

1 s. 119.71 and the early childhood education programs under s. 119.72 in meeting the
2 needs of disadvantaged children. Annually by January 1, the board shall submit a
3 report summarizing its findings to the state superintendent and to the chief clerk of
4 each house of the legislature for distribution to the appropriate standing committees
5 under s. 13.172 (3).

6 ***-1752/3.49* SECTION 1963.** 119.80 of the statutes is repealed.

7 ***-1752/3.50* SECTION 1964.** 119.82 (1) (a) of the statutes is renumbered 119.82
8 (1m).

9 ***-1752/3.51* SECTION 1965.** 119.82 (1) (b) of the statutes is renumbered 119.82
10 (2m) and amended to read:

11 119.82 (2m) Programs under par. (a) sub. (1m) shall be designed to meet the
12 high school graduation requirements under s. 118.33.

13 ***-1752/3.52* SECTION 1966.** 119.82 (2) of the statutes is repealed.

14 ***-1752/3.53* SECTION 1967.** 119.82 (3) of the statutes is repealed.

15 ***-1752/3.54* SECTION 1968.** 119.82 (5) of the statutes is repealed.

16 ***-0666/9.99* SECTION 1969.** 120.18 (1) (i) of the statutes is amended to read:

17 120.18 (1) (i) A description of the educational technology used by the school
18 district, including the uses made of the technology, the cost of the technology, and the
19 number of persons using or served by the technology. In this paragraph, “educational
20 technology” has the meaning given in s. 44.70 115.997 (3).

21 ***-1599/1.7* SECTION 1970.** 121.007 of the statutes is amended to read:

22 **121.007 Use of state aid; exemption from execution.** All moneys paid to
23 a school district under s. 20.255 (2) (ac), (bc), (cg), and (cr), and (r) shall be used by
24 the school district solely for the purposes for which paid. Such moneys are exempt
25 from execution, attachment, garnishment, or other process in favor of creditors,

1 except as to claims for salaries or wages of teachers and other school employees and
2 as to claims for school materials, supplies, fuel, and current repairs.

3 ***-1599/1.8* SECTION 1971.** 121.07 (7) (b) of the statutes is amended to read:

4 121.07 (7) (b) The “secondary guaranteed valuation per member” is an amount,
5 rounded to the next lower dollar, that, after subtraction of payments under ss. 121.09
6 and 121.85 (6) (b) 2. and 3. and (c), fully distributes an amount equal to the amount
7 remaining in the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) ~~plus~~
8 \$75,000,000 in the 1997–98 school year and \$100,000,000 in the 1998–99 school year
9 for payments under ss. 121.08, 121.105, 121.85 (6) (a) and (g) and 121.86 and (r).

10 ***-1558/3.1* SECTION 1972.** 121.08 (2) of the statutes is amended to read:

11 121.08 (2) The aid computed under sub. (1) shall be reduced by the sum of the
12 amount by which the school district equalized valuation exceeds the secondary
13 guaranteed valuation, multiplied by the secondary required levy rate, and the
14 amount by which the school district equalized valuation exceeds the tertiary
15 guaranteed valuation, multiplied by the tertiary required levy rate. In no case may
16 the aid under this section be less than ~~the amount under sub. (1) (a)~~ zero.

17 ***-1599/1.9* SECTION 1973.** 121.08 (4) (a) (intro.) of the statutes is amended to
18 read:

19 121.08 (4) (a) (intro.) The amount of state aid that a school district is eligible
20 to be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) ~~and (r)~~ shall
21 be reduced by the amount determined as follows:

22 ***-1599/1.10* SECTION 1974.** 121.08 (4) (a) 2. of the statutes is amended to read:

23 121.08 (4) (a) 2. Divide the sum under subd. 1. by the total amount of state aid
24 that all school districts are eligible to be paid from the ~~appropriation~~ appropriations

1 under s. 20.255 (2) (ac) and (r), calculated as if the reduction under par. (b) had not
2 occurred.

3 ***-1599/1.11* SECTION 1975.** 121.08 (4) (a) 3. of the statutes is amended to read:

4 121.08 (4) (a) 3. Multiply the amount of state aid that the school district is
5 eligible to be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and
6 (r), calculated as if the reduction under par. (b) had not occurred, by the quotient
7 under subd. 2.

8 ***-1599/1.12* SECTION 1976.** 121.08 (4) (b) of the statutes is amended to read:

9 121.08 (4) (b) The amount of state aid that the school district operating under
10 ch. 119 is eligible to be paid from the ~~appropriation~~ appropriations under s. 20.255
11 (2) (ac) and (r) shall also be reduced by 45% of the amounts paid under s. 119.23 (4)
12 and (4m) in the current school year.

13 ***-1767/3.59* SECTION 1977.** 121.09 (1) of the statutes is amended to read:

14 121.09 (1) If, on or after July 1, 1980, the office of the commissioner of tax
15 ~~appeals commission~~ or a court makes a final redetermination on the assessment of
16 property subject to taxation under s. 70.995 that is lower than the previous
17 assessment, or if, on or after January 1, 1982, the state board of assessors makes a
18 final redetermination on the assessment of property subject to taxation under s.
19 70.995 that is lower than the previous assessment, the school board of the school
20 district in which the property is located may, within 4 years after the date of the
21 determination, decision, or judgment, file the determination of the state board of
22 assessors, the decision of the office of the commissioner of tax appeals commission,
23 or the judgment of the court with the state superintendent, requesting an
24 adjustment in state aid to the school district. If the state superintendent determines
25 that the determination, decision, or judgment is final and that it has been filed

1 within the 4-year period, the state shall pay to the school district in the subsequent
2 fiscal year, from the appropriation under s. 20.255 (2) (ac), an amount equal to the
3 difference between the state aid computed under s. 121.08 for the school year
4 commencing after the year subject to the valuation recertification, using the school
5 district's equalized valuation as originally certified, and the state aid computed
6 under s. 121.08 for that school year using the school district's equalized valuation as
7 recertified under s. 70.57 (2).

8 *~~1767/3.60~~* SECTION 1978. 121.09 (2) of the statutes is amended to read:

9 121.09 (2) If, on or after May 3, 1984, the state board of assessors, the office of
10 the commissioner of tax appeals ~~commission~~ or a court makes a final
11 redetermination on the assessment of property subject to taxation under s. 70.995
12 that is higher than the previous assessment, the state superintendent shall notify
13 the school district in which the property is located of the recertification by the
14 department of revenue under s. 70.57 (2). The state superintendent shall, in the
15 subsequent fiscal year, withhold from the school district's state aid entitlement
16 under s. 121.08 an amount equal to the difference between the state aid computed
17 under s. 121.08 for the school year commencing after the year subject to the valuation
18 recertification, using the school district's equalized valuation as originally certified,
19 and the state aid computed under s. 121.08 for that school year, using the school
20 district's equalized valuation as recertified under s. 70.57 (2).

21 *~~1563/2.2~~* SECTION 1979. 121.15 (3m) of the statutes is repealed.

22 *~~1572/4.1~~* SECTION 1980. 121.905 (1) of the statutes is amended to read:

23 121.905 (1) In this section, "revenue ceiling" means ~~\$6,700~~ \$7,400 in the
24 ~~2001-02~~ 2003-04 school year and in any subsequent school year means ~~\$6,900~~
25 \$7,800.

1 ***-0529/4.182*** SECTION 1981. 125.14 (2) (e) of the statutes is amended to read:

2 125.14 (2) (e) *Disposal*. The department shall dispose of the alcohol beverages
3 turned over to it by the court by either giving it to law enforcement agencies free of
4 charge for use in criminal investigations, giving it to state-operated veterans'
5 hospitals in amounts needed for medicinal purposes, selling it to the highest bidder
6 if the bidder is a person holding a license or permit issued under this chapter, or
7 destroying it, at the discretion of the department. If the department elects to sell the
8 alcohol beverages, it shall publish a class 2 notice under ch. 985 asking for sealed bids
9 from qualified bidders. Any items or groups of items in the inventory subject to a
10 security interest, the existence of which was established in the proceedings for
11 conviction as being bona fide and as having been created without the secured party
12 having notice that the items were being used or were to be used in connection with
13 the violation, shall be sold separately. The net proceeds from the sale, less all costs
14 of seizure, storage, and sale, shall be turned over to the ~~state treasurer~~ secretary of
15 administration and credited to the common school fund.

16 ***-0529/4.183*** SECTION 1982. 125.14 (2) (f) of the statutes is amended to read:

17 125.14 (2) (f) *Sale*. Any personal property, other than alcohol beverages, seized
18 under par. (a) and fit for sale, shall be turned over by the department to the
19 department of administration for disposal at public auction to the highest bidder, at
20 a time and place stated in a notice of sale which describes the property to be sold.
21 The sale shall be held in a conveniently accessible place in the county where the
22 property was confiscated. A copy of the notice shall be published as a class 2 notice
23 under ch. 985. The last insertion shall be at least 10 days before the sale. The
24 department of revenue shall serve a copy of the notice of sale at least 2 weeks before
25 the date thereof on all persons who are or may be owners or holders of security

SECTION 1982

1 interests in the property. Any confiscated property worth more than \$100 shall be
2 sold separately, and the balance of the confiscated property shall be sold in bulk or
3 separately at the discretion of the department of administration. The net proceeds
4 from the sale, less all costs of seizure, storage, and sale, shall be turned over to the
5 state ~~treasurer~~ secretary of administration. No motor vehicle or motorboat
6 confiscated under this section may be sold within 30 days after the date of seizure.

7 ***-1824/6.28* SECTION 1983.** 125.145 of the statutes is amended to read:

8 **125.145 Prosecutions by attorney general.** ~~Upon request by the secretary~~
9 ~~of revenue, the~~ The attorney general may represent this state or assist a district
10 attorney in prosecuting any case arising under this chapter.

11 ***-1373/8.16* SECTION 1984.** 134.50 (2) of the statutes is amended to read:

12 134.50 (2) Every poultry dealer shall keep a record of all purchases of poultry
13 made by the poultry dealer showing in detail the place and date of purchase and the
14 name and address of the person from whom the purchase was made, together with
15 a general description of the kind of poultry purchased. Such record shall be kept in
16 permanent form and be open to inspection at all reasonable times to any district
17 attorney, ~~assistant district attorney~~, sheriff, deputy sheriff or any police officer.

18 ***-1111/4.88* SECTION 1985.** 134.71 (12) of the statutes is amended to read:

19 134.71 (12) APPLICATIONS AND FORMS. The department of agriculture, trade and
20 consumer protection, in consultation with the department of justice, shall develop
21 applications and other forms required under subs. (5) (intro.) and (8) (c). The
22 department of agriculture, trade and consumer protection shall print a sufficient
23 number of applications and forms to provide to counties and municipalities for
24 distribution to pawnbrokers, secondhand article dealers and secondhand jewelry
25 dealers at no cost.

