

1 ***b0996/2.11* 818.** Page 1118, line 11: after that line insert:

2 ***b0996/2.11* "SECTION 2109q.** 119.23 (4) (a) of the statutes is created to read:

3 119.23 (4) (a) Annually, on or before October 15, a private school participating
4 in the program under this section shall file with the department a report stating its
5 summer average daily membership equivalent and its summer choice average daily
6 membership equivalent for the purpose of sub. (4m)."

7 ***b0996/2.12* 819.** Page 1118, line 12: substitute "(b)" for "(a)".

8 ***b0996/2.13* 820.** Page 1118, line 13: substitute "(b)" for "(a)".

9 ~~***b0996/2.14* 821.** Page 1118, line 14: after "paid" insert "per pupil".~~ ✓

10 ***b0996/2.15* 822.** Page 1118, line 14: after that line insert:

11 ***b0996/2.15* "SECTION 2109s.** 119.23 (4m) of the statutes is created to read:

12 119.23 (4m) Beginning in the 1999-2000 school year, in addition to the
13 payment under sub. (4) the state superintendent shall pay to the parent or guardian
14 of each pupil enrolled in a private school under this section, in the manner described
15 in sub. (4) (c), an amount determined by multiplying the payment under sub. (4) by
16 the quotient determined by dividing the summer choice average daily membership
17 equivalent of the private school by the total number of pupils for whom payments are
18 being made under sub. (4)."

19 ***b1111/2.3* 823.** Page 1118, line 14: after "paid" insert "per pupil".

20 ***b0793/2.20* 824.** Page 1119, line 8: after that line insert:

21 ***b0793/2.20* "SECTION 2114a.** 119.48 (4) (b) and (c) of the statutes are
22 amended to read:

1 119.48 (4) (b) The communication shall state the purposes for which the funds
2 from the increase in the levy rate will be used and shall request the common council
3 to submit to the voters of the city the question of exceeding the levy rate specified in
4 s. 65.07 (1) (f) at ~~the September election or a special~~ an election authorized under s.
5 8.065.

6 (c) Upon receipt of the communication, the common council shall cause the
7 question of exceeding the levy rate specified under s. 65.07 (1) (f) to be submitted to
8 the voters of the city at the ~~September election or at a special~~ next election authorized
9 under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner
10 than 45 days after receipt of the communication. The question of exceeding the levy
11 rate specified under s. 65.07 (1) (f) shall be submitted upon a separate ballot or in
12 some other manner so that the vote upon exceeding the levy rate specified in s. 65.07
13 (1) (f) is taken separately from any other question submitted to the voters. If a
14 majority of the electors voting on the question favors exceeding the levy rate specified
15 under s. 65.07 (1) (f), the common council shall approve the increase in the levy rate
16 and shall levy and collect a tax equal to the amount of money approved by the
17 electors.

18 ***b0793/2.20* SECTION 2116a.** 119.49 (1) (b) of the statutes is amended to read:

19 119.49 (1) (b) The communication shall state the amount of funds needed under
20 par. (a) and the purposes for which the funds will be used and shall request the
21 common council to submit to the voters of the city at the next election authorized
22 under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held in the city
23 not sooner than 45 days after receipt of the communication the question of issuing
24 school bonds in the amount and for the purposes stated in the communication.

25 ***b0793/2.20* SECTION 2116b.** 119.49 (2) of the statutes is amended to read:

1 119.49 (2) Upon receipt of the communication, the common council shall cause
2 the question of issuing such school bonds in the stated amount and for the stated
3 school purposes to be submitted to the voters of the city at the next election ~~held in~~
4 ~~the city authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) that~~
5 ~~occurs not sooner than 45 days after the date of receipt of the communication.~~ The
6 question of issuing such school bonds shall be submitted upon a separate ballot or
7 in some other manner so that the vote upon issuing such school bonds is taken
8 separately from any other question submitted to the voters. If a majority of the
9 electors voting on the school bond question favors issuing such school bonds, the
10 common council shall cause the school bonds to be issued immediately or within the
11 period permitted by law, in the amount requested by the board and in the manner
12 other bonds are issued.”.

13 ***b0727/1.3* 825.** Page 1121, line 18: after that line insert:

14 ***b0727/1.3* “SECTION 2124m.** 120.12 (15) of the statutes is amended to read:
15 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
16 school day. The school board may differentiate between the various elementary and
17 high school grades in scheduling the school day. The equivalent of 180 such days, as
18 defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall~~
19 ~~not be construed to eliminate a school district’s duty to bargain with the employe’s~~
20 ~~collective bargaining representative over any calendaring proposal which is~~
21 ~~primarily related to wages, hours and conditions of employment.”.~~

22 ***b1104/3.7* 826.** Page 1121, line 18: after that line insert:

23 ***b1104/3.7* “SECTION 2124m.** 120.12 (26) of the statutes is created to read:

1 120.12 (26) SCHOOL SAFETY PLANS. Have in effect a school safety plan for each
2 school in the school district.

3 ***b1104/3.7* SECTION 2124t.** 120.13 (1) (b) of the statutes is amended to read:

4 120.13 (1) (b) The school district administrator or any principal or teacher
5 designated by the school district administrator also may make rules, with the
6 consent of the school board, and may suspend a pupil for not more than 5 school days
7 or, if a notice of expulsion hearing has been sent under par. (c) 4 or (e) 4. or s. 119.25
8 (2) (c), for not more than a total of 15 consecutive school days for noncompliance with
9 such rules or school board rules, or for knowingly conveying any threat or false
10 information concerning an attempt or alleged attempt being made or to be made to
11 destroy any school property by means of explosives, for conduct by the pupil while
12 at school or while under the supervision of a school authority which endangers the
13 property, health or safety of others, or for conduct while not at school or while not
14 under the supervision of a school authority which endangers the property, health or
15 safety of others at school or under the supervision of a school authority or endangers
16 the property, health or safety of any employe or school board member of the school
17 district in which the pupil is enrolled. In this paragraph, conduct that endangers a
18 person or property includes making a threat to the health or safety of a person or
19 making a threat to damage property. Prior to any suspension, the pupil shall be
20 advised of the reason for the proposed suspension. The pupil may be suspended if
21 it is determined that the pupil is guilty of noncompliance with such rule, or of the
22 conduct charged, and that the pupil's suspension is reasonably justified. The parent
23 or guardian of a suspended minor pupil shall be given prompt notice of the
24 suspension and the reason for the suspension. The suspended pupil or the pupil's
25 parent or guardian may, within 5 school days following the commencement of the

1 suspension, have a conference with the school district administrator or his or her
2 designee who shall be someone other than a principal, administrator or teacher in
3 the suspended pupil's school. If the school district administrator or his or her
4 designee finds that the pupil was suspended unfairly or unjustly, or that the
5 suspension was inappropriate, given the nature of the alleged offense, or that the
6 pupil suffered undue consequences or penalties as a result of the suspension,
7 reference to the suspension on the pupil's school record shall be expunged. Such
8 finding shall be made within 15 days of the conference. A pupil suspended under this
9 paragraph shall not be denied the opportunity to take any quarterly, semester or
10 grading period examinations or to complete course work missed during the
11 suspension period, as provided in the attendance policy established under s. 118.16
12 (4) (a).

13 *b1104/3.7* SECTION 2124u. 120.13 (1)(c) 1. of the statutes is amended to read:

14 120.13 (1) (c) 1. The school board may expel a pupil from school whenever it
15 finds the pupil guilty of repeated refusal or neglect to obey the rules, or finds that a
16 pupil knowingly conveyed or caused to be conveyed any threat or false information
17 concerning an attempt or alleged attempt being made or to be made to destroy any
18 school property by means of explosives, or finds that the pupil engaged in conduct
19 while at school or while under the supervision of a school authority which
20 endangered the property, health or safety of others, or finds that a pupil while not
21 at school or while not under the supervision of a school authority engaged in conduct
22 which endangered the property, health or safety of others at school or under the
23 supervision of a school authority or endangered the property, health or safety of any
24 employe or school board member of the school district in which the pupil is enrolled,
25 and is satisfied that the interest of the school demands the pupil's expulsion. In this

1 subdivision, conduct that endangers a person or property includes making a threat
2 to the health or safety of a person or making a threat to damage property.”

3 *b1144/1.7* **827.** Page 1121, line 18: after that line insert:

4 *b1144/1.7* “SECTION 2124m. 120.13 (14) of the statutes is amended to read:

5 120.13 (14) DAY CARE PROGRAMS. Establish and provide or contract for the
6 provision of day care programs for children. The school board may receive federal
7 or state funds for this purpose. The school board may charge a fee for all or part of
8 the cost of the service for participation in a day care program established under this
9 subsection. Costs associated with a day care program under this subsection may not
10 be included in shared costs under s. 121.07 (6). Day care programs established under
11 this subsection shall meet the standards for licensed day care centers established by
12 the department of health and family services. If a school board proposes to contract
13 for or renew a contract for the provision of a day care program under this subsection
14 or if on July 1, 1996, a school board is a party to a contract for the provision of a day
15 care program under this subsection, the school board shall refer the contractor or
16 proposed contractor to the department of health and family services for the criminal
17 history and child abuse record search required under s. 48.685. Each school board
18 shall provide the department of health and family services with information about
19 each person who is denied a contract for a reason specified in s. 48.685 (2) (4m) (a)
20 1. to 5.”.

21 *b1110/2.2* **828.** Page 1122, line 21: delete lines 21 and 22 and substitute

22 “follows or, if appropriate, as a number equal to the result obtained by multiplying
23 the following number by the appropriate fraction under par. (c), (cm) or (d):

24 1. In the 1999–2000 school year, 1.0 pupil.

1 2. In the 2000–01 school year, 0.75 pupil.

2 3. In the 2001–02 school year, 0.50 pupil.

3 4. In the 2002–03 school year, 0.25 pupil.

4 5. In the 2003–04 school year and thereafter, 0 pupil.”.

5 ***b0736/1.1* 829.** Page 1122, line 22: after that line insert:

6 ***b0736/1.1*** “SECTION 2128m. 121.02 (1) (L) 5. of the statutes is repealed.”.

7 ***b0996/2.16* 830.** Page 1122, line 22: after that line insert:

8 ***b0996/2.16*** “SECTION 2128m. 121.004 (8) of the statutes is amended to read:

9 121.004 (8) SUMMER AVERAGE DAILY MEMBERSHIP EQUIVALENT. “Summer average
10 daily membership equivalent” is the ~~sum of all~~ total number of minutes in which
11 pupils are enrolled in academic summer classroom classes or laboratory periods in
12 ~~which each pupil is enrolled as determined by multiplying the total number of~~
13 ~~periods in each day in which the pupil is enrolled by the total number of days for~~
14 ~~which the pupil is enrolled, as defined by the state superintendent under s. 121.14,~~
15 divided by ~~1,080~~ 48,600.”.

16 ***b0892/4.24* 831.** Page 1123, line 7: after that line insert:

17 ***b0892/4.24*** “SECTION 2131d. 121.05 (1) (a) 8. of the statutes is amended to
18 read:

19 121.05 (1) (a) 8. Pupils enrolled in ~~a residential school operated by the state~~ the
20 Wisconsin School for the Deaf or the school operated by the Wisconsin Center for the
21 Blind and Visually Impaired under subch. III of ch. 115 for whom the school district
22 is paying tuition under s. 115.53 (2) determined by multiplying the total number of
23 periods in each day in which the pupils are enrolled in the local public school by the

1 total number of days for which the pupils are enrolled in the local public school and
2 dividing the product by 1,080.”

3 ~~*b0096/2.17* 832. Page 1124, line 21: after “(4)” insert “and (4m)”.~~

4 *b1111/2.4* 833. Page 1124, line 21: delete “ss. 118.40 (2r) (e) and 119.23 (4)”
5 and substitute “s. 118.40 (2r)”.

6 *b1111/2.5* 834. Page 1124, line 24: after “(ac)” insert “, calculated as if the
7 reduction under par. (c) had not occurred”.

8 *b1111/2.6* 835. Page 1125, line 2: after “(ac)” insert “, calculated as if the
9 reduction under par. (c) had not occurred,”.

10 *b1111/2.7* 836. Page 1125, line 2: after that line insert:

11 “(b) The amount of state aid that the school district operating under ch. 119 is
12 eligible to be paid from the appropriation under s. 20.255 (2) (ac) shall also be reduced
13 by 50% of the amounts paid under s. 119.23 (4) and (4m) in the current school year.

14 (c) The amount of state aid that each school district other than the school
15 district operating under ch. 119 is eligible to be paid from the appropriation under
16 s. 20.255 (2) (ac) shall also be reduced by an amount calculated as follows:

17 1. Add the amounts paid under s. 119.23 (4) and (4m) in the current school year
18 and divide the sum by 2.

19 2. Divide the result obtained under subd. 1. by the total amount of state aid that
20 all school districts other than the school district operating under ch. 119 are eligible
21 to be paid from the appropriation under s. 20.255 (2) (ac), calculated as if the
22 reduction under par. (a) had not occurred.

