

1 177.24 (3) (a) If Except as provided in par. (b), if a claim is allowed, the
2 administrator shall deliver the property to the claimant or pay the claimant the
3 amount the administrator actually received or the net proceeds of the sale of the
4 property, together with any additional amount required under s. 177.21. ~~If the claim~~
5 ~~is for property presumed abandoned under s. 177.10 which was sold by the~~
6 ~~administrator within 3 years after the date of delivery, the amount payable for that~~
7 ~~claim is the value of the property at the time the claim was made or the net proceeds~~
8 ~~of sale, whichever is greater.~~ If the property claimed was interest bearing to the
9 owner on the date of surrender by the holder, the administrator shall pay interest at
10 a rate of 6% per year or any lesser rate the property earned while in the possession
11 of the holder. Interest begins to accrue when the property is delivered to the
12 administrator and ceases on the earlier of the expiration of 10 years after delivery
13 or the date on which payment is made to the owner. No interest on interest-bearing
14 property is payable for any period before December 31, 1984.

15 ***-0530/2.5*** SECTION 2906. 177.24 (3) (b) of the statutes is created to read:

16 177.24 (3) (b) If the administrator allows a claim made under sub. (1) (b), the
17 administrator shall pay the claimant the amount reported to the administrator
18 under s. 177.17.

19 ***-0530/2.6*** SECTION 2907. 177.24 (4) of the statutes is amended to read:

20 177.24 (4) Any holder who pays the owner for property that has been delivered
21 to this state which, if claimed from the administrator, would be subject to sub. (3) (a)
22 shall add interest as provided under sub. (3) (a). The added interest shall be repaid
23 to the holder by the administrator in the same manner as the principal.

24 ***-0530/2.7*** SECTION 2908. 177.25 (1m) of the statutes is created to read:

1 177.25 (1m) At any time after December 1 following the reporting, under s.
2 177.17, of property that is in the form of amounts credited under s. 20.912 (1) to the
3 support collections trust fund or amounts not distributable from the support
4 collections trust fund to the persons for whom the amounts were awarded, another
5 state may recover the property under any of the circumstances described in sub. (1)
6 (a) to (d).

7 *~~0530/2.8~~* SECTION 2909. 177.25 (2) of the statutes is amended to read:

8 177.25 (2) The claim of another state to recover escheated or abandoned
9 property shall be presented in a form prescribed by the administrator, who shall
10 decide the claim within 90 days after it is presented. The administrator shall allow
11 the claim if he or she determines that the other state is entitled to the abandoned
12 property under sub. (1) or (1m).

13 *~~0530/2.9~~* SECTION 2910. 177.265 of the statutes is created to read:

14 **177.265 Reimbursement for claims and administrative expenses. (1)**

15 At least quarterly, the department of workforce development shall reimburse the
16 administrator, based on information provided by the administrator, for all of the
17 following:

18 (a) Any claims paid under ss. 177.24 to 177.26, since the last reimbursement
19 was made, with respect to abandoned property in the form of amounts credited under
20 s. 20.912 (1) to the support collections trust fund and amounts not distributable from
21 the support collections trust fund to the persons for whom the amounts were
22 awarded.

23 (b) Any administrative expenses specified in s. 177.23 (2) (a) to (e), incurred
24 since the last reimbursement was made, with respect to abandoned property in the
25 form of amounts credited under s. 20.912 (1) to the support collections trust fund and

1 amounts not distributable from the support collections trust fund to the persons for
2 whom the amounts were awarded.

3 (2) The administrator shall deposit in the general fund all moneys received
4 under sub. (1).

5 ***-0658/2.18* SECTION 2911.** 177.35 (2) of the statutes is renumbered 177.35
6 (2) (a) and amended to read:

7 177.35 (2) (a) An agreement entered into under this section is not enforceable
8 if the agreement is entered into within ~~24~~ 12 months after payment or delivery of the
9 property is due under s. ~~177.19 (1)~~ 177.17 (4) (a).

10 ***-0530/2.10* SECTION 2912.** 177.35 (2) (b) of the statutes is created to read:

11 177.35 (2) (b) An agreement entered into under this section that relates to
12 property that is in the form of amounts credited under s. 20.912 (1) to the support
13 collections trust fund or amounts not distributable from the support collections trust
14 fund to the persons for whom the amounts were awarded is not enforceable if the
15 agreement is entered into within 12 months after December 1 following the reporting
16 of the property under s. 177.17.

17 ***-0712/4.1* SECTION 2913.** 178.48 (2) of the statutes is amended to read:

18 178.48 (2) The department shall collect ~~a \$10~~ the fee established under s.
19 182.01 (4) (c) each time process is served on the department under this chapter.

20 ***-0712/4.2* SECTION 2914.** 178.48 (3) of the statutes is amended to read:

21 178.48 (3) In addition to the fees required under sub. (1), the department shall
22 collect ~~\$25~~ the fee established under s. 182.01 (4) (d) for processing in an expeditious
23 manner a document required or permitted to be filed with the department under this
24 chapter.

25 ***-0712/4.3* SECTION 2915.** 179.16 (4) of the statutes is repealed.

1 *~~0712/4.4~~* SECTION 2916. 179.16 (5) of the statutes is amended to read:

2 179.16 (5) The department shall charge and collect, for processing a document
3 required or permitted to be filed under this chapter in an expeditious manner, ~~or~~
4 ~~preparing the information under sub. (4) in an expeditious manner, the expedited~~
5 ~~service~~ the fee established under s. 182.01 (4) (d) in addition to the fee required by
6 other provisions of this chapter.

7 *~~0712/4.5~~* SECTION 2917. 179.88 of the statutes is amended to read:

8 **179.88 Substituted service.** Service of process on the department under this
9 subchapter shall be made by serving of duplicate copies of the process on the
10 department, together with ~~a~~ the fee of \$10 established under s. 182.01 (4) (c). The
11 department shall mail notice of the service and a copy of the process within 10 days
12 addressed to the foreign limited partnership at its office in the state of its
13 organization. The time within which the foreign limited partnership may answer or
14 move to dismiss under s. 802.06 (2) does not start to run until 10 days after the date
15 of the mailing. The department shall keep a record of service of process under this
16 section showing the day and hour of service and the date of mailing.

17 *~~b2055/1.1~~* SECTION 2917b. 180.0122 (1) (a) of the statutes is amended to
18 read:

19 180.0122 (1) (a) Articles of incorporation, ~~1 cent for each authorized share,~~
20 ~~except the minimum fee is \$90 and the maximum fee is \$10,000 and except that the~~
21 ~~fee for investment companies is determined under sub. (1m)~~ \$100.

22 *~~b2055/1.1~~* SECTION 2917d. 180.0122 (1) (m) of the statutes is amended to
23 read:

24 180.0122 (1) (m) Amendment of articles of incorporation, ~~\$40; plus 1 cent for~~
25 ~~each authorized share after the amendment, less a credit of 1 cent for each~~

1 ~~authorized share immediately before the amendment; except the maximum fee~~
2 ~~under this paragraph is \$10,000 and except that the fee for investment companies~~
3 ~~is determined under sub. (1m).~~

4 ***b2055/1.1* SECTION 2917f.** 180.0122 (1) (n) of the statutes is amended to read:

5 180.0122 (1) (n) Restatement of articles of incorporation with or without
6 amendment of articles, \$40; ~~plus 1 cent for each authorized share after the~~
7 ~~restatement and any amendment, less a credit of 1 cent for each authorized share~~
8 ~~immediately before the restatement and any amendment; except the maximum fee~~
9 ~~under this paragraph is \$10,000 and except that the fee for investment companies~~
10 ~~is determined under sub. (1m).~~

11 ***b2055/1.1* SECTION 2917h.** 180.0122 (1) (o) of the statutes is amended to
12 read:

13 180.0122 (1) (o) Articles of merger, \$50 for each domestic corporation and each
14 foreign corporation authorized to transact business in this state that is a party to the
15 merger; ~~plus 1 cent for each authorized share of the surviving domestic corporation~~
16 ~~after the merger, less a credit of 1 cent for each share that is authorized immediately~~
17 ~~before the merger by each domestic corporation that is a party to the merger; except~~
18 ~~the maximum fee under this paragraph is \$10,000 and except that the fee for~~
19 ~~investment companies is determined under sub. (1m).~~

20 ***b2055/1.1* SECTION 2917j.** 180.0122 (1) (om) of the statutes is amended to
21 read:

22 180.0122 (1) (om) Articles of share exchange, \$50 for each domestic corporation
23 and each foreign corporation authorized to transact business in this state that is a
24 party to the share exchange; ~~plus 1 cent for each authorized share of the acquiring~~
25 ~~domestic corporation after the share exchange, less a credit of 1 cent for each share~~

1 that is ~~authorized immediately before the share exchange by the acquiring domestic~~
2 ~~corporation; except the maximum fee under this paragraph is \$10,000.~~

3 ***b2055/1.1* SECTION 2917m.** 180.0122 (1) (x) of the statutes is amended to
4 read:

5 180.0122 (1) (x) Annual report of a domestic corporation that is submitted to
6 the department by authorized electronic means, \$25; annual report of a domestic
7 corporation that is submitted to the department on paper, \$40.

8 ***b2055/1.1* SECTION 2917p.** 180.0122 (1) (y) of the statutes is amended to
9 read:

10 180.0122 (1) (y) Annual report of a foreign corporation, ~~\$50,~~ that is submitted
11 to the department by authorized electronic means, \$65, and annual report submitted
12 to the department on paper, \$80, and in case the annual report shows that the foreign
13 corporation employs in this state capital in excess of the amount of capital on which
14 a fee has previously been paid, computed as provided in s. 180.1503, an additional
15 fee which, with previous payments made on account of capital employed in this state,
16 will amount to \$2 for each \$1,000 or fraction thereof of the excess.

17 ***-0712/4.6* SECTION 2918.** 180.0122 (1) (z) of the statutes is amended to read:

18 180.0122 (1) (z) Request for certificate or statement of status, \$5 the fee
19 established under s. 182.01 (4) (b).

20 ***b2055/1.2* SECTION 2918m.** 180.0122 (1m) of the statutes is repealed.

