

Ⓢ-cont.

1 less than \$1,000 nor more than \$10,000 or imprisoned not less than 6 months nor
2 more than 2 years or both.

3 **SECTION 318dn.** 139.44 (6m) of the statutes, as created by 2001 Wisconsin Act
4 (this act), is amended to read:

5 139.44 (6m) Any person who manufactures or sells cigarettes in this state
6 without holding the proper permit issued under this subchapter shall be fined not
7 less than \$1,000 nor more than \$10,000 or imprisoned not less than 6 months nor
8 more than 2 years or both is guilty of a Class I felony.

9 **SECTION 318e.** 139.44 (7) of the statutes is amended to read:

10 139.44 (7) In addition to the penalties imposed for violation of ss. 139.30 to
11 139.41 or 139.75 to 139.83 or any of the rules of the department, the permit of any
12 person convicted of a 2nd or subsequent offense shall be automatically revoked and,
13 he or she shall not be granted another permit for a period of 2 5 years following such
14 revocation, and, for the 5-year period following revocation, he or she shall not act as
15 the employee or agent of a permittee under this subchapter to perform acts
16 authorized by any permit issued to the permittee under this subchapter.”.

17 **471.** Page 168, line 10: delete lines 10 to 13 and substitute:

18 “**SECTION 318z.** 139.44 (8) (a) to (c) of the statutes are amended to read:

19 139.44 (8) (a) If the number of cigarettes does not exceed 6,000, a fine of not
20 more than ~~\$200~~ \$1,000 or imprisonment for not more than ~~6 months~~ one year in the
21 county jail or both.

22 (b) If the number of cigarettes exceeds 6,000 but does not exceed 36,000, ~~a fine~~
23 ~~of not more than \$1,000 or imprisonment for not more than one year in the county~~
24 jail or both the person is guilty of a Class I felony.

1 (c) If the number of cigarettes exceeds 36,000, ~~a fine of not more than \$10,000~~
2 ~~or imprisonment for not more than 3 years or both~~ the person is guilty of a Class H
3 felony.

4 **472.** Page 168, line 14: before that line insert:

5 **“SECTION 319b.** 139.45 of the statutes is amended to read:

6 **139.45 Prosecutions by attorney general.** Upon request by the secretary
7 of revenue, the attorney general may represent this state or assist a district attorney
8 in prosecuting any case arising under this subchapter or under ss. 134.65 and 134.66.

9 **SECTION 319c.** 139.75 (2) of the statutes is amended to read:

10 139.75 (2) “Consumer” means any individual who receives tobacco products for
11 his or her personal use or consumption or any person individual who has title to or
12 possession of tobacco products ~~in storage for use or other consumption in this state~~
13 any purpose other than for sale or resale.

14 **SECTION 319d.** 139.75 (3g) of the statutes is created to read:

15 139.75 (3g) “Direct marketer” means any person who solicits or sells tobacco
16 products to consumers in this state by direct marketing.

17 **SECTION 319e.** 139.75 (3r) of the statutes is created to read:

18 139.75 (3r) “Direct marketing” means publishing or making accessible an offer
19 for the sale of tobacco products to consumers in this state, or selling tobacco products
20 to consumers in this state, using any means by which the consumer is not physically
21 present at the time of sale on a premise that sells tobacco products.

22 **SECTION 319f.** 139.75 (4) (a) of the statutes is amended to read:

1 139.75 (4) (a) Any person in this state engaged in the business of selling tobacco
2 products ~~in this state~~ who brings, or causes to be brought, into this state from outside
3 the state any tobacco products for sale;

4 **SECTION 319g.** 139.75 (4) (c) of the statutes is amended to read:

5 139.75 (4) (c) Any person outside this state engaged in the business of selling
6 tobacco products ~~outside this state~~ who ships or transports tobacco products to
7 retailers in this state to be sold by those retailers.

8 **SECTION 319h.** 139.75 (4) (cm) of the statutes is created to read:

9 139.75 (4) (cm) Any person outside this state engaged in the business of selling
10 tobacco products who ships or transports tobacco products to consumers in this state.

11 **SECTION 319i.** 139.75 (5s) of the statutes is created to read:

12 139.75 (5s) “Person” means any individual, sole proprietorship, partnership,
13 limited liability company, corporation, or association, or any owner of a single-owner
14 entity that is disregarded as a separate entity under ch. 71.

15 **SECTION 319j.** 139.75 (7) of the statutes is amended to read:

16 139.75 (7) “Retail outlet” means each place of business from which tobacco
17 products are sold to consumers by a retailer.

18 **SECTION 319k.** 139.75 (8) of the statutes is amended to read:

19 139.75 (8) “Retailer” means any person engaged ~~in the business of selling~~
20 ~~tobacco products~~ who sells, exposes for sale, or possesses with intent to sell, to
21 ultimate consumers any tobacco products by any means in which the consumer is
22 physically present at the time of sale on a premises that sells tobacco products.

23 **SECTION 319L.** 139.76 (3) of the statutes is created to read:

1 139.76 (3) Except as provided in sub. (2), no person may possess tobacco
2 products in this state unless the tax imposed under sub. (1) is paid on such tobacco
3 products.

4 **SECTION 319m.** 139.78 (1m) of the statutes is created to read:

5 139.78 (1m) Except as provided in s. 139.76 (2), no person other than a
6 distributor with a valid permit under s. 139.79 may import into this state tobacco
7 products for which the tax imposed under s. 139.76 (1) has not been paid.

8 **SECTION 319n.** 139.79 (title) of the statutes is amended to read:

9 **139.79 (title) Permits; distributor; direct marketer; subjobber.**

10 **SECTION 319p.** 139.79 (1) of the statutes is amended to read:

11 139.79 (1) No person may engage in the business of a distributor, direct
12 marketer, or subjobber of tobacco products at any place of business unless that
13 person has filed an application for and obtained a permit from the department to
14 engage in that business at such place.

15 **SECTION 319q.** 139.79 (2) of the statutes is amended to read:

16 139.79 (2) Section 139.34 (1) ~~(b)~~ (c) to (f), (4) and (9) applies to the permits under
17 this section.

18 **SECTION 319r.** 139.795 of the statutes is created to read:

19 **139.795 Direct marketing.** (1) (a) No person may sell tobacco products by
20 direct marketing to consumers in this state as a direct marketer or solicit sales of
21 tobacco products to consumers in this state by direct marketing unless the person has
22 obtained a permit from the department to make such sales or solicitations. The
23 person shall file an application for a permit under this subsection with the
24 department, in the manner prescribed by the department, and shall submit a \$500
25 fee with the application.

1 (b) No person may be issued a permit under this subsection unless the person
2 holds a valid distributor's permit under s. 139.79. Section 139.34 (1) (c) to (f), (7), and
3 (9), as it applies to permits issued under s. 139.34, applies to permits issued under
4 this subsection.

5 (c) A permit issued under this subsection expires on December 31 of each year.

6 (d) No person may be issued a permit under this subsection unless the person
7 certifies to the department, in the manner prescribed by the department, that all
8 tobacco product sales to consumers in this state shall be credit card or personal check
9 transactions; that the invoice for all shipments of tobacco product sales from the
10 person shall bear the person's name and address and the permit number of the
11 permit ultimately issued under this subsection; and that the person shall provide the
12 department any information the department considers necessary to administer this
13 section.

14 (2) No person may sell tobacco products to consumers in this state by direct
15 marketing unless the tax imposed under s. 139.76, and under s. 77.52 or 77.53, has
16 been paid with regard to such products.

17 (3) No person may sell tobacco products to a consumer in this state by direct
18 marketing unless the person verifies the consumer's identity and that the consumer
19 is at least 18 years of age by any of the following methods:

20 (a) The person uses a database, approved by the department, that includes
21 information based on public records to verify the consumer's age and identity.

22 (b) The person receives from the consumer, at the time of purchase, a notarized
23 copy of a government issued identification, the name specified on the identification
24 matches the name of the consumer, and the birth date on the identification verifies
25 that the purchaser is at least 18 years of age. In this paragraph, "government issued

1 identification” includes a valid driver’s license, state identification card, passport, or
2 military identification.

3 (c) The person uses a mechanism, other than a mechanism under par. (a) or (b),
4 for verifying the age and identity of a consumer that is approved by the department.

5 (4) Any person who, without having a valid permit under sub. (1), sells or
6 solicits sales of tobacco products to consumers in this state by direct marketing shall
7 pay a penalty to the department of \$5,000 or an amount that is equal to 50% of the
8 tax due on the tobacco products the person sold, without having a valid permit under
9 sub. (1), to consumers in this state by direct marketing, whichever is greater.

10 (5) No tobacco products may be shipped or delivered to a person who is under
11 18 years of age and no tobacco products may be shipped to a post-office box.

12 (6) All revenue collected from permits and penalties under this section shall
13 be credited to the appropriation account under s. 20.566 (1) (gc) to enforce and
14 administer this section.

15 **SECTION 319s.** 139.81 (1) of the statutes is amended to read:

16 139.81 (1) No person may sell ~~or take orders for~~ tobacco products for resale ~~or~~
17 solicit sales of tobacco products in this state ~~for any manufacturer or permittee~~
18 unless the person has filed an application for and obtained a valid certificate under
19 s. 73.03 (50) and a salesperson’s permit from the department. No ~~manufacturer or~~
20 ~~permittee~~ shall authorize any person to sell ~~or take orders for~~ tobacco products ~~or~~
21 solicit sales of tobacco products in this state unless the person has filed an application
22 for and obtained a valid certificate under s. 73.03 (50) and a salesperson’s permit.
23 No person shall authorize another person to sell tobacco products or solicit sales of
24 tobacco products in this state unless the person has filed an application for and
25 obtained a valid certificate under s. 73.03 (50) and a valid permit under s. 139.79.

1 Each application for a permit shall disclose the name and address of the employer
2 and shall remain effective only while the salesperson represents the named
3 employer. If the salesperson is thereafter employed by another ~~manufacturer or~~
4 ~~permittee person~~ the salesperson shall obtain a new salesperson's permit. Each
5 ~~manufacturer and~~ permittee shall notify the department within 10 days after the
6 resignation or dismissal of any salesperson holding a permit.

7 **SECTION 319t.** 139.81 (2) of the statutes is amended to read:

8 139.81 (2) Section 139.34 (1) ~~(b)~~ (c) to (e) applies to the permits under this
9 section.”.

10 **473.** Page 170, line 15: after that line insert:

11 **SECTION 329r.** 146.50 (4) (title) of the statutes is amended to read:

12 146.50 (4) (title) AMBULANCE STAFFING AND OPERATIONAL PLANS; LIMITATIONS;
13 RULES.