1 *~~1634/7.52~~* SECTION 1986. 134.80 of the statutes is amended to read:

2 **134.80 Home heating fuel dealers.** Any dealer selling fuel of any kind for
3 the purpose of heating a private residence shall notify each private residential
4 customer whose account is subject to disconnection of the existence of the fuel
5 assistance programs provided by the department of administration under s. ~~16.385~~
6 16.27.

7 *~~1111/4.89~~* SECTION 1987. 136.03 (title) of the statutes is amended to read:

8 **136.03 (title) Duties of the department of agriculture, trade and**
9 **consumer protection justice.**

10 *~~1111/4.90~~* SECTION 1988. 136.03 (1) (intro.) of the statutes is amended to
11 read:

12 136.03 (1) (intro.) The department of agriculture, ~~trade and consumer~~
13 ~~protection justice~~ shall investigate violations of this chapter and of rules and orders
14 issued under s. 136.04. The department of justice may subpoena persons and records
15 to facilitate its investigations, and may enforce compliance with such subpoenas as
16 provided in s. 885.12. The department of justice may ~~in~~ on behalf of the state:

17 *~~1111/4.91~~* SECTION 1989. 136.04 of the statutes is amended to read:

18 **136.04 Powers of the department of agriculture, trade and consumer**
19 **protection justice.** (1) The department of agriculture, ~~trade and consumer~~
20 ~~protection justice~~ may adopt such rules as may be required to carry out the purposes
21 of this chapter.

22 (2) The department of agriculture, ~~trade and consumer protection justice~~ after
23 public hearing may issue general or special orders to carry out the purposes of this
24 chapter and to determine and prohibit unfair trade practices in business or unfair
25 methods of competition in business pursuant to s. 100.20 (2) to (4).

SECTION 1990

1 ***-1431/2.12*** **SECTION 1990.** 138.052 (5) (am) 2. a. of the statutes is amended
2 to read:

3 138.052 (5) (am) 2. a. ~~On January 1, 1994, and annually thereafter~~ Annually,
4 the division of banking for banks, ~~the division of savings institutions for~~ savings and
5 loan associations, and savings banks, and the office of credit unions for credit unions,
6 shall determine the interest rate that is the average of the interest rates paid,
7 rounded to the nearest one-hundredth of a percent, on regular passbook deposit
8 accounts by institutions under the division's or office's jurisdiction at the close of the
9 last quarterly reporting period that ended at least 30 days before the determination
10 is made.

11 ***-1431/2.13*** **SECTION 1991.** 138.052 (5) (am) 2. b. of the statutes is amended
12 to read:

13 138.052 (5) (am) 2. b. ~~The office of credit unions and the division of banking~~
14 ~~shall report the rate calculated to the division of savings institutions within~~ Within
15 5 days after the date on which the determination is made. ~~The, the division of savings~~
16 ~~institutions~~ banking shall calculate the average, rounded to the nearest
17 one-hundredth of a percent, of the 3 rates determined by the division of banking and
18 the office of credit unions and report that interest rate to the revisor of statutes
19 within 5 days after the date on which the determination is made.

20 ***-1431/2.14*** **SECTION 1992.** 138.055 (4) (a) of the statutes is repealed.

21 ***-1431/2.15*** **SECTION 1993.** 138.056 (1) (a) 4. a. of the statutes is repealed.

22 ***-0529/4.184*** **SECTION 1994.** 139.10 (title) of the statutes is amended to read:

23 **139.10 (title) Refunds by state treasurer secretary of administration.**

24 ***-0529/4.185*** **SECTION 1995.** 139.10 (1) of the statutes is amended to read:

1 139.10 (1) On the certificate of the secretary, the ~~state treasurer~~ secretary of
2 administration shall refund to any purchaser or any banking institution in
3 Wisconsin the tax paid on intoxicating liquor or on whole cases or full kegs of
4 fermented malt beverages which are spoiled or unfit to drink and the tax paid on
5 fermented malt beverages sold to the U.S. armed forces or the secretary may make
6 allowance of the amount of the tax.

7 *~~1824/6.29~~* SECTION 1996. 139.26 of the statutes is amended to read:

8 **139.26 Prosecutions by attorney general.** ~~Upon request by the secretary~~
9 ~~of revenue, the~~ The attorney general may represent this state or assist a district
10 attorney in prosecuting any case arising under this subchapter.

11 *~~0529/4.186~~* SECTION 1997. 139.39 (4) of the statutes is amended to read:

12 139.39 (4) No suit shall be maintained in any court to restrain or delay the
13 collection or payment of the tax levied in s. 139.31. The aggrieved taxpayer shall pay
14 the tax when due and, if paid under protest, may at any time within 90 days from the
15 date of payment, sue the state to recover the tax paid. If it is finally determined that
16 any part of the tax was wrongfully collected, the ~~department~~ secretary of
17 administration shall ~~issue a warrant on the state treasurer for~~ pay the amount
18 wrongfully collected, ~~and the treasurer shall pay the same~~ out of the general fund.
19 A separate suit need not be filed for each separate payment made by any taxpayer,
20 but a recovery may be had in one suit for as many payments as may have been made.

21 *~~1824/6.30~~* SECTION 1998. 139.45 of the statutes is amended to read:

22 **139.45 Prosecutions by attorney general.** ~~Upon request by the secretary~~
23 ~~of revenue, the~~ The attorney general may represent this state or assist a district
24 attorney in prosecuting any case arising under this subchapter.

25 *~~1824/6.31~~* SECTION 1999. 139.86 of the statutes is amended to read:

1 **139.86 Prosecutions by attorney general.** ~~Upon request by the secretary~~
2 ~~of revenue, the~~ The attorney general may represent this state or assist a district
3 attorney in prosecuting any case arising under this subchapter.

4 *~~1327/1.17~~* **SECTION 2000.** 146.185 (1) (i) of the statutes is amended to read:
5 146.185 (1) (i) “State agency” has the meaning given in s. 16.70 ~~(1)~~ (1e).

6 *~~0576/8.71~~* **SECTION 2001.** 146.59 (3) (b) of the statutes is amended to read:
7 146.59 (3) (b) Any authorization under par. (a) shall comply with all applicable
8 provisions of subch. V of ch. 111 and ch. 230, any delegation of authority by the
9 department of ~~employment relations~~ administration to the board, and any collective
10 bargaining agreement with respect to employees of the board.

11 *~~0733/3.1~~* **SECTION 2002.** 146.65 (1) (a) and (b) of the statutes are amended
12 to read:

13 146.65 (1) (a) ~~In state fiscal year 2001–02, not more than \$618,000 and in fiscal~~
14 ~~year 2002–03~~ each fiscal year, not more than \$232,000, to the rural health dental
15 clinic located in Ladysmith that provides dental services to persons who are
16 developmentally disabled or elderly or who have low income, in the counties of Rusk,
17 Price, Taylor, Sawyer, and Chippewa.

18 (b) ~~In fiscal year 2001–02, not more than \$294,500 and in state fiscal year~~
19 ~~2002–03~~ each fiscal year, not more than \$355,600, to the rural health dental clinic
20 located in Menomonie that provides dental services to persons who are
21 developmentally disabled or elderly or who have low income, in the counties of
22 Barron, Chippewa, Dunn, Pepin, Pierce, Polk, and St. Croix.

23 *~~1760/2.19~~* **SECTION 2003.** 146.93 of the statutes is repealed.

24 *~~1272/P3.1~~* **SECTION 2004.** 146.946 of the statutes is created to read:

1 **146.946 Pharmacy benefits purchasing pool for governmental units.**

2 (1) In this section:

3 (a) “Brand name” has the meaning given in s. 450.12 (1) (a).

4 (b) “Generic name” has the meaning given in s. 450.12 (1) (b).

5 (c) “Governmental unit” means the state, including any body in state
6 government created or authorized to be created by the constitution or any law; an
7 instrumentality of the state or any corporation or other body created by the state; a
8 political subdivision of the state; a special purpose district in this state; an
9 instrumentality, corporation, or other body of a political subdivision or special
10 purpose district; and any combination or subunit of any of the foregoing or of an
11 instrumentality of the state and any of the foregoing.

12 (d) “Prescription drug” has the meaning given in s. 450.01 (20).

13 (2) Beginning on January 1, 2005, each governmental unit that offers or is
14 required to provide health insurance coverage to any of its employees shall, together
15 with every other such governmental unit, develop a common purchasing pool for
16 pharmacy benefits that uses a preferred list of covered prescription drugs. The
17 governmental units shall seek to develop the preferred list of covered prescription
18 drugs under an evidence-based analysis that first identifies the relative
19 effectiveness of prescription drugs within therapeutic classes for particular diseases
20 and conditions and next identifies the least costly prescription drugs, including
21 prescription drugs with generic names that are alternatives to prescription drugs
22 with brand names, among those found to be equally effective. After the purchasing
23 pool is developed, the pool shall be available to an employer to whom all of the
24 following apply:

25 (a) The employer is not a governmental unit.

1 (b) The employer provides health insurance coverage to any of the employer's
2 employees.

3 (c) The governor requests the employer's participation in the pool.

4 ***-1295/2.27* SECTION 2005.** 146.997 (4) (a) of the statutes is amended to read:

5 146.997 (4) (a) ~~Subject to par. (b), any~~ Any employee of a health care facility
6 or health care provider who is subjected to disciplinary action, or who is threatened
7 with disciplinary action, in violation of sub. (3) may file a complaint with the
8 department under s. 106.54 (6). If the department finds that a violation of sub. (3)
9 has been committed, the department may take such action under s. 111.39 as will
10 effectuate the purpose of this section.

11 ***-1295/2.28* SECTION 2006.** 146.997 (4) (b) of the statutes is repealed.

12 ***-1295/2.29* SECTION 2007.** 146.997 (4) (c) of the statutes is amended to read:

13 146.997 (4) (c) Section 111.322 (2m) applies to a disciplinary action arising in
14 connection with any proceeding under par. (a) ~~or (b)~~.

15 ***-0133/1.1* SECTION 2008.** 149.10 (8b) of the statutes is repealed.

16 ***-1300/1.6* SECTION 2009.** 149.14 (5) (e) of the statutes is amended to read:

17 149.14 (5) (e) Subject to sub. (8) (b), the department may, by rule under s. 149.17
18 (4), establish for prescription drug coverage under sub. (3) (d) copayment amounts,
19 coinsurance rates, and copayment and coinsurance out-of-pocket limits over which
20 the plan will pay 100% of covered costs under sub. (3) (d). The department may
21 provide subsidies for prescription drug copayment amounts paid by eligible persons
22 under s. 149.165 (2) (a) 1. to 5. Any copayment amount, coinsurance rate, or
23 out-of-pocket limit established under this paragraph is subject to the approval of the
24 board. Copayments and coinsurance paid by an eligible person under this paragraph

1 are separate from and do not count toward the deductible and covered costs not paid
2 by the plan under pars. (a) to (c).

3 *~~1300/1.7~~* SECTION 2010. 149.143 (1) (a) of the statutes is repealed.

