

SENATE BILL 55

1 The department shall hold an informal hearing as soon as possible after receiving a
2 hearing request, but not later than 10 days after receiving the hearing request,
3 unless the contractor waives the informal hearing or agrees to hold it at a later date.
4 If the matter is not resolved at the informal hearing, the department shall hold a
5 contested case hearing under ch. 227 as soon as reasonably possible.

6 (c) A request for hearing under par. (b) does not automatically stay a summary
7 action under par. (a). The department may stay a summary action pending hearing.

8 **126.87 Court actions. (1) INJUNCTION.** The department may petition the
9 circuit court for an ex parte temporary restraining order, a temporary injunction, or
10 a permanent injunction to prevent, restrain, or enjoin any person from violating this
11 chapter, any rule promulgated under this chapter, or any order issued under this
12 chapter. The department may seek this remedy in addition to any other penalty or
13 remedy provided under this chapter.

14 **(2) PENALTIES.** (a) A person who violates this chapter, a rule promulgated under
15 this chapter, or an order issued under this chapter is subject to a forfeiture of not less
16 than \$250 nor more than \$5,000 for each violation.

17 (b) A person who intentionally violates this chapter, a rule promulgated under
18 this chapter, or an order issued under this chapter may be fined not more than
19 \$10,000 or imprisoned for not more than one year in the county jail or both.

20 **(4) PRIVATE REMEDY.** (a) A person whose claim is allowed under s. 126.70 may
21 bring an action against the contractor to recover the amount of the allowed claim, less
22 any recovery amount that the department pays to the claimant under s. 126.71. In
23 any court action under this subsection, the claimant may recover costs including all
24 reasonable attorney fees, notwithstanding s. 814.04 (1). This subsection does not

SENATE BILL 55**SECTION 2813**

1 limit any other legal cause of action that the claimant may have against the
2 contractor.

3 (b) A claim allowed under s. 126.70 has the same priority in an insolvency
4 proceeding or creditor's action as a claim for wages, except as otherwise provided by
5 federal law.

6 (5) **COLLECTIONS.** The department may bring an action in court to recover any
7 unpaid amount that a contractor owes the department under this chapter, including
8 any unpaid fund assessment or reimbursement.

9 **126.88 Modifying fund assessments.** The department may by rule modify
10 the fund assessments provided under s. 126.15, 126.30, 126.46, or 126.60. The
11 department shall modify fund assessments as necessary to do all of the following:

12 (1) Maintain an overall fund balance of at least \$5,000,000 after January 1,
13 2006, but not more than \$22,000,000 at any time.

14 (2) Maintain a fund balance attributable to grain dealers of at least \$1,000,000
15 after January 1, 2006, but not more than \$6,000,000 at any time.

16 (3) Maintain a fund balance attributable to grain warehouse keepers of at least
17 \$200,000 after January 1, 2006, but not more than \$1,000,000 at any time.

18 (4) Maintain a fund balance attributable to milk contractors of at least
19 \$3,000,000 after January 1, 2006, but not more than \$12,000,000 at any time.

20 (5) Maintain a fund balance attributable to vegetable contractors of at least
21 \$800,000 after January 1, 2006, but not more than \$3,000,000 at any time.

22 **126.89 Calculations.** If a number used in or resulting from a calculation made
23 to determine the amount of an assessment under s. 126.15, 126.30, 126.46, or 126.60,
24 other than a number that appears in one of those sections, extends more than 6
25 decimal places to the right of the decimal point, a person making the calculation shall

SENATE BILL 55

1 round the number to the nearest whole digit in the 6th decimal place to the right of
2 the decimal point. The amount of an assessment may be rounded to the nearest
3 whole dollar.

4 **126.90 Agricultural producer security council.** The agricultural producer
5 security council shall advise the department on the administration and enforcement
6 of this chapter. The council shall meet as often as the department considers
7 necessary, but at least once annually. The department shall inform the council of
8 fund balances and payments, and shall consult with the council before modifying any
9 license fee, license surcharge, or fund assessment under this chapter.

10 ***-0392/3.32* SECTION 2814.** Chapter 127 of the statutes is repealed.

11 ***-0456/1.1* SECTION 2815.** 134.71 (5) (intro.) of the statutes is amended to
12 read:

13 134.71 (5) LICENSE APPLICATION. (intro.) A person wishing to operate as a
14 secondhand article dealer or a secondhand jewelry dealer and have a principal place
15 of business in a municipality shall apply for a license to the clerk of that municipality.
16 A person wishing to operate as a pawnbroker in a municipality shall apply for a
17 license to the clerk of the municipality. The clerk shall furnish application forms
18 ~~under sub. (12)~~ that shall require all of the following:

19 ***-0456/1.2* SECTION 2816.** 134.71 (8) (c) 1. of the statutes is amended to read:

20 134.71 (8) (c) 1. Except as provided in subd. 2., for each transaction of purchase,
21 receipt or exchange of any secondhand article or secondhand jewelry from a
22 customer, a pawnbroker, secondhand article dealer or secondhand jewelry dealer
23 shall require the customer to complete and sign, in ink, the appropriate form
24 ~~provided under sub. (12)~~. No entry on such a form may be erased, mutilated or
25 changed. The pawnbroker, secondhand article dealer or secondhand jewelry dealer

SENATE BILL 55**SECTION 2816**

1 shall retain an original and a duplicate of each form for not less than one year after
2 the date of the transaction except as provided in par. (e), and during that period shall
3 make the duplicate available to any law enforcement officer for inspection at any
4 reasonable time.

5 ***-0456/1.3* SECTION 2817.** 134.71 (12) of the statutes is amended to read:

6 134.71 (12) APPLICATIONS AND FORMS. The department of agriculture, trade and
7 consumer protection shall may develop sample applications and other sample forms
8 required under subs. (5) (intro.) and (8) (c). ~~The department shall print a sufficient~~
9 ~~number of applications and forms to provide to counties and municipalities for~~
10 ~~distribution to pawnbrokers, secondhand article dealers and secondhand jewelry~~
11 ~~dealers at no cost and may provide the samples to counties and municipalities to~~
12 reproduce and distribute or to revise for reproduction and distribution.

13 ***-1997/3.14* SECTION 2818.** 134.72 (title) of the statutes is amended to read:

14 134.72 (title) **Prohibition of certain unsolicited messages by telephone**
15 **or facsimile machine.**

16 ***-1997/3.15* SECTION 2819.** 134.72 (1) (c) of the statutes is renumbered 100.52
17 (1) (e).

18 ***-1997/3.16* SECTION 2820.** 134.72 (2) (title) of the statutes is repealed and
19 recreated to read:

20 134.72 (2) (title) PROHIBITION.

21 ***-1997/3.17* SECTION 2821.** 134.72 (2) (a) of the statutes is renumbered 100.52
22 (2) and amended to read:

23 100.52 (2) PRERECORDED TELEPHONE SOLICITATION. ~~No person~~ An employee of a
24 professional telemarketer may not use an electronically prerecorded message in
25 telephone solicitation without the consent of the person called.

SENATE BILL 55

1 *–1997/3.18* SECTION 2822. 134.72 (2) (b) (title) of the statutes is repealed.

2 *–1997/3.19* SECTION 2823. 134.72 (2) (b) 1. (intro.), a. and b. and 2. of the
3 statutes are renumbered 134.72 (2) (a) (intro.), 1. and 2. and (b), and 134.72 (2) (b),
4 as renumbered, is amended to read:

5 134.72 (2) (b) Notwithstanding ~~subd. 1, par. (a)~~, a person may not make a
6 facsimile solicitation to a person who has notified the facsimile solicitor in writing
7 or by facsimile transmission that the person does not want to receive facsimile
8 solicitation.

9 *–1997/3.20* SECTION 2824. 134.72 (3) (a) of the statutes is amended to read:

10 134.72 (3) (a) *Intrastate*. This section applies to any ~~intrastate telephone~~
11 ~~solicitation or~~ intrastate facsimile solicitation.

12 *–1997/3.21* SECTION 2825. 134.72 (3) (b) of the statutes is amended to read:

13 134.72 (3) (b) *Interstate*. This section applies to any ~~interstate telephone~~
14 ~~solicitation, or~~ interstate facsimile solicitation, received by a person in this state.

15 *–1997/3.22* SECTION 2826. 134.72 (4) of the statutes is amended to read:

16 134.72 (4) PENALTY. A person who violates this section may be required to
17 forfeit up to not more than \$500.