14 **SECTION 329s.** 146.50 (4) (c) of the statutes is renumbered 146.50 (4) (c) (intro.)
15 and amended to read:

16 146.50 (4) (c) (intro.) Notwithstanding par. (a), the department may
17 promulgate rules that establish standards for approval by the department of
18 operational plans for the staffing of ambulances in which the primary services
19 provided are those which an emergency medical technician – intermediate is
20 authorized to provide or those which an emergency medical technician – paramedic
21 is authorized to provide. Rules promulgated by the department under this
22 paragraph may permit the department to approve an operational plan, for services
23 that an emergency medical technician–paramedic is authorized to provide, that is
24 submitted by an ambulance service provider that provided these services before

1 January 1, 2000, only if the operational plan specifies all of the following for the
2 transport of a patient in a prehospital setting:

3 **SECTION 329t.** 146.50 (4) (c) 1. of the statutes is created to read:

4 146.50 (4) (c) 1. That the ambulance service provider ensures, in writing, that
5 the ambulance is staffed with at least 2 emergency medical technicians–paramedic,
6 licensed registered nurses, licensed physician assistants, or physicians or a
7 combination of any 2 of these, who are trained in the use of all skills authorized by
8 rule for an emergency medical technician–paramedic and are designated by the
9 medical director of the ambulance service.

10 **SECTION 329u.** 146.50 (4) (c) 2. of the statutes is created to read:

11 146.50 (4) (c) 2. That the ambulance staff, as specified in subd. 1., is dispatched
12 from the same site, together, to the scene of an emergency. This subdivision does not
13 apply if the ambulance service provider, as of October 1, 2001, dispatched ambulance
14 staff from multiple sites to the scene of an emergency.

15 **SECTION 329v.** 146.50 (4) (c) 3. of the statutes is created to read:

16 146.50 (4) (c) 3. That if an emergency medical technician–paramedic arrives
17 at the scene of an emergency prior to the arrival of the ambulance staff, as specified
18 in subd. 1., the emergency medical technician–paramedic may provide services using
19 all skills authorized by rule for an emergency medical technician–paramedic.”.

20 **474.** Page 171, line 12: after that line insert:

21 “**SECTION 333h.** 146.50 (13) (a) of the statutes is amended to read:

22 146.50 (13) (a) The department may promulgate rules necessary for
23 administration of this section, as limited under sub. (4) (c).”.

24 **475.** Page 172, line 10: after that line insert:

1 **SECTION 336g.** 146.83 (1) (b) of the statutes is amended to read:

2 146.83 (1) (b) Receive a copy of the patient’s health care records upon payment
3 of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

4 **SECTION 336h.** 146.83 (1) (c) of the statutes is amended to read:

5 146.83 (1) (c) Receive a copy of the health care provider’s X–ray reports or have
6 the X–rays referred to another health care provider of the patient’s choice upon
7 payment of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

8 **SECTION 336i.** 146.83 (3m) of the statutes is created to read:

9 146.83 (3m) The department shall, by rule, prescribe fees that are based on an
10 approximation of actual costs. The fees, plus applicable state tax, are the maximum
11 amount that a health care provider may charge under sub. (1) (b) for duplicate
12 patient health care records and under sub. (1) (c) for duplicate X–ray reports or the
13 referral of X–rays to another health care provider of the patient’s choice. The rule
14 shall also permit the health care provider to charge for actual postage or other actual
15 delivery costs.”

16 **476.** Page 172, line 10: after that line insert:

17 **SECTION 336cc.** 150.01 (2g) of the statutes is created to read:

18 150.01 (2g) “Ambulatory surgery center” has the meaning given in 42 CFR
19 416.2.

20 **SECTION 336cd.** 150.01 (8g) of the statutes is created to read:

21 150.01 (8g) “Construction” means the establishment, erection, building,
22 purchase, or other acquisition of a hospital or ambulatory surgery center.

23 **SECTION 336ce.** 150.01 (9m) of the statutes is created to read:

24 150.01 (9m) “Critical access hospital” has the meaning given in s. 50.33 (1g).”

1 2. As a response to damage caused by a natural disaster, including an
2 earthquake, or by a fire.

3 3. To eliminate a threat to the safety to patients, staff, or the general public that
4 is due to a physical defect of the hospital.

5 (d) 1. Before January 1, 2003, engage in upgrading renovation, except for
6 routine maintenance or maintenance to eliminate a threat to the safety of patients,
7 staff, or the general public that is due to a physical defect of the hospital.

8 2. If a hospital seeks an opinion from the department concerning whether a
9 proposed project of the hospital violates subd. 1., the department shall issue the
10 opinion. If the hospital, after completing the project, is found to be in violation of
11 subd. 1., the violation does not affect the status of the hospital's approval under s.
12 50.35 unless the actual, completed project differs materially from the proposed
13 project for which the department issued an opinion.

14 (3) As a condition of hospital approval under s. 50.35, a hospital shall do all of
15 the following:

16 (a) If the hospital is certified under s. 49.45 (2) (a) 11. as a provider of medical
17 assistance or certified as a provider of services under medicare, as defined in s. 49.45
18 (3) (L) 1. b., or if the hospital obtains this certification, accept as patients individuals
19 who are medical assistance recipients or medicare beneficiaries.

20 (b) Operate a 24-hour emergency room or, for a hospital approved under s.
21 50.35 as of the effective date of this paragraph [revisor inserts date], have in effect
22 an agreement with another hospital with a 24-hour emergency room under which
23 that other hospital consents to receive patients in need of emergency care that are
24 transferred to it by the hospital that does not operate a 24-hour emergency room.

1 This paragraph does not apply to a hospital that is an inpatient facility, as defined
2 in s. 51.01 (10) or that is certified under s. 49.45 (2) (a) 11. as a rehabilitation hospital.

3 (4) No person may, by or on behalf of an ambulatory surgery center, do any of
4 the following:

5 (a) Expand an existing service of the ambulatory surgery center unless the
6 primary purpose of the new service is to provide free or reduced-cost health or dental
7 care to individuals who are determined by the department to be underserved or to
8 have low income.

9 (b) Engage in construction, except for the purposes of any of the following:

10 1. As a response to damage caused by a natural disaster, including an
11 earthquake, or by a fire.

12 2. To eliminate a threat to the safety of patients, staff, or the general public that
13 is due to a physical defect of the ambulatory surgery center.

14 (c) 1. Before January 1, 2003, engage in upgrading renovation, except for
15 routine maintenance or maintenance to eliminate a threat to the safety of patients,
16 staff, or the general public that is due to a physical defect of the ambulatory surgery
17 center.

18 2. If an ambulatory surgery center seeks an opinion from the department
19 concerning whether a proposed project of the ambulatory surgery center violates
20 subd. 1., the department shall issue the opinion. If the opinion of the department is
21 that the proposed project does not violate subd. 1., an ambulatory surgery center,
22 after completing the project, may not be found to be in violation of subd. 1. unless the
23 actual, completed project differs materially from the proposed project for which the
24 department issued the opinion.

1 (5) If an ambulatory surgery center is certified under s. 49.45 (2) (a) 11. as a
2 provider of medical assistance or certified as a provider of services under medicare,
3 as defined in s. 49.45 (3) (L) 1. b., or if an ambulatory surgery center obtains this
4 certification, the ambulatory surgery center shall accept as patients individuals who
5 are medical assistance recipients or medicare beneficiaries.

6 (6) The department shall promulgate as a rule a definition of “upgrading
7 renovation,” for the purposes of subs. (2) (d) 1. and (4) (c) 1.

8 (7) The department may, under s. 50.35, revoke or suspend approval for a
9 hospital that violates sub. (2) or fails to comply with sub. (3) or 2002 Wisconsin Act
10 (this act), section 9123 (5qr), after giving reasonable notice, a fair hearing, and,
11 if appropriate as determined by the department, a reasonable opportunity to comply.

12 **SECTION 336rf.** 150.935 (2) (d) 1. of the statutes, as created by 2001 Wisconsin
13 Act (this act), is amended to read:

14 150.935 (2) (d) 1. ~~Before January 1, 2003, engage~~ Engage in upgrading
15 renovation, as defined by rule by the department, except for routine maintenance or
16 maintenance to eliminate a threat to the safety of patients, staff, or the general
17 public that is due to a physical defect of the hospital.”.

18 **SECTION 336rh.** 150.935 (4) (c) 1. of the statutes, as created by 2001 Wisconsin
19 Act (this act), is amended to read:

20 150.935 (4) (c) 1. ~~Before January 1, 2003, engage~~ Engage in upgrading
21 renovation, as defined by rule by the department, except for routine maintenance or
22 maintenance to eliminate a threat to the safety of patients, staff, or the general
23 public that is due to a physical defect of the ambulatory surgery center.

24 **SECTION 336rL.** 150.935 (7) of the statutes, as created by 2001 Wisconsin Act
25 (this act), is amended to read:

1 150.935 (7) The department may, under s. 50.35, revoke or suspend approval
2 for a hospital that violates sub. (2) or fails to comply with sub. (3) ~~or 2002 Wisconsin~~
3 ~~Act (this act), section 9123 (5qr),~~ after giving reasonable notice, a fair hearing,
4 and, if appropriate as determined by the department, a reasonable opportunity to
5 comply.”.

6 **478.** Page 173, line 16: after that line insert:

7 “**SECTION 388nc.** 160.257 of the statutes is created to read:

8 **160.257 Exceptions for aquifer storage and recovery systems.** (1) In
9 this section:

10 (a) “Aquifer storage and recovery system” means all of the aquifer storage and
11 recovery wells and related appurtenances that are part of a municipal water system.

12 (b) “Aquifer storage and recovery well” means a well through which treated
13 drinking water is placed underground for the purpose of storing and later recovering
14 the water through the same well for use as drinking water.

15 (c) “Municipal water system” means a community water system, as defined in
16 s. 281.62 (1) (a), that is owned by a city, village, town, county, town sanitary district,
17 utility district, public inland lake protection and rehabilitation district, or municipal
18 water district, or by a privately owned water utility serving any of the foregoing.

19 (d) “Specified substance” means one of the following:

- 20 1. Chloroform.
- 21 2. Bromodichloromethane.
- 22 3. Dibromochloromethane.
- 23 4. Bromoform.

1 (e) "Treated drinking water" means potable water that has been treated so that
2 it complies with the primary drinking water standards promulgated under ss. 280.11
3 and 281.17 (8).

4 (2) Notwithstanding s. 160.19 (1) and (2), the department is not required to
5 promulgate or amend rules that define design or management criteria for aquifer
6 storage and recovery systems to minimize the amount of a specified substance in
7 groundwater or to maintain compliance with the preventive action limit for a
8 specified substance, however, the department shall promulgate rules that define
9 design or management criteria for aquifer storage and recovery systems to maintain
10 compliance with drinking water standards promulgated under ss. 280.11 and 281.17
11 (8).