1 3. Multiply the amount of state aid that the school district is eligible to be paid
2 from the appropriation under s. 20.225 (2) (ac), calculated as if the reduction under
3 par. (a) had not occurred, by the quotient under subd. 2.”.

 ****NOTE: Section 119.23 (4m), which is cross-referenced in this SECTION, is created
in 1999 LRBb1110.

4 ***b1111/2.8* 837.** Page 1125, line 3: substitute “(d)” for “(b)”.

5 ***b1111/2.9* 838.** Page 1125, line 4: delete “par. (a)” and substitute “pars. (a)
6 to (c)”.

7 ***b0892/4.25* 839.** Page 1127, line 17: after that line insert:

8 ***b0892/4.25* “SECTION 2142m.** 121.54 (3) of the statutes is amended to read:

9 121.54 (3) TRANSPORTATION FOR CHILDREN WITH DISABILITIES. Every school board
10 shall provide transportation for children with disabilities, as defined in s. 115.76 (5),
11 to any public or private elementary or high school, to the ~~Wisconsin~~ school for the
12 ~~visually handicapped school operated by the Wisconsin Center for the Blind and~~
13 ~~Visually Impaired~~ or the Wisconsin ~~school~~ School for the ~~deaf~~ Deaf or to any special
14 education program for children with disabilities sponsored by a state tax-supported
15 institution of higher education, including a technical college, regardless of distance,
16 if the request for such transportation is approved by the state superintendent.
17 Approval shall be based on whether or not the child can walk to school with safety
18 and comfort. Section 121.53 shall apply to transportation provided under this
19 subsection.”.

20 ***b1109/1.3* 840.** Page 1129, line 19: delete the material beginning with that
21 line and ending with page 1130, line 14, and substitute:

1 “121.85 (6) (ar) *Hold harmless*. The department shall pay to the school district
2 operating under ch. 119 the amount of aid to which the school district is entitled
3 under par. (a), as reduced by par. (am), or \$30,000,000, whichever is less.”

4 ***b0793/2.21* 841.** Page 1135, line 3: after that line insert:

5 ***b0793/2.21* “SECTION 2156a.** 121.91 (3) (a) of the statutes is amended to read:

6 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m)
7 otherwise applicable to the school district in any school year, it shall promptly adopt
8 a resolution supporting inclusion in the final school district budget of an amount
9 equal to the proposed excess revenue. The resolution shall specify whether the
10 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
11 proposed excess revenue is for both recurring and nonrecurring purposes, the
12 amount of the proposed excess revenue for each purpose. Within 10 days after
13 adopting the resolution, the school board shall notify the department of the
14 scheduled date of the referendum and submit a copy of the resolution to the
15 department. The school board shall call a special referendum in accordance with s.
16 8.065 for the purpose of submitting the resolution to the electors of the school district
17 for approval or rejection. ~~In lieu of a special referendum, the school board may~~
18 ~~specify that the referendum be held at the next succeeding spring primary or election~~
19 ~~or September primary or general election, if such election is, to be held not earlier~~
20 sooner than 35 days after the adoption of the resolution of the school board. The
21 school district clerk shall certify the results of the referendum to the department
22 within 10 days after the referendum is held.”

23 ***b1110/2.3* 842.** Page 1136, line 1: substitute “2000-01” for “1999-2000”.

24 ***b0705/2.1* 843.** Page 1137, line 5: after that line insert:

1 ***b0705/2.1* "SECTION 2164r.** 125.12 (1) (a) of the statutes is amended to read:

2 125.12 (1) (a) Except as provided in ~~par. (b)~~ this subsection, any municipality
3 or the department may revoke, suspend or refuse to renew any license or permit
4 under this chapter, as provided in this section.

5 ***b0705/2.1* SECTION 2164s.** 125.12 (1) (c) of the statutes is created to read:

6 125.12 (1) (c) Neither a municipality nor the department may consider an
7 arrest or conviction for a violation punishable under s. 945.03 (2m), 945.04 (2m) or
8 945.05 (1m) in any action to revoke, suspend or refuse to renew a Class "B" or "Class
9 B" license or permit."

10 ***b1138/1.1* 844.** Page 1138, line 8: after that line insert:

11 ***b1138/1.1* "SECTION 2165g.** 125.51 (3) (am) of the statutes is amended to
12 read:

13 125.51 (3) (am) A "Class B" license issued to a winery authorizes the sale of
14 wine to be consumed by the glass or in opened containers only on the premises where
15 sold and also authorizes the sale of wine in the original package or container to be
16 consumed off the premises where sold, but does not authorize the sale of fermented
17 malt beverages or any intoxicating liquor other than wine. A restaurant for which
18 a permit is issued under s. 125.535 shall not be considered a winery under this
19 paragraph."

20 ***b0713/1.2* 845.** Page 1139, line 11: after that line insert:

21 ***b0713/1.2* "SECTION 2165m.** 134.66 (2) (a) of the statutes is amended to read:

22 134.66 (2) (a) No retailer, manufacturer, distributor, jobber or subjobber, no
23 agent, employe or independent contractor of a retailer, manufacturer, distributor,
24 jobber or subjobber and no agent or employe of an independent contractor may sell

1 or provide for nominal or no consideration cigarettes or tobacco products to any
2 person under the age of 18, except as provided in s. ~~938.983 (3)~~ 254.92 (2) (a). A
3 vending machine operator is not liable under this paragraph for the purchase of
4 cigarettes or tobacco products from his or her vending machine by a person under the
5 age of 18 if the vending machine operator was unaware of the purchase.

6 ***b0713/1.2* SECTION 2165n.** 134.66 (2) (b) 1. of the statutes is amended to
7 read:

8 134.66 (2) (b) 1. A retailer shall post a sign in areas within his or her premises
9 where cigarettes or tobacco products are sold to consumers stating that the sale of
10 any cigarette or tobacco product to a person under the age of 18 is unlawful under
11 this section and s. ~~938.983~~ 254.92.

12 ***b0713/1.2* SECTION 2165p.** 134.66 (2) (b) 2. of the statutes is amended to
13 read:

14 134.66 (2) (b) 2. A vending machine operator shall attach a notice in a
15 conspicuous place on the front of his or her vending machines stating that the
16 purchase of any cigarette or tobacco product by a person under the age of 18 is
17 unlawful under s. ~~938.983~~ 254.92 and that the purchaser is subject to a forfeiture of
18 not to exceed \$25.”.

19 ***b0730/1.6* 846.** Page 1139, line 11: after that line insert:

20 ***b0730/1.6* “SECTION 2166a.** 138.052 (5) (am) 2. a. of the statutes is amended
21 to read:

22 138.052 (5) (am) 2. a. On January 1, 1994, and annually thereafter, the division
23 of banking for banks, the division of savings and loan institutions for savings and
24 loan associations and savings banks and the office of credit unions for credit unions

1 shall determine the interest rate that is the average of the interest rates paid,
2 rounded to the nearest one-hundredth of a percent, on regular passbook deposit
3 accounts by institutions under the division's or office's jurisdiction at the close of the
4 last quarterly reporting period that ended at least 30 days before the determination
5 is made.

6 ***b0730/1.6* SECTION 2167a.** 138.052 (5) (am) 2. b. of the statutes is amended
7 to read:

8 138.052 (5) (am) 2. b. The office of credit unions and the division of banking
9 shall report the rate calculated to the division of savings ~~and loan~~ institutions within
10 5 days after the date on which the determination is made. The division of savings
11 ~~and loan~~ institutions shall calculate the average, rounded to the nearest
12 one-hundredth of a percent, of the 3 rates and report that interest rate to the revisor
13 of statutes within 5 days after the date on which the determination is made.

14 ***b0730/1.6* SECTION 2168a.** 138.055 (4) (a) of the statutes is amended to read:

15 138.055 (4) (a) The division of savings ~~and loan~~ institutions, if the lender is a
16 savings and loan association or savings bank;

17 ***b0730/1.6* SECTION 2169a.** 138.056 (1) (a) 4. a. of the statutes is amended to
18 read:

19 138.056 (1) (a) 4. a. The division of savings ~~and loan~~ institutions, if the lender
20 is a savings and loan association or savings bank;”.

21 ***b0809/1.1* 847.** Page 1139, line 11: after that line insert:

22 ***b0809/1.1* “SECTION 2165m.** 125.51 (4) (v) 2. of the statutes is amended to
23 read:

1 125.51 (4) (v) 2. A hotel that has ~~400~~ 50 or more rooms of sleeping
2 accommodations and that has either an attached restaurant with a seating capacity
3 of 150 or more persons or a banquet room in which banquets attended by 400 or more
4 persons may be held.”.

5 ***b1138/1.2* 848.** Page 1139, line 11: after that line insert:

6 ***b1138/1.2* “SECTION 2165m.** 125.535 of the statutes is created to read:

7 **125.535 Restaurant-winery permit.** The department shall issue a
8 restaurant-winery permit authorizing the retail sale of wine manufactured on the
9 premises for consumption on the premises where sold or in an original unopened
10 package or container for consumption off the premises where sold. The department
11 may issue a restaurant-winery permit to any person who is qualified under s. 125.04
12 (5) and who holds a valid certificate under s. 73.03 (50). A restaurant-winery permit
13 may be issued only for a restaurant in which the sale of alcohol beverages accounts
14 for less than 50% of gross receipts and that manufactures less than 2,500 gallons of
15 wine per year. A restaurant issued a permit under this section shall not be
16 considered a winery for purposes of s. 125.51 (3) (am).

17 ***b1138/1.2* SECTION 2165p.** 125.69 (1) (a) of the statutes is renumbered
18 125.69 (1) (a) 1. and amended to read:

19 125.69 (1) (a) 1. ~~No~~ Except as provided in subds. 2. and 3., no intoxicating liquor
20 manufacturer, rectifier or wholesaler may hold any direct or indirect interest in any
21 “Class A” license or establishment and no “Class A” licensee may hold any direct or
22 indirect interest in a wholesale permit or establishment, ~~except that a.~~

23 2. A winery that ~~has~~ holds a permit under s. 125.53 may have an ownership
24 interest in a “Class A” license.

1 ***b1138/1.2* SECTION 2165t.** 125.69 (1) (a) 3. of the statutes is created to read:

2 125.69 (1) (a) 3. A restaurant that holds a permit under s. 125.535 may hold
3 a “Class A” license.

4 ***b1138/1.2* SECTION 2165w.** 125.69 (1) (b) 1. of the statutes is amended to
5 read:

6 125.69 (1) (b) 1. Except as provided under subds. 2. to ~~4.~~ 5., no intoxicating
7 liquor manufacturer, rectifier or wholesaler may hold any direct or indirect interest
8 in any “Class B” license or permit or establishment or “Class C” license or
9 establishment and no “Class B” licensee or permittee or “Class C” licensee may hold
10 any direct or indirect interest in a wholesale permit or establishment.

11 ***b1138/1.2* SECTION 2165y.** 125.69 (1) (b) 5. of the statutes is created to read:

12 125.69 (1) (b) 5. A restaurant that holds a permit under s. 125.535 may hold
13 a “Class B” license or permit or a “Class C” license.”.

14 ***b1139/1.1* 849.** Page 1139, line 11: after that line insert:

15 ***b1139/1.1* “SECTION 2165L.** 125.51 (3m) (c) of the statutes is amended to
16 read:

17 125.51 (3m) (c) A “Class C” license may be issued to a person qualified under
18 s. 125.04 (5) for a restaurant in which the sale of alcohol beverages accounts for less
19 than 50% of gross receipts and which does not have a barroom ~~if the municipality’s~~
20 ~~quota under sub. (4) prohibits the municipality from issuing a “Class B” license to~~
21 ~~that person or for a restaurant in which the sale of alcohol beverages accounts for less~~
22 than 50% of gross receipts and which has a barroom in which wine is the only
23 intoxicating liquor sold. A “Class C” license may not be issued to a foreign

1 corporation, a foreign limited liability company or a person acting as agent for or in
2 the employ of another.”.

3 *b0730/1.7* **850.** Page 1139, line 23: after that line insert:

4 *b0730/1.7* “SECTION 2170a. 138.12 (5) (a) of the statutes is amended to read:

5 138.12 (5) (a) The ~~commissioner~~ division may revoke or suspend the license of
6 any insurance premium finance company if the ~~commissioner~~ division finds that any
7 of the following:

8 1. Any license issued to such company was obtained by fraud_{7,2}.

9 2. There was any misrepresentation in the application for the license_{7,2}.

10 3. The holder of such license has otherwise shown himself or herself
11 untrustworthy or incompetent to act as a premium finance company_{7,2}.

12 4. ~~Such~~ The company has violated any provision of this section_{7,2}.

13 5. ~~Such~~ The company has been rebating part of the service charge as allowed
14 and permitted herein to any insurance agent or insurance broker or any employe of
15 an insurance agent or insurance broker or to any other person as an inducement to
16 the financing of any insurance policy with the premium finance company.”.

