

1 examining board by rule and upon presentation of the license and payment of the fee
2 specified under s. 440.05 (2).

3 ***b2044/1.2* SECTION 3608f.** 447.04 (1) (c) of the statutes is created to read:

4 447.04 (1) (c) 1. The examining board shall grant a license to practice dentistry
5 to an applicant who is licensed in good standing to practice dentistry in another
6 jurisdiction upon presentation of the license and who does all of the following:

7 a. Pays the fee specified in s. 440.05 (2).

8 b. Submits evidence satisfactory to the examining board that the applicant has
9 been offered employment as a full-time faculty member at a school of dentistry in
10 this state.

11 c. Makes responses during any interview that the examining board may
12 require that demonstrate, to the satisfaction of the examining board, that the
13 applicant is competent to practice dentistry.

14 2. A license granted under subd. 1. authorizes the license holder to practice
15 dentistry only within educational facilities and only for the purpose of carrying out
16 the license holder's teaching duties.

17 3. A license granted under subd. 1. is no longer in effect if the license holder
18 ceases to be employed as a full-time faculty member at a school of dentistry in this
19 state.

20 4. The examining board may promulgate rules to carry out the purposes of this
21 paragraph.”.

22 ***b2047/1.2* 1436.** Page 1156, line 6: after that line insert:

23 ***b2047/1.2* “SECTION 3608cg.** 452.01 (3p) of the statutes is created to read:

1 452.01 (3p) “Closing agent” means any person who coordinates the closing of
2 a conveyance of real estate by ensuring that title to the real estate is transferred to
3 the buyer and that the purchase price is transferred to the seller, except that “closing
4 agent” does not include any of the following:

5 (a) A receiver, trustee, administrator, executor, guardian, or other person
6 appointed by or acting under the judgment or order of any court.

7 (b) A public officer while performing his or her official duties.

8 (c) A depository institution.

9 (d) An employee of a person specified in pars. (a) to (c) when the employee is
10 engaged in the specific performance as such an employee.

11 (e) An attorney licensed to practice in this state while acting within the scope
12 of his or her attorney’s license.

13 ***b2047/1.2* SECTION 3608cm.** 452.035 of the statutes is created to read:

14 **452.035 Closing agents.** No person, including an escrow agent, as defined in
15 s. 138.052 (5m) (a) or 707.49 (1) (d), may engage in the business or occupation of, or
16 advertise or hold himself or herself out as, a closing agent unless the person is
17 registered as a closing agent by the department. The department shall issue a
18 certificate of registration as a closing agent to a person who submits an application
19 to the department on a form provided by the department, pays the fee specified in
20 s. 440.05 (1), and submits evidence satisfactory to the department that he or she is
21 competent to act as a closing agent. Renewal applications shall be submitted to the
22 department on a form provided by the department on or before the applicable
23 renewal date specified under s. 440.08 (2) (a) and shall include the applicable
24 renewal fee specified under s. 440.08 (2) (a).

25 ***b2047/1.2* SECTION 3608cr.** 452.05 (1) (a) of the statutes is amended to read:

1 452.05 (1) (a) Grant and issue licenses to brokers and salespersons and
2 registrations to time-share salespersons and closing agents.

3 ***b2047/1.2* SECTION 3608dg.** 452.11 (1) of the statutes is amended to read:

4 452.11 (1) A nonresident may become a broker, salesperson ~~or~~, time-share
5 salesperson, or closing agent by conforming to all the provisions of this chapter.

6 ***b2047/1.2* SECTION 3608dm.** 452.12 (6) (a) of the statutes is amended to
7 read:

8 452.12 (6) (a) Any licensee, except a time-share salesperson registered under
9 s. 452.025 or a closing agent registered under s. 452.035, may apply for registration
10 as an inactive licensee on or before the license renewal date. This paragraph does
11 not apply after October 31, 1995.

12 ***b2047/1.2* SECTION 3608dr.** 452.13 (1) (b) of the statutes is renumbered
13 452.01 (3w).

14 ***b2047/1.2* SECTION 3608eg.** 452.13 (1) (c) of the statutes is created to read:

15 452.13 (1) (c) “Closing funds” means any money related to the closing of real
16 estate conveyance that is received by a closing agent. “Closing funds” does not
17 include client funds, unless the client funds are transferred to a closing agent.

18 ***b2047/1.2* SECTION 3608em.** 452.13 (2) (a) of the statutes is amended to read:

19 452.13 (2) (a) A broker who holds client funds or a closing agent who holds
20 closing funds shall establish an interest-bearing common trust account in a
21 depository institution. The interest-bearing common trust account shall earn
22 interest at a rate not less than that applicable to individual accounts of the same
23 type, size, and duration and for which withdrawals or transfers can be made without
24 delay, subject to any notice period that the depository institution is required to
25 observe by law or regulation.

1 ***b2047/1.2* SECTION 3608er.** 452.13 (2) (b) (intro.) of the statutes is amended
2 to read:

3 452.13 (2) (b) (intro.) Any broker or closing agent who maintains an
4 interest-bearing common trust account shall do all of the following:

5 ***b2047/1.2* SECTION 3608fg.** 452.13 (2) (c) of the statutes is amended to read:

6 452.13 (2) (c) A broker or closing agent shall deposit all client funds or closing
7 funds in the interest-bearing common trust account.

8 ***b2047/1.2* SECTION 3608fm.** 452.13 (2) (e) (intro.) of the statutes is amended
9 to read:

10 452.13 (2) (e) (intro.) For each interest-bearing common trust account, the
11 broker or closing agent shall direct the depository institution to do all of the
12 following:

13 ***b2047/1.2* SECTION 3608fr.** 452.13 (2) (e) 2. of the statutes is amended to
14 read:

15 452.13 (2) (e) 2. When the interest remittance is sent, furnish to the
16 department of administration and to the broker or closing agent maintaining the
17 interest-bearing common trust account a statement that includes the name of the
18 broker or closing agent for whose account the remittance is made, the rate of interest
19 applied, the amount of service charges or fees deducted, if any, and the account
20 balance for the period that the statement covers.

21 ***b2047/1.2* SECTION 3608gg.** 452.13 (2) (f) 1. of the statutes is amended to
22 read:

23 452.13 (2) (f) 1. May not assess a service charge or fee that is due on an
24 interest-bearing common trust account against any broker or closing agent or,

1 except as provided in subd. 3., against any other account, regardless of whether the
2 same broker or closing agent maintains the other account.

3 *b2047/1.2* SECTION 3608gm. 452.13 (3) of the statutes is amended to read:

4 452.13 (3) DEPOSIT PROVISIONS. A broker or closing agent who deposits client
5 funds or closing funds in an interest-bearing common trust account in compliance
6 with this section may not be held liable to the owner or beneficial owner of the client
7 funds or closing funds for damages due to compliance with this section. A broker,
8 salesperson, or time-share salesperson who deposits client funds, or a closing agent
9 who deposits closing funds, in an interest-bearing common trust account in
10 compliance with this section is not required to disclose alternative depository
11 arrangements that could be made by the parties or to disclose that a deposit will be
12 made under this section.

13 *b2047/1.2* SECTION 3608gr. 452.13 (4) of the statutes is amended to read:

14 452.13 (4) TRUST ACCOUNT OPTIONAL. This section does not require a broker or
15 closing agent to hold client funds or closing funds or require a person to transfer
16 client funds to a broker or transfer closing funds to a closing agent.

17 *b2047/1.2* SECTION 3608hg. 452.14 (1) of the statutes is amended to read:

18 452.14 (1) The department shall, upon motion of the board or upon its own
19 determination, conduct investigations and, as appropriate, may hold hearings and
20 make findings, if the department receives credible information that a broker,
21 salesperson ~~or~~, time-share salesperson, or closing agent has violated this chapter or
22 any rule promulgated under this chapter.

23 *b2047/1.2* SECTION 3608hm. 452.14 (3) (intro.) of the statutes is amended
24 to read:

1 452.14 (3) (intro.) Disciplinary proceedings shall be conducted by the board
2 according to rules adopted under s. 440.03 (1). The board may revoke, suspend, or
3 limit any broker's, salesperson's ~~or~~, time-share salesperson's, or closing agent's
4 license or registration, or reprimand the holder of the license or registration, if it
5 finds that the holder of the license or registration has:

6 ***b2047/1.2* SECTION 3608hr.** 452.14 (3) (b) of the statutes is amended to read:

7 452.14 (3) (b) Made any substantial misrepresentation with reference to a
8 transaction injurious to a seller or purchaser in which the broker, salesperson ~~or~~,
9 time-share salesperson, or closing agent acts as agent;

10 ***b2047/1.2* SECTION 3608ig.** 452.14 (3) (h) of the statutes is amended to read:

11 452.14 (3) (h) Failed, within a reasonable time, to account for or remit any
12 moneys coming into the broker's, salesperson's ~~or~~, time-share salesperson's, or
13 closing agent's possession which belong to another person;

14 ***b2047/1.2* SECTION 3608im.** 452.14 (3) (i) of the statutes is amended to read:

15 452.14 (3) (i) Demonstrated incompetency to act as a broker, salesperson ~~or~~,
16 time-share salesperson, or closing agent in a manner which safeguards the interests
17 of the public;

18 ***b2047/1.2* SECTION 3608ir.** 452.14 (3) (jm) of the statutes is amended to read:

19 452.14 (3) (jm) Intentionally encouraged or discouraged any person from
20 purchasing or renting real estate in a particular area on the basis of race. If the board
21 finds that any broker, salesperson ~~or~~, time-share salesperson, or closing agent has
22 violated this paragraph, the board shall, in addition to any temporary penalty
23 imposed under this subsection, apply the penalty provided in s. 452.17 (4);

24 ***b2047/1.2* SECTION 3608jg.** 452.17 (2) of the statutes is amended to read:

1 452.17 (2) Any person who engages in or follows the business or occupation of,
2 or advertises or holds himself or herself out as or acts temporarily or otherwise as,
3 a time-share salesperson or closing agent in this state without being registered with
4 the department shall be prosecuted by the district attorney in the county where the
5 violation occurs and may be fined not less than \$25 nor more than \$200 or imprisoned
6 not less than 10 days nor more than 6 months or both.

7 ***b2047/1.2* SECTION 3608jm.** 452.17 (4) (a) (intro.) of the statutes is amended
8 to read:

9 452.17 (4) (a) (intro.) If the board finds that any broker, salesperson ~~or,~~
10 time-share salesperson, or closing agent has violated s. 452.14 (3) (jm), the board:

11 ***b2047/1.2* SECTION 3608jr.** 452.17 (4) (a) 1. of the statutes is amended to
12 read:

13 452.17 (4) (a) 1. Shall, for the first offense, suspend the license or registration
14 of the broker, salesperson ~~or,~~ time-share salesperson, or closing agent for not less
15 than 90 days.