21 ***-0712/4.7* SECTION 2919.** 180.0122 (2) of the statutes is amended to read:

22 180.0122 (2) The department shall collect a ~~\$10~~ the fee established under s.
23 182.01 (4) (c) each time process is served on the department under this chapter. The
24 party to a civil, criminal, administrative or investigatory proceeding causing service
25 of process may recover this fee as costs if the party prevails in the proceeding.

1 ***-0712/4.8* SECTION 2920.** 180.0122 (4) of the statutes is amended to read:
2 180.0122 (4) In addition to the fees required under sub. (1), the department
3 shall collect the expedited service fee established under s. 182.01 (4) (d) for
4 processing in an expeditious manner a document required or permitted to be filed
5 under this chapter ~~or~~ and shall collect the fee established under s. 182.01 (4) (f) for
6 preparing in an expeditious manner a certificate of status under s. 180.0128 (1) to
7 (3) or a statement of status under s. 180.0128 (4).

8 ***b1524/1.11* SECTION 2920c.** 180.0701 (4) (c) of the statutes is amended to
9 read:

10 180.0701 (4) (c) Ratification of the selection of independent certified public
11 accountants licensed or certified under ch. 442.

12 ***b1524/1.11* SECTION 2920g.** 180.0826 (2) of the statutes is amended to read:
13 180.0826 (2) Legal counsel, certified public accountants licensed or certified
14 under ch. 442, or other persons as to matters that the director or officer believes in
15 good faith are within the person's professional or expert competence.

16 ***b1524/1.11* SECTION 2920n.** 180.1903 (1) of the statutes is amended to read:
17 180.1903 (1) ~~One~~ Except as provided in sub. (1m), one or more natural persons
18 licensed, certified, or registered pursuant to any provisions of the statutes, if all have
19 the same license, certificate, or registration or if all are health care professionals,
20 may organize and own shares in a service corporation. A service corporation may
21 own, operate, and maintain an establishment and otherwise serve the convenience
22 of its shareholders in carrying on the particular profession, calling, or trade for which
23 the licensure, certification, or registration of its organizers is required.

24 ***b1524/1.11* SECTION 2920r.** 180.1903 (1m) of the statutes is created to read:

1 180.1903 (1m) A service corporation for carrying on the profession of certified
2 public accounting may be organized under sub. (1) if more than 50% of the
3 shareholders are certified public accountants.

4 ***b1524/1.11* SECTION 2920w.** 180.1921 (2) of the statutes is amended to read:

5 180.1921 (2) The report shall show the address of this service corporation's
6 principal office and the name and post-office address of each shareholder, director,
7 and officer of the service corporation and shall certify that, with the exceptions
8 permitted in ~~s. ss. 180.1903 (1m) and~~ 180.1913, each shareholder, director, and
9 officer is licensed, certified, registered, or otherwise legally authorized to render the
10 same professional or other personal service in this state or is a health care
11 professional. The service corporation shall prepare the report on forms prescribed
12 and furnished by the department, and the report shall contain no fiscal or other
13 information except that expressly called for by this section. The department shall
14 forward report blanks by 1st class mail to every service corporation in good standing,
15 at least 60 days before the date on which the service corporation is required by this
16 section to file an annual report.

17 ***-0712/4.9* SECTION 2921.** 181.0122 (1) (zm) of the statutes is amended to
18 read:

19 181.0122 (1) (zm) Request for certificate or statement of status, ~~\$5 or, if~~
20 ~~information other than the information provided under s. 181.0128 (2) is requested,~~
21 ~~\$10~~ the fee established under s. 182.01 (4) (b).

22 ***-0712/4.10* SECTION 2922.** 181.0122 (2) of the statutes is amended to read:

23 181.0122 (2) PROCESS FEE. The department shall collect a ~~\$10~~ the fee
24 established under s. 182.01 (4) (c) each time process is served on the department
25 under this chapter. The party to a civil, criminal, administrative or investigatory

1 proceeding who is causing service of process may recover this fee as costs if the party
2 prevails in the proceeding.

3 *~~0712/4.11~~* SECTION 2923. 181.0122 (4) of the statutes is amended to read:

4 181.0122 (4) EXPEDITED SERVICE FEE. In addition to the fees required under sub.
5 (1), the department shall collect the expedited service fee established under s. 182.01
6 (4) (d) for processing, in an expeditious manner, a document required or permitted
7 to be filed under this chapter ~~or~~ and shall collect the fee established under s. 182.01
8 (4) (f) for preparing, in an expeditious manner, a certificate of status under s.
9 181.0128 (2) or a statement of status under s. 181.0128 (4).

10 *b1524/1.12* SECTION 2923g. 181.0850 (2) of the statutes is amended to read:

11 181.0850 (2) PROFESSIONALS AND EXPERTS. Legal counsel, certified public
12 accountants licensed or certified under ch. 442, or other persons as to matters the
13 director or officer believes in good faith are within the person's professional or expert
14 competence.

15 *b1524/1.12* SECTION 2923r. 181.1620 (2) (intro.) of the statutes is amended

16 to read:

17 181.1620 (2) (intro.) ACCOUNTANTS CERTIFIED PUBLIC ACCOUNTANTS REPORT OR
18 OFFICER'S STATEMENT. If annual financial statements are reported upon by a certified
19 public accountant licensed or certified under ch. 442, the certified public
20 accountant's report must accompany them. If not, the statements must be
21 accompanied by a statement of the president or the person responsible for the
22 corporation's financial accounting records that includes all of the following:

23 *~~0712/4.12~~* SECTION 2924. 182.01 (4) of the statutes is repealed and

24 recreated to read:

1 182.01 (4) PREPARATION OF COPIES, ISSUANCE OF CERTIFICATES, AND PERFORMANCE
2 OF SERVICES. The department shall establish by rule the fees for all of the following:

3 (a) Providing electronic access to, or preparing and supplying copies or certified
4 copies of, any resolution, deed, bond, record, document, or paper deposited with or
5 kept by the department under this section.

6 (b) Issuing certificates or statements, in any form, relating to the results of
7 searches of records and files of the department.

8 (c) Processing any service of process, notice, or demand served on the
9 department.

10 (d) Processing, in an expeditious manner, a document required or permitted to
11 be filed with the department.

12 (e) Providing, in an expeditious manner, electronic access to any resolution,
13 deed, bond, record, document, or paper deposited with or kept by the department
14 under this section.

15 (f) Preparing, in an expeditious manner, any copies, certified copies,
16 certificates, or statements provided under this section.

17 *~~0712/4.15~~* SECTION 2927. 183.0114 (1) (t) of the statutes is amended to read:
18 183.0114 (1) (t) Request for certificate or statement of status, \$5 the fee
19 established under s. 182.01 (4) (b).

20 *~~0712/4.16~~* SECTION 2928. 183.0114 (1) (u) of the statutes is amended to read:
21 183.0114 (1) (u) Processing in an expeditious manner a document required or
22 permitted to be filed under this chapter, or preparing in an expeditious manner a
23 certificate or statement of status, \$~~25~~ the fee established under s. 182.01 (4) (d).

24 *b2055/1.3* SECTION 2928r. 183.0114 (1) (w) of the statutes is amended to
25 read:

1 183.0114 (1) (w) Annual report of a foreign limited liability company, ~~\$50 that~~
2 is submitted to the department by authorized electronic means, \$65; annual report
3 submitted to the department on paper, \$80.

4 ***b1524/1.13* SECTION 2932d.** 185.363 (2) of the statutes is amended to read:

5 185.363 (2) Legal counsel, certified public accountants licensed or certified
6 under ch. 442, or other persons as to matters the director or officer believes in good
7 faith are within the person's professional or expert competence.

8 ***b2054/1.1* SECTION 2932h.** 185.61 (1) of the statutes is amended to read:

9 185.61 (1) (a) If otherwise lawful, any 2 or more associations may merge or
10 consolidate under this chapter or under the law of the state where the surviving or
11 new association will exist.

12 (b) Before a cooperative may merge or consolidate with any other association,
13 a written plan of merger or consolidation shall be prepared by the board or by a
14 committee selected by the board or the members for that purpose. The plan shall set
15 forth all the terms of the merger or consolidation, including any provisions for
16 abandonment of the plan, and the proposed effect of the plan on all members and
17 stockholders of the cooperative, including the treatment of the equity interest of the
18 members upon merger or consolidation.

19 (c) In case of consolidation, the plan of consolidation shall also contain the
20 articles of the new association.

21 ***b2054/1.1* SECTION 2932r.** 185.62 (5) of the statutes is created to read:

22 185.62 (5) The surviving association, in the case of a merger, or the new
23 association, in the case of consolidation, shall prepare an annual report on the
24 implementation of any provision in the plan of merger or consolidation relating to the
25 equity interest of any member that was affected by the merger or consolidation. The

1 report shall be kept in the principal office of the surviving association, in the case of
2 a merger, or in the principal office of the new association, in the case of consolidation,
3 and shall be available for inspection by any member whose equity interest was
4 affected by the merger or consolidation. The surviving association, in the case of a
5 merger, or the new association, in the case of consolidation, shall prepare the report
6 until such time that the implementation of any provision in the plan of merger or
7 consolidation relating to the equity interest of any member that was affected by the
8 merger or consolidation is complete.

9 ***-0712/4.21* SECTION 2933.** 185.83 (1) (d) of the statutes is amended to read:

10 185.83 (1) (d) Receiving services of any process, notice or demand, authorized
11 to be served on the department by this chapter, ~~\$10~~ the fee established under s.
12 182.01 (4) (c).

13 ***-0712/4.22* SECTION 2934.** 185.83 (1) (f) of the statutes is repealed.

14 ***-0712/4.23* SECTION 2935.** 185.83 (1) (fm) of the statutes is repealed.

15 ***-0712/4.24* SECTION 2936.** 185.83 (1) (h) of the statutes is amended to read:

16 185.83 (1) (h) Processing a document required or permitted to be filed or
17 recorded under this chapter in an expeditious manner, ~~or preparing the information~~
18 ~~under par. (f) or (fm) in an expeditious manner,~~ \$25 the fee established under s.
19 182.01 (4) (d) in addition to the fee required by other provisions of this chapter.