17 *b0777/2.15* **851.** Page 1139, line 23: after that line insert:

18 *b0777/2.15* “SECTION 2169v. Chapter 139 (title) of the statutes is amended
19 to read:

20 **CHAPTER 139**

21 **BEVERAGE, CONTROLLED SUBSTANCES AND,**

22 **TOBACCO AND**

23 **ATTORNEY FEES TAXES”.**

24 *b1063/1.1* **852.** Page 1139, line 23: after that line insert:

1 ***b1063/1.1*** **SECTION 2169s.** 139.03 (5) (b) of the statutes is renumbered
2 139.03 (5) (b) 1. and amended to read:

3 139.03 (5) (b) 1. Any Except as provided in subd. 2., any person, except an
4 underage person as defined under s. 125.02 (20m), who leaves a foreign country, after
5 spending at least 48 hours in that foreign country, with the purpose of entering this
6 state may have in that person's possession and bring into the state intoxicating
7 liquor or wine in sealed original containers in amounts not to exceed, in the
8 aggregate, 4 liters without payment of the tax imposed under this subchapter. The
9 4 liters of tax-free intoxicating liquor and wines may not be sent, shipped or carried
10 into the state other than in the immediate possession of the person as qualified by
11 this subsection.

12 ***b1063/1.1*** **SECTION 2169t.** 139.03 (5) (b) 2. of the statutes is created to read:

13 139.03 (5) (b) 2. A person who is a member of the national guard, the U. S.
14 armed forces or a reserve component of the U. S. armed forces; who is a state resident;
15 and who leaves a foreign country, after spending at least 48 hours in that foreign
16 country on duty or for training, with the purpose of entering into this state may bring
17 into the state, in sealed original containers and in the person's immediate possession,
18 intoxicating liquor and wine in an aggregate amount not exceeding 16 liters without
19 paying the tax imposed under this subchapter on that amount.”.

20 ***b1207/1.2*** **853.** Page 1140, line 3: delete that line.

21 ***b1207/1.3*** **854.** Page 1140, line 25: delete the material beginning with that
22 line and ending with page 1142, line 6.

23 ***b1176/1.1*** **855.** Page 1140, line 22: delete “70%” and substitute “50%”.

24 ***b1178/1.1*** **856.** Page 1144, line 9: delete “70%” and substitute “50%”.

1 or the person's employes that are related to the attorney fees on which the tax under
2 this subchapter is imposed. A person who is subject to the tax under this subchapter
3 and who fails to provide such documentation is guilty of a misdemeanor.

4 (4) The department of revenue shall deposit the taxes collected under this
5 subchapter in the fund under s. 25.62.”

6 *b0903/1.4* **858.** Page 1144, line 23: after that line insert:

7 *b0903/1.4* “SECTION 2188m. 145.02 (5) of the statutes is created to read:

8 145.02 (5) Notwithstanding subs. (2) and (3), the department may not
9 promulgate or enforce a rule that requires the owner of a private sewage system to
10 discontinue use of the private sewage system and connect to a public sewer because
11 a public sewer becomes available.”

12 *b1161/1.1* **859.** Page 1156, line 10: after “(b)” insert “1. to 7.”

13 *b1161/1.2* **860.** Page 1156, line 21: delete lines 21 and 22.

14 *b1161/1.3* **861.** Page 1158, line 3: after that line insert:

15 “8. A person who is designated as a poison information provider, annually
16 receives at least 16 documented hours of job-relevant continuing education and has
17 an appropriate health-oriented background.”

18 *b1161/1.4* **862.** Page 1158, line 4: delete lines 4 to 11.

19 *b0767/1.2* **863.** Page 1158, line 11: after that line insert:

20 *b0767/1.2* “SECTION 2252m. 146.81 (1) (eq) of the statutes is created to read:
21 146.81 (1) (eq) An athletic trainer licensed under subch. VI of ch. 448.”

22 *b0828/2.12* **864.** Page 1158, line 11: after that line insert:

23 *b0828/2.12* “SECTION 2252gm. 146.819 (4) (e) of the statutes is repealed.”

1 ***b1143/2.2* 865.** Page 1158, line 11: after that line insert:

2 ***b1143/2.2* "SECTION 2251r.** 146.84 (3) of the statutes is amended to read:

3 146.84 (3) DISCIPLINE OF EMPLOYEES. Any person employed by the state, or any
4 political subdivision of the state who violates s. 146.82 or 146.83, except a health care
5 provider that negligently violates s. 153.50 (6) (c), may be discharged or suspended
6 without pay.”.

7 ***b1216/2.3* 866.** Page 1158, line 19: delete lines 19 to 21 and substitute
8 “commencement of each fiscal year, ~~estimate the total amount of expenditures and~~
9 ~~the department shall assess the estimated total amount under s. 20.435 (1) (gp) to~~
10 hospitals, as defined in s. 50.33 (2), a total of \$1,500,000, in proportion to each
11 hospital’s respective gross”.

12 ***b0844/2.1* 867.** Page 1169, line 20: after that line insert:

13 ***b0844/2.1* "SECTION 2277r.** 149.165 (2) (intro.) of the statutes is amended to
14 read:

15 149.165 (2) (intro.) If Subject to sub. (3m), if the household income, as defined
16 in s. 71.52 (5) and as determined under sub. (3), of an eligible person is equal to or
17 greater than the first amount and less than the 2nd amount listed in any of the
18 following, the department shall reduce the premium for the eligible person to the rate
19 shown after the amounts:

20 ***b0844/2.1* SECTION 2277t.** 149.165 (3m) of the statutes is created to read:

21 149.165 (3m) Upon request of the board, the joint committee on finance may
22 approve or disapprove adjustment, by the board or the department, of the household
23 income dollar amounts listed in sub. (2) (a) to (d), except for the first dollar amount
24 listed in sub. (2) (a), to reflect changes in the consumer price index for all urban

1 consumers, U.S. city average, as determined by the U.S. department of labor. With
2 any request for approval of adjustment under this subsection, the board shall submit
3 to the joint committee on finance the proposed adjusted amounts.”.

4 *b0818/1.1* **868.** Page 1170, line 5: delete the material beginning with “The
5 department” and ending with “requirements.” on line 8 and substitute “The
6 department shall consult with the board on prior authorization policy before
7 establishing any prior authorization requirements under the plan.”.

8 *b0828/2.13* **869.** Page 1170, line 11: after that line insert:

9 *b0828/2.13* “**SECTION 2278rm.** 150.84 (2) of the statutes is amended to read:
10 150.84 (2) “Health care facility” means a facility, as defined in s. 647.01 (4), or
11 any hospital, nursing home, community-based residential facility, county home,
12 county infirmary, county hospital, county mental health center, ~~tuberculosis~~
13 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,
14 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a
15 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.”.

16 *b1143/2.3* **870.** Page 1170, line 18: after that line insert:

17 *b1143/2.3* “**SECTION 2280b.** 153.45 (1) (b) of the statutes is renumbered
18 153.45 (1) (b) 1. and amended to read:

19 153.45 (1) (b) 1. Public For information that is submitted by hospitals or
20 ambulatory surgery centers, public use data files which that do not permit the
21 identification of specific patients, employers or health care providers, as defined by
22 rules promulgated by the department. The identification of ~~these groups~~ patients,
23 employers or health care providers shall be protected by all necessary means,

1 including the deletion of patient identifiers and the use of calculated variables and
2 aggregated variables.

3 *b1143/2.3* SECTION 2280c. 153.45 (1) (b) 2. of the statutes is created to read:

4 153.45 (1) (b) 2. For information that is submitted by health care providers
5 other than hospitals or ambulatory surgery centers, public use data files that do not
6 permit the identification of specific patients, employers or health care providers, as
7 defined by rules promulgated by the department. The identification of patients,
8 employers or health care providers shall be protected by all necessary means,
9 including the deletion of patient identifiers; the use of calculated variables and
10 aggregated variables; the specification of counties as to residence, rather than zip
11 codes; the use of 5-year categories for age, rather than exact age; not releasing
12 information concerning a patient's race or ethnicity or dates of admission, discharge,
13 procedures or visits; and masking sensitive diagnoses and procedures by use of
14 larger diagnostic and procedure categories. Public use data files under this
15 subdivision may include only the following:

- 16 a. The patient's county of residence.
- 17 b. The payment source, by type.
- 18 c. The patient's age category, by 5-year intervals up to age 80 and a category
19 of 80 years or older.
- 20 d. The patient's procedure code.
- 21 e. The patient's diagnosis code.
- 22 f. Charges assessed with respect to the procedure code.
- 23 g. The name and address of the facility in which the patient's services were
24 rendered.
- 25 h. The patient's sex.

1 i. Information that contains the name of a health care provider that is not a
2 hospital or ambulatory surgery center, if the privacy institutional review board first
3 reviews and approves the release or if the department promulgates rules that specify
4 circumstances under which the privacy institutional review board need not review
5 and approve the release.

6 j. Calendar quarters of service.

7 k. Information other than patient-identifiable data, as defined in s. 153.50 (1)
8 (b), as approved by the privacy institutional review board.

9 ***b1143/2.3* SECTION 2280d.** 153.45 (1) (b) 3. of the statutes is created to read:

10 153.45 (1) (b) 3. Public use data files that specify calendar quarters of service,
11 rather than date of service, except if the department specifies by rule that the
12 number of data elements included in the public use data file is too small to enable
13 protection of patient confidentiality.

14 ***b1143/2.3* SECTION 2280e.** 153.45 (1) (c) of the statutes is renumbered 153.45
15 (1) (c) (intro.) and amended to read:

16 153.45 (1) (c) (intro.) Custom-designed reports containing portions of the data
17 under par. (b). Of information submitted by health care providers that are not
18 hospitals or ambulatory surgery centers, requests under this paragraph for data
19 elements other than those available for public use data files under par. (b) 2.,
20 including the patient's month and year of birth, require review and approval by the
21 privacy institutional review board before the data elements may be released.
22 Information that contains the name of a health care provider that is not a hospital
23 or ambulatory surgery center may be released only if the privacy institutional review
24 board first reviews and approves the release or if the department promulgates rules
25 that specify circumstances under which the privacy institutional review board need

1 not review and approve the release. Reports under this paragraph may include the
2 patient's zip code only if at least one of the following applies:

3 *b1143/2.3* SECTION 2280f. 153.45 (1) (c) 1. to 4. of the statutes are created to
4 read:

5 153.45 (1) (c) 1. Other potentially identifying data elements are not released.

6 2. Population density is sufficient to mask patient identity.

7 3. Other potentially identifying data elements are grouped to provide
8 population density sufficient to protect identity.

9 4. Multiple years of data elements are added to protect identity.

10 *b1143/2.3* SECTION 2280g. 153.45 (6) of the statutes is created to read:

11 153.45 (6) The department may not sell or distribute data bases of information,
12 from health care providers who are not hospitals or ambulatory surgery centers, that
13 are able to be linked with public use data files, unless first approved by the privacy
14 institutional review board.

15 *b1143/2.3* SECTION 2280ge. 153.50 (1) (a) of the statutes is renumbered
16 153.01 (2m).

17 *b1143/2.3* SECTION 2280gg. 153.50 (1) (b) of the statutes is renumbered
18 153.50 (1) (b) 1., and 153.50 (1) (b) 1. (intro.), b., c., i. and j., as renumbered, are
19 amended to read:

20 153.50 (1) (b) 1. (intro.) "Patient-identifiable data", for information submitted
21 by hospitals and ambulatory surgery centers, means all of the following data
22 elements:

23 b. Patient control or account number.

24 c. Patient ~~date of birth~~ age category.

25 i. Patient's employer's name or school name.

1 j. Insured's sex and date of birth.

2 *b1143/2.3* SECTION 2280gm. 153.50 (1) (b) 2. of the statutes is created to
3 read:

4 153.50 (1) (b) 2. "Patient-identifiable data", for information submitted by
5 health care providers who are not hospitals or ambulatory surgery centers, means
6 all of the following data elements:

7 a. Data elements specified in subd. 1. a. to g.

8 b. Whether the patient's condition is related to employment, and occurrence
9 and place of an auto accident or other accident.

10 c. Date of first symptom of current illness, of current injury or of current
11 pregnancy.

12 d. First date of patient's same or similar illness, if any.

13 e. Dates that the patient has been unable to work in his or her current
14 occupation.

15 f. Dates of receipt by patient of medical service.

16 g. The patient's city, town or village.

17 *b1143/2.3* SECTION 2280h. 153.50 (2) of the statutes is repealed.

18 *b1143/2.3* SECTION 2280i. 153.50 (3) (b) 7. of the statutes is created to read:

19 153.50 (3) (b) 7. The patient's account number, after use only as verification of
20 data by the department.

21 *b1143/2.3* SECTION 2280j. 153.50 (3) (c) of the statutes is created to read:

22 153.50 (3) (c) Develop, for use by purchasers of data under this chapter, a data
23 use agreement that specifies data use restrictions, appropriate uses of data and
24 penalties for misuse of data, and notify prospective and current purchasers of data
25 of the appropriate uses.

1 ***b1143/2.3* SECTION 2280k.** 153.50 (3) (d) of the statutes is created to read:
2 153.50 (3) (d) Require that a purchaser of data under this chapter sign and have
3 notarized the data use agreement of the department specified in par. (c).

