

1 *~~0028/6.78~~* SECTION 2298. 146.93 (1) (a) of the statutes is amended to read:

2 146.93 (1) (a) From the appropriation under s. 20.435 (~~1~~) (4) (gp), the
3 department shall maintain a program for the provision of primary health care
4 services based on the primary health care program in existence on June 30, 1987.
5 The department may promulgate rules necessary to implement the program.

6 *~~0028/6.79~~* SECTION 2299. 146.99 of the statutes is amended to read:

7 **146.99 Assessments.** The department shall, within 90 days after the
8 commencement of each fiscal year, estimate the total amount of expenditures and the
9 department shall assess the estimated total amount under s. 20.435 (~~1~~) (4) (gp) to
10 hospitals, as defined in s. 50.33 (2), in proportion to each hospital's respective gross
11 private-pay patient revenues during the hospital's most recently concluded entire
12 fiscal year. Each hospital shall pay its assessment on or before December 1 for the
13 fiscal year. All payments of assessments shall be deposited in the appropriation
14 under s. 20.435 (~~1~~) (4) (gp).

15 *~~0412/2.1~~* SECTION 2300. 149.12 (2) (d) of the statutes is renumbered 149.12
16 (2) (d) 1. and amended to read:

17 149.12 (2) (d) 1. ~~Except for a person who is an eligible individual as provided~~
18 in subd. 2., no person who is 65 years of age or older is eligible for coverage under the
19 plan.

20 *~~0412/2.2~~* SECTION 2301. 149.12 (2) (d) 2. of the statutes is created to read:

21 149.12 (2) (d) 2. Subdivision 1. does not apply to any of the following:

22 a. A person who is an eligible individual.

23 b. A person who has coverage under the plan on the date on which he or she
24 attains the age of 65 years.

25 *~~0412/2.3~~* SECTION 2302. 149.12 (3) (b) of the statutes is amended to read:

1 149.12 (3) (b) Persons for whom deductible or coinsurance amounts are paid
2 or reimbursed under ch. 47 for vocational rehabilitation, under s. 49.68 for renal
3 disease, under s. 49.685 (8) for hemophilia, under s. 49.683 for cystic fibrosis ~~or~~,
4 under s. 253.05 for maternal and child health services or under s. 49.686 for the cost
5 of drugs for the treatment of HIV infection or AIDS are not ineligible for coverage
6 under the plan by reason of such payments or reimbursements.

7 *~~-0412/2.4~~* **SECTION 2303.** 149.14 (3) (intro.) of the statutes is amended to
8 read:

9 149.14 (3) COVERED EXPENSES. (intro.) Except as restricted by cost containment
10 provisions under s. 149.17 (4) and except as reduced by the ~~board under s. 149.15 (3)~~
11 ~~(e) or by the department under s. ss. 149.143 or, 149.144 and 149.15 (3) (e),~~ covered
12 expenses for the coverage under this section shall be the usual and customary
13 charges for the services provided by persons licensed under ch. 446 and certified
14 under s. 49.45 (2) (a) 11. Except as restricted by cost containment provisions under
15 s. 149.17 (4) and except as reduced by the ~~board under s. 149.15 (3) (e) or by the~~
16 ~~department under s. ss. 149.143 or, 149.144 and 149.15 (3) (e),~~ covered expenses for
17 the coverage under this section shall also be the usual and customary charges for the
18 following services and articles if the service or article is prescribed by a physician
19 who is licensed under ch. 448 or in another state and who is certified under s. 49.45
20 (2) (a) 11. and if the service or article is provided by a provider certified under s. 49.45
21 (2) (a) 11.:

22 *~~-0412/2.5~~* **SECTION 2304.** 149.14 (4) (g) of the statutes is amended to read:
23 149.14 (4) (g) Dental care except as provided in sub. (3) (m) and (q).

24 *~~-0412/2.6~~* **SECTION 2305.** 149.14 (6) (title) of the statutes is created to read:
25 149.14 (6) (title) PREEXISTING CONDITIONS.

1 ***-0028/6.80*** **SECTION 2306.** 149.143 (1) (a) of the statutes is amended to read:
2 149.143 (1) (a) First from the appropriation under s. 20.435 ~~(5)~~ (4) (af).

3 ***-0028/6.81*** **SECTION 2307.** 149.143 (1) (b) 1. a. of the statutes is amended to
4 read:

5 149.143 (1) (b) 1. a. First, from premiums from eligible persons with coverage
6 under s. 149.14 set at 150% of the rate that a standard risk would be charged under
7 an individual policy providing substantially the same coverage and deductibles as
8 are provided under the plan, including amounts received for premium and deductible
9 subsidies under ss. 20.435 ~~(5)~~ (4) (ah) and 149.144, and from premiums collected from
10 eligible persons with coverage under s. 149.146 set in accordance with s. 149.146 (2)
11 (b).

12 ***-0028/6.82*** **SECTION 2308.** 149.143 (1) (b) 1. b. of the statutes is amended to
13 read:

14 149.143 (1) (b) 1. b. Second, from the appropriation under s. 20.435 ~~(5)~~ (4) (gh),
15 to the extent that the amounts under subd. 1. a. are insufficient to pay 60% of plan
16 costs.

17 ***-0028/6.83*** **SECTION 2309.** 149.143 (1) (b) 1. c. of the statutes is amended to
18 read:

19 149.143 (1) (b) 1. c. Third, by increasing premiums from eligible persons with
20 coverage under s. 149.14 to more than 150% but not more than 200% of the rate that
21 a standard risk would be charged under an individual policy providing substantially
22 the same coverage and deductibles as are provided under the plan, including
23 amounts received for premium and deductible subsidies under ss. 20.435 ~~(5)~~ (4) (ah)
24 and 149.144, and by increasing premiums from eligible persons with coverage under

1 s. 149.146 in accordance with s. 149.146 (2) (b), to the extent that the amounts under
2 subd. 1. a. and b. are insufficient to pay 60% of plan costs.

3 ***-0028/6.84* SECTION 2310.** 149.143 (2) (a) 1. a. of the statutes is amended to
4 read:

5 149.143 (2) (a) 1. a. Estimate the amount of enrollee premiums that would be
6 received in the new plan year if the enrollee premiums were set at a level sufficient,
7 when including amounts received for premium and deductible subsidies under ss.
8 20.435 ~~(5)~~ (4) (ah) and 149.144 and from premiums collected from eligible persons
9 with coverage under s. 149.146 set in accordance with s. 149.146 (2) (b), to cover 60%
10 of the estimated plan costs for the new plan year, after deducting from the estimated
11 plan costs the amount available in the appropriation under s. 20.435 ~~(5)~~ (4) (af) for
12 that plan year.

13 ***-0028/6.85* SECTION 2311.** 149.143 (2) (a) 1. c. of the statutes is amended to
14 read:

15 149.143 (2) (a) 1. c. If the amount estimated to be received under subd. 1. a. is
16 less than the amount estimated to be received under subd. 1. b., direct the plan
17 administrator to provide to the department, prior to the beginning of the plan year
18 and according to procedures specified by the department, the amount of the
19 difference. The department shall deposit all amounts received under this subd. 1.
20 c. in the appropriation account under s. 20.435 ~~(5)~~ (4) (gh).

21 ***-0028/6.86* SECTION 2312.** 149.144 of the statutes is amended to read:

22 **149.144 Adjustments to insurer assessments and provider payment**
23 **rates for premium and deductible reductions.** If the moneys under s. 20.435
24 ~~(5)~~ (4) (ah) are insufficient to reimburse the plan for premium reductions under s.
25 149.165 and deductible reductions under s. 149.14 (5) (a), or the department

1 determines that the moneys under s. 20.435 ~~(5)~~ (4) (ah) will be insufficient to
2 reimburse the plan for premium reductions under s. 149.165 and deductible
3 reductions under s. 149.14 (5) (a), the department shall, by rule, adjust in equal
4 proportions the amount of the assessment set under s. 149.143 (2) (a) 3. and the
5 provider payment rate set under s. 149.143 (2) (a) 4., subject to s. 149.143 (1) (b) 1.,
6 sufficient to reimburse the plan for premium reductions under s. 149.165 and
7 deductible reductions under s. 149.14 (5) (a). The department shall notify the
8 commissioner so that the commissioner may levy any increase in insurer
9 assessments.

10 *~~0412/2.7~~* SECTION 2313. 149.146 (1) (a) of the statutes is amended to read:

11 149.146 (1) (a) Beginning on January 1, 1998, in addition to the coverage
12 required under s. 149.14, the plan shall offer to all eligible persons who are not
13 eligible for medicare a choice of coverage, as described in section 2744 (a) (1) (C), P.L.
14 104–191. Any such choice of coverage shall be major medical expense coverage.

15 *~~0412/2.8~~* SECTION 2314. 149.146 (1) (b) 2. of the statutes is amended to read:

16 149.146 (1) (b) 2. An eligible person under par. (a) may elect once each year, at
17 the time and according to procedures established by the department, among the
18 coverages offered under this section and s. 149.14. If an eligible person elects new
19 coverage, any preexisting condition exclusion imposed under the new coverage is met
20 to the extent that the eligible person has been previously and continuously covered
21 under this chapter. No preexisting condition exclusion may be imposed on an eligible
22 person who elects new coverage if the person was an eligible individual when first
23 covered under this chapter and the person remained continuously covered under this
24 chapter up to the time of electing the new coverage.

25 *~~0412/2.9~~* SECTION 2315. 149.146 (2) (am) of the statutes is created to read:

1 149.146 (2) (am) 1. For all eligible persons with coverage under this section,
2 the deductible shall be \$2,500. Expenses used to satisfy the deductible during the
3 last 90 days of a calendar year shall also be applied to satisfy the deductible for the
4 following calendar year.

5 2. Except as provided in subd. 3., if the covered costs incurred by the eligible
6 person exceed the deductible for major medical expense coverage in a calendar year,
7 the plan shall pay at least 80% of any additional covered costs incurred by the person
8 during the calendar year.

9 3. If the aggregate of the covered costs not paid by the plan under subd. 2. and
10 the deductible exceeds \$3,500 for any eligible person during a calendar year or \$7,000
11 for all eligible persons in a family, the plan shall pay 100% of all covered costs
12 incurred by the eligible person during the calendar year after the payment ceilings
13 under this subdivision are exceeded.

14 4. Notwithstanding subds. 1. to 3., the department may establish different
15 deductible amounts, a different coinsurance percentage and different covered costs
16 and deductible aggregate amounts from those specified in subds. 1. to 3. in
17 accordance with cost containment provisions established by the department under
18 s. 149.17 (4).

19 *~~0412/2.10~~* **SECTION 2316.** 149.15 (3) (intro.) of the statutes is amended to
20 read:

21 149.15 (3) (intro.) The board shall ~~de~~ advise the department on all of the
22 following:

23 *~~0412/2.11~~* **SECTION 2317.** 149.15 (3) (a) of the statutes is amended to read:

1 149.15 (3) (a) ~~Establish~~ Establishing procedures under which applicants and
2 participants may have grievances reviewed by an impartial body and reported to the
3 board.

4 *~~-0412/2.12~~* SECTION 2318. 149.15 (3) (c) of the statutes is amended to read:

5 149.15 (3) (c) ~~Collect~~ Determining assessments to be collected from all insurers
6 to provide for claims paid under the plan and for administrative expenses incurred
7 or estimated to be incurred during the period for which the assessment is made. The
8 level of payments shall be established as provided under s. 149.143. Assessment of
9 the insurers shall occur at the end of each calendar year or other fiscal year end
10 established by the board. Assessments are due and payable within 30 days of receipt
11 by the insurer of the assessment notice.

12 *~~-0412/2.13~~* SECTION 2319. 149.15 (3) (d) of the statutes is amended to read:

13 149.15 (3) (d) ~~Develop and implement~~ Developing and implementing a
14 program to publicize the existence of the plan, the eligibility requirements and
15 procedures for enrollment, and to maintain public awareness of the plan.

16 *~~-0412/2.14~~* SECTION 2320. 149.15 (3) (e) of the statutes is amended to read:

17 149.15 (3) (e) ~~Establish~~ Establishing for payment of covered expenses, a
18 payment rate that is 10% less than the charges approved by the plan administrator
19 for reimbursement of covered expenses under s. 149.14 (3).

20 *~~-0412/2.15~~* SECTION 2321. 149.15 (3) (f) of the statutes is amended to read:

21 149.15 (3) (f) ~~Advise the department on the~~ The choice of coverage under s.
22 149.146.

23 *~~-0028/6.87~~* SECTION 2322. 149.165 (4) of the statutes is amended to read:

1 149.165 (4) The department shall reimburse the plan for premium reductions
2 under sub. (2) and deductible reductions under s. 149.14 (5) (a) with moneys from the
3 appropriation under s. 20.435 ~~(5)~~ (4) (ah).