4 *~~1300/1.8~~* SECTION 2011. 149.143 (1) (b) (intro.) of the statutes is repealed.

5 *~~1300/1.9~~* SECTION 2012. 149.143 (1) (b) 1. of the statutes is renumbered
6 149.143 (1) (am) and amended to read:

7 149.143 (1) (am) A total of ~~60%~~ 58% from the following sources, calculated as
8 follows:

9 1. First, from premiums from eligible persons with coverage under s. 149.14 (2)
10 (a) set at a rate that is 140% to 150% of the rate that a standard risk would be charged
11 under an individual policy providing substantially the same coverage and
12 deductibles as are provided under the plan and from eligible persons with coverage
13 under s. 149.14 (2) (b) set in accordance with s. 149.14 (5m), including amounts
14 received for premium ~~and, deductible, and prescription drug copayment~~ subsidies
15 under s. 149.144 ~~and under the transfer to the fund from the appropriation account~~
16 ~~under s. 20.435 (4) (ah)~~, and from premiums collected from eligible persons with
17 coverage under s. 149.146 set in accordance with s. 149.146 (2) (b).

18 2. Second, from moneys specified under sub. (2m), to the extent that the
19 amounts under subd. 1. ~~a.~~ are insufficient to pay ~~60%~~ 58% of plan costs.

20 3. Third, by increasing premiums from eligible persons with coverage under s.
21 149.14 (2) (a) to more than the rate at which premiums were set under subd. 1. ~~a.~~
22 but not more than 200% of the rate that a standard risk would be charged under an
23 individual policy providing substantially the same coverage and deductibles as are
24 provided under the plan and from eligible persons with coverage under s. 149.14 (2)
25 (b) by a comparable amount in accordance with s. 149.14 (5m), including amounts

1 received for premium ~~and, deductible, and prescription drug copayment~~ subsidies
2 under s. 149.144 ~~and under the transfer to the fund from the appropriation account~~
3 ~~under s. 20.435 (4) (ah)~~, and by increasing premiums from eligible persons with
4 coverage under s. 149.146 in accordance with s. 149.146 (2) (b), to the extent that the
5 amounts under ~~subd. 1. a.~~ subds. 1. and b. 2. are insufficient to pay ~~60%~~ 58% of plan
6 costs.

7 4. Fourth, notwithstanding ~~subd. 2. par. (bm)~~, by increasing insurer
8 assessments, excluding assessments under s. 149.144, and adjusting provider
9 payment rates, subject to s. 149.142 (1) (b) and excluding adjustments to those rates
10 under s. 149.144, in equal proportions and to the extent that the amounts under
11 ~~subd. 1. a. to e.~~ subds. 1. to 3. are insufficient to pay ~~60%~~ 58% of plan costs.

12 ***-1300/1.10* SECTION 2013.** 149.143 (1) (b) 2. of the statutes is renumbered
13 149.143 (1) (bm), and 149.143 (1) (bm) (intro.), as renumbered, is amended to read:

14 149.143 (1) (bm) (intro.) A total of ~~40%~~ 42% as follows:

15 ***-1300/1.11* SECTION 2014.** 149.143 (2) (a) (intro.) of the statutes is amended
16 to read:

17 149.143 (2) (a) (intro.) Prior to each plan year, the department shall estimate
18 the operating and administrative costs of the plan and the costs of the premium
19 reductions under s. 149.165 ~~and~~, the deductible reductions under s. 149.14 (5) (a),
20 and any prescription drug copayment reductions under s. 149.14 (5) (e) for the new
21 plan year and do all of the following:

22 ***-1300/1.12* SECTION 2015.** 149.143 (2) (a) 1. a. of the statutes is amended to
23 read:

24 149.143 (2) (a) 1. a. Estimate the amount of enrollee premiums that would be
25 received in the new plan year if the enrollee premiums were set at a level sufficient,

1 when including amounts received for premium and, deductible, and prescription
2 drug copayment subsidies under s. 149.144 and ~~under the transfer to the fund from~~
3 ~~the appropriation account under s. 20.435 (4) (ah)~~ and from premiums collected from
4 eligible persons with coverage under s. 149.146 set in accordance with s. 149.146 (2)
5 (b), to cover ~~60%~~ 58% of the estimated plan costs for the new plan year, ~~after~~
6 ~~deducting from the estimated plan costs the amount available for transfer to the fund~~
7 ~~from the appropriation account under s. 20.435 (4) (af) for that plan year.~~

8 *~~1300/1.13~~* SECTION 2016. 149.143 (2) (a) 1. b. of the statutes is amended to
9 read:

10 149.143 (2) (a) 1. b. Estimate the amount of enrollee premiums that will be
11 received under sub. (1) (b) ~~1. a.~~ (am) 1.

12 *~~1300/1.14~~* SECTION 2017. 149.143 (2) (a) 2. of the statutes is amended to
13 read:

14 149.143 (2) (a) 2. After making the determinations under subd. 1., by rule set
15 premium rates for the new plan year, including the rates under s. 149.146 (2) (b), in
16 the manner specified in sub. (1) (b) ~~1. a. and c.~~ (am) 1. and 3. and such that a rate for
17 coverage under s. 149.14 (2) (a) is approved by the board and is not less than 140%
18 nor more than 200% of the rate that a standard risk would be charged under an
19 individual policy providing substantially the same coverage and deductibles as are
20 provided under the plan.

21 *~~1300/1.15~~* SECTION 2018. 149.143 (2) (a) 3. of the statutes is amended to
22 read:

23 149.143 (2) (a) 3. By rule set the total insurer assessments under s. 149.13 for
24 the new plan year by estimating and setting the assessments at the amount

1 necessary to equal the amounts specified in sub. (1) ~~(b) 1. d. and 2. a.~~ (am) 4. and (bm)
2 1. and notify the commissioner of the amount.

3 ***-1300/1.16*** SECTION 2019. 149.143 (2) (a) 4. of the statutes is amended to
4 read:

5 149.143 (2) (a) 4. By the same rule as under subd. 3. adjust the provider
6 payment rate for the new plan year, subject to s. 149.142 (1) (b), by estimating and
7 setting the rate at the level necessary to equal the amounts specified in sub. (1) ~~(b)~~
8 ~~1. d. and 2. b.~~ (am) 4. and (bm) 2. and as provided in s. 149.145.

9 ***-1300/1.17*** SECTION 2020. 149.143 (2) (b) of the statutes is amended to read:

10 149.143 (2) (b) In setting the premium rates under par. (a) 2., the insurer
11 assessment amount under par. (a) 3. and the provider payment rate under par. (a)
12 4. for the new plan year, the department shall include any increase or decrease
13 necessary to reflect the amount, if any, by which the rates and amount set under par.
14 (a) for the current plan year differed from the rates and amount which would have
15 equaled the amounts specified in sub. (1) ~~(b)~~ (am) and (bm) in the current plan year.

16 ***-1300/1.18*** SECTION 2021. 149.143 (2m) (a) 1. of the statutes is amended to
17 read:

18 149.143 (2m) (a) 1. The amount of premiums received in a plan year from all
19 eligible persons, including amounts received for premium and, deductible, and
20 prescription drug copayment subsidies.

21 ***-1300/1.19*** SECTION 2022. 149.143 (2m) (a) 2. of the statutes is amended to
22 read:

23 149.143 (2m) (a) 2. The amount of premiums, including amounts received for
24 premium and, deductible, and prescription drug copayment subsidies, necessary to

1 cover ~~60%~~ 58% of the plan costs for the plan year, ~~after deducting the amount~~
2 ~~transferred to the fund from the appropriation account under s. 20.435 (4) (af).~~

3 *~~1300/1.20~~* SECTION 2023. 149.143 (2m) (b) 1. of the statutes is amended to
4 read:

5 149.143 (2m) (b) 1. To reduce premiums in succeeding plan years as provided
6 in sub. (1) ~~(b) 1. b.~~ (am) 2. For eligible persons with coverage under s. 149.14 (2) (a),
7 premiums may not be reduced below 140% of the rate that a standard risk would be
8 charged under an individual policy providing substantially the same coverage and
9 deductibles as are provided under the plan.

10 *~~1300/1.21~~* SECTION 2024. 149.143 (3) (a) of the statutes is amended to read:

11 149.143 (3) (a) If, during a plan year, the department determines that the
12 amounts estimated to be received as a result of the rates and amount set under sub.
13 (2) (a) 2. to 4. and any adjustments in insurer assessments and the provider payment
14 rate under s. 149.144 will not be sufficient to cover plan costs, the department may
15 by rule increase the premium rates set under sub. (2) (a) 2. for the remainder of the
16 plan year, subject to s. 149.146 (2) (b) and the maximum specified in sub. (2) (a) 2.,
17 by rule increase the assessments set under sub. (2) (a) 3. for the remainder of the plan
18 year, subject to sub. (1) ~~(b) 2. a.~~ (bm) 1., and by the same rule under which
19 assessments are increased adjust the provider payment rate set under sub. (2) (a) 4.
20 for the remainder of the plan year, subject to sub. (1) ~~(b) 2. b.~~ (bm) 2. and s. 149.142
21 (1) (b).

22 *~~1300/1.22~~* SECTION 2025. 149.143 (3) (b) of the statutes is amended to read:

23 149.143 (3) (b) If the department increases premium rates and insurer
24 assessments and adjusts the provider payment rate under par. (a) and determines
25 that there will still be a deficit and that premium rates have been increased to the

1 maximum extent allowable under par. (a), the department may further adjust, in
2 equal proportions, assessments set under sub. (2) (a) 3. and the provider payment
3 rate set under sub. (2) (a) 4., without regard to sub. (1) (b) 2. (bm) but subject to s.
4 149.142 (1) (b).

5 *~~1300/1.23~~* SECTION 2026. 149.144 of the statutes is amended to read:

6 **149.144 Adjustments to insurer assessments and provider payment**
7 **rates for premium and, deductible, and prescription drug copayment**
8 **reductions.** ~~If the moneys transferred to the fund under the appropriation under~~
9 ~~s. 20.435 (4) (ah) are insufficient to reimburse the plan for premium reductions under~~
10 ~~s. 149.165 and deductible reductions under s. 149.14 (5) (a), or the department~~
11 ~~determines that the moneys transferred or to be transferred to the fund under the~~
12 ~~appropriation under s. 20.435 (4) (ah) will be insufficient to reimburse the plan for~~
13 ~~premium reductions under s. 149.165 and deductible reductions under s. 149.14 (5)~~
14 ~~(a), the~~ The department may shall, by rule, adjust in equal proportions the amount
15 of the assessment set under s. 149.143 (2) (a) 3. and the provider payment rate set
16 under s. 149.143 (2) (a) 4., subject to ss. 149.142 (1) (b) and 149.143 (1) (b) 1. (am),
17 sufficient to reimburse the plan for premium reductions under s. 149.165 and,
18 deductible reductions under s. 149.14 (5) (a). ~~If the department makes the~~
19 ~~adjustment under this section, the, and any prescription drug copayment reductions~~
20 under s. 149.14 (5) (e). The department shall notify the commissioner so that the
21 commissioner may levy any increase in insurer assessments.

