

1 139.30 (1d) “Bonded direct marketer” means any person who acquires
2 unstamped cigarettes from the manufacturer thereof, affixes stamps to the packages
3 or other containers, stores them and sells them by direct marketing to consumers for
4 their own personal use and who may also acquire stamped cigarettes from
5 manufacturers or distributors for such sales.

6 *–1598/7.16* **SECTION 1950.** 139.30 (1s) of the statutes is created to read:

7 139.30 (1s) “Consumer” means any individual who receives cigarettes for his
8 or her personal use or consumption or any individual who has title to or possession
9 of cigarettes for any purpose other than for sale or resale.

10 *–1598/7.17* **SECTION 1951.** 139.30 (2n) of the statutes is created to read:

11 139.30 (2n) “Direct marketer” means a bonded direct marketer or a nonbonded
12 direct marketer.

13 *–1598/7.18* **SECTION 1952.** 139.30 (2p) of the statutes is created to read:

14 139.30 (2p) “Direct marketing” means publishing or making accessible an offer
15 for the sale of cigarettes to consumers in this state, or selling cigarettes to consumers
16 in this state, using any means by which the consumer is not physically present at the
17 time of sale on a premise that sells cigarettes.

18 *b0202/P3.6* **SECTION 1954b.** 139.30 (4n) of the statutes is created to read:

19 139.30 (4n) “Government issued identification” includes a valid driver’s
20 license, state identification card, passport, or military identification.

21 *–1598/7.22* **SECTION 1956.** 139.30 (8d) of the statutes is created to read:

22 139.30 (8d) “Nonbonded direct marketer” means any person who acquires
23 stamped cigarettes from the manufacturers or distributors, stores them, and sells
24 them by direct marketing to consumers for their own personal use.

25 *–1598/7.24* **SECTION 1958.** 139.30 (10) of the statutes is amended to read:

1 139.30 (10) “Retailer” means ~~any person who sells, exposes for sale or possesses~~
2 ~~with intent to sell to consumers any cigarettes~~ has the meaning given in s. 134.66 (1)
3 (g).

4 *~~1598/7.25~~* SECTION 1959. 139.32 (1) of the statutes is amended to read:

5 139.32 (1) The tax imposed by s. 139.31 (1) shall be paid. To evidence the
6 payment, the department shall provide stamps. A person who has paid the tax shall
7 affix stamps of the proper denomination to each package in which cigarettes are
8 packed, prior to the first sale within this state. First sale does not include a sale by
9 a manufacturer to a distributor or to a bonded direct marketer or by a distributor to
10 a permittee who has obtained department approval as provided for in s. 139.321 (1)
11 (a) 2. The tax shall be paid only once on each package or container.

12 *~~1598/7.27~~* SECTION 1961. 139.32 (5) of the statutes is amended to read:

13 139.32 (5) ~~Manufacturers, bonded direct marketers, and distributors having~~
14 ~~a permit from the secretary who are authorized by the department to purchase tax~~
15 ~~stamps~~ shall receive a discount of 1.6% of the tax paid on stamp purchases.

16 *~~1598/7.28~~* SECTION 1962. 139.32 (5m) of the statutes is amended to read:

17 139.32 (5m) ~~Distributors, bonded direct marketers, and manufacturers shall~~
18 ~~pay to the department the cost of printing and shipping those stamps.~~

19 *~~1598/7.29~~* SECTION 1963. 139.32 (6) of the statutes is amended to read:

20 139.32 (6) ~~Manufacturers, bonded direct marketers, and distributors having~~
21 ~~a permit from the secretary who are authorized by the department to purchase tax~~
22 ~~stamps~~ may purchase stamps on credit. The secretary may require manufacturers,
23 bonded direct marketers, and distributors who purchase stamps on credit to file
24 under the conditions prescribed by the secretary by rule.

1 ***-1598/7.30*** SECTION 1964. 139.321 (1) (intro.) of the statutes is amended to
2 read:

3 139.321 (1) (intro.) It is unlawful for any person to possess ~~in excess of 400~~
4 cigarettes unless the required stamps are properly affixed as provided in ss. 139.32
5 (1) and 139.33 (4).

6 ***-1598/7.32*** SECTION 1966. 139.33 (3) of the statutes is amended to read:

7 139.33 (3) No person other than a member of the armed forces, as specified in
8 this subsection, a licensed distributor, or a bonded direct marketer who is authorized
9 by the department to purchase and affix tax stamps may import into this state ~~more~~
10 ~~than 400~~ cigarettes on which the excise tax imposed by s. 139.31 has not been paid
11 and the container of which does not bear proper stamps. Within 15 days, any such
12 person importing cigarettes shall file a declaration of such cigarettes imported and
13 shall remit therewith the tax on such cigarettes imposed by this section. Members
14 of the armed forces shall not be required to report or pay the tax on cigarettes in their
15 possession if such cigarettes are issued to them by the U.S. government or any of its
16 subdivisions or were purchased in any armed forces post exchange or service store
17 for their personal use or consumption. If the use tax imposed by this section is not
18 paid when due, it shall become delinquent and the person liable for it shall pay, in
19 addition, a penalty of \$25 for each 200 cigarettes. Interest on the delinquent tax and
20 penalty shall accrue at the rate of 1.5% per month or each fraction of a month from
21 the date the tax became due until paid.

22 ***-1598/7.41*** SECTION 1975. 139.34 (3) of the statutes is amended to read:

23 139.34 (3) No distributor or bonded direct marketer may affix stamps to
24 cigarette packages, as provided in s. 139.32, unless the distributor or bonded direct
25 marketer certifies to the department, in a manner prescribed by the department,

1 that the distributor or bonded direct marketer purchases cigarettes directly from a
2 manufacturer.

3 *b0202/P3.11* SECTION 1979b. 139.345 of the statutes is created to read:

4 **139.345 Direct marketing.** (1) (a) (intro.) No person may sell cigarettes to
5 consumers in this state as a direct marketer unless the person submits to the
6 department the person's name, trade name, address of the person's principal place
7 of business, phone number, e-mail address, and Web site address.

8 (b) No person may sell cigarettes as described under this section unless the
9 person certifies to the department, in the manner prescribed by the department, that
10 the person shall acquire stamped cigarettes from a licensed distributor or
11 unstamped cigarettes from the manufacturer thereof, pay the tax imposed under this
12 subchapter on all unstamped cigarettes and affix stamps to the cigarette packages
13 or containers as provided under s. 139.32 (1), store such packages or containers, and
14 sell only such packages or containers to consumers in this state by direct marketing;
15 or acquire cigarettes from a distributor, to the packages or containers of which
16 stamps have been affixed as provided under s. 139.32 (1), and sell only such packages
17 or containers to consumers in this state by direct marketing.

18 (d) No person may sell cigarettes as described in this section unless the person
19 certifies to the department, in the manner prescribed by the department, that the
20 person shall register with credit card and debit card companies; that the invoices and
21 all means of solicitation for all shipments of cigarette sales from the person shall bear
22 the person's name and address; and that the person shall provide the department any
23 information the department considers necessary to administer this section.

24 (2) No person may sell cigarettes to consumers in this state by direct marketing
25 unless the tax imposed under s. 77.52 or 77.53 is paid on the sale of such cigarettes.

1 **(3)** No person may sell cigarettes to consumers in this state unless the person
2 does all of the following:

3 (a) Verifies the consumer's name and address and that the consumer is at least
4 18 years of age by any of the following methods:

5 1. The person uses a database that includes information based on public
6 records.

7 2. The person receives from the consumer, at the time of purchase, a copy of a
8 government issued identification.

9 3. The person uses a mechanism, other than a mechanism specified under subd.
10 1. or 2., that is approved by the department.

11 (b) Obtains from the consumer, at the time of purchase, a statement signed by
12 the consumer that confirms all of the following:

13 1. The consumer's name, address, and birth date.

14 2. That the consumer understands that no person who is under 18 years of age
15 may purchase or possess cigarettes or falsely represent his or her age for the purpose
16 of receiving cigarettes, as provided under s. 254.92.

17 3. That the consumer understands that any person who, for the purpose of
18 obtaining credit, goods, or services, intentionally uses, attempts to use, or possesses
19 with intent to use, any personal identifying information or personal identification
20 document of an individual, including a deceased individual, without the
21 authorization or consent of the individual and by representing that he or she is the
22 individual, that he or she is acting with the authorization or consent of the
23 individual, or that the information or document belongs to him or her, is guilty of a
24 Class H felony, as provided under s. 943.201.

1 (4) Any person who makes a sale of cigarettes by means of the Internet shall,
2 at the time of purchase, obtain the purchaser's electronic mail address and shall
3 receive payment for the sale by credit card, debit card, or check prior to shipping.