4 *~~0183/1.19~~* SECTION 2323. 150.84 (2) of the statutes is amended to read:

5 150.84 (2) "Health care facility" means a facility, as defined in s. 647.01 (1), or
6 any hospital, nursing home, community-based residential facility, county home,
7 county infirmary, county hospital, county mental health center, ~~tuberculosis~~
8 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,
9 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a
10 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.

11 *~~0028/6.88~~* SECTION 2324. 153.05 (6m) of the statutes is amended to read:

12 153.05 (6m) The department may contract with the group insurance board for
13 the provision of data collection and analysis services related to health maintenance
14 organizations and insurance companies that provide health insurance for state
15 employees. The department shall establish contract fees for the provision of the
16 services. All moneys collected under this subsection shall be credited to the
17 appropriation under s. 20.435 ~~(1)~~ (4) (hg).

18 *~~0028/6.89~~* SECTION 2325. 153.60 (1) of the statutes is amended to read:

19 153.60 (1) The department shall, by the first October 1 after the
20 commencement of each fiscal year, estimate the total amount of expenditures under
21 this chapter for the department and the board for that fiscal year for data collection,
22 data base development and maintenance, generation of data files and standard
23 reports, orientation and training provided under s. 153.05 (9) and maintaining the
24 board. The department shall assess the estimated total amount for that fiscal year
25 less the estimated total amount to be received for purposes of administration of this

1 chapter under s. 20.435 ~~(1)~~ (4) (hi) during the fiscal year, the unencumbered balance
2 of the amount received for purposes of administration of this chapter under s. 20.435
3 ~~(1)~~ (4) (hi) from the prior fiscal year and the amount in the appropriation account
4 under s. 20.435 (1) (dg) for the fiscal year, to health care providers who are in a class
5 of health care providers from whom the department collects data under this chapter
6 in a manner specified by the department by rule. The department shall obtain
7 approval from the board for the amounts of assessments for health care providers
8 other than hospitals and ambulatory surgery centers. The department shall work
9 together with the department of regulation and licensing to develop a mechanism for
10 collecting assessments from health care providers other than hospitals and
11 ambulatory surgery centers. No health care provider that is not a facility may be
12 assessed under this subsection an amount that exceeds \$75 per fiscal year. Each
13 hospital shall pay the assessment on or before December 1. All payments of
14 assessments shall be deposited in the appropriation under s. 20.435 ~~(1)~~ (4) (hg).

15 ***-0028/6.90*** **SECTION 2326.** 153.60 (3) of the statutes is amended to read:

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

1 December 1. All payments of assessments shall be deposited in the appropriation
2 under s. 20.435 ~~(1)~~ (4) (hg) and may be used solely for the purposes of s. 153.05 (6r).

3 *~~0028/6.91~~* SECTION 2327. 153.65 of the statutes is amended to read:

4 **153.65 Provision of special information; user fees.** The department may,
5 but is not required to, provide, upon request from a person, a data compilation or a
6 special report based on the information collected by the department. The
7 department shall establish user fees for the provision of these compilations or
8 reports, payable by the requester, which shall be sufficient to fund the actual
9 necessary and direct cost of the compilation or report. All moneys collected under
10 this section shall be credited to the appropriation under s. 20.435 ~~(1)~~ (4) (hi).

11 *~~0183/1.20~~* SECTION 2328. 155.01 (6) of the statutes is amended to read:

12 155.01 (6) “Health care facility” means a facility, as defined in s. 647.01 (4), or
13 any hospital, nursing home, community-based residential facility, county home,
14 county infirmary, county hospital, county mental health center, ~~tuberculosis~~
15 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,
16 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a
17 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.

18 *~~0935/1.52~~* SECTION 2329. 160.255 of the statutes is amended to read:

19 **160.255 Exceptions for private certain sewage systems.** (1) In this
20 section, “private exempt sewage system” ~~has the meaning given~~ means a small
21 sewage system, as defined in s. 145.01 ~~(12)~~ (14m), or a sewage system that is in
22 existence on January 1, 2000, and that would be a small sewage system except that
23 its design flow exceeds the maximum design flow specified under s. 145.02 (4) (c).

24 (2) Notwithstanding s. 160.19 (1), (2) and (4) (b), a regulatory agency is not
25 required to promulgate or amend rules that define design or management criteria

1 for ~~private~~ exempt sewage systems to minimize the amount of nitrate in
2 groundwater or to maintain compliance with the preventive action limit for nitrate.

3 (3) Notwithstanding s. 160.19 (3), a regulatory agency may promulgate rules
4 that define design or management criteria for ~~private~~ exempt sewage systems that
5 permit the enforcement standard for nitrate to be attained or exceeded at the point
6 of standards application.

7 (4) Notwithstanding s. 160.21, a regulatory agency is not required to
8 promulgate rules that set forth responses that the agency may take, or require to be
9 taken, when the preventive action limit or enforcement standard for nitrate is
10 attained or exceeded at the point of standards application if the source of the nitrate
11 is a ~~private~~ an exempt sewage system.

12 (5) Notwithstanding ss. 160.23 and 160.25, a regulatory agency is not required
13 to take any responses for a specific site at which the preventive action limit or
14 enforcement standard for nitrate is attained or exceeded at the point of standards
15 application if the source of the nitrate is a ~~private~~ an exempt sewage system.

16 ***-0689/2.9* SECTION 2330.** 165.017 (5) of the statutes is repealed.

17 ***-1266/3.2* SECTION 2331.** 165.25 (6) (f) of the statutes is created to read:

18 165.25 (6) (f) Except as provided under ss. 49.49 (6), 100.263, 133.16, 281.98,
19 283.91 (5), 289.96 (3), 292.99, 293.87 (4), 295.19 (3) (b), 299.95 and 299.97, any money
20 that is received by the department of justice under this subsection as the result of a
21 contract or understanding between the department of justice and another state
22 agency that is approved under s. 16.505 or 16.515 or as part of the biennial budget
23 act shall be credited to the appropriation under s. 20.455 (1) (km). If authority to
24 spend the money that is received by the department of justice under this subsection
25 as the result of a contract or understanding between the department of justice and

1 another state agency is not approved under s. 16.505 or 16.515 or as part of the
2 biennial budget act, the money received shall be paid into the general fund as
3 provided under s. 20.001 (4) or 165.25 (4) (d). An agency that is not enumerated in
4 this section and that does not have a contract or understanding with the department
5 of justice that is approved under s. 16.505 or 16.515 or as part of the biennial budget
6 act may not be charged for legal services provided to that agency by the department
7 of justice.

8 *~~1265/5.35~~* SECTION 2332. 165.85 (5m) of the statutes is repealed.

9 *~~1265/5.36~~* SECTION 2333. 165.87 (1) (title) of the statutes is repealed.

10 *~~1265/5.37~~* SECTION 2334. 165.87 (1) (a) of the statutes is renumbered 165.87
11 and amended to read:

12 **165.87 Law enforcement training fund.** ~~Twenty seven fifty fifths of all~~
13 ~~moneys~~ Moneys collected from penalty assessments under ~~this section shall be~~
14 ~~credited s. 757.05 and transferred~~ to the appropriation account under s. 20.455 (2)
15 ~~(i) and utilized (kp) and (kq) shall be used~~ in accordance with ~~ss. 20.455 (2) and s.~~
16 ~~165.85 (5) and (5m). The moneys credited to the appropriation account under s.~~
17 ~~20.455 (2) (i), except for the moneys transferred to s. 20.455 (2) (jb), and shall~~
18 constitute the law enforcement training fund.

19 *~~1265/5.38~~* SECTION 2335. 165.87 (1) (b) of the statutes is repealed.

20 *~~1265/5.39~~* SECTION 2336. 165.87 (1) (bn) of the statutes is repealed.

21 *~~1265/5.40~~* SECTION 2337. 165.87 (1) (bp) of the statutes is repealed.

22 *~~1554/4.7~~* SECTION 2338. 165.87 (1) (bp) of the statutes is repealed.

23 *~~1265/5.41~~* SECTION 2339. 165.87 (1) (br) of the statutes is repealed.

24 *~~1265/5.42~~* SECTION 2340. 165.87 (1) (c) of the statutes is repealed.

25 *~~1265/5.43~~* SECTION 2341. 165.87 (2) of the statutes is renumbered 757.05.

1 ***-1265/5.44*** SECTION 2342. 165.90 of the statutes is repealed.

 ***NOTE: This draft repeals s. 165.90, stats., because all of its supporting appropriations are repealed by the draft. (See the treatment of s. 20.455 (2)(d), (hm), (hn) and (ho), stats.) If another budget draft creates new appropriations to fund s. 165.90, stats., that draft will amend s. 165.90 (4), stats., and its provisions will supersede the repeal of s. 165.90, stats., in this draft.

2 ***-1554/4.8*** SECTION 2343. 165.90 (4) (intro.) of the statutes is amended to
3 read:

4 165.90 (4) (intro.) If the department approves a plan, the department shall
5 certify the program as eligible to receive aid under s. 20.455 (2) ~~(d) and (hn)~~ (kt). Prior
6 to January 15, of the year for which funding is sought, the department shall
7 distribute from the appropriations under s. 20.455 (2) ~~(d) and (hn)~~ (kt) to each eligible
8 program the amount necessary to implement the plan, subject to the following
9 limitations:

10 ***-1554/4.9*** SECTION 2344. 165.90 (4) (a) of the statutes is amended to read:

11 165.90 (4) (a) A program may use funds received under s. 20.455 (2) ~~(d) or (hn)~~
12 (kt) only for law enforcement operations.

13 ***-1554/4.10*** SECTION 2345. 165.90 (4) (b) of the statutes is amended to read:

14 165.90 (4) (b) A program shall, prior to the receipt of funds under s. 20.455 (2)
15 ~~(d) or (hn)~~ (kt) for the 2nd and any subsequent year, submit a report to the
16 department regarding the performance of law enforcement activities on the
17 reservation in the previous fiscal year.

18 ***-1265/5.45*** SECTION 2346. 165.92 (3) (a) of the statutes is amended to read:

19 165.92 (3) (a) Unless otherwise provided in a joint program plan under s.
20 165.90 (2) or an agreement between a political subdivision of this state and a tribe,
21 the tribe that employs a tribal law enforcement officer is liable for all acts of the
22 officer while acting within the scope of his or her employment and neither the state

1 nor any political subdivision of the state may be held liable for any action of the officer
2 taken under the authority of sub. (2) (a).

***NOTE: This draft strikes a reference to s. 165.90, stats., because of the repeal of
s. 165.90, stats., by this draft. If s. 165.90, stats., is not repealed this SECTION should be
deleted.

3 ***-1164/4.2* SECTION 2347.** 166.15 (1) (f) of the statutes is amended to read:

4 166.15 (1) (f) "Nuclear incident" means any sudden or nonsudden release of
5 ionizing radiation, as defined under s. 254.31 (3g), from radioactive waste being
6 stored or disposed of in a waste repository or transported. "Nuclear incident" does
7 not include any release of radiation from radioactive waste being transported under
8 routine operations.

9 ***-1055/P2.3* SECTION 2348.** 166.20 (7g) of the statutes is repealed.

10 ***-1361/3.1* SECTION 2349.** 168.12 (1) of the statutes is amended to read:

11 168.12 (1) Except as provided in subs. (1g) and (1r), there is imposed a
12 petroleum inspection fee at the rate of ~~3 cents per gallon~~ specified in sub. (1e) on all
13 petroleum products that are received by a supplier for sale in this state or for sale
14 for export to this state. The department of revenue shall determine when a
15 petroleum product is received under this subsection in the same manner that it
16 determines under s. 78.07 when motor vehicle fuel is received. The fee shall be paid
17 under s. 168.125 and shall be based on the number of gallons reported under s.
18 168.125.

19 ***-1361/3.2* SECTION 2350.** 168.12 (1e) of the statutes is created to read:

20 168.12 (1e) (a) Except as provided in par. (b), the petroleum inspection fee is
21 3 cents per gallon.

22 (b) 1. On or before January 1 of each even-numbered year, beginning with
23 January 1, 2002, the department shall determine the total amount claimed as

1 reimbursement for claims that have been submitted under s. 101.143 (3) and that are
2 unpaid as of the preceding June 30. If that total exceeds \$10,000,000, the
3 department shall increase the petroleum inspection fee, effective the following April
4 1, by the amount per gallon, rounded to the nearest 0.1 cent, that the department
5 estimates will annually generate revenue equal to the amount by which the total of
6 the unpaid claims exceeds \$10,000,000.

7 2. On or before January 1 of each even-numbered year, beginning with January
8 1, 2002, the department shall determine the unencumbered balance in the petroleum
9 inspection fund as of the preceding June 30. If that balance exceeds \$10,000,000 and
10 if no revenue obligations issued under s. 101.143 (9m) are outstanding, the
11 department shall reduce the petroleum inspection fee, effective the following April
12 1, by the amount per gallon, rounded to the nearest 0.1 cent, that the department
13 estimates will reduce the revenue raised annually by the fee in an amount equal to
14 \$5,000,000 or the amount by which that balance exceeds \$10,000,000, whichever is
15 greater.

16 3. The department shall notify the department of revenue of any change in the
17 petroleum inspection fee under this paragraph.

****NOTE: Section 101.143 (9m) is created in LRB-1432. If that draft is not included
in the budget bill, this SECTION must be changed.

18 *~~0479/2.1~~* **SECTION 2351.** 170.12 (6) (a) of the statutes is amended to read:

19 170.12 (6) (a) The boundaries of the location where sunken logs may be raised
20 pursuant to the permit. The area covered by the permit shall be contiguous, shall
21 be contained within a single quarter section and may not exceed 160 acres. A permit
22 may not cover submerged lands that are not contained within Lake Michigan, Lake
23 Superior, Star Lake in Villas County, Boom Lake in Oneida County, Rib Lake in

1 Taylor County or the Fox River. No location may be covered by more than one permit
2 under this section.

3 ***-1808/1.1*** SECTION 2352. 177.01 (10) of the statutes is renumbered 177.01
4 (10) (a).

5 ***-1808/1.2*** SECTION 2353. 177.01 (10) (b) of the statutes is created to read:
6 177.01 (10) (b) "Intangible property" does not include a credit balance issued
7 to a commercial customer account by a business association in the ordinary course
8 of business, unless the credit balance is property described in s. 177.06 (1) or (2) held
9 by a banking organization or financial organization.

10 ***-2028/2.2*** SECTION 2354. 195.28 (2) of the statutes is amended to read:
11 195.28 (2) INSTALLATION COSTS. The cost of any signal or other crossing
12 protection device which is ordered installed under sub. (1) and the cost of installing
13 any such device shall be paid by the department from the appropriations under s.
14 20.395 (2) (gi), (gr) and (gx). This subsection applies only if, prior to the order under
15 sub. (1), the secretary of transportation or the railroad grade crossings committee
16 has recommended that the office consider improvements to the railroad grade
17 crossing as provided in 1999 Wisconsin Act ... (this act), section 9150 (1), or if,
18 regardless of the recommendation concerning the crossing, the office determines
19 that immediate improvements to the crossing are necessary to protect public safety.

20 ***-0632/1.1*** SECTION 2355. 196.02 (7m) of the statutes is created to read:
21 196.02 (7m) SUBMITTAL OF INFORMATION. (a) Notwithstanding sub. (4) (a), (b)
22 3., (6) or (7):

23 1. The commission may require a telecommunications utility to submit
24 information to the commission only if the commission reduces, to the extent

1 practicable, any burden on the telecommunications utility that results from
2 complying with the requirement.

3 2. A telecommunications utility is not required to provide any information to
4 the commission unless the commission certifies each of the following:

5 a. The information is necessary for the commission to enforce a requirement
6 under this chapter.

7 b. The information is not unnecessarily duplicative of information that is in the
8 commission's possession.

9 (b) The commission shall promulgate rules that establish requirements and
10 procedures for making a certification specified in par. (a) 2.

11 *~~0632/1.2~~* **SECTION 2356.** 196.14 of the statutes is renumbered 196.14 (intro.)
12 and amended to read:

13 **196.14 Public record exception.** (intro.) The commission ~~may~~ shall
14 withhold from public inspection any ~~information which would~~ of the following:

15 (1) Any information that commission determines may aid a competitor of a
16 public utility in competition with the public utility.

17 *~~0632/1.3~~* **SECTION 2357.** 196.14 (2) of the statutes is created to read:

18 196.14 (2) Any information that is designated as confidential by a public utility
19 when the public utility submits the information to the commission and that the
20 public utility shows to the satisfaction of the commission may aid a competitor of the
21 public utility.

22 *~~2027/1.1~~* **SECTION 2358.** 196.19 (1m) (b) of the statutes is amended to read:

23 196.19 (1m) (b) A telecommunications utility may not offer a new
24 telecommunications service to the public without first filing a tariff for that offering
25 with the commission. A proposed tariff offering a new telecommunications service

1 shall be effective on the date specified in the tariff ~~but not earlier than 10 days after~~
2 ~~the date on which the tariff is filed with the commission~~, unless the commission,
3 either upon complaint or upon its own motion, suspends the operation of the new
4 tariff by serving written notice of the suspension on the telecommunications utility
5 within 10 days after the date of filing. The notice shall include a statement of the
6 reason under par. (c) upon which the commission believes the tariff may be modified.

7 ***-2027/1.2* SECTION 2359.** 196.19 (1m) (e) of the statutes is repealed.

8 ***-1976/1.1* SECTION 2360.** 196.194 (3) of the statutes is created to read:

9 196.194 (3) FIRM INCREMENT CONTRACTS. (a) In this subsection:

10 1. "Control area" means an electric power system or combination of electric
11 power systems that, as determined by the commission, is subject to a common
12 automatic control scheme.

13 2. "Firm customer" means an industrial or commercial customer of a public
14 utility that is provided firm service by the public utility.

15 3. "Firm increment" means the amount by which the estimated electric usage
16 of a firm customer for a 12-month period that is determined at the beginning of the
17 period exceeds the actual electric usage of the firm customer during the period.

18 4. "Firm service" means retail electric service that a public utility may not
19 interrupt on the basis of anticipated or actual shortages of electric capacity within
20 a control area.

21 5. "Interruptible customer" means an industrial or commercial customer of a
22 public utility that is provided interruptible service by the public utility.

23 6. "Interruptible service" means retail electric service that a public utility may
24 interrupt on the basis of anticipated or actual shortages of electric capacity within
25 a control area.

1 (b) Notwithstanding ss. 196.03, 196.19, 196.20, 196.21, 196.22, 196.37, 196.60
2 and 196.604, the commission may approve the filing of a tariff that allows a firm
3 customer to enter into contracts to sell a firm increment to an interruptible customer
4 in the same control area if the commission determines that such sales by a firm
5 customer will contribute to energy conservation and load management that are
6 designed to reduce the energy needs of firm customers.

7 (c) If the commission approves the filing of a tariff specified in par. (b) and a firm
8 customer provides written notice to the public utility that filed the tariff that the firm
9 customer has entered into a contract specified in par. (b) with an interruptible
10 customer, the public utility shall, for each unit of firm increment that the firm
11 customer sells to the interruptible customer under the contract, do each of the
12 following for the duration of the contract period:

13 1. Reduce the amount of firm service that it provides to the firm customer by
14 the amount of each unit and provide interruptible service to the firm customer in the
15 amount of each unit.

16 2. Provide firm service to the interruptible customer in amount equal to 80%
17 of each unit.

18 (d) A notice under par. (c) shall describe the terms of a contract specified in par.
19 (b), including the duration of the contract period.

20 (e) The commission shall promulgate rules establishing requirements and
21 procedures for sales of firm increment under a tariff approved under par. (b),
22 including requirements for determining an amount of firm increment.

23 ***-0250/3.9* SECTION 2361.** 196.218 (1) (a) and (b) of the statutes are repealed.

24 ***-1950/3.2* SECTION 2362.** 196.218 (3) (a) 3. of the statutes is amended to read:

1 196.218 (3) (a) 3. The commission shall designate the method by which the
2 contributions under this paragraph shall be calculated and collected. The method
3 shall ensure that the contributions are sufficient to generate the amounts
4 appropriated necessary to fully fund the appropriations under ss. 20.155 (1) (q),
5 20.275 (1) (s), (t) and (tm) and 20.285 (1) (q). Contributions may be based only on the
6 gross operating revenues from the provision of broadcast services identified by the
7 commission under subd. 2. and on intrastate telecommunications services in this
8 state of the telecommunications providers subject to the contribution.

9 ***-0250/3.10*** SECTION 2363. 196.218 (4r) (title) of the statutes is renumbered
10 44.73 (title).

11 ***-0250/3.11*** SECTION 2364. 196.218 (4r) (a) (intro.) of the statutes is repealed.

12 ***-0250/3.12*** SECTION 2365. 196.218 (4r) (a) 1. of the statutes is renumbered
13 44.70 (1m).

14 ***-1508/1.2*** SECTION 2366. 196.218 (4r) (a) 1g. of the statutes is created to read:

15 196.218 (4r) (a) 1g. “Educational agency” means a school district, private
16 school, cooperative educational service agency, technical college district, private
17 college, or public library board.

18 ***-1506/2.4*** SECTION 2367. 196.218 (4r) (a) 1m. of the statutes is created to
19 read:

20 196.218 (4r) (a) 1m. “Educational agency” means a school district, private
21 school, cooperative educational service agency, technical college district, private
22 college, public library system or public library board.

23 ***-1507/2.5*** SECTION 2368. 196.218 (4r) (a) 1m. of the statutes is created to
24 read:

1 196.218 (4r) (a) 1m. “Educational agency” means a school district, private
2 school, cooperative educational service agency, technical college district, private
3 college or public library board or the Wisconsin School for the Visually Handicapped
4 or the Wisconsin School for the Deaf.

5 ***-1508/1.3*** SECTION 2369. 196.218 (4r) (a) 1r. of the statutes is created to read:

6 196.218 (4r) (a) 1r. “Political subdivision” means any city, village, town or
7 county.

8 ***-0250/3.13*** SECTION 2370. 196.218 (4r) (a) 2. and 2m. of the statutes are
9 renumbered 44.70 (3g) and (3j).

10 ***-1506/2.5*** SECTION 2371. 196.218 (4r) (a) 2r. of the statutes is created to read:

11 196.218 (4r) (a) 2r. “Public library system” has the meaning given in s. 43.01
12 (5).

13 ***-0250/3.14*** SECTION 2372. 196.218 (4r) (a) 3. of the statutes is renumbered
14 44.70 (6).

15 ***-0250/3.15*** SECTION 2373. 196.218 (4r) (b) of the statutes is renumbered
16 44.73 (1) and amended to read:

17 44.73 (1) The ~~commission board~~, in consultation with the department and the
18 ~~board~~, shall promulgate rules establishing an educational telecommunications
19 access program to provide ~~school districts, private schools, cooperative educational~~
20 ~~service agencies, technical college districts, private colleges and public library~~
21 ~~boards~~ educational agencies with access to data lines and video links.

22 ***-1506/2.6*** SECTION 2374. 196.218 (4r) (b) of the statutes is amended to read:

23 196.218 (4r) (b) The commission, in consultation with the department and the
24 board, shall promulgate rules establishing an educational telecommunications
25 access program to provide ~~school districts, private schools, cooperative educational~~

1 ~~service agencies, technical college districts, private colleges and public library~~
2 ~~boards~~ educational agencies with access to data lines and video links.

3 *~~1507/2.6~~* SECTION 2375. 196.218 (4r) (b) of the statutes is amended to read:

4 196.218 (4r) (b) The commission, in consultation with the department and the
5 board, shall promulgate rules establishing an educational telecommunications
6 access program to provide ~~school districts, private schools, cooperative educational~~
7 ~~service agencies, technical college districts, private colleges and public library~~
8 ~~boards~~ educational agencies with access to data lines and video links.

9 *~~1508/1.4~~* SECTION 2376. 196.218 (4r) (b) of the statutes is amended to read:

10 196.218 (4r) (b) The commission, in consultation with the department and the
11 board, shall promulgate rules establishing an educational telecommunications
12 access program to provide ~~school districts, private schools, cooperative educational~~
13 ~~service agencies, technical college districts, private colleges and public library~~
14 ~~boards~~ educational agencies with access to data lines and video links.

15 *~~0250/3.16~~* SECTION 2377. 196.218 (4r) (c) (intro.), 1., 2., 3. and 4. of the
16 statutes are renumbered 44.73 (2) (intro.), (a), (b), (c) and (d) and amended to read:

17 44.73 (2) (intro.) The rules promulgated under ~~par. (b)~~ sub. (1) shall do all of
18 the following:

19 (a) Allow ~~a school district, private school, cooperative educational service~~
20 ~~agency, technical college district, private college and public library board~~ an
21 educational agency to make a request to the board for access to either one data line
22 or one video link, except that if any educational agency may request access to
23 additional data lines if the agency shows to the satisfaction of the board that the
24 additional data lines are more cost-effective than a single data line and except that
25 a school district that operates more than one high school the rules shall allow the

1 school district to may request access to both a data line and a video link and to request
2 access to more than one data line or video link. ~~The board shall forward requests~~
3 ~~received under this subdivision to the commission and the department.~~

4 (b) Establish eligibility requirements for ~~a school district, private school,~~
5 ~~cooperative educational service agency, technical college district, private college and~~
6 ~~public library board~~ an educational agency to participate in the program established
7 under ~~par. (b) sub. (1)~~. The requirements shall prohibit a participant in the program
8 from receiving assistance from the universal service fund for the purpose specified
9 in ~~sub. (5) (a) 3. s. 196.218 (5) (a) 3.~~ for educational telecommunications access that
10 is substantially similar to the access provided to the participant under the program.

***NOTE: If LRB-1950/1 is also "in", then s. 44.73 (2) (b) must be revised.

11 (c) Establish specifications for a data ~~line or lines and~~ video link ~~that links for~~
12 ~~which access is provided to a school district, private school, cooperative educational~~
13 ~~service agency, technical college district, private college and public library board~~ an
14 educational agency under the program established under ~~par. (b) sub. (1)~~.

15 (d) Require ~~a school district, private school, cooperative educational service~~
16 ~~agency, technical college district, private college and public library board~~ an
17 educational agency to pay the department not more than \$250 per month for each
18 data line or video link that is provided to the ~~school district, private school,~~
19 ~~cooperative educational service agency, technical college district, private college and~~
20 ~~public library board~~ educational agency under the program established under ~~par.~~
21 ~~(b) sub. (1)~~, except that the charge may not exceed \$100 per month for each data line
22 or video link that relies on a transport medium that operates at a speed of 1.544
23 megabits per second.

1 ***-1506/2.7*** **SECTION 2378.** 196.218 (4r) (c) 1. of the statutes is amended to
2 read:

3 196.218 (4r) (c) 1. Allow ~~a school district, private school, cooperative~~
4 ~~educational service agency, technical college district, private college and public~~
5 ~~library board~~ an educational agency to make a request to the board for access to
6 either one data line or one video link, except that if a school district operates more
7 than one high school the rules shall allow the school district to request access to both
8 a data line and a video link and to request access to more than one data line or video
9 link. The board shall forward requests received under this subdivision to the
10 commission and the department.

11 ***-1507/2.7*** **SECTION 2379.** 196.218 (4r) (c) 1. of the statutes is amended to
12 read:

13 196.218 (4r) (c) 1. Allow ~~a school district, private school, cooperative~~
14 ~~educational service agency, technical college district, private college and public~~
15 ~~library board~~ an educational agency to make a request to the board for access to
16 either one data line or one video link, except that if a school district operates more
17 than one high school the rules shall allow the school district to request access to both
18 a data line and a video link and to request access to more than one data line or video
19 link. The board shall forward requests received under this subdivision to the
20 commission and the department.

21 ***-1508/1.5*** **SECTION 2380.** 196.218 (4r) (c) 1. of the statutes is amended to
22 read:

23 196.218 (4r) (c) 1. Allow ~~a school district, private school, cooperative~~
24 ~~educational service agency, technical college district, private college and public~~
25 ~~library board~~ an educational agency to make a request to the board for access to

1 either one data line or one video link, except that if a school district operates more
2 than one high school the rules shall allow the school district to request access to both
3 a data line and a video link and to request access to more than one data line or video
4 link. The board shall forward requests received under this subdivision to the
5 commission and the department.

6 ***-1506/2.8* SECTION 2381.** 196.218 (4r) (c) 2. of the statutes is amended to
7 read:

8 196.218 (4r) (c) 2. Establish eligibility requirements for ~~a school district,~~
9 ~~private school, cooperative educational service agency, technical college district,~~
10 ~~private college and public library board~~ an educational agency to participate in the
11 program established under par. (b). The requirements shall prohibit a participant
12 in the program from receiving assistance from the universal service fund for the
13 purpose specified in sub. (5) (a) 3. for educational telecommunications access that is
14 substantially similar to the access provided to the participant under the program.

15 ***-1507/2.8* SECTION 2382.** 196.218 (4r) (c) 2. of the statutes is amended to
16 read:

17 196.218 (4r) (c) 2. Establish eligibility requirements for ~~a school district,~~
18 ~~private school, cooperative educational service agency, technical college district,~~
19 ~~private college and public library board~~ an educational agency to participate in the
20 program established under par. (b). The requirements shall prohibit a participant in
21 the program from receiving assistance from the universal service fund for the
22 purpose specified in sub. (5) (a) 3. for educational telecommunications access that is
23 substantially similar to the access provided to the participant under the program.

24 ***-1508/1.6* SECTION 2383.** 196.218 (4r) (c) 2. of the statutes is amended to
25 read:

1 196.218 (4r) (c) 2. Establish eligibility requirements for a school district,
2 ~~private school, cooperative educational service agency, technical college district,~~
3 ~~private college and public library board~~ an educational agency to participate in the
4 program established under par. (b). The requirements shall prohibit a participant in
5 the program from receiving assistance from the universal service fund for the
6 purpose specified in sub. (5) (a) 3. for educational telecommunications access that is
7 substantially similar to the access provided to the participant under the program.

8 ***-1950/3.3*** SECTION 2384. 196.218 (4r) (c) 2. of the statutes is amended to
9 read:

10 196.218 (4r) (c) 2. Establish eligibility requirements for a school district,
11 private school, cooperative educational service agency, technical college district,
12 private college and public library board to participate in the program established
13 under par. (b). ~~The requirements shall prohibit a participant in the program from~~
14 ~~receiving assistance from the universal service fund for the purpose specified in sub.~~
15 ~~(5) (a) 3. for educational telecommunications access that is substantially similar to~~
16 ~~the access provided to the participant under the program.~~

17 ***-1506/2.9*** SECTION 2385. 196.218 (4r) (c) 3. of the statutes is amended to
18 read:

19 196.218 (4r) (c) 3. Establish specifications for a data line or video link that is
20 provided to a school district, private school, cooperative educational service agency,
21 technical college district, private college and public library board an educational
22 agency under the program established under par. (b).

23 ***-1507/2.9*** SECTION 2386. 196.218 (4r) (c) 3. of the statutes is amended to
24 read:

1 196.218 (4r) (c) 3. Establish specifications for a data line or video link that is
2 provided to ~~a school district, private school, cooperative educational service agency,~~
3 ~~technical college district, private college and public library board~~ an educational
4 agency under the program established under par. (b).

5 *~~-1508/1.7~~* **SECTION 2387.** 196.218 (4r) (c) 3. of the statutes is amended to
6 read:

7 196.218 (4r) (c) 3. Establish specifications for a data line or video link that is
8 provided to ~~a school district, private school, cooperative educational service agency,~~
9 ~~technical college district, private college and public library board~~ an educational
10 agency under the program established under par. (b).

11 *~~-1506/2.10~~* **SECTION 2388.** 196.218 (4r) (c) 4. of the statutes is amended to
12 read:

13 196.218 (4r) (c) 4. Require ~~a school district, private school, cooperative~~
14 ~~educational service agency, technical college district, private college and public~~
15 ~~library board~~ an educational agency to pay the department not more than \$250 per
16 month for each data line or video link that is provided to the ~~school district, private~~
17 ~~school, cooperative educational service agency, technical college district, private~~
18 ~~college and public library board~~ educational agency under the program established
19 under par. (b), except that the charge may not exceed \$100 per month for each data
20 line or video link that relies on a transport medium that operates at a speed of 1.544
21 megabits per second.

22 *~~-1507/2.10~~* **SECTION 2389.** 196.218 (4r) (c) 4. of the statutes is amended to
23 read:

24 196.218 (4r) (c) 4. Require ~~a school district, private school, cooperative~~
25 ~~educational service agency, technical college district, private college and public~~

1 ~~library board~~ an educational agency to pay the department not more than \$250 per
2 month for each data line or video link that is provided to the ~~school district, private~~
3 ~~school, cooperative educational service agency, technical college district, private~~
4 ~~college and public library board~~ educational agency under the program established
5 under par. (b), except that the charge may not exceed \$100 per month for each data
6 line or video link that relies on a transport medium that operates at a speed of 1.544
7 megabits per second.

8 *~~1508/1.8~~* **SECTION 2390.** 196.218 (4r) (c) 4. of the statutes is amended to
9 read:

10 196.218 (4r) (c) 4. Require ~~a school district, private school, cooperative~~
11 ~~educational service agency, technical college district, private college and public~~
12 ~~library board~~ an educational agency to pay the department not more than \$250 per
13 month for each data line or video link that is provided to the ~~school district, private~~
14 ~~school, cooperative educational service agency, technical college district, private~~
15 ~~college and public library board~~ educational agency under the program established
16 under par. (b), except that the charge may not exceed \$100 per month for each data
17 line or video link that relies on a transport medium that operates at a speed of 1.544
18 megabits per second.

19 *~~0250/3.17~~* **SECTION 2391.** 196.218 (4r) (c) 5. of the statutes is renumbered
20 44.73 (2) (e).

21 *~~1508/1.9~~* **SECTION 2392.** 196.218 (4r) (cg) of the statutes is created to read:

22 196.218 (4r) (cg) An educational agency that is provided access to a data line
23 under the program established under par. (b) may not do any of the following:

24 1. Provide access to the data line to any business entity, as defined in s. 13.62
25 (5).

1 2. Request access to an additional data line for purposes of providing access to
2 bandwidth to a political subdivision under a shared service agreement under par. (cr)

3 1.

4 *~~1508/1.10~~* SECTION 2393. 196.218 (4r) (cr) of the statutes is created to read:

5 196.218 (4r) (cr) 1. An educational agency that is provided access to a data line
6 under the program established under par. (b) may enter into a shared service
7 agreement with a political subdivision that provides the political subdivision with
8 access to any excess bandwidth on the data line that is not used by the educational
9 agency. A shared service agreement under this subdivision is not valid unless the
10 agreement allows an educational agency to cancel the agreement at any time after
11 providing notice to the political subdivision.

12 2. A political subdivision that obtains access to bandwidth under a shared
13 service agreement under subd. 1. may not receive compensation for providing any
14 other person with access to the bandwidth.

15 3. An educational agency shall provide the board with written notice within 30
16 days after entering into or modifying a shared service agreement under subd. 1.

17 *~~0250/3.18~~* SECTION 2394. 196.218 (4r) (d) of the statutes is renumbered
18 44.73 (3) and amended to read:

19 44.73 (3) The ~~commission~~ board shall submit an annual report to the ~~board~~
20 department on the status of providing data lines and video links that are requested
21 under ~~par. (e) 1.~~ sub. (2) (a) and the impact on the universal service fund of any
22 payment under ~~sub. (5) (a) 5.~~ contracts under s. 16.974 (7).

23 *~~0250/3.19~~* SECTION 2395. 196.218 (4r) (e) of the statutes is renumbered
24 44.73 (4) and amended to read:

1 44.73 (4) If the federal communications commission promulgates or modifies
2 rules that provide rate discounts for telecommunications services to ~~school districts,~~
3 ~~private schools, cooperative educational service agencies, technical college districts,~~
4 ~~private colleges or public library boards~~ educational agencies under 47 USC 254, the
5 governor shall submit a report to the joint committee on finance that includes any
6 recommended changes to statutes or rules with respect to funding the program
7 established under ~~par. (b)~~ sub. (1).

8 ***-1506/2.11*** SECTION 2396. 196.218 (4r) (e) of the statutes is amended to read:

9 196.218 (4r) (e) If the federal communications commission promulgates or
10 modifies rules that provide rate discounts for telecommunications services to ~~school~~
11 ~~districts, private schools, cooperative educational service agencies, technical college~~
12 ~~districts, private colleges or public library boards~~ an educational agency under 47
13 USC 254, the governor shall submit a report to the joint committee on finance that
14 includes any recommended changes to statutes or rules with respect to funding the
15 program established under par. (b).

16 ***-1507/2.11*** SECTION 2397. 196.218 (4r) (e) of the statutes is amended to read:

17 196.218 (4r) (e) If the federal communications commission promulgates or
18 modifies rules that provide rate discounts for telecommunications services to ~~school~~
19 ~~districts, private schools, cooperative educational service agencies, technical college~~
20 ~~districts, private colleges or public library boards~~ an educational agency under 47
21 USC 254, the governor shall submit a report to the joint committee on finance that
22 includes any recommended changes to statutes or rules with respect to funding the
23 program established under par. (b).

24 ***-1508/1.11*** SECTION 2398. 196.218 (4r) (e) of the statutes is amended to read:

1 196.218 (4r) (e) If the federal communications commission promulgates or
2 modifies rules that provide rate discounts for telecommunications services to school
3 districts, ~~private schools, cooperative educational service agencies, technical college~~
4 ~~districts, private colleges or public library boards~~ an educational agency under 47
5 USC 254, the governor shall submit a report to the joint committee on finance that
6 includes any recommended changes to statutes or rules with respect to funding the
7 program established under par. (b).

8 *~~0250/3.20~~* SECTION 2399. 196.218 (4r) (f) of the statutes is renumbered
9 44.73 (5) and amended to read:

10 44.73 (5) Notwithstanding ~~pars. (b) and (c)~~ subs. (1) and (2), technical college
11 districts are not eligible to participate in the program established under ~~par. (b) sub.~~
12 (1) before April 1, 1998. ~~In consultation with the commission, the~~ The board shall
13 determine by April 1, 1998, whether there are sufficient moneys in the appropriation
14 under s. 20.275 (1)(s) to include technical college districts in the program established
15 under ~~par. (b) sub. (1)~~. If the board determines that there are sufficient moneys,
16 technical college districts are eligible to participate in the program established under
17 ~~par. (b) sub. (1)~~ beginning on April 1, 1998.

18 *~~1505/3.6~~* SECTION 2400. 196.218 (4r) (f) of the statutes is amended to read:

19 196.218 (4r) (f) Notwithstanding pars. (b) and (c), technical college districts are
20 not eligible to participate in the program established under par. (b) before April 1,
21 1998. In consultation with the commission, the board shall determine by April 1,
22 1998, whether there are sufficient moneys in the appropriation under s. 20.275 (1)
23 ~~(s) (t)~~ to include technical college districts in the program established under par. (b).
24 If the board determines that there are sufficient moneys, technical college districts

1 are eligible to participate in the program established under par. (b) beginning on
2 April 1, 1998.

3 ***-0250/3.21* SECTION 2401.** 196.218 (4r) (g) of the statutes is renumbered
4 44.73 (6) and amended to read:

5 44.73 (6) From the appropriation under s. 20.275 (1) (s) or (tm), the board may
6 award an annual grant to a school district or private school that had in effect on
7 October 14, 1997, a contract for access to a data line or video link, as documented by
8 the ~~commission~~ board. The board shall determine the amount of the grant, which
9 shall be equal to the cost incurred by the state to provide telecommunications access
10 to a school district or private school under a contract entered into under s. 16.974 (7)
11 (a) or (c) less the amount that the school district or private school would be paying
12 under ~~par. (c) 4- sub. (2) (d)~~ if the school district or private school were participating
13 in the program established under ~~par. (b) sub. (1)~~, except that the amount may not
14 be greater than the cost that a school district or private school incurs under the
15 contract in effect on October 14, 1997. A school district or private school receiving
16 a grant under this ~~paragraph subsection~~ is not eligible to participate in the program
17 under ~~par. (b) sub. (1)~~. No grant may be awarded under this ~~paragraph subsection~~
18 after June 30, 2002.

19 ***-1950/3.4* SECTION 2402.** 196.218 (5) (a) 3. of the statutes is repealed.

20 ***-0250/3.22* SECTION 2403.** 196.218 (5) (a) 3. of the statutes is amended to
21 read:

22 196.218 (5) (a) 3. To promote affordable access throughout this state to
23 high-quality education, library and health care information services, except that no
24 educational agency that participates in the program established in the rules

1 promulgated under s. 44.73 (1) may receive assistance under this subdivision that
2 is substantially similar to the assistance that it receives under that program.

***NOTE: If LRB-1950 is also “in”, this SECTION must be eliminated.

3 ***-0250/3.23* SECTION 2404.** 196.218 (5) (a) 5. of the statutes is amended to
4 read:

5 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 (7) to
6 the extent that these costs are not paid under ~~sub. (4r) (e) 4.~~ s. 44.73 (2) (d).

7 ***-1508/1.12* SECTION 2405.** 196.218 (5) (a) 5. of the statutes is amended to
8 read:

9 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 (7) to
10 the extent that these costs are not paid under sub. (4r) (c) 4., except that no moneys
11 in the universal service fund may be used to pay installation costs that are necessary
12 for a political subdivision to obtain access to bandwidth under a shared service
13 agreement under sub. (4r) (cr) 1.

14 ***-0250/3.24* SECTION 2406.** 196.218 (5) (a) 7. of the statutes is amended to
15 read:

16 196.218 (5) (a) 7. To make grants awarded by the technology for educational
17 achievement in Wisconsin board to school districts and private schools under sub.
18 (4r) (g) s. 44.73 (6). This subdivision does not apply after June 30, 2002.

19 ***-0250/3.25* SECTION 2407.** 196.218 (5m) of the statutes is amended to read:
20 196.218 (5m) RULE REVIEW. ~~Except for rules promulgated under sub. (4r) (b),~~
21 ~~at~~ At least biennially, the commission shall review and revise as appropriate rules
22 promulgated under this section.

23 ***-0250/3.26* SECTION 2408.** 196.218 (6) (b) of the statutes is amended to read:

1 196.218 (6) (b) The universal service fund council shall advise the commission
2 concerning the administration of this section and the content of rules promulgated
3 under this section. ~~This paragraph does not apply to the administration of sub. (4r)~~
4 ~~and rules promulgated under sub. (4r) (b).~~

5 ***-0631/1.1*** **SECTION 2409.** 196.315 of the statutes is created to read:

6 **196.315 Prohibitions in certain proceedings.** (1) No person may make
7 any filing, including a complaint, in a proceeding under s. 196.26, 196.28 or 196.30
8 unless there is a nonfrivolous basis for doing so. A person may not make any filing,
9 including a complaint, in a proceeding under s. 196.26, 196.28 or 196.30 unless, to
10 the best of the person's knowledge, information and belief, formed after a reasonable
11 inquiry, all of the following conditions are satisfied:

12 (a) The filing is reasonably supported by applicable law.

13 (b) The allegations and other factual contentions in the filing have evidentiary
14 support or, if specifically so identified in the filing, are likely to have evidentiary
15 support after reasonable opportunity for further investigation or discovery.

16 (c) The filing is not intended to harass any other party to the proceeding.

17 (d) The filing is not intended to create a needless increase in the cost of
18 litigation.

19 (2) No later than 60 days after a complaint is filed under s. 196.26 or 196.30,
20 the commission shall determine whether the complaint has been filed in violation of
21 sub. (1). If, after notice and opportunity for hearing, the commission determines
22 under this subsection that a person has filed a complaint in violation of sub. (1), the
23 commission shall terminate the proceeding on the complaint and proceed under sub.

24 (4).

1 (3) If, at any time during a proceeding under s. 196.26, 196.28 or 196.30, the
2 commission determines, after notice and reasonable opportunity to be heard, that a
3 person has made a filing in violation of sub. (1), including the filing of a complaint,
4 the commission shall proceed under sub. (4).

5 (4) If the commission determines that a person has violated sub. (1), the
6 commission shall order the person to pay to any party to the proceeding the amount
7 of reasonable expenses incurred by that party because of the filing, including
8 reasonable attorney fees, and the commission may directly assess a forfeiture
9 against the person of not less than \$25 nor more than \$5,000. A person against whom
10 the commission assesses a forfeiture under this subsection shall pay the forfeiture
11 to the commission within 10 days after receipt of notice of the assessment or, if the
12 person petitions for judicial review under ch. 227, within 10 days after receipt of the
13 final decision after exhaustion of judicial review. The commission shall remit all
14 forfeitures paid under this subsection to the state treasurer for deposit in the school
15 fund. The attorney general may bring an action in the name of the state to collect
16 any forfeiture assessed by the commission under this subsection that has not been
17 paid as provided in this subsection. The only contestable issue in such an action is
18 whether or not the forfeiture has been paid.

19 *~~2027/1.3~~* SECTION 2410. 196.77 of the statutes is amended to read:

20 **196.77 Promotional rates.** Except as provided in this section, nothing in this
21 chapter prohibits a telecommunications utility from filing a tariff to make a limited
22 offering of promotional rates. A promotional rate under this section shall take effect
23 automatically at the time specified in the tariff ~~but not earlier than 10 days after the~~
24 ~~date the tariff is filed with the commission~~ unless the commission authorizes an
25 ~~earlier effective date or~~ suspends the tariff within 10 days after the date on which

1 it is filed. The commission may suspend a tariff if it believes that the tariff violates
2 s. 196.204, 196.209 or 196.219. If the commission suspends a tariff, it shall
3 investigate and resolve the matter within 60 days after the date on which the tariff
4 is suspended or the tariff shall be effective as filed.

5 ***-1836/2.11* SECTION 2411.** 214.01 (1) (im) of the statutes is amended to read:
6 214.01 (1) (im) “Division” means the division of savings ~~and loan~~ institutions.

7 ***-1836/2.12* SECTION 2412.** 214.592 of the statutes is amended to read:

8 **214.592 Financially related services tie-ins.** In any transaction conducted
9 by a savings bank, a savings bank holding company or a subsidiary of either with a
10 customer who is also a customer of any other subsidiary of any of them, the customer
11 shall be given a notice in 12-point boldface type in substantially the following form:

12 **NOTICE OF RELATIONSHIP**

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

18 If you feel that you have been compelled to buy any product or service from
19 either of the above companies or any other related company in order to participate
20 in this transaction, you should contact the management of either of the above
21 companies at either of the above addresses or the division of savings ~~and loan~~
22 institutions at (insert address).

23 ***-1836/2.13* SECTION 2413.** 215.01 (6) of the statutes is amended to read:
24 215.01 (6) “Division” means the division of savings ~~and loan~~ institutions.

25 ***-1836/2.14* SECTION 2414.** 215.02 (title) of the statutes is amended to read:

1 and reasonable attorney fees, and any equitable relief the court determines
2 appropriate.

3 ***-1836/2.16* SECTION 2417.** 220.04 (9) (a) 2. of the statutes is amended to read:

4 220.04 (9) (a) 2. "Regulated entity" means a bank, universal bank, trust
5 company bank and any other entity which is described in s. 220.02 (2) or 221.0526
6 as under the supervision and control of the division.

7 ***-1836/2.17* SECTION 2418.** 221.0303 (2) of the statutes is amended to read:

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

25 ***-1836/2.18* SECTION 2419.** 221.0321 (5) of the statutes is amended to read:

1 the division and other forms of capital considered to be qualifying capital of the
2 universal bank by a deposit insurance corporation.

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

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

12 (4) "Division" means the division of banking.

13 (5) "Financial institution" means a state savings bank organized under ch. 214,
14 state savings and loan association organized under ch. 215 or a state bank chartered
15 under ch. 221.

16 (6) "Universal bank" means a financial institution that has been issued a
17 certificate of authority under s. 222.0205.

18 (7) "Well-capitalized" has the meaning given in 12 USC 1831o (b) (1) (A).

19 **222.0103 Applicability. (1) SAVINGS BANKS.** A universal bank that is a savings
20 bank organized under ch. 214 remains subject to all of the requirements, duties and
21 liabilities, and may exercise all of the powers, of a savings bank, except that in the
22 event of a conflict between this chapter and those requirements, duties, liabilities or
23 powers, this chapter shall control.

24 (2) **SAVINGS AND LOAN ASSOCIATIONS.** A universal bank that is a savings and loan
25 association organized under ch. 215 remains subject to all of the requirements,

1 duties and liabilities, and may exercise all of the powers, of a savings and loan
2 association, except that, in the event of a conflict between this chapter and those
3 requirements, duties, liabilities or powers, this chapter shall control.

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

8 **222.0105 Fees.** The division may establish such fees as it determines are
9 appropriate for documents filed with the division under this chapter and for services
10 provided by the division under this chapter.

11 **222.0107 Administration.** (1) **POWERS OF DIVISION.** The division shall
12 administer this chapter for all universal banks.

13 (2) **RULE-MAKING AUTHORITY.** The division may promulgate rules to administer
14 and carry out this chapter. The division may establish additional limits or
15 requirements on universal banks, if the division determines that the limits or
16 requirements are necessary for the protection of depositors, members, investors or
17 the public.

18 SUBCHAPTER II

19 CERTIFICATION

20 **222.0201 Procedure.** (1) **APPLICATION.** A financial institution may apply to
21 become certified as a universal bank by filing a written application with the division.
22 The application shall include such information as the division may require. The
23 application shall be on such forms and in accordance with such procedures as the
24 division may prescribe.

1 (2) REVIEW BY DIVISION. An application submitted to the division shall either
2 be approved or disapproved by the division in writing within 60 days after its
3 submission to the division. The division and the financial institution may mutually
4 agree to extend the application period for an additional period of 60 days.

5 **222.0203 Eligibility.** (1) REQUIREMENTS. The division shall approve an
6 application for certification as a universal bank, if the applying financial institution
7 meets all of the following requirements:

8 (a) The financial institution is chartered or organized, and regulated, under ch.
9 214, 215 or 221 and has been in existence and continuous operation for a minimum
10 of 3 years prior to the date of the application.

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

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

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

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

24 **222.0205 Certificate of authority.** Upon approval of the application under
25 s. 222.0201 for certification as a universal bank, the division shall issue to the

1 applicant a certificate of authority stating that the financial institution is certified
2 as a universal bank under this chapter.

3 **222.0207 Decertification.** A financial institution that is certified as a
4 universal bank under this chapter may elect to terminate its certification upon 60
5 days' prior written notice to the division and written approval of the division. The
6 financial institution shall, as a condition to the termination, terminate its exercise
7 of all powers granted under this chapter prior to the termination of the certification.
8 Written approval of the termination by the division is void if the financial institution
9 fails to satisfy the precondition to termination under this section.

10 SUBCHAPTER III

11 ORGANIZATION

12 **222.0301 Articles of incorporation and bylaws.** A universal bank shall
13 continue to operate under its articles of incorporation and bylaws as in effect prior
14 to certification as a universal bank or as such articles or bylaws may be subsequently
15 amended in accordance with the provisions of the chapter under which the universal
16 bank was organized or chartered.

17 **222.0303 Name.** (1) USE OF "BANK". Notwithstanding ss. 214.035, 215.40 (1)
18 and 215.60 (1) and subject to subs. (2) and (4), a universal bank may use the word
19 "bank" in its name, without having to include the word "savings". Notwithstanding
20 ss. 215.40 (1) and 215.60 (1) and subject to subs. (2) and (4), a universal bank that
21 is organized under ch. 215 and that uses the word "bank" in its name in accordance
22 with this section need not include the words "savings and loan association" or
23 "savings association" in its name.

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

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

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

8 (3) **EXCEPTIONS.** A universal bank may apply to the division for authority to use
9 a name that does not meet the requirement under sub. (2). The division may
10 authorize the use of the name if any of the conditions under s. 221.0403 (2) (a) or (b)
11 is met.

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

15 (a) Merged with the other institution.

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

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

19 **222.0305 Capital and assets. (1) CAPITAL REQUIREMENTS.** Notwithstanding
20 subch. VI of ch. 214 and ss. 215.24 and 221.0205, the division shall determine the
21 minimum capital requirements of universal banks.

22 (2) **CERTAIN ASSET REQUIREMENTS.** Section 214.045 does not apply to universal
23 banks.

24 **222.0307 Acquisitions, mergers and asset purchases. (1) IN GENERAL.** A
25 universal bank may, with the approval of the division, purchase the assets of, merge

1 with, acquire or be acquired by any other financial institution, universal bank,
2 national bank, federally chartered savings bank or savings and loan association, or
3 by a holding company of any of these entities. Notwithstanding subch. III of ch. 214
4 and ss. 214.09 and 215.36, the approval of the division of savings institutions is not
5 required.

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

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

12 (b) For universal banks organized under ch. 215, ss. 215.35, 215.36, 215.53 and
13 215.73.

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

15 SUBCHAPTER IV

16 POWERS

17 **222.0401 Federal financial institution powers.** (1) IN GENERAL. Subject
18 to the limitations in this section, universal banks may exercise all powers that may
19 be exercised, directly or indirectly through a subsidiary, by a federally chartered
20 savings bank, a federally chartered savings and loan association, a federally
21 chartered national bank or by an affiliate of such an institution.

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

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

5 **222.0403 Loan powers. (1) PERMITTED PURPOSES.** A universal bank may
6 make, sell, purchase, arrange, participate in, invest in or otherwise deal in loans or
7 extensions of credit for any purpose.

8 **(2) IN GENERAL.** Except as provided in subs. (3) to (8), the total liabilities of any
9 person, other than a municipal corporation, to a universal bank for a loan or
10 extension of credit may not exceed 20% of the capital of the universal bank at any
11 time. In determining compliance with this section, liabilities of a partnership
12 includes the liabilities of the general partners, computed individually as to each
13 general partner on the basis of his or her direct liability.

14 **(3) CERTAIN SECURED LIABILITIES.** The percentage limitation under sub. (2) is
15 50% of the universal bank's capital, if the liabilities under sub. (2) are limited to the
16 following types of liabilities:

17 **(a) Warehouse receipts.** A liability secured by warehouse receipts issued by
18 warehouse keepers who are licensed and bonded in this state under ss. 99.02 and
19 99.03 or under the federal Bonded Warehouse Act or who hold a registration
20 certificate under ch. 127, if all of the following requirements are met:

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

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

3 1. The note or bond is secured by not less than a like amount of bonds or notes
4 of the United States issued since April 24, 1917, or certificates of indebtedness of the
5 United States.

6 2. The note or bond is secured or covered by guarantees or by commitments or
7 agreements to take over, or to purchase, the bonds or notes, and the guarantee,
8 commitment or agreement is made by a federal reserve bank, the federal small
9 business administration, the federal department of defense or the federal maritime
10 commission.

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

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

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

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

24 (d) *General obligations.* If the liabilities of the local governmental unit are in
25 the form of bonds, notes or other evidences of indebtedness that are a general

1 obligation of a local governmental unit, the total liability of the local governmental
2 unit may not exceed 50% of the capital of the universal bank.

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

8 (5) OBLIGATIONS OF CERTAIN INTERNATIONAL ORGANIZATIONS; OTHER FOREIGN BONDS.
9 A universal bank may purchase bonds offered for sale by the International Bank for
10 Reconstruction and Development and the Inter-American Development Bank or
11 such other foreign bonds as may be approved under rules established by the division.
12 At no time shall the aggregate investment in any of these bonds issued by a single
13 issuer exceed 10% of the capital of the universal bank.

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

20 (7) LIMITS ESTABLISHED BY BOARD. (a) *When financial statements required.* A
21 universal bank may not make or renew a loan or loans, the aggregate total of which
22 exceeds the level established by the board of directors without being supported by a
23 signed financial statement of the borrower, unless the loan is secured by collateral
24 having a value in excess of the amount of the loan. A signed financial statement
25 furnished by the borrower to a universal bank in compliance with this paragraph

1 must be renewed annually as long as the loan or any renewal of the loan remains
2 unpaid and is subject to this paragraph.

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

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

9 (a) *Liabilities secured by certain short-term federal obligations.* A liability that
10 is secured by not less than a like amount of direct obligations of the United States
11 which will mature not more than 18 months after the date on which such liabilities
12 to the universal bank are entered into.

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

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

19 (d) *Discounting bills of exchange or business or commercial paper.* A liability
20 created by the discounting of bills of exchange drawn in good faith against actually
21 existing values or the discounting of commercial or business paper actually owned
22 by the person negotiating the same.

23 (e) *Certain other federal or federally guaranteed obligations.* In obligations of,
24 or obligations that are fully guaranteed by, the United States and in obligations of
25 any federal reserve bank, federal home loan bank, the Student Loan Marketing

1 Association, the Government National Mortgage Association, the Federal National
2 Mortgage Association, the Federal Home Loan Mortgage Corporation, the
3 Export-Import Bank of Washington or the Federal Deposit Insurance Corporation.

4 (9) ADDITIONAL AUTHORITY. (a) *In general.* In addition to the authority granted
5 under subs. (1) to (8), and except as provided in par. (b), a universal bank may lend
6 under this subsection, through the universal bank or subsidiary of the universal
7 bank, to all borrowers from the universal bank and all of its subsidiaries, an
8 aggregate amount not to exceed 20% of the universal bank's capital. Neither a
9 universal bank nor any subsidiary of the universal bank may lend to any borrower,
10 under this subsection and any other law or rule, an amount that would result in an
11 aggregate amount for all loans to that borrower that exceeds 20% of the universal
12 bank's capital. A universal bank or its subsidiary may take an equity position or
13 other form of interest as security in a project funded through such loans. Every
14 transaction by a universal bank or its subsidiary under this subsection shall require
15 prior approval by the governing board of the universal bank or its subsidiary,
16 respectively. Such loans are not subject to s. 221.0326 or to classification as losses,
17 for a period of 3 years from the date of each loan except as provided in par. (b).

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

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

9 (2) EQUITY SECURITIES. Except as provided in subs. (3) to (8), a universal bank
10 may purchase, sell, underwrite and hold equity securities, consistent with safe and
11 sound banking practices, up to 20% of capital or, if approved by the division in
12 writing, a greater percentage of capital.

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

1 the capital requirements set by the division under s. 222.0305 (1) and with the capital
2 maintenance requirements of its deposit insurance corporation.

3 (4) PROFIT-PARTICIPATION PROJECTS. A universal bank may take equity positions
4 in profit-participation projects, including projects funded through loans from the
5 universal bank, in an aggregate amount not to exceed 20% of capital. The division
6 may suspend the investment authority under this subsection. If the division
7 suspends the investment authority under this subsection, the division may specify
8 how outstanding investments under this subsection shall be treated by the universal
9 bank or its subsidiary. Among the factors that the division may consider in
10 suspending authority under this subsection are the universal bank's capital
11 adequacy, asset quality, earnings quantity, earnings quality, adequacy of liquidity
12 and sensitivity to market risk and the ability of the universal bank's management.
13 This subsection does not authorize a universal bank, directly or indirectly through
14 a subsidiary, to engage in the business of underwriting insurance.

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (k) *Certain federal obligations.* Obligations of, or obligations that are fully
5 guaranteed by, the United States and stocks or obligations of any federal reserve
6 bank, federal home loan bank, the Student Loan Marketing Association, the
7 Government National Mortgage Association, the Federal National Mortgage
8 Association, the Federal Home Loan Mortgage Corporation or the Federal Deposit
9 Insurance Corporation.

10 (L) *Other investments.* Any other investment authorized by the division.

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

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

18 **222.0407 Universal bank purchase of its own stock.** (1) IN GENERAL. A
19 universal bank may hold or purchase not more than 10% of its capital stock, notes
20 or debentures, except as provided in sub. (2) or (3).

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

23 (3) ADDITIONAL AUTHORITY. A universal bank may hold or purchase more than
24 10% of its capital stock, notes or debentures if the purchase is necessary to prevent
25 loss upon a debt previously contracted in good faith. Stock, notes or debentures held

1 or purchased under this subsection may not be held by the universal bank for more
2 than 6 months if the stock, notes or debentures can be sold for the amount of the claim
3 of the universal bank against the holder of the debt previously contracted. The
4 universal bank shall either sell the stock, notes or debentures within 12 months of
5 acquisition under this subsection or shall cancel the stock, notes or debentures.
6 Cancellation of the stock, notes or debentures reduces the amount of the universal
7 bank's capital stock, notes or debentures. If the reduction reduces the universal
8 bank's capital below the minimum level required by the division, the universal bank
9 shall increase its capital to the amount required by the division.

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

16 **222.0409 Stock in bank-owned banks.** With the approval of the division,
17 a universal bank may acquire and hold stock in one or more banks chartered under
18 s. 221.1202 or national banks chartered under 12 USC 27 (b) or in one or more
19 holding companies wholly owning such a bank. Aggregate investments under this
20 section may not exceed 10% of the universal bank's capital.

21 **222.0411 General deposit powers. (1) IN GENERAL.** A universal bank may
22 set eligibility requirements for, and establish the types and terms of, deposits that
23 the universal bank solicits and accepts. The terms set under this subsection may
24 include minimum and maximum amounts that the universal bank may accept and
25 the frequency and computation method of paying interest.

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

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

7 (4) SAFE DEPOSIT POWERS. A universal bank may take and receive, from any
8 individual or corporation for safekeeping and storage, gold and silver plate, jewelry,
9 money, stocks, securities, and other valuables or personal property; and rent out the
10 use of safes or other receptacles upon its premises upon such compensation as may
11 be agreed upon. A universal bank has a lien for its charges on any property taken
12 or received by it for safekeeping. If the lien is not paid within 2 years from the date
13 the lien accrues, or if property is not called for by the person depositing the property,
14 or by his or her representative or assignee, within 2 years from the date the lien
15 accrues, the universal bank may sell the property at public auction. A universal bank
16 shall provide the same notice for a sale under this subsection that is required by law
17 for sales of personal property on execution. After retaining from the proceeds of the
18 sale all of the liens and charges due the bank and the reasonable expenses of the sale,
19 the universal bank shall pay the balance to the person depositing the property, or to
20 his or her representative or assignee.

21 **222.0413 Other service and incidental activity powers.** (1) NECESSARY
22 OR CONVENIENT POWERS. Unless otherwise prohibited or limited by this chapter, a
23 universal bank may exercise all powers necessary or convenient to effect the
24 purposes for which the universal bank is organized or to further the businesses in
25 which the universal bank is lawfully engaged.

1 (2) REASONABLY RELATED POWERS. (a) Subject to any applicable state or federal
2 regulatory or licensing requirements, a universal bank may engage, directly or
3 indirectly through a subsidiary, in activities reasonably related or incident to the
4 purposes of the universal bank. Activities reasonably related or incident to the
5 purposes of the universal bank are those activities that are part of the business of
6 financial institutions, or closely related to the business of financial institutions, or
7 convenient and useful to the business of financial institutions, or reasonably related
8 or incident to the operation of financial institutions or are financial in nature.
9 Activities that are reasonably related or incident to the purposes of a universal bank
10 include the following:

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

1 16. Any activities reasonably related or incident to activities under subsds. 1.
2 to 15.

3 (b) An activity that is authorized by statute or regulation for financial
4 institutions to engage in as of the effective date of this paragraph [revisor inserts
5 date], is an activity that is reasonably related to or incident to the purposes of a
6 universal bank. An activity permitted under the Bank Holding Company Act is an
7 activity that is reasonably related to or incident to the purposes of a universal bank.
8 The list of activities reasonably related or incident to the purposes of a universal
9 bank may be expanded by the division. Any additional activity approved by the
10 division shall be authorized for all universal banks.

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

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

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

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

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

7 (8) LIMITATIONS ON INVESTMENTS THROUGH SUBSIDIARIES. The amount of the
8 investment in any one subsidiary that engages in an activity under this section may
9 not exceed 20% of capital or, if approved by the division, a higher percentage
10 authorized by the division. The aggregate investment in all subsidiaries that engage
11 in an activity under this subsection may not exceed 50% of capital or, if approved by
12 the division, a higher percentage authorized by the division.

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

16 **222.0415 Trust powers.** Subject to rules of the division, a universal bank may
17 exercise trust powers in accordance with s. 221.0316.

18 *~~1836/2.20~~* **SECTION 2421.** 223.105 (3) (a) of the statutes is amended to read:
19 223.105 (3) (a) To assure compliance with such rules as may be established
20 under s. 220.04 (7) the division of banking, the office of credit unions and the division
21 of savings ~~and loan~~ institutions shall, at least once every 18 months, examine the
22 fiduciary operations of each organization which is under its respective jurisdiction
23 and is subject to examination under sub. (2). If a particular organization subject to
24 examination under sub. (2) is not otherwise under the jurisdiction of one of the
25 foregoing agencies, such examination shall be conducted by the division of banking.

1 ***-1836/2.21* SECTION 2422.** 223.105 (4) of the statutes is amended to read:

2 223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations
3 licensed under ch. 221 or this chapter, any organization engaged in fiduciary
4 operations as defined in this section shall, as required by rule, notify the division of
5 banking, the office of credit unions or the division of savings ~~and loan~~ institutions of
6 that fact, directing the notice to the agency then exercising regulatory authority over
7 the organization or, if there is none, to the division of banking. Any organization
8 which intends to engage in fiduciary operations shall, prior to engaging in such
9 operations, notify the appropriate agency of this intention. The notifications
10 required under this subsection shall be on forms and contain information required
11 by the rules promulgated by the division of banking.

12 ***-1836/2.22* SECTION 2423.** 223.105 (5) of the statutes is amended to read:

13 223.105 (5) ENFORCEMENT REMEDY. The division of banking or the division of
14 savings ~~and loan~~ institutions or office of credit unions shall upon the failure of such
15 organization to submit notifications or reports required under this section or
16 otherwise to comply with the provisions of this section, or rules established by the
17 division of banking under s. 220.04 (7), upon due notice, order such defaulting
18 organization to cease and desist from engaging in fiduciary activities and may apply
19 to the appropriate court for enforcement of such order.

20 ***-1836/2.23* SECTION 2424.** 223.105 (6) of the statutes is amended to read:

21 223.105 (6) SUNSET. Except for an organization regulated by the office of credit
22 unions or the division of savings ~~and loan~~ institutions or an organization authorized
23 by the division of banking to operate as a bank or trust company under ch. 221 or this
24 chapter, an organization may not begin activity as a fiduciary operation under this
25 section after May 12, 1992. An organization engaged in fiduciary operations under

1 this section on May 12, 1992, may continue to engage in fiduciary operations after
2 that date.

3 ***-1191/2.1* SECTION 2425.** 224.30 (1) (title) of the statutes is created to read:
4 224.30 (1) (title) DEFINITION.

5 ***-1191/2.2* SECTION 2426.** 224.30 (2) (title) of the statutes is created to read:
6 224.30 (2) (title) ELECTRONIC FORMS AND SIGNATURES.

7 ***-1191/2.3* SECTION 2427.** 224.30 (3) of the statutes is created to read:
8 224.30 (3) ACCESS AND USE OF COMPUTER DATABASES AND SYSTEMS. The
9 department may charge members of the public a fee for accessing or using the
10 department's databases or computer systems.

11 ***-1098/3.26* SECTION 2428.** 227.01 (13) (zL) of the statutes is created to read:
12 227.01 (13) (zL) Prescribes conditions of participation and terms of
13 reimbursement of providers under s. 49.45 (2) (a) 9.

14 ***-1098/3.27* SECTION 2429.** 227.01 (13) (zm) of the statutes is created to read:
15 227.01 (13) (zm) Establishes guidelines for the determination of medical
16 necessity and appropriateness for the granting of prior authorization for medical
17 assistance coverage of services under s. 49.46 or 49.47.

18 ***-0567/1.4* SECTION 2430.** 227.14 (1s) of the statutes is created to read:
19 227.14 (1s) EXCEPTION; PREPARATION OF CERTAIN RULES BASED ON FEDERAL FOOD
20 CODE. Notwithstanding sub. (1), if the department of agriculture, trade and
21 consumer protection or the department of health and family services prepares a
22 proposed rule based on the model food code published by the federal food and drug
23 administration, the proposed rule may be in the format of the model food code.

24 ***-1836/2.24* SECTION 2431.** 227.52 (5) of the statutes is amended to read:
25 227.52 (5) Decisions of the division of savings ~~and loan~~ institutions.

1 ***-1836/2.25*** SECTION 2432. 227.53 (1) (b) 4. of the statutes is amended to read:
2 227.53 (1) (b) 4. The savings and loan review board, the division of savings and
3 ~~loan~~ institutions, except if the petitioner is the division of savings and ~~loan~~
4 institutions, the prevailing parties before the savings and loan review board shall be
5 the named respondents.

6 ***-1836/2.26*** SECTION 2433. 227.53 (1) (b) 5. of the statutes is amended to read:
7 227.53 (1) (b) 5. The savings bank review board, the division of savings and ~~loan~~
8 institutions, except if the petitioner is the division of savings and ~~loan~~ institutions,
9 the prevailing parties before the savings bank review board shall be the named
10 respondents.

11 ***-1696/5.37*** SECTION 2434. 230.08 (2) (e) 3m. of the statutes is amended to
12 read:

13 230.08 (2) (e) 3m. Educational communications board — 4. If the secretary of
14 administration determines that the federal communications commission has
15 approved the transfer of all broadcasting licenses held by the educational
16 communications board and the board of regents of the University of Wisconsin
17 System to the corporation described under s. 39.81, this subdivision does not apply
18 on and after the effective date of the last license transferred [revisor inserts date].

19 ***-1922/4.36*** SECTION 2435. 230.08 (2) (e) 6. of the statutes is amended to read:
20 230.08 (2) (e) 6. Workforce development — 8 7.

21 ***-1696/5.38*** SECTION 2436. 230.08 (2) (L) 2. of the statutes is amended to read:
22 230.08 (2) (L) 2. Educational communications board, created under s. 15.57 (1).

23 If the secretary of administration determines that the federal communications
24 commission has approved the transfer of all broadcasting licenses held by the
25 educational communications board and the board of regents of the University of

1 Wisconsin System to the corporation described under s. 39.81, this subdivision does
2 not apply on and after the effective date of the last license transferred [revisor
3 inserts date].

4 *–0024/1.2* SECTION 2437. 230.08 (2) (u) of the statutes is repealed.

5 *–1696/5.39* SECTION 2438. 230.08 (2) (we) of the statutes is amended to read:

6 230.08 (2) (we) Professional staff members of the educational communications
7 board authorized under s. 39.13 (2). If the secretary of administration determines
8 that the federal communications commission has approved the transfer of all
9 broadcasting licenses held by the educational communications board and the board
10 of regents of the University of Wisconsin System to the corporation described under
11 s. 39.81, this paragraph does not apply on and after the effective date of the last
12 license transferred [revisor inserts date].

13 *–1922/4.37* SECTION 2439. 230.08 (2) (yr) of the statutes is created to read:

14 230.08 (2) (yr) The executive director of the governor’s work-based learning
15 board.

16 *–1696/5.40* SECTION 2440. 230.08 (4) (a) of the statutes is amended to read:

17 230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)
18 includes all administrator positions specifically authorized by law to be employed
19 outside the classified service in each department, board or commission and the
20 historical society. ~~In~~ Except as provided in par. (am), in this paragraph,
21 “department” has the meaning given under s. 15.01 (5), “board” means the
22 educational communications board, investment board, public defender board and
23 technical college system board and “commission” means the public service
24 commission. Notwithstanding sub. (2) (z), no division administrator position

1 exceeding the number authorized in sub. (2) (e) may be created in the unclassified
2 service.

3 ***-1696/5.41* SECTION 2441.** 230.08 (4) (am) of the statutes is created to read:

4 230.08 (4) (am) If the secretary of administration determines that the federal
5 communications commission has approved the transfer of all broadcasting licenses
6 held by the educational communications board and the board of regents of the
7 University of Wisconsin System to the corporation described under s. 39.81, on and
8 after the effective date of the last license transferred [revisor inserts date], “board”
9 in par. (a) means the investment board, public defender board and technical college
10 system board.

11 ***-1816/2.1* SECTION 2442.** 233.24 of the statutes is created to read:

12 **233.24 Limitations on issuance of bonds.** Beginning on the effective date
13 of this section [revisor inserts date], the authority may not issue bonds for the
14 purpose of purchasing a clinic, as defined in s. 287.07 (7) (c) 1. a., or a hospital, as
15 defined in s. 50.33 (2) (a).

16 ***-1816/2.2* SECTION 2443.** 233.27 of the statutes is amended to read:

17 **233.27 Limit on the amount of outstanding bonds.** The authority may not
18 issue bonds or incur indebtedness described under s. 233.03 (12) if, after the bonds
19 are issued or the indebtedness is incurred, the aggregate principal amount of the
20 authority’s outstanding bonds, together with all indebtedness described under s.
21 233.03 (12) would exceed ~~\$50,000,000~~ \$90,000,000. Bonds issued to fund or refund
22 outstanding bonds, or indebtedness incurred to pay off or purchase outstanding
23 indebtedness, is not included in calculating compliance with the ~~\$50,000,000~~
24 \$90,000,000 limit.

25 ***-0589/1.20* SECTION 2444.** 234.04 (2) of the statutes is amended to read:

1 234.04 (2) The authority may make or participate in the making and enter into
2 commitments for the making of long-term mortgage loans to eligible sponsors of
3 housing projects for occupancy by persons and families of low and moderate income,
4 or for the making of homeownership mortgage loans or housing rehabilitation loans
5 to persons and families of low and moderate income, an applicant under s. 234.59 or
6 other eligible beneficiaries as defined in s. 234.49. The loans may be made only upon
7 the determination by the authority that they are not otherwise available from
8 private lenders upon reasonably equivalent terms and conditions. The authority
9 may not make a loan to a person ~~if it receives a certification under s. 49.855 (7) that~~
10 ~~the person is delinquent in child support or maintenance payments or owes past~~
11 ~~support, medical expenses or birth expenses~~ whose name appears on the statewide
12 support lien docket under s. 49.854 (2) (b), unless the person provides to the authority
13 a payment agreement that has been approved by the county child support agency
14 under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2)
15 (a). The authority may employ, for such compensation as it determines, the services
16 of any financial institution in connection with any loan.

17 *~~-0589/1.21~~* SECTION 2445. 234.49 (1) (c) of the statutes is renumbered 234.49
18 (1) (c) (intro.) and amended to read:

19 234.49 (1) (c) (intro.) “Eligible beneficiary” means ~~a~~ any of the following:

20 1. A person for whom the authority has not received a certification from the
21 department of workforce development under s. 49.855 (7) or a whose name does not
22 appear on the statewide support lien docket under s. 49.854 (2) (b), except that a
23 person whose name appears on the statewide support lien docket is an “eligible
24 beneficiary” if the person provides to the authority a payment agreement that has

1 been approved by the county child support agency under s. 59.53 (5) and that is
2 consistent with rules promulgated under s. 49.858 (2) (a).

3 2. A family who or which falls within the income limits specified in par. (f).

4 ***-1220/2.3* SECTION 2446.** 234.51 (2) (b) of the statutes is amended to read:

5 234.51 (2) (b) For transfer, upon request, ~~to the secretary of administration for~~
6 ~~deposit in the state general fund~~ to the Wisconsin development reserve fund under
7 s. 234.93, to the extent that the chairperson of the authority certifies that such funds
8 are no longer required for the program.

9 ***-1220/2.4* SECTION 2447.** 234.52 (2) of the statutes is amended to read:

10 234.52 (2) Subject to agreements with bondholders, the authority shall use
11 moneys in the fund solely for transfer to the housing rehabilitation loan program
12 bond redemption fund in amounts equal to losses on housing rehabilitation loans
13 owned by that fund which are not made good by federal insurance or guarantee
14 payments, and solely for the purposes described in s. 234.55 (2) (a). Any balance
15 remaining after payment or due provision for payment of all outstanding bonds
16 issued under the authority of s. 234.50 shall be transferred to the housing
17 rehabilitation loan program administration fund ~~only for the purpose of deposit in~~
18 ~~the state general fund.~~

19 ***-1220/2.5* SECTION 2448.** 234.55 (3) of the statutes is amended to read:

20 234.55 (3) Any balance remaining after satisfaction of all obligations under
21 sub. (2) shall be transferred to the housing rehabilitation loan program
22 administration fund ~~only for the purpose of deposit in the state general fund.~~

23 ***-0589/1.22* SECTION 2449.** 234.59 (3) (c) of the statutes is amended to read:

24 234.59 (3) (c) The authority shall notify an eligible lender if it ~~receives a~~
25 ~~certification under s. 49.855 (7) that a person is delinquent in child support or~~

1 ~~maintenance payments or owes past support, medical expenses or birth expenses a~~
2 ~~person's name appears on the statewide support lien docket under s. 49.854 (2) (b).~~

3 An eligible lender may not make a loan to an applicant if it receives notification under
4 this paragraph concerning the applicant, unless the applicant provides to the lender
5 a payment agreement that has been approved by the county child support agency
6 under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2)
7 (a).

8 ***-2015/1.3*** SECTION 2450. 234.64 of the statutes is created to read:

9 **234.64 Biotechnology development finance company. (1)** In this section:

10 (a) "Biotechnology" means technology related to life sciences.

11 (b) "Capital participation instrument" means all of the following:

12 1. Any of the following or an option or other right to acquire any of the following:

13 a. Common or preferred capital stock.

14 b. Convertible securities.

15 c. Evidences of long-term or short-term indebtedness.

16 d. Warrants.

17 e. Subscriptions.

18 f. Partnership or membership interests.

19 2. Royalties or other lawful derivations of a capital participation instrument
20 listed under subd. 1.

21 (c) "Cost of a project" means costs associated with the design, planning and
22 implementation of a project that, in accordance with sound business and financial
23 practices, are appropriate charges to the project. The costs may include the costs of
24 planning and design, options to buy land, feasibility or other studies, equipment,
25 seed money, construction, working capital and any other costs determined by the

1 biotechnology development finance company to be necessary to the purposes of this
2 section.

3 (d) “Project” means commercial, industrial or other economic activity that is
4 undertaken by a biotechnology company in this state.

5 (2) (a) The authority may organize and maintain a biotechnology development
6 finance company as a nonstock, nonprofit corporation under ch. 181 for the exclusive
7 purpose of investing in new or existing biotechnology companies in this state.

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

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

14 2. There is a reasonable expectation that the biotechnology company will be
15 successful.

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

17 4. The investment is necessary to the successful completion of the proposed
18 project because other investment in the project is unavailable in the traditional
19 capital markets, or because capital has been offered on terms that would preclude
20 the success of the project.

21 5. Provision has been made by contract for adequate reporting of financial data
22 by the project to the biotechnology development finance company. Those provisions
23 may include a requirement for an annual or other periodic audit of the project’s
24 financial records.

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

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

4 (c) 1. The biotechnology development finance company may not own more than
5 49% of the voting stock or other interest in any enterprise as a result of a purchase
6 under par. (b).

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

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

11 (3) The authority shall enter into a contract with the biotechnology
12 development finance company. The contract shall provide that the authority may
13 make use of the services of the biotechnology development finance company and that
14 the authority shall advise, assist and provide administrative services to the
15 biotechnology development finance company. The authority shall determine the
16 type and scope of any administrative services provided by the authority to the
17 biotechnology development finance company. The authority may assign employees or
18 contract with private or state agencies to perform the administrative services. The
19 biotechnology development finance company may not engage in political activities.

20 (4) (a) The board of directors of the biotechnology development finance
21 company shall consist of all of the following members:

- 22 1. The executive director of the authority, or his or her designee.
- 23 2. The secretary of commerce, or his or her designee.
- 24 3. The secretary of administration, or his or her designee.
- 25 4. The executive director of the investment board, or his or her designee.

1 5. The president of the University of Wisconsin System, or his or her designee.

2 6. The president of Forward Wisconsin, Inc., or his or her designee.

3 7. A representative of the state's biotechnology research community.

4 8. A representative of the state's biotechnology industry.

5 9. A representative of the state's venture capital industry.

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

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

13 (6) The assets transferred to, and the assets and liabilities of, the biotechnology
14 development finance company shall be separate from all other assets and liabilities
15 of the state, of all political subdivisions of the state and of the authority. Neither the
16 state, any political subdivision of the state nor the authority guarantees any
17 obligation of or has any obligation to the biotechnology development finance
18 company. Neither the state, any political subdivision of the state nor the authority
19 is liable for any debt or liability of the biotechnology development finance company.

20 ***-0589/1.23*** SECTION 2451. 234.65 (3) (f) of the statutes is amended to read:

21 234.65 (3) (f) ~~The authority has not received a certification under s. 49.855 (7)~~
22 ~~that the person receiving the loan is delinquent in child support or maintenance~~
23 ~~payments or owes past support, medical expenses or birth expenses~~ name of the
24 person receiving the loan does not appear on the statewide support lien docket under
25 s. 49.854 (2) (b). The condition under this paragraph is met for a person whose name

SECTION 2451

1 does appear if the person provides to the authority a payment agreement that has
2 been approved by the county child support agency under s. 59.53 (5) and that is
3 consistent with rules promulgated under s. 49.858 (2) (a).

4 *~~0424/1.8~~* SECTION 2452. 234.65 (3m) of the statutes is amended to read:

5 234.65 (3m) An economic development loan may not be made unless the
6 department of commerce complies with sub. (1m) ~~and certifies that each loan~~
7 ~~complies with sub. (3).~~

8 *~~0424/1.9~~* SECTION 2453. 234.65 (5) (intro.) of the statutes is amended to
9 read:

10 234.65 (5) (intro.) On or before July 1, ~~1985~~ 2000, and every July 1 thereafter,
11 the ~~department of commerce~~ authority shall submit to the chief clerk of each house
12 of the legislature, for distribution to the appropriate standing committees under s.
13 13.172 (3), a report which shall address the effects of lending under this section in
14 the following areas:

15 *~~0821/4.4~~* SECTION 2454. 234.83 (1) (intro.) of the statutes is amended to
16 read:

17 234.83 (1) GUARANTEE REQUIREMENTS FOR SMALL BUSINESSES. (intro.) The
18 authority may use money from the Wisconsin development reserve fund to guarantee
19 a loan under ~~this section~~ sub. (4) (a) if all of the following apply:

20 *~~0821/4.5~~* SECTION 2455. 234.83 (1) (a) of the statutes is amended to read:

21 234.83 (1) (a) The borrower qualifies as an eligible borrower under sub. (2) (a)
22 or (b).

23 *~~0821/4.6~~* SECTION 2456. 234.83 (1m) of the statutes is created to read:

1 234.83 (1m) GUARANTEE REQUIREMENTS FOR SMALL BUSINESSES AFFECTED BY
2 GAMING. The authority may use money from the Wisconsin development reserve fund
3 to guarantee a loan under sub. (4) (am) if all of the following apply:

4 (a) The borrower qualifies as an eligible borrower under sub. (2) (c).

5 (b) The loan qualifies as an eligible loan under sub. (3).

6 (c) The lender enters into an agreement under s. 234.93 (2) (a).

7 *~~-0589/1.24~~* **SECTION 2457.** 234.83 (2) (a) 3. of the statutes is amended to read:

8 234.83 (2) (a) 3. ~~The authority has not received a certification under s. 49.855~~
9 ~~(7) that the owner of the business is delinquent in making child support or~~
10 ~~maintenance payments~~ name of the owner of the business does not appear on the
11 statewide support lien docket under s. 49.854 (2) (b). The condition under this
12 subdivision is met for an owner whose name does appear if the owner of the business
13 provides to the authority a payment agreement that has been approved by the county
14 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
15 under s. 49.858 (2) (a).

16 *~~-0821/4.7~~* **SECTION 2458.** 234.83 (2) (c) of the statutes is created to read:

17 234.83 (2) (c) A business to which the conditions under par. (a) 1., 2. and 3. apply
18 and that is located in a county in this state, or in a county in this state that is adjacent
19 to a county in this state, in which is located a casino that is operated by a federally
20 recognized American Indian tribe or band in this state.

21 *~~-0821/4.8~~* **SECTION 2459.** 234.83 (4) (am) of the statutes is created to read:

22 234.83 (4) (am) Subject to par. (b), the authority may guarantee repayment of
23 an amount of the principal of any loan eligible for a guarantee under sub. (1m). The
24 amount that may be guaranteed may not exceed 100% of the principal of the loan or
25 \$200,000, whichever is less. The authority shall establish the amount of the

1 principal of an eligible loan that will be guaranteed, using the procedures described
2 in the agreement under s. 234.93 (2) (a). The authority may establish a single
3 amount for all guaranteed loans that do not exceed \$200,000 and a single amount for
4 all guaranteed loans that exceed \$200,000 or establish on an individual basis
5 different amounts for eligible loans that do not exceed \$200,000 and different
6 amounts for eligible loans that exceed \$200,000.

7 ***-0821/4.9* SECTION 2460.** 234.83 (4) (b) of the statutes is amended to read:

8 234.83 (4) (b) Except as provided in s. 234.93 (3), the total outstanding
9 guaranteed principal amount of all loans that the authority may guarantee under
10 ~~par. (a) this section~~ may not exceed ~~\$9,900,000~~ \$21,150,000.

11 ***-0821/4.10* SECTION 2461.** 234.83 (5) of the statutes is created to read:

12 234.83 (5) INTEREST SUBSIDY FOR BUSINESSES AFFECTED BY GAMING. Annually,
13 from the Wisconsin development reserve fund, the authority may pay a financial
14 institution that makes a loan to a borrower under sub. (2) (c) that is guaranteed
15 under sub. (4) (am) an amount equal to up to 3.5% of the outstanding balance of the
16 loan.

17 ***-1187/1.2* SECTION 2462.** 234.88 (3) (b) of the statutes is amended to read:

18 234.88 (3) (b) Except as provided in s. 234.93 (3), the total outstanding principal
19 amount of all guaranteed loans under par. (a) may not exceed ~~\$22,500,000~~
20 \$11,250,000.

21 ***-1220/2.6* SECTION 2463.** 234.90 (2) (b) of the statutes is amended to read:

22 234.90 (2) (b) The total outstanding principal amount of all loans to the
23 borrower that are guaranteed under this section will not exceed ~~\$20,000~~ \$30,000.

24 ***-0589/1.25* SECTION 2464.** 234.90 (3) (d) of the statutes is amended to read:

1 234.90 (3) (d) ~~The authority has not received a certification under s. 49.855 (7)~~
2 ~~that the farmer is delinquent in making child support or maintenance payments or~~
3 ~~owes past support, medical expenses or birth expenses~~ farmer's name does not
4 appear on the statewide support lien docket under s. 49.854 (2) (b). The condition
5 under this paragraph is met for a farmer whose name does appear if the farmer
6 provides to the authority a payment agreement that has been approved by the county
7 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
8 under s. 49.858 (2) (a).

9 ***-0589/1.26*** SECTION 2465. 234.90 (3g) (c) of the statutes is amended to read:

10 234.90 (3g) (c) ~~The authority has not received a certification under s. 49.855~~
11 ~~(7) that the farmer is delinquent in making child support or maintenance payments~~
12 ~~or owes past support, medical expenses or birth expenses~~ farmer's name does not
13 appear on the statewide support lien docket under s. 49.854 (2) (b). The condition
14 under this paragraph is met for a farmer whose name does appear if the farmer
15 provides to the authority a payment agreement that has been approved by the county
16 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
17 under s. 49.858 (2) (a).

18 ***-0589/1.27*** SECTION 2466. 234.905 (3) (d) of the statutes is amended to read:

19 234.905 (3) (d) ~~The authority has not received a certification under s. 49.855~~
20 ~~(7) that the farmer is delinquent in making child support or maintenance payments~~
21 ~~or owes past support, medical expenses or birth expenses~~ farmer's name does not
22 appear on the statewide support lien docket under s. 49.854 (2) (b). The condition
23 under this paragraph is met for a farmer whose name does appear if the farmer
24 provides to the authority a payment agreement that has been approved by the county

1 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
2 under s. 49.858 (2) (a).

3 ***-1220/2.7* SECTION 2467.** 234.91 (2) (c) of the statutes is amended to read:

4 234.91 (2) (c) The total outstanding guaranteed principal amount of all loans
5 made to the borrower that are guaranteed under this section will not exceed \$100,000
6 ~~\$200,000~~, or ~~\$50,000~~ \$100,000 if any of the loans is affected by any other state or
7 federal credit assistance program.

8 ***-1220/2.8* SECTION 2468.** 234.93 (1) (cm) of the statutes is created to read:

9 234.93 (1) (cm) Any moneys transferred under s. 234.51 (2) (b), or under 1999
10 Wisconsin Act (this act), section 9125 (1) from the housing rehabilitation loan
11 program administration fund.

12 ***-0821/4.11* SECTION 2469.** 234.93 (1) (f) of the statutes is created to read:

13 234.93 (1) (f) To be used for guaranteeing loans under s. 234.83 (4) (am) and
14 paying interest subsidies under s. 234.83 (5), moneys appropriated to the authority
15 under s. 20.490 (5) (kp).

16 ***-1220/2.9* SECTION 2470.** 234.93 (4) (a) 2. of the statutes is amended to read:

17 234.93 (4) (a) 2. To fund guarantees under all of the programs guaranteed by
18 funds from the Wisconsin development reserve fund, except for the program under
19 s. 234.935, 1997 stats., at a ratio of \$1 of reserve funding to \$4.50 of total outstanding
20 principal and outstanding guaranteed principal that the authority may guarantee
21 under all of those programs.

22 ***-1220/2.10* SECTION 2471.** 234.93 (4) (a) 3. of the statutes is amended to read:

23 234.93 (4) (a) 3. To fund guarantees under the program under s. 234.935, 1997
24 stats., at a ratio of \$1 of reserve funding to \$4 of total principal and outstanding
25 guaranteed principal that the authority may guarantee under that program.