

1           \***-0521/2.2\*** **SECTION 2198.** 145.245 (5) (a) 2. of the statutes is amended to read:

2           145.245 (5) (a) 2. A business is eligible for grant funds under this section if it  
3 owns a small commercial establishment which is served by a category 1 or 2 failing  
4 private sewage system, if the ~~small commercial establishment was constructed prior~~  
5 ~~to private sewage system was installed before~~ July 1, 1978, if the gross revenue of  
6 the business does not exceed the limitation under par. (d), if the small commercial  
7 establishment is not located in an area served by a sewer and if a determination of  
8 failure is made prior to the rehabilitation or replacement of the private sewage  
9 system.

10          \***-0935/2.39\*** **SECTION 2199.** 145.245 (5) (a) 2. of the statutes, as affected by  
11 1999 Wisconsin Act .... (this act), is amended to read:

12          145.245 (5) (a) 2. A business is eligible for grant funds under this section if it  
13 owns a small commercial establishment which is served by a category 1 or 2 failing  
14 ~~private small~~ sewage system, if the ~~private small~~ sewage system was installed before  
15 July 1, 1978, if the gross revenue of the business does not exceed the limitation under  
16 par. (d), if the small commercial establishment is not located in an area served by a  
17 sewer and if a determination of failure is made prior to the rehabilitation or  
18 replacement of the ~~private small~~ sewage system.

      \*\*\*NOTE: This is reconciled s. 145.245 (5) (a). This SECTION has been affected by  
drafts with the following LRB numbers: -0521 and -0935.

19          \***-0935/2.40\*** **SECTION 2200.** 145.245 (5) (a) 3. of the statutes is amended to  
20 read:

21          145.245 (5) (a) 3. A person who owns a principal residence or small commercial  
22 establishment which is served by a category 1 or 2 failing ~~private small~~ sewage  
23 system may submit an application for grant funds during the 3-year period after the

1 determination of failure is made. Grant funds may be awarded after work is  
2 completed if rehabilitation or replacement of the system meets all requirements of  
3 this section and rules promulgated under this section.

4 **\*-0519/1.1\* SECTION 2201.** 145.245 (5) (c) 2. of the statutes is amended to read:

5 145.245 (5) (c) 2. Except as provided under subd. 4., annual family income shall  
6 be based upon the federal adjusted gross income of the owner and the owner's spouse,  
7 if any, as computed for ~~Wisconsin income tax purposes~~ for the taxable year prior to  
8 the year in which the determination of failure is made. ~~The county median income~~  
9 ~~shall be determined based upon the most recent statistics published by the federal~~  
10 ~~department of housing and urban development for the year prior to the year in which~~  
11 ~~the determination of failure is made.~~

12 **\*-0519/1.2\* SECTION 2202.** 145.245 (5) (c) 3. of the statutes is amended to read:

13 145.245 (5) (c) 3. In order to be eligible for grant funds under this section, a  
14 person shall submit a copy of the designated federal income tax returns ~~for the~~  
15 ~~taxable year prior to the year in which the determination of failure is upon which the~~  
16 ~~determination of federal adjusted gross income under subd. 2. was made together~~  
17 ~~with any application required by the governmental unit. For taxable year 1985 and~~  
18 ~~earlier, the person shall submit a copy of his or her individual or combined Wisconsin~~  
19 ~~income tax return. For taxable year 1986 and thereafter, the person shall submit a~~  
20 ~~copy of his or her joint Wisconsin income tax return or, if filing separately, his or her~~  
21 ~~separate Wisconsin income tax return and the separate Wisconsin income tax return~~  
22 ~~of his or her spouse, if any.~~

23 **\*-0519/1.3\* SECTION 2203.** 145.245 (5) (c) 4. of the statutes is amended to read:

24 145.245 (5) (c) 4. A governmental unit may disregard the Wisconsin federal  
25 income tax return for the taxable year prior to the year in which the determination

1 ~~of failure is made that is submitted under subd. 3.~~ and may determine annual family  
2 income based upon satisfactory evidence of federal adjusted gross income or  
3 projected ~~taxable~~ federal adjusted gross income of the owner and the owner's spouse  
4 in the current year. The department shall promulgate rules establishing criteria for  
5 determining what constitutes satisfactory evidence of federal adjusted gross income  
6 or projected federal adjusted gross income in a current year.

7 **\*-0935/2.41\* SECTION 2204.** 145.245 (5m) (a) of the statutes is amended to  
8 read:

9 145.245 (5m) (a) The department or a governmental unit shall deny a grant  
10 application under this section if the applicant or a person who would be directly  
11 benefited by the grant intentionally caused the conditions which resulted in a  
12 category 1 or 2 failing ~~private~~ small sewage system. The department or  
13 governmental unit shall notify the applicant in writing of a denial, including the  
14 reason for the denial.

15 **\*-0589/2.19\* SECTION 2205.** 145.245 (5m) (b) of the statutes is amended to  
16 read:

17 145.245 (5m) (b) The department shall notify a governmental unit if it receives  
18 ~~a certification under s. 49.855 (7) that an individual is delinquent in child support~~  
19 ~~or maintenance payments or owes past support, medical expenses or birth expenses~~  
20 an individual's name appears on the statewide support lien docket under s. 49.854  
21 (2)(b). The department or a governmental unit shall deny an application under this  
22 section if the ~~department receives a certification under s. 49.855 (7) that~~ name of the  
23 applicant or an individual who would be directly benefited by the grant is ~~delinquent~~  
24 ~~in child support or maintenance payments or owes past support, medical expenses~~  
25 ~~or birth expenses~~ appears on the statewide support lien docket under s. 49.854 (2)

1 (b), unless the applicant or individual who would be benefited by the grant provides  
2 to the department or governmental unit a payment agreement that has been  
3 approved by the county child support agency under s. 59.53 (5) and that is consistent  
4 with rules promulgated under s. 49.858 (2) (a).

5 \*~~0935/2.42~~\* SECTION 2206. 145.245 (6) of the statutes is amended to read:

6 145.245 (6) USE OF FUNDS. (a) Except for grants under par. (b), funds available  
7 under a grant under this section shall be applied to the rehabilitation or replacement  
8 of the private small sewage system. An existing private small sewage system may  
9 be replaced by an alternative private small sewage system or by a system serving  
10 more than one principal residence.

11 (b) Funds available under a grant under this section for experimental private  
12 small sewage systems shall be applied to the installation and monitoring of the  
13 experimental private small sewage systems.

14 \*~~0935/2.43~~\* SECTION 2207. 145.245 (7) of the statutes is amended to read:

15 145.245 (7) ALLOWABLE COSTS; STATE SHARE. (a) Except as provided in par. (e),  
16 costs allowable in determining grant funding under this section may not exceed the  
17 costs of rehabilitating or replacing a private small sewage system which would be  
18 necessary to allow the rehabilitated system or new system to meet the minimum  
19 requirements of the state plumbing code promulgated under s. 145.13.

20 (b) Except as provided in par. (e), costs allowable in determining grant funding  
21 under this section may not exceed the costs of rehabilitating or replacing a private  
22 small sewage system by the least costly methods.

23 (c) Except as provided in pars. (d) and (e), the state grant share under this  
24 section is limited to \$7,000 for each principal residence or small commercial  
25 establishment to be served by the private small sewage system or to the amount

1 determined by the department based upon ~~private~~ small sewage system grant  
2 funding tables, whichever is less. The department shall prepare and publish ~~private~~  
3 small sewage system grant funding tables which specify the maximum state share  
4 limitation for various components and costs involved in the rehabilitation or  
5 replacement of a ~~private~~ small sewage system based upon minimum size and other  
6 requirements specified in the state plumbing code promulgated under s. 145.02. The  
7 maximum state share limitations shall be designed to pay approximately 60% of the  
8 average allowable cost of ~~private~~ small sewage system rehabilitation or replacement  
9 based upon estimated or actual costs of that rehabilitation or replacement. The  
10 department shall revise the grant funding tables when it determines that 60% of  
11 current costs of ~~private~~ small sewage system rehabilitation or replacement exceed  
12 the amounts in the grant funding tables by more than 10%, except that the  
13 department may not revise the grant funding tables more often than once every 2  
14 years.

15 (d) Except as provided in par. (e), if the income of a person who owns a principal  
16 residence that is served by a category 1 or 2 failing ~~private~~ small sewage system is  
17 greater than \$32,000, the amount of the grant under this section is limited to the  
18 amount determined under par. (c) less 30% of the amount by which the person's  
19 income exceeds \$32,000.

20 (e) Costs allowable for experimental ~~private~~ small sewage systems shall  
21 include the costs of installing and monitoring experimental ~~private~~ small sewage  
22 systems installed under s. 145.02 (3) (b) and this section. The department shall  
23 promulgate rules that specify how the department will select, monitor and allocate  
24 the state share for experimental ~~private~~ small sewage systems that the department  
25 funds under this section.

1           \***-0935/2.44\*** SECTION 2208. 145.245 (8) (a) of the statutes is amended to read:

2           145.245 (8) (a) In order to be eligible for a grant under this section, a  
3 governmental unit shall make an application for replacement or rehabilitation of  
4 private small sewage systems of principal residences or small commercial  
5 establishments and shall submit an application for participation to the department.  
6 The application shall be in the form and include the information the department  
7 prescribes. In order to be eligible for funds available in a fiscal year, an application  
8 is required to be received by the department prior to February 1 of the previous fiscal  
9 year.