18 *–2318/3.13* SECTION 2827. 135.02 (3) (c) of the statutes is created to read:

19 135.02 (3) (c) A contract or agreement, either expressed or implied, whether
20 oral or written, between 2 or more persons by which a wholesaler, as defined in s.
21 125.02 (21), is granted the right to sell or distribute fermented malt beverages or use
22 a trade name, trademark, service mark, logotype, brand, advertising, or other
23 commercial symbol related to fermented malt beverages.

24 *–2318/3.14* SECTION 2828. 135.067 of the statutes is created to read:

SENATE BILL 55**SECTION 2828**

1 **135.067 Fermented malt beverage dealerships. (1) COMPENSATION OF**
2 PRIOR DEALER. Notwithstanding s. 135.03, any person who assumes, in whole or in
3 part, a dealership described in s. 135.02 (3) (c) following the grantor's termination,
4 cancellation, or nonrenewal in whole or in part of a prior dealership agreement shall
5 compensate the prior dealer for the fair market value of that portion of the dealership
6 assumed unless the grantor terminated, canceled, or failed to renew for any of the
7 following reasons:

8 (a) The prior dealer engaged in material fraudulent conduct or made material
9 and substantial misrepresentations in its dealings with the grantor or with others
10 related to the dealership.

11 (b) The prior dealer was convicted of, or pleaded no contest to, a felony crime
12 substantially related to the dealer's ability to operate the dealership.

13 (c) The prior dealer knowingly distributed dealership products outside the
14 territory authorized by the grantor.

15 **(2) BINDING ARBITRATION.** The grantor shall advise the person assuming the
16 dealership of the person's obligations under sub. (1) prior to the person's assumption
17 of the dealership. If the person assuming a dealership under sub. (1) and the prior
18 dealer agree in writing to the fair market value of that portion of the dealership
19 assumed, the person assuming the dealership shall pay the agreed upon sum to the
20 prior dealer within 30 days of the date on which the parties reached the agreement.
21 If no written agreement for compensation of the prior dealer is reached within 30
22 days after the grantor's termination, cancellation, or nonrenewal of the prior
23 dealership agreement, the prior dealer may submit the dispute for binding
24 arbitration, subject to ch. 788, through a nationally recognized arbitration
25 association. Unless the parties agree otherwise, the arbitration shall be conducted

SENATE BILL 55**SECTION 2828**

1 on an expedited basis to the extent an expedited proceeding is reasonably available
2 through the arbitration association, and each party shall pay an equal share of the
3 cost of the arbitration.

4 ***-1536/3.4* SECTION 2829.** Chapter 137 (title) of the statutes is amended to
5 read:

CHAPTER 137**AUTHENTICATIONS AND ELECTRONIC****TRANSACTIONS AND RECORDS**

6
7
8
9 ***-1536/3.5* SECTION 2830.** Subchapter I (title) of chapter 137 [precedes
10 137.01] of the statutes is amended to read:

CHAPTER 137**SUBCHAPTER I****NOTARIES AND COMMISSIONERS****OF DEEDS; NONELECTRONIC****NOTARIZATION AND ACKNOWLEDGEMENT**

11
12
13
14
15
16 ***-1536/3.6* SECTION 2831.** 137.01 (3) (a) of the statutes is amended to read:

17 137.01 (3) (a) ~~Every~~ Except as authorized in s. 137.19, every notary public shall
18 provide an engraved official seal which makes a distinct and legible impression or
19 official rubber stamp which makes a distinct and legible imprint on paper. The
20 impression of the seal or the imprint of the rubber stamp shall state only the
21 following: “Notary Public,” “State of Wisconsin” and the name of the notary. But any
22 notarial seal in use on August 1, 1959, shall be considered in compliance.

23 ***-1536/3.7* SECTION 2832.** 137.01 (4) (a) of the statutes is amended to read:

SENATE BILL 55

SECTION 2832

1 137.01 (4) (a) Every official act of a notary public shall be attested by the notary
2 public's written signature or electronic signature, as defined in s. ~~137.04 (2)~~ 137.11
3 (8).

4 *~~1536/3.8~~* **SECTION 2833.** 137.01 (4) (b) of the statutes is amended to read:

5 137.01 (4) (b) ~~All~~ Except as authorized in s. 137.19, all certificates of
6 acknowledgments of deeds and other conveyances, or any written instrument
7 required or authorized by law to be acknowledged or sworn to before any notary
8 public, within this state, shall be attested by a clear impression of the official seal or
9 imprint of the rubber stamp of said officer, and in addition thereto shall be written
10 or stamped either the day, month and year when the commission of said notary public
11 will expire, or that such commission is permanent.

12 *~~1536/3.9~~* **SECTION 2834.** Subchapter II (title) of chapter 137 [precedes
13 137.04] of the statutes is amended to read:

CHAPTER 137

SUBCHAPTER II

ELECTRONIC SIGNATURES

TRANSACTIONS AND RECORDS:

ELECTRONIC NOTARIZATION

AND ACKNOWLEDGEMENT

20 *~~1536/3.10~~* **SECTION 2835.** 137.04 of the statutes is repealed.

21 *~~1536/3.11~~* **SECTION 2836.** 137.05 (title) of the statutes is renumbered 137.25
22 (title) and amended to read:

23 **137.25** (title) **Submission of written documents records to**
24 **governmental units.**

SENATE BILL 55

1 *~~1536/3.12~~* **SECTION 2837.** 137.05 of the statutes is renumbered 137.25 (1)
2 and amended to read:

3 137.25 (1) Unless otherwise ~~prohibited~~ provided by law, with the consent of a
4 governmental unit of this state that is to receive a record, any ~~document record~~ that
5 is required by law to be submitted in writing to a that governmental unit and that
6 requires a written signature may be submitted ~~by transforming the document into~~
7 as an electronic format, ~~but only with the consent of the governmental unit that is~~
8 ~~to receive the document record~~, and if submitted as an electronic record may
9 incorporate an electronic signature.

10 *~~1536/3.13~~* **SECTION 2838.** 137.06 of the statutes is repealed.

11 *~~1536/3.14~~* **SECTION 2839.** 137.11 to 137.24 of the statutes are created to
12 read:

13 **137.11 Definitions.** In this subchapter:

14 (1) "Agreement" means the bargain of the parties in fact, as found in their
15 language or inferred from other circumstances and from rules, regulations, and
16 procedures given the effect of agreements under laws otherwise applicable to a
17 particular transaction.

18 (2) "Automated transaction" means a transaction conducted or performed, in
19 whole or in part, by electronic means or by the use of electronic records, in which the
20 acts or records of one or both parties are not reviewed by an individual in the ordinary
21 course in forming a contract, performing under an existing contract, or fulfilling an
22 obligation required by the transaction.

23 (3) "Computer program" means a set of statements or instructions to be used
24 directly or indirectly in an information processing system in order to bring about a
25 certain result.

SENATE BILL 55**SECTION 2839**

1 (4) “Contract” means the total legal obligation resulting from the parties’
2 agreement as affected by this subchapter and other applicable law.

3 (5) “Electronic” means relating to technology having electrical, digital,
4 magnetic, wireless, optical, electromagnetic, or similar capabilities.

5 (6) “Electronic agent” means a computer program or an electronic or other
6 automated means used independently to initiate an action or respond to electronic
7 records or performances in whole or in part, without review or action by an
8 individual.

9 (7) “Electronic record” means a record that is created, generated, sent,
10 communicated, received, or stored by electronic means.

11 (8) “Electronic signature” means an electronic sound, symbol, or process
12 attached to or logically associated with a record and executed or adopted by a person
13 with the intent to sign the record.

14 (9) “Governmental unit” means:

15 (a) An agency, department, board, commission, office, authority, institution, or
16 instrumentality of the federal government or of a state or of a political subdivision
17 of a state or special purpose district within a state, regardless of the branch or
18 branches of government in which it is located.

19 (b) A political subdivision of a state or special purpose district within a state.

20 (c) An association or society to which appropriations are made by law.

21 (d) Any body within one or more of the entities specified in pars. (a) to (c) that
22 is created or authorized to be created by the constitution, by law, or by action of one
23 or more of the entities specified in pars. (a) to (c).

24 (e) Any combination of any of the entities specified in pars. (a) to (d).

SENATE BILL 55

1 (10) “Information” means data, text, images, sounds, codes, computer
2 programs, software, databases, or the like.

3 (11) “Information processing system” means an electronic system for creating,
4 generating, sending, receiving, storing, displaying, or processing information.

5 (12) “Record” means information that is inscribed on a tangible medium or that
6 is stored in an electronic or other medium and is retrievable in perceivable form.