12 (3) Notwithstanding s. 160.21 (2), the point of standards application for an
13 aquifer storage and recovery well with respect to a specified substance is 1,200 feet
14 from the aquifer storage and recovery well and at any other well that is within 1,200
15 feet from the aquifer storage and recovery well."

16 **479.** Page 173, line 16: after that line insert:

17 "SECTION 338r. 165.755 (1) (b) of the statutes is amended to read:

18 165.755 (1) (b) A court may not impose the crime laboratories and drug law
19 enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar)
20 or (bm) or (5) (b) or for a violation of a state law or municipal or county ordinance
21 involving a nonmoving traffic violation, a headlamp violation under s. 347.065 (1),
22 or a safety belt use violation under s. 347.48 (2m)."

23 **480.** Page 173, line 16: after that line insert:

24 "SECTION 338g. 165.065 (2) of the statutes is amended to read:

1 165.065 (2) The assistant attorney general in charge of antitrust investigations
2 and prosecutions is to cooperate actively with the antitrust division of the U.S.
3 department of justice in everything that concerns monopolistic practices in
4 Wisconsin, and also to cooperate actively with the department of agriculture, trade
5 and consumer protection in the work which this agency is carrying on ~~under s. 100.20~~
6 ~~of the marketing law~~ with regard to monopolistic practices in the field of agriculture
7 and with the federal trade commission on matters arising in or affecting Wisconsin
8 which pertain to its jurisdiction.

9 **SECTION 338m.** 165.25 (4) (ar) of the statutes, as affected by 2001 Wisconsin
10 Act 16, section 2856b, is amended to read:

11 165.25 (4) (ar) The department of justice shall ~~furnish all legal services~~
12 ~~required by~~ represent the department of agriculture, trade and consumer protection
13 in any court action relating to the enforcement of ~~ss. 100.171, 100.173, 100.174,~~
14 ~~100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21,~~
15 ~~100.28, 100.37, 100.42, 100.50 and 100.51 and chs. 126, 136, 344, 704, 707, and 779~~
16 ch. 126 and 100.01 to 100.03, 100.05 to 100.07, 100.14, 100.183 to 100.19, 100.201,
17 100.22, 100.235, 100.27, 100.285 to 100.297, 100.33 to 100.36, 100.45, 100.47, and
18 100.48, together with any other services as are necessarily connected to the legal
19 services.

20 **SECTION 338r.** 165.25 (11) of the statutes is created to read:

21 165.25 (11) CONSUMER PROTECTION ADMINISTRATION AND ENFORCEMENT.
22 Administer and enforce ss. 100.15 to 100.182, 100.20, 100.205, 100.207 to 100.2095,
23 100.28, 100.31, 100.37 to 100.44, 100.46, 100.50, and 100.52 and chs. 136, 344, 704,
24 707, and 779. The department may issue general or special orders in administering
25 and enforcing these provisions.”.

1 **481.** Page 173, line 16: after that line insert:

2 “**SECTION 338dg.** 165.055 (1) of the statutes is renumbered 165.055 and
3 amended to read:

4 **165.055 Appointments.** The attorney general may appoint ~~a deputy attorney~~
5 ~~general and assistants~~ assistant attorneys general, each of whom shall be an
6 attorney at law admitted to practice in this state. Such appointments shall be made
7 in writing and filed in the office of the secretary of state, and such appointees shall
8 take and subscribe the constitutional oath of office which shall also be filed.
9 Appointees shall perform such duties as the attorney general prescribes.

10 **SECTION 338dh.** 165.055 (2) of the statutes is repealed.

11 **SECTION 338di.** 165.055 (4) of the statutes is repealed.”.

12 **482.** Page 176, line 3: after that line insert:

13 “**SECTION 340e.** 166.08 (4) (a) of the statutes is amended to read:

14 166.08 (4) (a) All state officers, subject to such regulations as the governor, or
15 other official authorized under the constitution or this section to exercise the powers
16 and discharge the duties of the office of governor, may issue, shall, ~~in addition to any~~
17 ~~deputy authorized to exercise all of the powers and discharge the duties of the office,~~
18 designate by title emergency interim successors and specify their order of succession.
19 The officer shall review and revise, as necessary, designations made pursuant to this
20 section to ensure their current status. The officer shall designate a sufficient number
21 of emergency interim successors so that there will be not less than 3 nor more than
22 7 ~~deputies or emergency interim successors or any combination of deputies or~~
23 ~~emergency interim successors,~~ at any time.

24 **SECTION 340m.** 166.08 (4) (b) (intro.) of the statutes is amended to read:

1 166.08 (4) (b) (intro.) If any state officer is unavailable following an attack, and
2 ~~if his or her deputy, if any, is also unavailable,~~ the powers of his or her office shall be
3 exercised and the duties of his or her office shall be discharged by his or her
4 designated emergency interim successors in the order specified. The emergency
5 interim successor shall exercise the powers and discharge the duties of the office only
6 until any of the following occurs:

7 **SECTION 340r.** 166.08 (4) (b) 3. of the statutes is amended to read:

8 166.08 (4) (b) 3. An officer, ~~the officer's deputy~~ or a preceding named emergency
9 interim successor becomes available to exercise, or resume the exercise of, the powers
10 and discharge the duties of the office.”.

11 **483.** Page 176, line 20: after that line insert:

12 **“SECTION 342pb.** 174.001 (2j) of the statutes is created to read:

13 174.001 (2j) “Intergovernmental commission” means an intergovernmental
14 commission formed by contract under s. 66.0301 (2) by all of the municipalities in a
15 county with a population of 500,000 or more for the purpose of providing animal
16 control services.

17 **SECTION 342pd.** 174.052 of the statutes is amended to read:

18 **174.052 Publication of the dog license requirement and rabies**
19 **vaccination requirement. (1) JANUARY NOTICE.** ~~The~~ Except as provided in sub.
20 (3), the county board of each county shall cause a class 1 notice under ch. 985 to be
21 published between January 1 and January 15 of each year in a newspaper having
22 general circulation in the county notifying the public that rabies vaccinations and
23 dog licenses are required under the statutes.

1 **(2) MARCH NOTICE.** ~~The Except as provided in sub. (3)~~, the county board of each
2 county shall cause a class 1 notice under ch. 985 to be published between March 1
3 and March 15 of each year in a newspaper having general circulation in the county
4 notifying the public that rabies vaccinations and dog licenses are required under the
5 statutes and that late fees may be assessed after April 1.

6 **SECTION 342pf.** 174.052 (3) of the statutes is created to read:

7 174.052 **(3) NOTICE IN CERTAIN POPULOUS COUNTIES.** In a county in which an
8 agreement under s. 174.10 (2) is in effect, the intergovernmental commission shall
9 cause the notices under subs. (1) and (2) to be published.

10 **SECTION 342ph.** 174.06 (3) of the statutes is renumbered 174.06 (3) (a) and
11 amended to read:

12 174.06 **(3) (a)** ~~A Except as provided in par. (b)~~, a listing official who is not a
13 full-time, salaried municipal employee shall receive as compensation 50 cents for
14 each dog listed, or a greater amount established by the county board by ordinance
15 or resolution, to be audited and allowed by the county board as other claims against
16 the county and to be paid out of the dog license fund. A listing official who is a
17 full-time, salaried municipal employee shall receive this compensation from the
18 county board but shall be required to pay the compensation into the town, village,
19 or city treasury.

20 **SECTION 342pj.** 174.06 (3) (b) of the statutes is created to read:

21 174.06 **(3) (b)** In a county in which an agreement under s. 174.10 (2) is in effect,
22 the intergovernmental commission shall pay the compensation required under par.
23 (a).

24 **SECTION 342L.** 174.065 (1) of the statutes, as affected by 2001 Wisconsin Act
25 16, is amended to read:

1 174.065 (1) COLLECTING OFFICIAL. The collecting official is any city, village, or
2 town treasurer or other tax collecting officer or any person deputized by the treasurer
3 or tax collecting official, unless the common council or village or town board provides
4 by ordinance or resolution for the appointment of a different person. Veterinarians
5 and humane societies may voluntarily become collecting officials for a city, village,
6 or town if the governing body of the city, village, or town by resolution or ordinance
7 provides that veterinarians and humane societies may be collecting officials for the
8 city, village, or town. In a county in which an agreement under s. 174.10 (2) is in
9 effect, the intergovernmental commission is also a collecting official for a city, village,
10 or town if the governing body of the city, village, or town by resolution or ordinance
11 provides that the intergovernmental commission is a collecting official.

12 **SECTION 342pn.** 174.07 (2) (e) of the statutes is created to read:

13 174.07 (2) (e) Notwithstanding pars. (a) to (d), in a county in which an
14 agreement under s. 174.10 (2) is in effect, all of the following apply:

- 15 1. The department shall provide tags and, upon request, license blanks to the
16 intergovernmental commission, rather than to the county clerk.
- 17 2. The intergovernmental commission shall pay the costs out of the dog license
18 fund.
- 19 3. The intergovernmental commission shall distribute tags and license blanks
20 to the other collecting officials.

21 **SECTION 342pp.** 174.07 (3) (b) of the statutes is amended to read:

22 174.07 (3) (b) *Return of tags and licenses.* The Except as provided in par. (bm),
23 the collecting official shall annually by December 31 return to the county clerk all
24 unused tags of the current license year, together with license books and all duplicate
25 licenses of the current year. The county clerk shall carefully check the returned tags,

1 duplicate licenses, and license blanks to ascertain whether all tags and license
2 blanks which were furnished by the county clerk have been accounted for, ~~and to,~~
3 To enable the county clerk to do that, the county clerk shall charge each collecting
4 official with all tags and blank licenses furnished or delivered and credit those
5 returned. In case of discrepancy, the county clerk shall notify the department.

6 **SECTION 342pr.** 174.07 (3) (bm) of the statutes is created to read:

7 174.07 (3) (bm) *Certain populous counties.* In a county in which an agreement
8 under s. 174.10 (2) is in effect, a collecting official who is not the intergovernmental
9 commission shall return unused tags, license books, and duplicate licenses to the
10 intergovernmental commission.

11 **SECTION 342pt.** 174.08 of the statutes is renumbered 174.08 (1) and amended
12 to read:

13 174.08 (1) ~~Every~~ Except as provided in sub. (2), every collecting official shall
14 pay all dog license taxes to the town, village, or city treasurer or other tax collecting
15 officer who shall deduct any additional tax ~~which~~ that may have been levied by the
16 municipal governing body and pay the remainder to the county treasurer at the time
17 settlement is made with the county treasurer for collections of personal property
18 taxes, and shall at the same time report in writing to the county clerk the licenses
19 issued. The report shall be in the form prescribed by the department, and the forms
20 shall be furnished by the county clerks.