22 *~~1300/1.24~~* SECTION 2027. 149.145 of the statutes is amended to read:

23 **149.145 Program budget.** The department, in consultation with the board,
24 shall establish a program budget for each plan year. The program budget shall be
25 based on the provider payment rates specified in s. 149.142 and in the most recent

1 provider contracts that are in effect and on the funding sources specified in s. ~~ss.~~
2 149.143 (1) and 149.144, including the methodologies specified in ss. 149.143,
3 149.144, and 149.146 for determining premium rates, insurer assessments, and
4 provider payment rates. Except as otherwise provided in s. 149.143 (3) (a) and (b)
5 and subject to s. 149.142 (1) (b), from the program budget the department shall derive
6 the actual provider payment rate for a plan year that reflects the providers'
7 proportional share of the plan costs, consistent with ss. 149.143 and 149.144. The
8 department may not implement a program budget established under this section
9 unless it is approved by the board.

10 *~~-1300/1.25~~* SECTION 2028. 149.146 (2) (a) of the statutes is amended to read:
11 149.146 (2) (a) Except as specified by the department, the terms of coverage
12 under s. 149.14, including deductible reductions under s. 149.14 (5) (a) and
13 prescription drug copayment reductions under s. 149.14 (5) (e), do not apply to the
14 coverage offered under this section. Premium reductions under s. 149.165 do not
15 apply to the coverage offered under this section.

16 *~~-0133/1.2~~* SECTION 2029. 149.16 (1) of the statutes is repealed.

17 *~~-0133/1.3~~* SECTION 2030. 149.16 (1m) of the statutes is created to read:
18 149.16 (1m) The plan administrator may be selected by the department in a
19 competitive bidding process.

20 *~~-0133/1.4~~* SECTION 2031. 149.16 (4) of the statutes is amended to read:
21 149.16 (4) The If the plan administrator is the fiscal agent under s. 49.45 (2)
22 (b) 2., the plan administrator shall account for costs related to the plan separately
23 from costs related to medical assistance under subch. IV of ch. 49.

24 *~~-1300/1.26~~* SECTION 2032. 149.165 (4) of the statutes is amended to read:

1 149.165 (4) The department shall reimburse the plan for premium reductions
2 under sub. (2) and, deductible reductions under s. 149.14 (5) (a) ~~with moneys~~
3 ~~transferred to the fund, and prescription drug copayment reductions under s. 149.14~~
4 (5) (e) from the appropriation account under s. 20.435 (4) ~~(ah)~~ (v).

5 *~~0529/4.187~~* **SECTION 2033.** 150.963 (3) (e) of the statutes is amended to read:

6 150.963 (3) (e) Accept on behalf of the state and deposit with the ~~state treasurer~~
7 secretary of administration any grant, gift, or contribution made to assist in meeting
8 the cost of carrying out the purposes of this subchapter, and expend those funds for
9 the purposes of this subchapter.

10 *~~1913/1.1~~* **SECTION 2034.** 153.05 (8) of the statutes is repealed.

11 *~~1913/1.2~~* **SECTION 2035.** 153.05 (13) of the statutes is amended to read:

12 153.05 (13) The department may waive the requirement under sub. (1), ~~(5) or~~
13 ~~(8) or (5)~~ (5) for a health care provider, who requests the waiver and presents evidence
14 to the department that the requirement under sub. (1), ~~(5) or (8) or (5)~~ (5) is burdensome,
15 under standards established by the department by rule. The department shall
16 develop a form for use by a health care provider in submitting a request under this
17 subsection.

18 *~~1913/1.3~~* **SECTION 2036.** 153.75 (1) (t) of the statutes is amended to read:

19 153.75 (1) (t) Establishing standards for determining under s. 153.05 (13) if a
20 requirement under s. 153.05 (1), ~~(5) or (8) or (5)~~ (5) is burdensome for a health care
21 provider.

22 *~~1111/4.92~~* **SECTION 2037.** 165.065 (2) of the statutes is amended to read:

23 165.065 (2) The assistant attorney general in charge of antitrust investigations
24 and prosecutions is to cooperate actively with the antitrust division of the U.S.
25 department of justice in everything that concerns monopolistic practices in

1 Wisconsin, and also to cooperate actively with the department of agriculture, trade
2 and consumer protection in the work which this agency is carrying on under s. 100.20
3 of the marketing law with regard to monopolistic practices in the field of agriculture
4 and with the federal trade commission on matters arising in or affecting Wisconsin
5 which pertain to its jurisdiction.

6 ***-1824/6.32* SECTION 2038.** 165.25 (3r) of the statutes is amended to read:

7 165.25 (3r) AVOID CONFLICT OF INTEREST. Require that attorneys in different
8 organizational subunits in the department prosecute violations of chs. 562 to 569 or
9 Indian gaming compacts entered into under s. 14.035 and defend any department,
10 agency, official, employee or agent under subs. (1), (4) (a) (ag) and (6).

11 ***-1824/6.33* SECTION 2039.** 165.25 (4) (a) of the statutes is renumbered 165.25

12 (4) (ag) and amended to read:

13 165.25 (4) (ag) The department of justice shall may furnish all legal services
14 required by the investment board, the lottery division in the department of revenue,
15 the public service commission, the department of transportation, the department of
16 natural resources, the department of tourism and the department of employee trust
17 funds to state agencies, together with any other services, including stenographic and
18 investigational, as are necessarily connected with the legal work. Except as provided
19 in s. 165.065, the attorney general and the secretary of administration jointly shall
20 determine the attorneys employed by the department of justice who are assigned to
21 furnish legal services to state agencies.

22 ***-1824/6.34* SECTION 2040.** 165.25 (4) (ad) of the statutes is created to read:

23 165.25 (4) (ad) In this subsection, "state agency" means an office, commission,
24 department, independent agency, or board in the executive branch of state
25 government, and includes the building commission.

SECTION 2041

1 *~~1824/6.35~~* SECTION 2041. 165.25 (4) (am) of the statutes is repealed.

2 *~~1824/6.36~~* SECTION 2042. 165.25 (4) (ar) of the statutes is repealed.

3 *~~1824/6.37~~* SECTION 2043. 165.25 (4) (b) of the statutes is repealed.

4 *~~1824/6.38~~* SECTION 2044. 165.25 (4) (bn) of the statutes is repealed.

5 *~~1824/6.39~~* SECTION 2045. 165.25 (4) (c) of the statutes is amended to read:

6 165.25 (4) (c) The department shall, at the end of each fiscal year, ~~except for~~
7 ~~programs financed out of the general fund and except for services required to be~~
8 ~~provided by statute other than this subsection, render submit to the respective~~
9 ~~agencies enumerated in this subsection department of administration an itemized~~
10 statement of the total cost of the legal services, including stenographic and
11 investigational, that are necessarily connected with the legal work, and other
12 services, including travel expenses and legal expenses enumerated in s. 20.455 (1)
13 (d), provided to a state agency in that fiscal year.

14 *~~1824/6.40~~* SECTION 2046. 165.25 (4) (d) of the statutes is repealed.

15 *~~1111/4.93~~* SECTION 2047. 165.252 of the statutes is created to read:

16 **165.252 Consumer protection matters.** The department of justice shall
17 administer ss. 100.15 to 100.182, 100.20, 100.205, 100.207 to 100.2095, 100.28,
18 100.31, 100.37 to 100.44, 100.46, 100.50, and 100.52 and may promulgate rules to aid
19 in the administration and enforcement of these sections.

20 *~~0529/4.188~~* SECTION 2048. 165.30 (3) of the statutes is amended to read:

21 165.30 (3) COLLECTION PROCEEDS. (a) All obligations collected by the
22 department of justice under this section shall be paid to the ~~state treasurer~~ secretary
23 of administration and deposited in the appropriate fund.

24 (b) From the amount of obligations collected by the department of justice under
25 this section, the ~~treasurer~~ secretary of administration shall credit an amount equal

1 to the reasonable and necessary expenses incurred by the department of justice
2 related to collecting those obligations to the appropriation account under s. 20.455
3 (1) (gs).

4 ***-1789/2.1* SECTION 2049.** 165.755 (1) (a) of the statutes is amended to read:

5 165.755 (1) (a) Except as provided in par. (b), a court shall impose a crime
6 laboratories and drug law enforcement assessment of \$5 ~~\$7~~ if the court imposes a
7 sentence, places a person on probation or imposes a forfeiture for a violation of state
8 law or for a violation of a municipal or county ordinance.

9 ***-0529/4.189* SECTION 2050.** 165.755 (3) of the statutes is amended to read:

10 165.755 (3) Except as provided in sub. (4), after the court determines the
11 amount due under sub. (1) (a), the clerk of the court shall collect and transmit the
12 amount to the county treasurer under s. 59.40 (2) (m). The county treasurer shall
13 then make payment to the ~~state treasurer~~ secretary of administration under s. 59.25
14 (3) (f) 2.

15 ***-0529/4.190* SECTION 2051.** 165.755 (4) of the statutes is amended to read:

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

20 ***-0529/4.191* SECTION 2052.** 165.755 (5) of the statutes is amended to read:

21 165.755 (5) If any deposit of bail is made for a noncriminal offense to which sub.
22 (1) (a) applies, the person making the deposit shall also deposit a sufficient amount
23 to include the assessment prescribed in sub. (1) (a) for forfeited bail. If bail is
24 forfeited, the amount of the assessment under sub. (1) (a) shall be transmitted

1 monthly to the ~~state treasurer~~ secretary of administration under this section. If bail
2 is returned, the assessment shall also be returned.

3 *~~0529/4.192~~* SECTION 2053. 165.755 (6) of the statutes is amended to read:

4 165.755 (6) If an inmate in a state prison or a person sentenced to a state prison
5 has not paid the crime laboratories and drug law enforcement assessment under sub.
6 (1) (a), the department shall assess and collect the amount owed from the inmate's
7 wages or other moneys. Any amount collected shall be transmitted to the ~~state~~
8 ~~treasurer~~ secretary of administration.

9 *~~0529/4.193~~* SECTION 2054. 165.755 (7) of the statutes is amended to read:

10 165.755 (7) All moneys collected from crime laboratories and drug law
11 enforcement assessments under this section shall be deposited by the ~~state treasurer~~
12 secretary of administration and used as specified in s. 20.455 (2) (kd) and (Lm).

13 *~~1789/2.2~~* SECTION 2055. 165.82 (1) (intro.) of the statutes is amended to
14 read:

15 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
16 impose the following fees, plus any surcharge required under sub. (1m), for criminal
17 history searches for purposes unrelated to criminal justice or to s. 175.35:

18 *~~1789/2.3~~* SECTION 2056. 165.82 (1) (ar) of the statutes is amended to read:

19 165.82 (1) (ar) For each fingerprint card record check requested by a
20 governmental agency or nonprofit organization, ~~\$10~~ \$15.

21 *~~1789/2.4~~* SECTION 2057. 165.82 (1m) of the statutes is created to read:

22 165.82 (1m) The department of justice shall impose a \$5 surcharge if a person
23 requests a paper copy of the results of a criminal history search requested under sub.
24 (1).

25 *~~1887/1.14~~* SECTION 2058. 165.90 of the statutes is repealed.

1 *~~1887/1.15~~* SECTION 2059. 165.92 (3) (a) of the statutes is amended to read:

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

8 *~~1782/1.2~~* SECTION 2060. 166.03 (1) (b) 7. of the statutes is repealed.

9 *~~1782/1.3~~* SECTION 2061. 166.03 (2) (b) 9. of the statutes is repealed.

10 *~~0350/2.2~~* SECTION 2062. 166.03 (8) (f) of the statutes is amended to read:

11 166.03 (8) (f) If the total liability for worker's compensation benefits under par.
12 (d), indemnification under par. (e), and loss from destruction of equipment under sub.
13 (9), incurred in any calendar year exceeds \$1 per capita of the sponsor's population,
14 the state shall reimburse the sponsor for the excess. Payment shall be made from
15 the appropriation in s. ~~20.465 (3) (a)~~ 20.865 (1) (a) on certificate of the adjutant
16 general and, if appropriate, subject to the approval of the attorney general under s.
17 20.865 (1) (a).

18 *~~0529/4.194~~* SECTION 2063. 167.31 (5) (c) of the statutes is amended to read:

19 167.31 (5) (c) If any deposit is made for an offense to which this subsection
20 applies, the person making the deposit shall also deposit a sufficient amount to
21 include the weapons assessment under this subsection. If the deposit is forfeited, the
22 amount of the weapons assessment shall be transmitted to the ~~state treasurer~~
23 secretary of administration under par. (d). If the deposit is returned, the amount of
24 the weapons assessment shall also be returned.

25 *~~0529/4.195~~* SECTION 2064. 167.31 (5) (d) of the statutes is amended to read:

1 167.31 (5) (d) The clerk of the circuit court shall collect and transmit to the
2 county treasurer the weapons assessment as required under s. 59.40 (2) (m). The
3 county treasurer shall then pay the state treasurer as provided in s. 59.25 (3) (f) 2.
4 The ~~state treasurer~~ secretary of administration shall deposit all amounts received
5 under this paragraph in the conservation fund to be appropriated under s. 20.370 (3)
6 (mu).

7 *~~0529/4.196~~* SECTION 2065. 169.46 (1) (c) of the statutes is amended to read:

8 169.46 (1) (c) If any deposit is made for an offense to which this subsection
9 applies, the person making the deposit shall also deposit a sufficient amount to
10 include the natural resources assessment prescribed in this subsection. If the
11 deposit is forfeited, the amount of the natural resources assessment shall be
12 transmitted to the ~~state treasurer~~ secretary of administration under par. (d). If the
13 deposit is returned, the natural resources assessment shall also be returned.

14 *~~0529/4.197~~* SECTION 2066. 169.46 (1) (d) of the statutes is amended to read:

15 169.46 (1) (d) The clerk of the court shall collect and transmit to the county
16 treasurer the natural resources assessment and other amounts required under s.
17 59.40 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~
18 secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~
19 secretary of administration shall deposit the amount of the natural resources
20 assessment in the conservation fund.

21 *~~0529/4.198~~* SECTION 2067. 169.46 (2) (c) of the statutes is amended to read:

22 169.46 (2) (c) If any deposit is made for an offense to which this subsection
23 applies, the person making the deposit shall also deposit a sufficient amount to
24 include the natural resources restitution payment prescribed in this subsection. If
25 the deposit is forfeited, the amount of the natural resources restitution payment

1 shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d).
2 If the deposit is returned, the natural resources restitution payment shall also be
3 returned.

4 ***-0529/4.199* SECTION 2068.** 169.46 (2) (d) of the statutes is amended to read:

5 169.46 (2) (d) The clerk of the court shall collect and transmit to the county
6 treasurer the natural resources restitution payment and other amounts required
7 under s. 59.40 (2) (m). The county treasurer shall then make payment to the ~~state~~
8 ~~treasurer~~ secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state~~
9 ~~treasurer~~ secretary of administration shall deposit the amount of the natural
10 resources restitution payment in the conservation fund.

11 ***-1502/1.2* SECTION 2069.** 173.40 of the statutes, as affected by 2001
12 Wisconsin Act 16, is repealed.

13 ***-1187/4.25* SECTION 2070.** 182.36 (3) of the statutes is amended to read:

14 182.36 (3) The corporation may enter into contracts with public utilities,
15 ~~including~~ and railroads, for the removal or change in location of the lines of such
16 public utilities and railroads where the same is deemed necessary by the corporation
17 in the construction of the project. Such contracts shall be for the payment of damages
18 caused the utilities and railroads by the relocation of their lines. In the event the
19 corporation and the utility or railroad are unable to reach an agreement, the public
20 service commission in the case of a utility or the department of transportation in the
21 case of a railroad shall direct the manner, location and time allowed for the change
22 in the utility or railroad line and the corporation shall be liable for the reasonable
23 costs of such change. In the event the public utility or railroad fails to comply with
24 the order of the public service commission or department of transportation it shall
25 be liable to the corporation for all damages occasioned by such failure.

1 ***-0419/2.1* SECTION 2071.** 183.0105 (2) (c) of the statutes is amended to read:

2 183.0105 (2) (c) ~~In the case of a foreign limited liability company, including~~
3 Including the name of its registered agent and the street address of its registered
4 office, as changed, in its annual report under s. 183.0120. This paragraph also
5 applies to a foreign limited liability company. A change under this paragraph is
6 effective on the date the annual report is filed by ~~the office of~~ the department.

7 ***-0419/2.2* SECTION 2072.** 183.0109 (1) (a) 4. of the statutes is amended to
8 read:

9 183.0109 (1) (a) 4. ~~A foreign limited liability company's~~ An annual report under
10 s. 183.0120.

11 ***-0419/2.3* SECTION 2073.** 183.0113 (2) (b) 1m. of the statutes is amended to
12 read:

13 183.0113 (2) (b) 1m. ~~In the case of a foreign limited liability company, the~~ The
14 domestic or foreign limited liability company has, during its most recently completed
15 report year, filed with the department an annual report required by s. 183.0120.

16 ***-0419/2.4* SECTION 2074.** 183.0114 (1) (v) of the statutes is created to read:

17 183.0114 (1) (v) Annual report of a domestic limited liability company, \$25.

18 ***-0419/2.5* SECTION 2075.** 183.0120 (title) of the statutes is amended to read:

19 183.0120 (title) **Annual report for foreign limited liability companies.**

20 ***-0419/2.6* SECTION 2076.** 183.0120 (1) of the statutes is amended to read:

21 183.0120 (1) Each foreign limited liability company registered to transact
22 business in this state and each domestic limited liability company shall file with the
23 department an annual report that includes all of the following information:

1 (a) The name of the domestic or foreign limited liability company and, if a
2 foreign limited liability company, the state or country under whose law it is
3 organized.

4 (b) The address of the domestic or foreign limited liability company's registered
5 office and the name of its registered agent at that office in this state.

6 (c) The address of the domestic or foreign limited liability company's principal
7 office.

8 (d) If management of the domestic or foreign limited liability company is vested
9 in one or more managers, the name and business address of each manager.

10 (e) The name and business address of each member of the domestic or foreign
11 limited liability company.

12 (f) A brief description of the nature of the domestic or foreign limited liability
13 company's business.

14 *-0419/2.7* SECTION 2077. 183.0120 (2) of the statutes is amended to read:

15 183.0120 (2) Information in the annual report shall be current as of the date
16 on which the annual report is executed on behalf of a the domestic or foreign limited
17 liability company, except that the information required by sub. (1) (e) shall be current
18 as of the close of the domestic or foreign limited liability company's fiscal year
19 immediately before the date by which the annual report is required to be delivered
20 to the department.

21 *-0419/2.8* SECTION 2078. 183.0120 (3) of the statutes is amended to read:

22 183.0120 (3) ⁴A domestic limited liability company shall deliver its initial
23 annual report to the department during the first calendar quarter of the year
24 following the calendar year in which the limited liability company's articles of
25 organization become effective under s. 183.0111 and shall deliver each subsequent

1 annual report during the first calender quarter of each subsequent year. A foreign
2 limited liability company registered to transact business in this state shall deliver
3 its annual report to the department during the first calendar quarter of each year
4 following the calendar year in which the foreign limited liability company becomes
5 registered to transact business in this state.

6 ***-0419/2.9*** SECTION 2079. 183.0120 (4) of the statutes is amended to read:

7 183.0120 (4) If an annual report does not contain the information required by
8 this section, the department shall promptly notify the reporting domestic or foreign
9 limited liability company in writing and return the report to it for correction.

10 ***-0419/2.10*** SECTION 2080. 183.0901 (3) of the statutes is created to read:

11 183.0901 (3) The department administratively dissolves the limited liability
12 company under s. 183.09025 (2) (c), unless the limited liability company is
13 subsequently reinstated under s. 183.09025 (4) (b) or pursuant to judicial review
14 under ss. 227.52 to 227.58.

15 ***-0419/2.11*** SECTION 2081. 183.09025 of the statutes is created to read:

16 **183.09025 Administrative dissolution and reinstatement. (1) GROUNDS**
17 **FOR ADMINISTRATIVE DISSOLUTION.** The department may bring a proceeding under sub.
18 (2) to administratively dissolve any limited liability company that does not deliver
19 to the department the limited liability company's complete annual report within one
20 year after the annual report is due.

21 **(2) PROCEDURE FOR ADMINISTRATIVE DISSOLUTION.** (a) If the department
22 determines that grounds exist under sub. (1) for dissolving a limited liability
23 company, the department shall mail the limited liability company a notice of the
24 determination. The notice shall be in writing and addressed to the registered office
25 of the limited liability company.

1 (b) Within 60 days after the date on which the notice is received or the date on
2 which the second insertion of the class 2 notice under par. (d) is published, the limited
3 liability company shall correct each ground for dissolution or demonstrate to the
4 reasonable satisfaction of the department that each ground determined by the
5 department does not exist.

6 (c) If a limited liability company fails to satisfy par. (b), the department shall
7 administratively dissolve the limited liability company. The department shall enter
8 a notation in its records to reflect each ground for dissolution and the effective date
9 of dissolution and shall mail the limited liability company a notice of those facts and
10 a certificate of dissolution. The notice and certificate shall be in writing and
11 addressed to the registered office of the limited liability company. The dissolution
12 is subject to judicial review as provided in ss. 227.52 to 227.58.