4 ***b1143/2.3* SECTION 2280km.** 153.50 (3m) of the statutes is created to read:
5 153.50 (3m) HEALTHCARE PROVIDER MEASURES TO ENSURE PATIENT IDENTITY
6 PROTECTION. A health care provider that is not a hospital or ambulatory surgery
7 center shall, before submitting information required by the department under this
8 chapter, convert to a payer category code as specified by the department any names
9 of an insured's payer or other insured's payer.

10 ***b1143/2.3* SECTION 2280kp.** 153.50 (4) (intro.) of the statutes is renumbered
11 153.50 (4) (a) (intro.) and amended to read:

12 153.50 (4) (a) (intro.) ~~Under~~ Except as specified in par. (b), under the
13 procedures specified in sub. (5), release of patient-identifiable data may be made
14 only to any of the following:

15 ***b1143/2.3* SECTION 2280kq.** 153.50 (4) (a) of the statutes is repealed.

16 ***b1143/2.3* SECTION 2280kr.** 153.50 (4) (b) to (e) of the statutes are
17 renumbered 153.50 (4) (a) 1. to 4.

18 ***b1143/2.3* SECTION 2280ks.** 153.50 (4) (b) of the statutes is created to read:
19 153.50 (4) (b) Of information submitted by health care providers that are not
20 hospitals or ambulatory surgery centers, patient-identifiable data that contains a
21 patient's date of birth may be released under this subsection only under
22 circumstances as specified by rule by the department.

23 ***b1143/2.3* SECTION 2280ku.** 153.50 (5) (a) (intro.) of the statutes is amended
24 to read:

1 153.50 (5) (a) (intro.) The department may not release or provide access to
2 patient-identifiable data to a person authorized under sub. (4) (a), ~~(e)~~, ~~(d)~~ or ~~(e)~~
3 unless the authorized person requests the department, in writing, to release the
4 patient-identifiable data. The request shall include all of the following:

5 ***b1143/2.3* SECTION 2280kv.** 153.50 (5) (a) 3. of the statutes is amended to
6 read:

7 153.50 (5) (a) 3. For a person who is authorized under sub. (4) (a), ~~(e)~~ or ~~(d)~~ to
8 receive or have access to patient-identifiable data, evidence, in writing, that
9 indicates that authorization.

10 ***b1143/2.3* SECTION 2280kw.** 153.50 (5) (a) 4. (intro.) of the statutes is
11 amended to read:

12 153.50 (5) (a) 4. (intro.) For an entity that is authorized under sub. (4) ~~(e)~~ (a)
13 4. to receive or have access to patient-identifiable data, evidence, in writing, of all
14 of the following:

15 ***b1143/2.3* SECTION 2280kx.** 153.50 (5) (b) 3. of the statutes is amended to
16 read:

17 153.50 (5) (b) 3. For a person who believes that he or she is authorized under
18 sub. (4) (a), the action provided under s. 19.37.”.

19 ***b1143/2.4* 871.** Page 1170, line 22: after that line insert:

20 ***b1143/2.4* SECTION 2280p.** 153.50 (6) of the statutes is renumbered 153.50
21 (6) (a).

22 ***b1143/2.4* SECTION 2280q.** 153.50 (6) (b), (c), (d) and (e) of the statutes are
23 created to read:

1 153.50 (6) (b) The department may not require under this chapter a health care
2 provider that is a hospital or ambulatory surgery center to submit uniform patient
3 billing forms.

4 (c) A health care provider that is not a hospital or ambulatory surgery center
5 may not submit any of the following to the department under the requirements of
6 this chapter:

- 7 1. The data elements specified under sub. (3) (b).
- 8 2. The patient's telephone number.
- 9 3. The insured's employer's name or school name.
- 10 4. Data regarding insureds other than the patient, other than the name of the
11 insured's payer or other insured's payer.
- 12 5. The patient's employer's name or school name.
- 13 6. The patient's relationship to the insured.
- 14 7. The insured's identification number.
- 15 8. The insured's policy or group number.
- 16 9. The insured's date of birth or sex.
- 17 10. The patient's marital, employment or student status.

18 (d) If a health care provider that is not a hospital or ambulatory surgery center
19 submits a data element that is specified in par. (c) 1. to 10., the department shall
20 immediately return this information to the health care provider or, if discovered
21 later, shall remove and destroy the information.

22 (e) A health care provider may not submit information that uses any of the
23 following as a patient account number:

- 24 1. The patient's social security number or any substantial portion of the
25 patient's social security number.

1 2. A number that is related to another patient identifying number.

2 ***b1143/2.4* SECTION 2280r.** 153.55 of the statutes is amended to read:

3 **153.55 Protection of ~~health care provider confidentiality.~~ Health care**
4 ~~provider identifiable data~~ Data obtained under this chapter is not subject to
5 inspection, copying or receipt under s. 19.35 (1).”.

6 ***b1143/2.5* 872.** Page 1172, line 14: after that line insert:

7 ***b1143/2.5* “SECTION 2283g.** 153.67 of the statutes is created to read:

8 **153.67 Privacy institutional review board.** The privacy institutional
9 review board shall review any request under s. 153.45 (1) (c) for data elements other
10 than those available for public use data files under s. 153.45 (1) (b). Unless the
11 privacy institutional review board approves such a request, the data elements
12 requested may not be released.

13 ***b1143/2.5* SECTION 2283h.** 153.76 of the statutes is created to read:

14 **153.76 Rule-making by the privacy institutional review board.**

15 Notwithstanding s. 15.01 (1r), the privacy institutional review board may
16 promulgate only those rules that are first reviewed and approved by the board on
17 health care information.

18 ***b1143/2.5* SECTION 2283k.** 153.90 (1) of the statutes is amended to read:

19 153.90 (1) Whoever intentionally violates s. 153.45 (5) or 153.50 or rules
20 promulgated under s. 153.75 (1) (a) may be fined not more than ~~\$10,000~~ \$15,000 or
21 imprisoned for not more than ~~9 months~~ one year or both.”.

22 ***b0765/1.1* 873.** Page 1174, line 2: after that line insert:

23 ***b0765/1.1* “SECTION 2283t.** 157.065 (3) of the statutes is renumbered
24 157.065 (3) (a).

1 ***b0765/1.1* SECTION 2283u.** 157.065 (3) (b) of the statutes is created to read:
2 157.065 (3) (b) Any private school that provides an educational program for
3 grades 7 to 12 in a 4th class city may establish a private cemetery within the city on
4 land that the school owns, if the common council consents. No mausoleum within a
5 cemetery established under this paragraph may exceed 3,500 square feet in area.”.

6 ***b0828/2.14* 874.** Page 1174, line 2: after that line insert:

7 ***b0828/2.14* “SECTION 2283rm.** 155.01 (6) of the statutes is amended to read:
8 155.01 (6) “Health care facility” means a facility, as defined in s. 647.01 (4), or
9 any hospital, nursing home, community-based residential facility, county home,
10 county infirmary, county hospital, county mental health center, ~~tuberculosis~~
11 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,
12 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a
13 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.”.

14 ***b1104/3.8* 875.** Page 1174, line 2: after that line insert:

15 ***b1104/3.8* “SECTION 2287d.** 165.72 (title) of the statutes is amended to read:
16 **165.72 (title) Controlled Dangerous weapons or criminal activity in**
17 **schools hotline; controlled substances hotline and rewards for controlled**
18 **substances tips.**

19 ***b1104/3.8* SECTION 2287e.** 165.72 (1) (a) of the statutes is renumbered 165.72
20 (1) (aj).

21 ***b1104/3.8* SECTION 2287f.** 165.72 (1) (ad) of the statutes is created to read:
22 165.72 (1) (ad) “Dangerous weapon” has the meaning given in s. 939.22 (10).

23 ***b1104/3.8* SECTION 2287g.** 165.72 (2) (intro.) of the statutes is amended to
24 read:

1 165.72 (2) HOTLINE. (intro.) The department of justice shall maintain a single
2 toll-free telephone number during normal retail business hours, as determined by
3 departmental rule, for ~~both~~ all of the following:

4 ***b1104/3.8* SECTION 2287h.** 165.72 (2) (c) of the statutes is created to read:

5 165.72 (2) (c) For persons to provide information anonymously regarding
6 dangerous weapons or criminal activity in public or private schools.

7 ***b1104/3.8* SECTION 2287i.** 165.72 (2g) of the statutes is created to read:

8 165.72 (2g) AFTER-HOURS MESSAGE FOR CALLS CONCERNING DANGEROUS WEAPONS
9 IN SCHOOLS. If a call is made outside of normal retail business hours to the telephone
10 number maintained under sub. (2), the department shall provide for the call to be
11 received by a telephone answering system or service. The telephone answering
12 system or service shall provide a recorded message that requests the person calling
13 to call the telephone number "911" or a local law enforcement agency if the person
14 is calling to provide information regarding dangerous weapons or criminal activity
15 in a school.

16 ***b1104/3.8* SECTION 2287j.** 165.72 (2m) of the statutes is created to read:

17 165.72 (2m) TRANSMISSION OF INFORMATION CONCERNING DANGEROUS WEAPONS IN
18 SCHOOLS. Immediately upon receiving any information under sub. (2) (c) regarding
19 dangerous weapons or criminal activity in a school, or immediately at the beginning
20 of the next retail business day if the information is not received during normal retail
21 business hours, the department shall provide the information to all of the following:

22 (a) The administration of the school.

23 (b) The appropriate law enforcement agency for the municipality in which the
24 school is located.

25 ***b1104/3.8* SECTION 2287k.** 165.72 (7) of the statutes is amended to read:

1 165.72 (7) PUBLICITY. The department shall cooperate with the department of
2 public instruction in publicizing, in public and private schools, the use of the toll-free
3 telephone number under sub. (2).”.

4 ***b0803/3.14* 876.** Page 1174, line 14: after that line insert:

5 ***b0803/3.14* SECTION 2288g.** 165.76 (1) (a) of the statutes, as affected by 1999
6 Wisconsin Act (this act), is amended to read:

7 165.76 (1) (a) Is in a secured correctional facility, as defined in s. 938.02 (15m),
8 or a secured child caring institution, as defined in s. 938.02 (15g), or a secured group
9 home, as defined in s. 938.02 (15p), or on probation, extended supervision, parole,
10 supervision or aftercare supervision on or after August 12, 1993, for any violation of
11 s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.”.

12 ***b0803/3.15* 877.** Page 1175, line 9: after that line insert:

13 ***b0803/3.15* SECTION 2289d.** 165.76 (2) (b) 2. of the statutes is amended to
14 read:

15 165.76 (2) (b) 2. If the person has been sentenced to prison or placed in a secured
16 correctional facility ~~or~~, a secured child caring institution or a secured group home,
17 he or she shall provide the specimen under par. (a) at the office of a county sheriff as
18 soon as practicable after release on parole, extended supervision or aftercare
19 supervision, as directed by his or her probation, extended supervision and parole
20 agent or aftercare agent, except that the department of corrections or the county
21 department under s. 46.215, 46.22 or 46.23 operating the secured group home in
22 which the person is placed may require the person to provide the specimen while he
23 or she is in prison or in a the secured correctional facility ~~or a~~, secured child caring
24 institution or secured group home.”.

1 ***b0749/1.2* 878.** Page 1176, line 24: after that line insert:

2 ***b0749/1.2* "SECTION 2301m.** 166.03 (2) (a) 6. of the statutes is created to read:

3 166.03 (2) (a) 6. Purchase from the appropriation under s. 20.465 (3) (a), at a
4 cost not to exceed \$110,000, infrared optical equipment to be located and maintained
5 by the Chippewa County emergency management agency and used by the civil air
6 patrol to search for lost individuals.”.

7 ***b0750/1.1* 879.** Page 1177, line 13: after that line insert:

8 ***b0750/1.1* "SECTION 2303b.** 166.215 (1) of the statutes is amended to read:

9 166.215 (1) The Beginning July 1, 2001, the division shall contract with no
10 fewer than 7 and no more than 9 regional emergency response teams, each of which
11 will one of which shall be located in La Crosse County. Each regional emergency
12 response team shall assist in the emergency response to level A releases in a region
13 of this state designated by the division. The division shall contract with at least one
14 regional emergency response team in each area designated under s. 166.03 (2) (b) 1.
15 The division may only contract with a local agency, as defined in s. 166.22 (1) (c),
16 under this subsection. A member of a regional emergency response team shall meet
17 the standards for a hazardous materials specialist in 29 CFR 1910.120 (q) (6) (iv) and
18 national fire protection association standards NFPA 471 and 472. Payments to
19 regional emergency response teams under this subsection shall be made from the
20 appropriation account under s. 20.465 (3) (dd).”.

21 ***b0767/1.3* 880.** Page 1179, line 5: after that line insert:

22 ***b0767/1.3* "SECTION 2305m.** 180.1901 (1m) (bs) of the statutes is created to
23 read:

1 180.1901 (1m) (bs) Athletic trainers affiliated credentialing board under
2 subch. VI of ch. 448.”.

3 ***b1120/1.1* 881.** Page 1179, line 5: after that line insert:

4 ***b1120/1.1* SECTION 2304c.** 180.0103 (6) of the statutes is repealed and
5 recreated to read:

6 180.0103 (6) “Deliver” or “delivery” means any method of delivery used in
7 conventional commercial practice, including delivery by hand, mail, commercial
8 delivery and electronic transmission.