7 (13) “Security procedure” means a procedure employed for the purpose of
8 verifying that an electronic signature, record, or performance is that of a specific
9 person or for detecting changes or errors in the information in an electronic record.
10 The term includes a procedure that requires the use of algorithms or other codes,
11 identifying words or numbers, encryption, callback, or other acknowledgment
12 procedures.

13 (14) “State” means a state of the United States, the District of Columbia,
14 Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject
15 to the jurisdiction of the United States. The term includes an Indian tribe or band,
16 or Alaskan native village, which is recognized by federal law or formally
17 acknowledged by a state.

18 (15) “Transaction” means an action or set of actions occurring between 2 or
19 more persons relating to the conduct of business, commercial, or governmental
20 affairs.

21 **137.12 Application.** (1) Except as otherwise provided in sub. (2) and except
22 in ss. 137.25 and 137.26, this subchapter applies to electronic records and electronic
23 signatures relating to a transaction.

24 (2) Except as otherwise provided in sub. (3), this subchapter does not apply to
25 a transaction to the extent it is governed by:

SENATE BILL 55**SECTION 2839**

1 (a) Any law governing the execution of wills or the creation of testamentary
2 trusts; or

3 (b) Chapters 401 and 403 to 410, other than ss. 401.107 and 401.206.

4 (3) This subchapter applies to an electronic record or electronic signature
5 otherwise excluded from the application of this subchapter under sub. (2) to the
6 extent it is governed by a law other than those specified in sub. (2).

7 (4) A transaction subject to this subchapter is also subject to other applicable
8 substantive law.

9 (5) This subchapter applies to the state of Wisconsin, unless otherwise
10 expressly provided.

11 **137.13 Use of electronic records and electronic signatures; variation**
12 **by agreement.** (1) This subchapter does not require a record or signature to be
13 created, generated, sent, communicated, received, stored, or otherwise processed or
14 used by electronic means or in electronic form.

15 (2) This subchapter applies only to transactions between parties each of which
16 has agreed to conduct transactions by electronic means. Whether the parties agree
17 to conduct a transaction by electronic means is determined from the context and
18 surrounding circumstances, including the parties' conduct.

19 (3) A party that agrees to conduct a transaction by electronic means may refuse
20 to conduct other transactions by electronic means. The right granted by this
21 subsection may not be waived by agreement.

22 (4) Except as otherwise provided in this subchapter, the effect of any provision
23 of this subchapter may be varied by agreement. Use of the words "unless otherwise
24 agreed," or words of similar import, in this subchapter shall not be interpreted to
25 preclude other provisions of this subchapter from being varied by agreement.

SENATE BILL 55

1 (5) Whether an electronic record or electronic signature has legal consequences
2 is determined by this subchapter and other applicable law.

3 **137.14 Construction.** This subchapter shall be construed and applied:

4 (1) To facilitate electronic transactions consistent with other applicable law;

5 (2) To be consistent with reasonable practices concerning electronic
6 transactions and with the continued expansion of those practices; and

7 (3) To effectuate its general purpose to make uniform the law with respect to
8 the subject of this subchapter among states enacting laws substantially similar to
9 the Uniform Electronic Transactions Act as approved and recommended by the
10 National Conference of Commissioners on Uniform State Laws in 1999.

11 **137.15 Legal recognition of electronic records, electronic signatures,
12 and electronic contracts.** (1) A record or signature may not be denied legal effect
13 or enforceability solely because it is in electronic form.

14 (2) A contract may not be denied legal effect or enforceability solely because an
15 electronic record was used in its formation.

16 (3) If a law requires a record to be in writing, an electronic record satisfies that
17 requirement in that law.

18 (4) If a law requires a signature, an electronic signature satisfies that
19 requirement in that law.

20 **137.16 Provision of information in writing; presentation of records.**

21 (1) If parties have agreed to conduct a transaction by electronic means and a law
22 requires a person to provide, send, or deliver information in writing to another
23 person, a party may satisfy the requirement with respect to that transaction if the
24 information is provided, sent, or delivered, as the case may be, in an electronic record
25 capable of retention by the recipient at the time of receipt. An electronic record is not

SENATE BILL 55**SECTION 2839**

1 capable of retention by the recipient if the sender or its information processing
2 system inhibits the ability of the recipient to print or store the electronic record.

3 (2) If a law other than this subchapter requires a record to be posted or
4 displayed in a certain manner, to be sent, communicated, or transmitted by a
5 specified method, or to contain information that is formatted in a certain manner,
6 then:

7 (a) The record shall be posted or displayed in the manner specified in the other
8 law.

9 (b) Except as otherwise provided in sub. (4) (b), the record shall be sent,
10 communicated, or transmitted by the method specified in the other law.

11 (c) The record shall contain the information formatted in the manner specified
12 in the other law.

13 (3) If a sender inhibits the ability of a recipient to store or print an electronic
14 record, the electronic record is not enforceable against the recipient.

15 (4) The requirements of this section may not be varied by agreement, but:

16 (a) To the extent a law other than this subchapter requires information to be
17 provided, sent, or delivered in writing but permits that requirement to be varied by
18 agreement, the requirement under sub. (1) that the information be in the form of an
19 electronic record capable of retention may also be varied by agreement; and

20 (b) A requirement under a law other than this subchapter to send,
21 communicate, or transmit a record by 1st-class or regular mail or with postage
22 prepaid may be varied by agreement to the extent permitted by the other law.

23 **137.17 Attribution and effect of electronic records and electronic**
24 **signatures.** (1) An electronic record or electronic signature is attributable to a
25 person if the electronic record or electronic signature was created by the act of the

SENATE BILL 55

1 person. The act of the person may be shown in any manner, including a showing of
2 the efficacy of any security procedure applied to determine the person to which the
3 electronic record or electronic signature was attributable.

4 (2) The effect of an electronic record or electronic signature that is attributed
5 to a person under sub. (1) is determined from the context and surrounding
6 circumstances at the time of its creation, execution, or adoption, including the
7 parties' agreement, if any, and otherwise as provided by law.

8 **137.18 Effect of change or error.** (1) If a change or error in an electronic
9 record occurs in a transmission between parties to a transaction, then:

10 (a) If the parties have agreed to use a security procedure to detect changes or
11 errors and one party has conformed to the procedure, but the other party has not, and
12 the nonconforming party would have detected the change or error had that party also
13 conformed, the conforming party may avoid the effect of the changed or erroneous
14 electronic record.

15 (b) In an automated transaction involving an individual, the individual may
16 avoid the effect of an electronic record that resulted from an error made by the
17 individual in dealing with the electronic agent of another person if the electronic
18 agent did not provide an opportunity for the prevention or correction of the error and,
19 at the time the individual learns of the error, the individual:

20 1. Promptly notifies the other person of the error and that the individual did
21 not intend to be bound by the electronic record received by the other person;

22 2. Takes reasonable steps, including steps that conform to the other person's
23 reasonable instructions, to return to the other person or, if instructed by the other
24 person, to destroy the consideration received, if any, as a result of the erroneous
25 electronic record; and

SENATE BILL 55**SECTION 2839**

1 3. Has not used or received any benefit or value from the consideration, if any,
2 received from the other person.

3 (2) If neither sub. (1) (a) nor (b) applies, the change or error has the effect
4 provided by other law, including the law of mistake, and the parties' contract, if any.

5 (3) Subsections (1) (b) and (2) may not be varied by agreement.

6 **137.19 Notarization and acknowledgment.** If a law requires a signature
7 or record to be notarized, acknowledged, verified, or made under oath, the
8 requirement is satisfied if the electronic signature of the person authorized to
9 administer the oath or to make the notarization, acknowledgment, or verification,
10 together with all other information required to be included by other applicable law,
11 is attached to or logically associated with the signature or record.

12 **137.20 Retention of electronic records; originals.** (1) If a law requires
13 that a record be retained, the requirement is satisfied by retaining the information
14 set forth in the record as an electronic record which:

15 (a) Accurately reflects the information set forth in the record after it was first
16 generated in its final form as an electronic record or otherwise; and

17 (b) Remains accessible for later reference.

18 (2) A requirement to retain a record in accordance with sub. (1) does not apply
19 to any information the sole purpose of which is to enable the record to be sent,
20 communicated, or received.

21 (3) A person may comply with sub. (1) by using the services of another person
22 if the requirements of that subsection are satisfied.

23 (4) Except as provided in sub. (6), if a law requires a record to be presented or
24 retained in its original form, or provides consequences if the record is not presented

SENATE BILL 55

1 or retained in its original form, a person may comply with that law by using an
2 electronic record that is retained in accordance with sub. (1).