16 ***b2047/1.2* SECTION 3608kg.** 452.17 (4) (a) 2. of the statutes is amended to
17 read:

18 452.17 (4) (a) 2. Shall, for the 2nd offense, revoke the license or registration of
19 the broker, salesperson ~~or,~~ time-share salesperson, closing agent.

20 ***b2047/1.2* SECTION 3608km.** 452.20 of the statutes is amended to read:

21 **452.20 Limitation on actions for commissions.** No person engaged in the
22 business or acting in the capacity of a broker, salesperson ~~or,~~ time-share salesperson,
23 or closing agent within this state may bring or maintain an action in the courts of this
24 state for the collection of a commission or compensation for the performance of any
25 act mentioned in this chapter without alleging and proving that he or she was a duly

1 licensed broker, or salesperson or registered time-share salesperson or closing agent
2 at the time the alleged cause of action arose.

3 ***b2047/1.2* SECTION 3608kr.** 452.21 of the statutes is amended to read:

4 **452.21 Compensation presumed.** In any prosecution for violation of this
5 chapter, proof that a person acted as a broker, agent, salesperson ~~or~~ time-share
6 salesperson, or closing agent is prima facie proof that compensation therefor was
7 received or promised.

8 ***b2047/1.2* SECTION 3608Lg.** 452.22 (2) of the statutes is amended to read:

9 452.22 (2) The certificate of the secretary or his or her designee to the effect that
10 a specified individual or business entity is not or was not on a specified date the
11 holder of a broker's, salesperson's ~~or~~ time-share salesperson's, or closing agent's
12 license or registration, or that a specified license or registration was not in effect on
13 a date specified, or as to the issuance, limitation, suspension, or revocation of any
14 license or registration or the reprimand of any holder thereof, the filing or
15 withdrawal of any application or its existence or nonexistence, is prima facie
16 evidence of the facts therein stated for all purposes in any action or proceedings.”.

17 ***b2049/3.14* 1437.** Page 1156, line 6: after that line insert:

18 ***b2049/3.14* “SECTION 3605gb.** 440.90 (1) of the statutes is renumbered
19 440.90 (1d).

20 ***b2049/3.14* SECTION 3605gf.** 440.90 (1c) of the statutes is created to read:

21 440.90 (1c) “Burial space” has the meaning given in s. 157.061 (1d).

22 ***b2049/3.14* SECTION 3605gL.** 440.90 (3g) of the statutes is created to read:

23 440.90 (3g) “Columbarium” has the meaning given in s. 157.061 (3g).

24 ***b2049/3.14* SECTION 3605gn.** 440.90 (3r) of the statutes is created to read:

1 440.90 (3r) “Columbarium space” has the meaning given in s. 157.061 (3r).

2 ***b2049/3.14* SECTION 3605gp.** 440.90 (4e) of the statutes is created to read:

3 440.90 (4e) “Lawn crypt” has the meaning given in s. 157.061 (8g).

4 ***b2049/3.14* SECTION 3605gx.** 440.90 (10r) of the statutes is created to read:

5 440.90 (10r) “Religious cemetery authority” has the meaning given in s.
6 157.061 (15m).

7 ***b2049/3.14* SECTION 3605ic.** 440.91 (1) of the statutes is amended to read:

8 440.91 (1) Except as provided in sub. (6m), every cemetery authority that sells
9 or solicits the sale of a total of 10 or more ~~cemetery lots or mausoleum~~ burial spaces
10 during a calendar year and that pays any commission or other compensation to any
11 person for selling or soliciting the sale of its ~~cemetery lots or mausoleum~~ burial
12 spaces shall register with the department. The registration shall be in writing and
13 shall include the names of the officers of the cemetery authority.

14 ***b2049/3.14* SECTION 3605ih.** 440.91 (2) (intro.) of the statutes is amended
15 to read:

16 440.91 (2) (intro.) Except as provided in subs. (7) and (10), every individual who
17 sells or solicits the sale of, or who expects to sell or solicit the sale of, a total of 10 or
18 more ~~cemetery lots or mausoleum~~ burial spaces during a calendar year shall register
19 with the department. An individual may not be registered as a cemetery salesperson
20 except upon the written request of a cemetery authority and the payment of the fee
21 specified in s. 440.05 (1). The cemetery authority shall certify in writing to the
22 department that the individual is competent to act as a cemetery salesperson.
23 Within 10 days after the certification of any cemetery salesperson, the cemetery
24 salesperson shall verify and furnish to the department, in such form as the
25 department prescribes, all of the following information:

1 ***b2049/3.14* SECTION 3605in.** 440.91 (6m) of the statutes is repealed and
2 recreated to read:

3 440.91 (6m) The registration requirement under sub. (1) does not apply to any
4 of the following:

- 5 1. A religious cemetery authority.
- 6 2. A town, village, or city or fraternal or benevolent society that does not operate
7 a cemetery in a county with a population that is greater than 600,000.

8 ***b2049/3.14* SECTION 3605iq.** 440.91 (7) of the statutes is renumbered 440.91
9 (7) (intro.) and amended to read:

10 440.91 (7) (intro.) An individual who solicits the sale of ~~cemetery lots or~~
11 ~~mausoleum~~ burial spaces in a cemetery organized, maintained, and operated by ~~a~~
12 any of the following is not required to be registered under sub. (2):

13 (b) A town, village, or city, church, synagogue or mosque, religious, or fraternal
14 or benevolent society or incorporated college of a religious order is not required to be
15 registered under sub. (2), if the cemetery is not in a county with a population that is
16 greater than 600,000.

17 ***b2049/3.14* SECTION 3605is.** 440.91 (7) (a) of the statutes is created to read:
18 440.91 (7) (a) A religious cemetery authority.

19 ***b2049/3.14* SECTION 3605iv.** 440.91 (9) of the statutes is amended to read:

20 440.91 (9) No cemetery authority or cemetery salesperson registered under
21 sub. (1) or (2) may pay a fee or commission as compensation for a referral or as a
22 finder's fee relating to the sale of ~~a cemetery lot,~~ cemetery merchandise or
23 ~~mausoleum~~ a burial space to any person who is not registered under sub. (1) or (2)
24 or who is not regularly and lawfully engaged in the sale of ~~cemetery lots,~~ cemetery

1 merchandise or ~~mausoleum~~ burial spaces in another state or territory of the United
2 States or a foreign country.

3 *b2049/3.14* SECTION 3605kd. 440.92 (1) (a) of the statutes is amended to
4 read:

5 440.92 (1) (a) Except as provided in subs. (4), (9) (a) and (10), every individual
6 who sells or solicits the sale of cemetery merchandise or an undeveloped space under
7 a preneed sales contract ~~and, if the~~ is required to be registered under this subsection
8 and, if applicable, comply with the requirements under s. 445.125. If such an
9 individual is employed by or acting as an agent for a cemetery authority or any other
10 person, that cemetery authority or other person is also required to be registered
11 under this subsection.

12 *b2049/3.14* SECTION 3605kL. 440.92 (2) (title) of the statutes is renumbered
13 440.922 (title).

14 *b2049/3.14* SECTION 3605km. 440.92 (2) (a) of the statutes is renumbered
15 440.922 (1) (a), and 440.922 (1) (a) 2., 3., 3g. and 4. (intro.), as renumbered, are
16 amended to read:

17 440.922 (1) (a) 2. By affixing the cemetery merchandise to the ~~cemetery lot or~~
18 ~~mausoleum~~ burial space.

19 3. By storing the cemetery merchandise in a warehouse that is located on the
20 property of the preneed seller if the preneed seller insures the cemetery merchandise
21 and the preneed sales contract requires the preneed seller to ultimately affix the
22 cemetery merchandise to the ~~cemetery lot or mausoleum~~ burial space without
23 additional charge.

24 3g. By storing the cemetery merchandise anywhere on the property of the
25 preneed seller if the property of the preneed seller is located in this state, the preneed

1 seller insures the cemetery merchandise and the preneed sales contract requires the
2 preneed seller to ultimately affix the cemetery merchandise to a ~~cemetery lot~~ burial
3 space, to the outside of or the grounds surrounding a mausoleum or columbarium or
4 to any other outdoor location without additional charge.

5 4. (intro.) By having the cemetery merchandise stored in a warehouse that is
6 not located on the property of the preneed seller if the warehouse has agreed to ship
7 the cemetery merchandise to the preneed seller, purchaser, or beneficiary named in
8 the preneed sales contract without additional charge to the purchaser and the
9 preneed sales contract requires that the cemetery merchandise ultimately be affixed
10 to the ~~cemetery lot or mausoleum~~ burial space without additional charge. If the
11 cemetery merchandise is delivered under this subdivision, all of the following apply:

12 *b2049/3.14* SECTION 3605kn. 440.92 (2) (am) of the statutes is renumbered
13 440.922 (2) and amended to read:

14 440.922 (2) AFFIXTURE OF CEMETERY MERCHANDISE. If a preneed sales contract
15 for the sale of cemetery merchandise requires the preneed seller to ultimately affix
16 the cemetery merchandise to a ~~cemetery lot, mausoleum~~ burial space or other
17 location but the purchaser has not informed the preneed seller of the location where
18 the cemetery merchandise is to be affixed and the location where the cemetery
19 merchandise is to be affixed is not specified in the preneed sales contract, the preneed
20 sales contract may provide that the preneed seller may charge the purchaser an
21 additional fee at the time that the cemetery merchandise is affixed not to exceed the
22 additional costs to the preneed seller that are necessitated by the purchaser's choice
23 of location.

24 *b2049/3.14* SECTION 3605kp. 440.92 (2) (b) of the statutes is renumbered
25 440.922 (1) (b).

1 ***b2049/3.14* SECTION 3605kr.** 440.92 (2) (c) of the statutes is renumbered
2 440.922 (3) and amended to read:

3 440.922 (3) VOIDING OF CONTRACTS. Except as provided in ~~par. (cm)~~ sub. (4), a
4 preneed sales contract shall provide that if the purchaser voids the preneed sales
5 contract at any time within 10 days after the date of the initial payment the preneed
6 seller shall, within 30 days after the date on which the preneed sales contract is
7 voided, refund all money paid by the purchaser for cemetery merchandise that has
8 not been supplied or delivered and for the mausoleum space.