10          \***-0935/2.45\*** SECTION 2209. 145.245 (9) (b) of the statutes is amended to read:

11          145.245 (9) (b) Certify that grants will be used for private small sewage system  
12 replacement or rehabilitation for a principal residence or small commercial  
13 establishment owned by a person who meets the eligibility requirements under sub.  
14 (5), that the funds will be used as provided under sub. (6) and that allowable costs  
15 will not exceed the amount permitted under sub. (7);

16          \***-0935/2.46\*** SECTION 2210. 145.245 (9) (c) of the statutes is amended to read:

17          145.245 (9) (c) Certify that grants will be used for private small sewage systems  
18 which will be properly installed and maintained;

19          \***-0935/2.47\*** SECTION 2211. 145.245 (9) (e) of the statutes is amended to read:

20          145.245 (9) (e) Establish a process for regulation and inspection of private  
21 small sewage systems;

22          \***-0935/2.48\*** SECTION 2212. 145.245 (11) (e) of the statutes is amended to read:

23          145.245 (11) (e) *Limitation; experimental private small sewage systems.* The  
24 department may not allocate more than 10% of the funds available under this

1 subsection each fiscal year for grants for the installation and monitoring of  
2 experimental ~~private~~ small sewage systems.

3 **\*-0935/2.49\* SECTION 2213.** 145.245 (11m) (b) to (d) of the statutes are  
4 amended to read:

5 145.245 (11m) (b) Except as provided in par. (d), if funds are sufficient to fully  
6 fund all category 1 but not all category 2 failing ~~private~~ small sewage systems, the  
7 department shall fully fund all category 1 systems and prorate the funds for category  
8 2 systems on a proportional basis.

9 (c) Except as provided in par. (d), if funds are not sufficient to fully fund all  
10 category 1 failing ~~private~~ small sewage systems, the department shall fund the  
11 category 1 systems on a proportional basis and deny the grant applications for all  
12 category 2 systems.

13 (d) The department is not required to prorate available funds for grants for the  
14 installation and monitoring of experimental ~~private~~ small sewage systems.

15 **\*-1856/2.3\* SECTION 2214.** 145.245 (12m) of the statutes is created to read:

16 145.245 (12m) LOANS TO GOVERNMENTAL UNITS. (a) A governmental unit to  
17 which the department allocates funds under sub. (11) for a fiscal year may apply to  
18 the department for a loan under this subsection if the department prorates funds  
19 under sub. (11m) for that fiscal year. A governmental unit may only use a loan under  
20 this subsection to increase the amounts of grants to persons eligible under sub. (5)  
21 above the amounts that would be provided without a loan under this subsection or  
22 to provide grants to persons eligible under sub. (5) who would otherwise not receive  
23 grants, because of the operation of sub. (11m) (c), but the total amount provided to  
24 a person under this section may not exceed the amount authorized under sub (7).

1 (b) A loan under this subsection bears no interest. A loan under this subsection  
2 may not exceed the difference between the amount of the grant that the  
3 governmental unit would have received if the department had not prorated grants  
4 under sub. (11) and the amount of the grant that the governmental unit did receive.  
5 If the amount available for loans under s. 20.320 (3)(q) in a fiscal year is not sufficient  
6 to provide loans to all eligible governmental units applying for loans, the department  
7 shall allocate the available funds in the same manner as in sub. (11) (c).

8 (c) A loan approved under this subsection shall be for no longer than 20 years,  
9 as determined by the department of administration, and be fully amortized not later  
10 than 20 years after the original date of the note.

11 (d) As a condition of receiving a loan under this subsection an applicant shall  
12 do all of the following:

13 1. Pledge the security, if any, required by the department of administration  
14 under this subsection.

15 2. Demonstrate to the satisfaction of the department of administration the  
16 financial capacity to assure sufficient revenues to repay the loan.

17 (e) The department of commerce and the department of administration may  
18 enter into a financial assistance agreement with a governmental unit that applies  
19 for a loan under this subsection and meets the eligibility requirements for a loan,  
20 including the requirements under par. (d).

21 (f) The department of administration, in consultation with the department of  
22 commerce, may establish those terms and conditions of a financial assistance  
23 agreement that relate to its financial management, including what type of municipal  
24 obligation is required for the repayment of the financial assistance. In setting the  
25 terms and conditions, the department of administration may consider factors that

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1 the department of administration finds are relevant, including the type of obligation  
2 evidencing the loan, the pledge of security for the obligation and the applicant's  
3 creditworthiness.

4 (g) The department of administration shall make and disburse a loan to an  
5 applicant that has entered into a financial assistance agreement under par. (e). The  
6 department of administration, in consultation with the department of commerce,  
7 shall establish procedures for disbursing loans.

8 (h) If a governmental unit fails to make a principal repayment after its due  
9 date, the department of administration shall place on file a certified statement of all  
10 amounts due under this subsection. After consulting the department of commerce,  
11 the department of administration may collect all amounts due by deducting those  
12 amounts from any state payments due the governmental unit or may add a special  
13 charge to the amount of taxes apportioned to and levied upon the county under s.  
14 70.60. If the department of administration collects amounts due, it shall remit those  
15 amounts to the fund to which they are due and notify the department of commerce  
16 of that action.

17 **\*-0935/2.50\* SECTION 2215.** 145.245 (13) of the statutes is amended to read:

18 145.245 (13) INSPECTION. Agents of the department or the governmental unit  
19 may enter premises where ~~private~~ small sewage systems are located pursuant to a  
20 special inspection warrant as required under s. 66.122, to collect samples, records  
21 and information and to ascertain compliance with the rules and orders of the  
22 department or the governmental unit.

23 **\*-0935/2.51\* SECTION 2216.** 145.245 (14)(d) of the statutes is amended to read:

24 145.245 (14) (d) Additional grants under this section to a governmental unit  
25 previously awarded a grant under this section may be suspended or terminated if the

1 department finds that a ~~private~~ small sewage system previously funded in the  
2 governmental unit is not being or has not been properly rehabilitated, constructed,  
3 installed or maintained.

4 **\*-1058/1.3\* SECTION 2217.** 146.19 (2) (intro.) of the statutes is amended to  
5 read:

6 146.19 (2) COOPERATIVE AMERICAN INDIAN HEALTH PROJECT GRANTS. (intro.) From  
7 the appropriation under s. 20.435 (5) (~~ek~~) (ke), the department shall award grants  
8 for cooperative American Indian health projects in order to promote cooperation  
9 among tribes, tribal agencies, inter-tribal organizations and other agencies and  
10 organizations in addressing specific problem areas in the field of American Indian  
11 health. A tribe, tribal agency or inter-tribal organization may apply, in the manner  
12 specified by the department, for a grant of up to \$10,000 to conduct a cooperative  
13 American Indian health project, which meets all of the following requirements:

14 **\*-0329/4.1\* SECTION 2218.** 146.50 (5) (f) of the statutes is amended to read:

15 146.50 (5) (f) The department may charge a reasonable fee for a an initial  
16 license or training permit issued under this subsection, except that no fee may be  
17 charged to an individual who is an employe of a public agency and who works for  
18 volunteer or paid-on-call ambulance service providers and who is an applicant for  
19 a license as an emergency medical technician — basic or for a training permit.

20 **\*-0329/4.2\* SECTION 2219.** 146.50 (10) of the statutes is renumbered 146.50  
21 (10) (a) (intro.) and amended to read:

22 146.50 (10) (a) (intro.) Every holder of a license issued under sub. (5) or (7) shall  
23 renew the license on July 1 of each even-numbered year by applying to the  
24 department on forms provided by the department. ~~Upon receipt of an application for~~  
25 ~~renewal containing documentation acceptable to the department that the~~

1 ~~requirements of sub. (6) have been met~~ Unless the department finds that the  
2 applicant has acted in a manner or under circumstances constituting grounds for  
3 suspension or revocation of the license and except as provided in ss. 146.51 and  
4 146.52, the department shall renew the license unless the department finds that the  
5 ~~applicant has acted in a manner or under circumstances constituting grounds for~~  
6 ~~suspension or revocation of the license.~~ upon receipt of all of the following:

7 **\*-0329/4.3\* SECTION 2220.** 146.50 (10) (a) 1. of the statutes is created to read:

8 146.50 (10) (a) 1. An application for renewal containing documentation  
9 acceptable to the department that the applicable requirements of sub. (6) have been  
10 met.

11 **\*-0329/4.4\* SECTION 2221.** 146.50 (10) (a) 2. of the statutes is created to read:

12 146.50 (10) (a) 2. A reasonable fee prescribed by rule by the department for  
13 license renewal.

14 **\*-0329/4.5\* SECTION 2222.** 146.50 (10) (a) 3. of the statutes is created to read:

15 146.50 (10) (a) 3. If applicable, late fees prescribed by rule by the department  
16 for untimely license renewal.

17 **\*-0329/4.6\* SECTION 2223.** 146.50 (10) (b) of the statutes is created to read:

18 146.50 (10) (b) The department shall credit all late fees assessed under par. (a)  
19 3. to the appropriation account under s. 20.435 (1) (gm).