3 (5) If a law requires retention of a check, that requirement is satisfied by
4 retention of an electronic record containing the information on the front and back of
5 the check in accordance with sub. (1).

6 (6) A record retained as an electronic record in accordance with sub. (1)
7 satisfies a law requiring a person to retain a record for evidentiary, audit, or like
8 purposes, unless a law enacted after the effective date of this subsection [revisor
9 inserts date], specifically prohibits the use of an electronic record for the specified
10 purpose.

11 (7) This section does not preclude a governmental unit of this state from
12 specifying additional requirements for the retention of any record subject to the
13 jurisdiction of that governmental unit.

14 **137.21 Admissibility in evidence.** In a proceeding, a record or signature
15 may not be excluded as evidence solely because it is in electronic form.

16 **137.22 Automated transactions.** In an automated transaction:

17 (1) A contract may be formed by the interaction of electronic agents of the
18 parties, even if no individual was aware of or reviewed the electronic agent's actions
19 or the resulting terms and agreements.

20 (2) A contract may be formed by the interaction of an electronic agent and an
21 individual, acting on the individual's own behalf or for another person, including by
22 an interaction in which the individual performs actions that the individual is free to
23 refuse to perform and which the individual knows or has reason to know will cause
24 the electronic agent to complete the transaction or performance.

SENATE BILL 55**SECTION 2839**

1 (3) The terms of a contract under sub. (1) or (2) are governed by the substantive
2 law applicable to the contract.

3 **137.23 Time and place of sending and receipt.** (1) Unless otherwise
4 agreed between the sender and the recipient, an electronic record is sent when it:

5 (a) Is addressed properly or otherwise directed properly to an information
6 processing system that the recipient has designated or uses for the purpose of
7 receiving electronic records or information of the type sent and from which the
8 recipient is able to retrieve the electronic record;

9 (b) Is in a form capable of being processed by that system; and

10 (c) Enters an information processing system outside the control of the sender
11 or of a person that sent the electronic record on behalf of the sender or enters a region
12 of the information processing system designated or used by the recipient which is
13 under the control of the recipient.

14 (2) Unless otherwise agreed between a sender and the recipient, an electronic
15 record is received when:

16 (a) It enters an information processing system that the recipient has
17 designated or uses for the purpose of receiving electronic records or information of
18 the type sent and from which the recipient is able to retrieve the electronic record;
19 and

20 (b) It is in a form capable of being processed by that system.

21 (3) Subsection (2) applies even if the place where the information processing
22 system is located is different from the place where the electronic record is deemed
23 to be received under sub. (4).

24 (4) Unless otherwise expressly provided in the electronic record or agreed
25 between the sender and the recipient, an electronic record is deemed to be sent from

SENATE BILL 55

1 the sender's place of business and to be received at the recipient's place of business.

2 For purposes of this subsection:

3 (a) If the sender or recipient has more than one place of business, the place of
4 business of that person is the place having the closest relationship to the underlying
5 transaction.

6 (b) If the sender or the recipient does not have a place of business, the place of
7 business is the sender's or recipient's residence, as the case may be.

8 (5) An electronic record is received under sub. (2) even if no individual is aware
9 of its receipt.

10 (6) Receipt of an electronic acknowledgment from an information processing
11 system described in sub. (2) establishes that a record was received but, by itself, does
12 not establish that the content sent corresponds to the content received.

13 (7) If a person is aware that an electronic record purportedly sent under sub.
14 (1), or purportedly received under sub. (2), was not actually sent or received, the legal
15 effect of the sending or receipt is determined by other applicable law. Except to the
16 extent permitted by the other law, the requirements of this subsection may not be
17 varied by agreement.

18 **137.24 Transferable records.** (1) In this section, "transferable record"
19 means an electronic record that would be a note under ch. 403 or a record under ch.
20 407 if the electronic record were in writing.

21 (1m) An electronic record qualifies as a transferable record under this section
22 only if the issuer of the electronic record expressly has agreed that the electronic
23 record is a transferable record.

SENATE BILL 55**SECTION 2839**

1 (2) A person has control of a transferable record if a system employed for
2 evidencing the transfer of interests in the transferable record reliably establishes
3 that person as the person to which the transferable record was issued or transferred.

4 (3) A system satisfies the requirements of sub. (2), and a person is deemed to
5 have control of a transferable record, if the transferable record is created, stored, and
6 assigned in such a manner that:

7 (a) A single authoritative copy of the transferable record exists which is unique,
8 identifiable, and, except as otherwise provided in pars. (d) to (f), unalterable;

9 (b) The authoritative copy identifies the person asserting control as the person
10 to which the transferable record was issued or, if the authoritative copy indicates
11 that the transferable record has been transferred, the person to which the
12 transferable record was most recently transferred;

13 (c) The authoritative copy is communicated to and maintained by the person
14 asserting control or its designated custodian;

15 (d) Copies or revisions that add or change an identified assignee of the
16 authoritative copy can be made only with the consent of the person asserting control;

17 (e) Each copy of the authoritative copy and any copy of a copy is readily
18 identifiable as a copy that is not the authoritative copy; and

19 (f) Any revision of the authoritative copy is readily identifiable as authorized
20 or unauthorized.

21 (4) Except as otherwise agreed, a person having control of a transferable record
22 is the holder, as defined in s. 401.201 (20), of the transferable record and has the same
23 rights and defenses as a holder of an equivalent record or writing under chs. 401 to
24 411, including, if the applicable statutory requirements under s. 403.302 (1),
25 407.501, or 409.308 are satisfied, the rights and defenses of a holder in due course,

SENATE BILL 55**SECTION 2839**

1 a holder to which a negotiable record of title has been duly negotiated, or a purchaser,
2 respectively. Delivery, possession, and endorsement are not required to obtain or
3 exercise any of the rights under this subsection.

4 (5) Except as otherwise agreed, an obligor under a transferable record has the
5 same rights and defenses as an equivalent obligor under equivalent records or
6 writings under chs. 401 to 411.

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

13 ***-1536/3.15* SECTION 2840.** 137.25 (2) of the statutes is created to read:

14 137.25 (2) (a) The department of administration shall promulgate rules
15 concerning the use of electronic records and electronic signatures by governmental
16 units, which shall govern the use of electronic records or signatures by governmental
17 units, unless otherwise provided by law.

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

23 ***-1536/3.16* SECTION 2841.** 137.26 of the statutes is created to read:

24 **137.26 Interoperability.** If a governmental unit of this state adopts
25 standards regarding its receipt of electronic records or electronic signatures under

SENATE BILL 55**SECTION 2841**

1 s. 137.25, the governmental unit shall promote consistency and interoperability with
2 similar standards adopted by other governmental units of this state and other states
3 and the federal government and nongovernmental persons interacting with
4 governmental units of this state. Any standards so adopted may include alternative
5 provisions if warranted to meet particular applications.

6 ***-1841/1.1* SECTION 2842.** 139.30 (7) of the statutes is amended to read:

7 139.30 (7) “Manufacturer” means any person who manufactures cigarettes for
8 the purpose of sale, including the authorized agent of a person who manufactures
9 cigarettes for the purpose of sale.

10 ***-1841/1.2* SECTION 2843.** 139.31 (4) of the statutes is created to read:

11 139.31 (4) No person may affix stamps, as described under s. 139.32, to any of
12 the following:

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

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

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

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

22 (e) Any cigarettes that are imported into the United States after December 31,
23 1999, in violation of federal law.

24 ***-1841/1.3* SECTION 2844.** 139.31 (5) of the statutes is created to read:

SENATE BILL 55**SECTION 2844**

1 139.31 (5) (a) No person may alter a cigarette package before the sale or
2 distribution to the ultimate consumer so as to remove, conceal, or obscure any of the
3 following:

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

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

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

9 ***-1841/1.4* SECTION 2845.** 139.321 (1m) of the statutes is created to read:

10 139.321 (1m) It is unlawful for any person to possess in excess of 400 cigarettes
11 as described under s. 139.31 (4) or (5) (b); or to sell or distribute cigarettes as
12 described under s. 139.31 (4) or (5) (b); except for cigarettes that may be brought into
13 the United States for personal use and cigarettes that are sold or intended for sale
14 by a duty-free enterprise, as provided under federal law.

15 ***-1841/1.5* SECTION 2846.** 139.34 (3) of the statutes is created to read:

16 139.34 (3) No distributor may affix stamps to cigarette packages, as provided
17 in s. 139.32, unless the distributor certifies to the department, in a manner
18 prescribed by the department, that the distributor purchases cigarettes directly from
19 a manufacturer.