9 ***b2049/3.14* SECTION 3605kt.** 440.92 (2) (cm) of the statutes is renumbered
10 440.922 (4).

11 ***b2049/3.14* SECTION 3605kv.** 440.92 (2) (d) of the statutes is renumbered
12 440.922 (5) (a).

13 ***b2049/3.14* SECTION 3605kx.** 440.92 (2) (e) of the statutes is renumbered
14 440.922 (5) (b).

15 ***b2049/3.14* SECTION 3605kz.** 440.92 (2) (f) of the statutes is renumbered
16 440.922 (5) (c) and amended to read:

17 440.922 (5) (c) If a preneed sales contract is voided under par. ~~(e)~~ (b), the
18 preneed seller shall, within 30 days after the date on which the preneed sales
19 contract is voided, refund all money paid by the purchaser, together with interest
20 calculated at the legal rate of interest as provided under s. 138.04.

21 ***b2049/3.14* SECTION 3605mb.** 440.92 (2) (g) and (h) of the statutes are
22 renumbered 440.922 (6) and (10).

23 ***b2049/3.14* SECTION 3605md.** 440.92 (2) (i) of the statutes is renumbered
24 440.922 (7) and amended to read:

1 440.922 (7) TRUSTING REQUIREMENTS. If a preneed sales contract includes
2 provisions for the sale of cemetery merchandise or an undeveloped space that is
3 subject to the trusting requirements under ~~sub. s. 440.92~~ (3) (a) and (b) and for the
4 sale of other goods or services that are not subject to the trusting requirements under
5 ~~sub. s. 440.92~~ (3) (a) and (b), the sale price of the goods or services that are not subject
6 to the trusting requirements may not be inflated for the purpose of allocating a lower
7 sale price to the cemetery merchandise or undeveloped space that is subject to the
8 trusting requirements.

9 ***b2049/3.14* SECTION 3605mf.** 440.92 (2) (j) of the statutes is renumbered
10 440.922 (8).

11 ***b2049/3.14* SECTION 3605mh.** 440.92 (2) (k) of the statutes is renumbered
12 440.922 (9) and amended to read:

13 440.922 (9) NOTICE OF RIGHTS. A preneed sales contract shall include the
14 following language in not less than 10–point boldface type: “SECTION 440.92 (2)
15 440.922 OF THE WISCONSIN STATUTES SPECIFIES THE RIGHTS OF THE
16 PURCHASER UNDER THIS CONTRACT. DEPENDING ON THE
17 CIRCUMSTANCES, THESE MAY INCLUDE THE RIGHT TO VOID THE
18 CONTRACT AND RECEIVE A REFUND OR THE RIGHT TO ASSIGN AN
19 INTEREST IN THE CONTRACT TO ANOTHER PERSON.”

20 ***b2049/3.14* SECTION 3605mj.** 440.92 (3) (a) (intro.) of the statutes is
21 amended to read:

22 440.92 (3) (a) (intro.) ~~A. Except as provided in par. (am),~~ a preneed seller shall
23 deposit into a preneed trust fund an amount equal to at least 40% of each payment
24 of principal that is received from the sale of cemetery merchandise under a preneed
25 sales contract, or the wholesale cost ratio for the cemetery merchandise multiplied

1 by the amount of the payment of principal that is received, whichever is greater. In
2 addition to the amount required to be deposited under this paragraph for the sale of
3 cemetery merchandise and except as provided in par. (c), if a preneed seller receives
4 payment for the sale of an undeveloped space under a preneed sales contract, the
5 preneed seller shall deposit a percentage of each payment of principal that is received
6 from the sale of the undeveloped space into a preneed trust fund, determined as
7 follows:

8 ***b2049/3.14* SECTION 3605mm.** 440.92 (3) (am) of the statutes is created to
9 read:

10 440.92 (3) (am) A preneed seller who sells cemetery merchandise for use in a
11 county with a population greater than 600,000 shall deposit into a preneed trust fund
12 an amount equal to at least 40% of each payment of principal that is received from
13 the sale of cemetery merchandise under a preneed sales contract. In addition to the
14 amount required to be deposited under this paragraph for the sale of cemetery
15 merchandise and except as provided in par. (c), if a preneed seller who sells an
16 undeveloped space located in a county with a population greater than 600,000
17 receives payment for the undeveloped space under a preneed sales contract, the
18 preneed seller shall deposit at least 40% of each payment of principal that is received
19 from the sale of the undeveloped space into a preneed trust fund.

20 ***b2049/3.14* SECTION 3605mn.** 440.92 (3) (c) (intro.) of the statutes is
21 amended to read:

22 440.92 (3) (c) (intro.) A preneed seller is not required to make the deposits
23 required under par. (a) ~~1. and 2.~~ (am) for payments for sales of undeveloped spaces
24 under preneed contracts if any of the following applies:

1 ***b2049/3.14* SECTION 3605mv.** 440.92 (5) of the statutes is renumbered
2 440.924.

3 ***b2049/3.14* SECTION 3605mx.** 440.92 (6) (title) of the statutes is renumbered
4 440.926 (title) and amended to read:

5 **440.926 (title) Reporting; Preneed seller reporting and record keeping;**
6 **audits.**

7 ***b2049/3.14* SECTION 3605mz.** 440.92 (6) (a) of the statutes is renumbered
8 440.926 (1) (a) and amended to read:

9 440.926 (1) (a) Every preneed seller registered under ~~sub. s. 440.92~~ (1) shall
10 file an annual report with the department. The report shall be made on a form
11 prescribed and furnished by the department. The report shall be made on a
12 calendar-year basis unless the department, by rule, provides for other reporting
13 periods. The report is due on or before the 60th day after the last day of the reporting
14 period.

15 ***b2049/3.14* SECTION 3605ob.** 440.92 (6) (b) and (c) of the statutes are
16 renumbered 440.926 (1) (b) and (c).

17 ***b2049/3.14* SECTION 3605od.** 440.92 (6) (d) of the statutes is renumbered
18 440.926 (2) (c) and amended to read:

19 440.926 (2) (c) All records described under ~~pars. sub. (1) (b) 2. and (c) and~~
20 maintained by the department are confidential and are not available for inspection
21 or copying under s. 19.35 (1). This paragraph does not apply to any information
22 regarding the name, address, or employer of or financial information related to an
23 individual that is requested under s. 49.22 (2m) by the department of workforce
24 development or a county child support agency under s. 59.53 (5).

1 ***b2049/3.14* SECTION 3605of.** 440.92 (6) (e) and (f) of the statutes are
2 renumbered 440.926 (1) (d) and (e).

3 ***b2049/3.14* SECTION 3605oh.** 440.92 (6) (g) of the statutes is renumbered
4 440.926 (2) (a), and 440.926 (2) (a) 1. and 2., as renumbered, are amended to read:

5 440.926 (2) (a) 1. The records needed to prepare the reports required under ~~par.~~
6 sub. (1) (a).

7 2. Records that show, for each deposit in a trust fund or account specified in
8 ~~par.~~ sub. (1) (b) 2. and (c), the name of the purchaser or beneficiary of the preneed
9 sales contract relating to the deposit, and the item purchased.

10 ***b2049/3.14* SECTION 3605oj.** 440.92 (6) (h) of the statutes is renumbered
11 440.926 (2) (b) and amended to read:

12 440.926 (2) (b) The records under ~~par.~~ sub. (1) (b) 1. shall be permanently
13 maintained by the preneed seller. The records under ~~par.~~ sub. (1) (b) 2. shall be
14 maintained for not less than 3 years after all of the obligations of the preneed sales
15 contract have been fulfilled. The department may promulgate rules to establish
16 longer time periods for maintaining records under this paragraph.

17 ***b2049/3.14* SECTION 3605oL.** 440.92 (6) (i) of the statutes is renumbered
18 440.926 (3) (a) and amended to read:

19 440.926 (3) (a) The department may promulgate rules requiring preneed
20 sellers registered under ~~sub. s. 440.92~~ (1) to maintain other records and establishing
21 minimum time periods for the maintenance of those records.

22 ***b2049/3.14* SECTION 3605on.** 440.92 (6) (j) of the statutes is renumbered
23 440.926 (4) and amended to read:

24 440.926 (4) AUDITS. The department may audit, at reasonable times and
25 frequency, the records, trust funds, and accounts of any preneed seller registered

1 under ~~sub. s. 440.92~~ (1), including records, trust funds, and accounts pertaining to
2 services provided by a preneed seller which are not otherwise subject to the
3 requirements under this ~~section~~ subchapter. The department may conduct audits
4 under this ~~paragraph~~ subsection on a random basis, and shall conduct all audits
5 under this ~~paragraph~~ subsection without providing prior notice to the preneed seller.

6 ***b2049/3.14* SECTION 3605op.** 440.92 (6) (k) of the statutes is renumbered
7 440.926 (3) (b) and amended to read:

8 440.926 (3) (b) The department may promulgate rules establishing a filing fee
9 to accompany the report required under ~~par. sub. (1)~~ (a). The filing fee shall be based
10 on the approximate cost of regulating preneed sellers.

11 ***b2049/3.14* SECTION 3605or.** 440.92 (7) of the statutes is renumbered
12 440.927 and amended to read:

13 **440.927 Approval of warehouses.** No person may own or operate a
14 warehouse unless the warehouse is approved by the department. Upon application,
15 the department shall approve a warehouse that is located in this state if the person
16 who operates the warehouse is licensed as a public warehouse keeper by the
17 department of agriculture, trade and consumer protection under ch. 99, but may not
18 approve a warehouse that is located in this state unless the person is so licensed. The
19 department shall promulgate rules establishing the requirements for approval of
20 warehouses that are located outside this state. The rules shall require warehouses
21 that are located outside this state to file with the department a bond furnished by
22 a surety company authorized to do business in this state in an amount that is
23 sufficient to guarantee the delivery of cemetery merchandise to purchasers under
24 preneed sales contracts. The department shall compile and keep a current list of the
25 names and addresses of all warehouses approved under this ~~subsection~~ section and

1 shall make the list available for public inspection during the times specified in s.
2 230.35 (4) (f).

3 ***b2049/3.14* SECTION 3605ot.** 440.92 (9) (title) of the statutes is amended to
4 read:

5 440.92 (9) (title) EXEMPTIONS; CERTIFICATION OF COMPLIANCE OF RELIGIOUS
6 CEMETERY AFFILIATED WITH RELIGIOUS SOCIETY AUTHORITIES.