9 ***b1120/1.1* SECTION 2304cm.** 180.0103 (7m) of the statutes is created to read:

10 180.0103 (7m) “Electronic transmission” or “electronically transmitted”
11 means internet transmission, telephonic transmission, electronic mail
12 transmission, transmission of a telegram, cablegram or datagram or any other form
13 or process of communication that does not directly involve the physical transfer of
14 paper and that is suitable for the retention, retrieval and reproduction of information
15 by the recipient.

16 ***b1120/1.1* SECTION 2304dm.** 180.0103 (16) of the statutes is amended to
17 read:

18 180.0103 (16) “Signed” or “signature” includes any manual, facsimile,
19 conformed or electronic signature or any symbol executed or adopted by a party with
20 present intention to authenticate a writing or electronic transmission.

21 ***b1120/1.1* SECTION 2304ed.** 180.0141 (2) (a) of the statutes is amended to
22 read:

23 180.0141 (2) (a) A person shall give notice in writing, except as provided in par.
24 (b). For purposes of this section, notice by electronic transmission is written notice.

1 ***b1120/1.1* SECTION 2304fb.** 180.0141 (3) of the statutes is amended to read:

2 180.0141 (3) Except as provided in s. 180.0721 (4) or unless otherwise provided
3 in the articles of incorporation or bylaws, notice may be communicated in person, ;
4 by telephone, telegraph, teletype, facsimile or other form of wire or wireless
5 communication, or by mail or private carrier, and, if mail or other method of delivery;
6 by telephone, including voice mail, answering machine or answering service; or by
7 any other electronic means. If these forms of personal notice are impracticable,
8 notice may be communicated by a newspaper of general circulation in the area where
9 published, or by radio, television or other form of public broadcast communication.

10 ***b1120/1.1* SECTION 2304fh.** 180.0141 (5) (b) of the statutes is renumbered
11 180.0141 (5) (b) (intro.) and amended to read:

12 180.0141 (5) (b) (intro.) Written notice by a domestic corporation or foreign
13 corporation to its shareholder is effective when under any of the following conditions:

14 1. When mailed and may be, but only if mailed postpaid and addressed to the
15 shareholder's address shown in the domestic corporation's or foreign corporation's
16 current record of shareholders.

17 ***b1120/1.1* SECTION 2304gb.** 180.0141 (5) (b) 2. of the statutes is created to
18 read:

19 180.0141 (5) (b) 2. When electronically transmitted to the shareholder in a
20 manner authorized by the shareholder.

21 ***b1120/1.1* SECTION 2304gm.** 180.0722 (2) of the statutes is repealed and
22 recreated to read:

23 180.0722 (2) (a) A shareholder entitled to vote at a meeting of shareholders, or
24 to express consent or dissent in writing to any corporate action without a meeting of
25 shareholders, may authorize another person to act for the shareholder by appointing

1 the person as proxy. An appointment of a proxy may be in durable form as provided
2 in s. 243.07.

3 (b) Without limiting the manner in which a shareholder may appoint a proxy
4 under par. (a), a shareholder or the shareholder's authorized officer, director,
5 employe, agent or attorney-in-fact may use any of the following as a valid means to
6 make such an appointment:

7 1. Appointment of a proxy in writing by signing or causing the shareholder's
8 signature to be affixed to an appointment form by any reasonable means, including,
9 but not limited to, by facsimile signature.

10 2. Appointment of a proxy by transmitting or authorizing the transmission of
11 an electronic transmission of the appointment to the person who will be appointed
12 as proxy or to a proxy solicitation firm, proxy support service organization or like
13 agent authorized to receive the transmission by the person who will be appointed as
14 proxy. Every electronic transmission shall contain, or be accompanied by,
15 information that can be used to reasonably determine that the shareholder
16 transmitted or authorized the transmission of the electronic transmission. Any
17 person charged with determining whether a shareholder transmitted or authorized
18 the transmission of the electronic transmission shall specify the information upon
19 which the determination is made.

20 (c) Any copy, facsimile telecommunication or other reliable reproduction of the
21 information in the appointment form under par. (b) 1. or the electronic transmission
22 under par. (b) 2. may be substituted or used in lieu of the original appointment form
23 or electronic transmission for any purpose for which the original appointment form
24 or electronic transmission could be used, but only if the copy, facsimile

1 telecommunication or other reliable reproduction is a complete reproduction of the
2 information in the original appointment form or electronic transmission.

3 ***b1120/1.1* SECTION 2304gz.** 180.0722 (3) of the statutes is amended to read:

4 180.0722 (3) An appointment of a proxy is effective when a signed appointment
5 form or an electronic transmission of the appointment is received by the ~~secretary~~
6 ~~or other~~ inspector of election or the officer or agent of the corporation authorized to
7 tabulate votes. An appointment is valid for 11 months ~~from the date of its signing~~
8 unless a different period is expressly provided in the appointment ~~form~~.

9 ***b1120/1.1* SECTION 2304hd.** 180.0722 (4) (a) (intro.) of the statutes is
10 amended to read:

11 180.0722 (4) (a) (intro.) An appointment of a proxy is revocable ~~by the~~
12 ~~shareholder~~ unless the appointment form ~~conspicuously~~ or electronic transmission
13 states that it is irrevocable and the appointment is coupled with an interest.
14 Appointments coupled with an interest include, but are not limited to, the
15 appointment of any of the following:

16 ***b1120/1.1* SECTION 2304hL.** 180.0722 (7) of the statutes is amended to read:

17 180.0722 (7) Subject to s. 180.0724 and to any express limitation on the proxy's
18 authority ~~appearing on the face of~~ stated in the appointment form or electronic
19 transmission, a corporation may accept the proxy's vote or other action as that of the
20 shareholder making the appointment.

21 ***b1120/1.1* SECTION 2304ho.** 180.0722 (8) (a) of the statutes is amended to
22 read:

23 180.0722 (8) (a) Notwithstanding sub. (4), may be revoked at any time by
24 openly stating the revocation at a shareholder meeting or appointing a new proxy in
25 writing the manner provided under sub. (2) (b).

1 ***b1120/1.1* SECTION 2304jb.** 180.0724 (4) of the statutes is amended to read:
2 180.0724 (4) The corporation and its officer or agent who accepts or rejects a
3 vote, consent, waiver or proxy appointment in good faith and in accordance with this
4 section or s. 180.0722 (2) are not liable in damages to the shareholder for the
5 consequences of the acceptance or rejection.

6 ***b1120/1.1* SECTION 2304jm.** 180.0724 (5) of the statutes is amended to read:
7 180.0724 (5) Corporate action based on the acceptance or rejection of a vote,
8 consent, waiver or proxy appointment under this section or s. 180.0722 (2) is valid
9 unless a court of competent jurisdiction determines otherwise.”.

10 ***b1192/2.1* 882.** Page 1179, line 5: after that line insert:

11 ***b1192/2.1* “SECTION 2307a.** 177.01 (10) of the statutes is renumbered 177.01
12 (10) (a).

13 ***b1192/2.1* SECTION 2307d.** 177.01 (10) (b) of the statutes is created to read:
14 177.01 (10) (b) “Intangible property” does not include a credit balance issued
15 to a commercial customer account by a business association in the ordinary course
16 of business, unless the credit balance is property described in s. 177.06 (1) or (2) held
17 by a banking organization or financial organization.”.

18 ***b0730/1.8* 883.** Page 1179, line 19: after that line insert:

19 ***b0730/1.8* “SECTION 2308r.** 186.098 (12) of the statutes is amended to read:
20 186.098 (12) LOANS TO MEMBERS. A credit union may make loans to members
21 secured by assignment or transfer of stock certificates or other evidence of the
22 borrower’s ownership interest in a corporation formed for the cooperative ownership
23 of real estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a
24 mortgage involving a one-family residence, apply to a proceeding to enforce the

1 lender's rights in security given for a loan under this subsection. The office of credit
2 unions shall promulgate joint rules with the ~~divisions of savings and loan~~ division
3 of savings institutions and the division of banking that establish procedures for
4 enforcing a lender's rights in security given for a loan under this subsection.”.

5 *b1060/1.2* **884.** Page 1179, line 19: after that line insert:

6 *b1060/1.2* “SECTION 2308dm. 189.02 (7) of the statutes is created to read:
7 189.02 (7) At least 14 days before submitting to the public service commission
8 any personnel or budget request that affects any appropriation to the department of
9 transportation, the office shall notify the secretary of the request.”.

10 *b1068/1.1* **885.** Page 1179, line 19: after that line insert:

11 *b1068/1.1* “SECTION 2308gg. 195.28 (1m) of the statutes is created to read:
12 195.28 (1m) APPORTIONMENT OF EXPENSE. The office shall fix the proportion of
13 the cost and expense of crossing protection devices and installation, and any other
14 work ordered under sub. (1), to be paid by the parties in interest. The office may order
15 any party in interest to pay the cost and expenses apportioned to that party under
16 this subsection.

17 *b1068/1.1* SECTION 2308gk. 195.28 (2) of the statutes is amended to read:

18 195.28 (2) INSTALLATION COSTS. ~~The~~ Subject to sub. (1m), the cost of any signal
19 or other crossing protection device ~~which~~ that is ordered installed under sub. (1) and
20 the cost of installing any such device shall be paid by the department from the
21 appropriations under s. 20.395 (2) (gj), (gr) and (gx).”.

22 *b1101/1.2* **886.** Page 1179, line 19: after that line insert:

23 *b1101/1.2* “SECTION 2308mg. 195.28 (1) of the statutes is amended to read:

1 195.28 (1) PETITION; HEARING; ORDER. Upon petition of the department, city
2 council, village board, town board, superintendent of highways or by 5 or more
3 electors in any town, village or city, or of any railroad corporation or railroad
4 historical society, to determine whether a public highway and railroad grade crossing
5 protects and promotes public safety, the office may investigate and issue an
6 appropriate order without a public hearing. If the petitioner, railroad, railroad
7 historical society or any interested party objects to the order and requests a hearing
8 within 20 days after the date that the order is issued, the office shall proceed under
9 s. 195.04. Notice of an investigation or hearing shall be served upon the department,
10 which shall be an interested party, and any recommendation it may file with the
11 office at or prior to a hearing, if there is one, regarding crossing protection shall be
12 considered as evidence in the proceeding. The office shall determine whether the
13 existing warning devices at such crossing are adequate to protect and promote public
14 safety. If the office determines, either without or after a hearing, that protection is
15 not adequate, it may order the railroad company or railroad historical society to keep
16 a flagman at the crossing or to install automatic signals or other suitable safety
17 device at specific locations at such crossing. The office may order the relocation of
18 existing signals and devices to improve protection at a crossing. To the greatest
19 extent practicable, orders under this subsection shall be executed in the priority
20 recommended under sub. (2m) (d), except that the recommendation shall be
21 disregarded if the office determines that immediate improvement of a crossing is
22 necessary to protect public safety. Any crossing protection installed or maintained
23 as approved by the office, whether by order or otherwise, shall be deemed adequate
24 and appropriate protection for the crossing.

25 ***b1101/1.2* SECTION 2308mj.** 195.28 (2m) of the statutes is created to read:

1 195.28 (2m) DUTIES OF THE COUNCIL ON RAILROAD GRADE CROSSINGS. The council
2 on railroad grade crossings shall do all of the following:

3 (a) Establish and maintain a railroad crossing data base. The data base shall
4 be available to the office and the department.

5 (b) Recommend to the office and to the department desirable funding levels for
6 railroad crossing protection installation and maintenance under subs. (2) and (3).

7 (c) Meet at least once annually to review all railroad crossing improvements
8 ordered by the office.

9 (d) Determine and recommend to the office which railroad crossing
10 improvements should be constructed during the following 3 years and the order in
11 which those projects should be completed to maximize the safety benefits of the
12 projects. In determining the order in which projects should be completed, the council
13 shall consider all of the following:

14 1. The volume and speed of trains and traffic at the railroad crossing.

15 2. The physical features of the railroad crossing, including curves, hills and
16 other features that may reduce the visibility of motorists at the railroad crossing.

17 3. The history of accidents at the railroad crossing.

18 4. Anticipated changes in the volume or speed of motor vehicles or train traffic
19 at the railroad crossing.

20 5. Any other factors the council considers appropriate.”

21 ***b1203/1.3* 887.** Page 1179, line 19: after that line insert:

22 ***b1203/1.3* “SECTION 2308m.** 185.981 (4t) of the statutes is amended to read:

23 185.981 (4t) A sickness care plan operated by a cooperative association is
24 subject to ss. 252.14, 631.89, 632.72 (2), 632.745 to 632.749, 632.85, 632.853, 632.855,

1 632.87 (2m), (3), (4) and (5), 632.872, 632.895 (10) to (13) and 632.897 (10) and chs.
2 149 and 155.

3 *b1203/1.3* **SECTION 2308p.** 185.983 (1) (intro.) of the statutes is amended to
4 read:

5 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
6 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
7 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72
8 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87
9 (2m), (3), (4) and (5), 632.872, 632.895 (5) and (9) to (13), 632.896 and 632.897 (10)
10 and chs. 609, 630, 635, 645 and 646, but the sponsoring association shall.”.