20 ***b1524/1.14* SECTION 2943m.** 186.094 (2) of the statutes is amended to read:

21 186.094 (2) Legal counsel, certified public accountants licensed or certified
22 under ch. 442, or other persons as to matters the director or officer believes in good
23 faith are within the person's professional or expert competence.

24 ***b1524/1.14* SECTION 2952m.** 186.15 (1) of the statutes is amended to read:

1 186.15 (1) ANNUAL AUDIT. Except as provided in sub. (2), the board of directors
2 shall hire a licensed certified public accountant licensed or certified under ch. 442 or
3 other qualified person to conduct a comprehensive annual audit of the records,
4 accounts and affairs of the credit union.

5 ***b1524/1.14* SECTION 2972d.** 187.31 (2) of the statutes is amended to read:
6 187.31 (2) Legal counsel, certified public accountants licensed or certified
7 under ch. 442, or other professional persons or experts employed by the incorporated
8 Roman Catholic church, as to matters the director or officer believes in good faith are
9 within the person's professional or expert competence.

10 ***b1524/1.14* SECTION 2972g.** 187.41 (2) of the statutes is amended to read:
11 187.41 (2) Legal counsel, certified public accountants licensed or certified
12 under ch. 442, or other professional persons or experts employed by the religious
13 organization, as to matters the director or officer believes in good faith are within the
14 person's professional or expert competence.

15 ***b1281/1.2* SECTION 2972k.** 194.01 (7) of the statutes is amended to read:
16 194.01 (7) "Motor vehicle" means any automobile, truck, trailer, semitrailer,
17 tractor, motor bus or any self-propelled or motor driven vehicle, except a low-speed
18 vehicle, motorcycle, moped, motor bicycle or a vehicle operated on rails.

19 ***b0520/1.1* SECTION 2972t.** 195.60 (2) of the statutes is amended to read:
20 195.60 (2) The office shall annually, within 90 days after the close of each fiscal
21 year, ascertain the total of its expenditures during such year which are reasonably
22 attributable to the performance of its duties relating to railroads. For purposes of
23 such calculation, 90% of the expenditures so determined shall be expenditures of the
24 office and 10% of the expenditures so determined shall be expenditures for state
25 government operations. The office shall deduct therefrom all amounts chargeable

1 to railroads under sub. (1) and s. 201.10 (3). A sum equal to the remainder plus 10%
2 of the remainder shall be assessed by the office to the several railroads in proportion
3 to their respective gross operating revenues during the last calendar year, derived
4 from intrastate operations. Such assessment shall be paid within 30 days after the
5 bill has been mailed to the several railroads, which bill shall constitute notice of
6 assessment and demand of payment thereof. The total amount which may be
7 assessed to the railroads under authority of this subsection shall not exceed ~~1.75%~~
8 1.85% of the total gross operating revenues of such railroads, during such calendar
9 year, derived from intrastate operations. Ninety percent of the payment shall be
10 credited to the appropriation account under s. 20.155 (2) (g). The railroads shall
11 furnish such financial information as the office requires.

12 *~~2007/2.16~~* SECTION 2973. 196.01 (3n) of the statutes is repealed.

13 *~~2007/2.17~~* SECTION 2974. 196.01 (3p) of the statutes is repealed.

14 *~~2007/2.18~~* SECTION 2975. 196.01 (3q) of the statutes is renumbered 101.91
15 (6m) and amended to read:

16 101.91 (6m) “Mobile Manufactured home park contractor” means a person,
17 other than a public utility, as defined in s. 196.01 (5) (a), who, under a contract with
18 a mobile manufactured home park operator, provides water or sewer service to a
19 mobile manufactured home park occupant or performs a service related to providing
20 water or sewer service to a mobile manufactured home park occupant.

21 *~~2007/2.19~~* SECTION 2976. 196.01 (3s) of the statutes is renumbered 101.91
22 (7) and amended to read:

23 101.91 (7) “Mobile Manufactured home park occupant” means a person who
24 rents or owns a mobile manufactured home in a mobile manufactured home park.

1 *~~2007/2.20~~* SECTION 2977. 196.01 (3t) of the statutes is renumbered 101.91
2 (8) and amended to read:

3 101.91 (8) “Mobile Manufactured home park operator” means a person
4 engaged in the business of owning or managing a ~~mobile~~ manufactured home park.

5 *~~b2131/1.1~~* SECTION 2977b. 196.01 (5) (b) 6. of the statutes is created to read:

6 196.01 (5) (b) 6. A person that owns an electric generating facility or
7 improvement to an electric generating facility that is subject to a leased generation
8 contract, as defined in s. 196.52 (9) (a) 3., unless the person furnishes, directly to the
9 public, telecommunications or sewer service, heat, light, water or power or, by means
10 of pipes or mains, natural gas.

11 *~~2154/1.1~~* SECTION 2978. 196.07 (2) of the statutes is amended to read:

12 196.07 (2) If a public utility fails to file a report with the commission containing
13 its balance sheet and other information prescribed by the commission by the date the
14 report is due under sub. (1), the commission may prepare the report from the records
15 of the public utility. All expenses of the commission in preparing the report, plus a
16 penalty equal to 50% of the amount of the expenses, shall be assessed against and
17 collected from the public utility under s. 196.85. The amount of the charge to a public
18 utility shall not be limited by s. 196.85 (1) (b) and shall be in addition to any other
19 charges assessable under s. 196.85. The penalty provision of the charge shall be
20 credited to the general fund under s. 20.906.

21 *~~1694/11.14~~* SECTION 2979. 196.195 (12) (b) 1. d. of the statutes is repealed.

22 *~~1694/11.15~~* SECTION 2980. 196.196 (1) (cm) of the statutes is repealed.

23 *~~1694/11.16~~* SECTION 2981. 196.196 (5) (b) 6. of the statutes is repealed.

24 *~~b1819/1.1~~* SECTION 2981Lm. 196.202 (2) of the statutes is amended to read:

1 196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider
2 is not subject to ch. 201 or this chapter, except as provided in sub. (5), and except that
3 a commercial mobile radio service provider is subject to s. 196.218 (3) ~~to the extent~~
4 ~~not preempted by federal law. If the application of s. 196.218 (3) to a commercial~~
5 ~~mobile radio service provider is not preempted if the commission promulgates rules~~
6 that designate commercial mobile radio service providers as eligible to receive
7 universal service funding under both the federal and state universal service fund
8 programs. If the commission promulgates such rules, a commercial mobile radio
9 service provider shall respond, subject to the protection of the commercial mobile
10 radio service provider's competitive information, to all reasonable requests for
11 information about its operations in this state from the commission necessary to
12 administer the universal service fund.

13 ***b0993/2.3* SECTION 2981m.** 196.208 (5p) of the statutes is created to read:

14 196.208 (5p) TOLL-FREE CALLS ANSWERED BY PRISONERS. (a) In this subsection:

- 15 1. "Charitable organization" has the meaning given in s. 440.41 (1).
16 2. "Prisoner" has the meaning given in s. 134.73 (1) (b).

17 (b) If a prisoner is employed directly or indirectly by a charitable organization
18 or toll-free service vendor to answer calls made to the charitable organization or
19 toll-free service vendor, the prisoner shall do all of the following immediately upon
20 answering a call:

- 21 1. Identify himself or herself by name.
22 2. State that he or she is a prisoner.
23 3. Inform the calling party of the name of the correctional or detention facility
24 in which he or she is a prisoner and the city and state in which the facility is located.

1 (c) A charitable organization or toll-free service vendor that directly or
2 indirectly employs a prisoner shall provide reasonable supervision of the prisoner to
3 assure the prisoner's compliance with par. (b).

4 *b0993/2.3* SECTION 2981p. 196.208 (10) (a) of the statutes is amended to
5 read:

6 196.208 (10) (a) Subsections (2) to (5) apply to any pay-per-call service that
7 a caller may access by a call originating in this state and ~~sub. subs. (5p) and (5t)~~
8 applies apply to any charitable organization, toll-free service vendor, or employee of
9 a charitable organization or toll-free service vendor that a caller may access by a call
10 originating in this state.

11 *b0993/2.3* SECTION 2981r. 196.208 (11) (d) of the statutes is renumbered
12 196.208 (11) (d) 1. and amended to read:

13 196.208 (11) (d) 1. ~~Any~~ Except as provided in subd. 2., any person who violates
14 subs. (2) to (9) shall be required to forfeit not less than \$25 nor more than \$5,000 for
15 each offense.

16 3. Forfeitures under ~~this paragraph~~ subds. 1. and 2. shall be enforced by action
17 on behalf of the state by the department of justice or, upon informing the department
18 of justice, by the district attorney of the county where the violation occurs.

19 *b0993/2.3* SECTION 2981s. 196.208 (11) (d) 2. of the statutes is created to
20 read:

21 196.208 (11) (d) 2. a. A prisoner who violates sub. (5p) (b) may be required to
22 forfeit not more than \$500.

23 b. A person who employs a prisoner to answer calls made to a toll-free
24 telephone number may be required to forfeit not more than \$10,000 if the person
25 violates sub. (5p) (c), aids and abets a prisoner's violation of sub. (5p) (b), is a party

1 to a conspiracy with a prisoner to commit a violation of sub. (5p) (b), or advises, hires,
2 or counsels or otherwise procures a prisoner to commit a violation of sub. (5p) (b).

3 ***b2177/1.1* SECTION 2981t.** 196.218 (3) (a) 3. of the statutes is renumbered
4 196.218 (3) (a) 3. (intro.) and amended to read:

5 196.218 (3) (a) 3. (intro.) The commission shall designate the method by which
6 the contributions under this paragraph shall be calculated and collected. The
7 method shall ensure that the contributions are sufficient to generate the following
8 amounts:

9 a. The amount appropriated under ss. s. 20.155 (1) (q), except that in fiscal year
10 2003–04 the total amount of contributions in that fiscal year under this subd. 3. a.
11 may not exceed \$5,000,000 and except that beginning in fiscal year 2004–05 the total
12 amount of contributions in a fiscal year under this subd. 3. a. may not exceed
13 \$6,000,000.

14 b. The amounts appropriated under ss. 20.255 (3) (q), 20.275 (1) (s), (t) and (tm)
15 and 20.285 (1) (q).

16 3m. Contributions under this paragraph may be based only on the gross
17 operating revenues from the provision of broadcast services identified by the
18 commission under subd. 2. and on intrastate telecommunications services in this
19 state of the telecommunications providers subject to the contribution.

20 ***-0705/3.14* SECTION 2982.** 196.218 (5) (a) 5. of the statutes is amended to
21 read:

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

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

3 ***-1857/5.112* SECTION 2983.** 196.218 (5) (a) 6. of the statutes is amended to
4 read:

5 196.218 (5) (a) 6. To pay the department of ~~administration~~ electronic
6 government for telecommunications services provided under s. ~~16.973~~ 22.05 (1) to
7 the campuses of the University of Wisconsin System at River Falls, Stout, Superior
8 and Whitewater.

9 ***b2109/1.4* SECTION 2983m.** 196.218 (5) (a) 10. of the statutes is created to
10 read:

11 196.218 (5) (a) 10. To make the grant awarded by the technology for educational
12 achievement in Wisconsin board to the Racine Unified School District under s. 44.72
13 (3).

14 ***-1694/11.17* SECTION 2984.** 196.218 (5r) (a) 4. of the statutes is amended to
15 read:

16 196.218 (5r) (a) 4. An assessment of how successful investments identified in
17 s. 196.196 (5) (f), assistance provided by the universal service fund ~~or the Wisconsin~~
18 ~~advanced telecommunications foundation,~~ and price regulation and other
19 alternative incentive regulations of telecommunications utilities designed to
20 promote competition have been in advancing the public interest goals identified
21 under s. 196.03 (6), and recommendations for further advancing those goals.

22 ***b0317/1.1* SECTION 2984m.** 196.219 (3) (o) of the statutes is created to read:

23 196.219 (3) (o) Refuse to transfer or facilitate the transfer of the
24 telecommunications utility's or telecommunications provider's local exchange
25 service customers to another telecommunications provider on the same terms and

1 conditions as the telecommunications utility or telecommunications provider
2 receives from any other telecommunications provider, unless such terms and
3 conditions violate federal law.

4 ***-2007/2.21* SECTION 2989.** 196.26 (1) (a) of the statutes is amended to read:

5 196.26 (1) (a) A complaint filed with the commission that any rate, toll, charge,
6 or schedule, joint rate, regulation, measurement, act, or practice relating to the
7 provision of heat, light, water, power, or telecommunications service, ~~or to the~~
8 ~~provision of water or sewer service by a mobile home park operator or mobile home~~
9 ~~park contractor,~~ is unreasonable, inadequate, unjustly discriminatory, or cannot be
10 obtained.

11 ***-2007/2.22* SECTION 2990.** 196.26 (1m) of the statutes is amended to read:

12 196.26 (1m) INVESTIGATION OF COMPLAINT. If any mercantile, agricultural, or
13 manufacturing society, body politic, municipal organization, or 25 persons file a
14 complaint specified in sub. (1) (a) against a public utility, or if the commission
15 terminates a proceeding on a complaint under s. 196.199 (3) (a) 1m. b., or if a person
16 files a complaint specified in sub. (1) (c), the commission, with or without notice, may
17 investigate the complaint under this section as it considers necessary. ~~If the mobile~~
18 ~~home park occupants of 25% of the total number of mobile homes in a mobile home~~
19 ~~park or the mobile home park occupants of 25 mobile homes in a mobile home park,~~
20 ~~whichever is less, files a complaint specified in sub. (1) (a) against a mobile home park~~
21 ~~contractor or mobile home park operator, the commission, with or without notice,~~
22 ~~may investigate the complaint as it considers necessary.~~ The commission may not
23 issue an order based on an investigation under this subsection without a public
24 hearing.

25 ***-2007/2.23* SECTION 2991.** 196.26 (2) (a) of the statutes is amended to read:

1 196.26 (2) (a) Prior to a hearing under this section, the commission shall notify
2 the public utility, ~~mobile home park contractor, mobile home park operator~~ or party
3 to an interconnection agreement complained of that a complaint has been made, and
4 10 days after the notice has been given the commission may proceed to set a time and
5 place for a hearing and an investigation. This paragraph does not apply to a
6 complaint specified in sub. (1) (b).

7 *–2007/2.24* SECTION 2992. 196.26 (2) (b) of the statutes is amended to read:

8 196.26 (2) (b) The commission shall give the complainant and either the public
9 utility, ~~mobile home park contractor, mobile home park operator~~ or party to an
10 interconnection agreement which is the subject of a complaint specified in sub. (1)
11 (a) or (c) or, for a complaint specified in sub. (1) (b), a party to an interconnection
12 agreement who is identified in a notice under s. 196.199 (3) (b) 1. b., 10 days' notice
13 of the time and place of the hearing and the matter to be considered and determined
14 at the hearing. The complainant and either the public utility, ~~mobile home park~~
15 ~~contractor, mobile home park operator~~ or party to the interconnection agreement
16 may be heard. The commission may subpoena any witness at the request of the
17 public utility, ~~mobile home park contractor, mobile home park operator~~, party to the
18 interconnection agreement, or complainant.

19 *–2007/2.25* SECTION 2993. 196.28 (1) of the statutes is amended to read:

20 196.28 (1) If the commission believes that any rate or charge is unreasonable
21 or unjustly discriminatory or that any service is inadequate or cannot be obtained
22 or that an investigation of any matter relating to any public utility ~~or to any provision~~
23 ~~of water or sewer service by a mobile home park operator or mobile home park~~
24 ~~contractor~~ should for any reason be made, the commission on its own motion
25 summarily may investigate with or without notice.

1 ***2007/2.26*** SECTION 2994. 196.28 (3) of the statutes is amended to read:

2 196.28 (3) Notice of the time and place for a hearing under sub. (2) shall be
3 given to the public utility, ~~mobile home park contractor or mobile home park~~
4 ~~operator~~, and to such other interested persons as the commission considers
5 necessary. After the notice has been given, proceedings shall be had and conducted
6 in reference to the matter investigated as if a complaint specified in s. 196.26 (1) (a)
7 had been filed with the commission relative to the matter investigated. The same
8 order or orders may be made in reference to the matter as if the investigation had
9 been made on complaint under s. 196.26.

10 ***b2131/1.2*** SECTION 3001b. 196.491 (1) (w) of the statutes is renumbered
11 196.491 (1) (w) 1., and 196.491 (1) (w) 1. (intro.), as renumbered, is amended to read:

12 196.491 (1) (w) 1. (intro.) “Wholesale merchant plant” means, except as
13 provided in subd. 2., electric generating equipment and associated facilities located
14 in this state that do not provide service to any retail customer and that are owned
15 and operated by any of the following:

16 ***b2131/1.2*** SECTION 3001d. 196.491 (1) (w) 2. of the statutes is created to
17 read:

18 196.491 (1) (w) 2. “Wholesale merchant plant” does not include an electric
19 generating facility or an improvement to an electric generating facility that is subject
20 to a leased generation contract, as defined in s. 196.52 (9) (a) 3.

21 ***b0319/1.1*** SECTION 3001m. 196.491 (3c) of the statutes is created to read:

22 196.491 (3c) COMMENCEMENT OF CONSTRUCTION OF LARGE ELECTRIC GENERATING
23 FACILITIES. (a) Except as provided in par. (b), an electric utility that has received a
24 certificate of public convenience and necessity under sub. (3) for constructing a large

1 electric generating facility shall commence construction no later than one year after
2 the latest of the following:

3 1. The date on which the commission issues the certificate of public convenience
4 and necessity.

5 2. The date on which the electric utility has been issued every federal and state
6 permit, approval, and license that is required prior to commencement of
7 construction.

8 3. The date on which every deadline has expired for requesting administrative
9 review or reconsideration of every federal and state permit, approval, and license
10 that is required prior to commencement of construction.

11 4. The date on which the electric utility has received the final decision, after
12 exhaustion of judicial review, in every proceeding for judicial review described in sub.

13 (3) (j).

14 (b) Upon showing of good cause, the commission may grant an extension to the
15 deadline specified in par. (a).

16 (c) If an electric utility does not commence construction of a large electric
17 generating facility within the deadline specified in par. (a) or extended under par. (b),
18 the certificate of public convenience and necessity is void, and the electric utility may
19 not commence construction of the large electric generating facility.

20 *b2142/2.2* SECTION 3001p. 196.496 of the statutes is created to read:

21 **196.496 Distributed generation facilities. (1) DEFINITION.** In this section,
22 “distributed generation facility” means a facility for the generation of electricity with
23 a capacity of no more than 15 megawatts that is located near the point where the
24 electricity will be used or is in a location that will support the functioning of the
25 electric power distribution grid.

1 (2) RULES. The commission shall promulgate rules establishing standards for
2 the connection of distributed generation facilities to electric distribution facilities.
3 To the extent technically feasible and cost effective, the standards shall be uniform
4 and shall promote the development of distributed generation facilities. The
5 standards shall address engineering, electric reliability, and safety concerns and the
6 methods for determining charges for interconnection.

7 *–2007/2.27* SECTION 3002. 196.498 (title) of the statutes is repealed.

8 *–2007/2.28* SECTION 3003. 196.498 (2) of the statutes is renumbered 101.937
9 (1) and amended to read:

10 101.937 (1) RULES. The ~~commission~~ department shall promulgate rules that
11 establish standards for providing water or sewer service by a ~~mobile~~ manufactured
12 home park operator or ~~mobile~~ manufactured home park contractor to a ~~mobile~~
13 manufactured home park occupant, including requirements for metering, billing,
14 ~~deposits, depositing, arranging deferred payment arrangements, installation of,~~
15 installing service, refusing or discontinuing service, and resolving disputes with
16 respect to service. Rules promulgated under this subsection shall ensure that any
17 charge for water or sewer service is reasonable and not unjustly discriminatory, that
18 the water or sewer service is reasonably adequate, and that any practice relating to
19 providing the service is just and reasonable.

20 *–2007/2.29* SECTION 3004. 196.498 (3) of the statutes is renumbered 101.937
21 (2) and amended to read:

22 101.937 (2) PERMANENT IMPROVEMENTS. A ~~mobile~~ manufactured home park
23 operator may make a reasonable recovery of capital costs for permanent
24 improvements related to the provision of water or sewer service to ~~mobile~~

1 manufactured home park occupants through ongoing rates for water or sewer
2 service.

3 *~~2007/2.30~~* SECTION 3005. 196.498 (4) of the statutes is renumbered 101.937
4 (3) and amended to read:

5 101.937 (3) ENFORCEMENT. (a) ~~Notwithstanding s. 196.44,~~ on On its own motion
6 or upon a complaint filed by a ~~mobile~~ manufactured home park occupant, the
7 ~~commission~~ department may issue an order or commence a civil action against a
8 mobile manufactured home park operator or ~~mobile~~ manufactured home park
9 contractor to enforce this section, any rule promulgated under sub. ~~(2)~~ (1), or any
10 order issued under this paragraph.

11 (b) The department of justice, after consulting with the ~~commission~~
12 department, or any district attorney may commence an action in circuit court to
13 enforce this section.

14 *~~2007/2.31~~* SECTION 3006. 196.498 (5) of the statutes is renumbered 101.937
15 (4) and amended to read:

16 101.937 (4) PRIVATE CAUSE OF ACTION. Any person suffering pecuniary loss
17 because of a violation of any rule promulgated under sub. ~~(2)~~ (1) or order issued under
18 sub. ~~(4)~~ (3) (a) may sue for damages and shall recover twice the amount of any
19 pecuniary loss, together with costs, and, notwithstanding s. 814.04 (1), reasonable
20 attorney fees.

21 *~~2007/2.32~~* SECTION 3007. 196.498 (6) of the statutes is renumbered 101.937
22 (5) and amended to read:

23 101.937 (5) PENALTIES. (a) Any person who violates any rule promulgated
24 under sub. ~~(2)~~ (1) or any order issued under sub. ~~(4)~~ (3) (a) shall forfeit not less than

1 \$25 nor more than \$5,000. Each violation and each day of violation constitutes a
2 separate offense.

3 (b) Any person who intentionally violates any rule promulgated under sub. (2)
4 (1) or order issued under sub. (4) (3) (a) shall be fined not less than \$25 nor more than
5 \$5,000 or imprisoned not more than one year in the county jail or both. Each violation
6 and each day of violation constitutes a separate offense.

7 ***b2131/1.3* SECTION 3008mc.** 196.52 (9) of the statutes is created to read:

8 196.52 (9) (a) In this subsection:

9 1. “Electric generating equipment” means any of the following:

10 a. An electric generator.

11 b. A machine that drives an electric generator, including an engine, turbine,
12 water wheel, or wind mill.

13 c. Equipment that converts a fuel or source of energy into energy that powers
14 a machine that drives an electric generator, including a boiler, but not including a
15 nuclear reactor.

16 d. A fuel or photovoltaic cell.

17 2. “Electric generating facility” means electric generating equipment and
18 associated facilities that, together, constitute a complete facility for the generation
19 of electricity.

20 3. “Leased generation contract” means a contract or arrangement or set of
21 contracts or arrangements under which an affiliated interest of a public utility
22 agrees with the public utility to construct or improve an electric generating facility
23 and to lease to the public utility land and the facility for operation by the public
24 utility.

1 (b) The commission may approve a leased generation contract under sub. (3)
2 only if all of the following apply:

3 1. The commission has not issued a certificate under s. 196.49 or a certificate
4 of public convenience and necessity under s. 196.491 (3) before January 1, 2002, for
5 any construction or improvement that is subject to the leased generation contract.

6 2. Construction or improvement of the electric generating facility that is
7 subject to the leased generation contract commences on or after January 1, 2002.

8 3. Except as provided in s. 196.795 (5) (k) 3., no electric generating facility,
9 electric generating equipment, or associated facilities, held or used by the public
10 utility for the provision of electric service, is transferred to the affiliated interest.

11 4. The estimated gross cost of the construction or improvement that is subject
12 to the leased generation contract is at least \$10,000,000.

13 5. The construction or improvement is not to a nuclear-powered facility.

14 6. Any real property that the public utility transfers to the affiliated interest
15 for the purpose of implementing the leased generation contract is transferred at book
16 value, which is determined on the basis of the regulated books of account at the time
17 of the transfer.

18 7. If the public utility transfers real property to the affiliated interest for the
19 purpose of implementing the leased generation contract, the leased generation
20 contract provides for transferring that real property back to the public utility, on the
21 same terms and conditions as the original transfer, if the commission determines
22 that the construction or improvement that is subject to the leased generation
23 contract has not been completed.

24 8. The leased generation contract provides that, upon termination of the
25 contract, all of the following apply:

1 a. The public utility shall have the option, subject to commission approval, to
2 extend the contract, or purchase the electric generating facility or the improvements
3 to an electric generating facility, at fair market value as determined by a valuation
4 process that is conducted by an independent third party and that is specified in the
5 contract.

6 b. If the public utility exercises the option specified in subd. 8. a., the affiliated
7 interest may require the public utility to extend the contract, rather than purchase
8 the facilities or improvements, if the affiliated interest demonstrates to the
9 commission that the extension avoids material adverse tax consequences and that
10 the extension provides terms and conditions that are economically equivalent to a
11 purchase.

12 9. For any gas-fired electric generating facility that is constructed under the
13 leased generation contract, the term of the lease is 20 years or more.

14 10. For any coal-fired electric generating facility that is constructed under the
15 leased generation contract, the term of the lease is 25 years or more.

16 11. The leased generation contract does not take effect until the date on which
17 the affiliated interest commences construction or improvement of the electric
18 generating facility, except that, if the leased generation contract relates to the
19 construction or improvement of more than one electric generating facility, the leased
20 generation contract does not take effect with respect to the construction or
21 improvement of an individual electric generating facility until the date on which the
22 affiliated interest commences construction or improvement on that electric
23 generating facility.

24 (c) Except as provided in par. (d), the commission may not increase or decrease
25 the retail revenue requirements of a public utility on the basis of any income,

1 expense, gain, or loss that is received or incurred by an affiliated interest of the public
2 utility and that arises from the ownership of an electric generating facility or an
3 improvement to an electric generating facility by an affiliated interest under a leased
4 generation contract.

5 (d) The commission shall allow a public utility that has entered into a leased
6 generation contract that has been approved by the commission under sub. (3) to
7 recover fully in its retail rates that portion of any payments under the leased
8 generation contract that the commission allocates to the public utility's retail electric
9 service, and that portion of all other costs that is prudently incurred in the public
10 utility's operation and maintenance of the electric generating facility or
11 improvement that is subject to the leased generation contract and that the
12 commission allocates to the public utility's retail electric service.

13 (e) Notwithstanding sub. (5) (a), the commission may not modify or terminate
14 a leased generation contract approved under sub. (3) except as specified in the leased
15 generation contract or the commission's order approving the leased generation
16 contract.

17 (f) The commission shall maintain jurisdiction to ensure that the construction
18 or improvement under a leased generation contract approved under sub. (3) is
19 completed as provided in the leased generation contract.

20 (g) Nothing in this subsection prohibits a cooperative association organized
21 under ch. 185, a municipal utility, as defined in s. 196.377 (2) (a) 3., or a municipal
22 electric company, as defined in s. 66.0825 (3) (d), from acquiring an interest in an
23 electric generating facility that is constructed pursuant to a leased generation
24 contract or from acquiring an interest in land on which such an electric generating
25 facility is located.

1 ***b0006/15.31* SECTION 3011d.** 196.66 (3) (b) 1. and 3. of the statutes are
2 amended to read:

3 196.66 (3) (b) 1. The appropriateness of the forfeiture to the volume of business
4 of the public utility or telecommunications provider.

5 3. Any good faith attempt to achieve compliance after the public utility,
6 telecommunications provider, agent, director, officer, or employee receives notice of
7 the violation.

8 ***b0318/1.2* SECTION 3011g.** 196.795 (5) (k) 1. of the statutes is amended to
9 read:

10 196.795 (5) (k) 1. Except as provided under subd. 2. or 3., no public utility
11 affiliate may transfer, sell, or lease to any nonutility affiliate with which it is in a
12 holding company system any real property which, on or after November 28, 1985, is
13 held or used for provision of utility service except by public sale or offering to the
14 highest qualified bidder.

15 ***b2131/1.4* SECTION 3011jc.** 196.795 (5) (k) 3. of the statutes is created to
16 read:

17 196.795 (5) (k) 3. For the purpose of implementing a leased generation
18 contract, as defined in s. 196.52 (9) (a) 3., that is approved under s. 196.52 (3), a public
19 utility affiliate may transfer to a nonutility affiliate, at book value determined on the
20 basis of the regulated books of account at the time of the transfer, any of the following:

21 a. Land that is held or used for the provision of utility service.

22 b. Electric generating equipment or associated facilities that are located on the
23 land on which an electric generating facility subject to a leased generation contract
24 is to be constructed, and that are part of an electric generating facility on that land

1 that is no longer used or useful for the provision of utility service and that has been
2 retired from the provision of utility service.

3 *~~2154/1.2~~* SECTION 3012. 196.85 (1) of the statutes is renumbered 196.85 (1)
4 (a) and amended to read:

5 196.85 (1) (a) If the commission in a proceeding upon its own motion, on
6 complaint, or upon an application to it deems it necessary in order to carry out the
7 duties imposed upon it by law to investigate the books, accounts, practices, and
8 activities of, or make appraisals of the property of any public utility, power district,
9 or sewerage system or to render any engineering or accounting services to any public
10 utility, power district, or sewerage system, the public utility, power district, or
11 sewerage system shall pay the expenses attributable to the investigation, including
12 the cost of litigation, appraisal, or service. The commission shall mail a bill for the
13 expenses to the public utility, power district, or sewerage system either at the
14 conclusion of the investigation, appraisal, or services, or during its progress. The bill
15 constitutes notice of the assessment and demand of payment. The public utility,
16 power district, or sewerage system shall, within 30 days after the mailing of the bill,
17 pay to the commission the amount of the special expense for which it is billed. Ninety
18 percent of the payment shall be credited to the appropriation account under s. 20.155
19 (1) (g). ~~The~~

20 (b) Except as provided in sub. (1m) (a), the total amount in any one calendar
21 year for which any public utility, power district, or sewerage system is liable under
22 this subsection, by reason of costs incurred by the commission within the calendar
23 year, including charges under s. 201.10 (3), may not exceed four-fifths of one percent
24 of its gross operating revenues derived from intrastate operations in the last
25 preceding calendar year.