4 (5) The invoice for any shipment of cigarettes sold to consumers in this state
5 by direct marketing shall specify the name and address of the seller and any valid
6 permit issued under s. 139.34 that is held by the seller.

7 (6) All packages of cigarettes shipped to consumers in this state shall be clearly
8 labelled "CIGARETTES" on the outside of such packages.

9 (7) (a) No person may deliver a package of cigarettes sold by direct marketing
10 to a consumer in this state unless the person making the delivery receives a
11 government issued identification card from the person receiving the package and
12 verifies that the person receiving the package is at least 18 years of age. If the person
13 receiving the package is not the person to whom the package is addressed, the person
14 delivering the package shall have the person receiving the package sign a statement
15 that affirms that the person to whom the package is addressed is at least 18 years
16 of age.

17 (b) No person may deliver a package of cigarettes to a consumer in this state
18 unless the seller of the cigarettes provides proof to the person making the delivery
19 that the seller has complied with all requirements under this subchapter. A seller
20 shall have no course of action against any person who refuses to deliver cigarettes
21 as provided under this subdivision.

22 *–1598/7.46* SECTION 1980. 139.35 (1) of the statutes is amended to read:

23 139.35 (1) TRANSFERS. No person may give, sell or lend any stamps to another
24 and no person may accept, purchase or borrow any stamps from another. All sales
25 and transfers of stamps may be made only by the secretary to permit holding

1 manufacturers and, distributors, and bonded direct marketers who are authorized
2 by the department to purchase and affix tax stamps.

3 *b0234/P2.1* **SECTION 1980m.** 139.362 of the statutes is created to read:

4 **139.362 Bad debt deductions.** (1) In this section, “bad debt” means an
5 amount that is equal to the purchase price of cigarettes, if such amount may be
6 claimed as a deduction under section 166 of the Internal Revenue Code. “Bad debt”
7 does not include financing charges, interest on the wholesale price of cigarettes,
8 uncollectible amounts on property that remains in the seller’s possession until the
9 full purchase price is paid, expenses incurred in attempting to collect any debt, debts
10 sold or assigned to 3rd parties for collection, and repossessed property.

11 (2) A person who pays the taxes imposed under this subchapter may claim as
12 a deduction on a return under s. 139.38, and against the purchase of stamps under
13 s. 139.32, the amount of any such taxes that are attributable to bad debt that the
14 person writes off as uncollectible in the person’s books and records and that is eligible
15 to be deducted as bad debt for federal income tax purposes, regardless of whether the
16 person is required to file a federal income tax return. A person who claims a
17 deduction under this section shall claim the deduction on the return under s. 139.38
18 that is submitted for the period in which the person writes off the amount of the bad
19 debt as uncollectible in the person’s books and records and in which such amount is
20 eligible to be deducted as bad debt for federal income tax purposes. If the person
21 subsequently collects in whole or in part any bad debt for which a deduction is
22 claimed under this section, the person shall submit to the department the portion of
23 the deduction related to the amount collected, in the manner prescribed by the
24 department and for the period in which the amount is collected.

1 (3) A person who claims a deduction under this section shall submit the claim
2 on a form prescribed by the department and shall submit with the form all of the
3 following:

4 (a) A copy of the original invoice for the sale of cigarettes that represents bad
5 debt.

6 (b) Evidence that the cigarettes described in the invoice under par. (a) were
7 delivered to the person who ordered them.

8 (c) Evidence that the person who ordered and received the cigarettes did not
9 pay the person who claims a deduction under this section for the cigarettes.

10 (d) Evidence that the person who claims a deduction under this section used
11 reasonable collection practices in attempting to collect the amount owed under par.
12 (c).

13 (4) Any person who possesses cigarettes for which the taxes imposed under this
14 subchapter have not been paid and have been claimed as a deduction under this
15 section shall file a report as prescribed by the department, pay the taxes imposed
16 under this subchapter on the cigarettes, and be subject to this subchapter in the same
17 manner as is provided for persons who hold valid permits under this subchapter.

18 ***b0234/P2.1* SECTION 1980n.** 139.363 of the statutes is created to read:

19 **139.363 Preferred claims.** If the property of any purchaser of cigarettes from
20 any permittee under this subchapter is seized upon any intermediate or final process
21 of any court in this state, or if the business of any purchaser of cigarettes from any
22 permittee under this subchapter is suspended by the action of creditors or put into
23 the hands of any assignee, receiver, or trustee, all amounts that are due from the
24 purchaser to any permittee for taxes imposed under this subchapter that the
25 permittee has paid to the state for cigarettes purchased from the permittee shall be

1 considered preferred claims, and shall be paid in full, and the permittee shall be a
2 preferred creditor.

3 ***-1598/7.48* SECTION 1982.** 139.38 (1) of the statutes is amended to read:

4 139.38 (1) Every manufacturer located out of the state shall keep records of all
5 sales of cigarettes shipped into this state. Every manufacturer located in the state
6 shall keep records of production, sales and withdrawals of cigarettes. Every
7 distributor and direct marketer shall keep records of purchases and sales of
8 cigarettes. Every manufacturer, bonded direct marketer, and distributor ~~holding a~~
9 ~~permit from the secretary with the right~~ who is authorized by the department to
10 purchase and apply stamps shall also keep records of purchases and disposition of
11 stamps. Every jobber, multiple retailer, and vending machine operator shall keep
12 records of all purchases and disposition of cigarettes. Every warehouse operator
13 shall keep records of receipts and withdrawals of cigarettes. All such records shall
14 be accurate and complete and be kept in a manner prescribed by the secretary. These
15 records shall be preserved on the premises described in the permit or license in such
16 a manner as to ensure permanency and accessibility for inspection at reasonable
17 hours by authorized personnel of the department.

18 ***-1598/7.49* SECTION 1983.** 139.38 (1m) of the statutes is created to read:

19 139.38 (1m) Records of purchases and sales of cigarettes under sub. (1) that
20 are kept by direct marketers shall indicate, for each shipment of cigarettes into this
21 state in the month preceding the report under sub. (2), the invoice date and number;
22 the quantity of cigarettes shipped; the brand name of the cigarettes shipped; the
23 manufacturer of the cigarettes shipped and the point of origin; the purchaser's name,
24 address, and birth date; the name of the person to whom the cigarettes were shipped;

1 the address to which the cigarettes were shipped; and any other information the
2 department requires.

3 ***-1598/7.50* SECTION 1984.** 139.38 (2) of the statutes is amended to read:

4 139.38 (2) (a) Except as provided in par. (b), every permittee manufacturer,
5 distributor, jobber, and direct marketer shall render a true and correct invoice of
6 every sale of cigarettes at wholesale and every permittee shall on or before the 15th
7 day of each calendar month file a verified report of all cigarettes purchased, sold,
8 received, warehoused or withdrawn during the preceding calendar month.

9 (b) The department may allow any jobber, multiple retailer, nonbonded direct
10 marketer, or vending machine operator permittee who does not sell cigarettes, except
11 for those on which the tax under this chapter is paid, to file a quarterly report. The
12 quarterly report shall be filed on or before the 15th day of the next month following
13 the close of each calendar quarter. The report shall specify the number of cigarettes
14 purchased and sold during the preceding calendar quarter.

15 ***-1598/7.52* SECTION 1986.** 139.395 of the statutes is amended to read:

16 **139.395 Theft of tax moneys.** All cigarette tax moneys received by a
17 distributor, bonded direct marketer, or manufacturer for the sale of cigarettes on
18 which the tax under this subchapter has become due and has not been paid are trust
19 funds in the hands of the distributor, bonded direct marketer, or manufacturer and
20 are the property of this state. Any distributor, bonded direct marketer, or
21 manufacturer who fraudulently withholds, appropriates or otherwise uses cigarette
22 tax moneys that are the property of this state is guilty of theft under s. 943.20 (1),
23 whether or not the distributor, bonded direct marketer, or manufacturer has or
24 claims to have an interest in those moneys.

25 ***-1598/7.58* SECTION 1992.** 139.45 of the statutes is amended to read:

1 **139.45 Prosecutions by attorney general.** Upon request by the secretary
2 of revenue, the attorney general may represent this state or assist a district attorney
3 in prosecuting any case arising under this subchapter or under ss. 134.65 and 134.66.
4 The attorney general may take any action necessary to enforce s. 139.345.

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

6 **139.46 Lists.** The department shall compile and maintain a list of direct
7 marketers who have complied with the requirements of s. 139.345 and a list of direct
8 marketers who the department knows have not complied with such requirements.
9 The department shall provide copies of the lists described under this section to the
10 attorney general and to each person who delivers cigarettes to consumers in this
11 state that are sold by direct marketing under s. 139.345.