20 ***-1841/1.6* SECTION 2847.** 139.39 (4m) of the statutes is created to read:

21 139.39 (4m) Any person may bring an action for a violation of s. 139.31 (4) or
22 (5) for actual damages sustained as a result of the violation and for injunctive relief.
23 Notwithstanding s. 814.04 (1), the court may order the violator to pay the prevailing
24 party's costs and reasonable attorney fees. The trier of fact may increase recovery

SENATE BILL 55**SECTION 2847**

1 to an amount not exceeding 3 times the actual damages sustained as a result of the
2 violation, if the trier of fact determines that the violation is wilful.

3 ***-1841/1.7* SECTION 2848.** 139.44 (8) (intro.) of the statutes is amended to
4 read:

5 139.44 (8) (intro.) Penalties for violation of s. 139.321 (1) or (1m) shall be as
6 follows:

7 ***-1474/2.2* SECTION 2849.** 146.36 of the statutes is repealed.

8 ***-0299/2.1* SECTION 2850.** 146.55 (2m) (a) of the statutes is repealed and
9 recreated to read:

10 146.55 (2m) (a) The department shall contract with a physician to direct the
11 state emergency medical services program. The department may expend from the
12 funding under the federal preventive health services project grant program under
13 42 USC 2476 under the appropriation under s. 20.435 (1) (mc), \$25,000 in each fiscal
14 year for this purpose.

15 ***-0317/1.1* SECTION 2851.** 153.45 (4) of the statutes is repealed.

16 ***-0317/1.2* SECTION 2852.** 153.75 (1) (s) of the statutes is repealed.

17 ***-1464/2.66* SECTION 2853.** 157.70 (2) (i) of the statutes is amended to read:

18 157.70 (2) (i) Cause a cataloged burial site to be recorded by the register of
19 deeds of the county in which the burial site is located. The historical society shall
20 reimburse the county for the cost of recording under this paragraph from the
21 appropriation under s. 20.245 ~~(3)~~ (1) (a).

22 ***-1772/1.2* SECTION 2854.** 165.055 (3) of the statutes is repealed.

23 ***-2156/4.12* SECTION 2855.** 165.25 (4) (ar) of the statutes is amended to read:

24 165.25 (4) (ar) The At the request of the department of agriculture, trade and
25 consumer protection, the department of justice shall ~~may~~ furnish all legal services

SENATE BILL 55**SECTION 2855**

1 required by to the department of agriculture, trade and consumer protection relating
2 to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,
3 100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50,
4 and 100.51 and chs. 136, 344, 704, 707, and 779, together with any other services as
5 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.

6 ***-0392/3.33* SECTION 2856.** 165.25 (4) (ar) of the statutes, as affected by 2001
7 Wisconsin Act (this act), is amended to read:

8 165.25 (4) (ar) At the request of the department of agriculture, trade and
9 consumer protection, the department of justice may furnish legal services to the
10 department of agriculture, trade and consumer protection relating to the
11 enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18, 100.182,
12 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50, and
13 100.51 and chs. 126, 136, 344, 704, 707, and 779, together with any other services as
14 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.

15 ***-1686/4.96* SECTION 2857.** 165.40 (6) (a) (intro.) of the statutes is amended
16 to read:

17 165.40 (6) (a) (intro.) No certificate of approval to maintain a hospital may be
18 issued under s. 50.35 and a certificate of approval that has been issued under that
19 section shall be ~~suspended or~~ revoked if any of the following occurs:

20 ***-1394/2.51* SECTION 2858.** 165.755 (4) of the statutes is amended to read:

21 165.755 (4) If a municipal court imposes a forfeiture, after determining the
22 amount due under sub. (1) (a) the court shall collect and transmit such amount to the

SENATE BILL 55**SECTION 2858**

1 treasurer of the county, city, town or village, and that treasurer shall make payment
2 to the state treasurer as provided in s. 66.0114 (1) ~~(b)~~ (bm).

3 *–1394/2.52* **SECTION 2859.** 165.87 of the statutes is created to read:

4 **165.87 Law enforcement training fund assessment.** (1) LEVY OF
5 ASSESSMENT. (a) Whenever a court imposes a fine or forfeiture for a violation of state
6 law or for a violation of a municipal or county ordinance except for a violation of s.
7 101.123 (2) (a), (am) 1., (ar), or (bm) or (5) or state laws or municipal or county
8 ordinances involving nonmoving traffic violations or safety belt use violations under
9 s. 347.48 (2m), there shall be imposed in addition a law enforcement training fund
10 assessment in an amount of 11% of the fine or forfeiture imposed. If multiple offenses
11 are involved, the assessment shall be based upon the total fine or forfeiture for all
12 offenses. When a fine or forfeiture is suspended in whole or in part, the assessment
13 shall be reduced in proportion to the suspension.

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

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

22 (d) If any deposit of bail is made for a noncriminal offense to which this
23 subsection applies, the person making the deposit shall also deposit a sufficient
24 amount to include the assessment prescribed in this subsection for forfeited bail. If
25 bail is forfeited, the amount of the assessment shall be transmitted monthly to the

SENATE BILL 55**SECTION 2859**

1 state treasurer under this subsection. If bail is returned, the assessment shall also
2 be returned.

3 ***-0796/1.13* SECTION 2860.** 165.90 of the statutes is repealed.

4 ***-0796/1.14* SECTION 2861.** 165.92 (3) (a) of the statutes is amended to read:

5 165.92 (3) (a) Unless otherwise provided in a joint program ~~plan~~ county
6 proposal under s. ~~165.90 (2)~~ 16.964 (7) or an agreement between a political
7 subdivision of this state and a tribe, the tribe that employs a tribal law enforcement
8 officer is liable for all acts of the officer while acting within the scope of his or her
9 employment and neither the state nor any political subdivision of the state may be
10 held liable for any action of the officer taken under the authority of sub. (2) (a).

11 ***-0548/2.2* SECTION 2862.** 166.03 (8) (f) of the statutes is amended to read:

12 166.03 (8) (f) If the total liability for worker's compensation benefits under par.
13 (d), indemnification under par. (e), and loss from destruction of equipment under sub.
14 (9), incurred in any calendar year, exceeds \$1 per capita of the sponsor's population,
15 the state shall reimburse the sponsor for the excess. Payment shall be made from
16 the appropriation in s. ~~20.465 (3)~~ 20.865 (1) (a) on certificate of the adjutant general.

17 ***-0549/1.1* SECTION 2863.** 166.20 (1) (gk) of the statutes is created to read:

18 166.20 (1) (gk) "Local emergency response team" means a team that the
19 committee identifies under s. 166.21 (2m) (e).

20 ***-0549/1.2* SECTION 2864.** 166.20 (1) (im) of the statutes is created to read:

21 166.20 (1) (im) "Regional emergency response team" means a team that the
22 division contracts with under s. 166.215 (1).

23 ***-0549/1.3* SECTION 2865.** 166.20 (2) (bm) 1. of the statutes is amended to
24 read:

SENATE BILL 55**SECTION 2865**

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

5 ***-0549/1.4*** **SECTION 2866.** 166.20 (2) (bm) 2. of the statutes is amended to
6 read:

7 166.20 (2) (bm) 2. If a person responsible for the emergency involving a release
8 or potential release of a hazardous substance under s. 166.215 (3) or 166.22 (4) is
9 financially able or has the money or resources necessary to reimburse a regional or
10 local emergency response team for the expenses incurred by the regional or local
11 emergency response team in responding to the release emergency.

12 ***-0549/1.5*** **SECTION 2867.** 166.20 (2) (bs) of the statutes is created to read:

13 166.20 (2) (bs) 1. Promulgate rules that establish the procedures that a
14 regional emergency response team shall follow to determine if an emergency that
15 requires the team's response exists as the result of a level A release or a potential
16 level A release.

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

21 ***-0549/1.6*** **SECTION 2868.** 166.21 (2m) (e) of the statutes is amended to read:

22 166.21 (2m) (e) Identification of a ~~county~~ local emergency response team that
23 is capable of responding to a level B release that occurs at any place in the county and
24 whose members meet the standards for hazardous materials technicians in 29 CFR

SENATE BILL 55**SECTION 2868**

1 1910.120 (q) (6) (iii) and national fire protection association standards NFPA 471 and
2 472.

3 ***-0549/1.7* SECTION 2869.** 166.21 (2m) (f) of the statutes is amended to read:

4 166.21 (2m) (f) Procedures for county local emergency response team actions
5 that are consistent with local emergency response plans developed under s. 166.20
6 (3) and the state contingency plan established under s. 292.11 (5).

7 ***-0550/3.1* SECTION 2870.** 166.215 (1) of the statutes is amended to read:

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

SENATE BILL 55**SECTION 2871**

1 ***-0549/1.8*** **SECTION 2871.** 166.215 (2) of the statutes is amended to read:

2 166.215 (2) The division shall reimburse a regional emergency response team
3 for costs incurred by the team in responding to an emergency involving a level A
4 release under sub. (1), or a potential level A release, if the team followed the
5 procedures in the rules promulgated under s. 166.20 (2) (bs) 1. to determine if an
6 emergency requiring a response existed. Reimbursement under this subsection is
7 limited to amounts collected under sub. (3) and the amounts appropriated under s.
8 20.465 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the
9 regional emergency response team has made a good faith effort to identify the person
10 responsible under sub. (3) and that person cannot be identified, or, if that person is
11 identified, the team has received reimbursement from that person to the extent that
12 the person is financially able or has determined that the person does not have
13 adequate money or other resources to reimburse the regional emergency response
14 team.

15 ***-0549/1.9*** **SECTION 2872.** 166.215 (3) of the statutes is repealed and
16 recreated to read:

17 166.215 (3) A person shall reimburse the division for costs incurred by a
18 regional emergency response team in responding to an emergency if the team
19 followed the procedures established under s. 166.20 (2) (bs) 1. to determine if an
20 emergency requiring the team's response existed and if any of the following
21 conditions applies:

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

24 (b) The person caused the emergency.

25 ***-0549/1.10*** **SECTION 2873.** 166.22 (1) (a) of the statutes is repealed.

SENATE BILL 55

1 ***-0549/1.11*** **SECTION 2874.** 166.22 (1) (c) of the statutes is amended to read:

2 166.22 (1) (c) “Local agency” means an agency of a county, city, village, or town,
3 including a municipal police or fire department, a municipal health organization, a
4 county office of emergency management, a county sheriff, an emergency medical
5 service, a local emergency response team, or a public works department.

6 ***-0549/1.12*** **SECTION 2875.** 166.22 (1) (d) of the statutes is created to read:

7 166.22 (1) (d) “Local emergency response team” means a team that the
8 committee identifies under s. 166.21 (2m) (e).

9 ***-0549/1.13*** **SECTION 2876.** 166.22 (2) of the statutes is amended to read:

10 166.22 (2) A person who possesses or controls a hazardous substance that is
11 ~~discharged~~ released or who causes the ~~discharge~~ release of a hazardous substance
12 shall take the actions necessary to protect public health and safety and prevent
13 damage to property.

14 ***-0549/1.14*** **SECTION 2877.** 166.22 (3) of the statutes is amended to read:

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

24 ***-0549/1.15*** **SECTION 2878.** 166.22 (3m) of the statutes is amended to read:

SENATE BILL 55**SECTION 2878**

1 166.22 (3m) The division shall reimburse a local emergency response team for
2 costs incurred by the team in responding to an emergency involving a hazardous
3 substance discharge under sub. (3) release, or potential release, if the team followed
4 the procedures in the rules promulgated under s. 166.20 (2) (bs) 2. to determine if an
5 emergency requiring the team's response existed. Reimbursement under this
6 subsection is limited to the amount appropriated under s. 20.465 (3) (dr).
7 Reimbursement is available under s. 20.465 (3) (dr) only if the local emergency
8 response team has made a good faith effort to identify the person responsible under
9 sub. (4) and that person cannot be identified, or, if that person is identified, the team
10 has received reimbursement from that person to the extent that the person is
11 financially able or has determined that the person does not have adequate money or
12 other resources to reimburse the local emergency response team.

13 ***-0549/1.16*** SECTION 2879. 166.22 (4) of the statutes is repealed and
14 recreated to read:

15 166.22 (4) (a) Except as provided in par. (b), a person shall reimburse a local
16 agency as provided in sub. (5) for actual, reasonable, and necessary expenses
17 incurred in responding to an emergency involving the release or potential release of
18 a hazardous substance if any of the following conditions applies:

19 1. The person possessed or controlled a hazardous substance involved in the
20 emergency.

21 2. The person caused the emergency.

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

25 ***-0549/1.17*** SECTION 2880. 166.22 (5) (am) of the statutes is amended to read:

SENATE BILL 55**SECTION 2880**

1 166.22 (5) (am) A local agency seeking reimbursement under sub. (4) shall
2 submit a claim stating its expenses to the reviewing entity for the county in which
3 the discharge emergency occurred.

4 *~~0549/1.18~~* **SECTION 2881.** 166.22 (5) (b) of the statutes is amended to read:

5 166.22 (5) (b) The reviewing entity shall review claims submitted under par.
6 (am) and determine the amount of reasonable and necessary expenses incurred. The
7 reviewing entity shall provide a person who is liable for reimbursement under sub.
8 (4) with a notice of the amount of expenses it has determined to be reasonable and
9 necessary that ~~arise from one discharge and are~~ arose from the emergency involving
10 the release or potential release of a hazardous substance and that were incurred by
11 all local agencies from which the reviewing entity receives a claim.

12 *~~0562/3.1~~* **SECTION 2882.** 175.35 (2i) of the statutes is amended to read:

13 175.35 (2i) The department shall charge a firearms dealer ~~an \$8 a~~ \$12 fee for
14 each firearms restrictions record search that the firearms dealer requests under sub.
15 (2) (c). The firearms dealer may collect the fee from the transferee. The department
16 may refuse to conduct firearms restrictions record searches for any firearms dealer
17 who fails to pay any fee under this subsection within 30 days after billing by the
18 department.

19 *~~0658/2.1~~* **SECTION 2883.** 177.06 (3) (b) of the statutes is amended to read:

20 177.06 (3) (b) Assess a service charge after December 31 of the ~~2nd~~ calendar
21 year covered in the report filed under s. 177.17 concerning that property.

22 *~~0658/2.2~~* **SECTION 2884.** 177.06 (4) of the statutes is amended to read:

23 177.06 (4) Any property described in sub. (1) that is automatically renewable
24 is matured for purposes of sub. (1) upon the expiration of its initial time period, or
25 after one year if the initial period is less than one year, except that in the case of any

SENATE BILL 55**SECTION 2884**

1 renewal to which the owner consents at or about the time of renewal by
2 communicating in writing with the banking or financial organization or otherwise
3 indicating consent as evidenced by a memorandum or other record on file prepared
4 by an employee of the organization, the property is matured upon the expiration of
5 the last time period for which consent was given or one year from the date of the last
6 consent, whichever is longer. If, at the time provided for delivery in s. ~~177.19~~ 177.17
7 (4) (a), a penalty or forfeiture in the payment of interest would result from the
8 delivery of the property, the time for delivery is extended until the time when no
9 penalty or forfeiture would result.

10 *~~0658/2.3~~* **SECTION 2885.** 177.10 (1) (intro.) of the statutes is amended to
11 read:

12 177.10 (1) (intro.) Except as provided in subs. (2) and (5), any stock or other
13 intangible ownership interest in a business association, the existence of which is
14 evidenced by records available to the association, is presumed abandoned and, with
15 respect to the interest, the association is the holder, if a dividend, distribution or
16 other sum payable as a result of the interest has remained unclaimed by the owner
17 for ~~7~~ 5 years and the owner has not done either of the following within ~~7~~ 5 years:

18 *~~0658/2.4~~* **SECTION 2886.** 177.10 (2) and (3) of the statutes are amended to
19 read:

20 177.10 (2) At the expiration of a ~~7-year~~ 5-year period following the failure of
21 the owner to claim a dividend, distribution or other sum payable to the owner as a
22 result of the interest, the interest is not presumed abandoned unless there have been
23 at least ~~7~~ 5 dividends, distributions or other sums paid during the period, none of
24 which has been claimed by the owner. If ~~7~~ 5 dividends, distributions or other sums
25 are paid during the ~~7-year~~ 5-year period, the period leading to a presumption of

SENATE BILL 55**SECTION 2886**

1 abandonment commences on the date on which payment of the first such unclaimed
2 dividend, distribution or other sum became due and payable. If ~~7~~ 5 dividends,
3 distributions or other sums are not paid during the presumptive period, the period
4 continues to run until there have been ~~7~~ 5 dividends, distributions or other sums that
5 have not been claimed by the owner.

6 (3) The running of the ~~7-year~~ 5-year period of abandonment ceases
7 immediately upon the occurrence of a communication specified under sub. (1). If any
8 future dividend, distribution or other sum payable to the owner as a result of the
9 interest is subsequently not claimed by the owner, a new period of abandonment
10 commences and relates back to the time a subsequent dividend, distribution or other
11 sum became due and payable.

12 *~~0658/2.5~~* **SECTION 2887.** 177.10 (5) of the statutes is amended to read:

13 177.10 (5) This chapter does not apply to any stock or other intangible
14 ownership interest enrolled in a plan that provides for the automatic reinvestment
15 of dividends, distributions or other sums payable as a result of the interest unless
16 the records available to the administrator of the plan show, with respect to any
17 intangible ownership interest not enrolled in the reinvestment plan, that the owner
18 has not within ~~7~~ 5 years communicated in any manner specified under sub. (1).

19 *~~0658/2.6~~* **SECTION 2888.** 177.17 (title) of the statutes is amended to read:

20 177.17 (title) **Report Reporting, payment, and delivery of abandoned**
21 **property.**

22 *~~0658/2.7~~* **SECTION 2889.** 177.17 (4) of the statutes is renumbered 177.17 (4)

23 (a) 1. and amended to read:

24 177.17 (4) (a) 1. Before May November 1 of each ~~even-numbered~~ year, each
25 holder shall file a report covering the ~~2~~ previous calendar ~~years~~ year. On written

SENATE BILL 55**SECTION 2889**

1 request by any person required to file a report, the administrator may ~~postpone the~~
2 ~~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.

3 ***-0658/2.8* SECTION 2890.** 177.17 (4) (a) 2. of the statutes is created to read:
4 177.17 (4) (a) 2. Except as otherwise provided in this subdivision and s. 177.06
5 (4), upon filing the report under subd. 1., the holder shall pay or deliver to the
6 administrator all abandoned property required to be reported. This subdivision does
7 not apply to abandoned property that is in the form of amounts credited under s.
8 20.912 (1) to the support collections trust fund or amounts not distributable from the
9 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.

10 ***-0658/2.9* SECTION 2891.** 177.18 (title) of the statutes is amended to read:
11 **177.18 (title) Notice and publication of lists of abandoned or escheated**
12 **property.**

13 ***-0658/2.10* SECTION 2892.** 177.18 (1) of the statutes is amended to read:
14 177.18 (1) ~~The~~ Before July 1 of each year, the administrator shall publish a
15 notice entitled “Notice of names of persons appearing to be owners of abandoned
16 property” ~~not later than the September 20 following the report required under s.~~
17 ~~177.17.~~ Except as provided in sub. (1m), the notice shall include the name of each
18 person identified in a report filed under s. 177.17 since the publication of the previous
19 notice. The administrator shall publish the notice as a class 1 notice under ch. 985,
20 in a newspaper of general circulation in the county in which is located the

SENATE BILL 55

1 last-known address of the person to be named in the notice. If no address is listed
2 or the address is outside this state, the notice shall be published in the county in
3 which the holder of the property has its principal place of business within this state.

4 ***-0658/2.11* SECTION 2893.** 177.18 (2) (intro.) of the statutes is amended to
5 read:

6 177.18 (2) (intro.) ~~The published~~ A notice under sub. (1) shall contain all of the
7 following:

8 ***-0658/2.12* SECTION 2894.** 177.18 (2) (c) of the statutes is repealed.

9 ***-0658/2.13* SECTION 2895.** 177.18 (2) (d) of the statutes is renumbered 177.18
10 (2m) and amended to read:

11 177.18 (2m) For money or other property received under s. 852.01 (3), 863.37
12 (2) or 863.39 (1), ~~the~~ a notice shall be published at least annually in the official state
13 newspaper and shall include the name of the decedent, the time and place of the
14 decedent's death, the amount paid to the administrator, the name of the decedent's
15 personal representative, the county in which the estate is probated and a statement
16 that the money will be paid to the heirs or legatees without interest, on proof of
17 ownership, if claimed within 10 years from the date of publication as provided in s.
18 863.39 (3).

19 ***-0658/2.14* SECTION 2896.** 177.19 (title), (1) and (2) of the statutes are
20 repealed.

21 ***-0658/2.15* SECTION 2897.** 177.19 (4) of the statutes is renumbered 177.17
22 (4) (b) and amended to read:

23 177.17 (4) (b) The holder of an interest under s. 177.10 shall deliver to the
24 administrator, upon filing the report required under this section, a duplicate
25 certificate or other evidence of ownership if the holder does not issue certificates of

SENATE BILL 55**SECTION 2897**

1 ownership. Upon delivery of a duplicate certificate to the administrator, the holder
2 and any transfer agent, registrar or other person acting for or on behalf of a holder
3 in executing or delivering the duplicate certificate are relieved of all liability, as
4 provided under s. 177.20, to any person, including any person acquiring the original
5 certificate or the duplicate of the certificate issued to the administrator, for any loss
6 or damage caused by the issuance and delivery of the duplicate certificate to the
7 administrator.

8 ***-2025/2.1* SECTION 2898.** 177.22 (1) of the statutes is amended to read:

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

19 ***-2025/2.2* SECTION 2899.** 177.22 (3) of the statutes is repealed.

20 ***-2025/2.3* SECTION 2900.** 177.22 (4) of the statutes is amended to read:

21 177.22 (4) Unless the administrator determines that it is in the best interest
22 of this state to do otherwise, he or she shall hold all securities ~~presumed abandoned~~
23 ~~under s. 177.10, and delivered to the administrator, for at least 3 years~~ one year
24 before selling them. ~~If the administrator sells any securities delivered under s.~~
25 ~~177.10 before the expiration of the 3-year period, any person making a claim under~~

SENATE BILL 55**SECTION 2900**

1 ~~this chapter before the end of the 3-year period is entitled either to the proceeds of~~
2 ~~the sale of the securities or to the market value of the securities at the time the claim~~
3 ~~is made, whichever amount is greater, less any deduction for fees under s. 177.23 (2).~~
4 ~~A person making a claim under this chapter after the expiration of the 3-year period~~
5 ~~is entitled to receive either the securities delivered to the administrator by the~~
6 ~~holder, if the administrator still has them, or to the proceeds from their sale, less any~~
7 ~~amounts deducted under s. 177.23 (2). No person has any claim under this chapter~~
8 ~~against this state, the holder, any transfer agent, registrar or other person acting for~~
9 ~~or on behalf of a holder for any appreciation in the value of the property occurring~~
10 ~~after delivery by the holder to the administrator.~~

11 ***-0658/2.16* SECTION 2901.** 177.23 (1) of the statutes is amended to read:

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

23 ***-0530/2.3* SECTION 2902.** 177.24 (1) of the statutes is renumbered 177.24 (1)
24 (a).

25 ***-0530/2.4* SECTION 2903.** 177.24 (1) (b) of the statutes is created to read:

SENATE BILL 55**SECTION 2903**

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

8 *~~0658/2.17~~* **SECTION 2904.** 177.24 (2) of the statutes is amended to read:

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

19 *~~2025/2.4~~* **SECTION 2905.** 177.24 (3) of the statutes is renumbered 177.24 (3)
20 (a) and amended to read:

21 177.24 (3) (a) ~~If~~ Except as provided in par. (b), if a claim is allowed, the
22 administrator shall deliver the property to the claimant or pay the claimant the
23 amount the administrator actually received or the net proceeds of the sale of the
24 property, together with any additional amount required under s. 177.21. ~~If the claim~~
25 ~~is for property presumed abandoned under s. 177.10 which was sold by the~~

SENATE BILL 55**SECTION 2905**

1 ~~administrator within 3 years after the date of delivery, the amount payable for that~~
2 ~~claim is the value of the property at the time the claim was made or the net proceeds~~
3 ~~of sale, whichever is greater.~~ If the property claimed was interest bearing to the
4 owner on the date of surrender by the holder, the administrator shall pay interest at
5 a rate of 6% per year or any lesser rate the property earned while in the possession
6 of the holder. Interest begins to accrue when the property is delivered to the
7 administrator and ceases on the earlier of the expiration of 10 years after delivery
8 or the date on which payment is made to the owner. No interest on interest-bearing
9 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.

10 ***-0530/2.5* SECTION 2906.** 177.24 (3) (b) of the statutes is created to read:

11 177.24 (3) (b) If the administrator allows a claim made under sub. (1) (b), the
12 administrator shall pay the claimant the amount reported to the administrator
13 under s. 177.17.

14 ***-0530/2.6* SECTION 2907.** 177.24 (4) of the statutes is amended to read:

15 177.24 (4) Any holder who pays the owner for property that has been delivered
16 to this state which, if claimed from the administrator, would be subject to sub. (3) (a)
17 shall add interest as provided under sub. (3) (a). The added interest shall be repaid
18 to the holder by the administrator in the same manner as the principal.

19 ***-0530/2.7* SECTION 2908.** 177.25 (1m) of the statutes is created to read:

20 177.25 (1m) At any time after December 1 following the reporting, under s.
21 177.17, of property that is in the form of amounts credited under s. 20.912 (1) to the
22 support collections trust fund or amounts not distributable from the support
23 collections trust fund to the persons for whom the amounts were awarded, another

SENATE BILL 55**SECTION 2908**

1 state may recover the property under any of the circumstances described in sub. (1)
2 (a) to (d).

3 *~~0530/2.8~~* **SECTION 2909.** 177.25 (2) of the statutes is amended to read:

4 177.25 (2) The claim of another state to recover escheated or abandoned
5 property shall be presented in a form prescribed by the administrator, who shall
6 decide the claim within 90 days after it is presented. The administrator shall allow
7 the claim if he or she determines that the other state is entitled to the abandoned
8 property under sub. (1) or (1m).

9 *~~0530/2.9~~* **SECTION 2910.** 177.265 of the statutes is created to read:

10 **177.265 Reimbursement for claims and administrative expenses. (1)**

11 At least quarterly, the department of workforce development shall reimburse the
12 administrator, based on information provided by the administrator, for all of the
13 following:

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

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

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

SENATE BILL 55**SECTION 2911**

1 ***-0658/2.18*** **SECTION 2911.** 177.35 (2) of the statutes is renumbered 177.35
2 (2) (a) and amended to read:

3 177.35 (2) (a) An agreement entered into under this section is not enforceable
4 if the agreement is entered into within ~~24~~ 12 months after payment or delivery of the
5 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.

6 ***-0530/2.10*** **SECTION 2912.** 177.35 (2) (b) of the statutes is created to read:

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

13 ***-0712/4.1*** **SECTION 2913.** 178.48 (2) of the statutes is amended to read:

14 178.48 (2) The department shall collect a ~~\$10~~ the fee established under s.
15 182.01 (4) (c) each time process is served on the department under this chapter.

16 ***-0712/4.2*** **SECTION 2914.** 178.48 (3) of the statutes is amended to read:

17 178.48 (3) In addition to the fees required under sub. (1), the department shall
18 collect ~~\$25~~ the fee established under s. 182.01 (4) (d) for processing in an expeditious
19 manner a document required or permitted to be filed with the department under this
20 chapter.

21 ***-0712/4.3*** **SECTION 2915.** 179.16 (4) of the statutes is repealed.

SENATE BILL 55**SECTION 2916**

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

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

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

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

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

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

20 *~~0712/4.7~~* **SECTION 2919.** 180.0122 (2) of the statutes is amended to read:

21 180.0122 (2) The department shall collect a ~~\$10~~ the fee established under s.
22 182.01 (4) (c) each time process is served on the department under this chapter. The
23 party to a civil, criminal, administrative or investigatory proceeding causing service
24 of process may recover this fee as costs if the party prevails in the proceeding.

25 *~~0712/4.8~~* **SECTION 2920.** 180.0122 (4) of the statutes is amended to read:

SENATE BILL 55

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

7 *~~0712/4.9~~* **SECTION 2921.** 181.0122 (1) (zm) of the statutes is amended to
8 read:

9 181.0122 (1) (zm) Request for certificate or statement of status, ~~\$5 or, if~~
10 ~~information other than the information provided under s. 181.0128 (2) is requested,~~
11 ~~\$10~~ the fee established under s. 182.01 (4) (b).

12 *~~0712/4.10~~* **SECTION 2922.** 181.0122 (2) of the statutes is amended to read:

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

18 *~~0712/4.11~~* **SECTION 2923.** 181.0122 (4) of the statutes is amended to read:

19 181.0122 (4) EXPEDITED SERVICE FEE. In addition to the fees required under sub.
20 (1), the department shall collect the expedited service fee established under s. 182.01
21 (4) (d) for processing, in an expeditious manner, a document required or permitted
22 to be filed under this chapter ~~or~~ and shall collect the fee established under s. 182.01
23 (4) (f) for preparing, in an expeditious manner, a certificate of status under s.
24 181.0128 (2) or a statement of status under s. 181.0128 (4).

SENATE BILL 55**SECTION 2924**

1 *–0712/4.12* **SECTION 2924.** 182.01 (4) of the statutes is repealed and
2 recreated to read:

3 182.01 (4) **PREPARATION OF COPIES, ISSUANCE OF CERTIFICATES, AND PERFORMANCE**
4 **OF SERVICES.** The department shall establish by rule the fees for all of the following:

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

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

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

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

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

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

19 *–0712/4.13* **SECTION 2925.** 183.0105 (8) (c) of the statutes is amended to read:

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

SENATE BILL 55**SECTION 2926**

1 ***-0712/4.14*** **SECTION 2926.** 183.0105 (8) (cm) of the statutes is created to read:

2 183.0105 (8) (cm) If a process, notice, or demand is served by the department
3 on a limited liability company under s. 183.0911 and the address of the limited
4 liability company's principal office cannot be determined from the records of the
5 department, the limited liability company may be served by publishing a class 2
6 notice, under ch. 985, in the official state newspaper.

7 ***-0712/4.15*** **SECTION 2927.** 183.0114 (1) (t) of the statutes is amended to read:

8 183.0114 (1) (t) Request for certificate or statement of status, \$5 the fee
9 established under s. 182.01 (4) (b).

10 ***-0712/4.16*** **SECTION 2928.** 183.0114 (1) (u) of the statutes is amended to read:

11 183.0114 (1) (u) Processing in an expeditious manner a document required or
12 permitted to be filed under this chapter, or preparing in an expeditious manner a
13 certificate or statement of status, ~~\$25~~ the fee established under s. 182.01 (4) (d).

14 ***-0712/4.17*** **SECTION 2929.** 183.0910 of the statutes is created to read:

15 **183.0910 Grounds for administrative dissolution.** The department may
16 bring a proceeding under s. 183.0911 to administratively dissolve a limited liability
17 company if any of the following occurs:

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

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

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

25 ***-0712/4.18*** **SECTION 2930.** 183.0911 of the statutes is created to read:

SENATE BILL 55**SECTION 2930**

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

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

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

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

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

18 *~~0712/4.19~~* **SECTION 2931.** 183.0912 of the statutes is created to read:

19 **183.0912 Reinstatement following administrative dissolution.** (1) A
20 limited liability company that is administratively dissolved may apply to the
21 department for reinstatement. The application shall include all of the following:

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

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

SENATE BILL 55**SECTION 2931**

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

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

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

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

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

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

16 *~~0712/4.20~~* **SECTION 2932.** 183.0913 of the statutes is created to read:

17 **183.0913 Appeal from denial of reinstatement.** (1) If the department
18 denies a limited liability company's application for reinstatement under s. 183.0912,
19 the department shall serve the limited liability company under s. 183.0105 (8) with
20 a written notice that explains each reason for denial.

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

SENATE BILL 55**SECTION 2932**

1 of the department's certificate of dissolution, the limited liability company's
2 application for reinstatement, and the department's notice of denial.

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

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

6 ~~*-0712/4.21*~~ **SECTION 2933.** 185.83 (1) (d) of the statutes is amended to read:

7 185.83 (1) (d) Receiving services of any process, notice or demand, authorized
8 to be served on the department by this chapter, ~~\$10~~ the fee established under s.
9 182.01 (4) (c).

10 ~~*-0712/4.22*~~ **SECTION 2934.** 185.83 (1) (f) of the statutes is repealed.

11 ~~*-0712/4.23*~~ **SECTION 2935.** 185.83 (1) (fm) of the statutes is repealed.

12 ~~*-0712/4.24*~~ **SECTION 2936.** 185.83 (1) (h) of the statutes is amended to read:

13 185.83 (1) (h) Processing a document required or permitted to be filed or
14 recorded under this chapter in an expeditious manner, ~~or preparing the information~~
15 ~~under par. (f) or (fm) in an expeditious manner, \$25~~ the fee established under s.
16 182.01 (4) (d) in addition to the fee required by other provisions of this chapter.

17 ~~*-0601/1.2*~~ **SECTION 2937.** 186.01 (2) of the statutes is amended to read:

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

23 ~~*-0601/1.3*~~ **SECTION 2938.** 186.02 (2) (a) 1. of the statutes is amended to read:

24 186.02 (2) (a) 1. ~~The conditions of residence or occupation which qualify persons~~
25 that determine eligibility for membership.