7 ***b2049/3.14* SECTION 3605ov.** 440.92 (9) (a) of the statutes is amended to
8 read:

9 440.92 (9) (a) ~~If the cemetery authority of a cemetery that is affiliated with a~~
10 ~~religious society organized under ch. 187 or that religious society~~ a religious
11 cemetery authority or the church, synagogue, mosque, incorporated college of a
12 religious order, or religious society organized under ch. 187 that is affiliated with a
13 religious cemetery authority files an annual certification with the department as
14 provided in this subsection, neither the religious cemetery authority nor any
15 employee of the cemetery is required to be registered as a cemetery preneed seller
16 under sub. (1) during the period for which the certification is effective, but the
17 religious cemetery authority and any employee are required to comply, if applicable,
18 with the requirements of s. 445.125.

19 ***b2049/3.14* SECTION 3605ox.** 440.92 (9) (b) 3. of the statutes is amended to
20 read:

21 440.92 (9) (b) 3. A notarized statement of a person who is legally authorized to
22 act on behalf of the religious society cemetery authority under this subsection that,
23 during the 12-month period immediately preceding the date on which the
24 certification is filed with the department, each employee specified under subd. 2. and

1 the religious cemetery authority have either fully complied or have substantially
2 complied with ~~subs. (2)~~, sub. (3) (a) and (b) and ~~(5)~~ ss. 440.922 and 440.924.

3 ***b2049/3.14* SECTION 3605oz.** 440.92 (9) (c) of the statutes is amended to read:

4 440.92 (9) (c) If the statement under par. (b) 3. includes a statement of
5 substantial compliance, the statement of substantial compliance must also specify
6 those instances when the employee or religious cemetery authority did not fully
7 comply with sub. ~~(2)~~, (3) (a) or (b) or ~~(5)~~ s. 440.922 or 440.924.

8 ***b2049/3.14* SECTION 3605qb.** 440.92 (9) (e) of the statutes is amended to
9 read:

10 440.92 (9) (e) During the effective period specified under par. (d), the
11 department may not audit the preneed trust funds or any records or accounts
12 relating to the preneed trust funds of the religious cemetery authority or any
13 employee of the cemetery to which a certification under this subsection applies.

14 ***b2049/3.14* SECTION 3605qd.** 440.92 (9) (f) of the statutes is amended to
15 read:

16 440.92 (9) (f) The church, synagogue, mosque, incorporated college of a
17 religious order, or religious society that is affiliated with a cemetery to which a
18 certification under this subsection applies is liable for the damages of any person
19 that result from the failure of any employee specified under par. (b) 2. or the religious
20 cemetery authority to fully comply with sub. ~~(2)~~, (3) (a) or (b) or ~~(5)~~ s. 440.922 or
21 440.924 during the 12-month period for which such compliance has been certified
22 under this subsection.

23 ***b2049/3.14* SECTION 3605qg.** 440.92 (10) of the statutes is amended to read:

24 440.92 (10) EXEMPTIONS; CERTAIN NONPROFIT CEMETERIES. This section does not
25 apply to a cemetery authority that is not required to be registered under s. 440.91

1 (1) and, that is not organized or conducted for pecuniary profit, and that does not
2 operate a cemetery in a county with a population greater than 600,000.

3 *b2049/3.14* SECTION 3605qh. 440.922 (1) (title) of the statutes is created to
4 read:

5 440.922 (1) (title) DELIVERY OF CEMETERY MERCHANDISE.

6 *b2049/3.14* SECTION 3605qhc. 440.922 (4) (title) of the statutes is created
7 to read:

8 440.922 (4) (title) PHYSICAL ALTERATION OF CEMETERY MERCHANDISE.

9 *b2049/3.14* SECTION 3605qhe. 440.922 (5) (title) of the statutes is created
10 to read:

11 440.922 (5) (title) UNDEVELOPED SPACE SALES.

12 *b2049/3.14* SECTION 3605qhg. 440.922 (6) (title) of the statutes is created
13 to read:

14 440.922 (6) (title) INTEREST ASSIGNMENTS.

15 *b2049/3.14* SECTION 3605qhj. 440.922 (8) (title) of the statutes is created to
16 read:

17 440.922 (8) (title) CONTRACT REQUIREMENTS.

18 *b2049/3.14* SECTION 3605qhk. 440.922 (10) (title) of the statutes is created
19 to read:

20 440.922 (10) (title) CONFLICTING PROVISIONS.

21 *b2049/3.14* SECTION 3605qj. 440.926 (1) (title) of the statutes is created to
22 read:

23 440.926 (1) (title) REPORTS.

24 *b2049/3.14* SECTION 3605qjd. 440.926 (2) (title) of the statutes is created to
25 read:

1 440.926 (2) (title) RECORDS.

2 *b2049/3.14* SECTION 3605qjf. 440.926 (3) (title) of the statutes is created to
3 read:

4 440.926 (3) (title) RULES.

5 *b2049/3.14* SECTION 3605qr. 440.93 (1) (b) of the statutes is amended to
6 read:

7 440.93 (1) (b) Made a substantial misrepresentation or false promise to an
8 individual to influence the individual to purchase a ~~cemetery lot~~, cemetery
9 merchandise or ~~mausoleum~~ a burial space.

10 *b2049/3.14* SECTION 3605qt. 440.93 (1) (c) of the statutes is amended to read:

11 440.93 (1) (c) Engaged in any practice relating to the operation or management
12 of a cemetery or the sale of a cemetery lot, cemetery merchandise or ~~mausoleum~~ a
13 burial space which clearly demonstrates a lack of knowledge or ability to apply
14 professional principles or skills.

15 *b2049/3.14* SECTION 3605qx. 440.93 (1) (d) of the statutes is amended to
16 read:

17 440.93 (1) (d) Subject to ss. 111.321, 111.322 and 111.335, ~~been convicted of an~~
18 ~~offense~~ Violated any law the circumstances of which substantially relate to the
19 operation or management of a cemetery or the sale of a cemetery lot, cemetery
20 merchandise or ~~mausoleum~~ a burial space. A certified copy of a judgment of
21 conviction is prima facie evidence of a violation.

22 *b2049/3.14* SECTION 3605qz. 440.93 (1) (f) of the statutes is amended to read:

23 440.93 (1) (f) Subject to ss. 111.321, 111.322, and 111.34, engaged in any
24 practice relating to the operation or management of a cemetery or the sale of a

1 eemetery lot, cemetery merchandise or ~~mauseoleum~~ a burial space while the person's
2 ability to practice was impaired by mental disease or defect or alcohol or other drugs.

3 ***b2049/3.14* SECTION 3605sb.** 440.93 (1) (g) of the statutes is amended to
4 read:

5 440.93 (1) (g) Violated this subchapter or subch. II of ch. 157, any rule
6 promulgated under this subchapter or subch. II of ch. 157, or any order of the
7 department.

8 ***b2049/3.14* SECTION 3605sd.** 440.93 (1m) of the statutes is created to read:

9 440.93 (1m) The department may, in addition to or in lieu of a reprimand or
10 revocation, limitation, suspension, or denial of a certificate of registration, assess
11 against a person registered under this subchapter who has done anything specified
12 in sub. (1) (a) to (g) a forfeiture of no more than \$5,000 for each separate offense. Each
13 day of continued violation constitutes a separate offense.

14 ***b2049/3.14* SECTION 3605sh.** 440.945 (1) (a) of the statutes is amended to
15 read:

16 440.945 (1) (a) "Installed" means permanently affixed to a ~~eemetery lot~~ burial
17 space.

18 ***b2049/3.14* SECTION 3605sj.** 440.945 (2) (a) of the statutes is amended to
19 read:

20 440.945 (2) (a) Adopt regulations, consistent with this section and with
21 standards that the cemetery authority uses for its own monument installations,
22 prescribing requirements and procedures for the sale, delivery, installation, or care
23 of monuments, including requirements that each vendor provide reasonable advance
24 notice to the cemetery authority of the date on which the vendor desires to install a
25 monument; that each vendor carry worker's compensation insurance and a

1 minimum amount of comprehensive general liability insurance, such minimum
2 amount not to exceed \$300,000; and that each owner of a ~~cemetery lot~~ burial space
3 pay all fees and other amounts due the cemetery authority to satisfy any
4 encumbrances pertaining to the ~~cemetery lot~~ burial space before a monument is
5 installed.

6 ***b2049/3.14* SECTION 3605sL.** 440.945 (2) (c) of the statutes is amended to
7 read:

8 440.945 (2) (c) Charge either the owner of a ~~cemetery lot~~ burial space or a
9 vendor a reasonable fee to cover the cemetery authority's labor costs. In this
10 paragraph, "labor costs" means the amount, calculated in accordance with generally
11 accepted accounting principles and practices, that is payable to employees of the
12 cemetery authority for wages and fringe benefits for the period that the employees
13 were engaged in marking the location for and inspecting the installation of the
14 monument to ensure that it was properly installed, and may include any general
15 administrative or overhead costs of the cemetery authority or any other costs that
16 are directly related to marking the location for and inspecting the installation of the
17 monument to ensure that it was properly installed.

18 ***b2049/3.14* SECTION 3605sn.** 440.945 (3) (a) (intro.) of the statutes is
19 amended to read:

20 440.945 (3) (a) (intro.) Every cemetery authority shall keep on file and make
21 available for inspection and copying to owners and prospective purchasers of
22 ~~cemetery lots~~ burial spaces and to other interested persons all of the following
23 information:

24 ***b2049/3.14* SECTION 3605sp.** 440.945 (4) (a) 1. of the statutes is amended to
25 read:

1 440.945 (4) (a) 1. Require the owner or purchaser of a ~~cemetery lot~~ burial space
2 to purchase a monument or services related to the installation of a monument from
3 the cemetery authority.

4 ***b2049/3.14* SECTION 3605sr.** 440.945 (4) (a) 2. of the statutes is amended to
5 read:

6 440.945 (4) (a) 2. Restrict the right of the owner or purchaser of a ~~cemetery lot~~
7 burial space to purchase a monument or services related to the installation of a
8 monument from the vendor of his or her choice.

9 ***b2049/3.14* SECTION 3605st.** 440.945 (4) (a) 3. of the statutes is amended to
10 read:

11 440.945 (4) (a) 3. Except as provided in sub. (2) (c), charge the owner or
12 purchaser of a ~~cemetery lot~~ burial space a fee for purchasing a monument or services
13 related to the installation of a monument from a vendor, or charge a vendor a fee for
14 delivering or installing the monument. Nothing in this subdivision shall be
15 construed to prohibit a cemetery authority from charging the owner or purchaser of
16 a ~~cemetery lot~~ burial space a reasonable fee for services relating to the care of a
17 monument.