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

13 **139.75 (12)** “Tobacco products” means cigars; cheroots; stogies; periques;
14 granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff;
15 snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos;
16 shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds
17 and forms of tobacco prepared in such manner as to be suitable for chewing or
18 smoking in a pipe or otherwise, or both for chewing and smoking; but “tobacco
19 products” does not include cigarettes, as defined under s. 139.30 (1) (1m).

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

21 **139.801 Bad debt deductions.** (1) In this section, “bad debt” means an
22 amount that is equal to the purchase price of tobacco products, if such amount may
23 be claimed as a deduction under section 166 of the Internal Revenue Code. “Bad
24 debt” does not include financing charges, interest on the wholesale price of tobacco
25 products, uncollectible amounts on property that remains in the seller’s possession

1 until the full purchase price is paid, expenses incurred in attempting to collect any
2 debt, debts sold or assigned to 3rd parties for collection, and repossessed property.

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

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

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

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

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

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

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

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

8 **139.802 Preferred claims.** If the property of any purchaser of tobacco
9 products from any permittee under this subchapter is seized upon any intermediate
10 or final process of any court in this state, or if the business of any purchaser of tobacco
11 products from any permittee under this subchapter is suspended by the action of
12 creditors or put into the hands of any assignee, receiver, or trustee, all amounts that
13 are due from the purchaser to any permittee ^{for} taxes imposed under this subchapter
14 that the permittee has paid to the state for tobacco products purchased from the
15 permittee shall be considered preferred claims, and shall be paid in full, and the
16 permittee shall be a preferred creditor.

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

18 139.91 (1) The Except as provided in sub. (4), the department may not reveal
19 facts obtained in administering this subchapter, except that the department may
20 publish statistics that do not reveal the identities of dealers.

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

22 139.91 (4) The secretary of revenue and employees of that department may
23 reveal facts obtained in administering this subchapter for the purposes of preparing
24 and maintaining the list of persons with unpaid tax obligations as described in s.
25 73.03 (62) so that the list of such persons is available for public inspection.

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

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

5 *~~0502/1.2~~* SECTION 2015. 145.08 (1) (d) of the statutes is amended to read:

6 145.08 (1) (d) For journeyman plumber's license, ~~\$90~~ \$180, and ~~\$90~~ \$180 for
7 each 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 \$10.

9 *~~0502/1.3~~* SECTION 2016. 145.08 (1) (e) of the statutes is amended to read:

10 145.08 (1) (e) For temporary permit pending examination and issuance of
11 license for master plumber, \$400; for journeyman \$150 and which shall also cover the
12 examination fee prescribed and the license fee for the ~~2-year~~ 4-year period in which
13 issued.

14 *~~0502/1.4~~* SECTION 2017. 145.08 (1) (g) of the statutes is amended to read:

15 145.08 (1) (g) For master plumber's license (restricted), ~~\$250~~ \$500, and ~~\$250~~
16 \$500 for each renewal of the ~~2-year~~ 4-year license if application is made prior to the
17 date of expiration; after that date an additional fee of \$20.

18 *~~0502/1.5~~* SECTION 2018. 145.08 (1) (i) of the statutes is amended to read:

19 145.08 (1) (i) For journeyman plumber's license (restricted), ~~\$90~~ \$180, and ~~\$90~~
20 \$180 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 \$10.

22 *~~0502/1.6~~* SECTION 2019. 145.08 (1) (L) of the statutes is amended to read:

23 145.08 (1) (L) For an automatic fire sprinkler contractor's license, ~~\$1,000~~
24 \$2,000, and ~~\$1,000~~ \$2,000 for each renewal of the ~~2-year~~ 4-year license if application
25 is made prior to the date of expiration; after that date an additional fee of \$25.

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

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

6 ***-0502/1.8*** SECTION 2021. 145.08 (1) (n) of the statutes is amended to read:

7 145.08 (1) (n) For a journeyman automatic fire sprinkler fitter’s license, ~~\$90~~
8 \$180, and ~~\$90~~ \$180 for each renewal of the ~~2-year~~ 4-year license if application is
9 made prior to the date of expiration; after that date an additional fee of \$10.

10 ***-0502/1.9*** SECTION 2022. 145.08 (1) (nm) of the statutes is amended to read:

11 145.08 (1) (nm) For an automatic fire sprinkler fitter – maintenance only
12 registration certificate, ~~\$30~~ \$60, and ~~\$30~~ \$60 for each renewal of the ~~2-year~~ 4-year
13 registration if application is made prior to the date of expiration; after that date an
14 additional fee of \$10.

15 ***-0502/1.10*** SECTION 2023. 145.08 (1) (o) of the statutes is amended to read:

16 145.08 (1) (o) For utility contractor’s license, ~~\$250~~, \$500 and ~~\$250~~ \$500 for each
17 renewal of the ~~2-year~~ 4-year license if application is made prior to the date of
18 expiration; after that date an additional fee of \$10.

19 ***-0502/1.11*** SECTION 2024. 145.08 (1) (p) of the statutes is amended to read:

20 145.08 (1) (p) For a plumbing supervisor employed by the department in accord
21 with s. 145.02 (3) (a), no cost for the appropriate ~~2-year~~ 4-year license for which the
22 plumbing supervisor has previously qualified.

23 ***-0502/1.12*** SECTION 2025. 145.08 (1) (q) of the statutes is amended to read:

24 145.08 (1) (q) For a pipelayer’s registration, ~~\$90~~ \$180 at the time of registration
25 and ~~\$90~~ \$180 for each subsequent ~~2-year~~ 4-year period of registration.

1 *~~0502/1.13~~* SECTION 2026. 145.08 (2) of the statutes is amended to read:

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

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

9 146.50 (9) TRAINING. The department may arrange for or approve courses of or
10 instructional programs in or outside this state to meet the education and training
11 requirements of this section, including training required for license or certificate
12 renewal. ~~Courses required for a license or renewal of a license as an emergency~~
13 ~~medical technician – basic shall be free of charge to an individual who is employed~~
14 ~~by or affiliated with a public agency, volunteer fire company or nonprofit corporation~~
15 ~~and is the holder of a license or training permit as an emergency medical technician–~~
16 ~~basic or eligible to hold such a license or training permit.~~ If the department
17 determines that an area or community need exists, the courses shall be offered at
18 technical colleges in the area or community. Initial priority shall be given to the
19 training of emergency medical technicians – basic serving the rural areas of the
20 state. If an emergency medical technician – basic completes a course approved by
21 the department on treatment of anaphylactic shock, the emergency medical
22 technician – basic acts within the scope of the license if he or she performs injections
23 or other treatment for anaphylactic shock under the direction of a physician.

24 *~~0113/2.3~~* SECTION 2028. 146.55 (5) of the statutes is renumbered 146.55 (5)
25 (a) and amended to read:

1 146.55 (5) (a) From the appropriation under s. 20.435 (5) (ch), the department
2 shall annually distribute funds to entities, ~~including technical college districts,~~
3 ~~whose courses or instructional programs are approved by the department under s.~~
4 ~~146.50 (9), to assist the entities in providing ambulance service providers that are~~
5 ~~public agencies, volunteer fire departments, or nonprofit corporations to purchase~~
6 ~~the training required for licensure and renewal of licensure as an emergency medical~~
7 ~~technician – basic under s. 146.50 (6), and to fund each examination administered~~
8 ~~by the entity pay for administration of the examination required for licensure or~~
9 ~~renewal of licensure as an emergency medical technician – basic under s. 146.50 (6)~~
10 (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.

11 *~~0113/2.4~~* SECTION 2029. 146.55 (5) (b) of the statutes is created to read:

12 146.55 (5) (b) The department shall require as a condition of relicensure that
13 an ambulance service provider submit to the department a financial report on the
14 expenditure of funds received under par. (a).

15 *~~0113/2.5~~* SECTION 2030. 146.58 (7) of the statutes is amended to read:

16 146.58 (7) Advise, make recommendations to, and consult with the department
17 concerning the funding under s. 146.55 (4) and (5), including recommending a
18 formula for allocating funds among ambulance service providers under s. 146.55 (5).

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

20 146.65 (1) (c) In each fiscal year, not more than \$400,000, to a rural health clinic
21 in Chippewa Falls to provide dental services to persons who are developmentally
22 disabled or elderly or who have low income, in the area surrounding Chippewa Falls,
23 including the counties of Chippewa, Dunn, Barron, Taylor, Clark, and Eau Claire.

1 149.10 (2j) (a) 3. Part A ~~or~~, part B, or part D of title XVIII of the federal Social
2 Security Act.

3 ***b0301/1.8* SECTION 2034c.** 149.10 (2m) of the statutes is repealed.

4 ***b0301/1.8* SECTION 2034m.** 149.10 (2t) (c) of the statutes is amended to read:

5 149.10 (2t) (c) The individual does not have creditable coverage and is not
6 eligible for coverage under a group health plan, part A ~~or~~, part B, or part D of title
7 XVIII of the federal Social Security Act or a state plan under title XIX of the federal
8 Social Security Act or any successor program.

9 ***b0301/1.8* SECTION 2035c.** 149.10 (3) of the statutes is amended to read:

10 149.10 (3) “Eligible person” means a resident ~~of this state~~ who qualifies under
11 s. 149.12 whether or not the person is legally responsible for the payment of medical
12 expenses incurred on the person’s behalf.

13 ***b0301/1.8* SECTION 2035m.** 149.10 (3e) of the statutes is amended to read:

14 149.10 (3e) “Fund” means the ~~health insurance risk-sharing plan~~ Health
15 Insurance Risk-Sharing Plan fund under s. 149.11 (2).

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

17 149.10 (7) “Medicare” means coverage under ~~both part A and~~, part B, and part
18 D of Title XVIII of the federal social security act, 42 USC 1395 et seq., as amended.

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

20 149.10 (9) “Resident” means a person who has been legally domiciled in this
21 state for a period of at least ~~30 days~~ 6 months or, with respect to an eligible individual,
22 an individual who resides in this state. For purposes of this chapter, legal domicile
23 is established by living in this state and obtaining a Wisconsin motor vehicle
24 operator’s license, registering to vote in Wisconsin or filing a Wisconsin income tax
25 return. A child is legally domiciled in this state if the child lives in this state and if

1 at least one of the child's parents or the child's guardian is legally domiciled in this
2 state. A person with a developmental disability or another disability which prevents
3 the person from obtaining a Wisconsin motor vehicle operator's license, registering
4 to vote in Wisconsin, or filing a Wisconsin income tax return, is legally domiciled in
5 this state by living in this state.

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

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

9 **149.11 Administration of plan.** (1) APPOINTMENT OF BOARD OF DIRECTORS;
10 FORMATION OF ADMINISTERING ORGANIZATION. (a) No later than September 1, 2005, the
11 commissioner shall nominate 13 individuals to be appointed with the advice and
12 consent of the senate to serve as the initial directors of the board of the organization
13 to be formed under par. (b). The board shall consist of 4 representatives of
14 participating insurers; 4 representatives of health care providers, including one
15 representative of the Wisconsin Medical Society, one representative of the Wisconsin
16 Hospital Association, Inc., one representative of the Pharmacy Society of Wisconsin,
17 and one representative of health care providers that provide services to persons with
18 coverage under the plan; and 5 other members, at least one of whom represents small
19 businesses that purchase private health insurance and at least one of whom is a
20 person with coverage under the plan. In making the nominations to the board, the
21 commissioner shall first consult with one or more trade or professional associations
22 whose members include participating insurers, one or more trade or professional
23 associations whose members include health care providers that provide services to
24 persons with coverage under the plan, and one or more trade or professional
25 associations whose members include small business owners.

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

5 1. The names and addresses of the 13 individuals as the initial directors.

6 2. That the purpose of the organization is to administer the plan.

7 3. That the directors, including the initial directors, shall serve staggered
8 3-year terms.

9 4. That the directors shall satisfy the criteria specified in par. (a) and shall be
10 nominated by the commissioner, after consultation as specified in par. (a), and
11 appointed with the advice and consent of the senate.

12 (c) As a condition for the release of funds under s. 20.145 (5) (g), the
13 organization, through the board, shall administer the plan in conformity with this
14 chapter and perform any other duties required of the organization or board under
15 this chapter.

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

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

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

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

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

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

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

10 149.115 Rules relating to creditable coverage. The commissioner, ~~in~~
11 ~~consultation with the department,~~ shall promulgate rules that specify how
12 creditable coverage is to be aggregated for purposes of s. 149.10 (2t) (a) and that
13 determine the creditable coverage to which s. 149.10 (2t) (b) and (d) applies. The
14 rules shall comply with section 2701 (c) of P.L. 104-191.

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

17 149.12 (1) (intro.) Except as provided in subs. (1m) ~~and~~, (2), and (3), the board
18 ~~or plan administrator~~ shall certify as eligible a person who is covered by ~~medicare~~
19 Medicare because he or she is disabled under 42 USC 423, a person who submits
20 evidence that he or she has tested positive for the presence of HIV, antigen or
21 nonantigenic products of HIV, or an antibody to HIV, a person who is an eligible
22 individual, and any person who receives and submits any of the following based
23 wholly or partially on medical underwriting considerations within 9 months prior to
24 making application for coverage by the plan:

25 *b0301/1.8* SECTION 2039c. 149.12 (1) (a) of the statutes is amended to read:

1 149.12 (1) (a) A notice of rejection of coverage from ~~one~~ 2 or more insurers.

2 *b0301/1.8* SECTION 2039m. 149.12 (1m) of the statutes is amended to read:

3 149.12 (1m) The board ~~or plan administrator~~ may not certify a person as
4 eligible under circumstances requiring notice under sub. (1) (a) to (d) if the required
5 notices were issued by an insurance intermediary who is not acting as an
6 administrator, as defined in s. 633.01.

7 *b0301/1.8* SECTION 2040c. 149.12 (2) (g) of the statutes is created to read:

8 149.12 (2) (g) A person is not eligible for coverage under the plan if the person
9 is eligible for any of the following:

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

11 2. Medical assistance provided as part of a family care benefit, as defined in s.
12 46.2805 (4).

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

15 4. Services provided under the program of all-inclusive care for persons aged
16 55 or older authorized under 42 USC 1396u-4.

17 5. Services provided under the demonstration program under a federal waiver
18 authorized under 42 USC 1315.

19 6. Health care coverage under the Badger Care health care program under s.
20 49.665.

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

22 149.12 (3) (a) Except as provided in pars. (b) ~~to (e)~~ and (bm), no person is eligible
23 for coverage under the plan for whom a premium, deductible, or coinsurance amount
24 is paid or reimbursed by a federal, state, county, or municipal government or agency
25 as of the first day of any term for which a premium amount is paid or reimbursed and

1 as of the day after the last day of any term during which a deductible or coinsurance
2 amount is paid or reimbursed.

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

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

6 149.12 (4) Subject to subs. (1m), (2), and (3), the board may establish criteria
7 that would enable additional persons to be eligible for coverage under the plan. The
8 board shall ensure that any expansion of eligibility is consistent with the purpose of
9 the plan to provide health care coverage for those who are unable to obtain health
10 insurance in the private market and does not endanger the solvency of the plan.

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

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

14 149.13 (1) Every insurer shall participate in the cost of administering the plan,
15 except the commissioner may by rule exempt as a class those insurers whose share
16 as determined under sub. (2) would be so minimal as to not exceed the estimated cost
17 of levying the assessment. The commissioner shall advise the ~~department~~ board of
18 the insurers participating in the cost of administering the plan.

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

20 149.13 (3) (a) Each insurer's proportion of participation under sub. (2) shall be
21 determined annually by the commissioner based on annual statements and other
22 reports filed by the insurer with the commissioner. The commissioner shall assess
23 an insurer for the insurer's proportion of participation based on the total
24 assessments estimated by the ~~department~~ s. 149.143 (2) (a) 3. board.

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

1 149.13 (3) (b) If the department board or the commissioner finds that the
2 commissioner's authority to require insurers to report under chs. 600 to 646 and 655
3 is not adequate to permit ~~the department~~, the commissioner or the board to carry out
4 the ~~department's~~, commissioner's or board's responsibilities under this chapter, the
5 commissioner shall promulgate rules requiring insurers to report the information
6 necessary for the ~~department~~, commissioner and board to make the determinations
7 required under this chapter.

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

9 149.13 (4) Notwithstanding subs. (1) to (3), the department board, with the
10 agreement of the commissioner, may perform various administrative functions
11 related to the assessment of insurers participating in the cost of administering the
12 plan.

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

14 149.14 (1) (a) The plan shall offer coverage for each eligible person in an
15 annually renewable policy ~~the coverage specified in this section for each eligible~~
16 ~~person~~. If an eligible person is also eligible for ~~medicare~~ Medicare coverage, the plan
17 shall not pay or reimburse any person for expenses paid for by ~~medicare~~ Medicare.

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

19 149.14 (2) (a) The plan shall provide every eligible person who is not eligible
20 for ~~medicare~~ Medicare with major medical expense coverage. Major medical expense
21 coverage offered under the plan under this section shall pay an eligible person's
22 covered expenses, subject to ~~sub. (3) and~~ deductible, copayment, and coinsurance
23 payments ~~authorized under sub. (5)~~, up to a lifetime limit of \$1,000,000 per covered
24 individual. ~~The maximum limit under this paragraph shall not be altered by the~~
25 ~~board, and no actuarially equivalent benefit may be substituted by the board.~~

1 ***b0301/1.8* SECTION 2045c.** 149.14 (3) (intro.) of the statutes is renumbered
2 149.14 (3) and amended to read:

3 149.14 (3) COVERED EXPENSES. ~~Except as provided in sub. (4), except as~~
4 ~~restricted by cost containment provisions under s. 149.17 (4) and except as reduced~~
5 ~~by the department under ss. 149.143 and 149.144, covered~~ Covered expenses for the
6 coverage under ~~this section~~ the plan shall be the payment rates established by the
7 department ~~under s. 149.142~~ board for the services provided by persons licensed
8 under ch. 446 and certified under s. 49.45 (2) (a) 11. ~~Except as provided in sub. (4),~~
9 ~~except as restricted by cost containment provisions under s. 149.17 (4) and except as~~
10 ~~reduced by the department under ss. 149.143 and 149.144, covered~~ Covered expenses
11 for the coverage under ~~this section~~ the plan shall also be the payment rates
12 established by the department ~~under s. 149.142~~ board for the following services and
13 articles if the service or article is prescribed by a physician who is licensed under ch.
14 448 or in another state and who is certified under s. 49.45 (2) (a) 11. and if the service
15 or article is provided by a provider certified under s. 49.45 (2) (a) 11.:

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

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

19 149.14 (4) BENEFIT DESIGN. Except as provided in subs. (2) (a) and (6), the board
20 shall determine the benefit design of the plan, including the covered expenses,
21 expenses excluded from coverage, deductibles, copayments, coinsurance,
22 out-of-pocket limits, and coverage limitations. The board may establish more than
23 one benefit design under the plan. All benefit designs shall be comparable to typical
24 individual health insurance policies offered in the private sector market in this state.

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

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

3 149.142 (2m) PAYMENT IS PAYMENT IN FULL. Except for copayments, coinsurance,
4 or deductibles required or authorized under the plan, a provider of a covered service
5 or article shall accept as payment in full for the covered service or article the payment
6 rate determined under ~~ss. 149.142, 149.143 and 149.144 sub. (1)~~ and may not bill an
7 eligible person who receives the service or article for any amount by which the charge
8 for the service or article is reduced under ~~s. 149.142, 149.143 or 149.144 sub. (1)~~.

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

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

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

12 ***b0301/1.8* SECTION 2049c.** 149.14 (6) (b) of the statutes is renumbered
13 149.14 (6).

14 ***b0301/1.8* SECTION 2049m.** 149.14 (7) (b) of the statutes is amended to read:

15 149.14 (7) (b) The ~~department~~ organization has a cause of action against an
16 eligible participant for the recovery of the amount of benefits paid which are not for
17 covered expenses under the plan. Benefits under the plan may be reduced or refused
18 as a setoff against any amount recoverable under this paragraph.

19 ***b0301/1.8* SECTION 2050c.** 149.14 (7) (c) of the statutes is amended to read:

20 149.14 (7) (c) The ~~department~~ organization is subrogated to the rights of an
21 eligible person to recover special damages for illness or injury to the person caused
22 by the act of a 3rd person to the extent that benefits are provided under the plan.
23 Section 814.03 (3) applies to the ~~department~~ organization under this paragraph.

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

1 149.14 (8) SUBSIDIES. The board shall provide for subsidies for premiums,
2 deductibles, and copayments for eligible persons with household incomes below a
3 level established by the board.

4 ***b0301/1.8* SECTION 2051c.** 149.141 of the statutes is created to read:

5 **149.141 Premiums.** The board shall set premiums for coverage under the
6 plan at a level that is sufficient to cover 60 percent of plan costs, as provided in s.
7 149.143 (1).

8 ***b0301/1.8* SECTION 2051m.** 149.142 (1) (a) of the statutes is renumbered
9 149.142 (1) and amended to read:

10 149.142 (1) ESTABLISHMENT OF RATES. ~~Except as provided in par. (b), the~~
11 ~~department~~ The board shall establish provider payment rates for covered expenses
12 that consist of the allowable charges paid under s. 49.46 (2) for the services and
13 articles provided plus an enhancement determined by the ~~department~~ board. The
14 rates shall be based on the allowable charges paid under s. 49.46 (2), projected plan
15 costs, and trend factors. Using the same methodology that applies to medical
16 assistance under subch. IV of ch. 49, the ~~department~~ board shall establish hospital
17 outpatient per visit reimbursement rates and hospital inpatient reimbursement
18 rates that are specific to diagnostically related groups of eligible persons. The
19 adjustments to the usual and customary rates shall be sufficient to cover 20 percent
20 of plan costs, as provided in s. 149.143 (3).

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

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

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

1 **149.143 Payment of plan costs.** The board shall pay plan costs, including
2 any premium, deductible, and copayment subsidies, as follows:

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

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

5 (3) Twenty percent from adjustments to provider payment rates under s.
6 149.142.

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

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

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

11 149.14 (2) (c) ~~Beginning on January 1, 1998, in~~ In addition to the coverage
12 required under ~~s. 149.14 pars. (a) and (b),~~ the plan shall offer to all eligible persons
13 who are not eligible for ~~medicare~~ Medicare a choice of coverage, as described in
14 section 2744 (a) (1) (C), P.L. 104–191. Any such choice of coverage shall be major
15 medical expense coverage. (b) ~~An eligible person under par. (a) who is not eligible~~
16 for Medicare may elect once each year, at the time and according to procedures
17 established by the ~~department~~ board, among the coverages offered under this section
18 and s. 149.14. ~~If an eligible person elects new coverage, any preexisting condition~~
19 ~~exclusion imposed under the new coverage is met to the extent that the eligible~~
20 ~~person has been previously and continuously covered under this chapter. No~~
21 ~~preexisting condition exclusion may be imposed on an eligible person who elects new~~
22 ~~coverage if the person was an eligible individual when first covered under this~~
23 ~~chapter and the person remained continuously covered under this chapter up to the~~
24 ~~time of electing the new coverage~~ paragraph and par. (a).

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

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

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

3 **149.155 Additional duties of board.** The board shall do all of the following:

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

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

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

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

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

12 ***b0301/1.8* SECTION 2057m.** 149.16 (3) (a) of the statutes is renumbered
13 149.155 (2) and amended to read:

14 149.155 (2) ~~The plan administrator shall perform~~ Perform all eligibility and
15 administrative claims payment functions relating to the plan.

16 ***b0301/1.8* SECTION 2058c.** 149.16 (3) (b) of the statutes is renumbered
17 149.155 (3) and amended to read:

18 149.155 (3) ~~The plan administrator shall establish~~ Establish a premium billing
19 procedure for collection of premiums from insured persons. Billings shall be made
20 on a periodic basis as determined by the ~~department~~ board.

21 ***b0301/1.8* SECTION 2058m.** 149.16 (3) (c) of the statutes is renumbered
22 149.155 (4), and 149.155 (4) (intro.), as renumbered, is amended to read:

23 149.155 (4) (intro.) ~~The plan administrator shall perform~~ Perform all necessary
24 functions to assure timely payment of benefits to covered persons under the plan,
25 including:

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

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

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

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

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

6 149.17 (1) Subject to ss. ~~149.14 (5m)~~, s. 149.143 and ~~149.146 (2) (b)~~, a rating
7 plan calculated in accordance with generally accepted actuarial principles.

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

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

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

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

12 ***-0319/P1.1* SECTION 2065.** 149.25 of the statutes is repealed.

13 ***-0316/3.5* SECTION 2067.** 153.05 (6m) of the statutes is amended to read:

14 153.05 (6m) The department may contract with the group insurance board for
15 the provision of data collection and analysis services related to health maintenance
16 organizations and insurance companies that provide health insurance for state
17 employees. The department shall establish contract fees for the provision of the
18 services. All moneys collected under this subsection shall be credited to the
19 appropriation under s. 20.435 (4) (1) (hg).