11 *b0764/1.1* **888.** Page 1179, line 21: after that line insert:

12 *b0764/1.1* **SECTION 2309q.** 196.19 (1m) (b) of the statutes is amended to
13 read:

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

23 *b0764/1.1* **SECTION 2309r.** 196.19 (1m) (e) of the statutes is repealed.”.

1 ***b0761/1.1* 889.** Page 1180, line 15: delete “The ~~commission~~” and substitute
2 “~~The commission~~ Except as provided in s. 196.218 (4t), the”.

3 ***b0761/1.2* 890.** Page 1183, line 20: after that line insert:

4 ***b0761/1.2* SECTION 2329g.** 196.218 (4t) of the statutes is created to read:
5 196.218 (4t) EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM RULES. The
6 commission, in consultation with the department of administration and the
7 technology for educational achievement in Wisconsin board, shall promulgate rules
8 specifying the telecommunications services eligible for funding through the
9 educational telecommunications access program under s. 44.73.”.

10 ***b1240/1.2* 891.** Page 1184, line 9: after “bases.” insert “This subdivision
11 does not apply after June 30, 2001.”.

12 ***b0862/1.4* 892.** Page 1184, line 18: after that line insert:

13 ***b0862/1.4* SECTION 2332n.** 196.218 (5) (a) 10. of the statutes is created to
14 read:

15 196.218 (5) (a) 10. To provide administrative services under the rehabilitation
16 teaching program for blind and visually impaired persons under s. 46.293.”.

17 ***b1241/1.3* 893.** Page 1185, line 20: delete the material beginning with that
18 line and ending with page 1186, line 9, and substitute:

19 ***b1241/1.3* SECTION 2335mr.** 196.44 (2) (b) of the statutes is repealed.

20 ***b1241/1.3* SECTION 2336mr.** 196.85 (2m) of the statutes is repealed.”.

21 ***b0764/1.2* 894.** Page 1186, line 2: after that line insert:

22 ***b0764/1.2* SECTION 2336g.** 196.77 of the statutes is amended to read:

23 **196.77 Promotional rates.** Except as provided in this section, nothing in this
24 chapter prohibits a telecommunications utility from filing a tariff to make a limited

1 offering of promotional rates. A promotional rate under this section shall take effect
2 automatically at the time specified in the tariff ~~but not earlier than 10 days after the~~
3 ~~date the tariff is filed with the commission~~ unless the commission ~~authorizes an~~
4 ~~earlier effective date or~~ suspends the tariff within 10 days after the date on which
5 it is filed. The commission may suspend a tariff if it believes that the tariff violates
6 s. 196.204, 196.209 or 196.219. If the commission suspends a tariff, it shall
7 investigate and resolve the matter within 60 days after the date on which the tariff
8 is suspended or the tariff shall be effective as filed.”

9 *b0730/1.9* **895.** Page 1186, line 9: after that line insert:

10 *b0730/1.9* “**SECTION 2337a.** 214.01 (1) (im) of the statutes is amended to
11 read:

12 214.01 (1) (im) “Division” means the division of savings ~~and loan~~ institutions.

13 *b0730/1.9* **SECTION 2338a.** 214.592 of the statutes is amended to read:

14 **214.592 Financially related services tie-ins.** In any transaction conducted
15 by a savings bank, a savings bank holding company or a subsidiary of either with a
16 customer who is also a customer of any other subsidiary of any of them, the customer
17 shall be given a notice in 12–point boldface type in substantially the following form:

18 **NOTICE OF RELATIONSHIP**

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

1 companies at either of the above addresses or the division of savings ~~and loan~~
2 institutions at ... (insert address).”.

3 *b0793/2.22* **896.** Page 1186, line 9: after that line insert:

4 *b0793/2.22* “SECTION 2336s. 197.04 (1) (b) and (2) of the statutes are
5 amended to read:

6 197.04 (1) (b) If within either of the 90-day periods described in par. (a) a
7 petition conforming to the requirements of s. 8.40 is filed with the clerk of the
8 municipality and the petition has been signed by 5% of the electors of a 1st class city
9 or by 10% of the electors of all other municipalities requesting that the question of
10 discontinuing the proceeding to acquire the plant or equipment of the public utility
11 be submitted to the electors of the municipality, the applicable question under par.
12 (c) shall be submitted to the electors at ~~any general or regular municipal~~ the
13 succeeding election authorized under s. 8.065 (2) or an election authorized under s.
14 8.065 (3) that may be is held not less than 30, and not more than 35, days from the
15 date of the filing of the petition. If no general election or regular municipal election
16 is to be held within the stated periods, the governing body of the municipality shall
17 order the holding of a special election for the purpose of submitting the question to
18 the electors.

19 (2) The governing body of the municipality may provide for notice of, the
20 manner of holding s, the method of voting on, the method of making returns of, and
21 the method of canvassing and determining the result of, the election required under
22 sub. (1). Notice of the election to the electors shall be given by a brief notice of that
23 fact once a week for 3 weeks in some newspaper of general circulation published in
24 the municipality. If no newspaper of general circulation is published in the

1 municipality, publication may be made in any newspaper of general circulation in the
2 county seat of the county in which the municipality is located. ~~The notice of holding~~
3 ~~any special election shall be incorporated as a part of the notice given under this~~
4 ~~subsection.~~

5 ***b0793/2.22* SECTION 2336u.** 197.10 (2) of the statutes is amended to read:

6 197.10 (2) Such contract when adopted by the common council of said city and
7 accepted by the owner or owners of such public utility shall be submitted to the public
8 service commission for its approval and upon such approval the same shall be
9 submitted in such manner as the common council shall determine to a vote of the
10 electors of such city at the next ~~regular municipal election or at a special election~~
11 ~~called for that purpose~~ authorized under s. 8.065 (2) or an election authorized under
12 s. 8.065 (3) to be held not sooner than 45 days after approval of the commission, and
13 such contract shall not become binding upon such city until approved by a majority
14 vote of the qualified electors of such city voting thereon. No bonds shall in any case
15 be issued by said city under the contract or contracts mentioned in sub. (1), until the
16 proposition of their issue shall have been submitted to the people of such city and
17 adopted by a majority of the electors voting thereon.

18 ***b0793/2.22* SECTION 2336w.** 198.19 (1) of the statutes is amended to read:

19 198.19 (1) Any territory, constituting one or more municipalities contiguous to
20 a district may be annexed to and become a part of such district to all intents and
21 purposes and with like effect as though originally included therein upon such terms
22 and conditions as the board of directors of the district shall fix by ordinance adopted
23 by the affirmative vote of two-thirds of the directors—elect, provided that before such
24 ordinance becomes effective the same shall be accepted and ratified by the
25 affirmative vote of a majority of the qualified electors entitled to vote and voting in

1 a ~~special election~~ referendum called and held for that purpose, in accordance with
2 s. 8.065, in each municipality proposed in such ordinance to be annexed to the
3 district. Such ordinance shall be published and such election shall be noticed, held
4 and conducted, as nearly as may be, in the manner provided by this chapter for the
5 noticing, holding and conduct of elections upon the organization of a municipal power
6 district, except that the returns of such election and the ballots therein shall be
7 delivered to the clerk of the district. The results of said election shall be canvassed
8 publicly by the directors of the district.”.

9 *b0807/1.1* **897**. Page 1186, line 9: after that line insert:

10 *b0807/1.1* “**SECTION 2342bc.** 218.01 (2) (L) of the statutes is created to read:
11 218.01 (2) (L) 1. Words and phrases defined in sub. (2c) (am) have the same
12 meaning in this paragraph.

13 2. The department may not issue a dealer license under this section, unless the
14 department has determined that no factory will hold an ownership interest in or
15 operate or control the dealership or that one of the exceptions under sub. (2c) (cm)
16 applies.

17 3. If the applicant asserts that sub. (2c) (cm) 2. applies, the department shall
18 require the applicant to provide a copy of the written agreement described in sub. (2c)
19 (cm) 2. d. for examination by the department to ensure that the agreement meets the
20 requirements of sub. (2c) (cm) 2.

21 4. If the division of hearings and appeals determines, after a hearing on the
22 matter at the request of the department or any licensee, that a factory holds an
23 ownership interest in a dealership or operates or controls a dealership in violation

1 of this subsection, the division shall order the denial or revocation of the dealership's
2 license.

3 *b0807/1.1* SECTION 2342bf. 218.01 (2c) (intro.) of the statutes is renumbered
4 218.01 (2c) (bm) and amended to read:

5 218.01 (2c) (bm) A ~~manufacturer, importer or distributor, or a subsidiary~~
6 ~~thereof, factory~~ shall not own, directly or indirectly, hold an ownership interest in
7 or operate or control a motor vehicle dealership in this state.

8 (cm) This subsection does not prohibit any of the following:

9 *b0807/1.1* SECTION 2342bi. 218.01 (2c) (a) of the statutes is renumbered
10 218.01 (2c) (cm) 1. and amended to read:

11 218.01 (2c) (cm) 1. ~~The ownership and operation by a manufacturer, importer~~
12 ~~or distributor, or a subsidiary thereof, of A factory from holding an ownership~~
13 interest in or operating a dealership for a temporary period, not to exceed one year,
14 during the transition from one owner or dealer operator to another.

15 *b0807/1.1* SECTION 2342bL. 218.01 (2c) (am) of the statutes is created to
16 read:

17 218.01 (2c) (am) In this subsection:

18 1. "Agent" means a person who is employed by or affiliated with a factory or who
19 directly or through an intermediary is controlled by or under common control of a
20 factory.

21 2. "Control" means the possession, direct or indirect, of the power to direct or
22 cause the direction of the management or policies of a person, whether through the
23 ownership of voting securities, by contract or otherwise.

24 3. "Dealer operator" means an individual who is vested with the power and
25 authority to operate a dealership.

1 4. “Dealership” means a person licensed or required to be licensed as a motor
2 vehicle dealer under this section.

3 4m. “Department” means the department of transportation.

4 5. “Factory” means a manufacturer, distributor or importer, or an agent of a
5 manufacturer, distributor or importer.

6 6. “Operate” means to directly or indirectly manage a dealership.

7 7. “Ownership interest” means the beneficial ownership of one percent or more
8 of any class of equity interest in a dealership, whether the interest is that of a
9 shareholder, partner, limited liability company member or otherwise. To “hold” an
10 ownership interest means to have possession of, title to or control of the ownership
11 interest, whether directly or indirectly through a fiduciary or an agent.

12 ***b0807/1.1* SECTION 2342bo.** 218.01 (2c) (b) of the statutes is repealed.

13 ***b0807/1.1* SECTION 2342br.** 218.01 (2c) (c) of the statutes is renumbered
14 218.01 (2c) (cm) 3. and amended to read:

15 218.01 (2c) (cm) 3. The ownership, operation or control of a dealership by a
16 ~~manufacturer, importer or distributor, or subsidiary thereof, which factory that~~ does
17 not meet the conditions under ~~par. (a) or (b) subds. 1. or 2.~~, if the division of hearings
18 and appeals determines, after a hearing on the matter at the request of any party,
19 that there is no prospective independent dealer available to own and operate the
20 dealership in a manner consistent with the public interest and that meets the
21 reasonable standard and uniformly applied qualifications of the ~~manufacturer,~~
22 ~~importer or distributor~~ factory.

23 ***b0807/1.1* SECTION 2342bu.** 218.01 (2c) (cm) 2. of the statutes is created to
24 read:

1 218.01 (2c) (cm) 2. A factory from holding an ownership interest in a
2 dealership, if all of the following apply:

3 a. The dealer operator of the dealership is an individual who is not an agent
4 of the factory.

5 b. The dealer operator of the dealership is unable to acquire full ownership of
6 the dealership with his or her own assets or in conjunction with financial
7 investments and loans from investors or lenders other than the factory holding an
8 ownership interest in the dealership.

9 c. The dealer operator of the dealership holds not less than 15 percent of the
10 total ownership interests in the dealership within one year from the date that the
11 factory initially acquires any ownership interest in the dealership.

12 d. There is a bona fide written agreement in effect between the factory and the
13 dealer operator of the dealership under which the dealer operator will acquire all of
14 the ownership interest in the dealership held by the factory on reasonable terms
15 specified in the agreement and that grants the dealer operator the right to acquire
16 all of the ownership interest in the dealership held by the factory not later than five
17 years after the effective date of the agreement.

18 e. The written agreement described in subd. 2. d. does not unreasonably restrict
19 the source of funds used by the dealer operator to acquire ownership interest in the
20 dealership held by the factory. A restriction that requires the dealer operator to use
21 only funds that are received in the form of salaries, bonuses, dividends or other
22 payments to him or her as the dealer operator, or as the holder of an ownership
23 interest in the dealership, to acquire the factory's ownership interest in the
24 dealership is considered unreasonable.

1 f. The written agreement described in subd. 2. d. provides that the dealer
2 operator will make reasonable progress toward acquiring all of the ownership
3 interest in the dealership, and the dealer is making reasonable progress toward
4 acquiring all of the ownership interest in the dealership.

5 g. Not more than eight years have elapsed since the factory initially acquired
6 its ownership interest in the dealership, unless the department, upon petition by the
7 dealer operator, determines that there is good cause to allow the dealer operator a
8 longer period to complete his or her acquisition of all of the ownership interest in the
9 dealership held by the factory and the longer period determined by the department
10 has not yet elapsed.

11 h. If the factory owns the real property at which the dealership is located, the
12 written agreement described in subd. 2. d. provides the dealer operator with the right
13 to purchase the real property from the factory for its fair market value at the time
14 that the dealer completes his or her acquisition of the factory's ownership interest
15 in the dealership and there is no obligation by the dealer operator to lease the real
16 property to the factory after the dealer operator purchase the real property.

17 *b0807/1.1* SECTION 2342bw. 218.01 (3x) (d) 1. of the statutes is repealed.”.

18 *b0729/2.1* 898. Page 1193, line 3: after that line insert:

19 *b0729/2.1* “SECTION 2345e. 221.0901 (3) (a) 1. of the statutes is amended to
20 read:

21 221.0901 (3) (a) 1. Merge or consolidate with an in-state bank holding company
22 or an in-state bank.

23 *b0729/2.1* SECTION 2245m. 221.0901 (8) (a) of the statutes is amended to
24 read:

1 221.0901 (8) (a) Except as provided in pars. (b) and (c), the division may not
2 approve an application ~~by an out-of-state bank holding company~~ under sub. (3) (a),
3 other than an application by an in-state bank or an in-state bank holding company,
4 unless the in-state bank to be acquired, or ~~all every~~ in-state bank ~~subsidiaries~~
5 subsidiary of the in-state bank holding company to be acquired, ~~have as of the~~
6 proposed date of acquisition has been in existence and in continuous operation for
7 at least 5 years as of the proposed date of acquisition.

8 ***b0729/2.1* SECTION 2245p.** 221.0901 (8) (b) of the statutes is amended to
9 read:

10 221.0901 (8) (b) The division may approve an application for an acquisition of
11 an in-state bank holding company that owns one or more in-state banks that have
12 been in existence for less than 5 years, if the ~~out-of-state bank holding company~~
13 applicant divests itself of those in-state banks within 2 years after the date of the
14 applicant's acquisition of the in-state bank holding company ~~by the out-of-state~~
15 bank holding company. This paragraph does not apply to an application by an
16 in-state bank or an in-state bank holding company."

17 ***b0730/1.10* 899.** Page 1193, line 3: after that line insert:

18 ***b0730/1.10* "SECTION 2343a.** 220.04 (9) (a) 2. of the statutes is amended to
19 read:

20 220.04 (9) (a) 2. "Regulated entity" means a bank, universal bank, trust
21 company bank and any other entity which is described in s. 220.02 (2) or 221.0526
22 as under the supervision and control of the division.

23 ***b0730/1.10* SECTION 2344a.** 221.0303 (2) of the statutes is amended to read:

1 221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS
2 TERMINALS. A bank may, directly or indirectly, acquire, place and operate, or
3 participate in the acquisition, placement and operation of, at locations other than its
4 main or branch offices, customer bank communications terminals, in accordance
5 with rules established by the division. The rules of the division shall provide that
6 any such customer bank communications terminal shall be available for use, on a
7 nondiscriminatory basis, by any state or national bank and by all customers
8 designated by a bank using the terminal. This subsection does not authorize a bank
9 which has its principal place of business outside this state to conduct banking
10 business in this state. The customer bank communications terminals also shall be
11 available for use, on a nondiscriminatory basis, by any credit union, savings and loan
12 association or savings bank, if the credit union, savings and loan association or
13 savings bank requests to share its use, subject to rules jointly established by the
14 division of banking, the office of credit unions and the division of savings ~~and loan~~
15 institutions. The division by order may authorize the installation and operation of
16 a customer bank communications terminal in a mobile facility, after notice and
17 hearing upon the proposed service stops of the mobile facility.

18 ***b0730/1.10* SECTION 2345a.** 221.0321 (5) of the statutes is amended to read:
19 221.0321 (5) CERTAIN SECURED LOANS. A bank may make loans secured by
20 assignment or transfer of stock certificates or other evidence of the borrower's
21 ownership interest in a corporation formed for the cooperative ownership of real
22 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage
23 involving a one-family residence, apply to a proceeding to enforce the lender's rights
24 in security given for a loan under this subsection. The division shall promulgate joint
25 rules with the office of credit unions and the division of savings ~~and loan~~ institutions

1 that establish procedures for enforcing a lender's rights in security given for a loan
2 under this subsection.

3 ***b0730/1.10* SECTION 2346.** Chapter 222 of the statutes is created to read:

4 **CHAPTER 222**

5 **UNIVERSAL BANKS**

6 **SUBCHAPTER I**

7 **GENERAL PROVISIONS**

8 **222.0101 Title.** This chapter may be cited as the "Wisconsin universal bank
9 law".

10 **222.0102 Definitions.** In this chapter:

11 (1) "Adequately capitalized" has the meaning given in 12 USC 1831o (b) (1) (B).

12 (2) "Capital" of a universal bank means the sum of the following, less the
13 amount of intangible assets that is not considered to be qualifying capital by a deposit
14 insurance corporation or the division:

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

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

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

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

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

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

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

12 **222.0103 Applicability. (1) SAVINGS BANKS.** A universal bank that is a savings
13 bank organized under ch. 214 remains subject to all of the requirements, duties and
14 liabilities, and may exercise all of the powers, of a savings bank, except that in the
15 event of a conflict between this chapter and those requirements, duties, liabilities or
16 powers, this chapter shall control.

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

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

1 (a) The financial institution is chartered or organized, and regulated, under ch.
2 214, 215 or 221 and has been in existence and continuous operation for a minimum
3 of 3 years prior to the date of the application.

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

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

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

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

17 **222.0205 Certificate of authority.** Upon approval of the application under
18 s. 222.0201 for certification as a universal bank, the division shall issue to the
19 applicant a certificate of authority stating that the financial institution is certified
20 as a universal bank under this chapter.

21 **222.0207 Decertification.** A financial institution that is certified as a
22 universal bank under this chapter may elect to terminate its certification upon 60
23 days' prior written notice to the division and written approval of the division. The
24 financial institution shall, as a condition to the termination, terminate its exercise
25 of all powers granted under this chapter prior to the termination of the certification.

1 Written approval of the termination by the division is void if the financial institution
2 fails to satisfy the precondition to termination under this section.

3 SUBCHAPTER III

4 ORGANIZATION

5 **222.0301 Articles of incorporation and bylaws.** A universal bank shall
6 continue to operate under its articles of incorporation and bylaws as in effect prior
7 to certification as a universal bank or as such articles or bylaws may be subsequently
8 amended in accordance with the provisions of the chapter under which the universal
9 bank was organized or chartered.

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

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

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

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

24 (3) EXCEPTIONS. A universal bank may apply to the division for authority to use
25 a name that does not meet the requirement under sub. (2). The division may

1 authorize the use of the name if any of the conditions under s. 221.0403 (2) (a) or (b)
2 is met.

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

6 (a) Merged with the other institution.

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

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

10 **222.0305 Capital and assets. (1) CAPITAL REQUIREMENTS.** Notwithstanding
11 subch. VI of ch. 214 and ss. 215.24 and 221.0205, the division shall determine the
12 minimum capital requirements of universal banks.

13 (2) CERTAIN ASSET REQUIREMENTS. Section 214.045 does not apply to universal
14 banks.

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

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

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

3 (b) For universal banks organized under ch. 215, ss. 215.35, 215.36, 215.53 and
4 215.73.

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

6 SUBCHAPTER IV

7 POWERS

8 **222.0401 Federal financial institution powers. (1) IN GENERAL.** Subject
9 to the limitations in this section, universal banks may exercise all powers that may
10 be exercised, directly or indirectly through a subsidiary, by a federally chartered
11 savings bank, a federally chartered savings and loan association, a federally
12 chartered national bank or by an affiliate of such an institution.

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

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

20 **222.0403 Loan powers. (1) PERMITTED PURPOSES.** A universal bank may
21 make, sell, purchase, arrange, participate in, invest in or otherwise deal in loans or
22 extensions of credit for any purpose.

23 **(2) IN GENERAL.** Except as provided in subs. (3) to (8), the total liabilities of any
24 person, other than a municipal corporation, to a universal bank for a loan or
25 extension of credit may not exceed 20% of the capital of the universal bank at any

1 time. In determining compliance with this section, liabilities of a partnership
2 includes the liabilities of the general partners, computed individually as to each
3 general partner on the basis of his or her direct liability.

4 (3) CERTAIN SECURED LIABILITIES. The percentage limitation under sub. (2) is
5 50% of the universal bank's capital, if the liabilities under sub. (2) are limited to the
6 following types of liabilities:

7 (a) *Warehouse receipts.* A liability secured by warehouse receipts issued by
8 warehouse keepers who are licensed and bonded in this state under ss. 99.02 and
9 99.03 or under the federal Bonded Warehouse Act or who hold a registration
10 certificate under ch. 127, if all of the following requirements are met:

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

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

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

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

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

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

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

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

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

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

23 **(5) OBLIGATIONS OF CERTAIN INTERNATIONAL ORGANIZATIONS; OTHER FOREIGN BONDS.**
24 A universal bank may purchase bonds offered for sale by the International Bank for
25 Reconstruction and Development and the Inter-American Development Bank or

1 such other foreign bonds as may be approved under rules established by the division.
2 At no time shall the aggregate investment in any of these bonds issued by a single
3 issuer exceed 10% of the capital of the universal bank.

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

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

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

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

24 (a) *Liabilities secured by certain short-term federal obligations.* A liability that
25 is secured by not less than a like amount of direct obligations of the United States

1 which will mature not more than 18 months after the date on which such liabilities
2 to the universal bank are entered into.

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

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

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

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

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

1 aggregate amount for all loans to that borrower that exceeds 20% of the universal
2 bank's capital. A universal bank or its subsidiary may take an equity position or
3 other form of interest as security in a project funded through such loans. Every
4 transaction by a universal bank or its subsidiary under this subsection shall require
5 prior approval by the governing board of the universal bank or its subsidiary,
6 respectively. Such loans are not subject to s. 221.0326 or to classification as losses,
7 for a period of 3 years from the date of each loan except as provided in par. (b).

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

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

23 (2) EQUITY SECURITIES. Except as provided in subs. (3) to (8), a universal bank
24 may purchase, sell, underwrite and hold equity securities, consistent with safe and

1 sound banking practices, up to 20% of capital or, if approved by the division in
2 writing, a greater percentage of capital.

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

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

1 and sensitivity to market risk and the ability of the universal bank's management.
2 This subsection does not authorize a universal bank, directly or indirectly through
3 a subsidiary, to engage in the business of underwriting insurance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (l) *Other investments.* Any other investment authorized by the division.

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

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

8 **222.0407 Universal bank purchase of its own stock. (1) IN GENERAL.** A
9 universal bank may hold or purchase not more than 10% of its capital stock, notes
10 or debentures, except as provided in sub. (2) or (3).

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

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

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

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

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

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

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

23 (4) SAFE DEPOSIT POWERS. A universal bank may take and receive, from any
24 individual or corporation for safekeeping and storage, gold and silver plate, jewelry,
25 money, stocks, securities, and other valuables or personal property; and rent out the

1 use of safes or other receptacles upon its premises upon such compensation as may
2 be agreed upon. A universal bank has a lien for its charges on any property taken
3 or received by it for safekeeping. If the lien is not paid within 2 years from the date
4 the lien accrues, or if property is not called for by the person depositing the property,
5 or by his or her representative or assignee, within 2 years from the date the lien
6 accrues, the universal bank may sell the property at public auction. A universal bank
7 shall provide the same notice for a sale under this subsection that is required by law
8 for sales of personal property on execution. After retaining from the proceeds of the
9 sale all of the liens and charges due the bank and the reasonable expenses of the sale,
10 the universal bank shall pay the balance to the person depositing the property, or to
11 his or her representative or assignee.

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

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

1 Activities that are reasonably related or incident to the purposes of a universal bank
2 include the following:

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

19 to 15.

20 (b) An activity that is authorized by statute or regulation for financial
21 institutions to engage in as of the effective date of this paragraph [revisor inserts
22 date], is an activity that is reasonably related to or incident to the purposes of a
23 universal bank. An activity permitted under the Bank Holding Company Act is an
24 activity that is reasonably related to or incident to the purposes of a universal bank.
25 The list of activities reasonably related or incident to the purposes of a universal

1 bank may be expanded by the division. Any additional activity approved by the
2 division shall be authorized for all universal banks.

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

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

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

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

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

23 (8) LIMITATIONS ON INVESTMENTS THROUGH SUBSIDIARIES. The amount of the
24 investment in any one subsidiary that engages in an activity under this section may
25 not exceed 20% of capital or, if approved by the division, a higher percentage

1 authorized by the division. The aggregate investment in all subsidiaries that engage
2 in an activity under this subsection may not exceed 50% of capital or, if approved by
3 the division, a higher percentage authorized by the division.