20 **\*-0329/4.7\* SECTION 2224.** 146.50 (11m) of the statutes is created to read:

21 146.50 (11m) FORFEITURES; AMBULANCE SERVICE PROVIDERS. (a) Any ambulance  
22 service provider who violates this section or any rule promulgated under the  
23 authority of this section shall forfeit not more than the amount specified by rule by  
24 the department. Each day of violation constitutes a separate offense, except that no  
25 day in the period between the date on which a request for hearing is filed under s.

1 227.44 and the date of the conclusion of all administrative and judicial proceedings  
2 arising out of a decision under this subsection constitutes a violation.

3 (b) The department may directly assess forfeitures under par. (a). If the  
4 department determines that a forfeiture should be assessed for a particular violation  
5 or for failure to correct the violation, the department shall send a notice of  
6 assessment to the alleged violator. The notice shall specify the alleged violation of  
7 the statute or rule and the amount of the forfeiture assessed and shall inform the  
8 alleged violator of the right to contest the assessment under s. 227.44.

9 (c) All forfeitures shall be paid to the department within 10 days after receipt  
10 of notice of assessment or, if the forfeiture is contested as specified in par. (b), within  
11 10 days after receipt of the final decision, unless the final decision is appealed and  
12 the decision is in favor of the appellant. The department shall remit all forfeitures  
13 paid under this subsection to the state treasurer for deposit in the school fund.

14 **\*-0329/4.8\* SECTION 2225.** 146.50 (13) (a) of the statutes is repealed.

15 **\*-0329/4.9\* SECTION 2226.** 146.50 (13) (d) of the statutes is created to read:

16 146.50 (13) (d) The department shall promulgate rules that prescribe all of the  
17 following:

- 18 1. The amounts for license renewal fees to be assessed under sub. (10) (a) 2.
- 19 2. The amounts for late fees to be assessed under sub. (10) (a) 3. against an  
20 applicant for untimely renewal of a license issued under sub. (5) or (7).
- 21 3. The amounts for forfeitures to be assessed under sub. (11m) against an  
22 ambulance service provider.

23 **\*-0269/3.4\* SECTION 2227.** 146.56 (1) of the statutes is amended to read:

24 146.56 (1) Not later than July 1, ~~2001~~ 2002, the department shall develop and  
25 implement a statewide trauma care system. The department shall seek the advice

1 of the statewide trauma advisory council under s. 15.197 (25) in developing and  
2 implementing the system.

3 **\*-0183/2.17\* SECTION 2228.** 146.819 (4) (e) of the statutes is repealed.

4 **\*-0178/2.2\* SECTION 2229.** 146.82 (1) of the statutes is amended to read:

5 146.82 (1) CONFIDENTIALITY. All patient health care records shall remain  
6 confidential. Patient health care records may be released only to the persons  
7 designated in this section or to other persons with the informed consent of the patient  
8 or of a person authorized by the patient. This subsection does not prohibit reports  
9 made in compliance with s. 146.995, 253.12 (2) or 979.01 or testimony authorized  
10 under s. 905.04 (4) (h).

11 **\*-0028/7.67\* SECTION 2230.** 146.93 (1) (a) of the statutes is amended to read:

12 146.93 (1) (a) From the appropriation under s. 20.435 (~~1~~) (4) (gp), the  
13 department shall maintain a program for the provision of primary health care  
14 services based on the primary health care program in existence on June 30, 1987.  
15 The department may promulgate rules necessary to implement the program.

16 **\*-0028/7.68\* SECTION 2231.** 146.99 of the statutes is amended to read:

17 **146.99 Assessments.** The department shall, within 90 days after the  
18 commencement of each fiscal year, estimate the total amount of expenditures and the  
19 department shall assess the estimated total amount under s. 20.435 (~~1~~) (4) (gp) to  
20 hospitals, as defined in s. 50.33 (2), in proportion to each hospital's respective gross  
21 private-pay patient revenues during the hospital's most recently concluded entire  
22 fiscal year. Each hospital shall pay its assessment on or before December 1 for the  
23 fiscal year. All payments of assessments shall be deposited in the appropriation  
24 under s. 20.435 (~~1~~) (4) (gp).

1           \*~~0412/2.1~~\* SECTION 2232. 149.12 (2) (d) of the statutes is renumbered 149.12  
2 (2) (d) 1. and amended to read:

3           149.12 (2) (d) 1. ~~Except for a person who is an eligible individual as provided~~  
4 in subd. 2., no person who is 65 years of age or older is eligible for coverage under the  
5 plan.

6           \*~~0412/2.2~~\* SECTION 2233. 149.12 (2) (d) 2. of the statutes is created to read:  
7 149.12 (2) (d) 2. Subdivision 1. does not apply to any of the following:

8           a. A person who is an eligible individual.

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

11           \*~~0412/2.3~~\* SECTION 2234. 149.12 (3) (b) of the statutes is amended to read:

12           149.12 (3) (b) Persons for whom deductible or coinsurance amounts are paid  
13 or reimbursed under ch. 47 for vocational rehabilitation, under s. 49.68 for renal  
14 disease, under s. 49.685 (8) for hemophilia, under s. 49.683 for cystic fibrosis ~~or~~,  
15 under s. 253.05 for maternal and child health services or under s. 49.686 for the cost  
16 of drugs for the treatment of HIV infection or AIDS are not ineligible for coverage  
17 under the plan by reason of such payments or reimbursements.

18           \*~~0412/2.4~~\* SECTION 2235. 149.14 (3) (intro.) of the statutes is amended to  
19 read:

20           149.14 (3) COVERED EXPENSES. (intro.) Except as restricted by cost containment  
21 provisions under s. 149.17 (4) and except as reduced by the ~~board under s. 149.15 (3)~~  
22 ~~(e) or by the department under s. ss. 149.143 or, 149.144 and 149.15 (3) (e).~~, covered  
23 expenses for the coverage under this section shall be the usual and customary  
24 charges for the services provided by persons licensed under ch. 446 and certified  
25 under s. 49.45 (2) (a) 11. Except as restricted by cost containment provisions under

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1 s. 149.17 (4) and except as reduced by the board under ~~s. 149.15 (3) (e)~~ or by the  
2 department under ~~s. ss. 149.143 or, 149.144 and 149.15 (3) (e)~~, covered expenses for  
3 the coverage under this section shall also be the usual and customary charges for the  
4 following services and articles if the service or article is prescribed by a physician  
5 who is licensed under ch. 448 or in another state and who is certified under s. 49.45  
6 (2)(a) 11. and if the service or article is provided by a provider certified under s. 49.45  
7 (2)(a) 11.:

8 **\*-0412/2.5\* SECTION 2236.** 149.14 (4) (g) of the statutes is amended to read:  
9 149.14 (4) (g) Dental care except as provided in sub. (3) (m) and (q).

10 **\*-0412/2.6\* SECTION 2237.** 149.14 (6) (title) of the statutes is created to read:  
11 149.14 (6) (title) PREEXISTING CONDITIONS.

12 **\*-0028/7.69\* SECTION 2238.** 149.143 (1) (a) of the statutes is amended to read:  
13 149.143 (1) (a) First from the appropriation under s. 20.435 ~~(5) (4)~~ (af).

14 **\*-0028/7.70\* SECTION 2239.** 149.143 (1) (b) 1. a. of the statutes is amended to  
15 read:

16 149.143 (1) (b) 1. a. First, from premiums from eligible persons with coverage  
17 under s. 149.14 set at 150% of the rate that a standard risk would be charged under  
18 an individual policy providing substantially the same coverage and deductibles as  
19 are provided under the plan, including amounts received for premium and deductible  
20 subsidies under ss. 20.435 ~~(5) (4)~~ (ah) and 149.144, and from premiums collected from  
21 eligible persons with coverage under s. 149.146 set in accordance with s. 149.146 (2)  
22 (b).

23 **\*-0028/7.71\* SECTION 2240.** 149.143 (1) (b) 1. b. of the statutes is amended to  
24 read:

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

4           \***-0028/7.72\*** SECTION 2241. 149.143 (1) (b) 1. c. of the statutes is amended to  
5           read:

6           149.143 (1) (b) 1. c. Third, by increasing premiums from eligible persons with  
7           coverage under s. 149.14 to more than 150% but not more than 200% of the rate that  
8           a standard risk would be charged under an individual policy providing substantially  
9           the same coverage and deductibles as are provided under the plan, including  
10          amounts received for premium and deductible subsidies under ss. 20.435 ~~(5)~~ (4) (ah)  
11          and 149.144, and by increasing premiums from eligible persons with coverage under  
12          s. 149.146 in accordance with s. 149.146 (2) (b), to the extent that the amounts under  
13          subd. 1. a. and b. are insufficient to pay 60% of plan costs.

14          \***-0028/7.73\*** SECTION 2242. 149.143 (2) (a) 1. a. of the statutes is amended to  
15          read:

16          149.143 (2) (a) 1. a. Estimate the amount of enrollee premiums that would be  
17          received in the new plan year if the enrollee premiums were set at a level sufficient,  
18          when including amounts received for premium and deductible subsidies under ss.  
19          20.435 ~~(5)~~ (4) (ah) and 149.144 and from premiums collected from eligible persons  
20          with coverage under s. 149.146 set in accordance with s. 149.146 (2) (b), to cover 60%  
21          of the estimated plan costs for the new plan year, after deducting from the estimated  
22          plan costs the amount available in the appropriation under s. 20.435 ~~(5)~~ (4) (af) for  
23          that plan year.

24          \***-0028/7.74\*** SECTION 2243. 149.143 (2) (a) 1. c. of the statutes is amended to  
25          read:

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

7           \*~~0028/7.75~~\* SECTION 2244. 149.144 of the statutes is amended to read:

8           **149.144 Adjustments to insurer assessments and provider payment**  
9 **rates for premium and deductible reductions.** If the moneys under s. 20.435  
10 ~~(5)~~ (4) (ah) are insufficient to reimburse the plan for premium reductions under s.  
11 149.165 and deductible reductions under s. 149.14 (5) (a), or the department  
12 determines that the moneys under s. 20.435 ~~(5)~~ (4) (ah) will be insufficient to  
13 reimburse the plan for premium reductions under s. 149.165 and deductible  
14 reductions under s. 149.14 (5) (a), the department shall, by rule, adjust in equal  
15 proportions the amount of the assessment set under s. 149.143 (2) (a) 3. and the  
16 provider payment rate set under s. 149.143 (2) (a) 4., subject to s. 149.143 (1) (b) 1.,  
17 sufficient to reimburse the plan for premium reductions under s. 149.165 and  
18 deductible reductions under s. 149.14 (5) (a). The department shall notify the  
19 commissioner so that the commissioner may levy any increase in insurer  
20 assessments.

21           \*~~0412/2.7~~\* SECTION 2245. 149.146 (1) (a) of the statutes is amended to read:

22           149.146 (1) (a) Beginning on January 1, 1998, in addition to the coverage  
23 required under s. 149.14, the plan shall offer to all eligible persons who are not  
24 eligible for medicare a choice of coverage, as described in section 2744 (a) (1) (C), P.L.  
25 104-191. Any such choice of coverage shall be major medical expense coverage.

1           \*~~0412/2.8~~\* **SECTION 2246.** 149.146 (1) (b) 2. of the statutes is amended to read:

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

11          \*~~0412/2.9~~\* **SECTION 2247.** 149.146 (2) (am) of the statutes is created to read:

12          149.146 (2) (am) 1. For all eligible persons with coverage under this section,  
13          the deductible shall be \$2,500. Expenses used to satisfy the deductible during the  
14          last 90 days of a calendar year shall also be applied to satisfy the deductible for the  
15          following calendar year.

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

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

**SECTION 2247**

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

6           \*~~-0412/2.10~~\* **SECTION 2248.** 149.15 (3) (intro.) of the statutes is amended to  
7 read:

8           149.15 (3) (intro.) The board shall ~~do~~ advise the department on all of the  
9 following:

10           \*~~-0412/2.11~~\* **SECTION 2249.** 149.15 (3) (a) of the statutes is amended to read:

11           149.15 (3) (a) ~~Establish~~ Establishing procedures under which applicants and  
12 participants may have grievances reviewed by an impartial body and reported to the  
13 board.

14           \*~~-0412/2.12~~\* **SECTION 2250.** 149.15 (3) (c) of the statutes is amended to read:

15           149.15 (3) (c) ~~Collect~~ Determining assessments to be collected from all insurers  
16 to provide for claims paid under the plan and for administrative expenses incurred  
17 or estimated to be incurred during the period for which the assessment is made. The  
18 level of payments shall be established as provided under s. 149.143. Assessment of  
19 the insurers shall occur at the end of each calendar year or other fiscal year end  
20 established by the board. Assessments are due and payable within 30 days of receipt  
21 by the insurer of the assessment notice.

22           \*~~-0412/2.13~~\* **SECTION 2251.** 149.15 (3) (d) of the statutes is amended to read:

23           149.15 (3) (d) ~~Develop and implement~~ Developing and implementing a  
24 program to publicize the existence of the plan, the eligibility requirements and  
25 procedures for enrollment, and to maintain public awareness of the plan.

1           \*~~-0412/2.14~~\* SECTION 2252. 149.15 (3) (e) of the statutes is amended to read:  
2           149.15 (3) (e) ~~Establish~~ Establishing for payment of covered expenses, a  
3           payment rate that is 10% less than the charges approved by the plan administrator  
4           for reimbursement of covered expenses under s. 149.14 (3).

5           \*~~-0412/2.15~~\* SECTION 2253. 149.15 (3) (f) of the statutes is amended to read:  
6           149.15 (3) (f) ~~Advise the department on the~~ The choice of coverage under s.  
7           149.146.

8           \*~~-0028/7.76~~\* SECTION 2254. 149.165 (4) of the statutes is amended to read:  
9           149.165 (4) The department shall reimburse the plan for premium reductions  
10          under sub. (2) and deductible reductions under s. 149.14 (5) (a) with moneys from the  
11          appropriation under s. 20.435 (5) ~~(5)~~ (4) (ah).

12          \*~~-0183/2.18~~\* SECTION 2255. 150.84 (2) of the statutes is amended to read:  
13          150.84 (2) "Health care facility" means a facility, as defined in s. 647.01 (4), or  
14          any hospital, nursing home, community-based residential facility, county home,  
15          county infirmary, county hospital, county mental health center, ~~tuberculosis~~  
16          sanatorium or other place licensed or approved by the department under s. 49.70,  
17          49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a  
18          facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.

19          \*~~-0028/7.77~~\* SECTION 2256. 153.05 (6m) of the statutes is amended to read:  
20          153.05 (6m) The department may contract with the group insurance board for  
21          the provision of data collection and analysis services related to health maintenance  
22          organizations and insurance companies that provide health insurance for state  
23          employees. The department shall establish contract fees for the provision of the  
24          services. All moneys collected under this subsection shall be credited to the  
25          appropriation under s. 20.435 (1) ~~(1)~~ (4) (hg).

1           \*~~0028/7.78~~\* **SECTION 2257.** 153.60 (1) of the statutes is amended to read:

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

23           \*~~0028/7.79~~\* **SECTION 2258.** 153.60 (3) of the statutes is amended to read:

24           153.60 (3) The department shall, by the first October 1 after the  
25 commencement of each fiscal year, estimate the total amount of expenditures

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

10 \*~~0028/7.80~~\* SECTION 2259. 153.65 of the statutes is amended to read:

11 **153.65 Provision of special information; user fees.** The department may,  
12 but is not required to, provide, upon request from a person, a data compilation or a  
13 special report based on the information collected by the department. The  
14 department shall establish user fees for the provision of these compilations or  
15 reports, payable by the requester, which shall be sufficient to fund the actual  
16 necessary and direct cost of the compilation or report. All moneys collected under  
17 this section shall be credited to the appropriation under s. 20.435 ~~(1)~~ (4) (hi).

18 \*~~0183/2.19~~\* SECTION 2260. 155.01 (6) of the statutes is amended to read:

19 155.01 (6) "Health care facility" means a facility, as defined in s. 647.01 (4), or  
20 any hospital, nursing home, community-based residential facility, county home,  
21 county infirmary, county hospital, county mental health center, ~~tuberculosis~~  
22 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,  
23 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a  
24 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.

25 \*~~0935/2.52~~\* SECTION 2261. 160.255 of the statutes is amended to read:

## SECTION 2261

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

6           (2) Notwithstanding s. 160.19 (1), (2) and (4) (b), a regulatory agency is not  
7 required to promulgate or amend rules that define design or management criteria  
8 for ~~private exempt~~ sewage systems to minimize the amount of nitrate in  
9 groundwater or to maintain compliance with the preventive action limit for nitrate.

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

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

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

23           \*~~0689/2.9~~\* SECTION 2262. 165.017 (5) of the statutes is repealed.

24           \*~~1266/3.2~~\* SECTION 2263. 165.25 (6) (f) of the statutes is created to read:

1           165.25 (6) (f) Except as provided under ss. 49.49 (6), 100.263, 133.16, 281.98,  
2           283.91 (5), 289.96 (3), 292.99, 293.87 (4), 295.19 (3) (b), 299.95 and 299.97, any money  
3           that is received by the department of justice under this subsection as the result of a  
4           contract or understanding between the department of justice and another state  
5           agency that is approved under s. 16.505 or 16.515 or as part of the biennial budget  
6           act shall be credited to the appropriation under s. 20.455 (1) (km). If authority to  
7           spend the money that is received by the department of justice under this subsection  
8           as the result of a contract or understanding between the department of justice and  
9           another state agency is not approved under s. 16.505 or 16.515 or as part of the  
10          biennial budget act, the money received shall be paid into the general fund as  
11          provided under s. 20.001 (4) or 165.25 (4) (d). An agency that is not enumerated in  
12          this section and that does not have a contract or understanding with the department  
13          of justice that is approved under s. 16.505 or 16.515 or as part of the biennial budget  
14          act may not be charged for legal services provided to that agency by the department  
15          of justice.

16           **\*-2105/1.38\* SECTION 2264.** 165.76 (1) (a) of the statutes is amended to read:  
17           165.76 (1) (a) Is in prison ~~or~~, a secured correctional facility, as defined in s.  
18           938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or  
19           a secured group home, as defined in s. 938.02 (15p), or on probation, extended  
20           supervision, parole, supervision or aftercare supervision on or after  
21           August 12, 1993, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

22           **\*-2105/1.39\* SECTION 2265.** 165.76 (2) (b) 2. of the statutes is amended to read:  
23           165.76 (2) (b) 2. If the person has been sentenced to prison or placed in a secured  
24           correctional facility ~~or~~, a secured child caring institution or a secured group home,  
25           he or she shall provide the specimen under par. (a) at the office of a county sheriff as

1 soon as practicable after release on parole, extended supervision or aftercare  
2 supervision, as directed by his or her probation, extended supervision and parole  
3 agent or aftercare agent, except that the department of corrections or the county  
4 department under s. 46.215, 46.22 or 46.23 operating the secured group home in  
5 which the person is placed may require the person to provide the specimen while he  
6 or she is in prison or in a the secured correctional facility ~~or a~~, secured child caring  
7 institution or secured group home.

8 \*~~1265/7.22~~\* **SECTION 2266.** 165.85 (5m) of the statutes is repealed.

9 \*~~1265/7.23~~\* **SECTION 2267.** 165.87 (1) (title) of the statutes is repealed.

10 \*~~1265/7.24~~\* **SECTION 2268.** 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 (kg) 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 \*~~1265/7.25~~\* **SECTION 2269.** 165.87 (1) (b) of the statutes is repealed.

20 \*~~1265/7.26~~\* **SECTION 2270.** 165.87 (1) (bn) of the statutes is repealed.

21 \*~~1554/6.7~~\* **SECTION 2271.** 165.87 (1) (bp) of the statutes is repealed.

\*\*\*NOTE: This is reconciled s. 165.87 (1) (bp). This SECTION has been affected by  
drafts with the following LRB numbers: 1265/5 and 1554/4.

22 \*~~1265/7.27~~\* **SECTION 2272.** 165.87 (1) (br) of the statutes is repealed.

23 \*~~1265/7.28~~\* **SECTION 2273.** 165.87 (1) (c) of the statutes is repealed.

1           \*~~1265/7.29~~\* **SECTION 2274.** 165.87 (2) of the statutes is renumbered 757.05.

2           \*~~1554/6.8~~\* **SECTION 2275.** 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           \*~~1554/6.9~~\* **SECTION 2276.** 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           \*~~1554/6.10~~\* **SECTION 2277.** 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.

\*\*\*\*NOTE: The three preceding SECTIONS show reconciled s. 165.90. These SECTIONS  
have been affected by drafts with the following LRB numbers: 1265/5 and 1554/4.

18           \*~~1164/5.2~~\* **SECTION 2278.** 166.15 (1) (f) of the statutes is amended to read:

19           166.15 (1) (f) “Nuclear incident” means any sudden or nonsudden release of  
20 ionizing radiation, as defined under s. 254.31 (3g), from radioactive waste being  
21 stored or disposed of in a waste repository or transported. “Nuclear incident” does  
22 not include any release of radiation from radioactive waste being transported under  
23 routine operations.

1           \***-1055/P2.3\*** SECTION 2279. 166.20 (7g) of the statutes is repealed.

2           \***-1361/3.1\*** SECTION 2280. 168.12 (1) of the statutes is amended to read:

3           168.12 (1) Except as provided in subs. (1g) and (1r), there is imposed a  
4           petroleum inspection fee at the rate of ~~3 cents per gallon~~ specified in sub. (1e) on all  
5           petroleum products that are received by a supplier for sale in this state or for sale  
6           for export to this state. The department of revenue shall determine when a  
7           petroleum product is received under this subsection in the same manner that it  
8           determines under s. 78.07 when motor vehicle fuel is received. The fee shall be paid  
9           under s. 168.125 and shall be based on the number of gallons reported under s.  
10          168.125.

11          \***-1361/3.2\*** SECTION 2281. 168.12 (1e) of the statutes is created to read:

12          168.12 (1e) (a) Except as provided in par. (b), the petroleum inspection fee is  
13          3 cents per gallon.

14          (b) 1. On or before January 1 of each even-numbered year, beginning with  
15          January 1, 2002, the department shall determine the total amount claimed as  
16          reimbursement for claims that have been submitted under s. 101.143 (3) and that are  
17          unpaid as of the preceding June 30. If that total exceeds \$10,000,000, the  
18          department shall increase the petroleum inspection fee, effective the following April  
19          1, by the amount per gallon, rounded to the nearest 0.1 cent, that the department  
20          estimates will annually generate revenue equal to the amount by which the total of  
21          the unpaid claims exceeds \$10,000,000.

22          2. On or before January 1 of each even-numbered year, beginning with January  
23          1, 2002, the department shall determine the unencumbered balance in the petroleum  
24          inspection fund as of the preceding June 30. If that balance exceeds \$10,000,000 and  
25          if no revenue obligations issued under s. 101.143 (9m) are outstanding, the

1 department shall reduce the petroleum inspection fee, effective the following April  
2 1, by the amount per gallon, rounded to the nearest 0.1 cent, that the department  
3 estimates will reduce the revenue raised annually by the fee in an amount equal to  
4 \$5,000,000 or the amount by which that balance exceeds \$10,000,000, whichever is  
5 greater.

6 3. The department shall notify the department of revenue of any change in the  
7 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.

8 **\*-0479/2.1\* SECTION 2282.** 170.12 (6) (a) of the statutes is amended to read:

9 170.12 (6) (a) The boundaries of the location where sunken logs may be raised  
10 pursuant to the permit. The area covered by the permit shall be contiguous, shall  
11 be contained within a single quarter section and may not exceed 160 acres. A permit  
12 may not cover submerged lands that are not contained within Lake Michigan, Lake  
13 Superior, Star Lake in Villas County, Boom Lake in Oneida County, Rib Lake in  
14 Taylor County or the Fox River. No location may be covered by more than one permit  
15 under this section.

16 **\*-1808/1.1\* SECTION 2283.** 177.01 (10) of the statutes is renumbered 177.01  
17 (10) (a).

18 **\*-1808/1.2\* SECTION 2284.** 177.01 (10) (b) of the statutes is created to read:

19 177.01 (10) (b) “Intangible property” does not include a credit balance issued  
20 to a commercial customer account by a business association in the ordinary course  
21 of business, unless the credit balance is property described in s. 177.06 (1) or (2) held  
22 by a banking organization or financial organization.

23 **\*-2028/2.2\* SECTION 2285.** 195.28 (2) of the statutes is amended to read:

1           195.28 (2) INSTALLATION COSTS. The cost of any signal or other crossing  
2 protection device which is ordered installed under sub. (1) and the cost of installing  
3 any such device shall be paid by the department from the appropriations under s.  
4 20.395 (2) (gj), (gr) and (gx). This subsection applies only if, prior to the order under  
5 sub. (1), the secretary of transportation or the railroad grade crossings committee  
6 has recommended that the office consider improvements to the railroad grade  
7 crossing as provided in 1999 Wisconsin Act ... (this act), section 9150 (1), or if,  
8 regardless of the recommendation concerning the crossing, the office determines  
9 that immediate improvements to the crossing are necessary to protect public safety.

10           \***-0632/1.1\*** SECTION 2286. 196.02 (7m) of the statutes is created to read:

11           196.02 (7m) SUBMITTAL OF INFORMATION. (a) Notwithstanding sub. (4) (a), (b)  
12 3., (6) or (7):

13           1. The commission may require a telecommunications utility to submit  
14 information to the commission only if the commission reduces, to the extent  
15 practicable, any burden on the telecommunications utility that results from  
16 complying with the requirement.

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

19           a. The information is necessary for the commission to enforce a requirement  
20 under this chapter.

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

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

1           \***-0632/1.2\*** SECTION 2287. 196.14 of the statutes is renumbered 196.14 (intro.)  
2 and amended to read:

3           **196.14 Public record exception.** (intro.) The commission ~~may~~ shall  
4 withhold from public inspection any ~~information which would~~ of the following:

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

7           \***-0632/1.3\*** SECTION 2288. 196.14 (2) of the statutes is created to read:

8           196.14 (2) Any information that is designated as confidential by a public utility  
9 when the public utility submits the information to the commission and that the  
10 public utility shows to the satisfaction of the commission may aid a competitor of the  
11 public utility.

12           \***-2027/1.1\*** SECTION 2289. 196.19 (1m) (b) of the statutes is amended to read:

13           196.19 (1m) (b) A telecommunications utility may not offer a new  
14 telecommunications service to the public without first filing a tariff for that offering  
15 with the commission. A proposed tariff offering a new telecommunications service  
16 shall be effective on the date specified in the tariff ~~but not earlier than 10 days after~~  
17 ~~the date on which the tariff is filed with the commission~~, unless the commission,  
18 either upon complaint or upon its own motion, suspends the operation of the new  
19 tariff by serving written notice of the suspension on the telecommunications utility  
20 within 10 days after the date of filing. The notice shall include a statement of the  
21 reason under par. (c) upon which the commission believes the tariff may be modified.

22           \***-2027/1.2\*** SECTION 2290. 196.19 (1m) (e) of the statutes is repealed.

23           \***-1976/1.1\*** SECTION 2291. 196.194 (3) of the statutes is created to read:

24           196.194 (3) FIRM INCREMENT CONTRACTS. (a) In this subsection:

1           1. “Control area” means an electric power system or combination of electric  
2 power systems that, as determined by the commission, is subject to a common  
3 automatic control scheme.

4           2. “Firm customer” means an industrial or commercial customer of a public  
5 utility that is provided firm service by the public utility.

6           3. “Firm increment” means the amount by which the estimated electric usage  
7 of a firm customer for a 12-month period that is determined at the beginning of the  
8 period exceeds the actual electric usage of the firm customer during the period.

9           4. “Firm service” means retail electric service that a public utility may not  
10 interrupt on the basis of anticipated or actual shortages of electric capacity within  
11 a control area.

12           5. “Interruptible customer” means an industrial or commercial customer of a  
13 public utility that is provided interruptible service by the public utility.

14           6. “Interruptible service” means retail electric service that a public utility may  
15 interrupt on the basis of anticipated or actual shortages of electric capacity within  
16 a control area.

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

23           (c) If the commission approves the filing of a tariff specified in par. (b) and a firm  
24 customer provides written notice to the public utility that filed the tariff that the firm  
25 customer has entered into a contract specified in par. (b) with an interruptible

1 customer, the public utility shall, for each unit of firm increment that the firm  
2 customer sells to the interruptible customer under the contract, do each of the  
3 following for the duration of the contract period:

4 1. Reduce the amount of firm service that it provides to the firm customer by  
5 the amount of each unit and provide interruptible service to the firm customer in the  
6 amount of each unit.

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

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

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

14 **\*-0250/4.11\* SECTION 2292.** 196.218 (1) (a) and (b) of the statutes are repealed.

15 **\*-1950/4.2\* SECTION 2293.** 196.218 (3) (a) 3. of the statutes is amended to read:

16 196.218 (3) (a) 3. The commission shall designate the method by which the  
17 contributions under this paragraph shall be calculated and collected. The method  
18 shall ensure that the contributions are sufficient to generate the amounts  
19 appropriated necessary to fully fund the appropriations under ss. 20.155 (1) (q),  
20 20.275 (1) (s), (t) and (tm) and 20.285 (1) (q). Contributions may be based only on the  
21 gross operating revenues from the provision of broadcast services identified by the  
22 commission under subd. 2. and on intrastate telecommunications services in this  
23 state of the telecommunications providers subject to the contribution.

24 **\*-0250/4.12\* SECTION 2294.** 196.218 (4r) (title) of the statutes is renumbered  
25 44.73 (title).

**SECTION 2295**

1           \***-0250/4.13\*** **SECTION 2295.** 196.218 (4r) (a) (intro.) of the statutes is repealed.

2           \***-0250/4.14\*** **SECTION 2296.** 196.218 (4r) (a) 1. of the statutes is renumbered  
3 44.70 (1m).

4           \***-0250/4.15\*** **SECTION 2297.** 196.218 (4r) (a) 2. and 2m. of the statutes are  
5 renumbered 44.70 (3g) and (3j).

6           \***-0250/4.16\*** **SECTION 2298.** 196.218 (4r) (a) 3. of the statutes is renumbered  
7 44.70 (6).

8           \***-0250/4.17\*** **SECTION 2299.** 196.218 (4r) (b) of the statutes is renumbered  
9 44.73 (1) and amended to read:

10           44.73 (1) The ~~commission board~~, 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           \***-0250/4.18\*** **SECTION 2300.** 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). The requirements shall prohibit a participant in the program from  
8 receiving assistance from the universal service fund for the purpose specified in sub.  
9 (5) (a) 3. ~~for educational telecommunications access that is substantially similar to~~  
10 ~~the access provided to the participant under the program~~ sub. (1).

\*\*\*\*NOTE: This is reconciled s. 44.73 (2) (b). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-1950/3 (which amends s. 196.218 (4r) (c) 2.) and  
LRB-0250/3.

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.

**SECTION 2301**

1           \*~~0250/4.19~~\* **SECTION 2301.** 196.218 (4r) (c) 5. of the statutes is renumbered  
2 44.73 (2) (e).

3           \*~~0250/4.20~~\* **SECTION 2302.** 196.218 (4r) (d) of the statutes is renumbered  
4 44.73 (3) and amended to read:

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

9           \*~~0250/4.21~~\* **SECTION 2303.** 196.218 (4r) (e) of the statutes is renumbered  
10 44.73 (4) and amended to read:

11           44.73 (4) If the federal communications commission promulgates or modifies  
12 rules that provide rate discounts for telecommunications services to ~~school districts,~~  
13 ~~private schools, cooperative educational service agencies, technical college districts,~~  
14 ~~private colleges or public library boards~~ educational agencies under 47 USC 254, the  
15 governor shall submit a report to the joint committee on finance that includes any  
16 recommended changes to statutes or rules with respect to funding the program  
17 established under ~~par. (b) sub. (1)~~.

18           \*~~0250/4.22~~\* **SECTION 2304.** 196.218 (4r) (f) of the statutes is renumbered  
19 44.73 (5) and amended to read:

20           44.73 (5) Notwithstanding ~~pars. (b) and (e) subs. (1) and (2)~~, technical college  
21 districts are not eligible to participate in the program established under ~~par. (b) sub.~~  
22 (1) before April 1, 1998. ~~In consultation with the commission, the~~ The board shall  
23 determine by April 1, 1998, whether there are sufficient moneys in the appropriation  
24 under s. 20.275 (1) ~~(s)~~ (t) to include technical college districts in the program  
25 established under ~~par. (b) sub. (1)~~. If the board determines that there are sufficient

1 moneys, technical college districts are eligible to participate in the program  
2 established under ~~par. (b)~~ sub. (1) beginning on April 1, 1998.

\*\*\*\*NOTE: This is reconciled s. 44.73 (5). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-1505/3 (which amends s. 196.218 (4r) (f) and  
LRB-0250/3.

3 ~~\*-0250/4.23\*~~ **SECTION 2305.** 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. (e) 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 ~~\*-1950/4.3\*~~ **SECTION 2306.** 196.218 (5) (a) 3. of the statutes is repealed.

20 ~~\*-1508/2.3\*~~ **SECTION 2307.** 196.218 (5) (a) 5. of the statutes is amended to read:

21 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 (7) to  
22 the extent that these costs are not paid under ~~sub. (4r) (e) 4.~~ s. 44.73 (2) (d), except  
23 that no moneys in the universal service fund may be used to pay installation costs

1 that are necessary for a political subdivision to obtain access to bandwidth under a  
2 shared service agreement under s. 44.73 (2r) (a).

\*\*\*\*NOTE: This is reconciled s. 196.218 (5) (a) 5. This SECTION has been affected by drafts with the following LRB numbers: LRB-0250/3.

3 **\*-0250/4.24\* SECTION 2308.** 196.218 (5) (a) 7. of the statutes is amended to  
4 read:

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

8 **\*-0250/4.25\* SECTION 2309.** 196.218 (5m) of the statutes is amended to read:

9 196.218 (5m) RULE REVIEW. ~~Except for rules promulgated under sub. (4r) (b),~~  
10 ~~at~~ At least biennially, the commission shall review and revise as appropriate rules  
11 promulgated under this section.

12 **\*-0250/4.26\* SECTION 2310.** 196.218 (6) (b) of the statutes is amended to read:

13 196.218 (6) (b) The universal service fund council shall advise the commission  
14 concerning the administration of this section and the content of rules promulgated  
15 under this section. ~~This paragraph does not apply to the administration of sub. (4r)~~  
16 ~~and rules promulgated under sub. (4r) (b).~~

17 **\*-0631/1.1\* SECTION 2311.** 196.315 of the statutes is created to read:

18 **196.315 Prohibitions in certain proceedings.** (1) No person may make  
19 any filing, including a complaint, in a proceeding under s. 196.26, 196.28 or 196.30  
20 unless there is a nonfrivolous basis for doing so. A person may not make any filing,  
21 including a complaint, in a proceeding under s. 196.26, 196.28 or 196.30 unless, to  
22 the best of the person's knowledge, information and belief, formed after a reasonable  
23 inquiry, all of the following conditions are satisfied:

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

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

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

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

8 (2) No later than 60 days after a complaint is filed under s. 196.26 or 196.30,  
9 the commission shall determine whether the complaint has been filed in violation of  
10 sub. (1). If, after notice and opportunity for hearing, the commission determines  
11 under this subsection that a person has filed a complaint in violation of sub. (1), the  
12 commission shall terminate the proceeding on the complaint and proceed under sub.  
13 (4).

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

18 (4) If the commission determines that a person has violated sub. (1), the  
19 commission shall order the person to pay to any party to the proceeding the amount  
20 of reasonable expenses incurred by that party because of the filing, including  
21 reasonable attorney fees, and the commission may directly assess a forfeiture  
22 against the person of not less than \$25 nor more than \$5,000. A person against whom  
23 the commission assesses a forfeiture under this subsection shall pay the forfeiture  
24 to the commission within 10 days after receipt of notice of the assessment or, if the  
25 person petitions for judicial review under ch. 227, within 10 days after receipt of the

**SECTION 2311**

1 final decision after exhaustion of judicial review. The commission shall remit all  
2 forfeitures paid under this subsection to the state treasurer for deposit in the school  
3 fund. The attorney general may bring an action in the name of the state to collect  
4 any forfeiture assessed by the commission under this subsection that has not been  
5 paid as provided in this subsection. The only contestable issue in such an action is  
6 whether or not the forfeiture has been paid.

7 **\*-2027/1.3\* SECTION 2312.** 196.77 of the statutes is amended to read:

8 **196.77 Promotional rates.** Except as provided in this section, nothing in this  
9 chapter prohibits a telecommunications utility from filing a tariff to make a limited  
10 offering of promotional rates. A promotional rate under this section shall take effect  
11 automatically at the time specified in the tariff ~~but not earlier than 10 days after the~~  
12 ~~date the tariff is filed with the commission unless the commission authorizes an~~  
13 ~~earlier effective date or suspends the tariff within 10 days after the date on which~~  
14 it is filed. The commission may suspend a tariff if it believes that the tariff violates  
15 s. 196.204, 196.209 or 196.219. If the commission suspends a tariff, it shall  
16 investigate and resolve the matter within 60 days after the date on which the tariff  
17 is suspended or the tariff shall be effective as filed.

18 **\*-1836/2.11\* SECTION 2313.** 214.01 (1) (im) of the statutes is amended to read:

19 214.01 (1) (im) “Division” means the division of savings ~~and loan~~ institutions.

20 **\*-1836/2.12\* SECTION 2314.** 214.592 of the statutes is amended to read:

21 **214.592 Financially related services tie-ins.** In any transaction conducted  
22 by a savings bank, a savings bank holding company or a subsidiary of either with a  
23 customer who is also a customer of any other subsidiary of any of them, the customer  
24 shall be given a notice in 12-point boldface type in substantially the following form:

25 NOTICE OF RELATIONSHIP



1 the above companies or any other related company in order to participate in this  
2 transaction.

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

8 **\*-1085/4.5\* SECTION 2318.** 218.015 (7) of the statutes is amended to read:

9 218.015 (7) ~~In~~ Except as provided in s. 893.83, in addition to pursuing any other  
10 remedy, a consumer may bring an action to recover for any damages caused by a  
11 violation of this section. The court shall award a consumer who prevails in such an  
12 action twice the amount of any pecuniary loss, together with costs, disbursements  
13 and reasonable attorney fees, and any equitable relief the court determines  
14 appropriate.

15 **\*-1836/2.16\* SECTION 2319.** 220.04 (9)(a) 2. of the statutes is amended to read:

16 220.04 (9) (a) 2. "Regulated entity" means a bank, universal bank, trust  
17 company bank and any other entity which is described in s. 220.02 (2) or 221.0526  
18 as under the supervision and control of the division.

19 **\*-1836/2.17\* SECTION 2320.** 221.0303 (2) of the statutes is amended to read:

20 221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS  
21 TERMINALS. A bank may, directly or indirectly, acquire, place and operate, or  
22 participate in the acquisition, placement and operation of, at locations other than its  
23 main or branch offices, customer bank communications terminals, in accordance  
24 with rules established by the division. The rules of the division shall provide that  
25 any such customer bank communications terminal shall be available for use, on a

1 nondiscriminatory basis, by any state or national bank and by all customers  
2 designated by a bank using the terminal. This subsection does not authorize a bank  
3 which has its principal place of business outside this state to conduct banking  
4 business in this state. The customer bank communications terminals also shall be  
5 available for use, on a nondiscriminatory basis, by any credit union, savings and loan  
6 association or savings bank, if the credit union, savings and loan association or  
7 savings bank requests to share its use, subject to rules jointly established by the  
8 division of banking, the office of credit unions and the division of savings ~~and loan~~  
9 institutions. The division by order may authorize the installation and operation of  
10 a customer bank communications terminal in a mobile facility, after notice and  
11 hearing upon the proposed service stops of the mobile facility.

12 \*~~1836/2.18~~\* **SECTION 2321.** 221.0321 (5) of the statutes is amended to read:  
13 221.0321 (5) **CERTAIN SECURED LOANS.** A bank may make loans secured by  
14 assignment or transfer of stock certificates or other evidence of the borrower's  
15 ownership interest in a corporation formed for the cooperative ownership of real  
16 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage  
17 involving a one-family residence, apply to a proceeding to enforce the lender's rights  
18 in security given for a loan under this subsection. The division shall promulgate joint  
19 rules with the office of credit unions and the division of savings ~~and loan~~ institutions  
20 that establish procedures for enforcing a lender's rights in security given for a loan  
21 under this subsection.

22 \*~~1836/2.19~~\* **SECTION 2322.** Chapter 222 of the statutes is created to read:

23  
24

**CHAPTER 222**  
**UNIVERSAL BANKS**

## 1 SUBCHAPTER I

## 2 GENERAL PROVISIONS

3 **222.0101 Title.** This chapter may be cited as the “Wisconsin universal bank  
4 law”.

5 **222.0102 Definitions.** In this chapter:

6 (1) “Adequately capitalized” has the meaning given in 12 USC 1831o (b) (1) (B).

7 (2) “Capital” of a universal bank means the sum of the following, less the  
8 amount of intangible assets that is not considered to be qualifying capital by a deposit  
9 insurance corporation or the division:

10 (a) For a universal bank organized as a stock organization, the universal bank’s  
11 capital stock, preferred stock, undivided profits, surplus, outstanding notes and  
12 debentures approved by the division, other forms of capital designated as capital by  
13 the division and other forms of capital considered to be qualifying capital of the  
14 universal bank by a deposit insurance corporation.

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

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

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

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

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

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

7           **222.0103 Applicability.** (1) SAVINGS BANKS. A universal bank that is a savings  
8 bank organized under ch. 214 remains subject to all of the requirements, duties and  
9 liabilities, and may exercise all of the powers, of a savings bank, except that in the  
10 event of a conflict between this chapter and those requirements, duties, liabilities or  
11 powers, this chapter shall control.

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

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

21           **222.0105 Fees.** The division may establish such fees as it determines are  
22 appropriate for documents filed with the division under this chapter and for services  
23 provided by the division under this chapter.

24           **222.0107 Administration.** (1) POWERS OF DIVISION. The division shall  
25 administer this chapter for all universal banks.





1 to certification as a universal bank or as such articles or bylaws may be subsequently  
2 amended in accordance with the provisions of the chapter under which the universal  
3 bank was organized or chartered.

4 **222.0303 Name. (1) USE OF “BANK”.** Notwithstanding ss. 214.035, 215.40 (1)  
5 and 215.60 (1) and subject to subs. (2) and (4), a universal bank may use the word  
6 “bank” in its name, without having to include the word “savings”. Notwithstanding  
7 ss. 215.40 (1) and 215.60 (1) and subject to subs. (2) and (4), a universal bank that  
8 is organized under ch. 215 and that uses the word “bank” in its name in accordance  
9 with this section need not include the words “savings and loan association” or  
10 “savings association” in its name.

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

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

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

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

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

25 (a) Merged with the other institution.

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

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

4 **222.0305 Capital and assets. (1) CAPITAL REQUIREMENTS.** Notwithstanding  
5 subch. VI of ch. 214 and ss. 215.24 and 221.0205, the division shall determine the  
6 minimum capital requirements of universal banks.

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

9 **222.0307 Acquisitions, mergers and asset purchases. (1) IN GENERAL.** A  
10 universal bank may, with the approval of the division, purchase the assets of, merge  
11 with, acquire or be acquired by any other financial institution, universal bank,  
12 national bank, federally chartered savings bank or savings and loan association, or  
13 by a holding company of any of these entities. Notwithstanding subch. III of ch. 214  
14 and ss. 214.09 and 215.36, the approval of the division of savings institutions is not  
15 required.

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

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

22 (b) For universal banks organized under ch. 215, ss. 215.35, 215.36, 215.53 and  
23 215.73.

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

## 1 SUBCHAPTER IV

## 2 POWERS

3 **222.0401 Federal financial institution powers.** (1) IN GENERAL. Subject  
4 to the limitations in this section, universal banks may exercise all powers that may  
5 be exercised, directly or indirectly through a subsidiary, by a federally chartered  
6 savings bank, a federally chartered savings and loan association, a federally  
7 chartered national bank or by an affiliate of such an institution.

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

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

15 **222.0403 Loan powers.** (1) PERMITTED PURPOSES. A universal bank may  
16 make, sell, purchase, arrange, participate in, invest in or otherwise deal in loans or  
17 extensions of credit for any purpose.

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

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

4           (a) *Warehouse receipts*. A liability secured by warehouse receipts issued by  
5 warehouse keepers who are licensed and bonded in this state under ss. 99.02 and  
6 99.03 or under the federal Bonded Warehouse Act or who hold a registration  
7 certificate under ch. 127, if all of the following requirements are met:

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

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

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

17          2. The note or bond is secured or covered by guarantees or by commitments or  
18 agreements to take over, or to purchase, the bonds or notes, and the guarantee,  
19 commitment or agreement is made by a federal reserve bank, the federal small  
20 business administration, the federal department of defense or the federal maritime  
21 commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 other form of interest as security in a project funded through such loans. Every  
2 transaction by a universal bank or its subsidiary under this subsection shall require  
3 prior approval by the governing board of the universal bank or its subsidiary,  
4 respectively. Such loans are not subject to s. 221.0326 or to classification as losses,  
5 for a period of 3 years from the date of each loan except as provided in par. (b).

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

13 **222.0405 Investment powers.** (1) INVESTMENT SECURITIES. Except as  
14 provided in subs. (3) to (8), a universal bank may purchase, sell, underwrite and hold  
15 investment securities, consistent with safe and sound banking practices, up to 100%  
16 of the universal bank's capital. A universal bank shall not invest greater than 20%  
17 of the universal bank's capital in the investment securities of one obligor or issuer.  
18 In this subsection, "investment securities" includes commercial paper, banker's  
19 acceptances, marketable securities in the form of bonds, notes, debentures and  
20 similar instruments that are regarded as investment securities.

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

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

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

1 This subsection does not authorize a universal bank, directly or indirectly through  
2 a subsidiary, to engage in the business of underwriting insurance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5           **222.0407 Universal bank purchase of its own stock.** (1) IN GENERAL. A  
6 universal bank may hold or purchase not more than 10% of its capital stock, notes  
7 or debentures, except as provided in sub. (2) or (3).

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

10           (3) ADDITIONAL AUTHORITY. A universal bank may hold or purchase more than  
11 10% of its capital stock, notes or debentures if the purchase is necessary to prevent  
12 loss upon a debt previously contracted in good faith. Stock, notes or debentures held  
13 or purchased under this subsection may not be held by the universal bank for more  
14 than 6 months if the stock, notes or debentures can be sold for the amount of the claim  
15 of the universal bank against the holder of the debt previously contracted. The  
16 universal bank shall either sell the stock, notes or debentures within 12 months of  
17 acquisition under this subsection or shall cancel the stock, notes or debentures.  
18 Cancellation of the stock, notes or debentures reduces the amount of the universal  
19 bank's capital stock, notes or debentures. If the reduction reduces the universal  
20 bank's capital below the minimum level required by the division, the universal bank  
21 shall increase its capital to the amount required by the division.

22           (4) LOANS SECURED BY CAPITAL, SURPLUS OR DEPOSITS. A universal bank may not  
23 loan any part of its capital, surplus or deposits on its own capital stock, notes or  
24 debentures as collateral security, except that a universal bank may make a loan  
25 secured by its own capital stock, notes or debentures to the same extent that the

1 universal bank may make a loan secured by the capital stock, notes and debentures  
2 of a holding company for the universal bank.

3 **222.0409 Stock in bank-owned banks.** With the approval of the division,  
4 a universal bank may acquire and hold stock in one or more banks chartered under  
5 s. 221.1202 or national banks chartered under 12 USC 27 (b) or in one or more  
6 holding companies wholly owning such a bank. Aggregate investments under this  
7 section may not exceed 10% of the universal bank's capital.

8 **222.0411 General deposit powers. (1) IN GENERAL.** A universal bank may  
9 set eligibility requirements for, and establish the types and terms of, deposits that  
10 the universal bank solicits and accepts. The terms set under this subsection may  
11 include minimum and maximum amounts that the universal bank may accept and  
12 the frequency and computation method of paying interest.

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

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

19 **(4) SAFE DEPOSIT POWERS.** A universal bank may take and receive, from any  
20 individual or corporation for safekeeping and storage, gold and silver plate, jewelry,  
21 money, stocks, securities, and other valuables or personal property; and rent out the  
22 use of safes or other receptacles upon its premises upon such compensation as may  
23 be agreed upon. A universal bank has a lien for its charges on any property taken  
24 or received by it for safekeeping. If the lien is not paid within 2 years from the date  
25 the lien accrues, or if property is not called for by the person depositing the property,

1 or by his or her representative or assignee, within 2 years from the date the lien  
2 accrues, the universal bank may sell the property at public auction. A universal bank  
3 shall provide the same notice for a sale under this subsection that is required by law  
4 for sales of personal property on execution. After retaining from the proceeds of the  
5 sale all of the liens and charges due the bank and the reasonable expenses of the sale,  
6 the universal bank shall pay the balance to the person depositing the property, or to  
7 his or her representative or assignee.

8 **222.0413 Other service and incidental activity powers.** (1) NECESSARY  
9 OR CONVENIENT POWERS. Unless otherwise prohibited or limited by this chapter, a  
10 universal bank may exercise all powers necessary or convenient to effect the  
11 purposes for which the universal bank is organized or to further the businesses in  
12 which the universal bank is lawfully engaged.

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

- 23 1. Business and professional services.
- 24 2. Data processing.
- 25 3. Courier and messenger services.

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

15           (b) An activity that is authorized by statute or regulation for financial  
16          institutions to engage in as of the effective date of this paragraph .... [revisor inserts  
17          date], is an activity that is reasonably related to or incident to the purposes of a  
18          universal bank. An activity permitted under the Bank Holding Company Act is an  
19          activity that is reasonably related to or incident to the purposes of a universal bank.  
20          The list of activities reasonably related or incident to the purposes of a universal  
21          bank may be expanded by the division. Any additional activity approved by the  
22          division shall be authorized for all universal banks.

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

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

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

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

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

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

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

4           **222.0415 Trust powers.** Subject to rules of the division, a universal bank may  
5 exercise trust powers in accordance with s. 221.0316.

6           \*–1836/2.20\* **SECTION 2323.** 223.105 (3) (a) of the statutes is amended to read:

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

14           \*–1836/2.21\* **SECTION 2324.** 223.105 (4) of the statutes is amended to read:

15           223.105 (4) **NOTICE OF FIDUCIARY OPERATION.** Except for those organizations  
16 licensed under ch. 221 or this chapter, any organization engaged in fiduciary  
17 operations as defined in this section shall, as required by rule, notify the division of  
18 banking, the office of credit unions or the division of savings and loan institutions of  
19 that fact, directing the notice to the agency then exercising regulatory authority over  
20 the organization or, if there is none, to the division of banking. Any organization  
21 which intends to engage in fiduciary operations shall, prior to engaging in such  
22 operations, notify the appropriate agency of this intention. The notifications  
23 required under this subsection shall be on forms and contain information required  
24 by the rules promulgated by the division of banking.

25           \*–1836/2.22\* **SECTION 2325.** 223.105 (5) of the statutes is amended to read:

1           223.105 (5) ENFORCEMENT REMEDY. The division of banking or the division of  
2 savings ~~and loan~~ institutions or office of credit unions shall upon the failure of such  
3 organization to submit notifications or reports required under this section or  
4 otherwise to comply with the provisions of this section, or rules established by the  
5 division of banking under s. 220.04 (7), upon due notice, order such defaulting  
6 organization to cease and desist from engaging in fiduciary activities and may apply  
7 to the appropriate court for enforcement of such order.

8           \***-1836/2.23\*** SECTION 2326. 223.105 (6) of the statutes is amended to read:

9           223.105 (6) SUNSET. Except for an organization regulated by the office of credit  
10 unions or the division of savings ~~and loan~~ institutions or an organization authorized  
11 by the division of banking to operate as a bank or trust company under ch. 221 or this  
12 chapter, an organization may not begin activity as a fiduciary operation under this  
13 section after May 12, 1992. An organization engaged in fiduciary operations under  
14 this section on May 12, 1992, may continue to engage in fiduciary operations after  
15 that date.

16           \***-1191/2.1\*** SECTION 2327. 224.30 (1) (title) of the statutes is created to read:

17           224.30 (1) (title) DEFINITION.

18           \***-1191/2.2\*** SECTION 2328. 224.30 (2) (title) of the statutes is created to read:

19           224.30 (2) (title) ELECTRONIC FORMS AND SIGNATURES.

20           \***-1191/2.3\*** SECTION 2329. 224.30 (3) of the statutes is created to read:

21           224.30 (3) ACCESS AND USE OF COMPUTER DATABASES AND SYSTEMS. The  
22 department may charge members of the public a fee for accessing or using the  
23 department's databases or computer systems.

24           \***-1098/3.26\*** SECTION 2330. 227.01 (13) (zL) of the statutes is created to read:

1           227.01 (13) (zL) Prescribes conditions of participation and terms of  
2 reimbursement of providers under s. 49.45 (2) (a) 9.

3           \***-1098/3.27\*** SECTION 2331. 227.01 (13) (zm) of the statutes is created to read:

4           227.01 (13) (zm) Establishes guidelines for the determination of medical  
5 necessity and appropriateness for the granting of prior authorization for medical  
6 assistance coverage of services under s. 49.46 or 49.47.

7           \***-0567/1.4\*** SECTION 2332. 227.14 (1s) of the statutes is created to read:

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

13           \***-1836/2.24\*** SECTION 2333. 227.52 (5) of the statutes is amended to read:

14           227.52 (5) Decisions of the division of savings ~~and loan~~ institutions.

15           \***-1836/2.25\*** SECTION 2334. 227.53 (1) (b) 4. of the statutes is amended to read:

16           227.53 (1) (b) 4. The savings and loan review board, the division of savings ~~and~~  
17 ~~loan~~ institutions, except if the petitioner is the division of savings ~~and loan~~  
18 institutions, the prevailing parties before the savings and loan review board shall be  
19 the named respondents.

20           \***-1836/2.26\*** SECTION 2335. 227.53 (1) (b) 5. of the statutes is amended to read:

21           227.53 (1) (b) 5. The savings bank review board, the division of savings ~~and loan~~  
22 institutions, except if the petitioner is the division of savings ~~and loan~~ institutions,  
23 the prevailing parties before the savings bank review board shall be the named  
24 respondents.