

1           (6) If requested by a person against which enforcement is sought, the person  
2 seeking to enforce the transferable record shall provide reasonable proof that the  
3 person is in control of the transferable record. Proof may include access to the  
4 authoritative copy of the transferable record and related business records sufficient  
5 to review the terms of the transferable record and to establish the identity of the  
6 person having control of the transferable record.

7           \*–1536/3.15\* SECTION 2841. 137.25 (2) of the statutes is created to read:

8           137.25 (2) (a) The department of administration shall promulgate rules  
9 concerning the use of electronic records and electronic signatures by governmental  
10 units, which shall govern the use of electronic records or signatures by governmental  
11 units, unless otherwise provided by law.

12           (b) The department of administration and the secretary of state shall jointly  
13 promulgate rules establishing requirements that, unless otherwise provided by law,  
14 a notary public must satisfy in order to use an electronic signature for any  
15 attestation. The joint rules shall be numbered as rules of each agency in the  
16 Wisconsin Administrative Code.

17           \*–1536/3.16\* SECTION 2842. 137.26 of the statutes is created to read:

18           **137.26 Interoperability.** If a governmental unit of this state adopts  
19 standards regarding its receipt of electronic records or electronic signatures under  
20 s. 137.25, the governmental unit shall promote consistency and interoperability with  
21 similar standards adopted by other governmental units of this state and other states  
22 and the federal government and nongovernmental persons interacting with  
23 governmental units of this state. Any standards so adopted may include alternative  
24 provisions if warranted to meet particular applications.

25           \*–1841/1.1\* SECTION 2843. 139.30 (7) of the statutes is amended to read:

1           139.30 (7) "Manufacturer" means any person who manufactures cigarettes for  
2 the purpose of sale, including the authorized agent of a person who manufactures  
3 cigarettes for the purpose of sale.

4           \*-1841/1.2\* SECTION 2844. 139.31 (4) of the statutes is created to read:

5           139.31 (4) No person may affix stamps, as described under s. 139.32, to any of  
6 the following:

7           (a) A cigarette package on which a statement, label, stamp, sticker, or notice  
8 indicates that the manufacturer did not intend the cigarettes in the package to be  
9 sold, distributed, or used in the United States, including labels stating "for export  
10 only," "U.S. tax exempt," "for use outside U.S.," or similar wording.

11           (b) A cigarette package that is labeled as provided under federal law as not  
12 intended for consumption in the United States.

13           (c) A cigarette package that is not labeled as provided under federal law.

14           (d) A cigarette package that is modified by a person who is not the cigarette  
15 manufacturer.

16           (e) Any cigarettes that are imported into the United States after December 31,  
17 1999, in violation of federal law.

18           \*-1841/1.3\* SECTION 2845. 139.31 (5) of the statutes is created to read:

19           139.31 (5) (a) No person may alter a cigarette package before the sale or  
20 distribution to the ultimate consumer so as to remove, conceal, or obscure any of the  
21 following:

22           1. Any statement, label, stamp, sticker, or notice described in sub. (4) (a).

23           2. Any health warning that is specified in or that conforms with the  
24 requirements under 15 USC 1333.

1 (b) No person may affix stamps, as described in s. 139.32, to any cigarette  
2 package that is altered as described in par. (a).

3 **\*-1841/1.4\* SECTION 2846.** 139.321 (1m) of the statutes is created to read:

4 139.321 (1m) It is unlawful for any person to possess in excess of 400 cigarettes  
5 as described under s. 139.31 (4) or (5) (b); or to sell or distribute cigarettes as  
6 described under s. 139.31 (4) or (5) (b); except for cigarettes that may be brought into  
7 the United States for personal use and cigarettes that are sold or intended for sale  
8 by a duty-free enterprise, as provided under federal law.

9 **\*-1841/1.5\* SECTION 2847.** 139.34 (3) of the statutes is created to read:

10 139.34 (3) No distributor may affix stamps to cigarette packages, as provided  
11 in s. 139.32, unless the distributor certifies to the department, in a manner  
12 prescribed by the department, that the distributor purchases cigarettes directly from  
13 a manufacturer.

14 **\*-1841/1.6\* SECTION 2848.** 139.39 (4m) of the statutes is created to read:

15 139.39 (4m) Any person may bring an action for a violation of s. 139.31 (4) or  
16 (5) for actual damages sustained as a result of the violation and for injunctive relief.  
17 Notwithstanding s. 814.04 (1), the court may order the violator to pay the prevailing  
18 party's costs and reasonable attorney fees. The trier of fact may increase recovery  
19 to an amount not exceeding 3 times the actual damages sustained as a result of the  
20 violation, if the trier of fact determines that the violation is wilful.

21 **\*-1841/1.7\* SECTION 2849.** 139.44 (8) (intro.) of the statutes is amended to  
22 read:

23 139.44 (8) (intro.) Penalties for violation of s. 139.321 (1) or (1m) shall be as  
24 follows:

25 **\*-1474/2.2\* SECTION 2850.** 146.36 of the statutes is repealed.

## SECTION 2851

1           \***-0299/2.1\*** SECTION 2851. 146.55 (2m) (a) of the statutes is repealed and  
2 recreated to read:

3           146.55 (2m) (a) The department shall contract with a physician to direct the  
4 state emergency medical services program. The department may expend from the  
5 funding under the federal preventive health services project grant program under  
6 42 USC 2476 under the appropriation under s. 20.435 (1) (mc), \$25,000 in each fiscal  
7 year for this purpose.

8           \***-0317/1.1\*** SECTION 2852. 153.45 (4) of the statutes is repealed.

9           \***-0317/1.2\*** SECTION 2853. 153.75 (1) (s) of the statutes is repealed.

10          \***-1464/2.66\*** SECTION 2854. 157.70 (2) (i) of the statutes is amended to read:

11          157.70 (2) (i) Cause a cataloged burial site to be recorded by the register of  
12 deeds of the county in which the burial site is located. The historical society shall  
13 reimburse the county for the cost of recording under this paragraph from the  
14 appropriation under s. 20.245 (3) (1) (a).

15          \***-1772/1.2\*** SECTION 2855. 165.055 (3) of the statutes is repealed.

16          \***-2156/4.12\*** SECTION 2856. 165.25 (4) (ar) of the statutes is amended to read:

17          165.25 (4) (ar) The At the request of the department of agriculture, trade and  
18 consumer protection, the department of justice shall may furnish all legal services  
19 required by to the department of agriculture, trade and consumer protection relating  
20 to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,  
21 100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50,  
22 and 100.51 and chs. 136, 344, 704, 707, and 779, together with any other services as  
23 are necessarily connected to the legal services.

\*\*\*\*NOTE: This is reconciled s. 165.25 (4) (ar). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0392, LRB-0406, and LRB-2156.

1           **\*-0392/3.33\* SECTION 2857.** 165.25 (4) (ar) of the statutes, as affected by 2001  
2 Wisconsin Act .... (this act), is amended to read:

3           165.25 (4) (ar) At the request of the department of agriculture, trade and  
4 consumer protection, the department of justice may furnish legal services to the  
5 department of agriculture, trade and consumer protection relating to the  
6 enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18, 100.182,  
7 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50, and  
8 100.51 and chs. 126, 136, 344, 704, 707, and 779, together with any other services as  
9 are necessarily connected to the legal services.

      \*\*\*\*NOTE: This is reconciled s. 165.25 (4) (ar). This SECTION has been affected by  
drafts with the following LRB numbers: -0392, -0406, and -2156.

10           **\*-1686/4.96\* SECTION 2858.** 165.40 (6) (a) (intro.) of the statutes is amended  
11 to read:

12           165.40 (6) (a) (intro.) No certificate of approval to maintain a hospital may be  
13 issued under s. 50.35 and a certificate of approval that has been issued under that  
14 section shall be ~~suspended or~~ revoked if any of the following occurs:

15           **\*-1394/2.51\* SECTION 2859.** 165.755 (4) of the statutes is amended to read:

16           165.755 (4) If a municipal court imposes a forfeiture, after determining the  
17 amount due under sub. (1) (a) the court shall collect and transmit such amount to the  
18 treasurer of the county, city, town or village, and that treasurer shall make payment  
19 to the state treasurer as provided in s. 66.0114 (1) ~~(b)~~ (bm).

20           **\*-1394/2.52\* SECTION 2860.** 165.87 of the statutes is created to read:

21           **165.87 Law enforcement training fund assessment. (1) LEVY OF**  
22 **ASSESSMENT.** (a) Whenever a court imposes a fine or forfeiture for a violation of state  
23 law or for a violation of a municipal or county ordinance except for a violation of s.

## SECTION 2860

1 101.123 (2) (a), (am) 1., (ar), or (bm) or (5) or state laws or municipal or county  
2 ordinances involving nonmoving traffic violations or safety belt use violations under  
3 s. 347.48 (2m), there shall be imposed in addition a law enforcement training fund  
4 assessment in an amount of 11% of the fine or forfeiture imposed. If multiple offenses  
5 are involved, the assessment shall be based upon the total fine or forfeiture for all  
6 offenses. When a fine or forfeiture is suspended in whole or in part, the assessment  
7 shall be reduced in proportion to the suspension.

8 (b) If a fine or forfeiture is imposed by a court of record, after a determination  
9 by the court of the amount due, the clerk of the court shall collect and transmit the  
10 amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer  
11 shall then make payment to the state treasurer as provided in s. 59.25 (3) (f) 2.

12 (c) If a fine or forfeiture is imposed by a municipal court, after a determination  
13 by the court of the amount due, the court shall collect and transmit the amount to  
14 the treasurer of the county, city, town, or village, and that treasurer shall make  
15 payment to the state treasurer as provided in s. 66.0114 (1) (bm).

16 (d) If any deposit of bail is made for a noncriminal offense to which this  
17 subsection applies, the person making the deposit shall also deposit a sufficient  
18 amount to include the assessment prescribed in this subsection for forfeited bail. If  
19 bail is forfeited, the amount of the assessment shall be transmitted monthly to the  
20 state treasurer under this subsection. If bail is returned, the assessment shall also  
21 be returned.

22 **\*-0796/1.13\* SECTION 2861.** 165.90 of the statutes is repealed.

23 **\*-0796/1.14\* SECTION 2862.** 165.92 (3) (a) of the statutes is amended to read:

24 165.92 (3) (a) Unless otherwise provided in a joint program plan county  
25 proposal under s. ~~165.90 (2)~~ 16.964 (7) or an agreement between a political

1 subdivision of this state and a tribe, the tribe that employs a tribal law enforcement  
2 officer is liable for all acts of the officer while acting within the scope of his or her  
3 employment and neither the state nor any political subdivision of the state may be  
4 held liable for any action of the officer taken under the authority of sub. (2) (a).

5 **\*-0548/2.2\* SECTION 2863.** 166.03 (8) (f) of the statutes is amended to read:

6 166.03 (8) (f) If the total liability for worker's compensation benefits under par.  
7 (d), indemnification under par. (e), and loss from destruction of equipment under sub.  
8 (9), incurred in any calendar year, exceeds \$1 per capita of the sponsor's population,  
9 the state shall reimburse the sponsor for the excess. Payment shall be made from  
10 the appropriation in s. ~~20.465 (3)~~ 20.865 (1) (a) on certificate of the adjutant general.

11 **\*-0549/1.1\* SECTION 2864.** 166.20 (1) (gk) of the statutes is created to read:

12 166.20 (1) (gk) "Local emergency response team" means a team that the  
13 committee identifies under s. 166.21 (2m) (e).

14 **\*-0549/1.2\* SECTION 2865.** 166.20 (1) (im) of the statutes is created to read:

15 166.20 (1) (im) "Regional emergency response team" means a team that the  
16 division contracts with under s. 166.215 (1).

17 **\*-0549/1.3\* SECTION 2866.** 166.20 (2) (bm) 1. of the statutes is amended to  
18 read:

19 166.20 (2) (bm) 1. If a regional or local emergency response team has made a  
20 good faith effort to identify a person responsible for the emergency involving a  
21 release or potential release of a hazardous substance under s. 166.215 (3) or 166.22  
22 (4).