1 (c) Nothing in this subsection shall prevent the commission from rendering
2 bills in one calendar year for costs incurred within a previous year.

3 (d) For the purpose of calculating the costs of investigations, appraisals, and
4 other services under this subsection, 90% of the costs determined shall be costs of the
5 commission and 10% of the costs determined shall be costs of state government
6 operations.

7 *~~2154/1.3~~* SECTION 3013. 196.85 (1m) (a) of the statutes is amended to read:

8 196.85 (1m) (a) For the purpose of direct assessment under sub. (1) of expenses
9 incurred by the commission in connection with its activities under s. 196.491, the
10 term “public utility” includes electric utilities, as defined in s. 196.491 (1) (d).
11 Subsection (1) (b) does not apply to assessments for the commission’s activities under
12 s. 196.491 related to the construction of wholesale merchant plants.

13 *~~b0269/2.6~~* SECTION 3014b. 196.85 (2g) of the statutes is repealed.

14 *~~2007/2.34~~* SECTION 3015. 196.85 (3) of the statutes is amended to read:

15 196.85 (3) If any public utility, sewerage system, joint local water authority,
16 ~~mobile home park operator~~ or power district is billed under sub. (1), (2), or (2e) ~~or (2g)~~
17 and fails to pay the bill within 30 days or fails to file objections to the bill with the
18 commission, as provided in this subsection, the commission shall transmit to the
19 state treasurer a certified copy of the bill, together with notice of failure to pay the
20 bill, and on the same day the commission shall mail by registered mail to the public
21 utility, sewerage system, joint local water authority, ~~mobile home park operator~~ or
22 power district a copy of the notice ~~which~~ that it has transmitted to the state treasurer.

23 Within 10 days after receipt of the notice and certified copy of the bill, the state
24 treasurer shall levy the amount stated on the bill to be due, with interest, by distress
25 and sale of any property, including stocks, securities, bank accounts, evidences of

1 debt, and accounts receivable belonging to the delinquent public utility, sewerage
2 system, joint local water authority, ~~mobile home park operator~~ or power district. The
3 levy by distress and sale shall be governed by s. 74.10, 1985 stats., except that it shall
4 be made by the state treasurer and that goods and chattels anywhere within the state
5 may be levied upon.

6 ***-2007/2.35* SECTION 3016.** 196.85 (4) (a) of the statutes is amended to read:

7 196.85 (4) (a) Within 30 days after the date of the mailing of any bill under sub.
8 (1), (2), or (2e) ~~or~~ (2g), the public utility, sewerage system, joint local water authority,
9 ~~mobile home park operator~~ or power district that has been billed may file with the
10 commission objections setting out in detail the grounds upon which the objector
11 regards the bill to be excessive, erroneous, unlawful, or invalid. The commission,
12 after notice to the objector, shall hold a hearing upon the objections, from 5 to 10 days
13 after providing the notice. If after the hearing the commission finds any part of the
14 bill to be excessive, erroneous, unlawful, or invalid, it shall record its findings upon
15 its minutes and transmit to the objector by registered mail an amended bill, in
16 accordance with the findings. The amended bill shall have the same force and effect
17 under this section as an original bill rendered under sub. (1), (2), or (2e) ~~or~~ (2g).

18 ***-2007/2.36* SECTION 3017.** 196.85 (5) of the statutes is amended to read:

19 196.85 (5) No suit or proceeding may be maintained in any court to restrain or
20 delay the collection or payment of any bill rendered under sub. (1), (2), or (2e) ~~or~~ (2g).
21 Every public utility, sewerage system, joint local water authority, ~~mobile home park~~
22 ~~operator~~ or power district that is billed shall pay the amount of the bill, and after
23 payment may in the manner provided under this section, at any time within 2 years
24 from the date the payment was made, sue the state to recover the amount paid plus
25 interest from the date of payment, upon the ground that the assessment was

1 excessive, erroneous, unlawful, or invalid in whole or in part. If the court finds that
2 any part of the bill for which payment was made was excessive, erroneous, unlawful,
3 or invalid, the state treasurer shall make a refund to the claimant as directed by the
4 court. The refund shall be charged to the appropriations to the commission.

5 ***b0315/1.4* SECTION 3017m.** 196.856 of the statutes is repealed.

6 ***-1857/5.113* SECTION 3018.** 196.858 (1) of the statutes is amended to read:

7 196.858 (1) The commission shall annually assess against local exchange and
8 interexchange telecommunications utilities the total, not to exceed \$5,000,000, of the
9 amounts appropriated under s. ~~20.505 (4) (is)~~ 20.530 (1) (ir).

10 ***-1857/5.114* SECTION 3019.** 196.858 (2) of the statutes is amended to read:

11 196.858 (2) The commission shall assess a sum equal to the annual total
12 amount under sub. (1) to local exchange and interexchange telecommunications
13 utilities in proportion to their gross operating revenues during the last calendar year.
14 If total expenditures for telephone relay service exceeded the payment made under
15 this section in the prior year, the commission shall charge the remainder to assessed
16 telecommunications utilities in proportion to their gross operating revenues during
17 the last calendar year. A telecommunications utility shall pay the assessment within
18 30 days after the bill has been mailed to the assessed telecommunication utility. The
19 bill constitutes notice of the assessment and demand of payment. Payments shall
20 be credited to the appropriation account under s. ~~20.505 (4) (is)~~ 20.530 (1) (ir).

21 ***b1524/1.15* SECTION 3020d.** 198.167 of the statutes is amended to read:

22 **198.167 Certified public accountant; annual report.** The directors of the
23 district shall employ annually the commission or a certified public accountant
24 licensed or certified under ch. 442 approved by said commission who shall be
25 qualified to, and who shall with all due diligence, examine and report upon the

1 system of accounts kept by the district, all the contracts of whatsoever kind made and
2 entered into by the board of directors within the year immediately preceding, and the
3 properties and investments of the district. ~~Said~~ The certified public accountant shall
4 in the report make such recommendations and suggestions as to the certified public
5 accountant shall seem proper and required for the good of the district, and the
6 efficient and economical or advantageous management and operation of the public
7 utility or utilities of the district; and the certified public accountant shall in the
8 report make such recommendations and suggestions as to the system of accounts
9 kept, or in the certified public accountant's judgment to be kept, by the district, in
10 connection with each public utility, the classification of the public utilities of the
11 district and the establishment of a system of accounts for each class, the manner in
12 which such accounts shall be kept, the form of accounts, records, and memoranda
13 kept or to be kept, including accounts, records, and memoranda of receipts and
14 expenditures of money, and depreciation and sinking fund accounts, as in the
15 certified public accountant's judgment may be proper and necessary, and shall not
16 conflict with the requirements of the commission.

17 *b0957/1.12* SECTION 3020h. 200.49 (1) (a) of the statutes is amended to read:

18 200.49 (1) (a) "Minority business" means a ~~sole proprietorship, partnership,~~
19 ~~limited liability company, joint venture or corporation that is at least 51% owned and~~
20 ~~controlled by one or more minority group members and that is engaged in~~
21 ~~construction or construction-related activities~~ business that is certified by the
22 department of commerce under s. 560.036 (2).

23 *b0957/1.12* SECTION 3020i. 200.49 (3) (intro.) of the statutes is amended to
24 read:

1 200.49 (3) REQUEST FOR PROPOSALS. (intro.) The executive director shall request
2 proposals for prime contracts from bondable general contractors or construction
3 contractors that are ~~bona fide independent~~ minority businesses. Each proposal
4 submitted shall include all of the following conditions:

5 ***b0957/1.12* SECTION 3020j.** 200.49 (3) (b) of the statutes is amended to read:

6 200.49 (3) (b) A subcontracting plan that provides sufficient detail to enable
7 the executive director to determine that the prime contractor has made or will make
8 a good faith effort to award at least 20% of the total contract amount to ~~bona fide~~
9 independent minority business subcontractors.

10 ***b0957/1.12* SECTION 3020k.** 200.49 (4) of the statutes is repealed.

11 ***b1524/1.15* SECTION 3020L.** 214.76 (2) and (4) of the statutes are amended
12 to read:

13 214.76 (2) The certified public accountant shall deliver the audit report to a
14 committee composed of 3 or more members of the board of directors, none of whom
15 may be an officer, employee or agent of the savings bank. The committee shall
16 present the nature, extent and conclusions of the report at the next meeting of the
17 board of directors. A written summary of the committee's presentation, together
18 with a copy of the audit report and a list of all criticisms made by the certified public
19 accountant conducting the audit and any response of any member of the board of
20 directors or any officer of the savings bank, shall be personally served or sent by
21 certified mail to all members of the board of directors.

22 (4) The audit report filed with the division shall be certified by the certified
23 public accountant conducting the audit. If a savings bank fails to cause an audit to
24 be made, the division shall order an audit to be made by an independent certified
25 public accountant at the savings bank's expense. Instead of the audit required under

1 sub. (1), the division may accept an audit or portion of an audit made exclusively for
2 a deposit insurance corporation or for a financial regulator of another state if the
3 home office of the savings bank is located in that state.

4 *b1524/1.15* SECTION 3020m. 215.523 (2) of the statutes is amended to read:

5 215.523 (2) Legal counsel, certified public accountants licensed or certified
6 under ch. 442, or other persons as to matters the director or officer believes in good
7 faith are within the person's professional or expert competence.

8 *b1524/1.15* SECTION 3020n. 217.08 (2) of the statutes is amended to read:

9 217.08 (2) ANNUAL LICENSE FEE; ADDITIONS AND DELETIONS OF LOCATIONS. Each
10 licensee shall file with the division on or before December 1 of each year a statement
11 listing the locations of the offices of the licensee and the names and locations of the
12 agents authorized by the licensee. Every licensee shall also on or before December
13 1 of each year file a financial statement of its assets and liabilities as of a date not
14 earlier than the preceding August 31 or, if the licensee is audited annually by an
15 independent certified public accountant licensed or certified under ch. 442 at the end
16 of each fiscal year, the licensee may submit financial statements certified by ~~said~~ the
17 certified public accountant for the licensee's latest fiscal year. Such statement shall
18 be accompanied by the annual licensee fee for the calendar year beginning the
19 following January 1 in an amount determined under s. 217.05. The amount of the
20 surety bond or deposit of securities required by s. 217.06 shall be adjusted to reflect
21 the number of such locations. Licensees which do not pay the maximum license fee
22 under s. 217.05 and which do not maintain a bond or deposit of securities in the
23 maximum sum of \$300,000 as provided in s. 217.06 shall also file a supplemental
24 statement setting forth any changes in the list of offices and agents with the division
25 on or before April 1, July 1 and October 1 of each year, and the principal sum of the

1 corporate surety bond or deposit of securities required by s. 217.06 shall be adjusted
2 to reflect any increase or decrease in the number of such locations. Any additional
3 license fees which may become due under s. 217.05 shall be paid to the division.

4 *b1528/1.1* SECTION 3020p. Chapter 218 (title) of the statutes is amended to
5 read:

6 **CHAPTER 218**
7 **FINANCE COMPANIES, AUTO**
8 **DEALERS, ADJUSTMENT COMPANIES**
9 **AND, COLLECTION AGENCIES,**
10 **RENTAL-PURCHASE COMPANIES, AND**
11 **RENT-TO-OWN AGREEMENTS**

12 *b1281/1.3* SECTION 3020q. 218.0101 (19m) of the statutes is created to read:

13 218.0101 (19m) "Low-speed vehicle" has the meaning given in s. 340.01 (27m).

14 *b1281/1.3* SECTION 3020r. 218.0101 (23) (a) 2. of the statutes is amended to
15 read:

16 218.0101 (23) (a) 2. Is engaged wholly or in part in the business of selling or
17 leasing motor vehicles, including motorcycles and low-speed vehicles, whether or
18 not the motor vehicles are owned by that person, firm or corporation.

19 *b1281/1.3* SECTION 3020s. 218.0114 (5) (a) of the statutes is amended to read:

20 218.0114 (5) (a) A motor vehicle dealer or an applicant for a motor vehicle
21 dealer license shall provide and maintain in force a bond or irrevocable letter of credit
22 of not less than \$25,000 or, if the dealer or applicant sells or proposes to sell
23 motorcycles or low-speed vehicles, or both, and not other types of motor vehicles, a
24 bond or irrevocable letter of credit of not less than \$5,000. The bond or letter of credit
25 shall be executed in the name of the department of transportation for the benefit of

1 any person who sustains a loss because of an act of a motor vehicle dealer that
2 constitutes grounds for the suspension or revocation of a license under ss. 218.0101
3 to 218.0163.

4 *b1281/1.3* SECTION 3020t. 218.0122 (3) of the statutes is amended to read:

5 218.0122 (3) This section does not apply to motorcycles or low-speed vehicles
6 that are delivered in a crated, disassembled condition to the dealer or the dealer's
7 agent.

8 *b1281/1.3* SECTION 3020u. 218.0171 (2) (b) 2. b. of the statutes is amended
9 to read:

10 218.0171 (2) (b) 2. b. Accept return of the motor vehicle and refund to the
11 consumer and to any holder of a perfected security interest in the consumer's motor
12 vehicle, as their interest may appear, the full purchase price plus any sales tax,
13 finance charge, amount paid by the consumer at the point of sale and collateral costs,
14 less a reasonable allowance for use. Under this subdivision, a reasonable allowance
15 for use may not exceed the amount obtained by multiplying the full purchase price
16 of the motor vehicle by a fraction, the denominator of which is 100,000 or, for a
17 motorcycle or low-speed vehicle, 20,000, and the numerator of which is the number
18 of miles the motor vehicle was driven before the consumer first reported the
19 nonconformity to the motor vehicle dealer.

20 *b1528/1.1* SECTION 3020v. Subchapter XI of chapter 218 [precedes 218.61]
21 of the statutes is created to read:

22 **CHAPTER 218**

23 **SUBCHAPTER XI**

24 **RENTAL-PURCHASE COMPANIES AND**

25 **RENT-TO-OWN AGREEMENTS**

1 **218.61 Definitions.** In this subchapter:

2 (1) “Division” means the division of banking in the department of financial
3 institutions.

4 (2) “Lessee” means an individual who rents personal property under a
5 rent-to-own agreement.

6 (3) “Licensee” means a rental-purchase company holding a license issued by
7 the division under this subchapter.

8 (4) “Rental property” means personal property rented under a rent-to-own
9 agreement.

10 (5) “Rental-purchase company” means a person engaged in the business of
11 entering into rent-to-own agreements in this state or acquiring or servicing
12 rent-to-own agreements that are entered into in this state.

13 (6) “Rent-to-own agreement” means an agreement between a
14 rental-purchase company and a lessee for the use of personal property if all of the
15 following conditions are met:

16 (a) The personal property that is rented under the agreement is to be used
17 primarily for personal, family, or household purposes.

18 (b) The agreement has an initial term of 4 months or less and is automatically
19 renewable with each payment after the initial term.

20 (c) The agreement does not obligate or require the lessee to renew the
21 agreement beyond the initial term.

22 (d) The agreement permits, but does not obligate, the lessee to acquire
23 ownership of the personal property.

24 **218.612 Scope. (1) INAPPLICABILITY OF OTHER LAWS.** A rent-to-own agreement
25 under this subchapter is not governed by the laws relating to a security interest, as

1 defined in s. 401.201 (37), or a lease, as defined in s. 411.103 (1) (j), and is not
2 governed by chs. 421 to 427 and 429.

3 (2) EXCLUSIONS. This subchapter does not apply to any of the following:

4 (a) A lease or bailment of personal property that is incidental to the lease of real
5 property.

6 (b) A lease of a motor vehicle, as defined in s. 218.0101 (22).

7 (c) A credit sale, as defined in 15 USC 1602 (g) and in the regulations
8 promulgated under that section.

9 **218.614 Territorial application.** For the purposes of this subchapter, a
10 rent-to-own agreement is entered into in this state if any of the following applies:

11 (1) A writing signed by a lessor and evidencing the obligation under the
12 rent-to-own agreement or an offer of a lessee is received by a rental-purchase
13 company in this state.

14 (2) The rental-purchase company induces a lessee who is a resident of this
15 state to enter into the rent-to-own agreement by face-to-face solicitation or by mail
16 or telephone solicitation directed to the particular lessee in this state.

17 **218.616 Obligation of good faith.** Every agreement or duty under this
18 subchapter imposes an obligation of good faith in its performance or enforcement.
19 In this section, “good faith” means honesty in fact in the conduct or transaction
20 concerned and the observance of reasonable commercial standards of fair dealing.

21 **218.617 License required.** No person may operate as a rental-purchase
22 company without a valid license issued by the division under this subchapter.

23 **218.618 Application for license; fees; bond.** (1) APPLICATION. (a) An
24 application for a license under this subchapter shall be made to the division, in

1 writing, in the form prescribed by the division. An application for a license under this
2 subchapter shall include all of the following:

3 1. If the applicant is an individual, the applicant's social security number.

4 2. If the applicant is not an individual, the applicant's federal employer
5 identification number.

6 (b) The division may not disclose any information received under par. (a) 1. or
7 2. to any person except as follows:

8 1. The division may disclose information received under par. (a) 1. or 2. to the
9 department of revenue for the sole purpose of requesting certifications under s.
10 73.0301.

11 2. The division may disclose information received under par. (a) 1. to the
12 department of workforce development in accordance with a memorandum of
13 understanding entered into under s. 49.857.

14 (2) APPLICATION FEES. At the time of applying to the division for a license under
15 this subchapter, the applicant shall pay any applicable fee specified in the rules
16 promulgated under s. 218.63 (3).

17 (3) BOND. The division may require any applicant or licensee to file with the
18 division and maintain in force a bond, in a form prescribed by and acceptable to the
19 division, and in an amount determined by the division.

20 **218.62 Issuance or denial of license.** (1) INVESTIGATION. Upon the filing
21 of an application under s. 218.618 (1) and the payment of any applicable fee, the
22 division shall perform an investigation. Except as provided in sub. (3), if the division
23 finds that the character, general fitness, and financial responsibility of the applicant;
24 the members of the applicant, if the applicant is a partnership, limited liability
25 company, or association; and the officers and directors of the applicant, if the

1 applicant is a corporation warrant the belief that the business will be operated in
2 compliance with this subchapter, the division shall issue a license to the applicant.

3 (2) DENIAL; NOTICE; HEARING. Except as provided in sub. (3), the division may
4 deny an application made under s. 218.618 (1) by providing written notice to the
5 applicant stating the grounds for the denial. Except as provided in sub. (3), a person
6 whose application is denied may request a hearing under s. 227.44 within 30 days
7 after the date of denial. The division may appoint a hearing examiner under s. 227.46
8 to conduct the hearing.

9 (3) DENIAL; CHILD OR FAMILY SUPPORT OR TAX DELINQUENCY. The division may not
10 issue a license under this subchapter if any of the following applies:

11 (a) The applicant fails to provide the information required under s. 218.618 (1)

12 (a).

13 (b) The department of revenue certifies under s. 73.0301 that the applicant is
14 liable for delinquent taxes. An applicant for whom a license is not issued under this
15 paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and
16 a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing
17 under this section.

18 (c) The applicant fails to comply, after appropriate notice, with a subpoena or
19 warrant issued by the department of workforce development or a county child
20 support agency under s. 59.53 (5) and related to paternity or child support
21 proceedings or is delinquent in making court-ordered payments of child or family
22 support, maintenance, birth expenses, medical expenses, or other expenses related
23 to the support of a child or former spouse, as provided in a memorandum of
24 understanding entered into under s. 49.857. An applicant whose application is
25 denied under this paragraph for delinquent payments is entitled to a notice and

1 hearing under s. 49.857 but is not entitled to any other notice or hearing under this
2 section.

3 **218.622 License; other business. (1) LICENSED LOCATIONS.** A license issued
4 under this subchapter shall specify the location at which the licensee is permitted
5 to conduct business. A separate license shall be required for each place of business
6 maintained by the licensee.

7 (2) ASSIGNMENT. A license issued under this subchapter is not assignable.

8 (3) POSTING. A licensee shall post its license in a conspicuous place at the
9 location specified in the license.

10 (4) TERM OF LICENSE; FEE. Every license shall remain in force until suspended
11 or revoked in accordance with this subchapter or surrendered by the licensee. Every
12 licensee shall, on or before June 1 of each year, pay to the division the annual license
13 fee specified in rules promulgated under s. 218.63 (3) and, if required by the division,
14 provide a rider or endorsement to increase the amount of any bond required under
15 s. 218.618 (3).

16 (5) OTHER BUSINESS PROHIBITED. No licensee may conduct business as a
17 rental–purchase company within any office, room, or place of business in which any
18 other business is solicited or engaged in, unless the licensee is authorized to do so,
19 in writing, by the division.

20 **218.624 Revocation, suspension, and restriction of license. (1)**
21 DISCRETIONARY SUSPENSION OR REVOCATION. The division may issue an order
22 suspending or revoking any license issued under this subchapter if the division finds
23 that any of the following applies:

1 (a) The licensee has violated any of the provisions of this subchapter, any rules
2 promulgated under s. 218.63 (3), or any lawful order of the division under s. 218.63
3 (1).

4 (b) A fact or condition exists that, if it had existed at the time of the original
5 application for the license, would have warranted the division in refusing to issue the
6 license.

7 (c) The licensee has made a material misstatement in an application for a
8 license or in information furnished to the division.

9 (d) The licensee has failed to pay the annual license fee required under s.
10 218.622 (4) or has failed to maintain in effect any bond required under s. 218.618 (3).

11 (e) The licensee has failed to provide any additional information, data, and
12 records required by the division, within the time period prescribed under s. 218.626
13 (2).

14 (f) The licensee has failed to pay any penalties due under s. 218.682 (1) or (2)
15 within 30 days after receiving notice, by certified mail, that the penalties are due.

16 **(2) MANDATORY RESTRICTION OR SUSPENSION; CHILD OR FAMILY SUPPORT.** The
17 division shall restrict or suspend a license issued under this subchapter if the
18 division finds that the licensee is an individual who fails to comply, after appropriate
19 notice, with a subpoena or warrant issued by the department of workforce
20 development or a county child support agency under s. 59.53 (5) and related to
21 paternity or child support proceedings or who is delinquent in making court-ordered
22 payments of child or family support, maintenance, birth expenses, medical expenses,
23 or other expenses related to the support of a child or former spouse, as provided in
24 a memorandum of understanding entered into under s. 49.857. A licensee whose
25 license is restricted or suspended under this subsection is entitled to a notice and

1 hearing only as provided in a memorandum of understanding entered into under s.
2 49.857 and is not entitled to any other notice or hearing under this section.

3 (3) MANDATORY REVOCATION; DELINQUENT TAXES. The division shall revoke a
4 license issued under this subchapter if the department of revenue certifies under s.
5 73.0301 that the licensee is liable for delinquent taxes. A licensee whose license is
6 revoked under this subsection for delinquent taxes is entitled to a notice under s.
7 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any
8 other notice or hearing under this section.

9 (4) REVOCATION AND SUSPENSION PROCEDURE. Except as provided in subs. (2) and
10 (3), the following procedure applies to every order of the division that suspends or
11 revokes a license issued under this subchapter:

12 (a) The division shall provide a written notice to the licensee of the division's
13 intent to issue an order suspending or revoking the licensee's license. The notice
14 shall specify the grounds for and the effective date of the proposed order.

15 (b) The licensee may file with the division a written response to the allegations
16 contained in the notice within 20 days after receiving the notice. The licensee's
17 written response may contain a request for a contested case hearing under s. 227.42.
18 If the written response does not contain a request for a contested case hearing under
19 s. 227.42, the right to a contested case hearing is waived.

20 (c) If a written response containing a request for a contested case hearing under
21 s. 227.42 is received by the division within the time provided under par. (b) and if,
22 in the opinion of the division, the matter satisfies all of the conditions specified in s.
23 227.42 (1) (a) to (d), the matter shall be scheduled for a contested case hearing to
24 commence within 60 days after the date on which the division receives the written
25 response.

1 (d) If the licensee fails to file a written response within the time provided under
2 par. (b), files a timely written response but fails to request a contested case hearing
3 under s. 227.42 or files a timely written response requesting a contested case hearing
4 but, in the opinion of the division, the matter fails to satisfy all of the conditions
5 specified in s. 227.42 (l) (a) to (d), the division may issue an order suspending or
6 revoking the license. If the licensee files a timely written response containing a
7 proper request for a contested case hearing under s. 227.42, any order of the division
8 suspending or revoking the licensee's license shall be stayed pending completion of
9 proceedings under ch. 227.

10 **218.626 Modification of license. (1) CHANGE IN PLACE OF BUSINESS.** No
11 licensee may change its place of business to another location without the prior
12 approval of the division. A licensee shall provide the division with at least 15 days'
13 prior written notice of a proposed change under this subsection and shall pay any
14 applicable fees specified in the rules promulgated under s. 218.63 (3). Upon approval
15 by the division of the new location, the division shall issue an amended license,
16 specifying the date on which the amended license is issued and the new location.

17 **(2) OTHER CHANGES.** Except as provided in sub. (1), a licensee shall notify the
18 division of any material change to the information provided in the licensee's original
19 application for a license under this subchapter or provided in a previous notice of
20 change filed by the licensee with the division under this subsection. A licensee shall
21 provide the notice required under this subsection within 10 days after the change.
22 The licensee shall provide any additional information, data, and records about the
23 change to the division within 20 days after the division requests the information,
24 data, or records. The division shall determine the cost of investigating and

1 processing the change. The licensee shall pay the division's cost within 30 days after
2 the division demands payment.

3 (3) DIVISION APPROVAL OF OTHER CHANGES. Any change that is subject to the
4 notice requirement under sub. (2) is subject to the approval of the division. In
5 reviewing the change, the division shall apply the same criteria as the criteria for
6 approval of an original license application.

7 **218.628 Annual report; records.** (1) ANNUAL REPORT. On or before March
8 31 of each year, a licensee shall file a report with the division giving such reasonable
9 and relevant information as the division may require concerning the business and
10 operations conducted by the licensee. The licensee shall make the report in the form
11 prescribed by the division.

12 (2) BOOKS AND RECORDS. A licensee shall keep such books and records in the
13 licensed location as, in the opinion of the division, will enable the division to
14 determine whether the provisions of this subchapter are being observed. Every
15 licensee shall preserve its records of a rent-to-own agreement for at least 3 years
16 after making the final entry with respect to the rent-to-own agreement.

17 **218.63 Powers and duties of division; administration.** (1) ORDERS. The
18 division may issue any general order, as defined in s. 217.02 (3), or special order, as
19 defined in s. 217.02 (10), in execution of or supplementary to this subchapter, except
20 that the division may not issue a general order or special order that conflicts with this
21 subchapter.

22 (2) INVESTIGATIONS AND EXAMINATIONS. For the purpose of discovering violations
23 of this subchapter, the division may cause an investigation or examination to be
24 made of the business of a licensee transacted under this subchapter. The place of
25 business, books of accounts, papers, records, safes, and vaults of the licensee shall

1 be open to the division for the purpose of an investigation or examination, and the
2 division has authority to examine under oath all persons whose testimony is required
3 for an investigation or examination. The division shall determine the cost of an
4 investigation or examination. The licensee shall pay the cost of an investigation or
5 examination. The licensee shall pay the cost of any hearing held for the purpose of
6 this subsection, including witness fees, unless the division or a court finds that the
7 licensee has not violated any provision of this subchapter. The licensee shall pay all
8 costs owing under this subsection within 30 days after the division demands
9 payment. The state may maintain an action for the recovery of any costs owing under
10 this subsection.

11 (3) RULES. The division may promulgate rules for the administration of this
12 subchapter.

13 (4) TESTIMONIAL POWERS AND POWERS TO SECURE EVIDENCE. The division has the
14 same power to conduct hearings, take testimony, and secure evidence as is provided
15 in ss. 217.17 and 217.18.

16 (5) ENFORCEMENT. The division has the duty, power, jurisdiction, and authority
17 to investigate, ascertain, and determine whether this subchapter or any lawful
18 orders issued under sub. (1) are being violated. The division may report violations
19 of this subchapter to the attorney general or the district attorney of the proper county
20 for prosecution.

21 **218.632 General requirements of disclosure.** (1) FORM, LOCATION, SIZE, AND
22 TIME OF DISCLOSURE. The information required under s. 218.634 to be included in a
23 rent-to-own agreement shall satisfy all of the following requirements:

24 (a) The information shall be clearly and conspicuously disclosed.

25 (b) The information shall be disclosed in writing.

1 (c) The information shall be disclosed on the face of the rent-to-own agreement
2 above the line for the lessee's signature.

3 (d) The information shall be disclosed in not less than 8-point standard type.

4 (e) The information shall be disclosed before the time that the lessee becomes
5 legally obligated under the rent-to-own agreement.

6 (2) ACCURACY OF DISCLOSURE. The information required under s. 218.634 must
7 be accurate as of the time that it is disclosed to the lessee. If any information
8 subsequently becomes inaccurate as a result of any act, occurrence, or agreement by
9 the lessee, the resulting inaccuracy is not a violation of this subchapter.

10 (3) COPY OF RENT-TO-OWN AGREEMENT. The rental-purchase company shall
11 provide the lessee with a copy of the completed rent-to-own agreement signed by the
12 lessee. If more than one lessee is legally obligated under the same rent-to-own
13 agreement, delivery of a copy of the completed rent-to-own agreement to one of the
14 lessees shall satisfy this subsection.

15 (4) SINGLE INSTRUMENT. In a rent-to-own agreement, the lessee's payment
16 obligations shall be evidenced by a single instrument, which shall include the
17 signature of the rental-purchase company, the signature of the lessee, and the date
18 on which the instrument is signed.

19 **218.634 Required provisions of rent-to-own agreement.** A
20 rental-purchase company shall include all of the following information, to the extent
21 applicable, in every rent-to-own agreement:

22 (1) DESCRIPTION. A brief description of the rental property, sufficient to identify
23 the rental property to the lessee and the rental-purchase company, including any
24 identification number, and a statement indicating whether the rental property is