18 ***b2049/3.14* SECTION 3605sv.** 440.945 (4) (a) 4. of the statutes is amended to
19 read:

20 440.945 (4) (a) 4. Discriminate against any owner or purchaser of a ~~cemetery~~
21 ~~lot~~ burial space who has purchased a monument or services related to the
22 installation of a monument from a vendor.

23 ***b2049/3.14* SECTION 3605ud.** 440.947 (1) (c) of the statutes is renumbered
24 440.90 (6g).

25 ***b2049/3.14* SECTION 3605uh.** 440.948 of the statutes is created to read:

1 **440.948 Burial agreements.** Any agreement for the purchase of a casket,
2 outer burial container not preplaced into the burial excavation of a grave, or
3 combination casket–outer burial container, that is not immediately required for the
4 burial or other disposition of human remains, is subject to the requirements of s.
5 445.125 (1).

6 ***b2049/3.14* SECTION 3605uv.** 440.95 (4) (c) of the statutes is amended to
7 read:

8 440.95 (4) (c) Fails to file a report or files an incomplete, false, or misleading
9 report under s. ~~440.92 (6)~~ 440.926.

10 ***b2049/3.14* SECTION 3605ux.** 440.95 (5) of the statutes is amended to read:

11 440.95 (5) Except as provided in sub. (4), any person who violates ~~s. ss.~~ 440.92
12 to 440.927 or any rule promulgated under ~~s. ss.~~ 440.92 to 440.927 may be required
13 to forfeit not more than \$200 for each offense. Each day of continued violation
14 constitutes a separate offense.”.

15 ***b0957/1.18* 1438.** Page 1156, line 7: after that line insert:

16 ***b0957/1.18* “SECTION 3619sd.** 560.036 (2) (a) of the statutes is amended to
17 read:

18 560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.854, 16.855 (10m), 16.87
19 (2), 18.16, 18.64, 18.77, 25.17 (59), 25.185, 34.05 (4), 38.18, 43.17 (9) (a), 59.52 (29)
20 (c), 59.57 (1) (b), 60.47 (7), 61.55 (3), 62.15 (1) (c), 66.0901 (6), 84.075, 84.076, 119.495
21 (2), 120.12 (27), 200.49, 200.57, 229.46, 229.70, 229.8273, 229.845, 231.27 and
22 232.05 (2) (d), 234.01 (4n) (a) 3m. d., 234.35, 234.65 (1) (g), 252.12 (2) (c) 2., 560.038,
23 560.039, and 560.80 to 560.85, the department shall establish and periodically
24 update a list of certified minority businesses, minority financial advisers, and

1 minority investment firms. Any business, financial adviser, or investment firm may
2 apply to the department for certification. For purposes of this paragraph, unless the
3 context otherwise requires, a “business” includes a financial adviser or investment
4 firm.

5 ***b0957/1.18* SECTION 3619sg.** 560.036 (3) (a) of the statutes is amended to
6 read:

7 560.036 (3) (a) The department shall promulgate rules establishing procedures
8 to implement sub. (2). Those rules shall include a rule prescribing a uniform
9 application form for certification under sub. (2).

10 ***b0957/1.18* SECTION 3619sj.** 560.036 (3) (c) of the statutes is amended to
11 read:

12 560.036 (3) (c) The department may promulgate rules establishing conditions
13 with which a business, financial adviser, or investment firm must comply to qualify
14 for certification, in addition to the qualifications specified under sub. (1) (e), (ep), and
15 (fm), respectively. Those rules may not require that a business, financial adviser, or
16 investment firm submit any income or franchise tax return to the department as a
17 condition for qualification for certification.

18 ***b0957/1.18* SECTION 3619sm.** 560.038 (1) (ar) of the statutes is amended to
19 read:

20 560.038 (1) (ar) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~
21 means a business that is certified by the department under s. 560.036 (2).

22 ***b0957/1.18* SECTION 3619sp.** 560.039 (1) (b) of the statutes is amended to
23 read:

24 560.039 (1) (b) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~
25 means a business that is certified by the department under s. 560.036 (2).”.

1 ***b2161/1.5* 1439.** Page 1156, line 7: after that line insert:

2 ***b2161/1.5*** “SECTION 3619w. 560.06 (2) of the statutes is amended to read:

3 560.06 (2) In each fiscal year ~~1999–2000~~, the department ~~may~~ shall provide up
4 to \$100,000 from the appropriations under s. 20.143 (1) (c) and (ie) in assistance to
5 ~~a~~ the nonprofit organization specified in sub. (1) that provides assistance to
6 organizations and individuals in urban areas. Notwithstanding sub. (1), the
7 department shall use the moneys authorized under this subsection in accordance
8 with the memorandum of understanding under sub. (1) and shall ensure that the
9 nonprofit organization provides assistance to organizations and individuals in an
10 area that includes the city of Beloit.”.

11 ***b2205/2.1* 1440.** Page 1156, line 7: delete that line and substitute:

12 ***b2205/2.1*** “SECTION 3619k. 560.031 (3) of the statutes, as created by 1997
13 Wisconsin Act 27, is renumbered 560.031 (3) (am).

14 ***b2205/2.1* SECTION 3619m.** 560.031 (3) (bc) of the statutes is created to read:

15 560.031 (3) (bc) In awarding grants, loans, and manufacturing rebates under
16 this subsection, the board shall give priority to projects that involve recovered
17 materials that constitute a relatively high volume of solid waste generated in this
18 state or that are hazardous to human health or the environment.

19 ***b2205/2.1* SECTION 3619n.** 560.031 (3) (cm) of the statutes is created to read:

20 560.031 (3) (cm) Annually, the board shall allocate up to \$200,000 in financial
21 assistance under this subsection for forgivable loans for projects that have
22 exceptional potential to meet one of the qualifying considerations under par. (am) 1.,
23 2., 3., or 4., but do not comply with the standard criteria established by the board or
24 department for meeting its fiduciary responsibilities in managing state resources.

1 ***b2205/2.1* SECTION 3619s.** 560.031 (6m) of the statutes is created to read:
2 560.031 **(6m)** Annually, in consultation with the council on recycling, the board
3 shall establish a list of materials recovered from solid waste for which the board may
4 award financial assistance.”.

5 ***b2176/1.7* 1441.** Page 1162, line 8: delete lines 8 to 10.

6 ***b1524/1.21* 1442.** Page 1162, line 10: after that line insert:

7 ***b1524/1.21* “SECTION 3649m.** 560.16 (6) (a) 3. of the statutes is amended to
8 read:

9 560.16 **(6)** (a) 3. A verified statement of the financial condition and business
10 operation of the existing business for the previous 3 years, certified by an
11 independent certified public accountant licensed or certified under ch. 442.”.

12 ***b2175/2.3* 1443.** Page 1162, line 11: delete lines 11 to 18 and substitute:

13 ***b2175/2.3* “SECTION 3650.** 560.165 (title) of the statutes is amended to read:

14 **560.165 (title) ~~Division of international and export development~~**
15 **International services; fees and assessments.**

16 ***b2175/2.3* SECTION 3651.** 560.165 of the statutes is renumbered 560.165 (1)
17 and amended to read:

18 560.165 **(1)** The division of international and export development may charge
19 fees for services it provides to cover the costs incurred by the division in providing
20 the services. The division shall ~~deposit all fees~~ credit all moneys collected under this
21 section in subsection to the appropriation account under s. 20.143 (1) (g).

22 ***b2175/2.3* SECTION 3652.** 560.165 (2) of the statutes is created to read:

23 560.165 **(2)** The department may assess a state agency on a premium basis for
24 the cost of services that are provided by the department’s international liaison and

1 that are requested by the state agency. Any premium charged by the department
2 under this section must be agreed to by the state agency paying the premium. The
3 department shall credit all moneys received from state agencies under this section
4 to the appropriation account under s. 20.143 (1) (k).”.

5 *b2090/2.1* **1444**. Page 1164, line 22: after that line insert:

6 *b2090/2.1* “**SECTION 3664m.** 560.172 of the statutes is created to read:

7 **560.172 Fire suppression grant program. (1) GRANTS.** (a) From the
8 appropriation under s. 20.143 (1) (n), the department of commerce shall award
9 grants to fire departments for up to 50% of the cost of acquiring fire suppression
10 equipment and materials.

11 (b) The department of commerce may not award more than \$250,000 in grants
12 per fiscal year under this section.

13 (2) **ELIGIBLE RECIPIENTS.** A fire department is eligible for grants under this
14 section if all of the following apply:

15 (a) The area in which the fire department provides fire protection and fire
16 prevention services has a population of less than 6,000 on the date on which the
17 application for the grant is submitted to the department of commerce.

18 (b) The fire department responds to all of the first alarms for structural fires
19 that are issued in the area described in par. (a).

20 (c) The fire department has entered into an agreement with at least one other
21 fire department to assist the latter fire department in the suppression of structural
22 fires.

1 **(3) ELIGIBLE EQUIPMENT AND MATERIALS.** (a) A recipient of a grant under this
2 section may use the grant proceeds to acquire, to the extent permitted under federal
3 law, any of the following fire suppression equipment or materials:

- 4 1. Protective equipment and fire resistant clothing.
- 5 2. Fire suppression tools and communication equipment.
- 6 3. Materials necessary for fire prevention training or information that is
7 provided by the recipient.
- 8 4. Fire suppression training equipment and materials.
- 9 5. Other equipment and materials as specified by rule by the department of
10 commerce.

11 (b) A recipient of a grant under this section may not use the grant proceeds to
12 acquire any of the following:

- 13 1. Buildings or vehicles.
- 14 2. Search and rescue or emergency medical equipment.
- 15 3. Equipment or materials that are used exclusively for suppressing forest
16 fires.

17 **(4) RULES.** The department of commerce shall promulgate rules establishing
18 criteria and procedures for awarding grants under this section. The rules shall
19 include a definition of “structural fire” for purposes of this section.”.

20 ***b2161/1.6* 1445.** Page 1171, line 13: delete lines 13 to 16 and substitute:

21 “560.25 **(2) GRANTS.** (intro.) Subject to ~~subs. sub. (4) and (5)~~, the department
22 may make a grant from the appropriation under s. 20.143 (1) (ko) and a grant of up
23 to \$500,000 in each fiscal year from the appropriation under s. 20.143 (1) (ie) to a

1 technology-based nonprofit organization to provide support for a manufacturing
2 extension center if all of the following apply:

3 ***b2161/1.6* SECTION 3692c.** 560.25 (2) (intro.) of the statutes, as affected by
4 2001 Wisconsin Act ... (this act), is amended to read:

5 560.25 (2) GRANTS. (intro.) Subject to sub. (4), the department may make a
6 grant from the appropriation under s. 20.143 (1) (ko) ~~and a grant of up to \$500,000~~
7 ~~in each fiscal year from the appropriation under s. 20.143 (1) (ie)~~ to a
8 technology-based nonprofit organization to provide support for a manufacturing
9 extension center if all of the following apply:”.

10 ***b2195/1.22* 1446.** Page 1173, line 1: delete “par. (b)” and substitute “pars.
11 (b) and (c)”.

12 ***b2196/3.17* 1447.** Page 1173, line 7: after “(e)” insert “and (f)”.

13 ***b2196/3.16* 1448.** Page 1173, line 7: delete “zone” and substitute “zones”.

14 ***b2195/1.23* 1449.** Page 1173, line 8: after that line insert:

15 ***b2195/1.23* SECTION 3700d.** 560.70 (7) (c) of the statutes is created to read:

16 560.70 (7) (c) In s. 560.798, “tax benefits” means the development zones capital
17 investment credit under ss. 71.07 (2dm), 71.28 (1dm), and 71.47 (1dm) and the
18 development zones credit under ss. 71.07 (2dx), 71.28 (1dx), and 71.47 (1dx).”.

19 ***b2196/3.18* 1450.** Page 1173, line 11: after that line insert:

20 ***b2196/3.18* SECTION 3701m.** 560.795 (1) (f) of the statutes is created to read:

21 560.795 (1) (f) For the Gateway Project, an area in the city of Beloit, the legal
22 description of which is provided to the department by the local governing body of the
23 city of Beloit.”.

1 ***b2196/3.19* 1451.** Page 1173, line 18: delete “and (e)” and substitute “.(e),
2 and (f)”.

3 ***b2196/3.20* 1452.** Page 1173, line 20: delete “designation of the area under
4 sub. (1) (e)” and substitute “designations of the areas under sub. (1) (e) and (f)”.

5 ***b2196/3.21* 1453.** Page 1173, line 24: after that line insert:

6 ***b2196/3.21* SECTION 3703m.** 560.795 (2) (b) 6. of the statutes is created to
7 read:

8 560.795 (2) (b) 6. The limit for tax benefits for the development opportunity
9 zone under sub. (1) (f) is \$4,700,000.

10 ***b2196/3.21* SECTION 3703p.** 560.795 (2) (c) of the statutes is amended to
11 read:

12 560.795 (2) (c) Annually, the department shall estimate the amount of forgone
13 state revenue because of tax benefits claimed by corporations or persons in each
14 development opportunity zone.”.

15 ***b2196/3.22* 1454.** Page 1173, line 25: after that line insert:

16 “560.795 (3) (a) 4. Any person that is conducting or that intends to conduct
17 economic activity in a development opportunity zone under sub. (1) (e) and that, in
18 conjunction with the local governing body of the city in which the development
19 opportunity zone is located, submits a project plan as described in par. (b) to the
20 department shall be entitled to claim tax benefits while the area is designated as a
21 development opportunity zone.

22 ***b2196/3.22* SECTION 3704c.** 560.795 (3) (a) 5. of the statutes is created to
23 read:”.

24 ***b2196/3.23* 1455.** Page 1174, line 1: delete “4.” and substitute “5.”.

1 ***b2196/3.24* 1456.** Page 1174, line 2: delete “(e)” and substitute “(f)”.

2 ***b2196/3.25* 1457.** Page 1174, line 6: after that line insert:

3 ***b2196/3.25* “SECTION 3704e.** 560.795 (3) (b) 1. of the statutes is amended to
4 read:

5 560.795 (3) (b) 1. The name and address of the corporation’s or person’s
6 business for which tax benefits will be claimed.

7 ***b2196/3.25* SECTION 3704f.** 560.795 (3) (b) 2. of the statutes is amended to
8 read:

9 560.795 (3) (b) 2. The appropriate federal tax identification number of the
10 corporation or person.

11 ***b2196/3.25* SECTION 3704g.** 560.795 (3) (b) 3. of the statutes is amended to
12 read:

13 560.795 (3) (b) 3. The names and addresses of other locations outside of the
14 development opportunity zone where the corporation or person conducts business
15 and a description of the business activities conducted at those locations.

16 ***b2196/3.25* SECTION 3704h.** 560.795 (3) (b) 4. of the statutes is amended to
17 read:

18 560.795 (3) (b) 4. The amount that the corporation or person proposes to invest
19 in a business, or spend on the construction, rehabilitation, repair, or remodeling of
20 a building, located within the development opportunity zone.

21 ***b2196/3.25* SECTION 3704i.** 560.795 (3) (b) 5. of the statutes is amended to
22 read:

23 560.795 (3) (b) 5. The estimated total investment of the corporation or person
24 in the development opportunity zone.

1 ***b2196/3.25* SECTION 3704j.** 560.795 (3) (b) 6. of the statutes is amended to
2 read:

3 560.795 (3) (b) 6. The number of full-time jobs that will be created, retained,
4 or substantially upgraded as a result of the corporation's or person's economic
5 activity in relation to the amount of tax benefits estimated for the corporation or
6 person.

7 ***b2196/3.25* SECTION 3704k.** 560.795 (3) (b) 7. of the statutes is amended to
8 read:

9 560.795 (3) (b) 7. The corporation's or person's plans to make reasonable
10 attempts to hire employees from the targeted population.

11 ***b2196/3.25* SECTION 3704L.** 560.795 (3) (b) 8. of the statutes is amended to
12 read:

13 560.795 (3) (b) 8. A description of the commitment of the local governing body
14 of the city in which the development opportunity zone is located to the corporation's
15 or person's project.”.

16 ***b2196/3.26* 1458.** Page 1174, line 9: after “corporations” insert “or
17 persons”.

18 ***b2196/3.27* 1459.** Page 1174, line 16: delete “corporation to” and substitute
19 “corporation or person to”.

20 ***b2196/3.28* 1460.** Page 1174, line 16: delete “corporation does” and
21 substitute “corporation or person does”.

22 ***b2196/3.29* 1461.** Page 1174, line 21: after “(e)” insert “or (f)”.

23 ***b2196/3.30* 1462.** Page 1174, line 24: after “(e)” insert “or (f)”.

24 ***b2196/3.31* 1463.** Page 1175, line 20: after “(e)” insert “or (f)”.

1 ***b2195/1.24* 1464.** Page 1175, line 24: after that line insert:

2 ***b2195/1.24* "SECTION 3708m.** 560.798 of the statutes is created to read:

3 **560.798 Agricultural development zone.** (1) In this section, "rural
4 municipality" means any of the following:

5 (a) A city, town, or village that is located in a county with a population density
6 of less than 150 persons per square mile.

7 (b) A city, town, or village with a population of 6,000 or less.

8 (2) (a) The department may, with the approval of the joint committee on
9 finance, designate one area in the state as an agricultural development zone. The
10 area must be located in a rural municipality. An agricultural business that is located
11 in an agricultural development zone and that is certified by the department under
12 sub. (3) is eligible for tax benefits as provided in sub. (3).

13 (b) The designation of an area as an agricultural development zone shall be in
14 effect for 10 years from the time that the department first designates the area.
15 However, not more than \$5,000,000 in tax benefits may be claimed in an agricultural
16 development zone. The department may change the boundaries of an agricultural
17 development zone during the time that its designation is in effect. A change in the
18 boundaries of an agricultural development zone does not affect the duration of the
19 designation of the area or the maximum tax benefit amount that may be claimed in
20 the agricultural development zone.

21 (3) (a) The department may certify for tax benefits in an agricultural
22 development zone a new or expanding agricultural business that is located in the
23 agricultural development zone. In determining whether to certify a business under

1 this subsection, the department shall consider, among other things, the number of
2 jobs that will be created or retained by the business.

3 (b) When the department certifies an agricultural business under this
4 subsection, the department shall establish a limit on the amount of tax benefits that
5 the business may claim. The department shall enter into an agreement with the
6 business that specifies the limit on the amount of tax benefits that the business may
7 claim and reporting requirements with which the business must comply.

8 (4) (a) The department of commerce shall notify the department of revenue of
9 all the following:

10 1. An agricultural development zone's designation.

11 2. A business' certification and the limit on the amount of tax benefits that the
12 business may claim.

13 3. The revocation of a business' certification.

14 (b) The department shall annually verify information submitted to the
15 department under s. 71.07 (2dm) or (2dx), 71.28 (1dm) or (1dx), or 71.47 (1dm) or
16 (1dx).

17 (5) The department shall promulgate rules for the operation of this section,
18 including rules related to all the following:

19 (a) Criteria for designating an area as an agricultural development zone.

20 (b) Criteria for certifying a business for tax benefits.

21 (c) Standards for establishing the limit on the amount of tax benefits that a
22 business may claim.

23 (d) Reporting requirements for certified businesses.

24 (e) The exchange of information between the department of commerce and the
25 department of revenue.

1 (f) Reasons for revoking a business' certification.

2 (g) Standards for changing the boundaries of an agricultural development
3 zone.”.

4 *b0957/1.19* **1465**. Page 1176, line 12: after that line insert:

5 *b0957/1.19* “SECTION 3710j. 560.80 (8) of the statutes is amended to read:

6 560.80 (8) “Minority business” means a ~~minority business, as defined in s.~~
7 560.036 (1) (e), business certified by the department under s. 560.036 (2) that has its
8 principal place of business in this state.”.

9 *b2195/1.25* **1466**. Page 1176, line 20: delete that line and substitute “under
10 s. 71.07 (2di), (2dm), (2dx), or (3g), 71.28 (1di), (1dm), (1dx), or (3g), or 71.47 (1di),
11 (1dm), (1dx), or (3g).”.

12 *b2195/1.26* **1467**. Page 1176, line 21: delete lines 21 to 23 and substitute:

13 “(2) (a) The department may, with the approval of the joint committee on
14 finance, designate up to 8 areas in the state as technology zones. A business that is
15 located in a technology zone and”.

16 *b2195/1.27* **1468**. Page 1177, line 3: delete “\$3,000,000” and substitute
17 “\$5,000,000”.

18 *b2195/1.28* **1469**. Page 1178, line 17: delete that line and substitute
19 “department under ss. 71.07 (2di), (2dm), (2dx), and (3g), 71.28 (1di), (1dm), (1dx),
20 and (3g), and 71.47 (1di), (1dm), (1dx), and (3g).”.

21 *b2031/1.7* **1470**. Page 1179, line 19: after that line insert:

22 *b2031/1.7* “SECTION 3713jm. 562.065 (4) of the statutes is amended to read:

23 562.065 (4) UNCLAIMED PRIZES. Any A licensee under s. 562.05 (1) (b) shall pay
24 to the department 50% of any winnings on a race which that are not claimed within

1 90 days after the end of the period authorized for racing in that year under s. 562.05
2 (9) ~~shall be paid to the department.~~ The department shall credit moneys received
3 under this subsection to the appropriation accounts under ss. 20.455 (2) (g) and
4 20.505 (8) (g). The licensee may retain the remaining 50% of the winnings.”

5 *b1293/2.1* **1471.** Page 1180, line 21: after that line insert:

6 *b1293/2.1* **SECTION 3737m.** 601.73 (2) (c) of the statutes is amended to read:
7 601.73 (2) (c) *Default judgment.* No plaintiff or complainant is entitled to a
8 judgment by default in any proceeding in which process is served under this section
9 and s. 601.72 until the expiration of 45 days after the date of mailing of the process
10 under par. (b). If the proceeding is to foreclose or otherwise enforce a lien or security
11 interest, the plaintiff or complainant is not entitled to a judgment by default under
12 this paragraph until the expiration of 20 days after the date of mailing of the process
13 under par. (b).”

14 *b1515/4.2* **1472.** Page 1180, line 21: after that line insert:

15 *b1515/4.2* **SECTION 3741amc.** Chapter 609 (title) of the statutes is amended
16 to read:

17 CHAPTER 609

18 ~~MANAGED CARE DEFINED NETWORK PLANS~~

19 *b1515/4.2* **SECTION 3741amg.** 609.01 (1d) of the statutes is amended to read:
20 609.01 (1d) “Enrollee” means, with respect to a ~~managed care~~ defined network
21 plan, preferred provider plan, or limited service health organization, a person who
22 is entitled to receive health care services under the plan.

23 *b1515/4.2* **SECTION 3741amp.** 609.01 (3c) of the statutes is renumbered
24 609.01 (1b) and amended to read:

1 609.01 (1b) “~~Managed care~~ Defined network plan” means a health benefit plan
2 that requires an enrollee of the health benefit plan, or creates incentives, including
3 financial incentives, for an enrollee of the health benefit plan, to use providers that
4 are managed, owned, under contract with, or employed by the insurer offering the
5 health benefit plan.

6 ***b1515/4.2* SECTION 3741amt.** 609.01 (3m) of the statutes is amended to read:

7 609.01 (3m) “Participating” means, with respect to a physician or other
8 provider, under contract with a ~~managed care~~ defined network plan, preferred
9 provider plan, or limited service health organization to provide health care services,
10 items or supplies to enrollees of the ~~managed care~~ defined network plan, preferred
11 provider plan, or limited service health organization.

12 ***b1515/4.2* SECTION 3741bmg.** 609.01 (4) of the statutes is amended to read:

13 609.01 (4) “Preferred provider plan” means a health care plan offered by an
14 organization established under ch. 185, 611, 613, or 614 or issued a certificate of
15 authority under ch. 618 that makes available to its enrollees, without referral and
16 for consideration other than predetermined periodic fixed payments, coverage of
17 either comprehensive health care services or a limited range of health care services,
18 regardless of whether the health care services are performed by participating or
19 nonparticipating providers participating in the plan.

20 ***b1515/4.2* SECTION 3741bmp.** 609.01 (5) of the statutes is amended to read:

21 609.01 (5) “Primary provider” means a participating primary care physician,
22 or other participating provider authorized by the ~~managed care~~ defined network
23 plan, preferred provider plan, or limited service health organization to serve as a
24 primary provider, who coordinates and may provide ongoing care to an enrollee.

25 ***b1515/4.2* SECTION 3741bmt.** 609.05 (1) of the statutes is amended to read:

1 609.05 (1) Except as provided in subs. (2) and (3), a limited service health
2 organization, preferred provider plan, or ~~managed care~~ defined network plan shall
3 permit its enrollees to choose freely among participating providers.

4 ***b1515/4.2* SECTION 3741cmg.** 609.05 (2) of the statutes is amended to read:

5 609.05 (2) Subject to s. 609.22 (4) and (4m), a limited service health
6 organization, preferred provider plan, or ~~managed care~~ defined network plan may
7 require an enrollee to designate a primary provider and to obtain health care services
8 from the primary provider when reasonably possible.

9 ***b1515/4.2* SECTION 3741cmp.** 609.05 (3) of the statutes is amended to read:

10 609.05 (3) Except as provided in ss. 609.22 (4m), 609.65, and 609.655, a limited
11 service health organization, preferred provider plan, or ~~managed care~~ defined
12 network plan may require an enrollee to obtain a referral from the primary provider
13 designated under sub. (2) to another participating provider prior to obtaining health
14 care services from that participating provider.

15 ***b1515/4.2* SECTION 3741cmr.** 609.10 (5) of the statutes is amended to read:

16 609.10 (5) The commissioner may establish by rule standards in addition to
17 ~~these~~ any established under s. 609.20 for what constitutes adequate notice and
18 complete and understandable information under sub. (1) (c).

19 ***b1515/4.2* SECTION 3741cmt.** 609.17 of the statutes is amended to read:

20 **609.17 Reports of disciplinary action.** Every limited service health
21 organization, preferred provider plan, and ~~managed care~~ defined network plan shall
22 notify the medical examining board or appropriate affiliated credentialing board
23 attached to the medical examining board of any disciplinary action taken against a
24 participating provider who holds a license or certificate granted by the board or
25 affiliated credentialing board.

1 ***b1515/4.2* SECTION 3741dmg.** 609.20 (title) of the statutes is amended to
2 read:

3 **609.20** (title) **Rules for preferred provider and managed-care defined**
4 **network plans.**

5 ***b1515/4.2* SECTION 3741dmp.** 609.20 (intro.) of the statutes is renumbered
6 609.20 (1m) (intro.) and amended to read:

7 609.20 (1m) (intro.) The commissioner shall may promulgate rules relating to
8 preferred provider plans and ~~managed-care~~ defined network plans for ~~all~~ any of the
9 following purposes, as appropriate:

10 ***b1515/4.2* SECTION 3741dmt.** 609.20 (1) of the statutes is renumbered
11 609.20 (1m) (a).

12 ***b1515/4.2* SECTION 3741emg.** 609.20 (2) of the statutes is renumbered
13 609.20 (1m) (b).

14 ***b1515/4.2* SECTION 3741emp.** 609.20 (2m) of the statutes is created to read:

15 609.20 (2m) Any rule promulgated under this chapter shall recognize the
16 differences between preferred provider plans and other types of defined network
17 plans, take into account the fact that preferred provider plans provide coverage for
18 the services of nonparticipating providers, and be appropriate to the type of plan to
19 which the rule applies.

20 ***b1515/4.2* SECTION 3741emt.** 609.20 (3) of the statutes, as affected by 1999
21 Wisconsin Act 9, is renumbered 609.20 (1m) (c).

22 ***b1515/4.2* SECTION 3741fmg.** 609.20 (4) of the statutes, as affected by 2001
23 Wisconsin Act 9, is renumbered 609.20 (1m) (d).

24 ***b1515/4.2* SECTION 3741fmp.** 609.22 (1) of the statutes is amended to read:

1 609.22 (1) PROVIDERS. A ~~managed care~~ defined network plan shall include a
2 sufficient number, and sufficient types, of qualified providers to meet the anticipated
3 needs of its enrollees, with respect to covered benefits, as appropriate to the type of
4 plan and consistent with normal practices and standards in the geographic area.

5 ***b1515/4.2* SECTION 3741fmt.** 609.22 (2) of the statutes is amended to read:

6 609.22 (2) ADEQUATE CHOICE. A ~~managed care~~ defined network plan that is not
7 a preferred provider plan shall ensure that, with respect to covered benefits, each
8 enrollee has adequate choice among participating providers and that the providers
9 are accessible and qualified.

10 ***b1515/4.2* SECTION 3741gmg.** 609.22 (3) of the statutes is amended to read:

11 609.22 (3) PRIMARY PROVIDER SELECTION. A ~~managed care~~ defined network plan
12 that is not a preferred provider plan shall permit each enrollee to select his or her
13 own primary provider from a list of participating primary care physicians and any
14 other participating providers that are authorized by the ~~managed care~~ defined
15 network plan to serve as primary providers. The list shall be updated on an ongoing
16 basis and shall include a sufficient number of primary care physicians and any other
17 participating providers authorized by the plan to serve as primary providers who are
18 accepting new enrollees.

19 ***b1515/4.2* SECTION 3741gmp.** 609.22 (4) (a) 1. of the statutes is amended to
20 read:

21 609.22 (4) (a) 1. If a ~~managed care~~ defined network plan that is not a preferred
22 provider plan requires a referral to a specialist for coverage of specialist services, the
23 ~~managed care~~ defined network plan that is not a preferred provider plan shall
24 establish a procedure by which an enrollee may apply for a standing referral to a

1 specialist. The procedure must specify the criteria and conditions that must be met
2 in order for an enrollee to obtain a standing referral.

3 ***b1515/4.2* SECTION 3741gmt.** 609.22 (4) (a) 2. of the statutes is amended to
4 read:

5 609.22 (4) (a) 2. A ~~managed care~~ defined network plan that is not a preferred
6 provider plan may require the enrollee's primary provider to remain responsible for
7 coordinating the care of an enrollee who receives a standing referral to a specialist.
8 A ~~managed care~~ defined network plan that is not a preferred provider plan may
9 restrict the specialist from making any secondary referrals without prior approval
10 by the enrollee's primary provider. If an enrollee requests primary care services from
11 a specialist to whom the enrollee has a standing referral, the specialist, in agreement
12 with the enrollee and the enrollee's primary provider, may provide primary care
13 services to the enrollee in accordance with procedures established by the ~~managed~~
14 care defined network plan that is not a preferred provider plan.

15 ***b1515/4.2* SECTION 3741hmg.** 609.22 (4) (a) 3. of the statutes is amended to
16 read:

17 609.22 (4) (a) 3. A ~~managed care~~ defined network plan that is not a preferred
18 provider plan must include information regarding referral procedures in policies or
19 certificates provided to enrollees and must provide such information to an enrollee
20 or prospective enrollee upon request.

21 ***b1515/4.2* SECTION 3741hmp.** 609.22 (4m) (a) of the statutes is amended to
22 read:

23 609.22 (4m) (a) A ~~managed care~~ defined network plan that provides coverage
24 of obstetric or gynecologic services may not require a female enrollee of the ~~managed~~
25 care defined network plan to obtain a referral for covered obstetric or gynecologic

1 benefits provided by a participating provider who is a physician licensed under ch.
2 448 and who specializes in obstetrics and gynecology, regardless of whether the
3 participating provider is the enrollee's primary provider. Notwithstanding sub. (4),
4 the ~~managed care~~ defined network plan may not require the enrollee to obtain a
5 standing referral under the procedure established under sub. (4) (a) for covered
6 obstetric or gynecologic benefits.

7 ***b1515/4.2* SECTION 3741hmt.** 609.22 (4m) (b) (intro.) of the statutes is
8 amended to read:

9 609.22 (4m) (b) (intro.) A ~~managed care~~ defined network plan under par. (a)
10 may not do any of the following:

11 ***b1515/4.2* SECTION 3741img.** 609.22 (4m) (c) of the statutes is amended to
12 read:

13 609.22 (4m) (c) A ~~managed care~~ defined network plan under par. (a) shall
14 provide written notice of the requirement under par. (a) in every policy or group
15 certificate issued by the ~~managed care~~ defined network plan.

16 ***b1515/4.2* SECTION 3741imp.** 609.22 (5) of the statutes is amended to read:

17 609.22 (5) SECOND OPINIONS. A ~~managed care~~ defined network plan shall
18 provide an enrollee with coverage for a 2nd opinion from another participating
19 provider.

20 ***b1515/4.2* SECTION 3741imt.** 609.22 (6) (intro.) of the statutes is amended
21 to read:

22 609.22 (6) EMERGENCY CARE. (intro.) Notwithstanding s. 632.85, if a ~~managed~~
23 ~~care~~ defined network plan provides coverage of emergency services, with respect to
24 covered benefits, the ~~managed care~~ defined network plan shall do all of the following:

25 ***b1515/4.2* SECTION 3741jmg.** 609.22 (7) of the statutes is amended to read:

1 609.22 (7) TELEPHONE ACCESS. A ~~managed-care~~ defined network plan that is not
2 a preferred provider plan shall provide telephone access for sufficient time during
3 business and evening hours to ensure that enrollees have adequate access to routine
4 health care services for which coverage is provided under the plan. A ~~managed-care~~
5 defined network plan that is not a preferred provider plan shall provide 24-hour
6 telephone access to the plan or to a participating provider for emergency care, or
7 authorization for care, for which coverage is provided under the plan.

8 ***b1515/4.2* SECTION 3741jmp.** 609.22 (8) of the statutes is amended to read:

9 609.22 (8) ACCESS PLAN FOR CERTAIN ENROLLEES. A ~~managed-care~~ defined
10 network plan shall develop an access plan to meet the needs, with respect to covered
11 benefits, of its enrollees who are members of underserved populations. If a
12 significant number of enrollees of the plan customarily use languages other than
13 English, the ~~managed-care~~ defined network plan shall provide access to translation
14 services fluent in those languages to the greatest extent possible.

15 ***b1515/4.2* SECTION 3741jmt.** 609.24 (1) (a) (intro.) of the statutes is amended
16 to read:

17 609.24 (1) (a) (intro.) Subject to pars. (b) and (c) and except as provided in par.
18 (d), a ~~managed-care~~ defined network plan shall, with respect to covered benefits,
19 provide coverage to an enrollee for the services of a provider, regardless of whether
20 the provider is a participating provider at the time the services are provided, if the
21 ~~managed-care~~ defined network plan represented that the provider was, or would be,
22 a participating provider in marketing materials that were provided or available to
23 the enrollee at any of the following times:

24 ***b1515/4.2* SECTION 3741kmg.** 609.24 (1) (b) (intro.) of the statutes is
25 amended to read:

1 609.24 (1) (b) (intro.) Except as provided in par. (d), a ~~managed-care~~ defined
2 network plan shall provide the coverage required under par. (a) with respect to the
3 services of a provider who is a primary care physician for the following period of time:

4 ***b1515/4.2* SECTION 3741kmp.** 609.24 (1) (c) (intro.) of the statutes is
5 amended to read:

6 609.24 (1) (c) (intro.) Except as provided in par. (d), if an enrollee is undergoing
7 a course of treatment with a participating provider who is not a primary care
8 physician and whose participation with the plan terminates, the ~~managed-care~~
9 defined network plan shall provide the coverage under par. (a) with respect to the
10 services of the provider for the following period of time:

11 ***b1515/4.2* SECTION 3741kmt.** 609.24 (1) (d) 1. of the statutes is amended to
12 read:

13 609.24 (1) (d) 1. The provider no longer practices in the ~~managed-care~~ defined
14 network plan's geographic service area.

15 ***b1515/4.2* SECTION 3741Lmg.** 609.24 (1) (d) 2. of the statutes is amended to
16 read:

17 609.24 (1) (d) 2. The insurer issuing the ~~managed-care~~ defined network plan
18 terminates or terminated the provider's contract for misconduct on the part of the
19 provider.

20 ***b1515/4.2* SECTION 3471Lmp.** 609.24 (1) (e) 1. of the statutes is amended to
21 read:

22 609.24 (1) (e) 1. An insurer issuing a ~~managed-care~~ defined network plan shall
23 include in its provider contracts provisions addressing reimbursement to providers
24 for services rendered under this section.

1 ***b1515/4.2* SECTION 3741Lmt.** 609.24 (1) (e) 2. of the statutes is amended to
2 read:

3 609.24 (1) (e) 2. If a contract between a ~~managed care~~ defined network plan and
4 a provider does not address reimbursement for services rendered under this section,
5 the insurer shall reimburse the provider according to the most recent contracted
6 rate.

7 ***b1515/4.2* SECTION 3741mmb.** 609.24 (4) of the statutes is created to read:

8 609.24 (4) NOTICE OF PROVISIONS. A defined network plan shall notify all plan
9 enrollees of the provisions under this section whenever a participating provider's
10 participation with the plan terminates, or shall, by contract, require a participating
11 provider to notify all plan enrollees of the provisions under this section if the
12 participating provider's participation with the plan terminates.

13 ***b1515/4.2* SECTION 3741mmd.** 609.30 (1) of the statutes is amended to read:

14 609.30 (1) PLAN MAY NOT CONTRACT. A ~~managed care~~ defined network plan may
15 not contract with a participating provider to limit the provider's disclosure of
16 information, to or on behalf of an enrollee, about the enrollee's medical condition or
17 treatment options.

18 ***b1515/4.2* SECTION 3741mmf.** 609.30 (2) of the statutes is amended to read:

19 609.30 (2) PLAN MAY NOT PENALIZE OR TERMINATE. A participating provider may
20 discuss, with or on behalf of an enrollee, all treatment options and any other
21 information that the provider determines to be in the best interest of the enrollee.
22 A ~~managed care~~ defined network plan may not penalize or terminate the contract of
23 a participating provider because the provider makes referrals to other participating
24 providers or discusses medically necessary or appropriate care with or on behalf of
25 an enrollee.

1 ***b1515/4.2* SECTION 3741mmh.** 609.32 (1) (intro.) of the statutes is amended
2 to read:

3 609.32 (1) ~~STANDARDS; OTHER THAN PREFERRED PROVIDER PLANS.~~ (intro.) A
4 ~~managed-care~~ defined network plan that is not a preferred provider plan shall
5 develop comprehensive quality assurance standards that are adequate to identify,
6 evaluate, and remedy problems related to access to, and continuity and quality of,
7 care. The standards shall include at least all of the following:

8 ***b1515/4.2* SECTION 3741mmj.** 609.32 (1m) of the statutes is created to read:

9 609.32 (1m) ~~PROCEDURE FOR REMEDIAL ACTION; PREFERRED PROVIDER PLANS.~~ A
10 preferred provider plan shall develop a procedure for remedial action to address
11 quality problems, including written procedures for taking appropriate corrective
12 action.

13 ***b1515/4.2* SECTION 3741mmn.** 609.32 (2) (a) of the statutes is amended to
14 read:

15 609.32 (2) (a) ~~A managed-care~~ defined network plan shall develop a process for
16 selecting participating providers, including written policies and procedures that the
17 plan uses for review and approval of providers. After consulting with appropriately
18 qualified providers, the plan shall establish minimum professional requirements for
19 its participating providers. The process for selection shall include verification of a
20 provider's license or certificate, including the history of any suspensions or
21 revocations, and the history of any liability claims made against the provider.

22 ***b1515/4.2* SECTION 3741mmp.** 609.32 (2) (b) (intro.) of the statutes is
23 amended to read:

24 609.32 (2) (b) (intro.) A ~~managed-care~~ defined network plan shall establish in
25 writing a formal, ongoing process for reevaluating each participating provider

1 within a specified number of years after the provider's initial acceptance for
2 participation. The reevaluation shall include all of the following:

3 ***b1515/4.2* SECTION 3741mmr.** 609.32 (2) (c) of the statutes is amended to
4 read:

5 609.32 (2) (c) A ~~managed-care~~ defined network plan may not require a
6 participating provider to provide services that are outside the scope of his or her
7 license or certificate.

8 ***b1515/4.2* SECTION 3741mmt.** 609.34 of the statutes is renumbered 609.34
9 (1) and amended to read:

10 609.34 (1) A ~~managed-care~~ defined network plan that is not a preferred
11 provider plan shall appoint a physician as medical director. The medical director
12 shall be responsible for clinical protocols, quality assurance activities, and
13 utilization management policies of the plan.

14 ***b1515/4.2* SECTION 3741mmx.** 609.34 (2) of the statutes is created to read:

15 609.34 (2) A preferred provider plan may contract for services related to clinical
16 protocols and utilization management. A preferred provider plan or its designee is
17 required to appoint a medical director only to the extent that the preferred provider
18 plan or its designee assumes direct responsibility for clinical protocols and
19 utilization management policies of the plan. The medical director, who shall be a
20 physician, shall be responsible for such protocols and policies of the plan.

21 ***b1515/4.2* SECTION 3741mmy.** 609.35 of the statutes is created to read:

22 **609.35 Applicability of requirements to preferred provider plans.**

23 Notwithstanding ss. 609.22 (2), (3), (4), and (7), 609.32 (1), and 609.34 (1), a preferred
24 provider plan that does not cover the same services when performed by a
25 nonparticipating provider that it covers when those services are performed by a