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

7 **222.0415 Trust powers.** Subject to rules of the division, a universal bank may
8 exercise trust powers in accordance with s. 221.0316.

9 ***b0730/1.10* SECTION 2347a.** 223.105 (3) (a) of the statutes is amended to
10 read:

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

18 ***b0730/1.10* SECTION 2348a.** 223.105 (4) of the statutes is amended to read:

19 223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations
20 licensed under ch. 221 or this chapter, any organization engaged in fiduciary
21 operations as defined in this section shall, as required by rule, notify the division of
22 banking, the office of credit unions or the division of savings and ~~loan~~ institutions of
23 that fact, directing the notice to the agency then exercising regulatory authority over
24 the organization or, if there is none, to the division of banking. Any organization
25 which intends to engage in fiduciary operations shall, prior to engaging in such

1 operations, notify the appropriate agency of this intention. The notifications
2 required under this subsection shall be on forms and contain information required
3 by the rules promulgated by the division of banking.

4 ***b0730/1.10* SECTION 2349a.** 223.105 (5) of the statutes is amended to read:

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

12 ***b0730/1.10* SECTION 2350a.** 223.105 (6) of the statutes is amended to read:

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

20 ***b0980/1.20* 900.** Page 1193, line 20: delete lines 20 to 25.

21 ***b0980/1.21* 901.** Page 1194, line 1: delete lines 1 to 3.

22 ***b0713/1.3* 902.** Page 1194, line 9: after that line insert:

23 ***b0713/1.3* “SECTION 2353sm.** 227.01 (13) (zu) of the statutes is created to
24 read:

1 227.01 (13) (zu) Establishes standards under subch. IX of ch. 254.”

2 *b1141/2.15* **903.** Page 1194, line 9: after that line insert:

3 *b1141/2.15* “SECTION 2353t. 227.01 (13) (ym) of the statutes is repealed.

4 *b1141/2.15* SECTION 2353u. 227.01 (13) (zi) of the statutes is repealed.”.

5 *b0980/1.22* **904.** Page 1194, line 10: delete lines 10 to 13.

6 *b0897/2.2* **905.** Page 1194, line 13: after that line insert:

7 *b0897/2.2* “SECTION 2355mm. 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 *b0730/1.11* **906.** Page 1194, line 20: after that line insert:

14 *b0730/1.11* “SECTION 2357a. 227.52 (5) of the statutes is amended to read:

15 227.52 (5) Decisions of the division of savings ~~and loan~~ institutions.

16 *b0730/1.11* SECTION 2358a. 227.53 (1) (b) 4. of the statutes is amended to
17 read:

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

22 *b0730/1.11* SECTION 2359a. 227.53 (1) (b) 5. of the statutes is amended to
23 read:

1 227.53 (1) (b) 5. The savings bank review board, the division of savings ~~and loan~~
2 institutions, except if the petitioner is the division of savings ~~and loan~~ institutions,
3 the prevailing parties before the savings bank review board shall be the named
4 respondents.”.

5 ***b0796/1.14* 907.** Page 1194, line 20: after that line insert:

6 ***b0796/1.14*** “SECTION 2359f. 229.41 (8m) of the statutes is created to read:
7 229.41 (8m) “Labor organization” has the meaning given in s. 5.02 (8m).”.

8 ***b0796/1.15* 908.** Page 1195, line 5: after that line insert:

9 ***b0796/1.15*** “SECTION 2359j. 229.44 (4) (d) of the statutes is amended to read:
10 229.44 (4) (d) Enter into contracts. All contracts, the estimated costs of which
11 exceed \$30,000, are subject to s. 229.46 (8), except contracts subject to s. 229.46 (5)
12 and contracts for personal or professional services. The contracts shall be subject
13 to bid and shall be awarded to the lowest qualified and competent bidder. The district
14 may reject any bid that is submitted under this paragraph.

15 ***b0796/1.15* SECTION 2359k.** 229.46 (8) of the statutes is created to read:

16 229.46 (8) (a) The district shall ensure that the specifications for bids and
17 contracts for construction projects entered into under this subchapter do not do any
18 of the following:

19 1. Require any bidder, contractor or subcontractor to enter into or to adhere to
20 an agreement with any labor organization concerning services to be performed in
21 relation to the project or a related project.

22 2. Discriminate against any bidder, contractor or subcontractor for refusing to
23 enter into or continue to adhere to an agreement with any labor organization
24 concerning services to be performed in relation to the project or a related project.

1 3. Require any bidder, contractor or subcontractor to enter into, continue to
2 adhere to or enforce any agreement that requires its employes, as a condition of
3 employment, to do any of the following:

4 a. Become members of or become affiliated with a labor organization.

5 b. Make payments to a labor organization, without the authorization of the
6 employes, exceeding the employes' proportionate share of the cost of collective
7 bargaining, contract administration and grievance adjustment.

8 (b) Any taxpayer of this state or any other person who enters into contracts or
9 subcontracts for building construction services may bring an action to require
10 compliance with par (a). If that person prevails in his or her action, the court shall
11 award to that person reasonable actual attorney fees in addition to other costs
12 allowed to prevailing parties under ch. 814.

13 ***b0796/1.15* SECTION 2359L.** 229.65 (6m) of the statutes is created to read:

14 229.65 (6m) "Labor organization" has the meaning given in s. 5.02 (8m).

15 ***b0796/1.15* SECTION 2359m.** 229.68 (4)(d) of the statutes is amended to read:

16 229.68 (4) (d) Enter into contracts, subject to s. 229.682 (9) and to such
17 standards as may be established by the district board. The district board may award
18 any such contract for any combination or division of work it designates and, subject
19 to s. 229.682 (9), may consider any factors in awarding a contract, including price,
20 time for completion of work and qualifications and past performance of a contractor.

21 ***b0796/1.15* SECTION 2359n.** 229.682 (9) of the statutes is created to read:

22 229.682 (9) CONTRACTS WITH LABOR ORGANIZATIONS. (a) The district shall ensure
23 that the specifications for bids and contracts for construction projects entered into
24 under this subchapter do not do any of the following:

1 1. Require any bidder, contractor or subcontractor to enter into or to adhere to
2 an agreement with any labor organization concerning services to be performed in
3 relation to the project or a related project.

4 2. Discriminate against any bidder, contractor or subcontractor for refusing to
5 enter into or continue to adhere to an agreement with any labor organization
6 concerning services to be performed in relation to the project or a related project.

7 3. Require any bidder, contractor or subcontractor to enter into, continue to
8 adhere to or enforce any agreement that requires its employees, as a condition of
9 employment, to do any of the following:

10 a. Become members of or become affiliated with a labor organization.

11 b. Make payments to a labor organization, without the authorization of the
12 employees, exceeding the employees' proportionate share of the cost of collective
13 bargaining, contract administration and grievance adjustment.

14 (b) Any taxpayer of this state or any other person who enters into contracts or
15 subcontracts for building construction services may bring an action to require
16 compliance with par. (a). If that person prevails in his or her action, the court shall
17 award to that person reasonable actual attorney fees in addition to other costs
18 allowed to prevailing parties under ch. 814.”.

19 ***b1162/2.3* 909.** Page 1195, line 6: delete the material beginning with that
20 line and ending with page 1196, line 13.

21 ***b1162/2.4* 910.** Page 1197, line 3: delete lines 3 to 13 and substitute:

22 ***b1162/2.4* “SECTION 2359ts.** 230.046 (4) of the statutes is amended to read:

23 230.046 (4) RECORDS OF TRAINING PROGRAM PARTICIPATION. Each agency shall
24 adopt a standardized system for measuring, recording, reporting, accumulating and

1 recognizing employe participation in its training program. ~~The system may not take~~
2 ~~effect until approved by the secretary.~~

3 *b1162/2.4* SECTION 2359tw. 230.046 (5) (intro.) of the statutes is amended
4 to read:

5 230.046 (5) INITIATION OF PROGRAMS. (intro.) Unless otherwise empowered by
6 law, any agency desiring to initiate a training program under sub. (3) shall ~~certify~~
7 ~~to the secretary~~ ensure that:

8 *b1162/2.4* SECTION 2359uc. 230.046 (10) of the statutes is repealed and
9 recreated to read:

10 230.046 (10) DEPARTMENT FUNCTIONS. The department may do all of the
11 following:

12 (a) Conduct off-the-job employe development and training programs relating
13 to functions under this chapter or subch. V of ch. 111.

14 (b) Charge fees to state agencies whose employes participate in employe
15 development and training programs under this subsection.

16 *b1162/2.4* SECTION 2359uh. 230.046 (11) of the statutes is repealed.”.

17 *b0778/1.3* **911.** Page 1198, line 14: after that line insert:

18 *b0778/1.3* “SECTION 2362p. 230.08 (2) (pm) of the statutes is amended to
19 read:

20 230.08 (2) (pm) ~~The~~ All employes of the state fair park director board.”.

21 *b1162/2.5* **912.** Page 1201, line 1: delete lines 1 to 5.

22 *b0710/3.2* **913.** Page 1205, line 3: after that line insert:

23 *b0710/3.2* “SECTION 2376c. 234.64 of the statutes is created to read:

24 **234.64 Biotechnology development finance company. (1)** In this section:

1 (a) “Biotechnology” means technology related to life sciences.

2 (b) “Capital participation instrument” means all of the following:

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

4 a. Common or preferred capital stock.

5 b. Convertible securities.

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

7 d. Warrants.

8 e. Subscriptions.

9 f. Partnership or membership interests.

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

12 (c) “Cost of a project” means costs associated with the design, planning and
13 implementation of a project that, in accordance with sound business and financial
14 practices, are appropriate charges to the project. The costs may include the costs of
15 planning and design, options to buy land, feasibility or other studies, equipment,
16 seed money, construction, working capital and any other costs determined by the
17 biotechnology development finance company to be necessary to the purposes of this
18 section.

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

21 (2) (a) The authority may organize and maintain a biotechnology development
22 finance company as a nonstock, nonprofit corporation under ch. 181 for the exclusive
23 purpose of investing in new or existing biotechnology companies in this state. If the
24 authority organizes a biotechnology development finance company, the authority
25 shall transfer all moneys received by the authority in the transfer under 1999

1 Wisconsin Act ... (this act), section 9210 (2e), to the company for start-up capital and
2 for reasonable administrative expenses of the company.

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

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

9 2. There is a reasonable expectation that the biotechnology company will be
10 successful.

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

12 4. The investment is necessary to the successful completion of the proposed
13 project because other investment in the project is unavailable in the traditional
14 capital markets, or because capital has been offered on terms that would preclude
15 the success of the project.

16 5. Provision has been made by contract for adequate reporting of financial data
17 by the project to the biotechnology development finance company. Those provisions
18 may include a requirement for an annual or other periodic audit of the project's
19 financial records.

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

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

23 (c) 1. The biotechnology development finance company may not own more than
24 49% of the voting stock or other interest in any enterprise as a result of a purchase
25 under par. (b).

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

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

5 **(3)** The authority shall enter into a contract with the biotechnology
6 development finance company. The contract shall provide that the authority may
7 make use of the services of the biotechnology development finance company and that
8 the authority shall advise, assist and provide administrative services to the
9 biotechnology development finance company. The authority shall determine the
10 type and scope of any administrative services provided by the authority to the
11 biotechnology development finance company. The authority may assign employees or
12 contract with private or state agencies to perform the administrative services. The
13 biotechnology development finance company may not engage in political activities.

14 **(4)** (a) The board of directors of the biotechnology development finance
15 company shall consist of all of the following members:

- 16 1. The executive director of the authority, or his or her designee.
- 17 2. The secretary of commerce, or his or her designee.
- 18 3. The secretary of administration, or his or her designee.
- 19 4. The executive director of the investment board, or his or her designee.
- 20 5. The president of the University of Wisconsin System, or his or her designee.
- 21 6. The president of Forward Wisconsin, Inc., or his or her designee.
- 22 7. A representative of the state's biotechnology research community.
- 23 8. A representative of the state's biotechnology industry.
- 24 9. A representative of the state's venture capital industry.

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

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

8 (6) The assets transferred to, and the assets and liabilities of, the biotechnology
9 development finance company shall be separate from all other assets and liabilities
10 of the state, of all political subdivisions of the state and of the authority. Neither the
11 state, any political subdivision of the state nor the authority guarantees any
12 obligation of or has any obligation to the biotechnology development finance
13 company. Neither the state, any political subdivision of the state nor the authority
14 is liable for any debt or liability of the biotechnology development finance company.”.

15 *b0980/1.23* **914.** Page 1208, line 5: delete the material beginning with that
16 line and ending with page 1209, line 4.

17 *b0980/1.24* **915.** Page 1209, line 13: delete lines 13 to 19.

18 *b0774/2.1* **916.** Page 1210, line 11: after that line insert:

19 *b0774/2.1* **SECTION 2400em.** 250.01 (4) (a) 4. of the statutes is repealed and
20 recreated to read:

21 250.01 (4) (a) 4. A multiple municipal local health department established
22 under s. 251.02 (3m).”.

23 *b1150/1.2* **917.** Page 1211, line 9: delete “\$3,500,000” and substitute
24 “\$1,750,000”.