.05 (5) of the statutes is renumbered 440.70 (5)
2 and amended to read:

3 440.70 (5) REGISTRATION. Except as provided in sub. (8m) and s. 250.041 s.
4 440.12 or 440.13, the department, upon application on forms prescribed by it and
5 payment of the prescribed fee, shall register as a sanitarian any person who satisfies
6 the conditions in sub. (6) and who has presented evidence satisfactory to the
7 department that sanitarian registration standards and qualifications of the
8 department, as established by rule, have been met.

9 *~~b0055/2.3~~* SECTION 2126m. 250.05 (6) of the statutes is repealed.

10 *~~0347/2.11~~* SECTION 2127. 250.05 (7) of the statutes is renumbered 440.70
11 (7).

12 *~~0347/2.12~~* SECTION 2128. 250.05 (8) of the statutes is renumbered 440.70
13 (8) and amended to read:

14 440.70 (8) REVOCATION OF REGISTRATION. The department may, after a hearing
15 held in conformance with ch. 227, ~~except as provided in sub. (8m) (e), revoke or, deny,~~
16 suspend, or limit under this section subchapter the registration of any sanitarian,
17 or reprimand the sanitarian, for practice of fraud or deceit in obtaining the
18 registration or any ~~gross professional negligence~~ unprofessional conduct,
19 ~~incompetence, or misconduct~~ professional negligence.

20 *~~0347/2.13~~* SECTION 2129. 250.05 (8m) of the statutes is repealed.

21 *~~0347/2.14~~* SECTION 2130. 250.05 (9) of the statutes is repealed.

22 *~~0317/2.2~~* SECTION 2131. 250.10 of the statutes is renumbered 250.10 (intro.)
23 and amended to read:

24 **250.10 Grant for dental services.** (intro.) From the appropriation under
25 s. 20.435 (5) (de), the:

INSERTS

insert
809-10

1 *b0204/1.14* **1016.** Page 920, line 11: delete "(a), and the" and substitute "(a)
2 may bring an action to enforce the provisions of s. 125.54 (7) if any of the following
3 apply:

4 (a) The".

5 *b0204/1.15* **1017.** Page 920, line 12: delete the material beginning with
6 "and" and ending with "and" on line 13 and substitute "to (d).

7 (b) The department has rendered a decision under s. 125.12 (6) in which the
8 department has determined that a violation has occurred but no action has been
9 brought in circuit court by the department, attorney general, or a district attorney
10 to prosecute the violation.

11 (2) An intoxicating liquor wholesaler, intoxicating liquor retail licensee or
12 permittee, or intoxicating liquor trade association that brings an action under sub.
13 (1)".

14 *b0204/1.16* **1018.** Page 920, line 20: after "permit" insert ", or at any
15 warehouse premises for which the permittee under this section also holds a permit
16 issued under s. 125.19,".

17 *b0204/1.17* **1019.** Page 921, line 7: delete the material beginning with "In"
18 and ending with "wholesaler" on line 8 and substitute "A wholesaler".

insert
810-13

19 *b0204/1.18* **1020.** Page 921, line 8: after "subsection" insert "shall be fined
20 not more than \$10,000. In addition, a court shall order the wholesaler".

21 *b0204/1.19* **1021.** Page 921, line 10: on lines 10, 13 and 16, delete "may"
22 and substitute "shall".