13 (d) If a notice under par. (a) or (c) is returned to the department as
14 undeliverable, the department shall again mail the notice to the limited liability
15 company as provided under that paragraph. If the notice is again returned to the
16 department as undeliverable, the department shall give the notice by publishing a
17 class 2 notice under ch. 985 in the official state newspaper.

18 (3) USE OF NAME FOLLOWING ADMINISTRATIVE DISSOLUTION. A limited liability
19 company's right to the exclusive use of its name terminates on the date of the
20 administrative dissolution under sub. (2) (c).

21 (4) REINSTATEMENT. (a) A limited liability company that is administratively
22 dissolved under sub. (2) (c) may apply to the department for reinstatement within
23 30 days after the date on which the limited liability company is dissolved. The
24 application shall include all of the following:

SECTION 2081

1 1. The name of the limited liability company and the date on which it was
2 administratively dissolved.

3 2. A statement that each ground for dissolution either did not exist or has been
4 cured.

5 3. A statement that the limited liability company's name satisfies s. 183.0103.

6 (b) The department shall cancel the certificate of dissolution and issue a
7 certificate of reinstatement under this paragraph if the department determines that
8 the application contains the information required under par. (a), that the
9 information is correct, and that all fees and penalties owed by the limited liability
10 company to the department under this chapter have been paid. The certificate of
11 reinstatement shall state the department's determination under this paragraph and
12 the effective date of reinstatement. The department shall file the certificate and
13 provide a copy to the limited liability company or its representative.

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

18 (d) If the department denies a limited liability company's application for
19 reinstatement under par. (a), the department shall serve the limited liability
20 company with a written notice of denial that explains each reason for the denial. The
21 denial is subject to judicial review as provided in ss. 227.52 to 227.58.

22 *~~1431/2.16~~* **SECTION 2082.** 186.098 (12) of the statutes is amended to read:

23 186.098 (12) **LOANS TO MEMBERS.** A credit union may make loans to members
24 secured by assignment or transfer of stock certificates or other evidence of the
25 borrower's ownership interest in a corporation formed for the cooperative ownership

1 of real estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a
2 mortgage involving a one-family residence, apply to a proceeding to enforce the
3 lender's rights in security given for a loan under this subsection. The office of credit
4 unions shall promulgate joint rules with ~~the division of savings institutions and the~~
5 division of banking that establish procedures for enforcing a lender's rights in
6 security given for a loan under this subsection.

7 *~~1824/6.41~~* SECTION 2083. 186.235 (11) (dg) of the statutes is amended to
8 read:

9 186.235 (11) (dg) *Special deputies*. The office of credit unions may appoint one
10 or more special deputies as agent to assist in the duty of liquidation and distribution
11 of the assets of one or more credit unions whose business and property the office of
12 credit unions holds. A certificate of appointment shall be filed in the office of credit
13 unions and a certified copy in the office of the clerk of the circuit court for the county
14 in which the credit union is located. The office of credit unions may ~~employ~~ retain
15 counsel, with the advice and consent of the attorney general, and may procure expert
16 assistance and advice as necessary in the liquidation and distribution of the assets
17 of the credit union, and may retain any officers or employees of the credit union that
18 the office of credit unions considers to be necessary. The special deputies and
19 assistants shall furnish security for the faithful discharge of their duties in an
20 amount that the office of credit unions considers to be necessary. The special
21 deputies may execute, acknowledge and deliver any deeds, assignments, releases or
22 other instruments necessary to effect any sale and transfer or encumbrance of real
23 estate or personal property and may borrow money for use in the liquidation after
24 the liquidation has been approved by the office of credit unions and an order obtained
25 from the circuit court of the county in which the credit union is located.

1 ***-0596/2.1*** SECTION 2084. 186.235 (16) (title) and (a) of the statutes are
2 amended to read:

3 186.235 (16) (title) ANNUAL PERIODIC EXAMINATION.

4 (a) At Except as provided in par. (b), at least once each year every 18 months,
5 the office of credit unions shall examine the records and accounts of each credit
6 union. For that purpose the office of credit unions shall have full access to, and may
7 compel the production of, each credit union's records and accounts. They may
8 administer oaths to and examine each credit union's officers and agents.

9 ***-0596/2.2*** SECTION 2085. 186.235 (16) (b) of the statutes is amended to read:

10 186.235 (16) (b) Instead of an ~~annual~~ examination of a credit union under par.
11 (a), the office of credit unions may accept an audit report of the condition of the credit
12 union made by a certified public accountant not an employee of the credit union in
13 accordance with rules promulgated by the office of credit unions or may accept an
14 examination or audit made or approved by the national board.

15 ***-1187/4.26*** SECTION 2086. Chapter 189 of the statutes is repealed.

16 ***-1187/4.27*** SECTION 2087. 190.001 of the statutes is repealed and recreated
17 to read:

18 **190.001 Definition.** In this chapter, "division of hearings and appeals" means
19 the division of hearings and appeals in the department of administration.

20 ***-1187/4.28*** SECTION 2088. 190.02 (6) of the statutes is amended to read:

21 190.02 (6) RAILROAD INTERSECTIONS. To cross, intersect, join or unite its railroad
22 with any other railroad, at any point, with the necessary turnouts, sidings and
23 switches and other conveniences in furtherance of the objects of its connections. And
24 if the 2 corporations cannot agree upon the amount of compensation to be made
25 therefor or the points and manner of such crossings and connections the same shall

1 be ascertained by the ~~office~~ division of hearings and appeals on application of either
2 corporation.

3 ***-1187/4.29* SECTION 2089.** 190.025 (2) (b) of the statutes is amended to read:

4 190.025 (2) (b) A railroad corporation that is subject to this subsection shall
5 have all powers conferred by law upon railroad corporations. The railroad
6 corporation may issue, sell, pledge or otherwise dispose of its evidences of debt, at
7 such times, in such amounts, for such considerations and upon such terms and
8 conditions as the board of directors of the corporation shall determine, and as shall
9 be authorized by the ~~office~~ department of financial institutions, or the ~~interstate~~
10 ~~commerce commission~~ federal surface transportation board in the case of a railroad
11 corporation organized for the purpose of acquiring a railroad engaged in interstate
12 commerce, or any existing railroad corporation reorganized under the act and
13 acquiring railroad property used in interstate commerce. The evidences of debt may
14 be convertible, at the option of the holder, into stock, and shares of stock. The shares
15 may have a nominal or par value or, if the shares are shares of common stock, be
16 without nominal or par value. The shares may be of such classes, with such rights
17 and voting powers as may be expressed in the corporation's articles or any
18 amendment thereto.

19 ***-1187/4.30* SECTION 2090.** 190.03 of the statutes is amended to read:

20 **190.03 Office in state; books produced.** Any railroad corporation existing
21 under the laws of this state shall produce before the ~~office of the commissioner of~~
22 ~~railroads~~ department of financial institutions, the legislature, or any committee of
23 either house, or any court of record, its books of account and stock books, or so many
24 and such parts thereof as may be required by them, or in the discretion of the ~~office~~
25 ~~of the commissioner of railroads~~ department of financial institutions, legislature,

SECTION 2090

1 committee or court, transcripts from such books, or such parts thereof as may be
2 called for, duly authenticated; and each such railroad corporation shall designate
3 some office within this state as its principal office and inform the ~~office of the~~
4 ~~commissioner of railroads~~ department of financial institutions of such designation,
5 and shall keep there or at the office of its transfer agents or registrars a list of its
6 stockholders, giving the names and addresses of its stockholders, together with a
7 statement of the number and class of shares of its stock held by each of them, as
8 shown by its books. A failure or refusal to comply with any of the foregoing provisions
9 shall be cause of forfeiture of its franchises.

10 *~~1187/4.31~~* **SECTION 2091.** 190.13 of the statutes is amended to read:

11 **190.13 Report to stockholders.** Every railroad corporation shall make an
12 annual report to its stockholders of its operations for the preceding calendar year, or
13 for its fiscal year, as the case may be, which report shall contain a balance sheet
14 showing its assets and liabilities, its capital stock, and funded debt, and an income
15 account showing its operating revenues, operating expenses, gross and net income,
16 as the result of its traffic or business operations, and such other information in
17 respect of its affairs as the board of directors shall deem advisable. A copy of each
18 such report shall be kept on file in its principal office in this state, shall be mailed
19 to each stockholder whose post-office address is known and shall be filed with the
20 ~~office of the commissioner of railroads~~ department of financial institutions.

21 *~~1187/4.32~~* **SECTION 2092.** 190.16 (4) (a) of the statutes is amended to read:

22 **190.16 (4) (a)** Every railroad shall acquire the necessary right-of-way for and
23 shall construct, connect, maintain and operate a reasonably adequate spur track
24 whenever such spur track does not necessarily exceed 3 miles in length, is practically
25 indispensable to the successful operation of any existing or proposed industry or

1 enterprise, and its construction and operation is not unusually dangerous, and is not
2 unreasonably harmful to public interest, and any person aggrieved by the failure of
3 any railroad to fully perform such obligation may prosecute proceedings before the
4 office division of hearings and appeals to compel compliance therewith.

5 ***-1187/4.33* SECTION 2093.** 190.16 (4) (b) of the statutes is amended to read:

6 190.16 (4) (b) Such railroad may require the person primarily to be served
7 thereby to pay the legitimate cost and expense of acquiring the necessary
8 right-of-way for such spur track, and of constructing the same, the cost to be
9 estimated in separate items by the office department of transportation or the division
10 of hearings and appeals, and deposited with the railroad, before it shall be required
11 to incur any expense whatever therefor; but such person, in lieu of depositing the
12 total estimated cost may offer in writing to construct such spur track, the offer to be
13 accompanied by a surety company bond, running to such railroad, and conditioned
14 upon the construction of such spur track in a good and workmanlike manner,
15 according to the plans and specifications of such railroad, approved by the office
16 department of transportation or the division of hearings and appeals, and deposit
17 with such railroad the estimated cost of the necessary right-of-way. Provided that
18 before the railroad shall be required to incur any expense whatever in the
19 construction of such spur track, the person primarily to be served thereby shall give
20 the railroad a bond to be approved by the office department of transportation or the
21 division of hearings and appeals as to form, amount and surety, securing the railroad
22 against loss on account of any expense incurred beyond the estimated cost.

23 ***-1187/4.34* SECTION 2094.** 190.16 (4) (c) of the statutes is amended to read:

24 190.16 (4) (c) Whenever a spur track is so constructed at the expense of the
25 owner of any industry or enterprise, and any other person shall desire a connection

1 with such spur track, application therefor shall be made to the ~~office~~ department of
2 transportation or the division of hearings and appeals, and such other person shall
3 be required to pay to such owner an equitable proportion of the cost thereof, to be
4 determined by the ~~office~~ department of transportation or the division of hearings and
5 appcals.

6 *~~1187/4.35~~* SECTION 2095. 190.16 (5) of the statutes is amended to read:

7 190.16 (5) REMOVAL, WHEN. Except where a spur track was constructed prior
8 to June 16, 1925, at the expense of the railroad company, no spur track shall be
9 removed, dismantled or otherwise rendered unfit for service except upon order of the
10 ~~office~~ department of transportation or the division of hearings and appeals made
11 after hearing held upon notice to all parties interested, and for good cause shown;
12 provided that if no objection has been filed with the ~~office~~ department of
13 transportation or the division of hearings and appeals within 20 days from the
14 original publication of such notice, the ~~office~~ department of transportation or the
15 division of hearings and appeals may without hearing authorize such spur track
16 removed, dismantled or otherwise rendered unfit for service.

17 *~~1187/4.36~~* SECTION 2096. 191.001 of the statutes is amended to read:

18 191.001 Definition. In this chapter, "~~office~~" "department" means the ~~office of~~
19 ~~the commissioner of railroads~~ department of transportation.

20 *~~1187/4.37~~* SECTION 2097. 191.01 (2) of the statutes is amended to read:

21 191.01 (2) CONSTRUCTION, CERTIFICATE FROM ~~OFFICE~~ DEPARTMENT PREREQUISITE.
22 No railroad corporation shall begin the construction of any proposed line of railroad
23 in this state until it shall have obtained from the ~~office~~ department a certificate ~~that~~
24 ~~public convenience and a necessity require~~ authorizing the construction of the

1 ~~railroad, and the certificate shall constitute the license from this state to the~~
2 ~~company to build its proposed railroad.~~

3 *~~1187/4.38~~* SECTION 2098. 191.02 (title) of the statutes is amended to read:

4 **191.02 (title) Application for certificate of necessity.**

5 *~~1187/4.39~~* SECTION 2099. 191.03 of the statutes is amended to read:

6 **191.03 Articles; publication prerequisite to certificate.** No railroad
7 corporation shall make application for a certificate authorizing construction of a
8 railroad unless it has caused a copy of its corporate articles to be published as a class
9 2 notice, under ch. 985, in each county in which the railroad is proposed to be located
10 within 6 months next prior to the time of making such application, and files
11 satisfactory proof thereof with the ~~office~~ department.

12 *~~1187/4.40~~* SECTION 2100. 191.05 of the statutes is amended to read:

13 **191.05 Maps and profiles with application; changes.** Complete maps and
14 profiles of the proposed railroad shall be filed with the application for a certificate
15 ~~of convenience and necessity~~ authorizing construction. The ~~office~~ department may
16 permit errors, omissions or defects in the application, maps and profiles to be
17 supplied or corrected, and permit changes in the proposed route to be made.

18 *~~1187/4.41~~* SECTION 2101. 191.06 of the statutes is amended to read:

19 **191.06 Railroad extensions; certificate and notice necessary.** If any
20 railroad company organized prior to July 1, 1907, shall desire to extend its lines in
21 this state or to build branches connected therewith, or to construct any portion of its
22 authorized line of railroad, it shall, before beginning construction thereof, obtain a
23 certificate ~~of convenience and necessity~~ authorizing the construction; but it shall not
24 be necessary to publish the articles of such railroad.

25 *~~1187/4.42~~* SECTION 2102. 191.07 of the statutes is amended to read:

SECTION 2102

1 **191.07 Hearing of applicants; notice.** Upon receiving such an application
2 for a certificate authorizing construction, the ~~office shall~~ department may set a time
3 and place for a hearing, which time shall not be less than 3 weeks nor more than 8
4 weeks from the date of filing the application, and the place shall be at the city of
5 Madison, or at some place along the line of the proposed railroad, if the ~~office~~
6 department deems the latter more convenient, ~~and. If the department sets a hearing,~~
7 the department shall give to the applicant notice thereof, which notice shall be
8 published by the applicant, as a class 2 notice, under ch. 985, in each county in which
9 the railroad, extension or branch is proposed to be located, and proof of such
10 publication shall be filed with the ~~office~~ department.

11 *~~1187/4.43~~* **SECTION 2103.** 191.09 of the statutes is repealed and recreated
12 to read:

13 **191.09 Procedures before the department.** Chapter 227 applies to all
14 proceedings under this chapter.

15 *~~1187/4.44~~* **SECTION 2104.** 191.10 (title) of the statutes is amended to read:

16 **191.10 (title) Certificate of necessity.**

17 *~~1187/4.45~~* **SECTION 2105.** 191.10 (1) of the statutes is amended to read:

18 191.10 (1) ISSUANCE, FILING, RECORDING, CONDEMNATION. If the ~~office of the~~
19 ~~commissioner of railroads finds that the proposed railroad would be a public~~
20 ~~convenience and that a necessity requires its construction, the office of the~~
21 ~~commissioner of railroads shall enter an order to that effect and issue~~ department
22 issues to the applicant a certificate ~~that public convenience and a necessity require~~
23 ~~the construction of the railroad as proposed. The certificate shall be filed in the office~~
24 ~~of the department of financial institutions and the department of financial~~
25 institutions under this chapter, the applicant shall file the certificate with the

1 department of financial institutions. The department of transportation shall
2 approve the map showing the route of the railroad. The applicant shall record the
3 map certified by the ~~office of the commissioner of railroads~~ department of
4 transportation in the office of the register of deeds in each county in which the
5 railroad shall be located. The filing of the certificate with the department of financial
6 institutions and the recording of the map, as above provided, are conditions
7 precedent to the right of the applicant to institute condemnation proceedings.

8 *~~1187/4.46~~* SECTION 2106. 191.10 (2) of the statutes is amended to read:

9 191.10 (2) CERTIFICATE FOR PART OF LINE. ~~Whenever it shall appear to the office~~
10 ~~that public convenience and a necessity do not require the construction of the~~
11 ~~railroad as proposed in the application, but do require the construction of a part~~
12 ~~thereof, the office~~ The department may issue a certificate for the construction of such
13 part of the railroad as ~~public convenience and necessity require~~ proposed in the
14 application.

15 *~~1187/4.47~~* SECTION 2107. 191.10 (3) of the statutes is amended to read:

16 191.10 (3) REFUSAL OF CERTIFICATE; RENEWAL OF APPLICATION. ~~If the office shall~~
17 ~~determine that the proposed railroad is not a necessity or is not required by public~~
18 ~~convenience, the office shall by order refuse to grant a certificate,~~ department denies
19 the application for a certificate, the department shall issue an order refusing the
20 certificate and stating the reasons for the refusal. The application may be renewed
21 after 2 years from the date of the refusal, but not sooner.

22 *~~1187/4.48~~* SECTION 2108. 191.11 of the statutes is amended to read:

23 191.11 **Revocation of certificate.** If any railroad company after obtaining
24 a certificate ~~that public convenience and a necessity require~~ authorizing the
25 construction of the whole or part of its railroad fails to begin construction within one

1 year from the date of the certificate, or having begun such construction, fails to
2 prosecute the same, the ~~office~~ department may inquire into the reasons for such
3 failure and may revoke the certificate, if the ~~office~~ department finds, after notice and
4 hearing, that such failure is unreasonable.

5 ***-1187/4.49* SECTION 2109.** 191.13 (2) of the statutes is amended to read:

6 191.13 (2) No railroad corporation shall exercise such power until it has
7 obtained from the ~~office~~ department a certificate ~~that public convenience and~~
8 ~~necessity require~~ authorizing the construction of the temporary railroad, ~~and the~~
9 ~~certificate shall constitute the license to the company to build its proposed temporary~~
10 ~~railroad.~~ The certificate shall specify the length of time the railroad may be
11 maintained and operated, and may be renewed from time to time upon application
12 by the railroad company. At the expiration of the time specified in the certificate, or
13 any renewal thereof, the railroad company shall discontinue, dismantle and remove
14 the temporary railroad; and may prior to the expiration of such time, upon order of
15 the ~~office~~ department, and after a hearing, upon notice to all parties interested and
16 good cause shown, discontinue, dismantle and remove the railroad.

17 ***-1187/4.50* SECTION 2110.** 191.16 of the statutes is amended to read:

18 **191.16 Construction items submitted to ~~office~~ department.** Upon
19 receiving the certificate ~~of public convenience and necessity~~ authorizing
20 construction, the applicant shall before commencing construction submit to the ~~office~~
21 department a condensed specification of the character of construction that the
22 applicant proposes to install, showing the kind, quality and weight of the rail
23 proposed to be used, the mode of construction, character, quality, and strength of all
24 bridges, culverts and viaducts, the abutments and approaches proposed to be built,
25 the grade of and proposed method of draining the roadbed, and the kind of power to

1 be used and the plant and appliances to be employed in power production, and such
2 other facts relating to the construction of the proposed railroad as the office
3 department requires.

4 ***-1187/4.51*** SECTION 2111. 191.17 of the statutes is amended to read:

5 **191.17 Public safety; investigation; approval of plans.** Upon receiving
6 the specification required by s. 191.16, the office department shall examine the same
7 and shall hear the applicant in support thereof, shall suggest and require
8 modifications of the specification if the public safety so demands, eliminating so far
9 as may be practicable, consistent with reasonable cost, all grade crossings of public
10 highways, shall inspect the route of the proposed railroad if deemed desirable, and
11 shall otherwise investigate and determine that the proposed construction will be
12 adequate for securing public safety in the operation of the railroad, and thereupon
13 the office department shall enter an order approving the specification and
14 authorizing the construction of the railroad in accordance therewith.

15 ***-1187/4.52*** SECTION 2112. 191.19 (1) of the statutes is amended to read:

16 191.19 (1) Upon the completion of the construction of any railroad under the
17 approved specification, the company shall, before operating the same for public
18 service, report to the office department; and the office department shall inspect the
19 work. If the office department finds that the railroad has been constructed in
20 accordance with the approved specification and is otherwise suitable and properly
21 constructed so as to secure public safety in the operation thereof, the office
22 department shall enter an order authorizing its operation, which order shall be
23 presumptive evidence of the sufficiency of such construction.

24 ***-1187/4.53*** SECTION 2113. 191.19 (3) of the statutes is amended to read:

1 191.19 (3) If upon inspection the ~~office~~ department shall deem that public
2 safety requires the installation, operation and maintenance of some protective
3 appliance at any grade crossing of railroad tracks the ~~office~~ department may, before
4 granting the order, after notice and hearing, require the installation, operation and
5 maintenance of suitable protective appliances, and shall apportion the expense of
6 constructing, maintaining and operating such protective appliances among the
7 owners of the tracks.

8 *~~1187/4.54~~* SECTION 2114. 191.20 of the statutes is amended to read:

9 **191.20 Railroad routes; right to alter.** Every railroad company may, by the
10 vote of two-thirds of its directors, alter or change the route of its railroad, by making
11 and filing with the ~~office of the commissioner of railroads~~ department and the
12 department of financial institutions and also by recording in the office of the register
13 of deeds of the county or counties where the alteration or change is to be made, a
14 surveyed map and certificate of the alteration or change. The alteration or change
15 may not deviate from the original route for a greater distance than one mile at any
16 point. No city or village may be left off the railroad by the change of route. The
17 original end points of the railroad, or the route in any city or village, shall not be
18 changed without the approval of the ~~office of the commissioner of railroads~~
19 department of transportation after notice to the municipality.

20 *~~1187/4.55~~* SECTION 2115. 191.21 of the statutes is amended to read:

21 **191.21 Notices in counties without newspapers.** If no newspaper is
22 published in any county in which a railroad is proposed to be located, the publications
23 required by this chapter may be made in such manner and at such places as the ~~office~~
24 department shall designate.

25 *~~1187/4.56~~* SECTION 2116. 192.001 (1r) of the statutes is created to read:

1 192.001 (1r) “Division of hearings and appeals” means the division of hearings
2 and appeals in the department of administration.

3 *–1187/4.57* SECTION 2117. 192.001 (2) of the statutes is repealed.

4 *–1187/4.58* SECTION 2118. 192.14 (10) of the statutes is amended to read:

5 192.14 (10) If in any particular case any temporary exemption from any
6 requirement of this section is deemed necessary by a carrier, the office department
7 shall consider the application of the carrier for temporary exemption and may grant
8 the exemption when accompanied by a full statement of the conditions existing and
9 the reasons for the exemption. Any exemption so granted will be limited to the
10 particular case specified and shall be limited to a stated period of time.

11 *–1187/4.59* SECTION 2119. 192.14 (12) of the statutes is amended to read:

12 192.14 (12) The office department may after public hearing make rules and
13 establish the standards deemed necessary to carry out the purposes of this section.

14 *–1187/4.60* SECTION 2120. 192.15 (14) of the statutes is amended to read:

15 192.15 (14) If in any particular case any exemption from any requirement of
16 this section is deemed necessary by a carrier, the office department shall consider the
17 application of the carrier for exemption and may grant the exemption when
18 accompanied by a full statement of the conditions existing and the reasons for the
19 exemption. Any exemption so granted shall be limited to the particular case specified
20 and shall be limited to a stated period of time.

21 *–1187/4.61* SECTION 2121. 192.25 (3) (a) of the statutes is amended to read:

22 192.25 (3) (a) The office department, by rule, may grant an exception to sub.
23 (2) if the office department determines that the exception will not endanger the life
24 or property of any person.

25 *–1187/4.62* SECTION 2122. 192.27 (1) of the statutes is amended to read:

SECTION 2122

1 192.27 (1) When the track of a railway corporation crosses the track of any
2 other railway corporation at grade, or when their tracks and right-of-way are
3 adjacent, except in counties having a population of at least 150,000, the corporations
4 shall, within 60 days after a written request of the office department or the council
5 or board of the city, town or village within which the tracks so cross or are adjacent,
6 make a track connection within such town, city or village to afford reasonable and
7 proper facilities for the interchange of traffic between their respective lines for
8 forwarding and delivering freight, and the expense thereof shall be borne equally by
9 those corporations, unless otherwise ordered by the office department.

10 *~~-1187/4.63~~* SECTION 2123. 192.29 (1) of the statutes is amended to read:

11 192.29 (1) SETTING MAXIMUM SPEED. Upon petition to the office department by
12 the governing body of any city or village or by any railroad corporation alleging that
13 any railroad crossing of one or more public highways or streets in the city or village
14 is dangerous to human life and that public safety requires a designation of the
15 maximum speed of a train over such crossing or crossings, or that an order previously
16 made by the office department or, prior to the effective date of this subsection
17 [revisor inserts date], by the office of the commissioner of transportation under ch.
18 195, 1991 stats., or the office of the commissioner of railroads under ch. 195, 2001
19 stats., should be modified, the office department shall give notice to the parties in
20 interest and order a hearing thereon in the manner provided by s. 195.04 under ch.
21 227. If after the hearing the ~~office shall determine~~ department determines that the
22 crossing or crossings described in the petition are dangerous to human life, it may
23 by order determine what maximum speed of a train over the crossing is reasonably
24 required by public safety and is consistent with the public need for adequate and
25 expeditious passenger and freight service by railroad, having due regard for other

1 orders entered by the ~~office~~ department, or, prior to the effective date of this
2 subsection [revisor inserts date], by the office of the commissioner of
3 transportation or the office of the commissioner of railroads, and to practical railroad
4 operating conditions. Where the ~~office~~ department has designated the maximum
5 speed of any train or trains over such crossing or crossings, or, prior to the effective
6 date of this subsection [revisor inserts date], the office of the commissioner of
7 transportation or the office of the commissioner of railroads has designated the
8 maximum speed of any train or trains over such crossing or crossings and the
9 designation remains unmodified by the department, the rate of speed shall be the
10 lawful maximum speed at which any train affected by the order can be operated over
11 the public highway or street crossing, until changed by subsequent order of the ~~office~~
12 department. Every railroad corporation violating any order entered under this
13 subsection shall for every violation forfeit not less than \$10 nor more than \$100. The
14 jurisdiction over train speeds hereby vested in the ~~office~~ department shall be
15 exclusive, but any order entered by the ~~office~~ department hereunder shall be subject
16 to judicial review in the manner provided by ch. 227.

17 *~~1187/4.64~~* SECTION 2124. 192.29 (2) of the statutes is amended to read:

18 192.29 (2) ARTERIAL STOP SIGNS. In any proceeding under sub. (1) or under s.
19 195.28, the ~~office~~ department may by order require that the state or municipality
20 install at any crossing involved in such proceeding an official stop sign.

21 *~~1187/4.65~~* SECTION 2125. 192.29 (4) of the statutes is amended to read:

22 192.29 (4) HIGHWAYS, WHISTLE, HORN, BELL. No railroad train or locomotive shall
23 run over any public traveled grade highway crossing outside of the limits of
24 municipalities unless the whistle or horn shall be blown 1,320 feet from such crossing
25 and the engine bell rung continuously from thence until the crossing be reached. But

SECTION 2125

1 the office department may order that the ringing of the bell or the blowing of the
2 whistle, or horn, or both, as required by this subsection shall be omitted at any
3 crossing.

4 ***-1187/4.66* SECTION 2126.** 192.29 (5) of the statutes is amended to read:

5 192.29 (5) ~~DANGER WARNING SIGNS.~~ Wherever its track crosses a public highway
6 or street, every railroad corporation shall maintain on each side of the track and near
7 such crossing a ~~large signboard with the following inscription, painted in large~~
8 ~~letters: "Railroad Crossing," in such manner as to be visible to approaching traffic~~
9 ~~on the highway or street at least 100 feet distant~~ railroad crossing sign. The sign
10 shall be constructed and erected as provided in the manual adopted by the
11 department under s. 84.02 (4) (e).

12 ***-1187/4.67* SECTION 2127.** 192.31 (1) of the statutes is amended to read:

13 192.31 (1) Every railroad corporation shall maintain suitable telltales
14 wherever any overhead structure or any part thereof is less than 23 feet above the
15 top of rail; except that if the office department finds that the installation of a telltale
16 at any particular place would be impracticable or would result in an increased
17 hazard to either the public or an employee and that either or both such factors
18 outweigh the safety benefit which would result from the installation of a telltale, the
19 office department may enter an order providing an exemption from this section. The
20 exemption shall be ordered by the office department only after public hearing under
21 sub. (4).

22 ***-1187/4.68* SECTION 2128.** 192.31 (2) of the statutes is amended to read:

23 192.31 (2) The office department may determine the materials for and the
24 construction and placing of such telltales.

25 ***-1187/4.69* SECTION 2129.** 192.31 (4) of the statutes is amended to read:

1 192.31 (4) Upon finding that any such structure will not imperil life or limb,
2 and that the public interest requires or permits such structure to be constructed or
3 reconstructed otherwise than as permitted by sub. (3), the office department may
4 exempt such structure from such provision. Such findings shall be made only upon
5 written application, setting forth fully the grounds therefor and shall be made only
6 after public hearing. The findings and order granting exemption shall be in writing
7 and contain complete provisions and requirements as to the vertical clearance to be
8 maintained in such construction or reconstruction. Such structure shall be
9 constructed or reconstructed only in compliance with such order.

10 *~~1187/4.70~~* SECTION 2130. 192.31 (5) of the statutes is amended to read:

11 192.31 (5) Prior to July 1, in each year every corporation operating a railroad
12 within the state shall file with the office department a verified statement showing
13 the location of every such bridge or other structure over any of its tracks at a height
14 of less than 23 feet above the top of rail, together with a statement showing whether
15 or not the provisions of this section have been fully complied with.

16 *~~1187/4.71~~* SECTION 2131. 192.324 of the statutes is amended to read:

17 **192.324 Railroad bridges to be safe for employees.** Whenever a complaint
18 is lodged with the office department by any person to the effect that a railroad bridge
19 because of its style of construction does not have walks or railings and for that reason
20 is dangerous to the life and limb of railroad employees and the safety of such
21 employees requires the alteration so as to provide for such walks and railings of such
22 bridge, the office department shall give notice to the party in interest, other than the
23 complainant, of the filing of the complaint and furnish such party with a copy thereof,
24 and order a hearing thereon, ~~in the manner provided for hearings in s. 195.31.~~ The
25 office under s. 85.013 (3) and ch. 227 by the division of hearings and appeals. The

1 department may proceed in a similar manner in the absence of a complaint when,
2 in the opinion of the ~~office~~ department, the safety of railroad employees requires the
3 alteration of a railroad bridge. After the hearing, the ~~office~~ division of hearings and
4 appeals shall determine what alteration, if any, of such bridge, shall be made. The
5 expense of such alteration shall be borne by the railroad company.

6 *-1187/4.72* SECTION 2132. 192.327 (3) of the statutes is amended to read:

7 192.327 (3) The ~~office~~ department shall make and enforce reasonable rules
8 relating to motor vehicles used to transport workers to and from their places of
9 employment or during the course of their employment.

10 *-1187/4.73* SECTION 2133. 192.327 (4) of the statutes is repealed.

11 *-1187/4.74* SECTION 2134. 192.327 (5) of the statutes is repealed.

12 *-1187/4.75* SECTION 2135. 192.327 (6) of the statutes is amended to read:

13 192.327 (6) The ~~office~~ department may, in enforcing the rules, inspect any
14 motor vehicle used to transport workers to and from their places of employment or
15 during the course of their employment. ~~Upon request of the office, the department~~
16 ~~shall direct its traffic officers to assist the office in those inspections.~~

17 *-1187/4.76* SECTION 2136. 192.327 (7) of the statutes is amended to read:

18 192.327 (7) Whenever the ~~office~~ department finds that a motor vehicle used to
19 transport workers to and from their places of employment or during the course of
20 their employment violates any provision of the rules, the ~~office~~ department shall
21 make, enter and serve upon the owner of the motor vehicle such order as may be
22 necessary to protect the safety of workers transported in the motor vehicle.

23 *-1187/4.77* SECTION 2137. 192.33 (5) of the statutes is amended to read: