

1 144.445 (10) (c) 3. The board may issue a decision ordering the applicant
2 and the local committee to submit written arguments on the appropriateness of
3 the location of the facility and the past performance of the applicant within
4 30 days after the date of the notice.

5 ••87b3018/1••SECTION 398rp. 144.445 (10) (d) (title) of the statutes is
6 repealed.

7 ••87b3018/1••SECTION 398rq. 144.445 (10) (d) of the statutes is renum-
8 bered 144.445 (10) (c) 2.

9 ••87b3018/1••SECTION 398rr. 144.445 (10) (e) of the statutes is repealed.

10 ••87b3018/1••SECTION 398rs. 144.445 (10) (ee) of the statutes is created
11 to read:

12 144.445 (10) (ee) Public meeting on site appropriateness and applicant
13 performance. Within 30 days after the last day for submitting written argu-
14 ments under par. (c) 3, the board shall conduct a public meeting in a place
15 reasonably close to the location of the facility to provide an opportunity for
16 the applicant and the local committee to explain or present supporting argu-
17 ments regarding the appropriateness of the location of the facility or the
18 past performance of the applicant. The board may conduct additional meetings
19 with the applicant and the local committee as necessary.

20 ••87b3018/1••SECTION 398rt. 144.445 (10) (em) of the statutes is created
21 to read:

22 144.445 (10) (em) Criteria for decision on site appropriateness and
23 applicant performance. In determining whether the location of the facility is
24 appropriate, the board shall consider the amount of the residential population
25 affected by either the facility or the transportation routes to the facility,
26 the sensitive nonresidential institutions affected by either the facility or
27 the transportation routes to the facility, such as schools, churches,
28 hospitals, nursing homes or retail stores, the effect of the facility on open

1 space or recreational land uses and the adverse visual impact of the facility.
2 In determining whether the applicant's past performance is adequate, the board
3 shall consider the performance of the applicant, the parent corporation of the
4 applicant and any subsidiary corporation of the applicant with respect to the
5 ownership or operation of any solid or hazardous waste facility in this state
6 or elsewhere.

7 ••87b3018/1••SECTION 398ru. 144.445 (10) (es) of the statutes is created
8 to read:

9 144.445 (10) (es) Decision on site appropriateness and applicant
10 performance. 1. Within 60 days after the last day for submitting written
11 arguments under par. (c) 3 on the appropriateness of the location of the
12 facility, the board may issue a decision on the appropriateness of the loca-
13 tion of the facility and the performance of the applicant with the approval of
14 a minimum of 5 board members. If the board fails to issue a decision within
15 this period, the governor shall issue a decision on the appropriateness of the
16 location of the facility and the performance of the applicant within 90 days
17 after the last day for submitting written arguments under par. (c) 3 on the
18 appropriateness of the location of the facility.

19 2. The board or the governor shall determine that the location of the
20 facility is not appropriate if the costs and burdens of the facility which are
21 imposed on nearby residents and affected municipalities outweigh the benefits
22 of the facility. In making the determination under this subdivision, the
23 board or the governor shall consider the extent to which the costs and burdens
24 of the facility on nearby residents and affected municipalities are mitigated
25 in a negotiated agreement or in other compensation provided by the applicant.

26 3. The board or the governor shall determine that the applicant's past
27 performance is inadequate if the applicant, the parent corporation of the
28 applicant or any subsidiary corporation of the applicant, in the ownership or

1 operation of any solid or hazardous waste facility, committed serious viola-
2 tions of state or federal law, the consequences of which seriously affected
3 public health, safety or welfare or the environment.

4 4. A copy of the decision shall be served on the applicant and the local
5 committee.

6 5. If the board or the governor determines that the location of the
7 facility is not appropriate or the applicant's past performance is not
8 adequate, the applicant may not construct or operate the facility.

9 ••87b3018/1••SECTION 398rv. 144.445 (10) (f) of the statutes is amended
10 to read:

11 144.445 (10) (f) Order for final offers. ~~The~~ Upon issuance of a decision
12 under par. (es), the board may issue a decision ordering the applicant and the
13 local committee to submit their respective final offers on issues other than
14 those considered under pars. (eg) to (es) to the board within 90 days after
15 the date of the notice.

16 ••87b3018/1••SECTION 398rx. 144.469 (1) (a) of the statutes is amended to
17 read:

18 144.469 (1) (a) No person may treat, store or dispose of high-volume
19 industrial waste, as defined under s. 144.44 (7) ~~(a)~~¹, in violation of a
20 testing requirement or condition of an exemption under s. 144.44 (7) (f) 4.

21 ••87b3265/1••SECTION 398s. 144.838 (1) (g) of the statutes is created to
22 read:

23 144.838 (1) (g) Negotiating a local agreement under s. 144.839 (3).

24 ••87b3265/1••SECTION 398t. 144.839 of the statutes is created to read:

25 144.839 LOCAL AGREEMENTS. (1) A county, town, village, city or tribal
26 government which requires an operator to obtain an approval or permit under a
27 zoning or land use ordinance may, individually or in conjunction with other

1 counties, towns, villages, cities, or tribal governments enter into one or
2 more agreements with an operator for the development of a mining operation.

3 (2) An agreement under sub. (1) shall include all of the following:

4 (a) A legal description of the land subject to the agreement and the
5 names of its legal and equitable owners.

6 (b) The duration of the agreement.

7 (c) The uses permitted on the land.

8 (d) A description of any conditions, terms, restrictions or other
9 requirements determined to be necessary by the county, town, village, city or
10 tribal government for the public health, safety or welfare of its residents.

11 (e) A description of any obligation undertaken by the county, town,
12 village, city or tribal government to enable the development to proceed.

13 (f) The applicability or nonapplicability of county, town, village, city
14 or tribal ordinances, approvals or resolutions.

15 (g) A provision for the amendment of the agreement.

16 (h) Other provisions deemed reasonable and necessary by the parties to
17 the agreement.

18 (3) A county, town, village, city or tribal government may authorize the
19 local impact committee appointed under s. 144.838 to negotiate an agreement
20 under this section, but the agreement may not take effect until approved by
21 the county, town, village, city or tribal government in accordance with sub.
22 (4).

23 (4) The county, town, village, city or tribal government shall hold a
24 public hearing on an agreement under sub. (1) before its adoption. Notice of
25 the hearing shall be provided as a class 2 notice, under ch. 985. After the
26 public hearing, the governing body of each county, town, village, city or
27 tribal government which is to be a party to the agreement must approve the
28 agreement in a public meeting of the governing body.

1 ••87b2714/3••SECTION 398u. 144.96 (3) (c) of the statutes, as affected by
2 1987 Wisconsin Act 27, is amended to read:

3 144.96 (3) (c) The annual fee shall be designed to generate revenues
4 equal to 35% of the state cost of departmental activities for the administra-
5 tion of air pollution control under this section and ss. 144.30 to 144.42 and
6 water resources under this section and ss. 144.025, 144.03 and 144.04 and ch.
7 147, except that the costs of departmental ~~inland-lake-renewal~~ activities
8 under ch. 33, water supply activities under ss. 144.025 (2) (h), (L) and (r)
9 and 144.04, high capacity well activities under s. 144.025 (2) (e) and solid
10 waste activities under ss. 144.44 and 144.445 shall not be included in deter-
11 mining such costs.

12 ••87b3373/1••SECTION 398v. 145.23 of the statutes is renumbered 145.23
13 (1).

14 ••87b3373/1••SECTION 398w. 145.23 (2) of the statutes is created to read:
15 145.23 (2) The department may promulgate and enforce rules applicable to
16 the development and maintenance of a condominium, as defined in s. 703.02 (4),
17 that is not served by a public sewer, if provision for public sewer service
18 has not been made, for the purpose of assuring that the condominium has the
19 soil and site conditions necessary for proper sanitary conditions.

20 ••87-5228/3••SECTION 399. 146.022 (2) (intro.) of the statutes, as
21 created by 1987 Wisconsin Act 27, is amended to read:

22 146.022 (2) DISTRIBUTION OF FUNDS. (intro.) From the appropriations
23 under s. 20.435 (1) (a) and (am), the department shall allocate a total of
24 \$242,200 in each ~~of~~ state fiscal years year 1987-88 and \$292,200 in state
25 fiscal year 1988-89, from the appropriation under s. 20.435 (1) (a) the
26 department may allocate up to \$164,800 in state fiscal year 1988-89 and from
27 the appropriations under s. 20.435 (1) (mc) and (md) and (4) (m) the depart-
28 ment shall allocate a total of \$318,100 in each of state fiscal years 1987-88

1 and 1988-89 for the provision of services to individuals with or at risk of
2 contracting acquired immunodeficiency syndrome, as follows:

3 ••87-5228/3••SECTION 400. 146.022 (2) (i) of the statutes is created to
4 read:

5 146.022 (2) (i) Contracts for counseling and laboratory testing services.
6 The department shall contract with organizations to provide, at alternate
7 testing sites, anonymous counseling services and laboratory testing services
8 for the presence of HIV.

9 ••87-5369/3 •• 87b2914/1••SECTION 400m. 146.027 of the statutes is
10 created to read:

11 146.027 CANCER CONTROL GRANTS. (1) DEFINITIONS. In this section:

12 (a) "Institution" means any hospital, nursing home, county home, county
13 mental hospital, tuberculosis sanatorium, community-based residential facility
14 or other place licensed or approved by the department under ss. 49.14, 49.16,
15 49.171, 50.02, 50.03, 50.35, 51.08, 51.09, 58.06, 149.01 and 149.02.

16 (b) "Nonprofit corporation" means a nonstock, nonprofit corporation
17 organized under ch. 181.

18 (c) "Organization" means a nonprofit corporation or a public agency which
19 proposes to provide services to individuals.

20 (d) "Public agency" means a county, city, village, town or school dis-
21 trict or an agency of this state or of a county, city, village, town or school
22 district.

23 (2) From the appropriation under s. 20.435 (1) (cc), the department shall
24 allocate up to \$400,000 in state fiscal year 1988-89 to provide grants to
25 applying individuals, institutions or organizations for the conduct of
26 projects on cancer control and prevention. Funds shall be awarded on a
27 matching basis, under which, for each grant awarded, the department shall
28 provide 50%, and the grantee 50%, of the total grant funding.

1 (3) The department shall promulgate rules establishing the criteria and
2 procedures for the awarding of grants for projects under sub. (2).

3 ••87b3581/2••SECTION 401e. 146.25 (1) of the statutes, as created by 1987
4 Wisconsin Act (Assembly Bill 247), is repealed and recreated to read:

5 146.25 (1) Before July 1, 1990, the department shall initially certify a
6 laboratory or renew certification for a certified laboratory for performance
7 of chemical analyses, or confirmations of chemical analyses, or both, of urine
8 to detect the presence of a controlled substance, as defined under s. 161.01
9 (4), if all of the following occur:

10 (a) The department determines that the applicant laboratory meets or, if
11 certified, continues to meet the requirements of sub. (5) (a) to (c), (f) and
12 (g).

13 (b) The applicant laboratory submits an application for initial certifi-
14 cation or certification renewal, together with an initial or renewal certifi-
15 cation fee.

16 ••87b3581/2••SECTION 401g. 146.25 (1m) of the statutes is created to
17 read:

18 146.25 (1m) After June 30, 1990, the department shall initially certify a
19 laboratory or renew certification for a certified laboratory for performance
20 of chemical analyses and confirmations of chemical analyses of urine to detect
21 the presence of a controlled substance, as defined under s. 161.01 (4), if all
22 of the following occur:

23 (a) The department determines that the applicant laboratory meets or, if
24 certified, continues to meet the requirements of sub. (5) (a) to (c), (f) and
25 (g).

26 (b) The applicant laboratory submits an application for initial certifi-
27 cation or certification renewal, together with an initial or renewal certifi-
28 cation fee.

1 ••87b3581/2••SECTION 401j. 146.25 (2) of the statutes, as created by 1987
2 Wisconsin Act (Assembly Bill 247), is repealed and recreated to read:

3 146.25 (2) (a) Before July 1, 1990, the initial certification or
4 certification renewal under sub. (1) expires on December 31 of each year.

5 (b) After June 30, 1990, the initial certification or certification
6 renewal under sub. (1m) expires on December 31 of each year.

7 ••87b3581/2••SECTION 401L. 146.25 (4) of the statutes, as created by 1987
8 Wisconsin Act Assembly Bill 247), is repealed and recreated to read:

9 146.25 (4) (a) Before July 1, 1990, the department shall publish and
10 periodically update a list of laboratories certified under sub. (1) that
11 indicates the controlled substances for which the laboratory is certified to
12 perform analyses, or confirmations of chemical analyses, or both, and shall
13 provide a copy of the list to an employer, as defined in s. 103.155 (1) (c),
14 upon request.

15 (b) After June 30, 1990, the department shall publish and periodically
16 update a list of laboratories certified under sub. (1m) that indicates the
17 controlled substances for which the laboratory is certified to perform analy-
18 ses and confirmations of chemical analyses and shall provide a copy of the
19 list to an employer, as defined in s. 103.155 (1) (c), upon request.

20 ••87b3581/2••SECTION 401n. 146.25 (5) (c) of the statutes, as created by
21 1987 Wisconsin Act (Assembly Bill 247), is repealed and recreated to
22 read:

23 146.25 (5) (c) 1. Before July 1, 1990, standards for ensuring the integ-
24 rity of a urine sample throughout the collection and analysis process.

25 2. After June 30, 1990, standards for ensuring the integrity of a urine
26 sample throughout the collection and analysis process, including the require-
27 ment that performing an analysis, confirming positive results of an analysis,

1 interpreting analysis results and communicating analysis results to the
2 employer be undertaken by the same laboratory for any particular urine sample.

3 ••87b3581/2••SECTION 401p. 146.25 (5) (g) of the statutes, as created by
4 1987 Wisconsin Act (Assembly Bill 247), is repealed and recreated to
5 read:

6 146.25 (5) (g) 1. Before July 1, 1990, the length of time, and conditions
7 under which, a laboratory is required to retain a urine sample for which
8 chemical analysis or confirmation of a chemical analysis is requested.

9 2. After June 30, 1990, the length of time, and conditions under which, a
10 laboratory is required to retain a urine sample for which chemical analysis
11 and, if analysis results are positive, confirmation of a chemical analysis are
12 requested.

13 ••87b3581/2••SECTION 401q. 146.25 (6) of the statutes, as created by 1987
14 Wisconsin Act (Assembly Bill 247), is repealed and recreated to read:

15 146.25 (6) (a) Before July 1, 1990, no laboratory certified under sub.
16 (1) may provide to an employer information concerning a positive result of a
17 chemical analysis of urine for the presence of a controlled substance for an
18 employe unless the result has been confirmed under the standards established
19 under sub. (5) (b).

20 (b) After June 30, 1990, no laboratory certified under sub. (1m) may
21 provide to an employer information concerning a positive result of a chemical
22 analysis of urine for the presence of a controlled substance for an employe
23 unless the result has been confirmed under the standards established under
24 sub. (5) (b).

25 ••87b3584/1••SECTION 401r. 146.35 (6) of the statutes is repealed and
26 recreated to read:

27 146.35 (6) LICENSE RENEWAL. Every holder of an emergency medical tech-
28 nician -- advanced (paramedic) license shall renew it biennially on July 1 by

1 applying to the department on forms provided by the department. As a pre-
2 requisite to renewal of an emergency medical technician -- advanced
3 (paramedic) license, the licensee shall complete the training, education or
4 examination requirements specified in rules which the department shall
5 promulgate in conjunction with the board of vocational, technical and adult
6 education. Upon receipt of an application for renewal containing documenta-
7 tion acceptable to the department that the requirements of this subsection
8 have been met, the department shall renew the license unless the department
9 finds that the applicant has acted in a manner or under circumstances con-
10 stituting grounds for suspension or revocation of the license.

11 ••87b2728/1••SECTION 403b. 146.35 (9) (b) of the statutes, as created by
12 1987 Wisconsin Act 70, is amended to read:

13 146.35 (9) (b) Notwithstanding par. (a), a licensed emergency medical
14 technician -- advanced (paramedic) who is an authority, as defined in s. 19.32
15 (1), may make available, to any requester, information contained in a record
16 covered under par. (a) which identifies the emergency medical technician --
17 advanced (paramedic) involved; date of the call; ambulance dispatch and
18 response times; reason for the dispatch; location to which the ambulance was
19 dispatched; ~~and~~ destination, if any, to which a patient was transported by
20 ambulance; and name, age and gender of the patient. No information disclosed
21 under this paragraph may contain ~~patient names or~~ details of the medical his-
22 tory or condition of or emergency treatment rendered to any patient.

23 ••87b3439/4••SECTION 403bg. 146.37 (1) of the statutes, as affected by
24 1987 Wisconsin Act 27, is amended to read:

25 146.37 (1) No Except as provided in s. 153.85, no person acting in good
26 faith who participates in the review or evaluation of the services of health
27 care providers or facilities or the charges for such services conducted in
28 connection with any program organized and operated to help improve the quality

1 of health care, to avoid improper utilization of the services of health care
2 providers or facilities or to determine the reasonable charges for such
3 services, or who participates in the obtaining of health care information
4 under ch. 153, is liable for any civil damages as a result of any act or
5 omission by such person in the course of such review or evaluation. Acts and
6 omissions to which this subsection applies include, but are not limited to,
7 acts or omissions by peer review committees or hospital governing bodies in
8 censuring, reprimanding, limiting or revoking hospital staff privileges or
9 notifying the medical examining board under s. 50.36 or taking any other
10 disciplinary action against a health care provider or facility.

11 ••87b3441/2••SECTION 403bh. 146.38 (3) (g) of the statutes is created to
12 read:

13 146.38 (3) (g) To the department, with respect to a hospital, as defined
14 in s. 50.33 (2), that is owned or operated by the state or by a local unit of
15 government.

16 ••87b3584/1••SECTION 403bk. 146.50 (10) of the statutes is repealed and
17 recreated to read:

18 146.50 (10) LICENSE RENEWAL. Every holder of an ambulance service
19 provider license or an ambulance attendant license shall renew it biennially
20 on July 1 by applying to the department on forms provided by the department.
21 As a prerequisite to renewal of an ambulance attendant license, the licensee
22 shall complete the training, education or examination requirements specified
23 in rules which the department shall promulgate in conjunction with the board
24 of vocational, technical and adult education. The department may not require
25 training, education or an examination as a prerequisite for renewal of an
26 ambulance service provider license. Upon receipt of an application for
27 renewal containing documentation acceptable to the department that the
28 requirements of this subsection have been met, the department shall renew the

1 license unless the department finds that the applicant has acted in a manner
2 or under circumstances constituting grounds for suspension or revocation of
3 the license.

4 ••87b2728/1••SECTION 403bm. 146.50 (12) (b) of the statutes, as created
5 by 1987 Wisconsin Act 70, is amended to read:

6 146.50 (12) (b) Notwithstanding par. (a), a licensed ambulance service
7 provider, who is an authority, as defined in s. 19.32 (1), may make available,
8 to any requester, information contained on a record of an ambulance run which
9 identifies the ambulance service provider and ambulance attendants involved;
10 date of the call; dispatch and response times of the ambulance; reason for the
11 dispatch; location to which the ambulance was dispatched; ~~and~~, destination, if
12 any, to which the patient was transported by ambulance; and name, age and
13 gender of the patient. No information disclosed under this paragraph may
14 contain ~~names or~~ details of the medical history, condition or emergency
15 treatment of any patient.

16 ••87b3660/1••SECTION 403br. 146.81 (1) of the statutes, as affected by
17 1987 Wisconsin Act 264, is amended to read:

18 146.81 (1) "Health care provider" means a nurse licensed under ch. 441, a
19 chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a
20 physician, podiatrist or physical therapist licensed or an occupational
21 therapist or occupational therapy assistant certified under ch. 448, an
22 optometrist licensed under ch. 449, a psychologist licensed under ch. 455, a
23 partnership thereof, a corporation thereof that provides health care services,
24 an operational cooperative sickness care plan organized under ss. 185.981 to
25 185.985 that directly provides services through salaried employes in its own
26 facility, or an inpatient health care facility or community-based residential
27 facility, as defined in s. 140.85 (1) or 140.86.

1 ••87b2730/1••SECTION 403c. 146.817 (title) and (1) of the statutes, as
2 created by 1987 Wisconsin Act 27, are amended to read:

3 146.817 (title) PRESERVATION OF FETAL MONITOR TRACINGS AND MICROFILM
4 COPIES. (1) In this section, "fetal monitor ~~tracings~~ tracing" means docu-
5 mentation of the heart tones of a fetus during labor and delivery of the
6 mother of the fetus that are recorded from an electronic fetal monitor
7 machine.

8 ••87b2730/1••SECTION 403d. 146.817 (2) of the statutes, as created by
9 1987 Wisconsin Act 27, is repealed and recreated to read:

10 146.817 (2) (a) Unless a health care provider has first made and pre-
11 served a microfilm copy of a patient's fetal monitor tracing, the health care
12 provider may delete or destroy part or all of the patient's fetal monitor
13 tracing only if 35 days prior to the deletion or destruction the health care
14 provider provides written notice to the patient.

15 (b) If a health care provider has made and preserved a microfilm copy of
16 a patient's fetal monitor tracing and if the health care provider has deleted
17 or destroyed part or all of the patient's fetal monitor tracing, the health
18 care provider may delete or destroy part or all of the microfilm copy of the
19 patient's fetal monitor tracing only if 35 days prior to the deletion or
20 destruction the health care provider provides written notice to the patient.

21 (c) The notice specified in pars. (a) and (b) shall be sent to the
22 patient's last-known address and shall inform the patient of the imminent
23 deletion or destruction of the fetal monitor tracing or of the microfilm copy
24 of the fetal monitor tracing and of the patient's right, within 30 days after
25 receipt of notice, to obtain the fetal monitor tracing or the microfilm copy
26 of the fetal monitor tracing from the health care provider.

27 (d) The notice requirements under this subsection do not apply after 5
28 years after a fetal monitor tracing was first made.

1 ••87b2724/1••SECTION 403e. 146.82 (2) (a) 9 of the statutes is amended to
2 read:

3 146.82 (2) (a) 9. To staff members of the protection and advocacy agency
4 designated under s. 51.62 (2) or to staff members of the private, nonprofit
5 corporation with which the agency has contracted under s. 51.62 (3) (a) 3, if
6 any, for the purpose of protecting and advocating the rights of a person with
7 development disabilities, as defined under s. 51.62 (1) (a), who resides in or
8 who is receiving services from an inpatient health care facility, as defined
9 under s. 51.62 (1) (b), or a person with mental illness, as defined under s.
10 51.62 (1) (bm), except that if the patient has a guardian information con-
11 cerning the patient obtainable by staff members of the agency or nonprofit
12 corporation with which the agency has contracted is limited to the name, birth
13 date and county of residence of the patient, information regarding whether the
14 patient was voluntarily admitted, involuntarily committed or protectively
15 placed and the date and place of admission, placement or commitment, and the
16 name and address of any guardian of the patient and the date and place of the
17 guardian's appointment. Any staff member who wishes to obtain additional
18 information shall notify the patient's guardian in writing of the request and
19 of the guardian's right to object. The staff member shall send the notice by
20 mail to the guardian's address. If the guardian does not object in writing
21 within 15 days after the notice is mailed, the staff member may obtain the
22 additional information. If the guardian objects in writing within 15 days
23 after the notice is mailed, the staff member may not obtain the additional
24 information.

25 ••87b3032/1••SECTION 403em. 147.033 (title) of the statutes, as affected
26 by 1987 Wisconsin Act 27, is amended to read:

27 147.033 (title) GROUNDWATER FEE; WASTE WATER MANAGEMENT FEE; WELL
28 COMPENSATION FEE.

1 ••87b3032/1••SECTION 403er. 147.033 (3) of the statutes is created to
2 read:

3 147.033 (3) (a) If the department determines that the discharge of ef-
4 fluent or disposal of sludge on land is a source of well contamination for
5 which compensation has been paid under s. 144.027 or 144.028, the department
6 shall impose a well compensation fee on a holder of a permit who discharges
7 effluent on land or produces sludge from a treatment work which is disposed of
8 on land. The well compensation fee shall be in addition to the groundwater
9 fee imposed under sub. (1) and the wastewater management fee imposed under
10 sub. (2).

11 (b) The amount of the well compensation fee under this subsection shall
12 be determined according to the procedures in s. 144.0295.

13 (c) The moneys collected for well compensation fees under this subsection
14 shall be credited to the appropriation under s. 20.370 (2) (eh).

15 ••87b2886/1••SECTION 403ev. 147.26 (2) (intro.) of the statutes is
16 amended to read:

17 147.26 (2) (intro.) All plans submitted under s. 144.04 after July 22,
18 1973, for new treatment works, or modifications of treatment works, which will
19 be eligible for construction grants under s. 144.21 ~~or~~ 144.24 or 144.241,
20 shall contain:

21 ••87b2886/1••SECTION 403ex. 147.30 (2) of the statutes is amended to
22 read:

23 147.30 (2) Financial assistance under s. 144.21 ~~or~~ 144.24 or 144.241;
24 and

25 ••87b2674/2••SECTION 403f. 149.07 (3) of the statutes is amended to read:

26 149.07 (3) The department shall appoint an advisory committee on tuber-
27 culosis control to assist the department in developing rules and standards for
28 tuberculosis treatment and operation of tuberculosis facilities giving inpa-

1 tient and outpatient tuberculosis care, consisting of 9 8 members appointed
2 for staggered 3-year terms, consisting of a member ~~of the health policy coun-~~
3 ~~cil nominated by the chairman thereof,~~ a member of the Wisconsin sanatorium
4 trustees association nominated by that organization, a member of the Wisconsin
5 hospitals association, a member of a nursing home association, a member of the
6 Wisconsin counties association representing a county operating a tuberculosis
7 treatment facility, a member of a local public health organization, 2 public
8 members with a demonstrated interest in the care and treatment of tuberculosis
9 and a specialist in the care and treatment of tuberculosis nominated by the
10 section on chest diseases of the state medical society of Wisconsin.

11 ••87b2674/2••SECTION 403g. 150.01 (2) of the statutes is amended to read:
12 150.01 (2) "Affected party" means the applicant, ~~health systems agencies~~
13 ~~and other~~ local planning agencies, governmental agencies, other persons pro-
14 viding similar services in the applicant's service area, the public to be
15 served by the proposed project, 3rd party payers and any other person who the
16 department determines to be affected by an application for approval of a
17 project.

18 ••87b2674/2••SECTION 403h. 150.01 (11) of the statutes is repealed.

19 ••87b2674/2••SECTION 403i. 150.33 (3m) of the statutes, as affected by
20 1987 Wisconsin Act 27, is amended to read:

21 150.33 (3m) The department shall review each application it receives for
22 completeness. If the department finds that the application is incomplete, it
23 shall notify the applicant of the information required within 10 working days
24 after receiving the application. Each applicant shall provide any required
25 additional information within 30 days following the closing date for accepting
26 applications specified in sub. (3). The department may not accept for review
27 any incomplete application if it fails to receive the additional information
28 within this 30-day period until it issues another public notice soliciting

1 applications under sub. (1). The department shall declare the application
2 complete on the date on which ~~both the department and the applicable health~~
3 ~~systems agency receive~~ receives all the required information.

4 ••87b2674/2••SECTION 403j. 150.34 (2) of the statutes, as created by 1987
5 Wisconsin Act 27, is amended to read:

6 150.34 (2) The department shall review each application it receives for
7 completeness. If the department finds that the application is incomplete, it
8 shall notify the applicant of the information required within 10 working days
9 after receiving the application. The department shall declare the application
10 complete on the date on which ~~both the department and the applicable health~~
11 ~~systems agency receive~~ receives all the required information.

12 ••87b2674/2••SECTION 403k. 150.35 (2) to (3m) and (4) (a) of the
13 statutes, as affected by 1987 Wisconsin Act 27, are amended to read:

14 150.35 (2) ~~Each health systems agency~~ The department shall hold a public
15 meeting upon the request of an affected party to review applications under s.
16 150.33 or 150.34 ~~seeking approval in its service area, at which all affected~~
17 ~~parties may present testimony. The health systems agency~~ department shall
18 make recommendations on these applications within 60 days after the department
19 issues its notice under s. 150.33 (4) or 150.34 (3) declaring all applications
20 complete. The ~~health systems agency~~ department shall keep minutes or other
21 record of testimony presented at the public meeting and shall ~~send a copy of~~
22 ~~this record and its~~ formulate recommendations ~~to the department. If an~~
23 ~~applicant seeks approval of a project outside the service area of any health~~
24 ~~systems agency, the department shall conduct the public meeting under this~~
25 ~~subsection and formulate recommendations~~ based on the testimony.

26 (3) Except as provided under sub. (3m), the department shall issue an
27 initial finding to approve or reject the application within 75 days after the
28 date it publishes its notice under s. 150.33 (4) or 150.34 (3), unless all

1 applicants consent to an extension of this period. The department may extend
2 by 60 days the review cycle of all applications being concurrently reviewed if
3 it finds that completing the reviews within 75 days after the date it pub-
4 lishes its notice under s. 150.33 (4) or 150.34 (3) is not practicable due to
5 the volume of applications received ~~from any health planning area~~. The
6 department shall base its initial finding on a comparative analysis of
7 applications, relying on the criteria specified in s. 150.39 and the recom-
8 mendations ~~received from the health systems agency~~ formulated under sub. (2).
9 The applicant has the burden of proving, by a preponderance of the evidence,
10 that each of the criteria specified in s. 150.39 has been met or does not
11 apply to the project. The department may approve fewer additional nursing
12 home beds than allowed by the statewide bed limit if the cost of adding those
13 beds exceeds the medical assistance allocation for new beds projected in s.
14 150.31 (1) (e). Unless an adversely affected applicant ~~or health systems~~
15 ~~agency~~ makes a timely request for a public hearing under sub. (4), the
16 department's initial finding under this subsection is its final action.

17 (3m) The department may receive any application which was developed under
18 a plan of correction, as defined in s. 50.01 (4r), previously approved by the
19 department and which does not add beds to the current licensed bed capacity ~~of~~
20 ~~a health planning area~~, or any application involving a cost overrun submitted
21 under s. 150.11 (3). Subsection (2) does not apply to these applications.
22 ~~The applicable health systems agency shall submit its recommendation on~~
23 ~~applications submitted under this subsection within 55 days after receipt of a~~
24 ~~complete application by both the health systems agency and the department.~~
25 Within 60 days after it receives a completed application, the department
26 shall, according to procedures it promulgates by rule, review the application
27 and issue its initial finding. No public meeting need be held on any project
28 submitted under this subsection. Unless an adversely affected applicant ~~or~~

1 ~~health systems agency~~ makes a timely request for a public hearing under sub.
2 (4), the department's initial finding under this subsection is its final
3 decision.

4 (4) (a) Any applicant whose project is rejected ~~or any adversely affected~~
5 ~~health systems agency~~ may request a public hearing to review the department's
6 initial finding under sub. (3) or (3m), if the request is submitted in writing
7 within 10 days after the department's decision. The department shall commence
8 the hearing within 30 days after receiving a timely request, unless all par-
9 ties consent to an extension of this period.

10 ••87b2674/2••SECTION 403L. 150.39 (intro.) of the statutes is amended to
11 read:

12 150.39 REVIEW CRITERIA AND STANDARDS. (intro.) The department shall use
13 the following criteria in reviewing each application under this subchapter,
14 plus any additional criteria it develops by rule. The department shall con-
15 sider cost containment as its first priority in applying these criteria, and
16 shall consider ~~the recommendations of health systems agencies and the comments~~
17 of affected parties. The department may not approve any project under this
18 subchapter unless the applicant demonstrates:

19 ••87b2674/2••SECTION 403Lg. 150.39 (9) of the statutes is amended to
20 read:

21 150.39 (9) The project is consistent with the state health plan created
22 under s. ~~14.25 (1) (e)~~ 140.82 (1) (b).

23 ••87b2674/2••SECTION 403Lr. 150.43 (intro.) and (2) of the statutes are
24 amended to read:

25 150.43 JUDICIAL REVIEW. (intro.) Any applicant ~~or health systems agency~~
26 adversely affected by a decision of the department under s. 150.35 (4) may
27 petition for judicial review of the decision under s. 227.52. The scope of

1 judicial review shall be as provided in s. 227.57 and the record before the
2 reviewing court shall consist of:

3 (2) The recommendations of ~~the health systems agency or~~ of the department
4 under s. 150.35 (2).

5 ••87b2629/1••SECTION 403m. 150.87 of the statutes is created to read:

6 150.87 MORATORIUM. (1) No person may, by or on behalf of a hospital,
7 add psychiatric or chemical dependency beds by new construction or by conver-
8 sion of a bed existing for a purpose other than as a psychiatric or chemical
9 dependency bed on or after March 1, 1988.

10 (2) Whoever violates sub. (1) or a rule promulgated under the authority
11 of sub. (1) shall be fined not more than \$200 for each bed established in
12 violation of sub. (1) or a rule promulgated under the authority of sub. (1).
13 Each day of violation shall constitute a separate offense.

14 ••87b3023/1••SECTION 403md. 151.01 (4) of the statutes is amended to
15 read:

16 151.01 (4) "Lead poisoning" means a level of lead in the blood beyond 60
17 25 micrograms per 100 milliliters of blood, or the corresponding erythrocyte
18 protoporphyrin level as determined by the department by rule.

19 ••87b3023/1••SECTION 403mh. 151.09 (7) of the statutes is created to
20 read:

21 151.09 (7) Notwithstanding s. 151.01 (4), whenever the center for disease
22 control of the federal department of health and human services specifies a
23 standard for the determination of lead poisoning that differs from that
24 specified in s. 151.01 (4), promulgate rules defining "lead poisoning" to
25 correspond to the specification of the center for disease control. Rules
26 promulgated under this subsection shall supersede s. 151.01 (4) with respect
27 to the requirements of this chapter.

1 ••87b3439/4••SECTION 403mhg. Chapter 153 of the statutes is created to
2 read:

3 CHAPTER 153

4 HEALTH CARE INFORMATION

5 153.01 DEFINITIONS. In this chapter:

6 (1) "Ambulatory surgery center" has the meaning given under 42 CFR 416.2.

7 (2) "Board" means the board on health care information.

8 (3) "Charge element" means any service, supply or combination of services
9 or supplies that is specified in the categories for payment under the charge
10 revenue code for the uniform billing form UB-82/HCFA-1450.

11 (4) "Department" means the department of health and social services.

12 (5) "Hospital" has the meaning given under s. 50.33 (2).

13 (6) "Office" means the office of health care information.

14 (7) "Patient" means a person who receives health care services from a
15 health care provider.

16 (8) "Payer" means a 3rd party payer, including an insurer, as defined in
17 s. 600.03 (27), federal, state or local government or another who is respon-
18 sible for payment of a hospital charge.

19 (9) "Uniform patient billing form" means, for a hospital, the uniform
20 billing form UB-82/HCFA-1450 developed by the national uniform billing
21 committee or, for an ambulatory surgery center, the health insurance claim
22 form HCFA-1500.

23 153.05 COLLECTION AND DISSEMINATION OF HEALTH CARE AND RELATED
24 INFORMATION. (1) In order to provide to hospitals, health care providers,
25 insurers, consumers, governmental agencies and others information concerning
26 hospital service utilization, charges, revenues, expenditures, mortality and
27 morbidity rates and care of indigents, and in order to provide information to
28 assist in peer review for the purpose of quality assurance, the office shall

1 collect, analyze and disseminate, in language that is understandable to lay
2 persons, health care information obtained from the following data sources:

3 (a) Uniform patient billing forms.

4 (b) Federal medicare cost reports.

5 (c) Hospital reports that include all of the following:

6 1. Identification of charges in each hospital's most recent entire fiscal
7 year for up to 100 charge elements, as selected by the office, and identifi-
8 cation of the increase or decrease in charges for each of these charge ele-
9 ments from amounts charged during the hospital's entire fiscal year that is
10 nearest in time to the hospital's most recent entire fiscal year.

11 2. The dollar amount of total gross and net revenue increases or de-
12 creases from each hospital's most recent entire fiscal year that is budgeted
13 or projected for the hospital's current entire fiscal year.

14 3. The dollar amount of gross and net revenue increases or decreases from
15 each hospital's most recent entire fiscal year that is projected or budgeted
16 for the hospital's current entire fiscal year and that is attributable to the
17 sum of increases or decreases in all charge elements.

18 (d) Hospital-specific charity care reports, plans and projections.

19 (e) Final audited financial statements of hospitals, which statements
20 shall include all of the following:

21 1. For the hospital's most recent entire fiscal year, as a dollar amount,
22 the amount of gross revenue, net revenue, other operating revenue and
23 nonoperating revenue of the hospital, in categories specified by the depart-
24 ment by rule.

25 2. For the hospital's most recent entire fiscal year, as a dollar amount,
26 the amount of total expenditures for the hospital.

27 3. The difference between each item specified under subds. 1 and 2 and
28 the same item for the hospital's entire fiscal year that is nearest in time to

1 the hospital's most recent entire fiscal year, expressed as a dollar amount
2 and as a percentage of change.

3 (2) The office shall provide copies of reports published under ss. 153.10
4 to 153.35 at no charge to hospitals assessed under s. 153.60 (1) and, if
5 assessed, at no charge to ambulatory surgery centers assessed under s. 153.60
6 (2). The office shall provide copies of the reports to any person, upon the
7 person's request, and the board shall advise the bureau as to whether the
8 copies shall be provided at no charge or at a charge not to exceed the cost of
9 printing, copying and mailing the report to the person.

10 (3) Upon request of the office, state agencies shall provide health care
11 information to the office for use in preparing reports under ss. 153.10 to
12 153.35.

13 (4) (a) Before July 1, 1990, the office, under rules promulgated by the
14 department, shall require hospitals to use, and private-pay patients and
15 payers who are insurers to accept, uniform patient billing forms, shall
16 require hospitals to submit to the office the information provided on the
17 billing forms and may require payers who are insurers to use a standard set of
18 definitions for base data reporting under a uniform patient billing form.

19 (b) Before April 1, 1992, the office, under rules promulgated by the
20 department, may require ambulatory surgery centers to use uniform patient
21 billing forms and other information, and, if so requiring, shall require
22 ambulatory surgery centers to submit to the office the information provided on
23 the billing forms using a standard set of definitions for base data reporting.

24 (5) The office:

25 (a) Shall require hospitals to submit information regarding medical
26 malpractice, staffing levels and patient case-mix, and expenditures related to
27 labor relations consultants, as specified by the office.

1 (b) May require hospitals to submit to the office information from
2 sources identified under sub. (1) (a) to (e) that the office deems necessary
3 for the preparation of reports, plans and recommendations under ss. 153.10 to
4 153.35 and any other reports required of the office in the form specified by
5 the office.

6 (bm) Shall require a hospital to submit to the office information from
7 sources identified under sub. (1) (e) by the date that is 4 months following
8 the close of the hospital's fiscal year unless the office grants an extension
9 of time to file the information.

10 (6) If the requirements of s. 153.07 (2) are first met, the office may
11 contract with a public or private entity that is not a major purchaser, payer
12 or provider of health care services in this state for the provision of data
13 processing services for the collection, analysis and dissemination of health
14 care information under sub. (1) or the department shall provide the services
15 under s. 153.07 (2).

16 (7) The office may require each insurer, as defined in s. 600.03 (27),
17 authorized to write disability insurance to submit to the office information
18 obtained on uniform patient billing forms regarding reported claims for health
19 care services which insureds who are residents of this state obtain in another
20 state.

21 (8) Beginning April 1, 1992, the office shall collect, analyze and
22 disseminate, in language that is understandable to lay persons, health care
23 information under the provisions of this chapter, as determined by rules
24 promulgated by the department, from health care providers, as defined by rules
25 promulgated by the department, other than hospitals and ambulatory surgery
26 centers. Data from physicians shall be obtained through sampling techniques
27 in lieu of collection of data on all patient encounters and data collection
28 procedures shall minimize unnecessary duplication and administrative burdens.

1 (9) The office shall provide orientation and training to physicians,
2 hospital personnel and other health care providers to explain the process of
3 data collection and analysis and the procedures for data verification, inter-
4 pretation and release.

5 (10) The office shall require hospitals to publish a class 1 notice under
6 ch. 985 at least 10 days prior to the institution by a hospital of a rate
7 increase. This notice shall state the percentage level of rate changes and
8 the resulting increase in dollars in the hospital's annual revenue over its
9 previous fiscal year's total actual revenue. This notice shall also include
10 the rate change, if any, that the hospital made for each of 25 charge elements
11 that the office specifies by rule.

12 (11) In order to elicit public comment concerning the reports required
13 under ss. 153.10 to 153.35, the office shall, following the release of the
14 reports and by a date that is determined by the board, and annually
15 thereafter, provide notice of and hold public hearings in 5 regions of the
16 state, as determined by the subunit of the department having responsibility
17 for health.

18 (12) The office shall, to the extent possible and upon request, assist
19 members of the public in interpreting data in health care information dis-
20 seminated by the office.

21 153.07 BOARD POWERS AND DUTIES. (1) The board shall advise the director
22 of the office with regard to the collection, analysis and dissemination of
23 health care information required by this chapter.

24 (2) The board, upon advice of the office, shall first determine whether
25 to contract for services pursuant to s. 153.05 (6). If the board determines
26 to contract for such services, it shall approve specifications for a contract
27 including the length of the contract and the standards for determining poten-
28 tial contractor conflicts with the purposes of the office as specified under

1 s. 153.05 (1). In the alternative, the board may direct the office to have
2 the department provide the services under s. 153.05 (6). The board may
3 subsequently determine to contract for these services in subsequent years. If
4 the board decides to bid the contract for services under s. 153.05 (6), the
5 department may offer a bid as would any other potential contractor. The board
6 shall evaluate a contractor's performance 6 months prior to the close of each
7 existing contract.

8 (3) The board shall approve all rules which are proposed by the depart-
9 ment for promulgation to implement this chapter.

10 153.10 HEALTH CARE DATA REPORTS. (1) Beginning in 1990 and quarterly
11 thereafter, the office shall prepare and submit to the governor and the chief
12 clerk of each house of the legislature for distribution to the legislature
13 under s. 13.172 (2), in a manner that permits comparisons among hospitals, a
14 report setting forth all of the following for every hospital for the preceding
15 quarter:

16 (a) The charges for up to 100 health care services or diagnostic-related
17 groups selected by the office.

18 (b) The utilization and charge information for ambulatory surgery and
19 other outpatient health care services selected by the office.

20 (2) Beginning in 1990 and annually thereafter, the office shall prepare
21 and submit to the governor and the chief clerk of each house of the legis-
22 lature for distribution to the legislature under s. 13.172 (2) a report ana-
23 lyzing the relative rate of growth of health care costs in this state compared
24 to the rest of the nation and compared to the midwest region. The report
25 shall include, to the extent the data are available, comparisons among this
26 state, the rest of the nation and the midwest region of all of the following
27 for the preceding year:

28 (a) Health care costs per person.

- 1 (b) Hospital revenues and expenditures per person.
2 (c) Changes in total hospital revenues and expenditures.
3 (d) Average charges for health care services provided by hospitals and
4 for diagnostic-related groups provided by hospitals.

5 153.15 SMALL AREA ANALYSIS REPORTS. Beginning in 1990 and annually
6 thereafter, the office shall prepare and submit to the governor and the chief
7 clerk of each house of the legislature for distribution to the legislature
8 under s. 13.172 (2) reports identifying health care services or procedures
9 provided by one or more hospitals in specific areas of the state for which the
10 rate of utilization of the service or procedure is significantly different
11 than the state or area average.

12 153.20 INDIGENT HEALTH CARE REPORT. (1) Beginning in 1990 and annually
13 thereafter, the office shall prepare and submit to the governor and to the
14 chief clerk of each house of the legislature for distribution to the legis-
15 lature under s. 13.172 (2) a report setting forth the number of patients to
16 whom uncompensated health care services were provided by each hospital and the
17 total costs of the health care services provided to the patients for the pre-
18 ceding year, together with the number of patients and the total costs that
19 were projected by the hospital for that year in the plan filed under sub. (2).

20 (2) Beginning in 1990 and annually thereafter, every hospital shall file
21 with the office a plan setting forth the projected number of patients to whom
22 uncompensated health care services will be provided by the hospital and the
23 projected total costs of the health care services to be provided to the
24 patients for the ensuing year.

25 153.25 MORTALITY AND MORBIDITY REPORT. Beginning in 1990 and annually
26 thereafter, the office shall prepare and submit to the governor and to the
27 chief clerk of each house of the legislature for distribution to the legis-
28 lature under s. 13.172 (2) reports setting forth mortality and morbidity rates

1 for every hospital. Before the release of a report under this section, the
2 office shall provide the physicians, hospitals or other health care providers
3 identified in the report with the opportunity to review and comment under s.
4 153.40 (6).

5 153.30 HEALTH CARE INSURANCE REPORT. Beginning in 1990 and annually
6 thereafter, the office and the office of the commissioner of insurance may
7 jointly prepare and submit to the governor and to the chief clerk of each
8 house of the legislature for distribution to the legislature under s. 13.172
9 (2) a report specifying, to the extent possible, on a regional basis, the
10 number, nature of coverage and costs of health care coverage plans covering
11 residents of this state during the preceding year.

12 153.35 REPORT BY THE OFFICE. The office shall, by October 1, 1989, and
13 annually thereafter, under rules promulgated by the department, submit under
14 s. 13.172 (3) a report to the chief clerk of each house of the legislature for
15 distribution to standing committees with jurisdiction over health matters,
16 that shall include all of the following:

17 (1) The range, median and mean of charges and increases or decreases in
18 specific charges by hospitals for up to 100 charge elements, as selected by
19 the office, as reported to the office under s. 153.05 (1) (c) 1.

20 (2) Comparisons, among hospitals, of increases or decreases in gross
21 revenues, net revenues, other operating revenues, nonoperating revenues and
22 expenditures, as reported under s. 153.05 (1) (c) 2 and 3 and (e).

23 153.40 PROCEDURES FOR DATA VERIFICATION AND REVIEW. (1) Prior to data
24 submission, hospitals, ambulatory surgery centers or, beginning April 1, 1992,
25 other health care providers shall review discharge data for accuracy and shall
26 obtain verification by the physician of the principal and secondary diagnoses
27 and primary and secondary procedures. The verification shall occur within the
28 time specified by rules promulgated by the department for data submission to

1 the office. If the verification is not made on a timely basis, the hospital
2 or other health care provider shall submit the data noting the lack of
3 verification.

4 (2) The office shall be responsible for assuring that appropriate editing
5 is conducted for all submitted data to identify systematic errors, missing
6 data, values beyond an allowed range, illegal codes within a range, illogical
7 sequence of dates, diagnoses and procedures inconsistent with age and sex,
8 other data failing internal consistency checks and other patterns inconsistent
9 with what would be expected. The office shall notify hospitals, ambulatory
10 surgery centers or, beginning October 1, 1991, other health care providers of
11 missing or incorrect information under this subsection.

12 (3) Hospitals, ambulatory surgery centers or, beginning October 1, 1991,
13 other health care providers shall be responsible for resolving the errors
14 found by the editing under sub. (2) and shall resubmit corrected data within
15 10 working days after receiving written notification from the office of the
16 errors.

17 (4) The office shall send edited and corrected data to hospitals, ambu-
18 latory surgery centers or, beginning April 1, 1992, other health care provi-
19 ders for a 10-working-day review period before the data are released.

20 (5) The office may, by rules promulgated by the department, require that
21 other forms of data verification, including reabstracting studies and
22 comparisons with information collected from other data systems, be conducted
23 prior to the release of physician-specific data.

24 (6) At least 30 calendar days prior to the release of a report under s.
25 153.25, the office shall notify a physician, hospital or other health care
26 provider identified in the report of the office's intent to release the
27 report. The notification shall include a copy of the draft report and a
28 statement that those identified may submit comments on the report to the

1 office. If the office receives comments prior to the release of the report,
2 the office shall append the comments to the report. If the office receives
3 comments after the report is released, the office shall make the comments
4 available to anyone requesting the comments.

5 153.45 RELEASE OF DATA. (1) After completion of data verification and
6 review procedures under s. 153.40, the office shall release data in the
7 following forms:

8 (a) Standard reports in accordance with ss. 153.10 to 153.35.

9 (b) Public use tapes which do not permit the identification of specific
10 patients, physicians, employers or other persons. The identification of these
11 groups shall be protected by all necessary means, including the deletion of
12 patient identifiers and the use of calculated variables and aggregated
13 variables.

14 (c) Custom-designed subfile tapes, other electronic media, special data
15 compilations or reports containing portions of the public use tape data under
16 par. (b).

17 (2) The office shall provide to other entities the data necessary to
18 fulfill their statutory mandates for epidemiological purposes or to minimize
19 the duplicate collection of similar data elements.

20 (3) The office shall release physician-specific and employer-specific
21 data, except in public use tapes as specified under sub. (1) (b), in a manner
22 that is specified in rules promulgated by the department.

23 153.50 PROTECTION OF PATIENT CONFIDENTIALITY. Case-specific data
24 obtained under this chapter and contained in the discharge data base of the
25 office is not a public record under s. 19.35 and may not be released by the
26 office, except to the patient or to a person granted permission for release by
27 the patient and except that a hospital, a physician, the agent of a hospital
28 or physician or the department may have access to case-specific data to ensure

1 the accuracy of the information in the discharge data base. The department
2 may also have access to the data discharge system for the purposes of
3 completing epidemiological reports and eliminating the need to maintain a data
4 base that duplicates that of the office, if the department does not release or
5 otherwise provide access to the case-specific data.

6 153.60 ASSESSMENTS TO FUND OPERATIONS OF OFFICE AND BOARD. (1) Com-
7 mencing on the effective date of this subsection [revisor inserts date],
8 the office shall, by the first October 1 after the commencement of each fiscal
9 year, estimate the total amount of expenditures for the office and the board
10 for that fiscal year. The office shall assess the estimated total amount for
11 that fiscal year less the estimated total amount to be received under s.
12 20.435 (1) (hi), (hj) and (mr) during the fiscal year and the unencumbered
13 balances of the amounts received under s. 20.435 (1) (hg), (hi), (hj) and (mr)
14 from the prior fiscal year, to hospitals in proportion to each hospital's
15 respective gross private-pay patient revenues during the hospital's most
16 recently concluded entire fiscal year. Any costs incurred by the office in
17 fiscal year 1987-88 shall be included in the estimate of total expenditures
18 and assessment for fiscal year 1988-89. Each hospital shall pay the assess-
19 ment on or before December 31. All payments of assessments shall be deposited
20 in the appropriation under s. 20.435 (1) (hg).

21 (2) Beginning July 1, 1989, the office may assess ambulatory surgery
22 centers under this section, using as the basis for individual ambulatory sur-
23 gery center assessments criteria promulgated by rule by the department under
24 s. 153.75 (1) (b).

25 153.65 PROVISION OF SPECIAL INFORMATION; USER FEES. The office may
26 provide, upon request from a person, a data compilation or a special report
27 based on the information collected by the office under s. 153.05 (1), (3), (4)
28 (b), (5), (7), (8) or (10). The office shall establish user fees for the

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

5 153.75 RULE MAKING. (1) Following approval by the board, the department
6 shall promulgate the following rules:

7 (a) Providing procedures to ensure the protection of patient confidenti-
8 ality under s. 153.50.

9 (b) Establishing procedures under which hospitals and health care provi-
10 ders are permitted to review and verify patient-related information prior to
11 its submission to the office.

12 (c) Regarding the scope of health care information required under s.
13 153.05 (8) from health care providers other than hospitals and ambulatory
14 surgery centers, and defining the term "health care provider" for this purpose
15 and specifying forms to be used to collect the information.

16 (d) Determining the 100 charge elements most frequently used by hospitals
17 in the aggregate.

18 (e) Implementing requirements for use of uniform patient billing forms
19 and other information under s. 153.05 (4).

20 (f) Governing the release of physician-specific and employer-specific
21 data under s. 153.45 (3).

22 (g) Establishing criteria for the publication and contents of a notice
23 under s. 153.05 (10) and specifying 25 charge elements for an increase in the
24 rates of which notice must be specified by a hospital.

25 (h) Defining the term "major purchaser, payer or provider of health care
26 services" for the purposes of s. 153.05 (6).

27 (i) Regarding the scope and implementation of the reporting requirements
28 under s. 153.35.

1 (j) Specifying the categories for reporting amounts of gross revenue, net
2 revenue, other operating revenue and nonoperating revenue under s. 153.05 (1)
3 (e) 1.

4 (2) With the approval of the board, the department may promulgate all of
5 the following rules:

6 (a) Exempting certain classes of health care providers from providing all
7 or portions of the data required under this chapter.

8 (b) Establishing forms of data verification which may be required under
9 s. 153.40 (5).

10 (c) Providing for the efficient collection, analysis and dissemination of
11 health care information which the office may require under this chapter.

12 153.85 CIVIL LIABILITY. Any person violating s. 153.50 or rules promul-
13 gated under s. 153.75 (1) (a) is liable to the patient for actual damages and
14 costs, plus exemplary damages of up to \$1,000 for a negligent violation and up
15 to \$5,000 for an intentional violation.

16 153.90 PENALTIES. (1) Whoever intentionally violates s. 153.50 or rules
17 promulgated under s. 153.75 (1) (a) may be fined not more than \$10,000 or
18 imprisoned for not more than 9 months or both.

19 (2) Any person who violates this chapter or any rule promulgated under
20 the authority of this chapter, except ss. 153.50 and 153.75 (1) (a), as pro-
21 vided in s. 153.85 and sub. (1), shall forfeit not more than \$100 for each
22 violation. Each day of violation constitutes a separate offense, except that
23 no day in the period between the date on which a request for a hearing is
24 filed under s. 227.44 and the date of the conclusion of all administrative and
25 judicial proceedings arising out of a decision under this section constitutes
26 a violation.

27 ••87b2921/1••SECTION 403mhm. 160.58 of the statutes is created to read:

1 160.58 PILOT LOCAL GROUNDWATER MANAGEMENT GRANT PROGRAM. (1) (a) The
2 department may award grants to units of local government, as defined in s.
3 25.50 (1) (d), for local groundwater management demonstration projects. A
4 grant under this paragraph may be awarded for up to 80% of eligible costs of a
5 unit of local government for a local groundwater management demonstration
6 project.

7 (b) The department shall determine the amount of eligible costs for a
8 grant under par. (a). Eligible costs for a grant under par. (a) shall be
9 limited to costs for staff and supplies. Eligible costs shall not include
10 equipment costs.

11 (c) The department shall establish eligibility priorities for grants
12 under par. (a). In establishing the eligibility priorities the department
13 shall do all of the following:

14 1. Encourage innovative planning and management practices.

15 2. Encourage studies and planning activities to address a variety of
16 area-specific groundwater contamination problems.

17 3. Encourage cooperation between units of local government and insti-
18 tutions of higher education in conducting studies and implementing management
19 practices.

20 4. Give greater priority to the counties having the greater number of
21 sites included in the July 1987 inventory of environmental repair sites under
22 s. 144.442 (4).

23 (2) The groundwater coordinating council shall assign a subcommittee,
24 appointed under s. 160.50 (2), to submit reports to the groundwater coordi-
25 nating council on projects conducted by units of local government which
26 receive grants under sub. (1) (a). The subcommittee shall also provide
27 information concerning the local groundwater management grant program to units
28 of local government and to state agencies, upon request.

1 (3) This section applies until June 30, 1989.

2 ••87b3032/1••SECTION 403mhr. 162.03 (7) of the statutes is created to
3 read:

4 162.03 (7) The department shall cooperate with the department of
5 industry, labor and human relations in the testing of equipment proposed for
6 use in the treatment of contaminated drinking water under s. 145.02 (3) (b).

7 ••87b3335/1••SECTION 403mhx. 163.93 (2) of the statutes is amended to
8 read:

9 163.93 (2) No raffle ticket may exceed \$5 \$10 in cost.

10 ••87b3371/1••SECTION 403mia. 165.25 (1) of the statutes is amended to
11 read:

12 165.25 (1) REPRESENT STATE. Except as provided in s. ~~59.47 (7)~~ 978.05
13 (5), appear for the state and prosecute or defend all actions and proceedings,
14 civil or criminal, in the court of appeals and the supreme court, in which the
15 state is interested or a party, and attend to and prosecute or defend all
16 civil cases sent or remanded to any circuit court in which the state is a
17 party; and, if requested by the governor or either house of the legislature,
18 appear for and represent the state, any state department, agency, official,
19 employe or agent, whether required to appear as a party or witness in any
20 civil or criminal matter, and prosecute or defend in any court or before any
21 officer, any cause or matter, civil or criminal, in which the state or the
22 people of this state may be interested. The radioactive waste review board
23 may request under s. 16.08 (7) that the attorney general intervene in federal
24 proceedings. All expenses of the proceedings shall be paid from the appro-
25 priation under s. 20.455 (1) (d).

26 ••87b3723/2••SECTION 403miam. 165.25 (3m) of the statutes is created to
27 read:

1 165.25 (3m) REVIEW HARD-CORE OBSCENE MATERIAL CASES. Review cases sub-
2 mitted to the department by district attorneys under s. 944.21 (4). The
3 attorney general shall determine whether a prosecution may be commenced.

4 ••87b3371/1••SECTION 403mib. 165.25 (8r) of the statutes is created to
5 read:

6 165.25 (8r) ASSIST PROSECUTORS COUNCIL. The department shall provide
7 adequate office space for the executive secretary of the prosecutors council
8 under s. 15.83 and clerical and other assistance to the prosecutors council
9 and executive secretary as necessary for the performance of the duties
10 assigned to the council under s. 978.11.

11 ••87b3371/1••SECTION 403mic. 165.70 (4) of the statutes is amended to
12 read:

13 165.70 (4) ~~Local~~-district District attorneys, sheriffs and chiefs of
14 police shall cooperate and assist the personnel of the department in the per-
15 formance of their duties.

16 ••87b2696/2••SECTION 403mm. 165.95 of the statutes is created to read:

17 165.95 SPECIAL PROSECUTOR COST REIMBURSEMENT. The department of justice
18 shall reimburse counties from the appropriation under s. 20.455 (1) (cm) for
19 the costs of special prosecutors incurred on or after January 1, 1987, in
20 cases involving a conflict of interest resulting from an appointment to the
21 office of district attorney by the governor of a person who served as an
22 assistant state public defender immediately prior to the appointment. Coun-
23 ties may submit cost vouchers to the department of justice. The department
24 shall review the vouchers to determine if the criteria under this section have
25 been met. If the amount claimed exceeds the moneys available in any fiscal
26 year, the department shall prorate the payments to counties in accordance with
27 the percentage of reimbursable costs attributable to each county.

28 ••87b3423/2••SECTION 403mzj. 167.34 of the statutes is created to read:

1 167.34 SAFE DISPOSAL OF DEER CAUSING DAMAGE TO LAND. (1) DEFINITION.

2 In this section, "department" means the department of natural resources.

3 (2) PROCEDURE WHERE DEER DAMAGE IS EXTENSIVE. Upon complaint in writing
4 by an owner or lessee of land to the department that deer are causing damage
5 thereon, the department shall determine within 48 hours if the alleged damage
6 exceeds, or is likely to exceed within one calendar year, \$1,000. If the
7 department determines that the damage exceeds or is likely to exceed \$1,000,
8 then the department shall immediately issue to the owner or lessee of the land
9 on which the deer are causing damage a permit to destroy the deer causing
10 damage. Permits issued under this subsection shall authorize the holder of
11 the permit to destroy deer at any time, except during the open season for the
12 hunting of deer with firearms. All such deer destroyed by permit shall be
13 turned over immediately to authorized agents of the department, who shall
14 dispose of them as provided in s. 29.06.

15 (3) PROCEDURE WHERE DEPARTMENT DOES NOT ACT. If the department fails to
16 determine, within 48 hours after receiving a complaint under sub. (2), whether
17 the alleged damage exceeds, or is likely to exceed within one calendar year,
18 \$1,000, the owner or lessee of land on which deer are causing damage may
19 engage in the activities authorized by a permit under sub. (2) as if the
20 department had issued a permit to the person.

21 ••87b3486/1••SECTION 403mzk. 168.12 (1m) of the statutes, as created by
22 1987 Wisconsin Act 27, is amended to read:

23 168.12 (1m) The department shall charge an additional oil inspection fee
24 in an amount prescribed by the department that would generate the amount
25 specified under s. 101.143 (2) (a), to be deposited in the petroleum storage
26 environmental cleanup fund.

27 ••87b3032/1••SECTION 403mzm. 168.12 (1s) of the statutes is created to
28 read:

1 168.12 (1s) In addition to any other fees, the department shall collect a
2 well compensation fee from the owner or any other person for whom it inspects
3 any petroleum product. The well compensation fee under this subsection shall
4 be 0.33 cent for each 50 gallons from which a sample is taken or the amount
5 determined under s. 144.0295. The well compensation fee collected under this
6 subsection shall be credited to the appropriation under s. 20.370 (2) (eh).

7 ••87b3613/1••SECTION 403nb. 175.40 (1) of the statutes, as affected by
8 1987 Wisconsin Act 231, is repealed and recreated to read:

9 175.40 (1) In this section:

10 (a) "Highway" has the meaning specified in s. 340.01 (22).

11 (b) "Intersection" has the meaning specified in s. 340.01 (25).

12 (c) "Peace officer" has the meaning specified in s. 939.22 (22).

13 ••87b2738/1••SECTION 403p. 175.40 (4) of the statutes is created to read:

14 175.40 (4) A peace officer whose boundary is a highway may enforce any
15 law or ordinance that he or she is otherwise authorized to enforce by arrest
16 or issuance of a citation on the entire width of such a highway and on the
17 entire intersection of such a highway and a highway located in an adjacent
18 jurisdiction. This subsection does not extend an officer's jurisdiction out-
19 side the boundaries of this state.

20 ••87b3381/1••SECTION 403pe. 177.06 (3) of the statutes is renumbered
21 177.06 (3) (intro.) and amended to read:

22 177.06 (3) (intro.) With respect to property described in sub. (1), a
23 holder shall not ~~impose~~ do any of the following:

24 (a) Impose a charge during a period of dormancy or inactivity which
25 exceeds the charge regularly imposed by that holder on that class of account,
26 ~~and shall not~~ or cease payment of interest during such a period solely because
27 of dormancy or inactivity.

1 ••87b3381/1••SECTION 403pf. 177.06 (3) (b) of the statutes is created to
2 read:

3 177.06 (3) (b) Assess a service charge after December 31 of the 2nd
4 calendar year covered in the report filed under s. 177.17 concerning that
5 property.

6 ••87b3381/1••SECTION 403pg. 177.17 (2) (a) of the statutes is amended to
7 read:

8 177.17 (2) (a) Except with respect to travelers checks and money orders,
9 the name, if known, and last-known address, if any, of each person appearing
10 from the records of the holder to be the owner of property with a value of \$25
11 \$50 or more presumed abandoned under this chapter.

12 ••87b3381/1••SECTION 403ph. 177.17 (2) (b) of the statutes is amended to
13 read:

14 177.17 (2) (b) In the case of unclaimed funds of ~~\$25~~ \$50 or more held or
15 owing under any life or endowment insurance policy or annuity contract, the
16 full name and last-known address of the insured or annuitant and of the bene-
17 ficiary according to the records of the insurance company holding or owing the
18 funds.

19 ••87b3381/1••SECTION 403pi. 177.17 (2) (d) of the statutes is amended to
20 read:

21 177.17 (2) (d) The nature and identifying number, if any, or description
22 of the property and the amount appearing from the records to be due, but items
23 with a value of less than ~~\$25~~ \$50 each may be reported in the aggregate.

24 ••87b3381/1••SECTION 403pj. 177.19 (1) of the statutes is amended to
25 read:

26 177.19 (1) Except as provided in ~~subs.~~ sub. (2) ~~and (3)~~, a person
27 required to file a report under s. 177.17 shall, by the December 1 following

1 the filing of the report, pay or deliver to the administrator all abandoned
2 property required to be reported.

3 ••87b3381/1••SECTION 403pk. 177.19 (3) of the statutes is repealed.

4 ••87b3381/1••SECTION 403pL. 177.23 (1) of the statutes is amended to
5 read:

6 177.23 (1) Except as provided in sub. (2), the administrator shall
7 deposit in the school fund all funds received under this chapter, including
8 the clear proceeds from the sale of abandoned property under s. 177.22.
9 Before making the deposit, the administrator shall record the name and last-
10 known address of each person appearing from the holders' reports to be
11 entitled to the property and the name and last-known address of each insured
12 person or annuitant and beneficiary and, with respect to each policy or con-
13 tract listed in the report of an insurance company, its number, the name of
14 the company and the amount due. ~~The record shall be available for public~~
15 ~~inspection at all reasonable business hours~~ information recorded by the
16 administrator under this subsection is not available for inspection or copying
17 under s. 19.35 (1) until 24 months after payment or delivery of the property
18 is due under s. 177.19 (1).

19 ••87b3381/1••SECTION 403pm. 177.35 of the statutes is repealed and re-
20 created to read:

21 177.35 AGREEMENT TO LOCATE REPORTED PROPERTY. (1) Except for agreements
22 made under s. 177.33, if a person agrees, for compensation and on behalf of
23 the owner of property reported under s. 177.17, to locate, deliver, recover or
24 assist in the recovery of the reported property, the agreement shall be in
25 writing and shall include all of the following:

26 (a) A description of the property and the value of the property.

1 (b) A clear and prominent statement of the fee or other compensation to
2 be paid by or on behalf of the owner, which may not exceed 20% of the actual
3 value of the property recovered.

4 (c) A clear and prominent statement disclosing the name and address of
5 the holder and whether the property has been paid to the administrator.

6 (d) The notarized signature of the owner.

7 (2) An agreement entered into under this section is not enforceable if
8 the agreement is entered into within 24 months after payment or delivery of
9 the property is due under s. 177.19 (1).

10 ••87b2706/1••SECTION 403q. 180.72 (1) and (4) of the statutes are amended
11 to read:

12 180.72 (1) Any shareholder of a corporation shall have the right to file
13 with the corporation a written objection, at least 48 hours prior to the
14 meeting of shareholders at which any of the following corporate actions are
15 proposed to be voted upon: a) Any plan of merger or consolidation to which
16 the corporation is a party; ~~or~~ b) Any sale or exchange of all or substan-
17 tially all of the property and assets of the corporation not made in the usual
18 and regular course of its business, including a sale in dissolution, but not
19 including a sale pursuant to an order of a court having jurisdiction in the
20 premises or a sale for cash, with or without an assumption of liabilities of
21 the seller, on terms requiring that all or substantially all of the net pro-
22 ceeds of sale be distributed to the shareholders in accordance with their
23 respective interests within one year after the date of sale; or c) Any
24 conversion under s. 180.975 of a corporation to a nonprofit nonstock corpora-
25 tion subject to ch. 181. A shareholder may object as to less than all of the
26 shares registered in his name; and in that event, his rights shall be deter-
27 mined as if the shares as to which he has objected and his other shares were
28 registered in the names of different shareholders. A shareholder in a statu-

1 tory close corporation formed under s. 180.995 need not file a written objec-
2 tion prior to a meeting of shareholders or the corporate action in order to
3 preserve his or her right to receive the fair value of his or her shares.
4 This subsection shall not apply to the shareholders of the surviving corpora-
5 tion in a merger if a vote of the shareholders of such corporation is not
6 necessary to authorize such merger. Except in a business combination, as
7 defined in s. 180.725 (1) (d), which is subject to s. 180.725 (2) or exempt
8 under s. 180.725 (3), this subsection shall not apply to the holders of shares
9 of any class or series if the shares of such class or series were registered
10 on a national securities exchange or quoted on the national association of
11 securities dealers, inc., automated quotations system on the date fixed to
12 determine the shareholders entitled to vote at the meeting of shareholders at
13 which a plan of merger or consolidation ~~or~~ a proposed sale or exchange of
14 property and assets, or a proposed conversion under s. 180.975 is to be acted
15 upon unless the articles of incorporation of the corporation shall otherwise
16 provide.

17 (4) Within 10 days after such corporate action is effected, the corpora-
18 tion or, in the case of a merger or consolidation, the surviving or new
19 corporation, domestic or foreign, or, in the case of a conversion under s.
20 180.975, the corporation, as defined in s. 181.02 (4), shall give written
21 notice thereof to each objecting shareholder who has made demand as herein
22 provided, and shall make a written offer to each such shareholder to pay for
23 such shares at a specified price deemed by such corporation to be the fair
24 value thereof. Such notice and offer shall be accompanied by a balance sheet
25 of the corporation the shares of which the objecting shareholder holds, as of
26 the latest available date and not more than 12 months prior to the making of
27 such offer, and a profit and loss statement of such corporation for the
28 12-month period ended on the date of such balance sheet.

1 ••87b2706/1••SECTION 403r. 180.975 of the statutes is created to read:

2 180.975 CONVERSION OF CERTAIN CORPORATIONS TO CH. 181 CORPORATIONS. (1)

3 CONVERSION PERMITTED. A corporation organized under the laws of this state
4 before July 1, 1953, whose only asset since its organization has been real
5 estate used for the operation of a country club may convert its form of orga-
6 nization to a nonprofit nonstock corporation that is subject to ch. 181, if
7 all of the following conditions are satisfied:

8 (a) Resolution by board of directors. The board of directors adopts a
9 resolution recommending conversion of the corporation to a nonprofit nonstock
10 corporation and directing submission of the proposed conversion to a vote of
11 shareholders at an annual or special meeting of shareholders.

12 (b) Notice of shareholder meeting. Written notice of the meeting at
13 which the proposed conversion will be submitted to a vote of shareholders is
14 given to each shareholder of record in the manner provided under s. 180.24
15 except that the notice shall satisfy all of the following:

16 1. Be delivered to shareholders not less than 20 days before the meeting.

17 2. Whether the meeting is an annual or special meeting, state that the
18 purpose, or one of the purposes, is to consider the proposed conversion.

19 3. If applicable, state that any shareholder desiring to be paid the fair
20 value of his or her shares must file a written objection to the proposed
21 conversion at least 48 hours before the meeting.

22 (c) Shareholder vote. Shareholders approve the proposed conversion. The
23 proposed conversion is approved by shareholders if, at the meeting for which
24 notice is given under par. (b), the proposal receives the affirmative vote of
25 the holders of two-thirds of all outstanding shares and of each class or
26 series thereof.

27 (d) Restated articles of incorporation. If the proposed conversion is
28 approved by shareholders under par. (c), the corporation restates its articles

1 of incorporation following the same procedures as provided in s. 180.51 for
2 amending articles of incorporation. Notwithstanding s. 180.55, the restated
3 articles of incorporation shall satisfy all of the following conditions:

4 1. Contain all of the information required under s. 181.39 (1).

5 2. Contain a statement that the corporation elects to convert itself to a
6 nonprofit nonstock corporation subject to ch. 181.

7 3. Be executed, filed and recorded as provided in s. 181.39 (2).

8 (2) CONVERSION EFFECTIVE. The conversion of a corporation to a nonprofit
9 nonstock corporation subject to ch. 181 is effective upon the filing with the
10 secretary of state restated articles of incorporation satisfying sub. (1) (d).

11 (3) EFFECT OF CONVERSION ON LEGAL ACTIONS AND OBLIGATIONS. (a) Legal
12 actions. Any cause of action against a corporation or its directors, officers
13 or shareholders that accrues before conversion of the corporation is effective
14 under sub. (2) may be maintained against the corporation or its directors,
15 officers or shareholders as if the conversion had not taken place.

16 (b) Obligations. 1. Except as provided in subd. 2, once conversion of a
17 corporation is effective under sub. (2), the nonprofit nonstock corporation is
18 responsible and liable for all obligations of the converted corporation.
19 Neither the rights of creditors nor any liens on the property of the converted
20 corporation shall be impaired by the conversion.

21 2. Any contractual obligation relating to ownership of the converted
22 corporation's stock, including any obligation to issue or redeem stock
23 options, shall terminate when the conversion is effective under sub. (2). The
24 contractual obligations described in this subdivision shall terminate without
25 compensation, except that a nonprofit nonstock corporation shall provide
26 reasonable compensation for any terminated contracts that were entered into
27 before the effective date of this subdivision [revisor inserts date].

1 ••87b2753/1••SECTION 403t. 181.09 (3) of the statutes is renumbered
2 181.09 (3) (a) (intro.) and amended to read:

3 181.09 (3) (a) (intro.) In lieu of a change pursuant to subs. (1) and
4 (2), a corporation may change the name or address of its registered agent, or
5 both, by setting forth the name and address of its registered agent, as
6 changed, in ~~articles~~ any of the following:

7 1. Articles of amendment of ~~its~~ the corporation's articles of incorpo-
8 ration or in restated articles of incorporation filed and recorded as provided
9 in this chapter.

10 ••87b2753/1••SECTION 403v. 181.09 (3) (a) 2 of the statutes is created to
11 read:

12 181.09 (3) (a) 2. The corporation's annual report required under s.
13 181.651.

14 ••87b2753/1••SECTION 403w. 181.09 (3) (b) of the statutes is created to
15 read:

16 181.09 (3) (b) A change made under par. (a) 2 is effective upon the
17 filing of the annual report under s. 181.653.

18 ••87b2753/1••SECTION 403y. 181.651 (1) (bm) of the statutes is created to
19 read:

20 181.651 (1) (bm) The name and address, including street and number, if
21 any, of its registered agent.

22 ••87b2753/1••SECTION 403z. 181.68 (1) (e) of the statutes is amended to
23 read:

24 181.68 (1) (e) Filing statement of change of registered agent, or address
25 of registered agent under s. 181.09 (1), or a statement of resignation of
26 registered agent, \$10, except that no fee may be collected for a change of
27 address resulting from the action of a governmental agency if there is no

1 corresponding change in physical location and if 2 copies of the notice of the
2 action are submitted to the secretary of state;

3 ••87b3588/1••SECTION 403zb. 184.09 of the statutes is amended to read:

4 184.09 PENALTIES. (1) Any public service corporation, or any agent,
5 director or officer thereof, who ~~shall~~ directly or indirectly, ~~issue~~ issues or
6 ~~cause~~ causes to be issued, any securities for ~~whose~~ which issuance a certifi-
7 cate is required contrary to the provisions of this chapter, or who ~~shall~~
8 ~~apply~~ applies the proceeds from the sale ~~thereof~~ of any securities to any
9 purpose other than that specified in the certificate of the commission, shall
10 ~~forfeit to the state not less than five hundred dollars \$500 nor more than ten~~
11 ~~thousand dollars~~ \$25,000 for each offense.

12 (2) Every director, president, secretary or other official or agent of
13 any public service corporation, who ~~shall practice~~ practices fraud or know-
14 ingly ~~make~~ makes any false statement to secure a certificate of authority to
15 issue any security, or ~~issue~~ issues under a certificate so obtained and with
16 knowledge of such fraud, or false statement, or ~~negotiate~~ negotiates, or ~~cause~~
17 causes to be negotiated, any security, in violation of this chapter, shall be
18 ~~punished by a fine of~~ fined not less than ~~five hundred dollars, \$50,000~~ or by
19 ~~imprisonment in the state prison~~ imprisoned for not less than ~~one~~ or ~~year~~ nor
20 more than 10 years, or by both ~~fine and imprisonment.~~

21 ••87b3481/1••SECTION 403zd. 196.03 (3) of the statutes is renumbered
22 196.03 (3) (a) and amended to read:

23 196.03 (3) (a) In the case of a public ~~water~~ utility furnishing water,
24 the commission shall include, in the determination of water rates, the cost of
25 fluoridating the water in the area served by the public ~~water~~ utility fur-
26 nishing water if the governing body of the municipality city, village or town
27 which owns or is served by the public ~~water~~ utility furnishing water autho-
28 rizes the fluoridation of water by the public ~~water~~ utility furnishing water.

1 ••87b3481/1••SECTION 403zdm. 196.03 (3) (b) of the statutes is created to
2 read:

3 196.03 (3) (b) In the case of a public utility furnishing water, the
4 retail charges for the production, storage, transmission, sale and delivery or
5 furnishing of water for public fire protection purposes not included in gen-
6 eral service charges shall be included in the water utility bill of each cus-
7 tomer of the public utility in a city, village or town unless the governing
8 body of that city, village or town adopts a resolution providing that the
9 city, village or town will pay those charges to the public utility furnishing
10 the water. If such charges are included in each customer's water utility
11 bill, such charges need not be uniform among classes of customers and may not
12 be based on property value.

13 ••87b3481/1••SECTION 403zf. 196.197 of the statutes is created to read:

14 196.197 INCREASE IN WATER RATES DUE TO CHANGE IN BILLING SYSTEM. (1) If
15 a public utility furnishing water establishes a system of retail charges based
16 on billing each customer in a city, village or town rather than billing the
17 city, village or town for the production, storage, transmission, sale and
18 delivery or furnishing of water for public fire protection purposes and the
19 establishment of that system results in a rate increase for one or more clas-
20 ses of customers, the initial rate increase related to public fire protection
21 is not subject to s. 196.20, 196.26, 196.28 or 196.37 (1) unless at least one
22 of the following occurs:

23 (a) One percent of the total customers of that public utility in the
24 city, village or town or 100 customers in that city, village or town, which-
25 ever is less, submit a written petition to the commission requesting that the
26 increase be subject to ss. 196.20, 196.26, 196.28 and 196.37 (1).

1 (b) The governing body of the city, village or town adopts and submits a
2 resolution to the commission requesting that the increase be subject to ss.
3 196.20, 196.26, 196.28 and 196.37 (1).

4 (2) The commission shall establish procedures to implement sub. (1),
5 including procedures for a public utility to notify its customers and the
6 commission of proposed changes in rates for public fire protection and for
7 customers to petition the commission.

8 ••87b2727/2••SECTION 403zm. 196.374 (2) of the statutes is amended to
9 read:

10 196.374 (2) The commission may prescribe all or part of any program to be
11 funded under sub. (1). The commission may require that a utility establish a
12 program funded under sub. (1) which is applicable only to a group of consumers
13 specified by the commission because the group has special energy conservation
14 needs. Such a group may include, but is not limited to, low-income utility
15 consumers, under guidelines established by the commission. The commission may
16 require that a utility subject to this section provide warnings to customers
17 about the potential danger of radon gas accumulation as a result of
18 weatherization.

19 ••87b3588/1••SECTION 403zmb. 196.525 (3) of the statutes is amended to
20 read:

21 196.525 (3) Any director, treasurer or other officer or agent of a public
22 utility who makes or votes to authorize a transaction in violation of this
23 section may be fined not more than ~~\$10,000~~ \$25,000.

24 ••87b3588/1••SECTION 403zmd. 196.60 (1) (b) and (3) of the statutes are
25 amended to read:

26 196.60 (1) (b) A public utility which violates par. (a) shall be deemed
27 guilty of unjust discrimination and shall forfeit not less than \$100 nor more
28 than ~~\$1,000~~ \$25,000 for each offense. An agent or officer who violates par.

1 (a) shall be fined not less than \$50 nor more than ~~\$100~~ \$10,000 for each
2 offense.

3 (3) If a public utility gives an unreasonable preference or advantage to
4 any person or subjects any person to any unreasonable prejudice or
5 disadvantage, the public utility shall be deemed guilty of unjust
6 discrimination. A public utility violating this subsection shall forfeit not
7 less than \$50 nor more than ~~\$1,000~~ \$25,000 for each offense.

8 ••87b3588/1••SECTION 403zmf. 196.604 of the statutes is amended to read:

9 196.604 REBATES, CONCESSIONS AND DISCRIMINATIONS UNLAWFUL. No person may
10 knowingly solicit, accept or receive any rebate, concession or discrimination
11 from a public utility for any service in or affecting or relating to the
12 production, transmission, delivery or furnishing of heat, light, water or
13 power or the conveying of telephone messages within this state or for any
14 connected service whereby the service is rendered or is to be rendered free or
15 at a rate less than the rate named in the schedules and tariffs in force, or
16 whereby any other service or advantage is received. Any person violating this
17 section shall be fined not less than \$50 nor more than ~~\$1,000~~ \$10,000 for each
18 offense.

19 ••87b3588/1••SECTION 403zmh. 196.625 of the statutes is amended to read:

20 196.625 DISCRIMINATION BY TELECOMMUNICATIONS UTILITIES. Every telecom-
21 munications utility shall receive and transmit without discrimination messages
22 from and for any person upon tender or payment of the usual or customary
23 charges therefor, whenever requested to do so, without regard to the character
24 of the messages to be transmitted. Any ~~person~~ public utility neglecting or
25 refusing to comply with any of the provisions of this section shall forfeit
26 not less than \$25 nor more than ~~\$100~~ \$25,000 for each day of such neglect or
27 refusal. Any officer, agent or employe neglecting or refusing to comply with
28 any of the provisions of this section shall forfeit not less than \$25 nor more

1 than \$10,000. One-half of the forfeitures recovered under this section shall
2 be paid to the person prosecuting under this section.

3 ••87b3588/1••SECTION 403zmj. 196.65 (1) (intro.) and (2) of the statutes
4 are amended to read:

5 196.65 (1) (intro.) Any officer, agent or employe of any public utility
6 shall be fined not less than \$100 nor more than ~~\$1,000~~ \$10,000 for each
7 offense if he or she does any of the following:

8 (2) A penalty of not less than \$500 nor more than ~~\$1,000~~ \$25,000 shall be
9 recovered from the public utility for each offense under sub. (1) if the
10 officer, agent or employe of the public utility acted in obedience to the
11 direction, instruction or request of the public utility or any general officer
12 of the public utility.

13 ••87b3588/1••SECTION 403zmL. 196.66 (1) of the statutes is amended to
14 read:

15 196.66 (1) If any public utility violates this chapter or ch. 197 or
16 fails or refuses to perform any duty enjoined upon it for which a penalty has
17 not been provided, or fails, neglects or refuses to obey any lawful require-
18 ment or order of the commission or the governing body of a municipality or a
19 sanitary commission or any judgment or decree of any court upon its
20 application, for every violation, failure or refusal the public utility shall
21 forfeit not less than \$25 nor more than ~~\$1,000~~ \$25,000.

22 ••87b3741/2••SECTION 403zp. 196.661 of the statutes is created to read:

23 196.661 ASSESSMENT OF FORFEITURES. (1) Subject to subs. (3) and (4), if
24 any act or omission subject to a proceeding to impose a forfeiture under this
25 chapter constitutes a violation of one or more of the following, that act or
26 omission is subject to not more than one forfeiture:

27 (a) Any section of the statutes.

28 (b) Any rule, order or requirement of the commission.