23 **\*-0549/1.4\* SECTION 2867.** 166.20 (2) (bm) 2. of the statutes is amended to  
24 read:

1           166.20 (2) (bm) 2. If a person responsible for the emergency involving a release  
2 or potential release of a hazardous substance under s. 166.215 (3) or 166.22 (4) is  
3 financially able or has the money or resources necessary to reimburse a regional or  
4 local emergency response team for the expenses incurred by the regional or local  
5 emergency response team in responding to the release emergency.

6           \*–0549/1.5\* **SECTION 2868.** 166.20 (2) (bs) of the statutes is created to read:

7           166.20 (2) (bs) 1. Promulgate rules that establish the procedures that a  
8 regional emergency response team shall follow to determine if an emergency that  
9 requires the team's response exists as the result of a level A release or a potential  
10 level A release.

11           2. Promulgate rules that establish the procedures that a local emergency  
12 response team shall follow to determine if an emergency that requires the team's  
13 response exists as the result of a release or potential release of a hazardous  
14 substance, as defined in s. 299.01 (6).

15           \*–0549/1.6\* **SECTION 2869.** 166.21 (2m) (e) of the statutes is amended to read:

16           166.21 (2m) (e) Identification of a ~~county~~ local emergency response team that  
17 is capable of responding to a level B release that occurs at any place in the county and  
18 whose members meet the standards for hazardous materials technicians in 29 CFR  
19 1910.120 (q) (6) (iii) and national fire protection association standards NFPA 471 and  
20 472.

21           \*–0549/1.7\* **SECTION 2870.** 166.21 (2m) (f) of the statutes is amended to read:

22           166.21 (2m) (f) Procedures for ~~county~~ local emergency response team actions  
23 that are consistent with local emergency response plans developed under s. 166.20  
24 (3) and the state contingency plan established under s. 292.11 (5).

25           \*–0550/3.1\* **SECTION 2871.** 166.215 (1) of the statutes is amended to read:



1           166.215 (1) Beginning July 1, 2001, the division shall contract with no more  
2 than 9 regional emergency response teams, one of which shall be located in La Crosse  
3 County. Each regional emergency response team shall assist in the emergency  
4 response to level A releases in a region of this state designated by the division. The  
5 division shall contract with at least one regional emergency response team in each  
6 area designated under s. 166.03 (2) (b) 1. The division may only contract with a local  
7 agency, as defined in s. 166.22 (1) (c), under this subsection. A member of a regional  
8 emergency response team shall meet the highest standards for a hazardous  
9 materials specialist responder in 29 CFR 1910.120 (q) (6) (iv) and ~~national fire~~  
10 ~~protection association~~ National Fire Protection Association standards NFPA 471  
11 and 472. Regional emergency response teams shall have at least one member that  
12 is trained in each of the appropriate specialty areas under National Fire Protection  
13 Association standard NFPA 472. Payments to regional emergency response teams  
14 under this subsection shall be made from the appropriation account under s. 20.465  
15 (3) (dd). Regional emergency response teams that receive funding under this section  
16 shall file an annual financial report with the adjutant general in a format prescribed  
17 by the department of military affairs no later than 90 days after the end of the fiscal  
18 year of the team's sponsoring public agency.

19           \*~~0549/1.8~~\* SECTION 2872. 166.215 (2) of the statutes is amended to read:

20           166.215 (2) The division shall reimburse a regional emergency response team  
21 for costs incurred by the team in responding to an emergency involving a level A  
22 release ~~under sub. (1), or a potential level A release, if the team followed the~~  
23 procedures in the rules promulgated under s. 166.20 (2) (bs) 1. to determine if an  
24 emergency requiring a response existed. Reimbursement under this subsection is  
25 limited to amounts collected under sub. (3) and the amounts appropriated under s.

1 20.465 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the  
2 regional emergency response team has made a good faith effort to identify the person  
3 responsible under sub. (3) and that person cannot be identified, or, if that person is  
4 identified, the team has received reimbursement from that person to the extent that  
5 the person is financially able or has determined that the person does not have  
6 adequate money or other resources to reimburse the regional emergency response  
7 team.

8 **\*-0549/1.9\* SECTION 2873.** 166.215 (3) of the statutes is repealed and  
9 recreated to read:

10 166.215 (3) A person shall reimburse the division for costs incurred by a  
11 regional emergency response team in responding to an emergency if the team  
12 followed the procedures established under s. 166.20 (2) (bs) 1. to determine if an  
13 emergency requiring the team's response existed and if any of the following  
14 conditions applies:

15 (a) The person possessed or controlled a hazardous substance that was involved  
16 in the emergency.

17 (b) The person caused the emergency.

18 **\*-0549/1.10\* SECTION 2874.** 166.22 (1) (a) of the statutes is repealed.

19 **\*-0549/1.11\* SECTION 2875.** 166.22 (1) (c) of the statutes is amended to read:

20 166.22 (1) (c) "Local agency" means an agency of a county, city, village, or town,  
21 including a municipal police or fire department, a municipal health organization, a  
22 county office of emergency management, a county sheriff, an emergency medical  
23 service, a local emergency response team, or a public works department.

24 **\*-0549/1.12\* SECTION 2876.** 166.22 (1) (d) of the statutes is created to read:

1           166.22 (1) (d) “Local emergency response team” means a team that the  
2 committee identifies under s. 166.21 (2m) (e).

3           \***-0549/1.13\*** SECTION 2877. 166.22 (2) of the statutes is amended to read:

4           166.22 (2) A person who possesses or controls a hazardous substance that is  
5 discharged released or who causes the discharge release of a hazardous substance  
6 shall take the actions necessary to protect public health and safety and prevent  
7 damage to property.

8           \***-0549/1.14\*** SECTION 2878. 166.22 (3) of the statutes is amended to read:

9           166.22 (3) If action required under sub. (2) is not being adequately taken or the  
10 identity of the person responsible for a discharge an emergency involving a release  
11 or potential release of a hazardous substance is unknown and the discharge  
12 emergency involving a release or potential release threatens public health or safety  
13 or damage to property, a local agency may take any emergency action that is  
14 consistent with the contingency plan for the undertaking of emergency actions in  
15 response to the discharge release or potential release of hazardous substances  
16 established by the department of natural resources under s. 292.11 (5) and that it  
17 considers appropriate under the circumstances.

18           \***-0549/1.15\*** SECTION 2879. 166.22 (3m) of the statutes is amended to read:

19           166.22 (3m) The division shall reimburse a local emergency response team for  
20 costs incurred by the team in responding to an emergency involving a hazardous  
21 substance discharge under sub. (3) release, or potential release, if the team followed  
22 the procedures in the rules promulgated under s. 166.20 (2) (bs) 2. to determine if an  
23 emergency requiring the team’s response existed. Reimbursement under this  
24 subsection is limited to the amount appropriated under s. 20.465 (3) (dr).  
25 Reimbursement is available under s. 20.465 (3) (dr) only if the local emergency

1 response team has made a good faith effort to identify the person responsible under  
2 sub. (4) and that person cannot be identified, or, if that person is identified, the team  
3 has received reimbursement from that person to the extent that the person is  
4 financially able or has determined that the person does not have adequate money or  
5 other resources to reimburse the local emergency response team.

6 **\*-0549/1.16\* SECTION 2880.** 166.22 (4) of the statutes is repealed and  
7 recreated to read:

8 166.22 (4) (a) Except as provided in par. (b), a person shall reimburse a local  
9 agency as provided in sub. (5) for actual, reasonable, and necessary expenses  
10 incurred in responding to an emergency involving the release or potential release of  
11 a hazardous substance if any of the following conditions applies:

12 1. The person possessed or controlled a hazardous substance involved in the  
13 emergency.

14 2. The person caused the emergency.

15 (b) A local emergency response team may receive reimbursement under par. (a)  
16 only if the team followed the procedures established under s. 166.20 (2) (bs) 2. to  
17 determine if an emergency requiring the team's response existed.

18 **\*-0549/1.17\* SECTION 2881.** 166.22 (5) (am) of the statutes is amended to read:

19 166.22 (5) (am) A local agency seeking reimbursement under sub. (4) shall  
20 submit a claim stating its expenses to the reviewing entity for the county in which  
21 the discharge emergency occurred.

22 **\*-0549/1.18\* SECTION 2882.** 166.22 (5) (b) of the statutes is amended to read:

23 166.22 (5) (b) The reviewing entity shall review claims submitted under par.  
24 (am) and determine the amount of reasonable and necessary expenses incurred. The  
25 reviewing entity shall provide a person who is liable for reimbursement under sub.

1 (4) with a notice of the amount of expenses it has determined to be reasonable and  
2 necessary that ~~arise from one discharge and are~~ arose from the emergency involving  
3 the release or potential release of a hazardous substance and that were incurred by  
4 all local agencies from which the reviewing entity receives a claim.

5 \*~~0562/3.1~~\* SECTION 2883. 175.35 (2i) of the statutes is amended to read:

6 175.35 (2i) The department shall charge a firearms dealer ~~an \$8 a~~ \$12 fee for  
7 each firearms restrictions record search that the firearms dealer requests under sub.  
8 (2) (c). The firearms dealer may collect the fee from the transferee. The department  
9 may refuse to conduct firearms restrictions record searches for any firearms dealer  
10 who fails to pay any fee under this subsection within 30 days after billing by the  
11 department.

12 \*~~0658/2.1~~\* SECTION 2884. 177.06 (3) (b) of the statutes is amended to read:

13 177.06 (3) (b) Assess a service charge after December 31 of the ~~2nd~~ calendar  
14 year covered in the report filed under s. 177.17 concerning that property.

15 \*~~0658/2.2~~\* SECTION 2885. 177.06 (4) of the statutes is amended to read:

16 177.06 (4) Any property described in sub. (1) that is automatically renewable  
17 is matured for purposes of sub. (1) upon the expiration of its initial time period, or  
18 after one year if the initial period is less than one year, except that in the case of any  
19 renewal to which the owner consents at or about the time of renewal by  
20 communicating in writing with the banking or financial organization or otherwise  
21 indicating consent as evidenced by a memorandum or other record on file prepared  
22 by an employee of the organization, the property is matured upon the expiration of  
23 the last time period for which consent was given or one year from the date of the last  
24 consent, whichever is longer. If, at the time provided for delivery in s. ~~177.19~~ 177.17  
25 (4) (a), a penalty or forfeiture in the payment of interest would result from the

1 delivery of the property, the time for delivery is extended until the time when no  
2 penalty or forfeiture would result.

3 **\*-0658/2.3\* SECTION 2886.** 177.10 (1) (intro.) of the statutes is amended to  
4 read:

5 177.10 (1) (intro.) Except as provided in subs. (2) and (5), any stock or other  
6 intangible ownership interest in a business association, the existence of which is  
7 evidenced by records available to the association, is presumed abandoned and, with  
8 respect to the interest, the association is the holder, if a dividend, distribution or  
9 other sum payable as a result of the interest has remained unclaimed by the owner  
10 for 7 5 years and the owner has not done either of the following within 7 5 years:

11 **\*-0658/2.4\* SECTION 2887.** 177.10 (2) and (3) of the statutes are amended to  
12 read:

13 177.10 (2) At the expiration of a ~~7-year~~ 5-year period following the failure of  
14 the owner to claim a dividend, distribution or other sum payable to the owner as a  
15 result of the interest, the interest is not presumed abandoned unless there have been  
16 at least 7 5 dividends, distributions or other sums paid during the period, none of  
17 which has been claimed by the owner. If 7 5 dividends, distributions or other sums  
18 are paid during the ~~7-year~~ 5-year period, the period leading to a presumption of  
19 abandonment commences on the date on which payment of the first such unclaimed  
20 dividend, distribution or other sum became due and payable. If 7 5 dividends,  
21 distributions or other sums are not paid during the presumptive period, the period  
22 continues to run until there have been 7 5 dividends, distributions or other sums that  
23 have not been claimed by the owner.

24 (3) The running of the ~~7-year~~ 5-year period of abandonment ceases  
25 immediately upon the occurrence of a communication specified under sub. (1). If any

1 future dividend, distribution or other sum payable to the owner as a result of the  
2 interest is subsequently not claimed by the owner, a new period of abandonment  
3 commences and relates back to the time a subsequent dividend, distribution or other  
4 sum became due and payable.

5 **\*-0658/2.5\* SECTION 2888.** 177.10 (5) of the statutes is amended to read:

6 177.10 (5) This chapter does not apply to any stock or other intangible  
7 ownership interest enrolled in a plan that provides for the automatic reinvestment  
8 of dividends, distributions or other sums payable as a result of the interest unless  
9 the records available to the administrator of the plan show, with respect to any  
10 intangible ownership interest not enrolled in the reinvestment plan, that the owner  
11 has not within 7 5 years communicated in any manner specified under sub. (1).

12 **\*-0658/2.6\* SECTION 2889.** 177.17 (title) of the statutes is amended to read:

13 **177.17 (title) Report Reporting, payment, and delivery of abandoned**  
14 **property.**

15 **\*-0658/2.7\* SECTION 2890.** 177.17 (4) of the statutes is renumbered 177.17 (4)

16 (a) 1. and amended to read:

17 177.17 (4) (a) 1. Before ~~May~~ November 1 of each ~~even-numbered~~ year, each  
18 holder shall file a report covering the ~~2~~ previous calendar ~~years~~ year. On written  
19 request by any person required to file a report, the administrator may ~~postpone the~~  
20 ~~reporting date~~ extend the deadline established in this paragraph.

\*\*\*\*NOTE: This is reconciled s. 177.17 (4) (a) 1. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0530 and LRB-0658. This SECTION is  
necessary in order to incorporate proposed s. 177.19 (2) (b) from LRB-0530 into the proper  
location in LRB-0658.

21 **\*-0658/2.8\* SECTION 2891.** 177.17 (4) (a) 2. of the statutes is created to read:

22 177.17 (4) (a) 2. Except as otherwise provided in this subdivision and s. 177.06  
23 (4), upon filing the report under subd. 1., the holder shall pay or deliver to the

## SECTION 2891

1 administrator all abandoned property required to be reported. This subdivision does  
2 not apply to abandoned property that is in the form of amounts credited under s.  
3 20.912 (1) to the support collections trust fund or amounts not distributable from the  
4 support collections trust fund to the persons for whom the amounts were awarded.

\*\*\*\*NOTE: This is reconciled s. 177.17 (4) (a) 2. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0530 and LRB-0658. This SECTION  
incorporates proposed s. 177.19 (2) (b) from LRB-0530 into the proper location in  
LRB-0658.

5 **\*-0658/2.9\* SECTION 2892.** 177.18 (title) of the statutes is amended to read:

6 **177.18 (title) Notice and publication of lists of abandoned or escheated**  
7 **property.**

8 **\*-0658/2.10\* SECTION 2893.** 177.18 (1) of the statutes is amended to read:

9 177.18 (1) ~~The Before July 1 of each year, the~~ administrator shall publish a  
10 notice entitled "Notice of names of persons appearing to be owners of abandoned  
11 property" ~~not later than the September 20 following the report required under s.~~  
12 ~~177.17.~~ Except as provided in sub. (1m), the notice shall include the name of each  
13 person identified in a report filed under s. 177.17 since the publication of the previous  
14 notice. The administrator shall publish the notice as a class 1 notice under ch. 985,  
15 in a newspaper of general circulation in the county in which is located the  
16 last-known address of the person to be named in the notice. If no address is listed  
17 or the address is outside this state, the notice shall be published in the county in  
18 which the holder of the property has its principal place of business within this state.

19 **\*-0658/2.11\* SECTION 2894.** 177.18 (2) (intro.) of the statutes is amended to  
20 read:

21 177.18 (2) (intro.) ~~The published A~~ notice under sub. (1) shall contain all of the  
22 following:

23 **\*-0658/2.12\* SECTION 2895.** 177.18 (2) (c) of the statutes is repealed.



1           \***-0658/2.13\*** SECTION 2896. 177.18 (2) (d) of the statutes is renumbered 177.18  
2 (2m) and amended to read:

3           177.18 (2m) For money or other property received under s. 852.01 (3), 863.37  
4 (2) or 863.39 (1), ~~the a~~ notice shall be published at least annually in the official state  
5 newspaper and shall include the name of the decedent, the time and place of the  
6 decedent's death, the amount paid to the administrator, the name of the decedent's  
7 personal representative, the county in which the estate is probated and a statement  
8 that the money will be paid to the heirs or legatees without interest, on proof of  
9 ownership, if claimed within 10 years from the date of publication as provided in s.  
10 863.39 (3).

11           \***-0658/2.14\*** SECTION 2897. 177.19 (title), (1) and (2) of the statutes are  
12 repealed.

13           \***-0658/2.15\*** SECTION 2898. 177.19 (4) of the statutes is renumbered 177.17  
14 (4) (b) and amended to read:

15           177.17 (4) (b) The holder of an interest under s. 177.10 shall deliver to the  
16 administrator, upon filing the report required under this section, a duplicate  
17 certificate or other evidence of ownership if the holder does not issue certificates of  
18 ownership. Upon delivery of a duplicate certificate to the administrator, the holder  
19 and any transfer agent, registrar or other person acting for or on behalf of a holder  
20 in executing or delivering the duplicate certificate are relieved of all liability, as  
21 provided under s. 177.20, to any person, including any person acquiring the original  
22 certificate or the duplicate of the certificate issued to the administrator, for any loss  
23 or damage caused by the issuance and delivery of the duplicate certificate to the  
24 administrator.

25           \***-2025/2.1\*** SECTION 2899. 177.22 (1) of the statutes is amended to read:

**SECTION 2899**

1           177.22 (1) Except as provided in subs. (2) and ~~(3)~~ (4), the administrator, within  
2           3 years after the receipt of abandoned property, shall sell it to the highest bidder at  
3           public sale in the city, village or town in this state which, in the judgment of the  
4           administrator, affords the most favorable market for the property. The  
5           administrator may decline the highest bid and reoffer the property for sale if, in his  
6           or her judgment, the bid is insufficient. If the administrator determines that the  
7           probable cost of sale exceeds the value of the property, it need not be offered for sale.  
8           Any sale held under this section shall be preceded by the publication of one notice,  
9           at least 3 weeks in advance of sale, in a newspaper of general circulation in the county  
10          in which the property is to be sold.

11           \*~~-2025/2.2~~\* **SECTION 2900.** 177.22 (3) of the statutes is repealed.

12           \*~~-2025/2.3~~\* **SECTION 2901.** 177.22 (4) of the statutes is amended to read:

13           177.22 (4) Unless the administrator determines that it is in the best interest  
14          of this state to do otherwise, he or she shall hold all securities ~~presumed abandoned~~  
15          ~~under s. 177.10, and delivered to the administrator, for at least 3 years~~ one year  
16          before selling them. ~~If the administrator sells any securities delivered under s.~~  
17          ~~177.10 before the expiration of the 3-year period, any person making a claim under~~  
18          ~~this chapter before the end of the 3-year period is entitled either to the proceeds of~~  
19          ~~the sale of the securities or to the market value of the securities at the time the claim~~  
20          ~~is made, whichever amount is greater, less any deduction for fees under s. 177.23 (2).~~  
21          A person making a claim under this chapter after the expiration of the 3-year period  
22          is entitled to receive either the securities delivered to the administrator by the  
23          holder, if the administrator still has them, or to the proceeds from their sale, less any  
24          amounts deducted under s. 177.23 (2). No person has any claim under this chapter  
25          against this state, the holder, any transfer agent, registrar or other person acting for

1 or on behalf of a holder for any appreciation in the value of the property occurring  
2 after delivery by the holder to the administrator.

3 **\*-0658/2.16\* SECTION 2902.** 177.23 (1) of the statutes is amended to read:

4 177.23 (1) Except as provided in sub. (2), the administrator shall deposit in the  
5 school fund all funds received under this chapter, including the clear proceeds from  
6 the sale of abandoned property under s. 177.22. Before making the deposit, the  
7 administrator shall record the name and last-known address of each person  
8 appearing from the holders' reports to be entitled to the property and the name and  
9 last-known address of each insured person or annuitant and beneficiary and, with  
10 respect to each policy or contract listed in the report of an insurance company, its  
11 number, the name of the company and the amount due. The information recorded  
12 by the administrator under this subsection is not available for inspection or copying  
13 under s. 19.35 (1) until 24 months after payment or delivery of the property is due  
14 under s. ~~177.19 (1)~~ 177.17 (4) (a).

15 **\*-0530/2.3\* SECTION 2903.** 177.24 (1) of the statutes is renumbered 177.24 (1)  
16 (a).

17 **\*-0530/2.4\* SECTION 2904.** 177.24 (1) (b) of the statutes is created to read:

18 177.24 (1) (b) Any person, except another state, claiming an interest in any  
19 property that is reported to the administrator under s. 177.17 and that is in the form  
20 of amounts credited under s. 20.912 (1) to the support collections trust fund or  
21 amounts not distributable from the support collections trust fund to the persons for  
22 whom the amounts were awarded may file a claim with the administrator, after  
23 December 1 following the report, on a form prescribed by the administrator and  
24 verified by the claimant.

25 **\*-0658/2.17\* SECTION 2905.** 177.24 (2) of the statutes is amended to read:

**SECTION 2905**

1           177.24 (2) The administrator shall consider each claim within 90 days after it  
2 is filed and may refer any claim to the attorney general for an opinion. For each claim  
3 referred, the attorney general shall advise the administrator either to allow it or to  
4 deny it in whole or in part. The administrator shall give written notice to the  
5 claimant if the claim is denied in whole or in part. The notice ~~may~~ shall be given by  
6 mailing it to the last address, if any, stated in the claim as the address to which  
7 notices are to be sent. If no address for notices is stated in the claim, the notice ~~may~~  
8 shall be mailed to the last address, if any, ~~of the claimant as stated in the claim as~~  
9 the address of the claimant. No notice of denial need be given if the claim fails to state  
10 either the last address to which notices are to be sent or the address of the claimant.

11           \*~~2025/2.4~~\* **SECTION 2906.** 177.24 (3) of the statutes is renumbered 177.24 (3)  
12 (a) and amended to read:

13           177.24 (3) (a) If Except as provided in par. (b), if a claim is allowed, the  
14 administrator shall deliver the property to the claimant or pay the claimant the  
15 amount the administrator actually received or the net proceeds of the sale of the  
16 property, together with any additional amount required under s. 177.21. ~~If the claim~~  
17 ~~is for property presumed abandoned under s. 177.10 which was sold by the~~  
18 ~~administrator within 3 years after the date of delivery, the amount payable for that~~  
19 ~~claim is the value of the property at the time the claim was made or the net proceeds~~  
20 ~~of sale, whichever is greater.~~ If the property claimed was interest bearing to the  
21 owner on the date of surrender by the holder, the administrator shall pay interest at  
22 a rate of 6% per year or any lesser rate the property earned while in the possession  
23 of the holder. Interest begins to accrue when the property is delivered to the  
24 administrator and ceases on the earlier of the expiration of 10 years after delivery

1 or the date on which payment is made to the owner. No interest on interest-bearing  
2 property is payable for any period before December 31, 1984.

\*\*\*\*NOTE: This is reconciled s. 177.24 (3) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-0530 and LRB-2025. This treatment incorporates the renumbering and amendment of s. 177.24 (3) from LRB-0530 into LRB-2025.

3 **\*-0530/2.5\* SECTION 2907.** 177.24 (3) (b) of the statutes is created to read:

4 177.24 (3) (b) If the administrator allows a claim made under sub. (1) (b), the  
5 administrator shall pay the claimant the amount reported to the administrator  
6 under s. 177.17.

7 **\*-0530/2.6\* SECTION 2908.** 177.24 (4) of the statutes is amended to read:

8 177.24 (4) Any holder who pays the owner for property that has been delivered  
9 to this state which, if claimed from the administrator, would be subject to sub. (3) (a)  
10 shall add interest as provided under sub. (3) (a). The added interest shall be repaid  
11 to the holder by the administrator in the same manner as the principal.

12 **\*-0530/2.7\* SECTION 2909.** 177.25 (1m) of the statutes is created to read:

13 177.25 (1m) At any time after December 1 following the reporting, under s.  
14 177.17, of property that is in the form of amounts credited under s. 20.912 (1) to the  
15 support collections trust fund or amounts not distributable from the support  
16 collections trust fund to the persons for whom the amounts were awarded, another  
17 state may recover the property under any of the circumstances described in sub. (1)  
18 (a) to (d).

19 **\*-0530/2.8\* SECTION 2910.** 177.25 (2) of the statutes is amended to read:

20 177.25 (2) The claim of another state to recover escheated or abandoned  
21 property shall be presented in a form prescribed by the administrator, who shall  
22 decide the claim within 90 days after it is presented. The administrator shall allow

1 the claim if he or she determines that the other state is entitled to the abandoned  
2 property under sub. (1) or (1m).

3 **\*-0530/2.9\* SECTION 2911.** 177.265 of the statutes is created to read:

4 **177.265 Reimbursement for claims and administrative expenses. (1)**

5 At least quarterly, the department of workforce development shall reimburse the  
6 administrator, based on information provided by the administrator, for all of the  
7 following:

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

13 (b) Any administrative expenses specified in s. 177.23 (2) (a) to (e), incurred  
14 since the last reimbursement was made, with respect to abandoned property in the  
15 form of amounts credited under s. 20.912 (1) to the support collections trust fund and  
16 amounts not distributable from the support collections trust fund to the persons for  
17 whom the amounts were awarded.

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

20 **\*-0658/2.18\* SECTION 2912.** 177.35 (2) of the statutes is renumbered 177.35  
21 (2) (a) and amended to read:

22 177.35 (2) (a) An agreement entered into under this section is not enforceable  
23 if the agreement is entered into within 24 12 months after payment or delivery of the  
24 property is due under s. ~~177.19 (1)~~ 177.17 (4) (a).

\*\*\*\*NOTE: This is reconciled s. 177.35 (2) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-0658/1 and LRB-0530/1.

1           **\*-0530/2.10\* SECTION 2913.** 177.35 (2) (b) of the statutes is created to read:

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

\*\*\*\*NOTE: This is reconciled s. 177.35 (2) (b). This SECTION has been conceptually affected by drafts with the following LRB numbers: LRB-0530 and LRB-0658. This treatment changes the 24-month period to a 12-month period to be conceptually consistent with proposed s. 177.35 (2) (a) in LRB-0658.

8           **\*-0712/4.1\* SECTION 2914.** 178.48 (2) of the statutes is amended to read:

9           178.48 (2) The department shall collect a ~~\$10~~ the fee established under s.  
10          182.01 (4) (c) each time process is served on the department under this chapter.

11          **\*-0712/4.2\* SECTION 2915.** 178.48 (3) of the statutes is amended to read:

12          178.48 (3) In addition to the fees required under sub. (1), the department shall  
13          collect ~~\$25~~ the fee established under s. 182.01 (4) (d) for processing in an expeditious  
14          manner a document required or permitted to be filed with the department under this  
15          chapter.

16          **\*-0712/4.3\* SECTION 2916.** 179.16 (4) of the statutes is repealed.

17          **\*-0712/4.4\* SECTION 2917.** 179.16 (5) of the statutes is amended to read:

18          179.16 (5) The department shall charge and collect, for processing a document  
19          required or permitted to be filed under this chapter in an expeditious manner, ~~or~~  
20          ~~preparing the information under sub. (4) in an expeditious manner, the expedited~~

1 ~~service~~ the fee established under s. 182.01 (4) (d) in addition to the fee required by  
2 other provisions of this chapter.

3 \*~~0712/4.5~~\* SECTION 2918. 179.88 of the statutes is amended to read:

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

13 \*~~0712/4.6~~\* SECTION 2919. 180.0122 (1) (z) of the statutes is amended to read:

14 180.0122 (1) (z) Request for certificate or statement of status, \$5 the fee  
15 established under s. 182.01 (4) (b).

16 \*~~0712/4.7~~\* SECTION 2920. 180.0122 (2) of the statutes is amended to read:

17 180.0122 (2) The department shall collect a ~~\$10~~ the fee established under s.  
18 182.01 (4) (c) each time process is served on the department under this chapter. The  
19 party to a civil, criminal, administrative or investigatory proceeding causing service  
20 of process may recover this fee as costs if the party prevails in the proceeding.

21 \*~~0712/4.8~~\* SECTION 2921. 180.0122 (4) of the statutes is amended to read:

22 180.0122 (4) In addition to the fees required under sub. (1), the department  
23 shall collect the expedited service fee established under s. 182.01 (4) (d) for  
24 processing in an expeditious manner a document required or permitted to be filed  
25 under this chapter ~~or~~ and shall collect the fee established under s. 182.01 (4) (f) for



1 preparing in an expeditious manner a certificate of status under s. 180.0128 (1) to  
2 (3) or a statement of status under s. 180.0128 (4).

3 **\*-0712/4.9\* SECTION 2922.** 181.0122 (1) (zm) of the statutes is amended to  
4 read:

5 181.0122 (1) (zm) Request for certificate or statement of status, \$5 or, if  
6 information other than the information provided under s. 181.0128 (2) is requested,  
7 \$10 the fee established under s. 182.01 (4) (b).

8 **\*-0712/4.10\* SECTION 2923.** 181.0122 (2) of the statutes is amended to read:

9 181.0122 (2) PROCESS FEE. The department shall collect a \$10 the fee  
10 established under s. 182.01 (4) (c) each time process is served on the department  
11 under this chapter. The party to a civil, criminal, administrative or investigatory  
12 proceeding who is causing service of process may recover this fee as costs if the party  
13 prevails in the proceeding.

14 **\*-0712/4.11\* SECTION 2924.** 181.0122 (4) of the statutes is amended to read:

15 181.0122 (4) EXPEDITED SERVICE FEE. In addition to the fees required under sub.  
16 (1), the department shall collect the expedited service fee established under s. 182.01  
17 (4) (d) for processing, in an expeditious manner, a document required or permitted  
18 to be filed under this chapter ~~or~~ and shall collect the fee established under s. 182.01  
19 (4) (f) for preparing, in an expeditious manner, a certificate of status under s.  
20 181.0128 (2) or a statement of status under s. 181.0128 (4).

21 **\*-0712/4.12\* SECTION 2925.** 182.01 (4) of the statutes is repealed and  
22 recreated to read:

23 182.01 (4) PREPARATION OF COPIES, ISSUANCE OF CERTIFICATES, AND PERFORMANCE  
24 OF SERVICES. The department shall establish by rule the fees for all of the following:

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

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

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

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

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

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

15 **\*-0712/4.13\* SECTION 2926.** 183.0105 (8) (c) of the statutes is amended to read:

16 183.0105 (8) (c) ~~If~~ Except as provided in par. (cm), if the address of the limited  
17 liability company's principal office cannot be determined from the records of the  
18 department, the limited liability company may be served by publishing a class 3  
19 notice, under ch. 985, in the community where the limited liability company's  
20 registered office, as most recently designated in the records of the department, is  
21 located.

22 **\*-0712/4.14\* SECTION 2927.** 183.0105 (8) (cm) of the statutes is created to read:

23 183.0105 (8) (cm) If a process, notice, or demand is served by the department  
24 on a limited liability company under s. 183.0911 and the address of the limited  
25 liability company's principal office cannot be determined from the records of the

1 department, the limited liability company may be served by publishing a class 2  
2 notice, under ch. 985, in the official state newspaper.

3 **\*-0712/4.15\* SECTION 2928.** 183.0114 (1) (t) of the statutes is amended to read:

4 183.0114 (1) (t) Request for certificate or statement of status, \$5 the fee  
5 established under s. 182.01 (4) (b).

6 **\*-0712/4.16\* SECTION 2929.** 183.0114 (1) (u) of the statutes is amended to read:

7 183.0114 (1) (u) Processing in an expeditious manner a document required or  
8 permitted to be filed under this chapter, or preparing in an expeditious manner a  
9 certificate or statement of status, \$25 the fee established under s. 182.01 (4) (d).

10 **\*-0712/4.17\* SECTION 2930.** 183.0910 of the statutes is created to read:

11 **183.0910 Grounds for administrative dissolution.** The department may  
12 bring a proceeding under s. 183.0911 to administratively dissolve a limited liability  
13 company if any of the following occurs:

14 (1) The limited liability company does not pay, within one year after they are  
15 due, any fees or penalties due the department under this chapter.

16 (3) The limited liability company is without a registered agent or registered  
17 office in this state for at least one year.

18 (4) The limited liability company does not notify the department within one  
19 year that its registered agent or registered office has been changed, that its  
20 registered agent has resigned, or that its registered office has been discontinued.

21 **\*-0712/4.18\* SECTION 2931.** 183.0911 of the statutes is created to read:

22 **183.0911 Procedure for and effect of administrative dissolution.** (1) If  
23 the department determines that one or more grounds exist under s. 183.0910 for  
24 dissolving a limited liability company, the department shall serve the limited  
25 liability company under s. 183.0105 (8) with written notice of the determination.

1           (2) (a) Within 60 days after service of the notice is perfected under s. 183.0105  
2 (8), the limited liability company shall correct each ground for dissolution or  
3 demonstrate to the reasonable satisfaction of the department that each ground  
4 determined by the department does not exist.

5           (b) If the limited liability company fails to satisfy par. (a), the department shall  
6 administratively dissolve the limited liability company by issuing a certificate of  
7 dissolution that recites each ground for dissolution and the effective date of  
8 dissolution. The department shall file the original of the certificate and serve a copy  
9 on the limited liability company under s. 183.0105 (8).

10           (3) Sections 183.0903 to 183.0905 and 183.0907 to 183.0909 apply to a limited  
11 liability company that is administratively dissolved.

12           (4) A limited liability company's right to the exclusive use of its company name  
13 terminates on the effective date of its administrative dissolution.

14           \*~~0712/4.19~~\* SECTION 2932. 183.0912 of the statutes is created to read:

15           **183.0912 Reinstatement following administrative dissolution.** (1) A  
16 limited liability company that is administratively dissolved may apply to the  
17 department for reinstatement. The application shall include all of the following:

18           (a) The name of the limited liability company and the effective date of its  
19 administrative dissolution.

20           (b) A statement that each ground for dissolution either did not exist or has been  
21 cured.

22           (c) A statement that the limited liability company's name satisfies s. 183.0103.

23           (2) (a) The department shall cancel the certificate of dissolution and issue a  
24 certificate of reinstatement that complies with par. (b) if the department determines  
25 all of the following:

1           1. That the application contains the information required by sub. (1) and the  
2 information is correct.

3           2. That all fees and penalties owed by the limited liability company to the  
4 department under this chapter have been paid.

5           (b) The certificate of reinstatement shall state the department's determination  
6 under par. (a) and the effective date of reinstatement. The department shall file the  
7 certificate and provide a copy to the limited liability company or its representative.

8           (3) When the reinstatement becomes effective, it shall relate back to and take  
9 effect as of the effective date of the administrative dissolution, and the limited  
10 liability company may resume carrying on its business as if the administrative  
11 dissolution had never occurred.

12           \***-0712/4.20\*** SECTION 2933. 183.0913 of the statutes is created to read:

13           **183.0913 Appeal from denial of reinstatement.** (1) If the department  
14 denies a limited liability company's application for reinstatement under s. 183.0912,  
15 the department shall serve the limited liability company under s. 183.0105 (8) with  
16 a written notice that explains each reason for denial.

17           (2) The limited liability company may appeal the denial of reinstatement to the  
18 circuit court for the county where the limited liability company's principal office or,  
19 if none in this state, its registered office is located, within 30 days after service of the  
20 notice of denial is perfected. The limited liability company shall appeal by  
21 petitioning the court to set aside the dissolution and attaching to the petition copies  
22 of the department's certificate of dissolution, the limited liability company's  
23 application for reinstatement, and the department's notice of denial.

24           (3) The court may order the department to reinstate the dissolved limited  
25 liability company or may take other action that the court considers appropriate.

1 (4) The court's final decision may be appealed as in other civil proceedings.

2 **\*-0712/4.21\* SECTION 2934.** 185.83 (1) (d) of the statutes is amended to read:

3 185.83 (1) (d) Receiving services of any process, notice or demand, authorized  
4 to be served on the department by this chapter, ~~\$10~~ the fee established under s.  
5 182.01 (4) (c).

6 **\*-0712/4.22\* SECTION 2935.** 185.83 (1) (f) of the statutes is repealed.

7 **\*-0712/4.23\* SECTION 2936.** 185.83 (1) (fm) of the statutes is repealed.

8 **\*-0712/4.24\* SECTION 2937.** 185.83 (1) (h) of the statutes is amended to read:

9 185.83 (1) (h) Processing a document required or permitted to be filed or  
10 recorded under this chapter in an expeditious manner, ~~or preparing the information~~  
11 ~~under par. (f) or (fm) in an expeditious manner, \$25~~ the fee established under s.  
12 182.01 (4) (d) in addition to the fee required by other provisions of this chapter.

13 **\*-0601/1.2\* SECTION 2938.** 186.01 (2) of the statutes is amended to read:

14 186.01 (2) "Credit union" means, except as specifically provided under ss.  
15 186.41 (1) and 186.45 (1), a cooperative, nonprofit corporation, incorporated under  
16 this chapter to encourage thrift among its members, create a source of credit at a fair  
17 and reasonable cost, and provide an opportunity for its members to improve their  
18 economic and social conditions.

19 **\*-0601/1.3\* SECTION 2939.** 186.02 (2) (a) 1. of the statutes is amended to read:

20 186.02 (2) (a) 1. ~~The conditions of residence or occupation which qualify persons~~  
21 that determine eligibility for membership.

22 **\*-0601/1.4\* SECTION 2940.** 186.02 (2) (b) 2. of the statutes is amended to read:

23 186.02 (2) (b) 2. ~~Residents~~ Except as otherwise provided in this subdivision,  
24 individuals who reside or are employed within a well-defined neighborhood,  
25 community or rural district and contiguous neighborhoods and communities. If the

1 office of credit unions, subsequent to a credit union merger, determines that it would  
2 be inappropriate under the circumstances to require members of the credit union  
3 that results from the merger to reside or be employed in contiguous neighborhoods  
4 and communities, the requirement that these neighborhoods and communities be  
5 contiguous does not apply.

6 \*~~0601/1.5~~\* SECTION 2941. 186.02 (2) (b) 2m. of the statutes is created to read:

7 186.02 (2) (b) 2m. Individuals who reside or are employed within well-defined  
8 and contiguous rural districts or multicounty regions.

9 \*~~0601/1.6~~\* SECTION 2942. 186.02 (2) (c) of the statutes is amended to read:

10 186.02 (2) (c) Members of the immediate family of all qualified persons are  
11 eligible for membership. ~~In this paragraph, "members of the immediate family"~~  
12 ~~include the wife, husband, parents, stepchildren and children of a member whether~~  
13 ~~living together in the same household or not and any other relatives of the member~~  
14 ~~or spouse of a member living together in the same household as the member.~~

15 \*~~0601/1.7~~\* SECTION 2943. 186.02 (2) (d) of the statutes is renumbered 186.02

16 (2) (d) 1. and amended to read:

17 186.02 (2) (d) 1. ~~Organizations and associations~~ An organization or association  
18 of individuals, the majority of whom the directors, owners, or members of which are  
19 eligible for membership, may be admitted to membership in the same manner and  
20 under the same conditions as individuals.

21 \*~~0601/1.8~~\* SECTION 2944. 186.02 (2) (d) 2. of the statutes is created to read:

22 186.02 (2) (d) 2. An organization or association that has its principal business  
23 location within any geographic limits of the credit union's field of membership may  
24 be admitted to membership.

25 \*~~0601/1.9~~\* SECTION 2945. 186.11 (4) (title) of the statutes is amended to read:

1           186.11 (4) (title) INVESTMENT IN CREDIT UNION SERVICE CORPORATIONS  
2           ORGANIZATIONS.

3           \***-0601/1.10\*** SECTION 2946. 186.11 (4) (a) of the statutes is renumbered 186.11  
4           (4) (a) (intro.) and amended to read:

5           186.11 (4) (a) (intro.) -A- Unless the office of credit unions approves a higher  
6           percentage, a credit union may invest not more than 1.5% of its total assets in the  
7           capital shares or obligations of a credit union service ~~corporation~~ organizations that  
8           satisfy all of the following:

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

11          \***-0601/1.11\*** SECTION 2947. 186.11 (4) (a) 1. of the statutes is created to read:

12          186.11 (4) (a) 1. Are corporations, limited partnerships, limited liability  
13          companies, or other entities that are permitted under the laws of this state and that  
14          are approved by the office of credit unions.

15          \***-0601/1.12\*** SECTION 2948. 186.11 (4) (b) (intro.) and 1. of the statutes are  
16          amended to read:

17          186.11 (4) (b) (intro.) A credit union service corporation organization under par.  
18          (a) may provide goods and services including any of the following:

19          1. Credit union operations services, including service centers, credit and debit  
20          card services, automated teller and remote terminal services, clctronic transaction  
21          services, accounting systems, data processing, management training and support,  
22          payment item processing, record retention and storage, locator services, research,  
23          debt collection, credit analysis and loan servicing, coin and currency services, and  
24          marketing and advertising services.

25          \***-0601/1.13\*** SECTION 2949. 186.11 (4) (c) of the statutes is amended to read:



1           186.11 (4) (c) A credit union service corporation organization may be subject  
2 to audit by the office of credit unions.

3           \***-0601/1.14\*** SECTION 2950. 186.113 (1) of the statutes is amended to read:

4           186.113 (1) BRANCH OFFICES. ~~If the need and necessity exist and with~~ With the  
5 approval of the office of credit unions, establish branch offices inside ~~this state or no~~  
6 ~~more than 25 miles or~~ outside of this state. Permanent records may be maintained  
7 at branch offices established under this subsection. In this subsection, the term  
8 "branch office" does not include a remote terminal, a limited services office, or a  
9 service center.

10           \***-0601/1.15\*** SECTION 2951. 186.113 (1m) (a) (intro.) of the statutes is  
11 amended to read:

12           186.113 (1m) (a) (intro.) ~~Establish~~ Before the effective date of this paragraph  
13 ... [revisor inserts date], establish limited services offices outside this state to serve  
14 any member of the credit union if all of the following requirements are met:

15           \***-0601/1.16\*** SECTION 2952. 186.113 (6) (b) and (c) of the statutes are amended  
16 to read:

17           186.113 (6) (b) Act as trustees or custodians of member tax deferred retirement  
18 funds, individual retirement accounts, medical savings accounts, or other employee  
19 benefit accounts or funds permitted by federal law to be deposited in a credit union.

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

22           \***-0601/1.17\*** SECTION 2953. 186.113 (24) of the statutes is created to read:

23           186.113 (24) FUNERAL TRUSTS. Accept deposits made by members for the  
24 purpose of funding burial agreements by trusts created pursuant to s. 445.125.

25           \***-0601/1.18\*** SECTION 2954. 186.20 of the statutes is created to read:

1           **186.20 Financial privacy.** A credit union shall comply with any applicable  
2 requirements under 15 USC 6801 to 6803 and any applicable regulations prescribed  
3 by the national credit union administration under 15 USC 6804.

4           \***-0601/1.19\*** SECTION 2955. 186.235 (7) (a) (intro.) of the statutes is amended  
5 to read:

6           186.235 (7) (a) (intro.) Employees of the office of credit unions and members  
7 of the review board shall keep secret all the facts and information obtained in the  
8 course of examinations, except or contained in any report provided by a credit union  
9 other than any semiannual or quarterly financial report that is regularly filed with  
10 the office of credit unions. This requirement does not apply in any of the following  
11 situations:

12           \***-0601/1.20\*** SECTION 2956. 186.235 (7) (c) of the statutes is created to read:

13           186.235 (7) (c) If any person mentioned in par. (a) discloses any information  
14 about the private account or transactions of a credit union or any information  
15 obtained in the course of an examination of a credit union, except as provided in pars.  
16 (a) and (b), that person may be required to forfeit his or her office or position and may  
17 be fined not less than \$100 nor more than \$1,000, or imprisoned for not less than 6  
18 months nor more than 3 years, or both.

19           \***-0601/1.21\*** SECTION 2957. 186.235 (7m) of the statutes is created to read:

20           186.235 (7m) RETURN OF EXAMINATION REPORTS. Examination reports possessed  
21 by a credit union are confidential, remain the property of the office of credit unions,  
22 and shall be returned to the office of credit unions immediately upon request.

23           \***-0601/1.22\*** SECTION 2958. 186.235 (16) (a) of the statutes is renumbered  
24 186.235 (16).

25           \***-0601/1.23\*** SECTION 2959. 186.235 (16) (b) of the statutes is repealed.

1           \***-0601/1.24\*** SECTION 2960. 186.235 (16m) of the statutes is created to read:  
2           186.235 (16m) FINANCIAL PRIVACY EXAMINATION. The office of credit unions shall  
3 examine a credit union to determine the credit union's compliance with s. 186.20.

4           \***-0601/1.25\*** SECTION 2961. 186.36 of the statutes is amended to read:

5           **186.36 Sale of insurance in credit unions.** Any officer or employee of a  
6 credit union, when acting as an agent for the sale of insurance on behalf of the credit  
7 union, shall pay all commissions received from the sale of ~~credit life insurance or~~  
8 ~~credit accident and sickness insurance~~ to the credit union.

9           \***-0601/1.26\*** SECTION 2962. 186.41 (title) of the statutes is amended to read:

10          **186.41 (title) Interstate acquisition acquisitions and merger mergers**  
11 **of credit unions.**

12          \***-0601/1.27\*** SECTION 2963. 186.41 (1) (a) of the statutes is renumbered 186.41  
13 (1) (bm) and amended to read:

14          186.41 (1) (bm) "~~In-state~~ Wisconsin credit union" means a credit union having  
15 its principal office located in this state.

16          \***-0601/1.28\*** SECTION 2964. 186.41 (1) (c) of the statutes is renumbered 186.41  
17 (1) (am) and amended to read:

18          186.41 (1) (am) "~~Regional Out-of-state~~ credit union" means a state or federal  
19 credit union ~~that has its, the principal office of which is located in one of the regional~~  
20 ~~states a state other than this state.~~

21          \***-0601/1.29\*** SECTION 2965. 186.41 (1) (d) of the statutes is repealed.

22          \***-0601/1.30\*** SECTION 2966. 186.41 (2) and (3) of the statutes are amended to  
23 read:

24          186.41 (2) ~~IN-STATE~~ WISCONSIN CREDIT UNION. (a) ~~An in-state~~ A Wisconsin credit  
25 union may do any of the following:

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

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

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

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

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

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

13           \*~~0601/1.31~~\* SECTION 2967. 186.41 (4) (intro.), (a) to (d) and (f) of the statutes  
14 are amended to read:

15           186.41 (4) LIMITATIONS. (intro.) ~~A regional~~ An out-of-state credit union may  
16 not take any action under sub. (3) until all of the following conditions have been met:

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

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

24           (c) The office of credit unions gives a class 3 notice, under ch. 985, in the official  
25 state newspaper, of the application to take an action under sub. (3) and of the

1 opportunity for a hearing and, if at least 25 residents of this state petition for a  
2 hearing within 30 days of the final notice or if the office of credit unions on its own  
3 motion calls for a hearing within 30 days of the final notice, the office of credit unions  
4 holds a public hearing on the application, except that a hearing is not required if the  
5 office of credit unions finds that an emergency exists and that the proposed action  
6 under sub. (3) is necessary and appropriate to prevent the probable failure of an  
7 ~~in-state~~ Wisconsin credit union that is closed or in danger of closing.

8 (d) The office of credit unions is provided a copy of any original application  
9 seeking approval by a federal agency of the acquisition of ~~in-state~~ Wisconsin credit  
10 union assets or of the merger with an ~~in-state~~ Wisconsin credit union and of any  
11 supplemental material or amendments filed with the application.

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

15 **\*-0601/1.32\* SECTION 2968.** 186.41 (5) (a), (b), (c) and (cr) of the statutes are  
16 amended to read:

17 186.41 (5) (a) Considering the financial and managerial resources and future  
18 prospects of the applicant and of the ~~in-state~~ Wisconsin credit union concerned, the  
19 action would be contrary to the best interests of the members of the ~~in-state~~  
20 Wisconsin credit union.

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

24 (c) Because the applicant, its executive officers, or directors have not  
25 established a record of sound performance, efficient management, financial

1 responsibility, and integrity, the action would be contrary to the best interests of the  
2 creditors, ~~the members or, the~~ other customers of the applicant ~~or of the in-state, the~~  
3 Wisconsin credit union, or ~~contrary to the best interests of the public.~~

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

8 \*~~0601/1.33~~\* SECTION 2969. 186.41 (6) (a) of the statutes is renumbered 186.41  
9 (6).

10 \*~~0601/1.34~~\* SECTION 2970. 186.41 (6) (b) of the statutes is repealed.

11 \*~~0601/1.35~~\* SECTION 2971. 186.41 (8) of the statutes is repealed.

12 \*~~0601/1.36~~\* SECTION 2972. 186.45 of the statutes is created to read:

13 **186.45 Non-Wisconsin credit union, Wisconsin offices. (1) DEFINITIONS.**

14 In this section:

15 (a) "Non-Wisconsin credit union" means a credit union organized under the  
16 laws of and with its principal office located in a state other than this state.

17 (b) "Wisconsin credit union" has the meaning given in s. 186.41 (1) (bm).

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

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

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

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

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

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

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

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

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

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

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

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

16 (4) RECORDS. As a condition of a non-Wisconsin credit union doing business in  
17 this state under this section, the office of credit unions may require copies of  
18 examination reports and related correspondence regarding the non-Wisconsin  
19 credit union.

20 \*-0601/1.37\* SECTION 2973. 186.80 of the statutes is created to read:

21 **186.80 False statements.** (a) No officer, director, or employee of a credit  
22 union may do any of the following:

23 1. Willfully and knowingly subscribe to or make, or cause to be made, a false  
24 statement or entry in the books of the credit union.

1           2. Knowingly subscribe to or exhibit false information with the intent to deceive  
2 any person authorized to examine the affairs of the credit union.

3           3. Knowingly make, state, or publish any false report or statement of the credit  
4 union.

5           (b) Any person who violates par. (a) may be fined not less than \$1,000 nor more  
6 than \$5,000, or imprisoned for not less than one year nor more than 15 years, or both.

7           \*–2007/2.16\* SECTION 2974. 196.01 (3n) of the statutes is repealed.

8           \*–2007/2.17\* SECTION 2975. 196.01 (3p) of the statutes is repealed.

9           \*–2007/2.18\* SECTION 2976. 196.01 (3q) of the statutes is renumbered 101.91  
10 (6m) and amended to read:

11           101.91 (6m) “~~Mobile~~ Manufactured home park contractor” means a person,  
12 other than a public utility, as defined in s. 196.01 (5) (a), who, under a contract with  
13 a ~~mobile~~ manufactured home park operator, provides water or sewer service to a  
14 ~~mobile~~ manufactured home park occupant or performs a service related to providing  
15 water or sewer service to a ~~mobile~~ manufactured home park occupant.

16           \*–2007/2.19\* SECTION 2977. 196.01 (3s) of the statutes is renumbered 101.91  
17 (7) and amended to read:

18           101.91 (7) “~~Mobile~~ Manufactured home park occupant” means a person who  
19 rents or owns a ~~mobile~~ manufactured home in a ~~mobile~~ manufactured home park.

20           \*–2007/2.20\* SECTION 2978. 196.01 (3t) of the statutes is renumbered 101.91  
21 (8) and amended to read:

22           101.91 (8) “~~Mobile~~ Manufactured home park operator” means a person  
23 engaged in the business of owning or managing a ~~mobile~~ manufactured home park.

24           \*–2154/1.1\* SECTION 2979. 196.07 (2) of the statutes is amended to read:



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

10           \*~~1694/11.14~~\* SECTION 2980. 196.195 (12) (b) 1. d. of the statutes is repealed.

11           \*~~1694/11.15~~\* SECTION 2981. 196.196 (1) (cm) of the statutes is repealed.

12           \*~~1694/11.16~~\* SECTION 2982. 196.196 (5) (b) 6. of the statutes is repealed.

13           \*~~0705/3.14~~\* SECTION 2983. 196.218 (5) (a) 5. of the statutes is amended to  
14 read:

15           196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 (7) to  
16 the extent that these costs are not paid under s. 44.73 (2) (d), except that no moneys  
17 in the universal service fund may be used to pay installation costs that are necessary  
18 for a political subdivision to obtain access to bandwidth under a shared service  
19 agreement under s. 44.73 (2r) (a).

          \*\*\*\*NOTE: This is reconciled s. 196.218 (5) (a) 5. This SECTION has been affected by  
drafts with the following LRB#s: LRB-1857.

20           \*~~1857/5.112~~\* SECTION 2984. 196.218 (5) (a) 6. of the statutes is amended to  
21 read:

22           196.218 (5) (a) 6. To pay the department of ~~administration~~ electronic  
23 government for telecommunications services provided under s. ~~16.973~~ 22.05 (1) to

1 the campuses of the University of Wisconsin System at River Falls, Stout, Superior  
2 and Whitewater.

3 **\*-1694/11.17\* SECTION 2985.** 196.218 (5r) (a) 4. of the statutes is amended to  
4 read:

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

11 **\*-1696/2.1\* SECTION 2986.** 196.219 (4) (a) of the statutes is amended to read:

12 196.219 (4) (a) ~~On the commission's own motion or upon complaint filed by the~~  
13 ~~consumer, the~~ The commission, in its own name or on behalf of consumers, shall have  
14 jurisdiction to take administrative action, including initiating a contested case, or to  
15 commence civil actions against telecommunications utilities or providers to enforce  
16 this section.

17 **\*-1696/2.2\* SECTION 2987.** 196.219 (4) (b) of the statutes is amended to read:

18 196.219 (4) (b) The commission, in its own name or on behalf of consumers,  
19 ~~may, at its discretion, take administrative action, including initiating a contested~~  
20 ~~case, or~~ institute in any court of competent jurisdiction a proceeding against a  
21 telecommunications utility or provider for injunctive relief, to compel compliance  
22 with this section, to compel the accounting and refund of any moneys collected in  
23 violation of this section, or for any other appropriate relief permitted under this  
24 ~~chapter.~~ The commission may directly impose forfeitures for violations of this  
25 section.

1           \***-1696/2.3\*** SECTION 2988. 196.219 (4m) (b) of the statutes is amended to read:

2           196.219 (4m) (b) ~~Upon request of the commission, the attorney general may~~  
3           The commission may take administrative action, including initiating a contested  
4           case, or bring an action to require a telecommunications utility or provider to  
5           compensate any person for any pecuniary loss caused by the failure of the utility or  
6           provider to comply with this section. Upon the request of the commission, the  
7           attorney general may bring an action specified in this paragraph.

8           \***-1696/2.4\*** SECTION 2989. 196.22 of the statutes is amended to read:

9           **196.22 Discrimination forbidden.** No public utility may charge, demand,  
10          collect, or receive more or less compensation for any service performed by it within  
11          the state, or for any service in connection therewith, than is specified in the schedules  
12          for the service filed under s. 196.19, including schedules of joint rates, as may at the  
13          time be in force, or demand, collect, or receive any rate, toll, or charge not specified  
14          in the schedule. Payments made for violations of this chapter by telecommunications  
15          providers are not contrary to this section.

16          \***-2007/2.21\*** SECTION 2990. 196.26 (1) (a) of the statutes is amended to read:

17          196.26 (1) (a) A complaint filed with the commission that any rate, toll, charge,  
18          or schedule, joint rate, regulation, measurement, act, or practice relating to the  
19          provision of heat, light, water, power, or telecommunications service, ~~or to the~~  
20          ~~provision of water or sewer service by a mobile home park operator or mobile home~~  
21          ~~park contractor,~~ is unreasonable, inadequate, unjustly discriminatory, or cannot be  
22          obtained.

23          \***-2007/2.22\*** SECTION 2991. 196.26 (1m) of the statutes is amended to read:

24          196.26 (1m) INVESTIGATION OF COMPLAINT. If any mercantile, agricultural, or  
25          manufacturing society, body politic, municipal organization, or 25 persons file a

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1 complaint specified in sub. (1) (a) against a public utility, or if the commission  
2 terminates a proceeding on a complaint under s. 196.199 (3) (a) 1m. b., or if a person  
3 files a complaint specified in sub. (1) (c), the commission, with or without notice, may  
4 investigate the complaint under this section as it considers necessary. ~~If the mobile  
5 home park occupants of 25% of the total number of mobile homes in a mobile home  
6 park or the mobile home park occupants of 25 mobile homes in a mobile home park,  
7 whichever is less, files a complaint specified in sub. (1) (a) against a mobile home park  
8 contractor or mobile home park operator, the commission, with or without notice,  
9 may investigate the complaint as it considers necessary.~~ The commission may not  
10 issue an order based on an investigation under this subsection without a public  
11 hearing.

12 **\*-2007/2.23\* SECTION 2992.** 196.26 (2) (a) of the statutes is amended to read:

13 196.26 (2) (a) Prior to a hearing under this section, the commission shall notify  
14 the public utility, ~~mobile home park contractor, mobile home park operator~~ or party  
15 to an interconnection agreement complained of that a complaint has been made, and  
16 10 days after the notice has been given the commission may proceed to set a time and  
17 place for a hearing and an investigation. This paragraph does not apply to a  
18 complaint specified in sub. (1) (b).

19 **\*-2007/2.24\* SECTION 2993.** 196.26 (2) (b) of the statutes is amended to read:

20 196.26 (2) (b) The commission shall give the complainant and either the public  
21 utility, ~~mobile home park contractor, mobile home park operator~~ or party to an  
22 interconnection agreement which is the subject of a complaint specified in sub. (1)  
23 (a) or (c) or, for a complaint specified in sub. (1) (b), a party to an interconnection  
24 agreement who is identified in a notice under s. 196.199 (3) (b) 1. b., 10 days' notice  
25 of the time and place of the hearing and the matter to be considered and determined

1 at the hearing. The complainant and either the public utility, ~~mobile home park~~  
2 ~~contractor, mobile home park operator~~ or party to the interconnection agreement  
3 may be heard. The commission may subpoena any witness at the request of the  
4 public utility, ~~mobile home park contractor, mobile home park operator~~, party to the  
5 interconnection agreement, or complainant.

6 \*~~2007/2.25~~\* SECTION 2994. 196.28 (1) of the statutes is amended to read:

7 196.28 (1) If the commission believes that any rate or charge is unreasonable  
8 or unjustly discriminatory or that any service is inadequate or cannot be obtained  
9 or that an investigation of any matter relating to any public utility ~~or to any provision~~  
10 ~~of water or sewer service by a mobile home park operator or mobile home park~~  
11 ~~contractor~~ should for any reason be made, the commission on its own motion  
12 summarily may investigate with or without notice.

13 \*~~2007/2.26~~\* SECTION 2995. 196.28 (3) of the statutes is amended to read:

14 196.28 (3) Notice of the time and place for a hearing under sub. (2) shall be  
15 given to the public utility, ~~mobile home park contractor or mobile home park~~  
16 ~~operator~~, and to such other interested persons as the commission considers  
17 necessary. After the notice has been given, proceedings shall be had and conducted  
18 in reference to the matter investigated as if a complaint specified in s. 196.26 (1) (a)  
19 had been filed with the commission relative to the matter investigated. The same  
20 order or orders may be made in reference to the matter as if the investigation had  
21 been made on complaint under s. 196.26.

22 \*~~1696/2.5~~\* SECTION 2996. 196.37 (1) of the statutes is amended to read:

23 196.37 (1) If, after an investigation under this chapter or ch. 197, the  
24 commission finds rates, tolls, charges, schedules, or joint rates to be unjust,  
25 unreasonable, insufficient, or unjustly discriminatory or preferential, or otherwise

**SECTION 2996**

1 unreasonable or unlawful, the commission shall determine and order reasonable  
2 rates, tolls, charges, schedules, or joint rates to be imposed, observed, and followed  
3 in the future and, with respect to rates, tolls, charges, schedules, or joint rates of  
4 telecommunications providers, may determine and order reasonable compensation  
5 for persons injured by reason of such rates, tolls, charges, schedules, or joint rates.

6 **\*-1695/4.5\* SECTION 2997.** 196.374 (1) (b) of the statutes is repealed.

7 **\*-1695/4.6\* SECTION 2998.** 196.374 (3) of the statutes is amended to read:

8 196.374 (3) ~~In~~ Except as provided in sub. (3m), in 2000, 2001 and 2002, the  
9 commission shall require each utility to spend a decreasing portion of the amount  
10 determined under sub. (2) on programs specified in sub. (2) and contribute the  
11 remaining portion of the amount to the commission for deposit in the utility public  
12 benefits fund. ~~In~~ Except as provided in sub. (3m), in each year after 2002, each utility  
13 shall contribute the entire amount determined under sub. (2) to the commission for  
14 deposit in the utility public benefits fund. The commission shall ensure in  
15 rate-making orders that a utility recovers from its ratepayers the amounts spent on  
16 programs or contributed to the utility public benefits fund under this subsection or  
17 deposited into the farm rewiring fund under sub. (3m). The commission shall allow  
18 each utility the option of continuing to use, until January 1, 2002, the moneys that  
19 it has recovered under s. 196.374 (3), 1997 stats., to administer the programs that  
20 it has funded under s. 196.374 (1), 1997 stats. The commission may allow each utility  
21 to spend additional moneys on the programs specified in sub. (2) if the utility  
22 otherwise complies with the requirements of this section and s. 16.957 (4).

23 **\*-1695/4.7\* SECTION 2999.** 196.374 (3m) of the statutes is created to read:

24 196.374 (3m) In fiscal year 2001–02, the first \$1,500,000 that is contributed  
25 under sub. (3) in that fiscal year shall be deposited in the farm rewiring fund. In

1 fiscal year 2002-03, the first \$2,500,000 that is contributed under sub. (3) in that  
2 fiscal year shall be deposited in the farm rewiring fund.

3 **\*-1695/4.8\* SECTION 3000.** 196.374 (4) of the statutes is amended to read:

4 196.374 (4) If the department notifies the commission under s. 16.957 (2) (b)  
5 2. that the department has reduced funding for energy conservation and efficiency  
6 and renewable resource programs by an amount that is greater than the portion of  
7 the public benefits fee specified in s. 16.957 (4) (c) 2., the commission shall reduce the  
8 amount that utilities are required to spend on programs or contribute to the utility  
9 public benefits fund under sub. (3) by the portion of the reduction that exceeds the  
10 amount of public benefits fees specified in s. 16.957 (4) (c) 2.

11 **\*-1696/2.6\* SECTION 3001.** 196.44 (1) of the statutes is renumbered 196.44 (1)  
12 (a).

13 **\*-1696/2.7\* SECTION 3002.** 196.44 (1) (b) of the statutes is created to read:

14 196.44 (1) (b) The commission may take administrative action and institute  
15 and prosecute all necessary actions or proceedings for the enforcement of all laws  
16 relating to telecommunications providers and for the punishment of all violations.

17 **\*-2007/2.27\* SECTION 3003.** 196.498 (title) of the statutes is repealed.

18 **\*-2007/2.28\* SECTION 3004.** 196.498 (2) of the statutes is renumbered 101.937  
19 (1) and amended to read:

20 101.937 (1) RULES. The ~~commission~~ department shall promulgate rules that  
21 establish standards for providing water or sewer service by a ~~mobile~~ manufactured  
22 home park operator or ~~mobile~~ manufactured home park contractor to a ~~mobile~~  
23 manufactured home park occupant, including requirements for metering, billing,  
24 ~~deposits, depositing, arranging~~ deferred payment arrangements, ~~installation of,~~  
25 installing service, refusing or discontinuing service, and resolving disputes with

**SECTION 3004**

1 respect to service. Rules promulgated under this subsection shall ensure that any  
2 charge for water or sewer service is reasonable and not unjustly discriminatory, that  
3 the water or sewer service is reasonably adequate, and that any practice relating to  
4 providing the service is just and reasonable.

5 **\*-2007/2.29\* SECTION 3005.** 196.498 (3) of the statutes is renumbered 101.937  
6 (2) and amended to read:

7 101.937 (2) PERMANENT IMPROVEMENTS. A mobile manufactured home park  
8 operator may make a reasonable recovery of capital costs for permanent  
9 improvements related to the provision of water or sewer service to mobile  
10 manufactured home park occupants through ongoing rates for water or sewer  
11 service.

12 **\*-2007/2.30\* SECTION 3006.** 196.498 (4) of the statutes is renumbered 101.937  
13 (3) and amended to read:

14 101.937 (3) ENFORCEMENT. (a) ~~Notwithstanding s. 196.44, on~~ On its own motion  
15 or upon a complaint filed by a mobile manufactured home park occupant, the  
16 ~~commission~~ department may issue an order or commence a civil action against a  
17 mobile manufactured home park operator or mobile manufactured home park  
18 contractor to enforce this section, any rule promulgated under sub. (2) (1), or any  
19 order issued under this paragraph.

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

23 **\*-2007/2.31\* SECTION 3007.** 196.498 (5) of the statutes is renumbered 101.937  
24 (4) and amended to read:



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

6           \***-2007/2.32\*** SECTION 3008. 196.498 (6) of the statutes is renumbered 101.937  
7 (5) and amended to read:

8           101.937 (5) PENALTIES. (a) Any person who violates any rule promulgated  
9 under sub. ~~(2)~~ (1) or any order issued under sub. ~~(4)~~ (3) (a) shall forfeit not less than  
10 \$25 nor more than \$5,000. Each violation and each day of violation constitutes a  
11 separate offense.

12           (b) Any person who intentionally violates any rule promulgated under sub. ~~(2)~~  
13 (1) or order issued under sub. ~~(4)~~ (3) (a) shall be fined not less than \$25 nor more than  
14 \$5,000 or imprisoned not more than one year in the county jail or both. Each violation  
15 and each day of violation constitutes a separate offense.

16           \***-1696/2.8\*** SECTION 3009. 196.499 (12) (am) of the statutes is created to read:  
17 196.499 (12) (am) The commission may take administrative action and  
18 institute and prosecute all necessary actions or proceedings for the enforcement of  
19 all laws relating to telecommunications carriers and for the punishment of all  
20 violations.

21           \***-1695/4.9\*** SECTION 3010. 196.64 (3) of the statutes is created to read:

22 196.64 (3) This section does not apply to damages resulting from stray voltage.

23           \***-1696/2.9\*** SECTION 3011. 196.66 (1) of the statutes is amended to read:

24 196.66 (1) GENERAL FORFEITURE; FAILURE TO OBEY. If any public utility violates  
25 this chapter or ch. 197 or fails or refuses to perform any duty enjoined upon it for

## SECTION 3011

1 which a penalty has not been provided, or fails, neglects, or refuses to obey any lawful  
2 requirement or order of the commission or the governing body of a municipality or  
3 a sanitary commission or any judgment or decree of any court upon its application,  
4 for every violation, failure, or refusal the public utility shall forfeit not less than \$25  
5 nor more than \$5,000. The commission may impose a forfeiture against a  
6 telecommunications provider under this section by administrative action.

7 \***-1696/2.10\*** SECTION 3012. 196.66 (3) (b) (intro.) of the statutes is amended  
8 to read:

9 196.66 (3) (b) (intro.) ~~A~~ The commission or a court imposing a forfeiture on a  
10 public utility or telecommunications provider or an agent, director, officer, or  
11 employee of a public utility or telecommunications provider under this chapter shall  
12 consider all of the following in determining the amount of the forfeiture:

13 \***-2154/1.2\*** SECTION 3013. 196.85 (1) of the statutes is renumbered 196.85 (1)  
14 (a) and amended to read:

15 196.85 (1) (a) If the commission in a proceeding upon its own motion, on  
16 complaint, or upon an application to it deems it necessary in order to carry out the  
17 duties imposed upon it by law to investigate the books, accounts, practices, and  
18 activities of, or make appraisals of the property of any public utility, power district,  
19 or sewerage system or to render any engineering or accounting services to any public  
20 utility, power district, or sewerage system, the public utility, power district, or  
21 sewerage system shall pay the expenses attributable to the investigation, including  
22 the cost of litigation, appraisal, or service. The commission shall mail a bill for the  
23 expenses to the public utility, power district, or sewerage system either at the  
24 conclusion of the investigation, appraisal, or services, or during its progress. The bill  
25 constitutes notice of the assessment and demand of payment. The public utility,

1 power district, or sewerage system shall, within 30 days after the mailing of the bill,  
2 pay to the commission the amount of the special expense for which it is billed. Ninety  
3 percent of the payment shall be credited to the appropriation account under s. 20.155

4 (1) (g). The

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

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

13 (d) For the purpose of calculating the costs of investigations, appraisals, and  
14 other services under this subsection, 90% of the costs determined shall be costs of the  
15 commission and 10% of the costs determined shall be costs of state government  
16 operations.

17 **\*-2154/1.3\* SECTION 3014.** 196.85 (1m) (a) of the statutes is amended to read:

18 196.85 (1m) (a) For the purpose of direct assessment under sub. (1) of expenses  
19 incurred by the commission in connection with its activities under s. 196.491, the  
20 term "public utility" includes electric utilities, as defined in s. 196.491 (1) (d).  
21 Subsection (1) (b) does not apply to assessments for the commission's activities under  
22 s. 196.491 related to the construction of wholesale merchant plants.

23 **\*-2007/2.33\* SECTION 3015.** 196.85 (2g) of the statutes is renumbered 101.937

24 (6) (a) and amended to read:

**SECTION 3015**

1           101.937 (6) (a) The ~~commission~~ department shall annually, within 90 days  
2 after the commencement of each fiscal year, assess against ~~mobile~~ manufactured  
3 home park operators the total amount appropriated under s. ~~20.155 (1)~~ 20.143 (3) (i).  
4 The ~~commission~~ department shall assess each ~~mobile~~ manufactured home park  
5 operator an amount in proportion to the total number of ~~mobile~~ manufactured homes  
6 in all ~~mobile~~ manufactured home parks owned or managed by the ~~mobile~~  
7 manufactured home park operator on July 1 of the current fiscal year as a fraction  
8 of the total number of ~~mobile~~ manufactured homes in all ~~mobile~~ manufactured home  
9 parks in this state on July 1 of the current fiscal year. If necessary, the ~~commission~~  
10 department shall adjust the amount assessed to correct any incorrect assessment  
11 that was made in a prior fiscal year. A ~~mobile~~ manufactured home park operator  
12 shall pay the assessment within 30 days after the ~~commission~~ department mails the  
13 bill to the ~~mobile~~ manufactured home park operator. The bill constitutes notice of  
14 the assessment and demand for payment. Payments shall be credited to the ~~the~~  
15 appropriation account under s. ~~20.155 (1)~~ 20.143 (3) (i).

16           \*~~2007/2.34~~\* **SECTION 3016.** 196.85 (3) of the statutes is amended to read:

17           196.85 (3) If any public utility, sewerage system, joint local water authority,  
18 ~~mobile home park operator~~ or power district is billed under sub. (1), (2), or (2e) or (2g)  
19 and fails to pay the bill within 30 days or fails to file objections to the bill with the  
20 commission, as provided in this subsection, the commission shall transmit to the  
21 state treasurer a certified copy of the bill, together with notice of failure to pay the  
22 bill, and on the same day the commission shall mail by registered mail to the public  
23 utility, sewerage system, joint local water authority, ~~mobile home park operator~~ or  
24 power district a copy of the notice ~~which~~ that it has transmitted to the state treasurer.  
25 Within 10 days after receipt of the notice and certified copy of the bill, the state

1 treasurer shall levy the amount stated on the bill to be due, with interest, by distress  
2 and sale of any property, including stocks, securities, bank accounts, evidences of  
3 debt, and accounts receivable belonging to the delinquent public utility, sewerage  
4 system, joint local water authority, ~~mobile home park operator~~ or power district. The  
5 levy by distress and sale shall be governed by s. 74.10, 1985 stats., except that it shall  
6 be made by the state treasurer and that goods and chattels anywhere within the state  
7 may be levied upon.

8 \*~~2007/2.35~~\* SECTION 3017. 196.85 (4) (a) of the statutes is amended to read:

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

20 \*~~2007/2.36~~\* SECTION 3018. 196.85 (5) of the statutes is amended to read:

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

1 from the date the payment was made, sue the state to recover the amount paid plus  
2 interest from the date of payment, upon the ground that the assessment was  
3 excessive, erroneous, unlawful, or invalid in whole or in part. If the court finds that  
4 any part of the bill for which payment was made was excessive, erroneous, unlawful,  
5 or invalid, the state treasurer shall make a refund to the claimant as directed by the  
6 court. The refund shall be charged to the appropriations to the commission.

7 **\*-1857/5.113\* SECTION 3019.** 196.858 (1) of the statutes is amended to read:

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

11 **\*-1857/5.114\* SECTION 3020.** 196.858 (2) of the statutes is amended to read:

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

22 **\*-1922/1.4\* SECTION 3021.** 198.14 (4) of the statutes is amended to read:

23 198.14 (4) PURCHASES, SALES, CONVEYANCES. To lease, purchase, sell, convey and  
24 mortgage the property of the district and to authorize and order all instruments,  
25 contracts, deeds or mortgages to be executed on behalf of the district by the

1 chairperson of the board and the clerk of the district, except that the sale or lease of  
2 any public utility equipment in excess of 10 per cent of the book value of the utility  
3 property of the district shall be made as nearly as may be in accordance with s.  
4 66.0817, 1999 stats., except that the commission shall have no power to determine  
5 whether the interests of the district and the residents thereof will be best served by  
6 the sale or lease nor to fix the price and terms thereof other than to furnish the clerk  
7 of said district with its written recommendations thereon within 90 days.

8 \***-0601/1.38\*** SECTION 3022. 220.04 (9) (a) 2. of the statutes is amended to read:

9 220.04 (9) (a) 2. "Regulated entity" means a bank, universal bank, trust  
10 company bank, and any other entity ~~which~~ that is described in s. 220.02 (2) or  
11 221.0526 as under the supervision and control of the division.

12 \***-0601/1.39\*** SECTION 3023. 220.14 (5) of the statutes is created to read:

13 220.14 (5) Contain a statement of the total number of orders issued by the  
14 division during the year under s. 222.0203 (2).

15 \***-0392/3.34\*** SECTION 3024. 221.0320 (2) (a) (intro.) of the statutes is amended  
16 to read:

17 221.0320 (2) (a) (intro.) A liability secured by warehouse receipts issued by  
18 warehouse keepers licensed and bonded in this state under ss. 99.02 and 99.03 or  
19 under the federal bonded warehouse act or holding a ~~registration certificate~~ license  
20 under ~~ch. 127 s. 126.26~~, if all of the following requirements are met:

21 \***-1857/5.115\*** SECTION 3025. 221.0320 (3) (a) of the statutes is amended to  
22 read:

23 221.0320 (3) (a) In this subsection, "local governmental unit" has the meaning  
24 given in s. ~~16.97~~ 22.01 (7).

25 \***-0601/1.40\*** SECTION 3026. Chapter 222 of the statutes is created to read:





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

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

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

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

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

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

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

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



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

6 (d) During the 12-month period before the date of the application, the financial  
7 institution has not been the subject of an enforcement action, and there is no  
8 enforcement action pending against the financial institution by any state or federal  
9 financial institution regulatory agency, including the division.

10 (e) The most current evaluation prepared under 12 USC 2906 that the financial  
11 institution has received rates the financial institution as "outstanding" or  
12 "satisfactory" in helping to meet the credit needs of its entire community, including  
13 low-income and moderate-income neighborhoods, consistent with the safe and  
14 sound operation of the financial institution.

15 (f) If the financial institution has received from its federal functional regulator,  
16 as defined in 15 USC 6809 (2), a consumer compliance examination that contains  
17 information regarding the financial institution's compliance with 15 USC 6801 to  
18 6803 and any applicable regulations prescribed under 15 USC 6804, the most recent  
19 such examination indicates, in the opinion of the division, that the financial  
20 institution is in substantial compliance with those statutes or regulations.

21 **(2) FAILURE TO MAINTAIN ELIGIBILITY; LIMITATION OF AUTHORITY AND**  
22 **DECERTIFICATION.** For any period during which a universal bank fails to meet the  
23 requirements under sub. (1), the division shall by order limit or restrict the exercise  
24 of the powers of the universal bank under this chapter. In addition to or lieu of  
25 limiting or restricting the universal bank's authority under this subsection, the

1 division may by order revoke the universal bank's certificate of authority issued  
2 under s. 222.0205.

3 **222.0205 Certificate of authority.** Upon approval of an application for  
4 certification as a universal bank, the division shall issue to the applicant a certificate  
5 of authority stating that the financial institution is certified as a universal bank  
6 under this chapter.

7 **222.0207 Voluntary termination of certification.** A financial institution  
8 that is certified as a universal bank under this chapter may elect to terminate its  
9 certification by giving 60 days' prior written notice of the termination to the division.  
10 A termination under this section is effective only with the written approval of the  
11 division. A financial institution shall, as a condition to a termination under this  
12 section, terminate its exercise of all powers granted under this chapter before the  
13 termination of the certification. The division's written approval of a financial  
14 institution's termination under this section is void if the financial institution fails to  
15 satisfy the precondition to termination under this section.

### 16 SUBCHAPTER III

### 17 ORGANIZATION

18 **222.0301 Articles of incorporation and bylaws.** A universal bank shall  
19 continue to operate under its articles of incorporation and bylaws as in effect prior  
20 to certification as a universal bank or as such articles or bylaws may be subsequently  
21 amended in accordance with the provisions of the chapter under which the universal  
22 bank was organized or chartered.

23 **222.0303 Name.** (1) USE OF "BANK." Notwithstanding ss. 214.035, 215.40 (1),  
24 and 215.60 (1) and subject to subs. (2) and (3) (b), a universal bank may use the word  
25 "bank" in its name, without having to include the word "savings." Notwithstanding

1 ss. 215.40 (1) and 215.60 (1) and subject to subs. (2) and (3) (b), a universal bank that  
2 is organized under ch. 215 and that uses the word “bank” in its name in accordance  
3 with this section need not include the words “savings and loan association” or  
4 “savings association” in its name.

5 (2) DISTINGUISHABILITY. Except as provided in sub. (3), the name of the  
6 universal bank shall be distinguishable upon the records of the division from all of  
7 the following names:

8 (a) The name of every other financial institution organized under the laws of  
9 this state.

10 (b) The name of every national bank or foreign bank authorized to transact  
11 business in this state.

12 (3) EXCEPTIONS. (a) A universal bank may apply to the division for authority  
13 to use a name that does not meet the requirements under sub. (2). The division may  
14 authorize the use of the name if any of the conditions under s. 221.0403 (2) (a) or (b)  
15 is met.

16 (b) A universal bank may use a name that is used in this state by another  
17 financial institution or by an institution authorized to transact business in this state,  
18 if the universal bank has done any of the following:

- 19 1. Merged with the other institution.
- 20 2. Been formed by reorganization of the other institution.
- 21 3. Acquired all or substantially all of the assets, including the name, of the  
22 other institution.

23 **222.0305 Capital and assets. (1) CAPITAL REQUIREMENTS.** Notwithstanding  
24 subch. VI of ch. 214 and ss. 215.24 and 221.0205, the division shall determine the  
25 minimum capital requirements of universal banks.

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

3           **222.0307 Acquisitions, mergers, and asset purchases.** (1) IN GENERAL.  
4 A universal bank may, with the approval of the division, purchase the assets of,  
5 merge with, acquire, or be acquired by any other financial institution, universal  
6 bank, national bank, federally chartered savings bank, or savings and loan  
7 association, or by a holding company of any of these entities. Notwithstanding subch.  
8 III of ch. 214 and ss. 214.09 and 215.36, the approval of the division of savings and  
9 loan is not required.

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

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

16           (b) For universal banks organized under ch. 215, ss. 215.35, 215.36, 215.53, and  
17 215.73.

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

#### 19 SUBCHAPTER IV

#### 20 POWERS

21           **222.0401 Federal financial institution powers.** (1) IN GENERAL. (a)  
22 *Powers exercised by universal bank.* A universal bank, with the approval of the  
23 division, may exercise any power that may be directly exercised by a federally  
24 chartered savings bank, a federally chartered savings and loan association, or a  
25 federally chartered national bank.

1           (b) *Powers exercised by subsidiary of universal bank.* A universal bank,  
2 through a subsidiary and with the approval of the division, may exercise any power  
3 that a federally chartered savings bank, a federally chartered savings and loan  
4 association, or a federally chartered national bank may exercise through a  
5 subsidiary.

6           (2) APPROVAL REQUIRED FOR EXERCISE OF FEDERAL POWER. A universal bank shall  
7 file with the division a written request to exercise a power under sub. (1). The  
8 division shall determine whether the requested power is permitted under sub. (1).  
9 Within 60 days after receiving a request under this subsection, the division shall  
10 approve the request, if the power is permitted under sub. (1), or shall disapprove the  
11 request if the power is not permitted under sub. (1). The division and the universal  
12 bank may mutually agree to extend this 60-day period for an additional period of 60  
13 days.

14           (3) EXERCISE OF FEDERAL POWERS THROUGH A SUBSIDIARY. The division may  
15 require that certain powers exercisable by a universal bank under sub. (1) (a) be  
16 exercised through a subsidiary of the universal bank with appropriate safeguards to  
17 limit the risk exposure of the universal bank.

18           **222.0403 Loan powers.** (1) PERMITTED PURPOSES. A universal bank may  
19 make, sell, purchase, arrange, participate in, invest in, or otherwise deal in loans or  
20 extensions of credit for any purpose.

21           (2) IN GENERAL. Except as provided in subs. (3) to (8), the total liabilities of any  
22 person, other than a municipal corporation, to a universal bank for a loan or  
23 extension of credit may not exceed 20% of the capital of the universal bank at any  
24 time. In determining compliance with this section, liabilities of a partnership

1 include the liabilities of the general partners, computed individually as to each  
2 general partner on the basis of his or her direct liability.

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

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

10 1. The receipts cover readily marketable nonperishable staples.

11 2. The staples are insured, if it is customary to insure the staples.

12 3. The market value of the staples is not, at any time, less than 140% of the face  
13 amount of the obligation.

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

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

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

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



1 (4) OBLIGATIONS OF LOCAL GOVERNMENTAL UNITS. (a) *Definition*. In this  
2 subsection, "local governmental unit" has the meaning given in s. ~~MSA~~<sup>22.01</sup>(7).

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

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

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

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

21 (5) OBLIGATIONS OF CERTAIN INTERNATIONAL ORGANIZATIONS; OTHER FOREIGN BONDS.  
22 A universal bank may purchase bonds offered for sale by the International Bank for  
23 Reconstruction and Development and the Inter-American Development Bank or  
24 any other foreign bonds approved under rules established by the division. The

1 aggregate investment in any of these bonds issued by a single issuer may not exceed  
2 10% of the capital of the universal bank.

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (10) EXERCISE OF LOAN POWERS; PROHIBITED CONSIDERATIONS. In determining  
17 whether to make a loan or extension of credit, no universal bank may consider any  
18 health information obtained from the records of an affiliate of the universal bank  
19 that is engaged in the business of insurance, unless the person to whom the health  
20 information relates consents.

21 **222.0405 Investment powers.** (1) INVESTMENT SECURITIES. Except as  
22 provided in subs. (3) to (8), a universal bank may purchase, sell, underwrite, and hold  
23 investment securities, consistent with safe and sound banking practices, up to 100%  
24 of the universal bank's capital. A universal bank may not invest greater than 20%  
25 of the universal bank's capital in the investment securities of one obligor or issuer.

1 In this subsection, "investment securities" includes commercial paper, banker's  
2 acceptances, marketable securities in the form of bonds, notes, debentures, and  
3 similar instruments that are regarded as investment securities.

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

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

22 (4) PROFIT-PARTICIPATION PROJECTS. A universal bank may take equity positions  
23 in profit-participation projects, including projects funded through loans from the  
24 universal bank, in an aggregate amount not to exceed 20% of capital. The division  
25 may suspend the investment authority under this subsection. If the division

1 suspends the investment authority under this subsection, the division may specify  
2 how outstanding investments under this subsection shall be treated by the universal  
3 bank or its subsidiary. Among the factors that the division may consider in  
4 suspending authority under this subsection are the universal bank's capital  
5 adequacy, asset quality, earnings quantity, earnings quality, adequacy of liquidity,  
6 and sensitivity to market risk and the ability of the universal bank's management.  
7 This subsection does not authorize a universal bank, directly or indirectly through  
8 a subsidiary, to engage in the business of underwriting insurance.

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

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

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

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

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

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