21 **SECTION 342pv.** 174.08 (2) of the statutes is created to read:

22 174.08 (2) In a county in which an agreement under s. 174.10 (2) is in effect,
23 a collecting official who is not the intergovernmental commission shall pay all dog
24 license taxes to the intergovernmental commission and shall report the licenses
25 issued to the intergovernmental commission.

1 **SECTION 342px.** 174.09 of the statutes is amended to read:

2 **174.09 Dog license fund; how disposed of and accounted for.** (1) ~~The~~
3 Except as provided in sub. (3), the dog license taxes so paid to the county treasurer
4 shall be kept in a separate account and shall be known as the “dog license fund” and
5 shall be appropriated and disbursed for the purposes and in the manner following:
6 Within 30 days after receipt of the same, the county treasurer shall pay into the state
7 treasury 5% of the minimum tax as provided for under s. 174.05 (2) of all dog license
8 taxes which shall have been received by the county treasurer.

9 (2) ~~Expenses~~ Except as provided in sub. (3), expenses necessarily incurred by
10 the county in purchasing and providing books, forms, and other supplies required in
11 the administering of the dog license law, expenses incurred by the county under s.
12 95.21 (4) (b) and (8) and expenses incurred by the county pound or by a humane
13 society or other organization designated to provide a pound for collecting, caring for,
14 and disposing of dogs may be paid out of the dog license fund. The amount remaining
15 in the fund after deducting these expenses shall be available for and may be used as
16 far as necessary for paying claims allowed by the county to the owners of domestic
17 animals because of damages done by dogs during the license year for which the taxes
18 were paid. Any surplus in excess of \$1,000 which may remain from the dog license
19 taxes of any license year shall on March 1 of the succeeding year be paid by the county
20 treasurer to the county humane society or other organization designated by the
21 county board to provide a pound. If there is no humane society or other organization
22 designated to provide a pound, these funds shall be paid to the towns, villages, and
23 cities of the county for their use in the proportion in which the towns, villages, and
24 cities contributed to the fund out of which the surplus arises.

25 **SECTION 342pz.** 174.09 (3) of the statutes is created to read:

1 174.09 (3) In a county in which an agreement under s. 174.10 (2) is in effect,
2 the intergovernmental commission shall maintain the dog license fund, consisting
3 of the dog license taxes and late fees. The intergovernmental commission shall pay
4 5% of the minimum dog license tax provided for under s. 174.05 (2) to the department
5 and shall expend the remainder of the dog license fund for the purposes of
6 administering the dog license law, providing a pound for dogs, and paying claims
7 allowed under s. 174.11. If on March 1 there is remaining in the dog license fund a
8 surplus from the dog license taxes of the previous license year that exceeds 5% of the
9 dog license taxes collected in that license year, the intergovernmental commission
10 shall return the excess to the towns, villages, and cities of the county in the
11 proportion in which the towns, villages, and cities contributed to the fund in that
12 license year.

13 **SECTION 342qb.** 174.10 of the statutes is created to read:

14 **174.10 Dog licensing in populous counties.** (1) In this section,
15 “municipality” means a city, village, or town.

16 (2) If all of the municipalities in a county with a population of 500,000 or more
17 form an intergovernmental commission by contract under s. 66.0301 (2) for the
18 purpose of providing animal control services, the county and the intergovernmental
19 commission may enter into an agreement under which the intergovernmental
20 commission assumes the county’s responsibility for activities related to dog
21 licensing.

22 (3) If a county and an intergovernmental commission enter into an agreement
23 under sub. (2), the intergovernmental commission shall provide a copy of the
24 agreement to the department.

25 **SECTION 342qd.** 174.11 (1) of the statutes is amended to read:

1 174.11 (1) The owner of any domestic animal, including a ranch mink, when
2 it is proven that a dog forcibly entered an enclosure in which the mink was kept,
3 which is attacked, chased, injured, or killed by a dog may, within 3 days after the
4 owner has knowledge or notice thereof, file a written claim for damages with the
5 clerk of the town, village, or city in which the damage occurred or, if it occurred in
6 a town or village, with the chairperson of such town or the president of such village.
7 The form of the claim may be prescribed by the department of agriculture, trade and
8 consumer protection. Upon presentation of a claim the supervisors of the town, the
9 board of trustees of the village, or the common council of the city, or a committee
10 appointed for that purpose by the supervisors, the board of trustees, or the common
11 council shall promptly investigate the claim and may subpoena witnesses,
12 administer oaths, and take testimony relative to the claim and shall within 30 days
13 after the filing of the claim make, certify, and return to the county clerk or, in a county
14 in which an agreement under s. 174.10 (2) is in effect, to the intergovernmental
15 commission the claim, a report of the investigation, the testimony taken, and the
16 amount of damages suffered by the owner of the domestic animal.

17 **SECTION 342qf.** 174.11 (2) of the statutes is renumbered 174.11 (2) (a) and
18 amended to read:

19 174.11 (2) (a) The form of the report and certification under sub. (1) may be
20 prescribed by the department of agriculture, trade and consumer protection, and
21 shall be subscribed by the supervisors, board, or committee making the report and
22 certification. The

23 (b) Except as provided in par. (c), the county clerk shall submit to the county
24 board at its first meeting, following the receipt of any such claim, all claims filed and
25 reported, and the claims shall be acted upon and determined by the county board as

1 other claims are determined and acted upon. The Except as provided in par. (c), the
2 amount of damages filed and reported to the county clerk shall be prima facie proof
3 of the actual damages sustained, but evidence may be taken before the county board
4 relative to the claims as in other cases, and appeals from the action of the county
5 board shall lie as in other cases.

6 (d) On appeal from the action of the county board or, in a county in which an
7 agreement under s. 174.10 (2) is in effect, from the action of the intergovernmental
8 commission, the trial shall be by the court without a jury.

9 **SECTION 342qh.** 174.11 (2) (c) of the statutes is created to read:

10 174.11 (2) (c) In a county in which an agreement under s. 174.10 (2) is in effect,
11 the intergovernmental commission shall act upon and determine all claims filed and
12 reported under sub. (1).

13 **SECTION 342qj.** 174.11 (4) of the statutes is amended to read:

14 174.11 (4) Subject to sub. (5), the county board or, in a county in which an
15 agreement under s. 174.10 (2) is in effect, the intergovernmental commission shall
16 allow, as the amount of a claim for a domestic animal, including a ranch mink, killed
17 by a dog, the amount determined to be the fair market value of the domestic animal,
18 including a ranch mink, on the date the death occurred. Subject to sub. (5), the
19 county board or, in a county in which an agreement under s. 174.10 (2) is in effect,
20 the intergovernmental commission shall allow, as the amount of a claim for a
21 domestic animal, including a ranch mink, injured by a dog, the amount determined
22 to be the total of the costs resulting from the injury including a loss in fair market
23 value but the total amount of the claim may not exceed the fair market value. No
24 claim may be paid to any person who has failed to pay a dog tax on an assessable dog.

25 **SECTION 342qL.** 174.12 (1) of the statutes is amended to read:

1 174.12 (1) The allowance by ~~the~~ a county of any claim for damages done by dogs
2 ~~shall work~~ constitutes an assignment to the county of the cause of the action of the
3 claimant for which the claim is filed, and the county may sue and recover from the
4 owner of the dog or dogs doing the damages the full amount thereof and which shall
5 not be limited to the sum paid the claimant by the county. The allowance under s.
6 174.11 (2) (c) by an intergovernmental commission of any claim for damages done by
7 dogs constitutes an assignment to the intergovernmental commission of the cause
8 of the action of the claimant for which the claim is filed, and the intergovernmental
9 commission may sue and recover from the owner of the dog or dogs doing the damages
10 the full amount thereof and which shall not be limited to the sum paid the claimant
11 by the intergovernmental commission. Before any claim shall be allowed by ~~the~~ a
12 county or an intergovernmental commission on account of damages done by dogs, the
13 claimant shall furnish satisfactory proof that the damage was not done in whole or
14 in part by any dog owned, kept, or harbored by the claimant.

15 **SECTION 342qn.** 174.12 (2) of the statutes is amended to read:

16 174.12 (2) No claim shall be allowed by ~~the~~ a county board or an
17 intergovernmental commission at less than the amount so certified and reported,
18 unless the claimant shall first be notified that such action is contemplated and shall
19 have been given a reasonable opportunity to be heard and to offer further evidence
20 in support of the claimant's claim.”

21 **484.** Page 176, line 20: after that line insert:

22 **“SECTION 342g.** 167.31 (2) (d) of the statutes, as affected by 2001 Wisconsin Act
23 8, is amended to read:

1 167.31 (2) (d) Except as provided in sub. (4) (a), (bg), (cg), (e), and (g), no person
2 may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or
3 across a highway or within 50 feet of the center of a roadway.

4 **SECTION 342m.** 167.31 (4) (bg) of the statutes is created to read:

5 167.31 (4) (bg) Subsection (2) (b), (c), and (d) does not apply to a state or federal
6 employee acting within the scope of his or her employment who holds a permit or
7 license issued by the department of natural resources that authorizes the taking of
8 wild animals from the wild for the purpose of testing for disease in wild animals or
9 for the purpose of removing diseased wild animals.”.

10 **485.** Page 177, line 2: after that line insert:

11 “**SECTION 343m.** 177.01 (10) (a) 2. of the statutes is amended to read:

12 177.01 (10) (a) 2. Credit balances, customer overpayments, ~~gift certificates,~~
13 security deposits, refunds, credit memos, unpaid wages, unused airline tickets and
14 unidentified remittances.

15 **SECTION 343q.** 177.14 of the statutes is amended to read:

16 **177.14 ~~Gift certificates and credit~~ Credit memos.** (1) A gift certificate or
17 a credit memo issued in the ordinary course of the issuer’s business that remains
18 unclaimed by the owner for more than 5 years after becoming payable or
19 distributable is presumed abandoned.

20 (2) ~~In the case of a gift certificate, the amount presumed abandoned is the price~~
21 ~~paid by the purchaser of the gift certificate. In the case of a credit memo, the~~ The
22 amount presumed abandoned under sub. (1) is the amount credited to the recipient
23 of the credit memo.”.

24 **486.** Page 177, line 9: after that line insert:

1 **“SECTION 345m.** 185.42 (2) of the statutes is amended to read:

2 185.42 (2) The register of deeds, upon payment of the fee specified under s.
3 59.43 (2) ~~(e) (ag)~~, shall number each contract consecutively and shall record it. The
4 register of deeds shall enter the name of every member-maker of such a contract
5 ~~alphabetically in a book to be kept for that purpose. He or she shall place members~~
6 ~~and cooperatives under a separate head and shall state in separate columns, opposite~~
7 ~~each name, the number of the contract, the date of the filing, and a brief description~~
8 ~~of the products, goods or services covered by such contract in the real estate records~~
9 ~~index under s. 59.43 (9).”~~

10 **487.** Page 177, line 14: after that line insert:

11 **“SECTION 346c.** 196.218 (3) (a) 3. b. of the statutes, as affected by 2001
12 Wisconsin Act 16, is amended to read:

13 196.218 (3) (a) 3. b. The amounts appropriated under ss. 20.255 (3) (q), 20.275
14 ~~(1) 20.255 (4) (s), (t) and (tm) and 20.285 (1) (q).~~

15 **SECTION 346m.** 196.218 (4t) of the statutes is amended to read:

16 196.218 (4t) EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM RULES. The
17 commission, in consultation with the department of administration and the
18 ~~technology for educational achievement in Wisconsin board~~ department of public
19 instruction, shall promulgate rules specifying the telecommunications services
20 eligible for funding through the educational telecommunications access program
21 under s. 44.73 ~~115.9995~~.

22 **SECTION 346r.** 196.218 (5) (a) 5. of the statutes, as affected by 2001 Wisconsin
23 Act 16, is amended to read:

1 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 to the
2 extent that these costs are not paid under s. ~~44.73 (2) (d)~~ 115.9995 (2) (d), except that
3 no moneys in the universal service fund may be used to pay installation costs that
4 are necessary for a political subdivision to obtain access to bandwidth under a shared
5 service agreement under s. ~~44.73 (2r) (a)~~ 115.9995 (2r) (a).

6 **SECTION 346rm.** 196.218 (5) (a) 7. of the statutes is amended to read:

7 196.218 (5) (a) 7. To make grants awarded by the ~~technology for educational~~
8 ~~achievement in Wisconsin board~~ department of public instruction to school districts
9 and private schools under s. ~~44.73 (6)~~ 115.9995 (6). This subdivision does not apply
10 after December 31, 2005.

11 **SECTION 346rt.** 196.218 (5) (a) 10. of the statutes, as created by 2001 Wisconsin
12 Act 16, is amended to read:

13 196.218 (5) (a) 10. To make the grant awarded by the ~~technology for educational~~
14 ~~achievement in Wisconsin board~~ department of public instruction to the Racine
15 Unified School District under s. ~~44.72 (3)~~ 115.999 (3).”

16 **488.** Page 177, line 14: after that line insert:

17 “**SECTION 346cd.** 186.01 (2) of the statutes is amended to read:

18 186.01 (2) “Credit union” means, except as specifically provided under ss.
19 186.41 (1) and 186.45 (1), a cooperative, nonprofit corporation, incorporated under
20 this chapter to encourage thrift among its members, create a source of credit at a fair
21 and reasonable cost, and provide an opportunity for its members to improve their
22 economic and social conditions.

23 **SECTION 346cf.** 186.02 (2) (a) 1. of the statutes is amended to read:

1 186.02 (2) (a) 1. ~~The conditions of residence or occupation which qualify persons~~
2 that determine eligibility for membership.

3 **SECTION 346ch.** 186.02 (2) (b) 2. of the statutes is amended to read:

4 186.02 (2) (b) 2. ~~Residents~~ Except as otherwise provided in this subdivision,
5 individuals who reside or are employed within –a– well-defined neighborhood,
6 community or rural district and contiguous neighborhoods and communities. If the
7 office of credit unions, subsequent to a credit union merger, determines that it would
8 be inappropriate under the circumstances to require members of the credit union
9 that results from the merger to reside or be employed in contiguous neighborhoods
10 and communities, the requirement that these neighborhoods and communities be
11 contiguous does not apply.

12 **SECTION 346cj.** 186.02 (2) (b) 2m. of the statutes is created to read:

13 186.02 (2) (b) 2m. Individuals who reside or are employed within well-defined
14 and contiguous rural districts or multicounty regions.

15 **SECTION 346cL.** 186.02 (2) (c) of the statutes is amended to read:

16 186.02 (2) (c) Members of the immediate family of all qualified persons are
17 eligible for membership. ~~In this paragraph, “members of the immediate family”~~
18 ~~include the wife, husband, parents, stepchildren and children of a member whether~~
19 ~~living together in the same household or not and any other relatives of the member~~
20 ~~or spouse of a member living together in the same household as the member.~~

21 **SECTION 346cn.** 186.02 (2) (d) of the statutes is renumbered 186.02 (2) (d) 1.
22 and amended to read:

23 186.02 (2) (d) 1. ~~Organizations and associations~~ An organization or association
24 of individuals, the majority of whom the directors, owners, or members of which are

1 eligible for membership, may be admitted to membership in the same manner and
2 under the same conditions as individuals.

3 **SECTION 346cp.** 186.02 (2) (d) 2. of the statutes is created to read:

4 186.02 (2) (d) 2. An organization or association that has its principal business
5 location within any geographic limits of the credit union's field of membership may
6 be admitted to membership.

7 **SECTION 346cr.** 186.11 (4) (title) of the statutes is amended to read:

8 186.11 (4) (title) INVESTMENT IN CREDIT UNION SERVICE CORPORATIONS
9 ORGANIZATIONS.

10 **SECTION 346ct.** 186.11 (4) (a) of the statutes is renumbered 186.11 (4) (a)
11 (intro.) and amended to read:

12 186.11 (4) (a) (intro.) ~~A- Unless the office of credit unions approves a higher~~
13 percentage, a credit union may invest not more than 1.5% of its total assets in the
14 capital shares or obligations of a credit union service corporation organizations that
15 satisfy all of the following:

16 2. Are organized primarily to provide goods and services to credit unions, credit
17 union organizations, and credit union members.

18 **SECTION 346cv.** 186.11 (4) (a) 1. of the statutes is created to read:

19 186.11 (4) (a) 1. Are corporations, limited partnerships, limited liability
20 companies, or other entities that are permitted under the laws of this state and that
21 are approved by the office of credit unions.

22 **SECTION 346cx.** 186.11 (4) (b) (intro.) and 1. of the statutes are amended to
23 read:

24 186.11 (4) (b) (intro.) A credit union service corporation organization under par.
25 (a) may provide goods and services including any of the following:

1 1. Credit union operations services, including service centers, credit and debit
2 card services, automated teller and remote terminal services, electronic transaction
3 services, accounting systems, data processing, management training and support,
4 payment item processing, record retention and storage, locator services, research,
5 debt collection, credit analysis and loan servicing, coin and currency services, and
6 marketing and advertising services.

7 **SECTION 346dd.** 186.11 (4) (c) of the statutes is amended to read:

8 186.11 (4) (c) A credit union service ~~corporation~~ organization may be subject
9 to audit by the office of credit unions.

10 **SECTION 346df.** 186.113 (1) of the statutes is amended to read:

11 186.113 (1) BRANCH OFFICES. ~~If the need and necessity exist and with~~ With the
12 approval of the office of credit unions, establish branch offices inside ~~this state or no~~
13 ~~more than 25 miles~~ or outside of this state. Permanent records may be maintained
14 at branch offices established under this subsection. In this subsection, the term
15 “branch office” does not include a remote terminal, a limited services office, or a
16 service center.

17 **SECTION 346dh.** 186.113 (1m) (a) (intro.) of the statutes is amended to read:

18 186.113 (1m) (a) (intro.) ~~Establish~~ Before the effective date of this paragraph
19 [revisor inserts date], establish limited services offices outside this state to serve
20 any member of the credit union if all of the following requirements are met:

21 **SECTION 346dj.** 186.113 (6) (b) and (c) of the statutes are amended to read:

22 186.113 (6) (b) Act as trustees or custodians of member tax deferred retirement
23 funds, individual retirement accounts, medical savings accounts, or other employee
24 benefit accounts or funds permitted by federal law to be deposited in a credit union.

1 (c) Act as a depository for ~~member-deferred~~ member qualified and
2 nonqualified deferred compensation funds as permitted by federal law.

3 **SECTION 346dL.** 186.113 (24) of the statutes is created to read:

4 186.113 (24) FUNERAL TRUSTS. Accept deposits made by members for the
5 purpose of funding burial agreements by trusts created pursuant to s. 445.125.

6 **SECTION 346dn.** 186.20 of the statutes is created to read:

7 **186.20 Financial privacy.** A credit union shall comply with any applicable
8 requirements under 15 USC 6801 to 6803 and any applicable regulations prescribed
9 by the national board under 15 USC 6804.

10 **SECTION 346dp.** 186.235 (7) (a) (intro.) of the statutes is amended to read:

11 186.235 (7) (a) (intro.) Employees of the office of credit unions and members
12 of the review board shall keep secret all the facts and information obtained in the
13 course of examinations, ~~except or contained in any report provided by a credit union~~
14 other than any semiannual or quarterly financial report that is regularly filed with
15 the office of credit unions. This requirement does not apply in any of the following
16 situations:

17 **SECTION 346dq.** 186.235 (7) (c) of the statutes is created to read:

18 186.235 (7) (c) If any person mentioned in par. (a) discloses any information
19 about the private account or transactions of a credit union or any information
20 obtained in the course of an examination of a credit union, except as provided in pars.
21 (a) and (b), that person may be required to forfeit his or her office or position and may
22 be fined not less than \$100 nor more than \$1,000, or imprisoned for not less than 6
23 months nor more than 3 years, or both.

24 **SECTION 346dr.** 186.235 (7) (c) of the statutes, as created by 2001 Wisconsin
25 Act (this act), is repealed and recreated to read:

1 186.235 (7) (c) If any person mentioned in par. (a) discloses any information
2 about the private account or transactions of a credit union or any information
3 obtained in the course of an examination of a credit union, except as provided in pars.
4 (a) and (b), that person is guilty of a Class I felony.

5 **SECTION 346dt.** 186.235 (7m) of the statutes is created to read:

6 186.235 (7m) RETURN OF EXAMINATION REPORTS. Examination reports possessed
7 by a credit union are confidential, remain the property of the office of credit unions,
8 and shall be returned to the office of credit unions immediately upon request.

9 **SECTION 346dx.** 186.235 (16) (b) of the statutes is repealed.

10 **SECTION 346ed.** 186.235 (16) (bm) of the statutes is created to read:

11 186.235 (16) (bm) Except as otherwise provided in this paragraph, the
12 examination of a credit union under par. (a) shall include an examination of the credit
13 union's compliance with s. 186.20. The examination under par. (a) need not include
14 an examination of the credit union's compliance with s. 186.20 if, during the 12
15 months preceding the date of the examination under par. (a), the credit union
16 received from the national board a consumer compliance examination that contains
17 information regarding the credit union's compliance with 15 USC 6801 to 6803 and
18 any applicable regulations prescribed under 15 USC 6804.

19 **SECTION 346ef.** 186.36 of the statutes is amended to read:

20 **186.36 Sale of insurance in credit unions.** Any officer or employee of a
21 credit union, when acting as an agent for the sale of insurance on behalf of the credit
22 union, shall pay all commissions received from the sale of ~~credit life insurance or~~
23 ~~credit accident and sickness~~ insurance to the credit union.

24 **SECTION 346eh.** 186.41 (title) of the statutes is amended to read:

1 **186.41 (title) ~~Interstate acquisition~~ acquisitions and merger mergers**
2 **of credit unions.**

3 **SECTION 346ej.** 186.41 (1) (a) of the statutes is renumbered 186.41 (1) (bm) and
4 amended to read:

5 186.41 (1) (bm) “~~In-state~~ Wisconsin credit union” means a credit union having
6 its principal office located in this state.

7 **SECTION 346eL.** 186.41 (1) (c) of the statutes is renumbered 186.41 (1) (am) and
8 amended to read:

9 186.41 (1) (am) “~~Regional Out-of-state~~ credit union” means a state or federal
10 credit union that has its, the principal office of which is located in ~~one of the regional~~
11 states a state other than this state.

12 **SECTION 346en.** 186.41 (1) (d) of the statutes is repealed.

13 **SECTION 346ep.** 186.41 (2) and (3) of the statutes are amended to read:

14 186.41 (2) ~~IN-STATE WISCONSIN CREDIT UNION.~~ (a) ~~An in-state~~ A Wisconsin credit
15 union may do any of the following:

16 1. Acquire an interest in, or some or all of the assets and liabilities of, one or
17 more ~~regional out-of-state~~ credit unions.

18 2. Merge with one or more ~~regional out-of-state~~ credit unions.

19 (b) ~~An in-state~~ A Wisconsin credit union proposing any action under par. (a)
20 shall provide the office of credit unions a copy of any original application seeking
21 approval by a federal agency or by an agency of ~~the regional~~ another state and of any
22 supplemental material or amendments filed in connection with any application.

23 **(3) ~~REGIONAL OUT-OF-STATE CREDIT UNIONS.~~** Except as provided in sub. (4), a
24 ~~regional~~ an out-of-state credit union may do any of the following:

1 (a) Acquire an interest in, or some or all of the assets of, one or more ~~in-state~~
2 Wisconsin credit unions.

3 (b) Merge with one or more ~~in-state~~ Wisconsin credit unions.

4 **SECTION 346er.** 186.41 (4) (intro.), (a) to (d) and (f) of the statutes are amended
5 to read:

6 186.41 (4) LIMITATIONS. (intro.) ~~A regional~~ An out-of-state credit union may
7 not take any action under sub. (3) until all of the following conditions have been met:

8 (a) The office of credit unions finds that the statutes of the ~~regional~~ state in
9 which the ~~regional~~ out-of-state credit union has its principal office permit ~~in-state~~
10 Wisconsin credit unions to both acquire ~~regional~~ out-of-state credit union assets and
11 merge with one or more ~~regional~~ out-of-state credit unions in the ~~regional~~ that state.

12 (b) The office of credit unions has not disapproved the acquisition of ~~in-state~~
13 Wisconsin credit union assets or the merger with the ~~in-state~~ Wisconsin credit union
14 under sub. (5).

15 (c) The office of credit unions gives a class 3 notice, under ch. 985, in the official
16 state newspaper, of the application to take an action under sub. (3) and of the
17 opportunity for a hearing and, if at least 25 residents of this state petition for a
18 hearing within 30 days of the final notice or if the office of credit unions on its own
19 motion calls for a hearing within 30 days of the final notice, the office of credit unions
20 holds a public hearing on the application, except that a hearing is not required if the
21 office of credit unions finds that an emergency exists and that the proposed action
22 under sub. (3) is necessary and appropriate to prevent the probable failure of ~~an~~
23 ~~in-state~~ a Wisconsin credit union that is closed or in danger of closing.

24 (d) The office of credit unions is provided a copy of any original application
25 seeking approval by a federal agency of the acquisition of ~~in-state~~ Wisconsin credit

1 union assets or of the merger with an in-state a Wisconsin credit union and of any
2 supplemental material or amendments filed with the application.

3 (f) With regard to an acquisition of assets of an in-state a Wisconsin credit
4 union that is chartered on or after May 9, 1986, the in-state Wisconsin credit union
5 has been in existence for at least 5 years before the date of acquisition.

6 **SECTION 346et.** 186.41 (5) (a), (b), (c) and (cr) of the statutes are amended to
7 read:

8 186.41 (5) (a) Considering the financial and managerial resources and future
9 prospects of the applicant and of the in-state Wisconsin credit union concerned, the
10 action would be contrary to the best interests of the members of the in-state
11 Wisconsin credit union.

12 (b) The action would be detrimental to the safety and soundness of the
13 applicant or of the in-state Wisconsin credit union concerned, or to a subsidiary or
14 affiliate of the applicant or of the in-state Wisconsin credit union.

15 (c) Because the applicant, its executive officers, or directors have not
16 established a record of sound performance, efficient management, financial
17 responsibility, and integrity, the action would be contrary to the best interests of the
18 creditors, ~~the members or, the~~ other customers of the applicant ~~or of the in-state, the~~
19 Wisconsin credit union, ~~or contrary to the best interests of the public.~~

20 (cr) The applicant has failed to propose to provide adequate and appropriate
21 services of the type contemplated by the community reinvestment act of 1977 in the
22 community in which the in-state Wisconsin credit union which the applicant
23 proposes to acquire or merge with is located.

24 **SECTION 346ev.** 186.41 (6) (a) of the statutes is renumbered 186.41 (6).

25 **SECTION 346ex.** 186.41 (6) (b) of the statutes is repealed.

1 **SECTION 346fd.** 186.41 (8) of the statutes is repealed.

2 **SECTION 346ff.** 186.45 of the statutes is created to read:

3 **186.45 Non-Wisconsin credit union, Wisconsin offices. (1) DEFINITIONS.**

4 In this section:

5 (a) “Non-Wisconsin credit union” means a credit union organized under the
6 laws of and with its principal office located in a state other than this state.

7 (b) “Wisconsin credit union” has the meaning given in s. 186.41 (1) (bm).

8 **(2) APPROVAL.** A non-Wisconsin credit union may open an office and conduct
9 business as a credit union in this state if the office of credit unions finds that
10 Wisconsin credit unions are allowed to do business in the other state under
11 conditions similar to those contained in this section and that all of the following apply
12 to the non-Wisconsin credit union:

13 (a) It is a credit union organized under laws similar to the credit union laws of
14 this state.

15 (b) It is financially solvent based upon national board ratings.

16 (c) It has member savings insured with federal share insurance.

17 (d) It is effectively examined and supervised by the credit union authorities of
18 the state in which it is organized.

19 (e) It has received approval from the credit union authorities of the state in
20 which it is organized.

21 (f) It has a need to place an office in this state to adequately serve its members
22 in this state.

23 (g) It meets all other relevant standards or qualifications established by the
24 office of credit unions.

1 **(3) REQUIREMENTS.** A non-Wisconsin credit union shall agree to do all of the
2 following:

3 (a) Grant loans at rates not in excess of the rates permitted for Wisconsin credit
4 unions.

5 (b) Comply with this state's laws.

6 (c) Designate and maintain an agent for the service of process in this state.

7 **(4) RECORDS.** As a condition of a non-Wisconsin credit union doing business in
8 this state under this section, the office of credit unions may require copies of
9 examination reports and related correspondence regarding the non-Wisconsin
10 credit union.

11 **SECTION 346fg.** 186.80 of the statutes is created to read:

12 **186.80 False statements.** (1) No officer, director, or employee of a credit
13 union may do any of the following:

14 (a) Willfully and knowingly subscribe to or make, or cause to be made, a false
15 statement or entry in the books of the credit union.

16 (b) Knowingly subscribe to or exhibit false information with the intent to
17 deceive any person authorized to examine the affairs of the credit union.

18 (c) Knowingly make, state, or publish any false report or statement of the credit
19 union.

20 (2) Any person who violates sub. (1) may be fined not more than \$5,000, or
21 imprisoned for not less than one year nor more than 15 years, or both.

22 **SECTION 346fh.** 186.80 (2) of the statutes, as created by 2001 Wisconsin Act
23 (this act), is repealed and recreated to read:

24 **186.80 (2)** Any person who violates sub. (1) is guilty of a Class F felony.”.

1 **489.** Page 177, line 14: after that line insert:

2 “**SECTION 346cm.** 185.981 (4t) of the statutes is amended to read:

3 185.981 (4t) A sickness care plan operated by a cooperative association is
4 subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,
5 632.853, 632.855, 632.87 (2m), (3), (4), and (5), 632.89, 632.895 (10) to ~~(14)~~ (15), and
6 632.897 (10) and chs. 149 and 155.

7 **SECTION 346dr.** 185.983 (1) (intro.) of the statutes is amended to read:

8 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
9 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
10 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,
11 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,
12 632.855, 632.87 (2m), (3), (4), and (5), 632.89, 632.895 (5) and (9) to ~~(14)~~ (15), 632.896,
13 and 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association
14 shall:”.

15 **490.** Page 177, line 14: after that line insert:

16 “**SECTION 346b.** 196.196 (3) (a) of the statutes is amended to read:

17 196.196 (3) (a) Except to the extent expressly permitted by this section and ss.
18 196.19 (1m), 196.194, 196.195, 196.1995, 196.20 (1m), 196.204, 196.209 and,
19 196.219, and 196.37, the commission may not have jurisdiction over the prices or
20 terms and conditions for the offering of any other services, including new
21 telecommunications services, offered by a price-regulated telecommunications
22 utility.

23 **SECTION 346d.** 196.196 (6) (title) of the statutes is created to read:

24 196.196 (6) (title) MANDATORY CREDITS.

1 **SECTION 346f.** 196.196 (6) (a) of the statutes is created to read:

2 196.196 (6) (a) *Definitions.* In this subsection:

3 1. “Customer” means any person, including a telecommunications provider,
4 that uses the services, products, or facilities provided by a telecommunications
5 utility.

6 2. “End-user customer” means a person that receives local exchange service
7 from a telecommunications utility or another telecommunications provider, and that
8 does not resell the local exchange service or use such service to provide
9 telecommunications service to any other customer.

10 3. “Large telecommunications utility” means a telecommunications utility that
11 has more than 500,000 access lines in use in this state at the time of electing to
12 become price regulated.

13 4. “Local exchange service” has the meaning given in s. 196.50 (1) (b) 1.

14 **SECTION 346h.** 196.196 (6) (b) of the statutes is created to read:

15 196.196 (6) (b) *Service disruptions.* 1. If the local exchange service of an
16 end-user customer is disrupted by a large telecommunications utility, or a
17 telecommunications utility specified in an order under par. (f), and remains
18 disrupted for more than 24 hours after the disruption is reported to the utility, the
19 utility shall issue a credit in an amount specified in subd. 2. to the end-user customer
20 unless one of the following applies:

21 a. The disruption is caused by the end-user customer or the end-user
22 customer’s telecommunications equipment.

23 b. The disruption is caused by a natural disaster, act of God, military action,
24 war, insurrection, or riot.

1 c. The end–user customer fails to keep an appointment to repair the disruption
2 and the utility is not able to obtain access to repair the disruption.

3 2. If service is disrupted for 24 hours or more, the amount of the credit under
4 subd. 1. shall be \$35 for each primary residential line, \$5 for each other residential
5 line, \$135 for each main billing business line, and \$25 for each other business line,
6 for each 24–hour period, or portion of a 24–hour period, in which service is disrupted.

7 **SECTION 346j.** 196.196 (6) (c) of the statutes is created to read:

8 196.196 (6) (c) *Failure to install local exchange service.* 1. Except as provided
9 in subd. 2., if a large telecommunications utility, or a telecommunications utility
10 specified in an order under par. (f), fails to install local exchange service or related
11 equipment within 5 business days after an end–user customer places an order for the
12 service or equipment, the utility shall issue a credit to the end–user customer in an
13 amount equal to \$35 for each residential line and \$135 for each business line for each
14 business day, or portion of a business day, beyond the 5th business day that the
15 service or equipment is not installed.

16 2. Subdivision 1. does not apply to any of the following:

17 a. The installation of service in an undeveloped area where there are no
18 telecommunications facilities.

19 b. A failure to install that is caused by a natural disaster, act of God, military
20 action, war, insurrection, or riot.

21 c. A failure to install resulting from the end–user customer voluntarily
22 changing the installation date without providing notice 48 hours before the
23 originally scheduled installation date.

24 **SECTION 346L.** 196.196 (6) (d) of the statutes is created to read:

1 196.196 (6) (d) *Failure to keep appointments.* 1. A large telecommunications
2 utility, or a telecommunications utility specified in an order under par. (f), shall do
3 all of the following:

4 a. Except as provided in subd. 2., if the utility fails to keep an appointment to
5 install service or make on-premises or outside repairs for an end-user customer,
6 issue a \$35 credit for each residential line and a \$135 credit for each business line
7 that is affected by the failure.

8 b. Inform an end-user customer about the utility's obligation to issue a credit
9 under subd. 1. a. at the time an appointment is made.

10 2. Subdivision 1. a. does not apply if the telecommunications utility provides
11 the end-user customer with 24-hour advance notice that the utility is not able to
12 keep the appointment or if a natural disaster, act of God, military action, war,
13 insurrection, or riot prevents the utility from keeping the appointment.

14 **SECTION 346n.** 196.196 (6) (e) of the statutes is created to read:

15 196.196 (6) (e) *Credit procedure.* 1. If a large telecommunications utility, or
16 a telecommunications utility specified in an order under par. (f), is required to
17 provide a credit to an end-user customer under this subsection, the utility shall issue
18 the credit by adjusting the end-user customer's first bill following the event for
19 which the credit is required.

20 2. Except for an end-user customer report under par. (b) 1., a large
21 telecommunications utility, or a telecommunications utility specified in an order
22 under par. (f), may not require an end-user customer to provide any notice as a
23 condition for issuing a credit required under this subsection.

24 **SECTION 346p.** 196.196 (6) (f) of the statutes is created to read:

1 196.196 (6) (f) *Other telecommunications utilities.* In addition to any other
2 order issued by the commission, the commission may issue an order that applies the
3 requirements of this subsection to a telecommunications utility other than a large
4 telecommunications utility, but only if the commission finds, after notice and
5 reasonable opportunity for hearing, that the telecommunications utility has engaged
6 in a demonstrable pattern of poor retail service that was not caused by poor
7 wholesale service from a telecommunications utility, or has intentionally violated
8 any state or federal law, rule, regulation, or order relating to retail service.

9 **SECTION 346r.** 196.196 (6) (g) of the statutes is created to read:

10 196.196 (6) (g) *Other remedies available.* The remedies under this subsection
11 are not exclusive.

12 **SECTION 346t.** 196.196 (6) (h) of the statutes is created to read:

13 196.196 (6) (h) *Sunset.* This subsection does not apply after the first day of the
14 36th month beginning after the effective date of this paragraph [revisor inserts
15 date].

16 **SECTION 346v.** 196.196 (7) of the statutes is created to read:

17 196.196 (7) **PENALTY.** A price-regulated telecommunications utility that
18 provides inadequate service or makes insufficient investment may be required to
19 forfeit no more than the dollar value of the decrease in rates that would result from
20 applying a penalty mechanism of 10 percentage points and an incentive mechanism
21 of zero percentage points under sub. (1) (c) 1. The commission may directly impose
22 a forfeiture under this subsection by administrative action on a price-regulated
23 telecommunications utility with more than 500,000 access lines in use in this state
24 if the commission determines during its annual review of rate increases under sub.

1 (1) (c) that the utility has provided inadequate service or made insufficient
2 investment.

3 **SECTION 346x.** 196.1995 of the statutes is created to read:

4 **196.1995 Interconnection, collocation, and network elements. (1)**

5 **DEFINITIONS.** In this section:

6 (a) “End–user customer” has the meaning given in s. 196.196 (6) (a) 2.

7 (b) “Large telecommunications utility” means a telecommunications utility
8 that has more than 500,000 access lines in use in this state at the time of electing to
9 become price regulated.

10 (c) “Local exchange service” has the meaning given in s. 196.50 (1) (b) 1.

11 (d) “Network element” means a facility or equipment used to provide
12 telecommunications service. “Network element” includes features, functions, and
13 capabilities that are provided by means of such a facility or equipment, including
14 subscriber numbers, databases, signaling systems, and information sufficient for
15 bills or collections or that are used in transmitting, routing, or otherwise providing
16 telecommunications service.

17 (e) “Wholesale customer” means a telecommunications provider that uses the
18 services, products, or facilities of a large telecommunications utility to provide
19 telecommunications service to an end–user customer.

20 **(2) GENERALLY.** (a) A large telecommunications utility shall provide
21 interconnection, collocation, and network elements to telecommunications providers
22 in a manner that promotes the maximum development of competitive
23 telecommunications service offerings in this state.

24 (b) A large telecommunications utility shall provide interconnection,
25 collocation, and network elements in a manner specified by a telecommunications

1 provider if that manner is technically feasible. A manner is presumed to be
2 technically feasible if the large telecommunications utility or any of its affiliates offer
3 or provide interconnection, collocation, and network elements in that manner in any
4 jurisdiction.

5 (3) COLLOCATION. (a) A large telecommunications utility shall provide physical
6 or virtual collocation of any type of equipment for interconnection with, or access to
7 the network elements of, the utility or any collocated telecommunications provider
8 at the utility's premises, at rates and on terms and conditions that are just,
9 reasonable, and nondiscriminatory. In this paragraph, "equipment" includes optical
10 transmission equipment, multiplexers, remote switching modules, and
11 cross-connects between the facilities or equipment of other collocated
12 telecommunications providers. In this paragraph, "equipment" also includes
13 microwave transmission facilities on the exterior or interior of any premises owned
14 or controlled by a large telecommunications utility, unless the large
15 telecommunications utility demonstrates to the satisfaction of the commission that
16 physical or virtual collocation of such facilities is not feasible due to technical issues
17 or space limitations.

18 (b) Upon request, a large telecommunications utility shall provide for each of
19 the following in a manner that is consistent with safety and network reliability
20 standards:

21 1. Cross-connects between the facilities or equipment of collocated
22 telecommunications providers that are the most reasonably direct and efficient, as
23 determined by the collocated telecommunications provider.

1 2. Cross-connects between the facilities or equipment of a collocated
2 telecommunications provider and the network elements platform or transport
3 facilities of a noncollocated telecommunications provider.

4 (4) NETWORK ELEMENTS. (a) Upon the request of a telecommunications provider,
5 a large telecommunications utility shall provide network elements on a bundled or
6 unbundled basis, as requested by the telecommunications provider, at any point that
7 the telecommunications provider determines is technically feasible, and in a manner
8 that allows the telecommunications provider to combine the network elements to
9 provide new or existing telecommunications service. A large telecommunications
10 utility must provide network elements under this paragraph at rates, and on terms
11 and conditions, that are just, reasonable, and nondiscriminatory.

12 (b) A large telecommunications utility may not require a wholesale customer
13 to purchase network elements on an unbundled basis if the utility ordinarily
14 combines the elements to provide service to the utility's own end-user customers,
15 except at the direction of a telecommunications provider that requests unbundled
16 network elements.

17 (c) At the direction of a telecommunications provider that requests network
18 elements, a large telecommunications utility shall provide network elements on a
19 bundled or unbundled basis, and shall combine any sequence of network elements
20 requested by the telecommunications provider that the utility ordinarily combines
21 for itself.

22 (d) If a telecommunications provider uses the network elements platform of a
23 large telecommunications utility that consists solely of combined network elements
24 and the use is for the purpose of providing telecommunications service to an
25 end-user customer, the large telecommunications utility may not require that the

1 telecommunications provider purchase other network elements or retail services of
2 the utility. A telecommunications provider may order the network elements platform
3 on an as-is basis for an end-user customer that has received local exchange service
4 from the large telecommunications utility and the telecommunications provider may
5 direct the utility not to change any of the features previously selected by the
6 end-user customer. A large telecommunications utility that provides a network
7 elements platform to a telecommunications provider shall provide the platform
8 without any disruption of services to end-user customers.

9 (5) COMPLIANCE PLAN. (a) No later than the first day of the 9th month beginning
10 after the effective date of this paragraph [revisor inserts date], the commission
11 shall, after notice and, if requested, a hearing, issue an order establishing a
12 compliance plan for each large telecommunications utility that includes each of the
13 following:

14 1. Standards for the utility to provide nondiscriminatory access to the utility's
15 services and network elements, including the utility's operational support system,
16 to the utility's wholesale customers. The access must be at least equal in quality to
17 the access provided by the utility to itself or to any subsidiary, affiliate, or other
18 person to which the utility provides interconnection.

19 2. Procedures for measuring the large telecommunications utility's compliance
20 with the standards under subd. 1.

21 3. Requirements for the utility to make specified monetary payments to a
22 wholesale customer if the utility fails to comply with the standards under subd. 1.

23 (b) The requirements of this subsection apply in addition to any requirements
24 under an interconnection agreement.

25 **SECTION 346y.** 196.219 (3m) of the statutes is created to read:

1 196.219 (3m) WHOLESALE SERVICE. (a) In this subsection:

2 1. “Large telecommunications utility” means a telecommunications utility that
3 has more than 500,000 access lines in use in this state at the time of electing to
4 become price regulated.

5 2. “Repeat trouble report” means a trouble report by a wholesale customer who
6 has previously made a trouble report regarding the same wholesale service.

7 3. “Trouble report” means a report to a telecommunications utility by a
8 wholesale customer about a problem regarding a wholesale service provided by the
9 telecommunications utility.

10 4. “Wholesale services” means telecommunications services, products, or
11 facilities, provided by a telecommunications utility to a telecommunications
12 provider, including preordering, ordering and provisioning, maintenance and repair,
13 network performance, unbundled elements, operator services and directory
14 assistance, system performance, service center availability, billing, and any other
15 service that the commission specifies by order.

16 (b) No later than the first day of the 4th month beginning after the effective date
17 of this paragraph [revisor inserts date], the commission shall, by order, establish
18 minimum wholesale service standards that require a large telecommunications
19 utility to do all of the following:

20 1. Provision wholesale services and related facilities in a timely manner.

21 2. Repair wholesale service outages in a timely manner.

22 3. Minimize the frequency of trouble reports, including trouble reports within
23 30 days after initiating a wholesale service.

24 4. Minimize the frequency of repeat trouble reports.

1 (c) In addition to any other order issued by the commission, the commission
2 may issue an order that applies the requirements of par. (b) to a telecommunications
3 utility other than a large telecommunications utility, but only if the commission
4 finds, after notice and reasonable opportunity for hearing, that the
5 telecommunications utility has engaged in a demonstrable pattern of poor wholesale
6 service or has intentionally violated any state or federal law, rule, regulation, or
7 order relating to wholesale service.

8 (d) An order under par. (b) or (c) may require a telecommunications utility that
9 fails to comply with the order to make payments to a telecommunications provider
10 that is affected by the failure to comply or to the commission in amounts and
11 according to schedules that are specified in the order. Any payments to the
12 commission shall be credited to the appropriation account under s. 20.155 (1) (Lm).

13 (e) After the commission issues an order under par. (b) or (c), the commission
14 may promulgate rules that implement the requirements of the order.

15 (f) A telecommunications utility that provides wholesale services to a
16 telecommunications provider shall provide the services on the same terms and
17 conditions that the utility provides to itself or to any of its affiliates.

18 **SECTION 346z.** 196.37 (2) of the statutes is amended to read:

19 196.37 (2) If the commission finds that any measurement, regulation, practice,
20 act or service is unjust, unreasonable, insufficient, preferential, unjustly
21 discriminatory or otherwise unreasonable or unlawful, or that any service is
22 inadequate, or that any service which reasonably can be demanded cannot be
23 obtained, the commission shall determine and make any just and reasonable order
24 relating to a measurement, regulation, practice, act or service to be furnished,
25 imposed, observed and followed in the future. An order under this subsection against

1 a large telecommunications utility, as defined in s. 196.219 (3m) (a) 1., may require
2 the utility to make payments in amounts specified in the order to persons affected
3 by the measurement, regulation, practice, act, or service or to the commission. Any
4 payments to the commission shall be credited to the appropriation account under s.
5 20.155 (1) (Lm).”.

6 **491.** Page 177, line 14: after that line insert:

7 “**SECTION 346m.** 196.195 (5) of the statutes is amended to read:

8 196.195 (5) COMMISSION ACTION. If after the proceedings under subs. (2), (3) and
9 (4) the commission has determined that effective competition exists in the market
10 for the telecommunications service which justifies a lesser degree of regulation and
11 that lesser regulation in that market will serve the public interest, the commission
12 may, by order, suspend any of the following provisions of law, except as provided
13 under subs. (7) and (8): ~~ch. 201 and sub. (12) (d) 2. or (e);~~ s. 196.02 (2); s. 196.05; s.
14 196.06; s. 196.07; s. 196.09; s. 196.10; s. 196.12; s. 196.13 (2); s. 196.19; tariffing
15 requirements under s. 196.194; s. 196.196 (1) or (5); s. 196.20; s. 196.204 (5), (6), or
16 (7); s. 196.21; s. 196.22; s. 196.26; s. 196.28; s. 196.37; s. 196.49; s. 196.52; s. 196.58;
17 s. 196.60; s. 196.604; s. 196.77; s. 196.78; s. 196.79; and s. 196.805; or ch. 201.”.

18 **492.** Page 177, line 14: after that line insert:

19 “**SECTION 346g.** 196.218 (5) (a) 5. of the statutes, as affected by 2001 Wisconsin
20 Act 16, is amended to read:

21 196.218 (5) (a) 5. To pay costs incurred under contracts under s. ~~16.974~~ 16.971
22 (13) to (16) to the extent that these costs are not paid under s. 44.73 (2) (d), except
23 that no moneys in the universal service fund may be used to pay installation costs

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

3 **SECTION 346h.** 196.218 (5) (a) 6. of the statutes, as affected by 2001 Wisconsin
4 Act 16, is amended to read:

5 196.218 (5) (a) 6. To pay the department of ~~electronic government~~
6 administration for telecommunications services provided under s. ~~22.05~~ 16.972 (1)
7 to the campuses of the University of Wisconsin System at River Falls, Stout, Superior
8 and Whitewater.

9 **SECTION 346m.** 196.858 (1) and (2) of the statutes, as affected by 2001
10 Wisconsin Act 16, are amended to read:

11 196.858 (1) The commission shall annually assess against local exchange and
12 interexchange telecommunications utilities the total, not to exceed \$5,000,000, of the
13 amounts appropriated under s. ~~20.530~~ 20.505 (1) (ir).

14 (2) The commission shall assess a sum equal to the annual total amount under
15 sub. (1) to local exchange and interexchange telecommunications utilities in
16 proportion to their gross operating revenues during the last calendar year. If total
17 expenditures for telephone relay service exceeded the payment made under this
18 section in the prior year, the commission shall charge the remainder to assessed
19 telecommunications utilities in proportion to their gross operating revenues during
20 the last calendar year. A telecommunications utility shall pay the assessment within
21 30 days after the bill has been mailed to the assessed telecommunication utility. The
22 bill constitutes notice of the assessment and demand of payment. Payments shall
23 be credited to the appropriation account under s. ~~20.530~~ 20.505 (1) (ir).”

24 **493.** Page 177, line 22: after that line insert:

1 **SECTION 347c.** 214.72 (1) (b) of the statutes is amended to read:

2 214.72 (1) (b) “Financial regulator” means the department secretary ~~and~~
3 ~~deputy secretary~~, and an administrator, a supervisor of data processing, legal counsel
4 and a financial institution examiner employed by the department and includes any
5 member of a financial regulator’s immediate family, as defined in s. 19.42 (7).

6 **SECTION 347p.** 214.72 (3) of the statutes is amended to read:

7 214.72 (3) Within 30 days after commencing employment as a financial
8 regulator and at least once each year, each financial regulator, for himself or herself
9 and covering his or her immediate family, shall complete a written, sworn report
10 disclosing the nature of all business relationships with savings banks on forms
11 prescribed by the department. Each report shall be reviewed by the department,
12 except that the secretary’s ~~and deputy secretary’s~~ report shall be reviewed by the
13 review board. The reviewers shall determine if any business relationship is or
14 appears improper and, if so, may direct the termination of that business relationship
15 within a reasonable, prescribed time period.”.

16 **494.** Page 179, line 14: after that line insert:

17 **SECTION 351n.** 218.0114 (23) (intro.) of the statutes is amended to read:

18 218.0114 (23) (intro.) After the receipt of an application in due form, properly
19 verified and certified, and upon the payment of the \$5 examination fee, the secretary,
20 ~~deputy secretary~~ or any salaried employee of the department of transportation
21 designated by the secretary shall, within a reasonable time and in a place reasonably
22 accessible to the applicant for a license, subject each first-time applicant for license
23 and, if the secretary deems necessary, any applicant for renewal of license to a
24 personal written examination as to competency to act as a motor vehicle salesperson.

1 The secretary shall issue to an applicant a resident or nonresident motor vehicle
2 salesperson's license if the application and examination show that the applicant
3 meets all of the following requirements:"

4 **495.** Page 180, line 3: after that line insert:

5 "SECTION 353m. 221.0320 (3) (a) of the statutes, as affected by 2001 Wisconsin
6 Act 16, is amended to read:

7 221.0320 (3) (a) In this subsection, "local governmental unit" has the meaning
8 given in s. ~~22.01 16.97~~ (7)."

9 **496.** Page 180, line 18: after that line insert:

10 "SECTION 357p. Subchapter V of chapter 224 [precedes 224.991] of the statutes
11 is created to read:

12 **CHAPTER 224**

13 **SUBCHAPTER V**

14 **CONSUMER REPORTING AGENCIES**

15 **224.991 Definitions.** In this subchapter:

16 (1) "Consumer report" has the meaning given in 15 USC 1681a (d).

17 (2) "Consumer reporting agency" has the meaning given in 15 USC 1681a (f).

18 (3) "File" has the meaning given in 15 USC 1681a (g).

19 (4) "Investigative consumer report" has the meaning given in 15 USC 1681a
20 (e).

21 (5) "Summary of rights" means the information a consumer reporting agency
22 is required to provide under 15 USC 1681g (c).

23 **224.993 Disclosure to individual.** (1) IN GENERAL. A consumer reporting
24 agency shall, upon the written request of an individual, provide the individual with

1 a written disclosure report within 5 business days after receiving the written
2 request.

3 (2) CONTENTS. Except as provided in sub. (4), the written disclosure report
4 provided under sub. (1) shall contain all of the following:

5 (a) A current consumer report pertaining to the individual.

6 (b) The date of each request for credit information pertaining to the individual
7 received by the consumer reporting agency during the 12 months before the date that
8 the consumer reporting agency provides the written disclosure report.

9 (c) The name of each person requesting credit information pertaining to the
10 individual during the 12 months before the date that the consumer reporting agency
11 provides the written disclosure report.

12 (d) The dates, original payees, and amounts of any checks upon which any
13 adverse characterization of the consumer is based.

14 (e) Any other information contained in the individual's file.

15 (f) A clear and concise explanation of the contents of the written disclosure
16 report.

17 (g) A summary of rights.

18 (3) COST. A consumer reporting agency shall provide the written disclosure
19 report required under sub. (1) free of charge, unless the individual has requested a
20 written disclosure report from the consumer reporting agency during the preceding
21 12 months.

22 (4) EXCEPTIONS. A consumer reporting agency may not disclose to an individual
23 making a request under sub. (1) any of the following:

24 (a) The sources of any information that was both acquired solely for use in
25 preparing an investigative consumer report and used for no other purpose.