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

21 153.05 (14) With respect to health care information required to be collected
22 under this section from health care providers that are not hospitals or ambulatory
23 surgery centers, the department shall do all of the following:

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

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

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

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

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

12 ***-0316/3.6* SECTION 2074.** 153.60 (1) of the statutes is amended to read:

13 153.60 (1) The department shall, by the first October 1 after the
14 commencement of each fiscal year, estimate the total amount of expenditures under
15 this chapter for the department and the board for that fiscal year for data collection,
16 database development and maintenance, generation of data files and standard
17 reports, orientation and training provided under s. 153.05 (9) (a) and maintaining
18 the board. The department shall assess the estimated total amount for that fiscal
19 year, less the estimated total amount to be received for purposes of administration
20 of this chapter under s. 20.435 (4) (1) (hi) during the fiscal year, and the
21 unencumbered balance of the amount received for purposes of administration of this
22 chapter under s. 20.435 (4) (1) (hi) from the prior fiscal year ~~and the amount in the~~
23 ~~appropriation account under s. 20.435 (1) (dg), 1997 stats., for the fiscal year, to~~
24 health care providers, other than hospitals and ambulatory surgery centers, who are
25 in a class of health care providers from whom the department collects data under this

1 chapter in a manner specified by the department by rule. The department shall
2 obtain approval from the board for the amounts of assessments for health care
3 providers other than hospitals and ambulatory surgery centers. The department
4 shall work together with the department of regulation and licensing to develop a
5 mechanism for collecting assessments from health care providers other than
6 hospitals and ambulatory surgery centers. No health care provider that is not a
7 facility may be assessed under this subsection an amount that exceeds \$75 per fiscal
8 year. All payments of assessments shall be credited to the appropriation under s.
9 20.435 (4) (1) (hg).

10 *~~0316/3.7~~* **SECTION 2075.** 153.60 (3) of the statutes is amended to read:

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

22 *~~0316/3.8~~* **SECTION 2076.** 153.65 (1) of the statutes is amended to read:

23 153.65 (1) The department may, but is not required to, provide, upon request
24 from a person, a data compilation or a special report based on the information
25 collected by the department. The department shall establish user fees for the

1 provision of these compilations or reports, payable by the requester, which shall be
2 sufficient to fund the actual necessary and direct cost of the compilation or report.
3 All moneys collected under this subsection shall be credited to the appropriation
4 under s. 20.435 (4) (1) (hi).

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

6 157.061 (2g) “Cemetery board” means the board created in s. 15.405 (3m).

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

8 157.08 (2) (b) Before a cemetery authority sells or encumbers any cemetery
9 land, except for a sale described in par. (a), the cemetery authority shall notify the
10 department cemetery board in writing of the proposed sale or encumbrance. If
11 within 60 days after the department cemetery board is notified of the proposed sale
12 or encumbrance the department cemetery board notifies the cemetery authority in
13 writing that the department cemetery board objects to the sale or encumbrance the
14 cemetery authority may not sell or encumber the cemetery land unless the
15 department cemetery board subsequently notifies the cemetery authority in writing
16 that the objection is withdrawn. The department cemetery board may object to a sale
17 or encumbrance only if it determines that the cemetery authority will not be
18 financially solvent or that the rights and interests of owners of cemetery lots and
19 mausoleum spaces will not be adequately protected if the sale or encumbrance
20 occurs. The department cemetery board may, before the expiration of the 60-day
21 period, notify the cemetery authority in writing that the department cemetery board
22 approves of the sale or encumbrance. Upon receipt of the department’s cemetery
23 board’s written approval, the cemetery authority may sell or encumber the cemetery
24 land and is released of any liability under this paragraph. The department cemetery

1 board shall make every effort to make determinations under this paragraph in an
2 expeditious manner.

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

4 157.08 (5) Subsections (1) and (2) (b) do not apply to a religious society
5 organized under ch. 187, and sub. (2) (b) does not apply to a cemetery authority that
6 is not required to be ~~registered~~ licensed under s. 440.91 (1) and that is not organized
7 or conducted for pecuniary profit.

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

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

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

14 157.128 (3) (b) A cemetery consisting of less than 20 contiguous acres may be
15 dedicated by a cemetery authority that is not required to be ~~registered~~ licensed under
16 s. 440.91 (1) and that is not organized or conducted for pecuniary profit.

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

18 157.19 (5) (a) This section does not apply to care funds under s. 157.11 (9g) that
19 are deposited with a city or county as provided under s. 157.11 (9g) (a), to care funds
20 of a cemetery for which a certification under s. 157.63 is effective, to preneed trust
21 funds of a cemetery for which a certification under s. 440.92 (9) is effective, or to care
22 funds or preneed trust funds of a cemetery authority that is not required to be
23 ~~registered~~ licensed under s. 440.91 (1) and that is not organized or conducted for
24 pecuniary profit.

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

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

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

5 157.65 (2) The department of justice or any district attorney, upon informing
6 the department of justice, may commence an action in circuit court in the name of
7 the state to restrain by temporary or permanent injunction any violation of this
8 subchapter. The court may, prior to entry of final judgment, make such orders or
9 judgments as may be necessary to restore to any person any pecuniary loss suffered
10 because of the acts or practices involved in the action, if proof of such loss is submitted
11 to the satisfaction of the court. The department of justice may subpoena persons and
12 require the production of books and other documents, and may request the
13 ~~department of regulation and licensing board described in s. 15.405 (3m) or the~~
14 ~~department of commerce to exercise its authority under sub. (1) to aid in the~~
15 investigation of alleged violations of this subchapter.

16 ***-1059/P2.3* SECTION 2086.** 165.755 (1) (a) of the statutes is amended to read:

17 165.755 (1) (a) Except as provided in par. (b), a court shall impose under ch. 814
18 a crime laboratories and drug law enforcement surcharge of \$7 ~~\$8~~ if the court
19 imposes a sentence, places a person on probation, or imposes a forfeiture for a
20 violation of state law or for a violation of a municipal or county ordinance.

21 ***b0134/2.10* SECTION 2086s.** 165.89 (title) and (4) of the statutes are created
22 to read:

23 **165.89 (title) Grants to certain counties for law enforcement programs.**

24 (4) Notwithstanding subs. (1) and (2) and any criteria and procedures
25 developed under sub. (3), the department shall allocate \$300,000 to Forest County

1 each fiscal year from the appropriation account under s. 20.455 (2) (kq) to fund law
2 enforcement services.

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

4 **165.91 (title) Grants to tribes for law enforcement programs.**

5 *-0302/4.64* SECTION 2094. 168.01 (2) of the statutes is amended to read:

6 168.01 (2) “Supplier” includes a person who imports, or acquires immediately
7 upon import, petroleum products by pipeline or marine vessel from a state, territory
8 or possession of the United States or from a foreign country into a terminal and who
9 is registered under 26 USC 4101 for tax-free transactions in gasoline. “Supplier”
10 also includes a person who produces in this state; or imports into a terminal or bulk
11 plant; or acquires immediately upon import by truck, railcar or barge into a terminal;
12 alcohol or alcohol derivative products. “Supplier” also includes a person who
13 produces, manufactures or refines petroleum products in this state. “Supplier” also
14 includes a person who acquires petroleum products pursuant to an industry terminal
15 exchange agreement or by a 2-party exchange under section 4105 of the Internal
16 Revenue Code. “Supplier” does not include a retail dealer or wholesaler who merely
17 blends alcohol with gasoline before the sale or distribution of the product and does
18 not include a terminal operator who merely handles in a terminal petroleum
19 products consigned to the terminal operator.

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

21 168.12 (1) Except as provided in subs. (1g) and (1r), there is imposed a
22 petroleum inspection fee at the rate of $3\frac{2}{100}$ cents per gallon on all petroleum products
23 that are received by a supplier for sale in this state or for sale for export to this state.
24 The department of revenue shall determine when a petroleum product is received
25 under this subsection in the same manner that it determines under s. 78.07 when

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

5 180.0122 (1) (u) Application for certificate of authority, \$100, and \$2 ~~\$3~~ for
6 every \$1,000 or fraction thereof of the foreign corporation's capital exceeding \$60,000
7 employed or to be employed in this state, computed as provided in s. 180.1503, as
8 shown by the application.

9 *-1255/2.1* SECTION 2095. 180.0122 (1) (w) of the statutes is amended to read:

10 180.0122 (1) (w) Application for certificate of withdrawal, \$40, and in case that
11 application shows that the foreign corporation employs in this state capital in excess
12 of the amount of capital on which a fee has previously been paid, computed as
13 provided in s. 180.1520 (2) (f), an additional fee which, with previous payments made
14 on account of capital employed in this state, will amount to \$2 ~~\$3~~ for each \$1,000 or
15 fraction thereof of the excess.

16 *-1255/2.2* SECTION 2096. 180.0122 (1) (y) of the statutes is amended to read:

17 180.0122 (1) (y) Annual report of a foreign corporation, \$65, and in case the
18 annual report shows that the foreign corporation employs in this state capital in
19 excess of the amount of capital on which a fee has previously been paid, computed
20 as provided in s. 180.1503, an additional fee which, with previous payments made
21 on account of capital employed in this state, will amount to \$2 ~~\$3~~ for each \$1,000 or
22 fraction thereof of the excess.

23 *-1510/2.31* SECTION 2097. 182.028 of the statutes is amended to read:

24 182.028 School corporations. Any corporation formed for the establishment
25 and maintenance of schools, academies, seminaries, colleges, or universities or for

1 the cultivation and practice of music shall have power to enact bylaws for the
2 protection of its property, and provide fines as liquidated damages upon its members
3 and patrons for violating the bylaws, and may collect the same in tort actions, and
4 to prescribe and regulate the courses of instruction therein, and to confer such
5 degrees and grant such diplomas as are usually conferred by similar institutions or
6 as shall be appropriate to the courses of instruction prescribed, except that no
7 corporation shall operate or advertise a school that is subject to s. 45.54 38.50 (10)
8 without complying with the requirements of s. 45.54 38.50. Any stockholder may
9 transfer his or her stock to the corporation for its use; and if the written transfer so
10 provides the stock shall be perpetually held by the board of directors with all the
11 rights of a stockholder, including the right to vote.

12 ***b0370/3.7* SECTION 2097m.** 196.20 (7) (c) of the statutes is renumbered
13 196.20 (7) (c) 1. and amended to read:

14 196.20 (7) (c) 1. The Except as provided in subd. 2., the commission shall only
15 approve a mitigation payment agreement that is received by the commission before
16 June 10, 2003, and, if the commission finds the agreement to be reasonable, shall not
17 subsequently modify the agreement.

18 ***b0370/3.7* SECTION 2097n.** 196.20 (7) (c) 2. of the statutes is created to read:
19 196.20 (7) (c) 2. If the commission receives a mitigation payment agreement
20 before June 10, 2003, and does not determine that the agreement is unreasonable
21 before November 11, 2003, mitigation payments in accordance with the terms of the
22 agreement shall be recoverable in rates, notwithstanding any subsequent
23 limitations imposed by the commission on the mitigation payments.

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

1 196.218 (3) (e) Except as provided in par. (f) and s. 196.196 (2) (d), a
2 telecommunications provider or other person may not establish a surcharge on
3 customers' bills to collect from customers contributions required under this
4 subsection.

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

6 196.218 (3) (f) Notwithstanding ss. 196.196 (1) and (5) (d) 2., 196.20 (2m), (5)
7 and (6), 196.213 and 196.215, a telecommunications utility that provides local
8 exchange service may make adjustments to local exchange service rates for the
9 purpose of recovering the portion of its contributions to the universal service fund
10 that is determined by the commission under par. (a) 4. A telecommunications utility
11 that adjusts local exchange service rates for the purpose of recovering all or any
12 amount of that portion shall identify on customer bills a single amount that is the
13 total amount of the adjustment. The public service commission shall provide
14 telecommunications utilities the information necessary to identify such amounts on
15 customer bills.

16 ***-1786/P1.2* SECTION 2098.** 196.219 (3m) of the statutes is created to read:

17 196.219 (3m) LATE PAYMENT CHARGES. (a) *Maximum allowed.* 1. Except as
18 provided in subds. 2. and 3., a telecommunications utility may not impose a late
19 payment charge on a retail consumer at a rate that exceeds \$1.50 upon \$100 for each
20 month computed upon the declining principal balance of any amount that is not paid
21 when due.

22 2. Except as provided in subd. 3., if the maximum late payment charge for any
23 month that is allowed under subd. 1. is less than \$5 for that month, the
24 telecommunications utility may impose a late payment charge that does not exceed
25 \$5 for that month. This subdivision does not apply to residential retail consumers.

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

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

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

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

24 ***-1394/1.1* SECTION 2099.** 218.0116 (1) (gr) of the statutes is created to read:

25 218.0116 (1) (gr) Being a dealer who violates s. 218.0146 (4).

1 ***-1394/1.2*** SECTION 2100. 218.0146 (4) of the statutes is created to read:

2 218.0146 (4) A motor vehicle dealer who is required to process an application
3 for transfer of title and registration under s. 342.16 (1) (a) shall comply with the
4 requirements of s. 342.16 (1) (am).

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

7 230.08 (2) (e) 5m. Historical society — 6 5.

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

9 230.08 (2) (e) 8. Natural resources — 7 6.

10 ***-0745/2.4*** SECTION 2109. 230.08 (2) (x) of the statutes is amended to read:

11 230.08 (2) (x) The executive director of the waste facility siting board, unless
12 the board chooses to appoint the executive director under the classified service.

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

14 ***-0648/1.2*** SECTION 2111. 230.45 (3) of the statutes is amended to read:

15 230.45 (3) The commission shall promulgate rules establishing a schedule of
16 filing fees to be paid by any person who files an appeal under sub. (1) (c) or (e) or s.
17 230.44 (1) (a) or (b) with the commission on or after the effective date of the rules
18 promulgated under this subsection. Fees paid under this subsection shall be
19 deposited in the general fund as general purpose revenue — earned credited to the
20 appropriation account under s. 20.425 (1) (i).

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

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

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

16 236.13 (1) (c) (intro.) ~~A comprehensive plan under s. 66.1001 or, if the~~
17 ~~municipality, town, or county does not have a comprehensive plan, either~~ Either of
18 the following:

19 ***-1363/1.8* SECTION 2119.** 237.15 of the statutes is repealed.

20 ***-0347/2.4* SECTION 2120.** 250.041 (1) (a) of the statutes is repealed.

21 ***-0347/2.5* SECTION 2121.** 250.05 (title) of the statutes is renumbered 440.70
22 (title).

23 ***-0347/2.6* SECTION 2122.** 250.05 (1) of the statutes is renumbered 440.70 (1).

24 ***-0347/2.7* SECTION 2123.** 250.05 (2) of the statutes is renumbered 440.70 (2).

1 *~~0347/2.8~~* SECTION 2124. 250.05 (3) of the statutes is renumbered 440.70 (3)
2 and amended to read:

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

7 *~~0347/2.9~~* SECTION 2125. 250.05 (5) of the statutes is renumbered 440.70 (5)
8 and amended to read:

9 440.70 (5) REGISTRATION. Except as provided in ~~sub. (8m) and s. 250.041 s.~~
10 440.12 or 440.13, the department, ~~upon application on forms prescribed by it and~~
11 ~~payment of the prescribed fee~~, shall register as a sanitarian any person who satisfies
12 the conditions in sub. (6) and who has presented evidence satisfactory to the
13 department that sanitarian registration standards and qualifications of the
14 department, as established by rule, have been met.

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

16 *~~0347/2.11~~* SECTION 2127. 250.05 (7) of the statutes is renumbered 440.70
17 (7).

18 *~~0347/2.12~~* SECTION 2128. 250.05 (8) of the statutes is renumbered 440.70
19 (8) and amended to read:

20 440.70 (8) REVOCATION OF REGISTRATION. The department may, after a hearing
21 held in conformance with ch. 227, ~~except as provided in sub. (8m) (e)~~, ~~revoke or deny~~,
22 ~~suspend, or limit~~ under this section subchapter the registration of any sanitarian,
23 or reprimand the sanitarian, for practice of fraud or deceit in obtaining the
24 registration or any ~~gross professional negligence~~ unprofessional conduct,
25 ~~incompetence, or misconduct~~ professional negligence.

1 *–0347/2.13* SECTION 2129. 250.05 (8m) of the statutes is repealed.

2 *–0347/2.14* SECTION 2130. 250.05 (9) of the statutes is repealed.

3 *–0317/2.2* SECTION 2131. 250.10 of the statutes is renumbered 250.10 (intro.)

4 and amended to read:

5 **250.10 Grant for dental services.** (intro.) From the appropriation under s.

6 20.435 (5) (de), the:

7 (1) The department shall provide funding in each fiscal year to the Marquette
8 University School of Dentistry for clinical education of Marquette University School
9 of Dentistry students through the provision of dental services by the students and
10 faculty of the Marquette University School of Dentistry in underserved areas and to
11 underserved populations in the state, as determined by the department in
12 conjunction with the Marquette University School of Dentistry; to inmates of
13 correctional centers in Milwaukee County; and in clinics in the city of Milwaukee.

14 ~~Beginning July 1, 2000, the,~~

15 (2) The department shall also distribute in each fiscal year to qualified
16 applicants grants totaling \$25,000 for fluoride supplements, \$25,000 for a fluoride
17 mouth-rinse program, and \$60,000 \$120,000 for a school-based dental sealant
18 program.

19 *–0317/2.3* SECTION 2132. 250.10 (3) of the statutes is created to read:

20 250.10 (3) The department may provide funding to technical college district
21 boards to provide oral health services.

22 *–1987/1* SECTION 2133. 252.12 (2) (a) 8. of the statutes is amended to read:

23 252.12 (2) (a) 8. ~~Life Mike Johnson life care and early intervention services~~
24 ~~grants.~~ The department shall award not more than \$1,994,900 \$2,569,900 in fiscal
25 year 2001–02 2005–06 and ~~not more than \$2,069,900 in~~ each fiscal year thereafter

1 in grants to applying organizations for the provision of needs assessments;
2 assistance in procuring financial, medical, legal, social and pastoral services;
3 counseling and therapy; homecare services and supplies; advocacy; and case
4 management services. These services shall include early intervention services. The
5 department shall also award not more than \$74,000 in each year from the
6 appropriation under s. 20.435 (7) (md) for the services under this subdivision. The
7 state share of payment for case management services that are provided under s.
8 49.45 (25) (be) to recipients of medical assistance shall be paid from the
9 appropriation under s. 20.435 (5) (am).

10 *b0316/1.1* SECTION 2133c. 253.07 (1) (c) of the statutes is created to read:

11 253.07 (1) (c) “Tribal health center” means a health center that is under the
12 direction and control of the governing body of a federally recognized American Indian
13 tribe or band.

14 *b0316/1.1* SECTION 2133f. 253.07 (2) (b) of the statutes is renumbered 253.07
15 (2) (b) 1.

16 *b0316/1.1* SECTION 2133i. 253.07 (2) (b) 2. of the statutes is created to read:
17 253.07 (2) (b) 2. In distributing the funds under subd. 1., the department shall
18 do all of the following:

19 a. Provide sufficient notice of the availability of the funds to enable local health
20 departments and tribal health centers to apply for the funds.

21 b. Give preference, in awarding funds, to applicants that are local health
22 departments or tribal health centers that will directly provide family planning
23 services.

24 c. Award the funds to applying local health departments or tribal health centers
25 that are qualified to provide family planning services.

1 ***b0316/1.1* SECTION 2133L.** 253.07 (2) (b) 3. of the statutes is created to read:
2 253.07 (2) (b) 3. The department may award any funds available, after award
3 has been made under subd. 2. c., to family planning agencies that apply and are
4 qualified to provide family planning services.

5 ***b0316/1.1* SECTION 2133n.** 253.07 (2) (d) of the statutes is amended to read:
6 253.07 (2) (d) The department shall encourage maximum coordination of
7 family planning services between county social services departments, family
8 planning agencies, tribal health centers, and local health departments to maximize
9 the use of health, social service and welfare resources.

10 ***b0316/1.1* SECTION 2133p.** 253.07 (4) (intro.) of the statutes is amended to
11 read:

12 253.07 (4) FAMILY PLANNING SERVICES. (intro.) ~~From~~ Subject to sub. (2) (b) 2. and
13 3., from the appropriation under s. 20.435 (5) (f), the department shall allocate funds
14 in the following amounts, for the following services:

15 ***-0315/2.1* SECTION 2134.** 254.15 (1) of the statutes is amended to read:

16 254.15 (1) Develop and implement a comprehensive statewide lead poisoning
17 or lead exposure prevention and treatment program that includes lead poisoning or
18 lead exposure prevention grants under s. 254.151; any childhood lead poisoning
19 screening requirement under rules promulgated under ss. 254.158 and 254.162; any
20 requirements regarding care coordination and follow-up for children with lead
21 poisoning or lead exposure required under rules promulgated under s. 254.164;
22 departmental responses to reports of lead poisoning or lead exposure under s.
23 254.166; any lead investigation requirements under rules promulgated under ss.
24 254.167; any lead inspection requirements under rules promulgated under 254.168;
25 any lead hazard reduction requirements under rules promulgated under s. 254.172;

1 certification, accreditation and approval requirements under ss. 254.176 and
2 254.178; any certification requirements and procedures under rules promulgated
3 under s. 254.179; and any fees imposed under s. 254.181.

4 *~~0315/2.2~~* SECTION 2136. 254.166 (title) of the statutes is amended to read:
5 **254.166** (title) ~~Departmental response~~ **Response to reports of lead**
6 **poisoning or lead exposure.**

7 *~~0315/2.3~~* SECTION 2137. 254.166 (2) (d) of the statutes is amended to read:
8 254.166 (2) (d) Notify the owner of the dwelling or premises of the presence of
9 a lead hazard. ~~The~~

10 (2m) If the department determines that a lead hazard is present in any
11 dwelling or premises, the local health department shall and the department may
12 issue an order that requires reduction or elimination of an imminent lead hazard
13 within 5 days after the order's issuance and reduction or elimination of other lead
14 hazards within 30 days after the order's issuance, except that, for orders that are
15 issued between October 1 and May 1 and that relate only to exterior lead hazards
16 that are not imminent lead hazards, the order may require elimination or reduction
17 of the lead hazard no earlier than the June 1 immediately following the order's
18 issuance. ~~If the department~~ agency that issued the order determines that the owner
19 has good cause for not complying with the order within the 5-day or 30-day time
20 period, ~~the department~~ the agency may extend the time period within which the
21 owner is required to comply with the order. The failure to comply with the
22 department's an order within the time prescribed or as extended ~~by the department~~
23 shall be prima facie evidence of negligence in any action brought to recover damages
24 for injuries incurred after the time period expires. If an order to conduct lead hazard
25 reduction is issued by the department or by a local health department and if the

1 owner of the dwelling or premises complies with that order, there is a rebuttable
2 presumption that the owner of the dwelling or premises has exercised reasonable
3 care with respect to lead poisoning or lead exposure caused, after the order has been
4 complied with, by lead hazards covered by the order, except that with respect to
5 interim control activities the rebuttable presumption continues only for the period
6 for which the interim control activity is reasonably expected to reduce or eliminate
7 the lead hazard.

8 ***-0315/2.4* SECTION 2138.** 254.166 (2) (e) of the statutes is renumbered
9 254.166 (2r) and amended to read:

10 254.166 (2r) ~~If an order is issued under par. (d),~~ The department may conduct
11 or require a certified lead risk assessor or other person certified under s. 254.176 to
12 conduct a lead investigation, a check of work completed, and dust tests for the
13 presence of hazardous levels of lead to ensure compliance with the an order issued
14 under sub. (2m).

15 ***-0315/2.5* SECTION 2141.** 254.171 of the statutes is repealed.

16 ***-0315/2.6* SECTION 2142.** 254.173 (3) (c) 1. of the statutes, as affected by 1999
17 Wisconsin Act 113, is amended to read:

18 254.173 (3) (c) 1. The owner receives an order under s. 254.166 ~~(2) (d)~~ (2m) and
19 fails to comply with the order.

20 ***-0315/2.7* SECTION 2143.** 254.179 (1) (c) 2. (intro.) of the statutes is amended
21 to read:

22 254.179 (1) (c) 2. (intro.) The standards limiting the length of validity of a
23 certificate of lead-safe status, including the condition of a premises, dwelling, or unit
24 of a dwelling, the type of lead hazard reduction activity that was performed, if any,
25 and any other requirements that must be met to maintain certification, unless the

1 certificate is earlier revoked because of erroneous issuance or because the premises,
2 dwelling, or unit of the dwelling is not safe from lead-bearing paint hazards. The
3 rules shall specify that the face of the certificate shall indicate the certificate's length
4 of validity. ~~The rules shall further specify that applications for certificates of~~
5 ~~lead-safe status for identical premises may be made only as follows:~~

6 *~~0315/2.8~~* SECTION 2144. 254.179 (1) (c) 2. a., b. and c. of the statutes are
7 repealed.

8 *~~1598/7.78~~* SECTION 2145. 254.911 (1) of the statutes is amended to read:

9 254.911 (1) "Cigarette" has the meaning given in s. 139.30 ~~(1)~~ (1m).

10 *b0202/P3.19* SECTION 2145g. 254.92 (2m) of the statutes is created to read:

11 254.92 (2m) No person may purchase cigarettes on behalf of, or to provide to,
12 any person who is under 18 years of age. Any person who violates this subsection
13 may be:

14 (a) Required to forfeit not more than \$500 if the person has not committed a
15 previous violation within 30 months of the violation.

16 (b) Fined not more than \$500 or imprisoned for not more than 30 days or both
17 if the person has committed a previous violation within 30 months of the violation.

18 (c) Fined not more than \$1,000 or imprisoned for not more than 90 days or both
19 if the person has committed 2 previous violations within 30 months of the violation.

20 (d) Fined not more than \$10,000 or imprisoned for not more than 9 months or
21 both if the person has committed 3 or more previous violations within 30 months of
22 the violation.

23 *~~0060/1.1~~* SECTION 2146. 255.06 (2) (intro.) of the statutes is amended to
24 read: