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1 e. Any governmental entity having access to the commercial driver license
2 information system.

3 f. Any authorized agent of a requester specified in subd. 1. a. to e.

4 2. The department shall not provide the operating record file information
5 specified in s. 343.23 (2) (am) 2. and 4. to any requester other than those specified
6 in subd. 1.

7 ***-1195/3.12* SECTION 2477.** 343.03 (7) (title) of the statutes is amended to
8 read:

9 343.03 (7) (title) NOTIFICATION OF COMMERCIAL DRIVER LICENSE ISSUANCE AND
10 CERTAIN VIOLATIONS.

11 ***-1195/3.13* SECTION 2478.** 343.03 (7) of the statutes is renumbered 343.03
12 (7) (a).

13 ***-1195/3.14* SECTION 2479.** 343.03 (7) (b) of the statutes is created to read:
14 343.03 (7) (b) Within 10 days after the disqualification of the holder of a
15 commercial driver license from operating a commercial motor vehicle for at least 60
16 days, or after the revocation, suspension, or cancellation of a commercial driver
17 license for at least 60 days, the department shall notify the commercial driver license
18 information system and, if the license was not issued by the department, the state
19 that issued the license of the disqualification, revocation, suspension, or cancellation
20 and the violation that resulted in the disqualification, revocation, suspension, or
21 cancellation.

22 ***-1195/3.15* SECTION 2480.** 343.03 (7) (c) of the statutes is created to read:
23 343.03 (7) (c) Within 30 days after a conviction of the holder of a commercial
24 driver license issued by another state for violating any state or local law of this state
25 or any law of a federally recognized American Indian tribe or band in this state in

1 conformity with any state law relating to motor vehicle traffic control, other than
2 parking violations, or after a conviction of the holder of an operator's license issued
3 by another state, other than a commercial driver license, for operating a commercial
4 motor vehicle without a commercial driver license, the department shall notify the
5 driver licensing agency of the state that issued the license of the conviction.

6 *-1195/3.16* SECTION 2481. 343.03 (7) (c) of the statutes, as created by 2003
7 Wisconsin Act (this act), is amended to read:

8 343.03 (7) (c) Within ~~30~~ 10 days after a conviction of the holder of a commercial
9 driver license issued by another state for violating any state or local law of this state
10 or any law of a federally recognized American Indian tribe or band in this state in
11 conformity with any state law relating to motor vehicle traffic control, other than
12 parking violations, or after a conviction of the holder of an operator's license issued
13 by another state, other than a commercial driver license, for operating a commercial
14 motor vehicle without a commercial driver license, the department shall notify the
15 driver licensing agency of the state that issued the license of the conviction.

16 *-1195/3.17* SECTION 2482. 343.06 (2) of the statutes is amended to read:

17 343.06 (2) The department shall not issue a commercial driver license,
18 including a renewal, occupational, or reinstated license, to any person during any
19 period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another
20 jurisdiction in substantial conformity therewith, as the result of one or more
21 disqualifying offenses committed on or after July 1, 1987, or to any person whose
22 operator's license or operating privilege is revoked, suspended, or canceled. Any
23 person who is known to the department to be subject to disqualification as described
24 in s. 343.44 (1) (d) shall be disqualified by the department as provided in s. 343.315.

1 ***-1195/3.18*** SECTION 2483. 343.07 (1m) (intro.) of the statutes is amended to
2 read:

3 **343.07 (1m)** COMMERCIAL MOTOR VEHICLE AND SCHOOL BUS INSTRUCTION PERMITS;
4 ISSUANCE, RESTRICTIONS. (intro.) Upon application therefor by a person at least 18
5 years of age who holds a valid operator's license issued under this chapter and who,
6 except for lack of training in the operation of a commercial motor vehicle or school
7 bus, is qualified to obtain authorization for the operation of such vehicle including
8 having passed the applicable knowledge tests, the department may issue an
9 instruction permit for commercial motor vehicle or school bus operation or a
10 combination instruction permit. A permit limited to commercial motor vehicle
11 instructional operation entitles the permittee to operate only a commercial motor
12 vehicle other than a school bus upon the highways. A permit limited to school bus
13 instructional operation entitles the permittee to operate only a school bus that is not
14 a commercial motor vehicle upon the highways. Both A combination commercial
15 motor vehicle and school bus instruction permit entitles the permittee to operate a
16 school bus that is a commercial motor vehicle upon the highways. These permits are
17 subject to the following restrictions:

18 ***-1195/3.19*** SECTION 2484. 343.10 (1) (b) of the statutes is amended to read:
19 **343.10 (1) (b)** The application shall be in a form established by the department
20 and shall identify the specific motor vehicle that the applicant seeks authorization
21 to operate, including the vehicle classification and any required endorsements. The
22 application shall include an explanation of why operating the motor vehicle is
23 essential to the person's livelihood and identify the person's occupation or trade. The
24 application shall identify the applicant's employer, and include proof of financial
25 responsibility as specified in s. 343.38 (1) (c) covering the vehicle or vehicles that the

1 applicant requests authorization to operate. The application shall identify the hours
2 of operation and routes of travel being requested by the applicant in accord with the
3 restrictions of sub. (5). ~~The applicant shall certify whether, to the best of personal~~
4 ~~knowledge, he or she is disqualified under s. 343.315.~~

5 ~~*-1195/3.20* SECTION 2485.~~ 343.10 (1) (d) of the statutes is repealed.

6 ~~*-1195/3.21* SECTION 2486.~~ 343.10 (1) (e) of the statutes is repealed.

7 ~~*-1195/3.22* SECTION 2487.~~ 343.10 (1) (f) of the statutes is repealed.

8 ~~*-1195/3.23* SECTION 2488.~~ 343.10 (2) (c) of the statutes is amended to read:

9 343.10 (2) (c) No occupational license permitting the operation of a commercial
10 motor vehicle may be granted to a person ~~during a period of disqualification under~~
11 ~~s. 343.315.~~

12 ~~*-1195/3.24* SECTION 2489.~~ 343.10 (7) (e) of the statutes is amended to read:

13 343.10 (7) (e) The occupational license issued by the department shall contain
14 the restrictions required by sub. (5). The occupational license authorizes the licensee
15 to operate a motor vehicle only when that operation is an essential part of the
16 licensee's occupation or trade. If the department determines that the applicant is
17 eligible under sub. (2), the department may impose such conditions and limitations
18 upon the authorization to operate ~~commercial or noncommercial~~ motor vehicles as
19 in the secretary's judgment are necessary in the interest of public safety and welfare,
20 including reexamination of the person's qualifications to operate a ~~commercial or~~
21 ~~noncommercial~~ motor vehicle or a particular type thereof. The department may limit
22 such authorization to include, without limitation, the operation of particular
23 vehicles, particular kinds of operation and particular traffic conditions.

24 ~~*-1195/3.25* SECTION 2490.~~ 343.10 (7) (g) of the statutes is repealed.

1 ***-1195/3.26*** SECTION 2491. 343.12 (2) (intro.) of the statutes is amended to
2 read:

3 343.12 (2) (intro.) The department shall issue a school bus endorsement to a
4 person, authorizing operation of a school bus that is not a commercial motor vehicle,
5 only if such person meets all of the following requirements:

6 ***-1195/3.27*** SECTION 2492. 343.12 (2m) of the statutes is created to read:

7 343.12 (2m) The department shall issue a school bus endorsement to a person,
8 authorizing operation of a school bus that is a commercial motor vehicle, only if such
9 person meets all of the requirements specified in sub. (2) and, in addition, meets all
10 of the following requirements:

11 (a) Holds a valid commercial driver license.

12 (b) Qualifies for the endorsement under s. 343.17 (3) (d) 3., including passing
13 the knowledge and driving skills tests required for obtaining such an endorsement.

14 (c) Passes a knowledge test in compliance with the requirements of 49 CFR
15 383.123 (a) (2).

16 (d) Passes a driving skills test in compliance with the requirements of 49 CFR
17 383.123 (a) (3). To the extent that the test specified under sub. (2) (h) and s. 343.16
18 (1) meets the requirements of 49 CFR 383.123 (a) (3), no additional driving skills test
19 is required.

20 ***-1195/3.28*** SECTION 2493. 343.12 (3) of the statutes is amended to read:

21 343.12 (3) The department may issue a school bus endorsement to a person who
22 is more than 70 years of age, authorizing the operation of a school bus other than a
23 commercial motor vehicle, if the person meets the requirements specified in sub. (2)
24 (c) to (f) and (h) before issuance of the endorsement and annually takes and passes

1 a physical examination prior to issuance or renewal of the endorsement to determine
2 that the person meets the physical standards established under sub. (2) (g).

3 *–1195/3.29* SECTION 2494. 343.12 (3m) of the statutes is created to read:

4 343.12 (3m) Notwithstanding sub. (2) (a) and (g), the department may issue
5 a school bus endorsement to a person who is more than 70 years of age, authorizing
6 the operation of a school bus that is a commercial motor vehicle, if the person meets
7 the requirements specified in sub. (2m) (a) to (d), before issuance of the endorsement
8 and annually takes and passes a physical examination prior to issuance or renewal
9 of the endorsement to determine that the person meets the physical standards
10 established under sub. (2) (g).

11 *–1195/3.30* SECTION 2495. 343.12 (4) (a) 1. of the statutes is amended to read:

12 343.12 (4) (a) 1. The person is a nonresident holding a valid commercial driver
13 license with a “P” passenger endorsement and any additional endorsements required
14 by the person’s home jurisdiction for the operation of a school bus, if the school bus
15 is not a commercial motor vehicle, or is a nonresident holding a valid commercial
16 driver license with an “S” endorsement if the school bus is a commercial motor
17 vehicle, and the origin or destination of the trip is in another state.

18 *–1195/3.31* SECTION 2496. 343.12 (4) (a) 2. of the statutes is repealed.

19 *–1195/3.32* SECTION 2497. 343.12 (4) (a) 3. of the statutes is amended to read:

20 343.12 (4) (a) 3. The person is a resident of Iowa, Illinois, Michigan or
21 Minnesota and holds a valid operator’s license authorizing the operation of ~~a~~ the
22 type of school bus being operated.

23 *–1195/3.33* SECTION 2498. 343.12 (4) (b) of the statutes is amended to read:

24 343.12 (4) (b) The department may, by rule, establish standards for the
25 employment by an employer of a person under par. (a) 3. as an operator of a school

1 bus in this state. The rules may require the person to meet the qualifications
2 contained in sub. (2) ~~or~~, (2m), (3), or (3m) and any rules of the department applicable
3 to residents.

4 ***-1195/3.34* SECTION 2499.** 343.17 (3) (b) of the statutes is amended to read:

5 343.17 (3) (b) The reverse side of the license shall contain an explanation of any
6 restriction codes or endorsement abbreviations used on the front of the license, in
7 sufficient detail to identify the nature of the restrictions or endorsements to a law
8 enforcement officer of this state or another jurisdiction. ~~Except for a commercial~~
9 ~~driver license or a license labeled “CDL-Occupational” as described in s. 343.03 (3)~~
10 ~~(b) and (e),~~ a A part of the reverse side of each license shall be printed to serve as a
11 document of gift under s. 157.06 (2) (b) and (c) or a document of refusal to make an
12 anatomical gift under s. 157.06 (2) (i).

13 ***-1195/3.35* SECTION 2500.** 343.175 (2) (ag) of the statutes is amended to read:

14 343.175 (2) (ag) The department shall print a separate document to be issued
15 to all persons issued a commercial driver license ~~or a license labeled~~
16 ~~“CDL-Occupational” as described in s. 343.03 (3) (b) and (e)~~ and make provisions so
17 that the document may be attached to the reverse side of the license document along
18 one edge. This document shall serve as a document of gift under s. 157.06 (2) (b) and
19 (c) or a document of refusal to make an anatomical gift under s. 157.06 (2) (i).

20 ***-1195/3.36* SECTION 2501.** 343.20 (1) (d) of the statutes is amended to read:

21 343.20 (1) (d) The department shall cancel an operator’s license that is
22 endorsed for the operation of school buses under s. 343.12 (3) or (3m), regardless of
23 the license expiration date, if the licensee fails to provide proof to the department of
24 an annual physical examination determining that the person meets the physical

1 standards established under s. 343.12 (2) (g). The licensee may elect to surrender
2 the license under s. 343.265 (1m).

3 ***-1195/3.37* SECTION 2502.** 343.22 (2) (b) of the statutes is amended to read:

4 343.22 (2) (b) In lieu of applying for a duplicate license or identification card,
5 notify the department in writing of his or her change of address. This paragraph does
6 not apply to persons issued a commercial driver license ~~or a license labeled~~
7 ~~“CDL-Occupational” as described in s. 343.03 (3) (b) and (c).~~

8 ***-1195/3.38* SECTION 2503.** 343.23 (2) (am) of the statutes is created to read:

9 343.23 (2) (am) The file specified in par. (a) shall include the following:

10 1. For a person holding a commercial driver license issued by the department,
11 a record of any disqualification by another state or jurisdiction of the person from
12 operating a commercial motor vehicle for at least 60 days or of the revocation,
13 suspension, or cancellation by another state or jurisdiction of the person’s
14 commercial driver license for at least 60 days, and the violation that resulted in the
15 disqualification, revocation, suspension, or cancellation, as specified in any notice
16 received from the state or other jurisdiction in conformity with 49 USC 31311 (a) (8).

17 2. For a person holding a commercial driver license issued by the department,
18 a record of any violation in another state of any state or local law of that state or any
19 law of a federally recognized American Indian tribe or band in that state in
20 conformity with any state law relating to motor vehicle traffic control, other than a
21 parking violation, as specified in any notice received from the state in conformity
22 with 49 USC 31311 (a) (9). The department shall record this information within 10
23 days after receipt of the notice. The department may not conceal, withhold, or mask
24 from the department’s file, or otherwise allow in any way a person to avoid the
25 department’s recording in the department’s file of, any information of which the

1 department has notice that is required to be recorded under this subdivision,
2 regardless of whether the person has obtained deferral of imposition of judgment,
3 been allowed to enter a diversion program, or otherwise obtained delayed or
4 suspended judgment or alternative sentencing from a court.

5 3. For a person holding an operator's license, other than a commercial driver
6 license, issued by the department, a record of any violation in another state or
7 jurisdiction of operating a commercial motor vehicle without a commercial driver
8 license, as specified in any notice received from the state or other jurisdiction in
9 conformity with 49 USC 31311 (a) (9).

10 4. For a person holding a commercial driver license issued by any state, a record
11 of each violation, while operating any motor vehicle, of any state or local law of this
12 state or any law of a federally recognized American Indian tribe or band in this state
13 in conformity with any state law relating to motor vehicle traffic control, other than
14 a parking violation. The department shall record the information under this
15 subdivision within 10 days after the date of conviction.

16 ***-1195/3.39* SECTION 2504.** 343.23 (2) (b) of the statutes is amended to read:

17 343.23 (2) (b) The information specified in ~~par. pars.~~ (a) and (am) must be filed
18 by the department so that the complete operator's record is available for the use of
19 the secretary in determining whether operating privileges of such person shall be
20 suspended, revoked, canceled, or withheld in the interest of public safety. The record
21 of suspensions, revocations, and convictions that would be counted under s. 343.307
22 (2) shall be maintained permanently. The record of convictions for disqualifying
23 offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record
24 of convictions for disqualifying offenses under s. 343.315 (2) (f) and (j), and all records
25 specified in par. (am), shall be maintained for at least 3 years. The record of

1 convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be
2 maintained permanently, except that 5 years after a licensee transfers residency to
3 another state such record may be transferred to another state of licensure of the
4 licensee if that state accepts responsibility for maintaining a permanent record of
5 convictions for disqualifying offenses. Such reports and records may be cumulative
6 beyond the period for which a license is granted, but the secretary, in exercising the
7 power of suspension granted under s. 343.32 (2) may consider only those reports and
8 records entered during the 4-year period immediately preceding the exercise of such
9 power of suspension.

10 *~~1195/3.40~~* SECTION 2505. 343.307 (2) (d) of the statutes is amended to read:

11 343.307 (2) (d) Convictions under the law of another jurisdiction that is in
12 substantial conformity with 49 CFR 383.51 (b) ~~(2) (i) or (ii) or both~~ Table 1, items (1)
13 to (4).

14 *~~0919/3.3~~* SECTION 2506. 343.31 (1) (ar) of the statutes is amended to read:

15 343.31 (1) (ar) Injury by the operation of a commercial motor vehicle while the
16 person has an alcohol concentration of 0.04 or more but less than ~~0.1~~ 0.08 and which
17 is criminal under s. 346.63 (6).

18 *~~1195/3.41~~* SECTION 2507. 343.31 (2) of the statutes is amended to read:

19 343.31 (2) The department shall revoke the operating privilege of any resident
20 upon receiving notice of the conviction of such person in another jurisdiction for an
21 offense therein which, if committed in this state, would have been cause for
22 revocation under this section or for revocation under s. 343.30 (1q). Such offenses
23 shall include violation of any law of another jurisdiction that prohibits use of a motor
24 vehicle while intoxicated or under the influence of a controlled substance or
25 controlled substance analog, or a combination thereof, or with an excess or specified

1 range of alcohol concentration, or under the influence of any drug to a degree that
2 renders the person incapable of safely driving, as those or substantially similar
3 terms are used in that jurisdiction's laws. Upon receiving similar notice with respect
4 to a nonresident, the department shall revoke the privilege of the nonresident to
5 operate a motor vehicle in this state. ~~Such revocation shall not apply to the operation~~
6 ~~of a commercial motor vehicle by a nonresident who holds a valid commercial driver~~
7 ~~license issued by another state.~~

8 *~~1195/3.42~~* SECTION 2508. 343.31 (2m) of the statutes is amended to read:

9 343.31 (2m) The department may suspend or revoke, respectively, the
10 operating privilege of any resident upon receiving notice of the conviction of that
11 person under a law of another jurisdiction or a federally recognized American Indian
12 tribe or band in this state for an offense which, if the person had committed the
13 offense in this state and been convicted of the offense under the laws of this state,
14 would have permitted suspension or revocation of the person's operating privilege
15 under s. 343.30 (1g). Upon receiving similar notice with respect to a nonresident, the
16 department may suspend or revoke the privilege of the nonresident to operate a
17 motor vehicle in this state. ~~The suspension or revocation shall not apply to the~~
18 ~~operation of a commercial motor vehicle by a nonresident who holds a valid~~
19 ~~commercial driver license issued by another state.~~ A suspension or revocation under
20 this subsection shall be for any period not exceeding 6 months.

21 *~~1195/3.43~~* SECTION 2509. 343.315 (2) (a) (intro.) of the statutes is amended
22 to read:

23 343.315 (2) (a) (intro.) Except as provided in par. (b), a person shall be
24 disqualified from operating a commercial motor vehicle for a one-year period upon

1 a first conviction of any of the following offenses, committed on or after July 1, 1987,
2 ~~while driving or operating a commercial motor vehicle:~~

3 *~~1195/3.44~~* SECTION 2510. 343.315 (2) (a) 7. of the statutes is created to read:

4 343.315 (2) (a) 7. Operating a commercial motor vehicle when the person's
5 commercial driver license is revoked, suspended, or canceled based on the person's
6 operation of a commercial motor vehicle or when the person is disqualified from
7 operating a commercial motor vehicle based on the person's operation of a
8 commercial motor vehicle.

9 *~~1195/3.45~~* SECTION 2511. 343.315 (2) (a) 8. of the statutes is created to read:

10 343.315 (2) (a) 8. Causing a fatality through negligent or criminal operation
11 of a commercial motor vehicle.

12 *~~1195/3.46~~* SECTION 2512. 343.315 (2) (e) of the statutes is amended to read:

13 343.315 (2) (e) A person is disqualified for life from operating a commercial
14 motor vehicle if the person uses ~~a commercial~~ any motor vehicle on or after
15 July 1, 1987, in the commission of a felony involving the manufacture, distribution,
16 delivery or dispensing of a controlled substance or controlled substance analog, or
17 possession with intent to manufacture, distribute, deliver or dispense a controlled
18 substance or controlled substance analog. No person who is disqualified under this
19 paragraph is eligible for reinstatement under par. (d).

20 *~~1195/3.47~~* SECTION 2513. 343.315 (2) (f) (intro.) of the statutes is amended
21 to read:

22 343.315 (2) (f) (intro.) A person is disqualified for a period of 60 days from
23 operating a commercial motor vehicle if convicted of 2 serious traffic violations, and
24 120 days if convicted of 3 serious traffic violations, arising from separate occurrences
25 committed within a 3-year period while driving or operating a ~~commercial~~ any motor

1 vehicle. The 120-day period of disqualification under this paragraph shall be in
2 addition to any other period of disqualification imposed under this paragraph. In
3 this paragraph, “serious traffic violations” means any of the following offenses
4 committed while operating a commercial motor vehicle, or any of the following
5 offenses committed while operating any motor vehicle if the offense results in the
6 revocation, cancellation, or suspension of the person’s operator’s license or operating
7 privilege:

8 *–1195/3.48* SECTION 2514. 343.315 (2) (f) 2. of the statutes is amended to
9 read:

10 343.315 (2) (f) 2. Violating any state or local law of this state or any law of a
11 federally recognized American Indian tribe or band in this state in conformity with
12 any state law or any law of another jurisdiction relating to motor vehicle traffic
13 control, arising in connection with a fatal accident, other than parking, vehicle
14 weight or vehicle defect violations, or violations to which par. (a) 7. applies.

15 *–1195/3.49* SECTION 2515. 343.315 (2) (f) 6. of the statutes is created to read:

16 343.315 (2) (f) 6. Operating a commercial motor vehicle when the person has
17 not obtained a commercial driver license.

18 *–1195/3.50* SECTION 2516. 343.315 (2) (f) 7. of the statutes is created to read:

19 343.315 (2) (f) 7. Operating a commercial motor vehicle when the person does
20 not have in his or her immediate possession the person’s commercial driver license
21 document, including any special restrictions cards issued under s. 343.10 (7) (d) or
22 343.17 (4), unless the person produces in court or in the office of the law enforcement
23 officer that issued the citation, by the date that the person must appear in court or
24 pay any fine or forfeiture with respect to the citation, a commercial driver license

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1 document issued to the person prior to the date of the citation and valid at the time
2 of the citation.

3 ***-1195/3.51* SECTION 2517.** 343.315 (2) (f) 8. of the statutes is created to read:

4 343.315 (2) (f) 8. Operating a commercial motor vehicle without the proper
5 class of commercial driver license or endorsements for the specific vehicle group
6 being operated or for the passengers or type of cargo being transported.

7 ***-1195/3.52* SECTION 2518.** 343.315 (2) (k) of the statutes is created to read:

8 343.315 (2) (k) A person disqualified by federal authorities under 49 USC
9 31310 (f) and 49 CFR 383.52 on the basis that the person's continued operation of a
10 commercial motor vehicle would create an imminent hazard, as defined in 49 USC
11 5102 and 49 CFR 383.5, is disqualified from operating a commercial motor vehicle
12 for the period of disqualification determined by the federal authority upon receipt by
13 the department of the notice of disqualification provided for in 49 CFR 383.52 (d).

14 ***-1195/3.53* SECTION 2519.** 343.44 (1) (d) of the statutes is amended to read:

15 343.44 (1) (d) *Operating while disqualified.* No person may operate a
16 commercial motor vehicle while disqualified under s. 343.315 or 49 CFR 383.51,
17 under the law of another jurisdiction or Mexico that provides for disqualification of
18 commercial drivers in a manner similar to 49 CFR 383.51, or under a determination
19 by the federal highway motor carrier safety administration under the federal rules
20 of practice for motor carrier safety contained in 49 CFR 386 that the person is no
21 longer qualified to operate a vehicle under 49 CFR 391.

22 ***-1195/3.54* SECTION 2520.** 343.44 (2) (b) (intro.) of the statutes is amended
23 to read:

24 343.44 (2) (b) (intro.) Except as provided in par. (am), any person who violates
25 sub. (1) (b), (c) or (d) shall be fined not more than \$2,500 or imprisoned for not more

1 than one year in the county jail or both. In imposing a sentence under this
2 paragraph, or a local ordinance in conformity with this paragraph, the court shall
3 review the record and consider the following:

4 ***-1195/3.55* SECTION 2521.** 343.44 (2) (bm) of the statutes is created to read:

5 343.44 (2) (bm) Any person who violates sub. (1) (c) shall be fined not less than
6 \$1,100 nor more than \$2,750 or imprisoned for not more than one year in the county
7 jail or both. In imposing a sentence under this paragraph, the court shall review the
8 record and consider the factors specified in par. (b) 1. to 5.

9 ***-0529/4.225* SECTION 2522.** 344.185 (2) (e) 2. of the statutes is amended to
10 read:

11 344.185 (2) (e) 2. All other proceeds of the sale remaining after the payments
12 under subd. 1. shall be retained by the secretary of transportation and applied as
13 security for payment of judgments and assignments as provided under s. 344.20 (2).
14 Any amounts not used to pay judgments or assignments shall be transmitted to the
15 ~~state treasurer~~ secretary of administration for deposit in the school fund.

16 ***-1111/4.94* SECTION 2523.** 344.576 (3) (a) 5. of the statutes is amended to
17 read:

18 344.576 (3) (a) 5. The address and telephone number of the department of
19 ~~agriculture, trade and consumer protection~~ justice.

20 ***-1111/4.95* SECTION 2524.** 344.576 (3) (c) of the statutes is amended to read:

21 344.576 (3) (c) The department of ~~agriculture, trade and consumer protection~~
22 justice shall promulgate rules specifying the form of the notice required under par.
23 (a), including the size of the paper and the type size and any highlighting of the
24 information described in par. (a). The rule may specify additional information that
25 must be included in the notice and the precise language that must be used.

1 *~~1111/4.96~~* SECTION 2525. 344.579 (2) (intro.) of the statutes is amended to
2 read:

3 344.579 (2) ENFORCEMENT. (intro.) The department of agriculture, ~~trade and~~
4 ~~consumer protection justice~~ shall investigate violations of ss. 344.574, 344.576 (1),
5 (2) and (3) (a) and (b), 344.577 and 344.578. The department of agriculture, ~~trade~~
6 ~~and consumer protection justice~~ may on behalf of the state:

7 *~~0529/4.226~~* SECTION 2526. 345.08 of the statutes is amended to read:

8 **345.08 Suit to recover protested tax or fee.** No suit shall be maintained
9 in any court to restrain or delay the collection or payment of the taxes levied or the
10 fees imposed or enacted in chs. 341 to 349. The aggrieved taxpayer shall pay the tax
11 or fee as and when due and, if paid under protest, may at any time within 90 days
12 from the date of such payment sue the state in an action at law to recover the tax or
13 fee so paid. If it is finally determined that such tax or fee or any part thereof was
14 wrongfully collected for any reason, the department secretary of administration
15 shall issue a warrant on the state treasurer for pay from the transportation fund the
16 amount of such tax or fee so adjudged to have been wrongfully collected ~~and the state~~
17 ~~treasurer shall pay the same out of the transportation fund.~~ A separate suit need not
18 be filed for each separate payment made by any taxpayer, but a recovery may be had
19 in one suit for as many payments as were made within the 90-day period preceding
20 the commencement of the action. Such suits shall be commenced as provided in s.
21 775.01.

22 *~~0529/4.227~~* SECTION 2527. 346.177 (3) of the statutes is amended to read:

23 346.177 (3) If any deposit is made for an offense to which this section applies,
24 the person making the deposit shall also deposit a sufficient amount to include the
25 railroad crossing improvement assessment under this section. If the deposit is

1 forfeited, the amount of the railroad crossing improvement assessment shall be
2 transmitted to the ~~state treasurer~~ secretary of administration under sub. (4). If the
3 deposit is returned, the amount of the railroad crossing improvement assessment
4 shall also be returned.

5 ***-0529/4.228* SECTION 2528.** 346.177 (4) of the statutes is amended to read:

6 346.177 (4) The clerk of the circuit court shall collect and transmit to the county
7 treasurer the railroad crossing improvement assessment as required under s. 59.40
8 (2) (m). The county treasurer shall then pay the ~~state treasurer~~ secretary of
9 administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~ secretary of
10 administration shall deposit all amounts received under this subsection in the
11 transportation fund to be appropriated under s. 20.395 (2) (gj).

12 ***-1187/4.203* SECTION 2529.** 346.45 (3) (d) of the statutes is amended to read:

13 346.45 (3) (d) A railroad grade crossing which is marked with a sign in
14 accordance with s. 195.285 (3). Such signs shall be erected by the maintaining
15 authority only upon order of the ~~office of the commissioner of railroads as set forth~~
16 in department or the division of hearings and appeals in accordance with s. 195.285.

17 ***-0529/4.229* SECTION 2530.** 346.495 (3) of the statutes is amended to read:

18 346.495 (3) If any deposit is made for an offense to which this section applies,
19 the person making the deposit shall also deposit a sufficient amount to include the
20 railroad crossing improvement assessment under this section. If the deposit is
21 forfeited, the amount of the railroad crossing improvement assessment shall be
22 transmitted to the ~~state treasurer~~ secretary of administration under sub. (4). If the
23 deposit is returned, the amount of the railroad crossing improvement assessment
24 shall also be returned.

25 ***-0529/4.230* SECTION 2531.** 346.495 (4) of the statutes is amended to read:

1 346.495 (4) The clerk of the circuit court shall collect and transmit to the county
2 treasurer the railroad crossing improvement assessment as required under s. 59.40
3 (2) (m). The county treasurer shall then pay the ~~state treasurer~~ secretary of
4 administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~ secretary of
5 administration shall deposit all amounts received under this subsection in the
6 transportation fund to be appropriated under s. 20.395 (2) (gj).

7 *~~0919/3.4~~* SECTION 2532. 346.63 (2m) of the statutes is amended to read:

8 346.63 (2m) If a person has not attained the legal drinking age, as defined in
9 s. 125.02 (8m), the person may not drive or operate a motor vehicle while he or she
10 has an alcohol concentration of more than 0.0 but not more than ~~0.1~~ 0.08. One
11 penalty for violation of this subsection is suspension of a person's operating privilege
12 under s. 343.30 (1p). The person is eligible for an occupational license under s. 343.10
13 at any time. If a person arrested for a violation of this subsection refuses to take a
14 test under s. 343.305, the refusal is a separate violation and the person is subject to
15 revocation of the person's operating privilege under s. 343.305 (10) (em).

16 *~~0919/3.5~~* SECTION 2533. 346.63 (5) (a) of the statutes is amended to read:

17 346.63 (5) (a) No person may drive or operate a commercial motor vehicle while
18 the person has an alcohol concentration of 0.04 or more but less than ~~0.1~~ 0.08.

19 *~~0919/3.6~~* SECTION 2534. 346.63 (6) (a) of the statutes is amended to read:

20 346.63 (6) (a) No person may cause injury to another person by the operation
21 of a commercial motor vehicle while the person has an alcohol concentration of 0.04
22 or more but less than ~~0.1~~ 0.08.

23 *~~0529/4.231~~* SECTION 2535. 346.65 (4r) (c) of the statutes is amended to read:

24 346.65 (4r) (c) If any deposit is made for an offense to which this subsection
25 applies, the person making the deposit shall also deposit a sufficient amount to

1 include the railroad crossing improvement assessment under this subsection. If the
2 deposit is forfeited, the amount of the railroad crossing improvement assessment
3 shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d).
4 If the deposit is returned, the amount of the railroad crossing improvement
5 assessment shall also be returned.

6 *~~0529/4.232~~* SECTION 2536. 346.65 (4r) (d) of the statutes is amended to read:

7 346.65 (4r) (d) The clerk of the circuit court shall collect and transmit to the
8 county treasurer the railroad crossing improvement assessment as required under
9 s. 59.40 (2) (m). The county treasurer shall then pay the ~~state treasurer~~ secretary
10 of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~ secretary of
11 administration shall deposit all amounts received under this paragraph in the
12 transportation fund to be appropriated under s. 20.395 (2) (gj).

13 *~~0529/4.233~~* SECTION 2537. 346.655 (2) (a) of the statutes is amended to read:

14 346.655 (2) (a) Except as provided in par. (b), the clerk of court shall collect and
15 transmit the amount under sub. (1) to the county treasurer as provided in s. 59.40
16 (2) (m). The county treasurer shall then make payment of 38.5% of the amount to
17 the ~~state treasurer~~ secretary of administration as provided in s. 59.25 (3) (f) 2.

18 *~~0529/4.234~~* SECTION 2538. 346.655 (2) (b) of the statutes is amended to read:

19 346.655 (2) (b) If the forfeiture is imposed by a municipal court, the court shall
20 transmit the amount to the treasurer of the county, city, town, or village, and that
21 treasurer shall make payment of 38.5% of the amount to the ~~state treasurer~~
22 secretary of administration as provided in s. 66.0114 (1) (bm). The treasurer of the
23 city, town, or village shall transmit the remaining 61.5% of the amount to the
24 treasurer of the county.

25 *~~0529/4.235~~* SECTION 2539. 346.655 (3) of the statutes is amended to read:

1 346.655 (3) All moneys collected from the driver improvement surcharge that
2 are transmitted to the county treasurer under sub. (2) (a) or (b), except the amounts
3 that the county treasurer is required to transmit to the ~~state treasurer~~ secretary of
4 administration under sub. (2) (a) or (b), shall be retained by the county treasurer and
5 disbursed to the county department under s. 51.42 for services under s. 51.42 for
6 drivers referred through assessment.

7 *~~1229/2.2~~* SECTION 2540. 348.25 (8) (a) (intro.) of the statutes is amended to
8 read:

9 348.25 (8) (a) (intro.) Except as provided under par. (dm), the department shall
10 charge the following fees for each permit issued under s. 348.26 or 348.27:

11 *~~1190/1.1~~* SECTION 2541. 348.25 (8) (a) 1. of the statutes is amended to read:

12 348.25 (8) (a) 1. For a vehicle or combination of vehicles which exceeds length
13 limitations, \$15, except that if the application for a permit for a vehicle described in
14 this subdivision is submitted to the department after December 31, 1999, and before
15 July 1, ~~2003~~ 2005, the fee is \$17.

16 *~~1190/1.2~~* SECTION 2542. 348.25 (8) (a) 2. of the statutes is amended to read:

17 348.25 (8) (a) 2. For a vehicle or combination of vehicles which exceeds either
18 width limitations or height limitations, \$20, except that if the application for a
19 permit for a vehicle described in this subdivision is submitted to the department
20 after December 31, 1999, and before July 1, ~~2003~~ 2005, the fee is \$22.

21 *~~1190/1.3~~* SECTION 2543. 348.25 (8) (a) 2m. of the statutes is amended to
22 read:

23 348.25 (8) (a) 2m. For a vehicle or combination of vehicles which exceeds both
24 width and height limitations, \$25, except that if the application for a permit for a

1 vehicle described in this subdivision is submitted to the department after
2 December 31, 1999, and before July 1, ~~2003~~ 2005, the fee is \$28.

3 ***-1190/1.4* SECTION 2544.** 348.25 (8) (b) 1. of the statutes is amended to read:

4 348.25 (8) (b) 1. For a vehicle or combination of vehicles which exceeds length
5 limitations, \$60, except that if the application for a permit for a vehicle described in
6 this subdivision is submitted to the department after December 31, 1999, and before
7 July 1, ~~2003~~ 2005, the fee is \$66.

8 ***-1190/1.5* SECTION 2545.** 348.25 (8) (b) 2. of the statutes is amended to read:

9 348.25 (8) (b) 2. For a vehicle or combination of vehicles which exceeds width
10 limitations or height limitations or both, \$90, except that if the application for a
11 permit for a vehicle described in this subdivision is submitted to the department
12 after December 31, 1999, and before July 1, ~~2003~~ 2005, the fee is \$99.

13 ***-1190/1.6* SECTION 2546.** 348.25 (8) (b) 3. a. of the statutes is amended to
14 read:

15 348.25 (8) (b) 3. a. If the gross weight is 90,000 pounds or less, \$200, except that
16 if the application for a permit for a vehicle described in this subd. 3. a. is submitted
17 to the department after December 31, 1999, and before July 1, ~~2003~~ 2005, the fee is
18 \$220.

19 ***-1190/1.7* SECTION 2547.** 348.25 (8) (b) 3. b. of the statutes is amended to
20 read:

21 348.25 (8) (b) 3. b. If the gross weight is more than 90,000 pounds but not more
22 than 100,000 pounds, \$350, except that if the application for a permit for a vehicle
23 described in this subd. 3. b. is submitted to the department after December 31, 1999,
24 and before July 1, ~~2003~~ 2005, the fee is \$385.

1 ***-1190/1.8*** SECTION 2548. 348.25 (8) (b) 3. c. of the statutes is amended to
2 read:

3 348.25 (8) (b) 3. c. If the gross weight is greater than 100,000 pounds, \$350 plus
4 \$100 for each 10,000–pound increment or fraction thereof by which the gross weight
5 exceeds 100,000 pounds, except that if the application for a permit for a vehicle
6 described in this subd. 3. c. is submitted to the department after December 31, 1999,
7 and before July 1, 2003 2005, the fee is \$385 plus \$110 for each 10,000–pound
8 increment or fraction thereof by which the gross weight exceeds 100,000 pounds.

9 ***-1190/1.9*** SECTION 2549. 348.25 (8) (bm) 1. of the statutes is amended to
10 read:

11 348.25 (8) (bm) 1. Unless a different fee is specifically provided, the fee for a
12 consecutive month permit is one–twelfth of the fee under par. (b) for an annual
13 permit times the number of months for which the permit is desired, plus \$15 for each
14 permit issued. This subdivision does not apply to applications for permits submitted
15 after December 31, 1999, and before July 1, 2003 2005.

16 ***-1190/1.10*** SECTION 2550. 348.25 (8) (bm) 2. of the statutes is amended to
17 read:

18 348.25 (8) (bm) 2. Unless a different fee is specifically provided, the fee for a
19 consecutive month permit is one–twelfth of the fee under par. (b) for an annual
20 permit times the number of months for which the permit is desired, plus \$16.50 for
21 each permit issued, rounded to the nearest whole dollar. This subdivision does not
22 apply to applications submitted before January 1, 2000, or submitted after
23 June 30, 2003 2005.

24 ***-1229/2.3*** SECTION 2551. 348.25 (8) (e) of the statutes is amended to read:

1 348.25 (8) (e) The officer or agency authorized to issue a permit under s. 348.26
2 or 348.27 may require any applicant for a permit under s. 348.26 or 348.27 to pay the
3 cost of any special investigation undertaken to determine whether a permit should
4 be approved or denied and to pay an additional fee of \$5 per permit if a department
5 telephone call-in procedure is used. If the department permits the payment of the
6 fee under par. (a) by telephone or Internet with use of a credit card, the department
7 shall charge a fee to be established by rule for each transaction. The fee shall
8 approximate the cost to the department for providing this service to persons so
9 requesting.

10 *~~0529/4.236~~* SECTION 2552. 349.04 (3) of the statutes is amended to read:

11 349.04 (3) If any deposit is made for an offense to which this section applies,
12 the person making the deposit shall also deposit a sufficient amount to include the
13 truck driver education assessment under this section. If the deposit is forfeited, the
14 amount of the truck driver education assessment shall be transmitted to the state
15 ~~treasurer~~ secretary of administration under sub. (4). If the deposit is returned, the
16 amount of the truck driver education assessment shall also be returned.

17 *~~0529/4.237~~* SECTION 2553. 349.04 (4) of the statutes is amended to read:

18 349.04 (4) The clerk of the circuit court shall collect and transmit to the county
19 treasurer the truck driver education assessment as required under s. 59.40 (2) (m).
20 The county treasurer shall then pay the ~~state treasurer~~ secretary of administration
21 as provided in s. 59.25 (3) (f) 2. ~~The state treasurer~~ secretary of administration shall
22 deposit all amounts received under this subsection in the general fund to be credited
23 to the appropriation account under s. 20.292 (1) (hm).

24 *~~0529/4.238~~* SECTION 2554. 350.115 (1) (c) of the statutes is amended to read:

1 350.115 (1) (c) If any deposit is made for an offense to which this section applies,
2 the person making the deposit shall also deposit a sufficient amount to include the
3 snowmobile registration restitution payment prescribed in this section. If the
4 deposit is forfeited, the amount of the snowmobile registration restitution payment
5 shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d).
6 If the deposit is returned, the snowmobile registration restitution payment shall also
7 be returned.

8 *~~0529/4.239~~* SECTION 2555. 350.115 (1) (d) of the statutes is amended to read:

9 350.115 (1) (d) The clerk of the court shall collect and transmit to the county
10 treasurer the snowmobile registration restitution payment and other amounts
11 required under s. 59.40 (2) (m). The county treasurer shall then make payment to
12 the ~~state treasurer~~ secretary of administration as provided in s. 59.25 (3) (f) 2.

13 *~~1187/4.204~~* SECTION 2556. 350.137 (1) of the statutes is amended to read:

14 350.137 (1) The department, after having consulted with each rail authority,
15 as defined in s. 350.138 (1) (b), in this state, that has furnished the department with
16 the information required under s. 350.138 (2m), an established snowmobile
17 association that represents snowmobile clubs, as defined in s. 350.138 (1) (e), in this
18 state, and the ~~office of the commissioner of railroads~~ department of transportation,
19 shall promulgate rules to establish uniform maintenance standards and uniform
20 design and construction standards for snowmobile rail crossings under ss. 350.138
21 and 350.139.

22 *~~1187/4.205~~* SECTION 2557. 350.138 (4) (c) of the statutes is amended to read:

23 350.138 (4) (c) The department shall give notice of any hearing scheduled
24 under par. (b) to the applicant, to the applicable rail authority, and to the ~~office of the~~
25 ~~commissioner of railroads~~ department of transportation. The hearing shall be a

1 contested case hearing under ch. 227. The department's department of natural
2 resources' order issuing or denying a permit is a final order subject to judicial review
3 under ch. 227.

4 *~~1187/4.206~~* SECTION 2558. 350.138 (9) of the statutes is amended to read:

5 350.138 (9) INSPECTION AUTHORIZED. The department or the ~~office of the~~
6 ~~commissioner of railroads~~ department of transportation may inspect the site of a
7 proposed snowmobile rail crossing or the site of a snowmobile rail crossing for which
8 a permit has been issued to determine whether there are grounds to refuse to issue
9 a permit under sub. (4) or to revoke a permit under sub. (8).

10 *~~1187/4.207~~* SECTION 2559. 350.139 (5) of the statutes is amended to read:

11 350.139 (5) INSPECTION AUTHORIZED. The department or the ~~office of the~~
12 ~~commissioner of railroads~~ department of transportation may inspect an established
13 snowmobile rail crossing to determine whether the snowmobile organization
14 maintaining the crossing is in compliance with the requirements imposed under sub.
15 (4).

16 *~~1187/4.208~~* SECTION 2560. 350.1395 (2) (b) 2. of the statutes is amended to
17 read:

18 350.1395 (2) (b) 2. The department shall hold a hearing on a petition filed under
19 subd. 1. after giving notice of the hearing to the rail authority, the snowmobile
20 organization, and the ~~office of the commissioner of railroads~~ department of
21 transportation. The hearing shall be a contested case hearing under ch. 227. The
22 department's department of natural resources' order shall be a final order subject to
23 judicial review under ch. 227.

24 *~~1187/4.209~~* SECTION 2561. 350.1395 (2) (b) 3. (intro.) of the statutes is
25 amended to read:

1 350.1395 (2) (b) 3. (intro.) The department shall grant a rail authority's petition
2 under subd. 2. to close or remove a snowmobile rail crossing if, after a hearing under
3 subd. 2., and after giving substantial weight to the ~~office of the commissioner of~~
4 ~~railroads'~~ department of transportation's testimony or report given under s. 195.03
5 (30) (b), the department of natural resources finds that any of the following applies:

6 *~~1187/4.210~~* SECTION 2562. 350.1395 (4) (b) of the statutes is amended to
7 read:

8 350.1395 (4) (b) The department may not promulgate a rule under this
9 subsection without first consulting with each rail authority in this state that has
10 furnished the department with the information required under s. 350.138 (2m), an
11 established snowmobile association that represents snowmobile clubs, as defined in
12 s. 350.138 (1) (e), in this state, and the ~~office of the commissioner of railroads~~
13 department of transportation.

14 *~~0529/4.240~~* SECTION 2563. 351.07 (1g) of the statutes is amended to read:
15 351.07 (1g) No person may file a petition for an occupational license under sub.
16 (1) unless he or she first pays a fee of \$40 to the clerk of the circuit court. The clerk
17 of the circuit court shall give the person a receipt and forward the fee to the county
18 treasurer. That treasurer shall pay 50% of the fee to the ~~state treasurer~~ secretary
19 of administration under s. 59.25 (3) (m) and retain the balance for the use of the
20 county.

21 *~~1249/1.1~~* SECTION 2564. 445.125 (1) (a) 2. of the statutes, as affected by 2001
22 Wisconsin Act 16, is amended to read:

23 445.125 (1) (a) 2. Notwithstanding s. 701.12 (1), such agreements may be made
24 irrevocable as to the first ~~\$3,000~~ \$1,500 of the funds paid under the agreement by
25 each depositor.

1 *~~1431/2.42~~* SECTION 2565. 552.23 (1) of the statutes is amended to read:

2 552.23 (1) If the target company is an insurance company subject to regulation
3 by the commissioner of insurance, a banking corporation ~~subject to regulation by the~~
4 ~~division of banking, a~~, savings bank, or savings and loan association subject to
5 regulation by the division of ~~savings institutions~~ banking, or a company subject to
6 regulation by the public service commission, the department of transportation, or the
7 office of the commissioner of railroads, the division of securities shall promptly
8 furnish a copy of the registration statement filed under this chapter to the regulatory
9 agency having supervision of the target company. Any hearing under this chapter
10 involving any such target company shall be held jointly with the regulatory agency
11 having supervision, and any determination following the hearing shall be made
12 jointly with that regulatory agency.

13 *~~1187/4.211~~* SECTION 2566. 552.23 (1) of the statutes, as affected by 2003
14 Wisconsin Act (this act), is amended to read:

15 552.23 (1) If the target company is an insurance company subject to regulation
16 by the commissioner of insurance, a banking corporation, savings bank, or savings
17 and loan association subject to regulation by the division of banking, or a company
18 subject to regulation by the public service commission, or the department of
19 transportation, ~~or the office of the commissioner of railroads~~, the division of
20 securities shall promptly furnish a copy of the registration statement filed under this
21 chapter to the regulatory agency having supervision of the target company. Any
22 hearing under this chapter involving any such target company shall be held jointly
23 with the regulatory agency having supervision, and any determination following the
24 hearing shall be made jointly with that regulatory agency.

SECTION 2566

***NOTE: This is reconciled s. 552.23 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB-1187 and LRB-1431.

1 *~~1634/7.63~~* **SECTION 2567.** 560.045 (1) of the statutes is amended to read:

2 560.045 (1) ~~Notwithstanding s. 16.54 (2) (a), from moneys received under a~~
3 ~~community development block grant, 42 USC 5301 to 5320, the department shall~~
4 ~~contract with the department of administration for the administration of housing~~
5 ~~programs, including the housing improvement grant program and the initial~~
6 ~~rehabilitation grant program.~~ To the extent allowed under federal law or regulation,
7 the department shall give priority in the awarding of grants under the housing
8 programs to grants for projects related to the redevelopment of brownfields, as
9 defined in s. 560.60 (1v).

10 *~~1546/2.15~~* **SECTION 2568.** 560.13 of the statutes is repealed.

11 *~~1546/2.16~~* **SECTION 2569.** 560.138 (1) (ac) of the statutes is amended to read:

12 560.138 (1) (ac) “Brownfields” has the meaning given in s. ~~560.13 (1) (a)~~ 560.60
13 (1v).

14 *~~1546/2.17~~* **SECTION 2570.** 560.139 (1) (c) of the statutes is repealed.

15 *~~1376/1.2~~* **SECTION 2571.** 560.18 of the statutes is repealed.

16 *~~1877/2.5~~* **SECTION 2572.** 560.25 of the statutes, as affected by 2001
17 Wisconsin Act 16, is repealed.

18 *~~1546/2.18~~* **SECTION 2573.** 560.41 (1) of the statutes is repealed.

19 *~~1546/2.19~~* **SECTION 2574.** 560.44 of the statutes is repealed.

20 *~~1877/2.6~~* **SECTION 2575.** 560.605 (1) (i) of the statutes is amended to read:

21 560.605 (1) (i) The eligible recipient has not received a grant under s. 560.25,
22 2001 stats.

23 *~~1877/2.7~~* **SECTION 2576.** 560.62 (2m) of the statutes is repealed.

1 *~~0529/4.241~~* SECTION 2577. 562.02 (1) (g) of the statutes is amended to read:

2 562.02 (1) (g) At least once every 3 months, file a written report on the operation
3 of racing in this state with the governor, the attorney general, the ~~state treasurer~~
4 secretary of administration, the secretary of state, the legislative audit bureau, the
5 president of the senate, and the speaker of the assembly. The report shall include
6 information on racetrack operations, race attendance, and private, state, and local
7 revenues derived from racing in this state.

8 *~~1824/6.50~~* SECTION 2578. 564.02 (3) (c) of the statutes is repealed.

9 *~~1704/1.3~~* SECTION 2579. 565.25 (1m) of the statutes is amended to read:

10 565.25 (1m) SCOPE OF AUTHORITY. Subject to approval by the secretary of
11 revenue, the administrator may determine whether lottery functions shall be
12 performed by ~~department of revenue employees or~~ by one or more persons under
13 contract with the department of administration, except ~~that no contract may provide~~
14 ~~for the entire management of the lottery or for the entire operation of the lottery by~~
15 ~~any private person. The department of administration may contract for~~
16 ~~management consultation services to assist in the management or operation of the~~
17 ~~lottery. The department of administration may not contract for financial auditing~~
18 ~~or security monitoring services, except that, if for financial auditing services and~~
19 procurement functions relating to the state lottery. If the department of
20 administration delegates under s. 16.71 (1) to the department of revenue the
21 authority to make a major procurement, the department of revenue may contract
22 with the department of administration for warehouse and building protection
23 services relating to the state lottery. If the department of administration delegates
24 under s. 16.71 (1) to the department of revenue the authority to make a major
25 procurement, the department of revenue shall assume the powers and duties of the

1 department of administration and the administrator shall assume the powers and
2 duties of the secretary of administration under this section and ss. 16.70 to 16.77,
3 except under ss. 16.72 (4) (a), 16.76 (1) and 16.77 (1).

4 ***-1704/1.4* SECTION 2580.** 565.25 (2) (a) 4. of the statutes is repealed and
5 recreated to read:

6 565.25 (2) (a) 4. The administrator shall develop specifications for major
7 procurements. If security is a factor in the materials, supplies, equipment, property,
8 or services to be purchased in any major procurement, then invitations for bids or
9 competitive sealed proposals shall include specifications related to security. The
10 administrator shall submit specifications for major procurement to the secretary of
11 revenue for review and approval before the department releases the specifications
12 in invitations for bids or competitive sealed proposals. The department shall require
13 separate bids or separate competitive sealed proposals for management consultation
14 services if the services are provided under contract as provided in sub. (1m).

15 ***-0529/4.242* SECTION 2581.** 565.37 (3) of the statutes is amended to read:

16 565.37 (3) DEPARTMENT REPORT. The department shall submit quarterly reports
17 on the operation of the lottery to the chief clerk of each house of the legislature, for
18 distribution to the legislature under s. 13.172 (2) and to the governor, attorney
19 general, ~~state treasurer~~ secretary of administration, secretary of state, and state
20 auditor.

21 ***-1825/2.2* SECTION 2582.** 569.06 of the statutes is renumbered 569.06 (1) and
22 amended to read:

23 569.06 (1) GENERAL ALLOCATION. Except as provided in sub. (2), Indian gaming
24 receipts received in any fiscal year, up to \$24,352,500, shall be credited to the
25 appropriation accounts under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm) as

1 specified under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm). Except as provided
2 under sub. (2), Indian gaming receipts received in any fiscal year in excess of the
3 amount specified in this subsection shall be paid into the general fund.

4 ***-1825/2.3* SECTION 2583.** 569.06 (2) of the statutes is created to read:

5 569.06 (2) LIMITATIONS ON PAYMENTS TO GENERAL FUND. (a) *Fiscal year 2003–04.*

6 Not more than \$112,000,000 may be paid into the general fund under sub. (1) during
7 the 2003–04 fiscal year. Indian gaming receipts in excess of this amount that would
8 otherwise be required to be paid into the general fund under sub. (1) shall be credited
9 to the appropriation accounts under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm)
10 as specified under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm).

11 (b) *Fiscal year 2004–05 and thereafter.* Not more than \$125,000,000 may be
12 paid into the general fund under sub. (1) during the 2004–05 fiscal year and any fiscal
13 year thereafter. Indian gaming receipts in excess of this amount that would
14 otherwise be required to be paid into the general fund under sub. (1) shall be credited
15 to the appropriation accounts under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm)
16 as specified under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm).

17 ***-0529/4.243* SECTION 2584.** 601.13 (1) (intro.) of the statutes is amended to
18 read:

19 601.13 (1) RECEIPT OF DEPOSITS. (intro.) Subject to the approval of the
20 commissioner, the ~~state treasurer~~ secretary of administration shall accept deposits
21 or control of acceptable book–entry accounts from insurers and other licensees of the
22 office as follows:

23 ***-0529/4.244* SECTION 2585.** 601.13 (3) (intro.) of the statutes is amended to
24 read:

1 601.13 (3) SECURITIES ELIGIBLE. (intro.) All deposits may consist of any of the
2 securities authorized in this subsection. Each security must be approved by the
3 commissioner, must be subject to disposition by the ~~state treasurer~~ secretary of
4 administration, and must not be available to any other person except as expressly
5 provided by law. The authorized securities are:

6 *~~0529/4.245~~* **SECTION 2586.** 601.13 (5) of the statutes is amended to read:

7 601.13 (5) RECEIPT, INSPECTION, AND RECORD. The ~~state treasurer~~ secretary of
8 administration shall deliver to the depositor a receipt for all securities deposited or
9 held under the control of the ~~state treasurer~~ secretary of administration and shall
10 permit the depositor to inspect its physically held securities at any reasonable time.
11 On application of the depositor the ~~treasurer~~ secretary of administration shall certify
12 when required by any law of the United States or of any other state or foreign country
13 or by the order of any court of competent jurisdiction that the deposit was made. The
14 ~~treasurer~~ secretary of administration and the commissioner shall each keep a
15 permanent record of securities deposited or held under the control of the ~~state~~
16 ~~treasurer~~ secretary of administration and of any substitutions or withdrawals and
17 shall compare records at least annually.

18 *~~0529/4.246~~* **SECTION 2587.** 601.13 (6) of the statutes is amended to read:

19 601.13 (6) TRANSFER OF SECURITIES. No transfer of a deposited security, whether
20 voluntary or by operation of law, is valid unless approved in writing by the
21 commissioner and countersigned by the ~~treasurer~~ secretary of administration.

22 *~~0529/4.247~~* **SECTION 2588.** 601.13 (8) (intro.) of the statutes is amended to
23 read:

1 601.13 (8) INTEREST AND SUBSTITUTIONS. (intro.) Subject to s. ~~14.58 (13)~~ 16.401
2 (11), a depositor shall, while solvent and complying with the laws of this state, be
3 entitled:

4 *~~0529/4.248~~* SECTION 2589. 601.13 (11) of the statutes is amended to read:

5 601.13 (11) ADVANCE DEPOSIT OF FEES. With the approval of the commissioner,
6 any person required to pay fees or assessments to the state through the
7 commissioner may make a deposit with the ~~treasurer~~ secretary of administration
8 from which the fees or assessments shall be paid on order of the commissioner not
9 less than twice each year. Upon request by the depositor, any balance remaining
10 shall be returned on the certificate of the commissioner that all fees and assessments
11 have been paid to date.

12 *~~0153/P1.1~~* SECTION 2590. 601.17 of the statutes is repealed.

13 *~~1876/1.5~~* SECTION 2591. 601.34 of the statutes is repealed.

14 *~~0529/4.249~~* SECTION 2592. 601.45 (3) of the statutes is amended to read:

15 601.45 (3) DEPOSIT. The commissioner may require any examinee, before or
16 from time to time during an examination, to deposit with the ~~state treasurer~~
17 secretary of administration such deposits as the commissioner deems necessary to
18 pay the costs of the examination. Any deposit and any payment made under subs.
19 (1) and (2) shall be credited to the appropriation under s. 20.145 (1) (g) in the
20 percentage specified in that paragraph.

21 *~~0529/4.250~~* SECTION 2593. 601.62 (4) of the statutes is amended to read:

22 601.62 (4) FEES IN INVESTIGATIONS AND HEARINGS. The fees for stenographic
23 services in investigations, examinations, and hearings may not exceed the sum
24 provided for like services in the circuit court. The fees of officers, witnesses,
25 interpreters, and stenographers on behalf of the commissioner or the state shall be

1 paid by the ~~state treasurer upon the warrant of the department~~ secretary of
2 administration, authorized by the certificate of the commissioner, and shall be
3 charged to the appropriation under s. 20.145 (1) (g).

4 ***-0529/4.251* SECTION 2594.** 604.04 (4) of the statutes is amended to read:

5 604.04 (4) PAYMENT PROCEDURE. Any charges against a fund under sub. (3) shall
6 be certified by the commissioner, audited by the department of administration under
7 s. 16.53, and paid by the ~~treasurer~~ secretary of administration out of the appropriate
8 fund in accordance with procedures of the department of administration.

9 ***-0529/4.252* SECTION 2595.** 604.05 of the statutes is amended to read:

10 **604.05 Investments.** Assets of all funds under chs. 605 to 607 shall be
11 invested by the state investment board under s. 25.17. Each January 1 the ~~state~~
12 ~~treasurer~~ secretary of administration shall credit each fund with earnings on the
13 invested assets in each fund for the preceding 12 months. If any fund is indebted to
14 the general fund of the state, the fund shall be charged, at the end of each calendar
15 year, with interest on the indebtedness at the average rate earned by the state upon
16 its deposits in public depositories during the period of indebtedness and that sum
17 shall be credited to the general fund.

18 ***-0529/4.253* SECTION 2596.** 604.06 (1) of the statutes is amended to read:

19 604.06 (1) CUSTODY. The ~~state treasurer~~ secretary of administration has sole
20 custody of all assets of funds under chs. 605 to 607.

21 ***-0529/4.254* SECTION 2597.** 604.07 of the statutes is amended to read:

22 **604.07 Bonds.** The commissioner as manager of the funds and the ~~treasurer~~
23 secretary of administration shall file surety bonds, specifically conditioned on the
24 performance of their duties under chs. 605 to 607, in amounts required by, and with
25 sureties approved by, the governor.

1 *~~-0529/4.255~~* SECTION 2598. 605.30 of the statutes is amended to read:

2 **605.30 Inadequacy of fund.** If the property fund does not have sufficient
3 assets to pay claims that are due, the ~~department~~ secretary of administration shall
4 ~~issue a warrant as a~~ transfer from the general fund to the property fund an amount
5 sufficient to pay the losses and ~~the state treasurer~~ shall pay the ~~warrant~~ losses. The
6 property fund shall thereafter repay the general fund this amount and the
7 ~~department~~ secretary of administration shall ~~issue warrants for such transfer~~ the
8 amount as soon as there are assets in the property fund.

9 *~~-0529/4.256~~* SECTION 2599. 611.76 (4) (e) of the statutes is amended to read:

10 611.76 (4) (e) That no policyholder, other than a policyholder of a mutual life
11 insurance company, may receive a distribution of shares valued in excess of the
12 amount to which he or she is entitled under s. 645.72 (4). Any excess over that
13 amount shall be distributed in shares to the state treasury for the benefit of the
14 common school fund. After 5 years the shares may be sold by the ~~treasurer~~ secretary
15 of administration at his or her discretion and the proceeds credited to the common
16 school fund; and

17 *~~-0029/2.5~~* SECTION 2600. 632.746 (7m) of the statutes is created to read:

18 632.746 (7m) (a) In this subsection, “terms of the group health benefit plan”
19 does not include any requirements under the group health benefit plan related to
20 enrollment periods or waiting periods.

21 (b) An insurer offering a group health benefit plan shall permit, as provided in
22 par. (c), an employee who is not enrolled but who is eligible for coverage under the
23 terms of the group health benefit plan, or a participant’s or employee’s dependent
24 who is not enrolled but who is eligible for coverage under the terms of the group

1 health benefit plan, to enroll for coverage under the terms of the plan if all of the
2 following apply:

3 1. The employee or dependent is eligible for benefits under the Medical
4 Assistance program under s. 49.472 or for coverage under the Badger Care health
5 care program under s. 49.665.

6 2. The department of health and family services will purchase coverage under
7 the group health benefit plan on behalf of the employee or dependent because the
8 department of health and family services has determined that paying the portion of
9 the premium for which the employee is responsible will not be more costly than
10 providing the medical assistance or the coverage under the Badger Care health care
11 program, whichever is applicable.

12 (c) An insurer permitting an employee or dependent to enroll under this
13 subsection shall provide for an enrollment period of not less than 30 days, beginning
14 on the date on which the department of health and family services makes the
15 determination under par. (b) 2.

16 ***-1755/3.8* SECTION 2601.** 655.26 (2) of the statutes is amended to read:

17 655.26 (2) By the 15th day of each month, the board of governors shall report
18 the information specified in sub. (1) to the medical examining board for each claim
19 paid by the fund or from the appropriation under s. 20.145 (2) (a) during the previous
20 month for damages arising out of the rendering of health care services by a health
21 care provider or an employee of a health care provider.

22 ***-1755/3.9* SECTION 2602.** 655.27 (3) (am) of the statutes is amended to read:

23 655.27 (3) (am) *Assessments for peer review council.* The fund, a mandatory
24 health care liability risk-sharing plan established under s. 619.04, and a private
25 health care liability insurer shall be assessed, as appropriate, fees sufficient to cover

1 the costs of the patients compensation fund peer review council, including costs of
2 administration, for reviewing claims paid by the fund, or from the appropriation
3 under s. 20.145 (2) (a), by the plan, and by the insurer, respectively, under s. 655.275
4 (5). The fees shall be set by the commissioner by rule, after approval by the board
5 of governors, and shall be collected by the commissioner for deposit in the fund. The
6 costs of the patients compensation fund peer review council shall be funded from the
7 appropriation under s. 20.145 (2) (um).

8 ***-1755/3.10* SECTION 2603.** 655.27 (4) (a) of the statutes is amended to read:

9 655.27 (4) (a) Moneys shall be withdrawn from the fund, or paid from the
10 appropriation under s. 20.145 (2) (a), by the commissioner only upon vouchers
11 approved and authorized by the board of governors.

12 ***-1824/6.51* SECTION 2604.** 655.27 (5) (a) 3. of the statutes is amended to read:

13 655.27 (5) (a) 3. If, after reviewing the facts upon which the claim or action is
14 based, it appears reasonably probable that damages paid will exceed the limits in s.
15 655.23 (4), the fund may appear and actively defend itself when named as a party in
16 an action against a health care provider, or an employee of a health care provider,
17 that has coverage under the fund. In such action, the fund, with the advice and
18 consent of the attorney general, may retain counsel and pay out of the fund attorney
19 fees and expenses including court costs incurred in defending the fund. The attorney
20 or law firm retained to defend the fund shall not be retained or employed by the board
21 of governors to perform legal services for the board of governors other than those
22 directly connected with the fund. Any judgment affecting the fund may be appealed
23 as provided by law. The fund may not be required to file any undertaking in any
24 judicial action, proceeding or appeal.

25 ***-1755/3.11* SECTION 2605.** 655.27 (5) (e) of the statutes is amended to read:

1 655.27 (5) (e) Claims filed against the fund shall be paid in the order received
2 within 90 days after filing unless appealed by the fund. If the amounts in the fund
3 are not sufficient to pay all of the claims, claims received after the funds are
4 exhausted shall be ~~immediately payable the following year in the order in which they~~
5 were received paid from the appropriation under s. 20.145 (2) (a).

6 *~~-1755/3.12~~* SECTION 2606. 655.27 (6) of the statutes is amended to read:

7 655.27 (6) ~~INTEGRITY OF FUND. The fund shall be held in trust for the purposes~~
8 ~~of this chapter and may not be used for purposes other than those of this chapter.~~
9 ~~The secretary of administration, in consultation with the commissioner, may~~
10 ~~transfer to the health care provider availability and cost control fund under s. 655.75~~
11 ~~a portion of the account balance of the patients compensation fund if the secretary,~~
12 ~~in consultation with the commissioner, determines that the provision of~~
13 ~~compensation to patients by the patients compensation fund will not as a result of~~
14 ~~the transfer be delayed or diminished.~~

15 *~~-1755/3.13~~* SECTION 2607. 655.275 (5) (a) (intro.) of the statutes is amended
16 to read:

17 655.275 (5) (a) (intro.) The council shall review, within one year of the date of
18 first payment on the claim, each claim that is paid by the fund, or from the
19 appropriation under s. 20.145 (2) (a), by a mandatory health care liability
20 risk-sharing plan established under s. 619.04, by a private health care liability
21 insurer, or by a self-insurer for damages arising out of the rendering of medical care
22 by a health care provider or an employee of the health care provider and shall make
23 recommendations to all of the following:

24 *~~-1755/3.14~~* SECTION 2608. Subchapter VIII of chapter 655 [precedes 655.75]
25 of the statutes is created to read:

1

CHAPTER 655

2

SUBCHAPTER VIII

3

HEALTH CARE PROVIDER AVAILABILITY

4

AND COST CONTROL FUND

5

655.75 Health care provider availability and cost control fund. (1)

6

There is created a health care provider availability and cost control fund for the purposes of ensuring the availability of health care providers in the state and controlling the cost of health care services to state taxpayers, workers, and employers. The fund may be used for all of the following purposes:

9

10

(a) To assist in the education and training of health care providers.

11

12

(b) To ensure that health care providers who serve recipients under the Medical Assistance program or other health care programs established by the state receive levels of payment sufficient to retain their participation in the programs and to reduce the risk of shifting costs to private sector employers.

13

14

15

(c) To defray the cost of other health-related programs that the secretary of health and family services determines are effective in ensuring the availability of health care providers in the state and controlling the cost of health care services to state taxpayers, workers, and employers.

16

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19

(2) The health care provider availability and cost control fund shall be administered by the commissioner.

20

21

(3) The health care provider availability and cost control fund shall be funded with the transfer of moneys from the patients compensation fund under 2003 Wisconsin Act (this act), section 9228 (1).

22

23

24

***-1634/7.64* SECTION 2609.** 704.05 (5) (a) 2. of the statutes is amended to read:

1 704.05 (5) (a) 2. Give the tenant notice, personally or by ordinary mail
2 addressed to the tenant's last-known address, of the landlord's intent to dispose of
3 the personal property by sale or other appropriate means if the property is not
4 repossessed by the tenant. If the tenant fails to repossess the property within 30 days
5 after the date of personal service or the date of the mailing of the notice, the landlord
6 may dispose of the property by private or public sale or any other appropriate means.
7 The landlord may deduct from the proceeds of sale any costs of sale and any storage
8 charges if the landlord has first stored the personalty under subd. 1. If the proceeds
9 minus the costs of sale and minus any storage charges are not claimed within 60 days
10 after the date of the sale of the personalty, the landlord is not accountable to the
11 tenant for any of the proceeds of the sale or the value of the property. The landlord
12 shall send the proceeds of the sale minus the costs of the sale and minus any storage
13 charges to the department of administration for deposit in the appropriation under
14 s. ~~20.505(7)~~ 20.143 (2) (h).

15 *~~1111/4.97~~* SECTION 2610. 704.90 (9) of the statutes is amended to read:

16 704.90 (9) RULES. The department of ~~agriculture, trade and consumer~~
17 ~~protection justice~~ may promulgate rules necessary to carry out the purposes of this
18 section.

19 *~~1111/4.98~~* SECTION 2611. 704.90 (11) (title) of the statutes is amended to
20 read:

21 704.90 (11) (title) DUTIES OF THE DEPARTMENT OF ~~AGRICULTURE, TRADE AND~~
22 ~~CONSUMER PROTECTION JUSTICE~~.

23 *~~1111/4.99~~* SECTION 2612. 704.90 (11) (a) of the statutes is amended to read:

24 704.90 (11) (a) Except as provided in par. (c), the department of ~~agriculture,~~
25 ~~trade and consumer protection justice~~ shall investigate alleged violations of this

1 section and rules promulgated under sub. (9). To facilitate its investigations, the
2 department may subpoena persons and records and may enforce compliance with the
3 subpoenas as provided in s. 885.12.

4 *~~1111/4.100~~* SECTION 2613. 707.49 (4) of the statutes is amended to read:

5 707.49 (4) SURETY BOND AND OTHER OPTIONS. Instead of placing deposits in an
6 escrow account, a developer may obtain a surety bond issued by a company
7 authorized to do business in this state, an irrevocable letter of credit or a similar
8 arrangement, in an amount which at all times is not less than the amount of the
9 deposits otherwise subject to the escrow requirements of this section. The bond,
10 letter of credit or similar arrangement shall be filed with the department of
11 ~~agriculture, trade and consumer protection~~ justice and made payable to the
12 department of ~~agriculture, trade and consumer protection~~ justice for the benefit of
13 aggrieved parties.

14 *~~1111/4.101~~* SECTION 2614. 707.57 (2) of the statutes is amended to read:

15 707.57 (2) DEPARTMENT OF AGRICULTURE, ~~TRADE AND CONSUMER PROTECTION~~
16 JUSTICE AUTHORITY. (a) The department of ~~agriculture, trade and consumer~~
17 ~~protection~~ justice, or any district attorney upon informing the department of
18 ~~agriculture, trade and consumer protection~~ justice, may commence an action in
19 circuit court in the name of the state to restrain by temporary or permanent
20 injunction any violation of this chapter. Before entry of final judgment, the court may
21 make such orders or judgments as may be necessary to restore to any person any
22 pecuniary loss suffered because of the acts or practices involved in the action if proof
23 of these acts or practices is submitted to the satisfaction of the court.

1 (b) The department of ~~agriculture, trade and consumer protection~~ justice may
2 conduct hearings, administer oaths, issue subpoenas and take testimony to aid in its
3 investigation of violations of this chapter.

4 *~~1111/4.102~~* SECTION 2615. 707.57 (3) of the statutes is amended to read:

5 707.57 (3) PENALTY. Any person who violates this chapter shall be required to
6 forfeit not more than \$5,000 for each offense. Forfeitures under this subsection shall
7 be enforced by action on behalf of the state by the department of ~~agriculture, trade~~
8 ~~and consumer protection~~ justice or by the district attorney of the county where the
9 violation occurs.

10 *~~0529/4.257~~* SECTION 2616. 753.061 (5) of the statutes is amended to read:

11 753.061 (5) The state shall reimburse the county for the costs of operating one
12 of the 2 circuit court branches designated under sub. (2m) that begin to primarily
13 handle violent crime cases on September 1, 1991, including the one-time cost of
14 courtroom construction. The costs reimbursable under this subsection shall be paid
15 by the ~~state treasurer~~ secretary of administration to the county treasurer pursuant
16 to a voucher submitted by the clerk of circuit court to the director of state courts and
17 shall be paid from the appropriation under s. 20.625 (1) (as). The amount
18 reimbursable under this subsection may not exceed \$383,100 in the 1991–92 fiscal
19 year and \$0 in the 1992–93 fiscal year.

20 *~~0529/4.258~~* SECTION 2617. 753.07 (2) (a) of the statutes is amended to read:

21 753.07 (2) (a) The persons shall continue to receive salaries directly payable
22 from the state in the same amount as they were receiving on July 31, 1978, and such
23 salaries are subject to s. 40.05. The balance of the salaries authorized under ss.
24 230.12 and 751.02 for the judges and reporters shall be paid by the ~~state treasurer~~
25 secretary of administration to the county treasurer pursuant to a voucher submitted

1 by the clerk of circuit court to the director of state courts. The county treasurer shall
2 pay the amounts directly to the judges and reporters and the amounts paid are
3 subject to the retirement system established under chapter 201, laws of 1937.

4 ***-0529/4.259* SECTION 2618.** 753.07 (3) (a) of the statutes is amended to read:

5 753.07 (3) (a) The salaries authorized under ss. 230.12 and 751.02 for the
6 judges and reporters shall be paid by the ~~state treasurer~~ secretary of administration
7 to the county treasurer pursuant to a voucher submitted by the clerk of circuit court
8 to the director of state courts. The county treasurer shall pay the amounts directly
9 to the judges and reporters and the amounts paid shall be subject to the retirement
10 system established under chapter 201, laws of 1937.

11 ***-0529/4.260* SECTION 2619.** 753.07 (4) of the statutes is amended to read:

12 753.07 (4) COURT PERSONNEL; OPTIONS. As state employees, county court judges,
13 county court reporters, and assistant county court reporters, as specified in sub. (1),
14 who are denominated or become circuit court judges and reporters on August 1, 1978,
15 and persons serving as circuit court judges and circuit court reporters for Milwaukee
16 County on July 31, 1978, shall have the option of remaining as participants under
17 county life and health insurance programs to the extent of their participation in such
18 programs on February 1, 1978. The ~~state treasurer~~ secretary of administration shall
19 semiannually pay to the county treasurer, pursuant to a voucher submitted by the
20 clerk of circuit court to the director of state courts, an amount equal to the state
21 contribution for life and health insurance for other comparable state employees. The
22 county shall pay the cost of any premiums for life and health insurance exceeding the
23 sum of the state contribution and the employee contribution as required under the
24 county programs.

25 ***-0529/4.261* SECTION 2620.** 757.05 (1) (b) of the statutes is amended to read:

1 757.05 (1) (b) If a fine or forfeiture is imposed by a court of record, after a
2 determination by the court of the amount due, the clerk of the court shall collect and
3 transmit the amount to the county treasurer as provided in s. 59.40 (2) (m). The
4 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
5 administration as provided in s. 59.25 (3) (f) 2.

6 *~~0529/4.262~~* **SECTION 2621.** 757.05 (1) (c) of the statutes is amended to read:

7 757.05 (1) (c) If a fine or forfeiture is imposed by a municipal court, after a
8 determination by the court of the amount due, the court shall collect and transmit
9 the amount to the treasurer of the county, city, town, or village, and that treasurer
10 shall make payment to the ~~state treasurer~~ secretary of administration as provided
11 in s. 66.0114 (1) (bm).

12 *~~0529/4.263~~* **SECTION 2622.** 757.05 (1) (d) of the statutes is amended to read:

13 757.05 (1) (d) If any deposit of bail is made for a noncriminal offense to which
14 this subsection applies, the person making the deposit shall also deposit a sufficient
15 amount to include the assessment prescribed in this subsection for forfeited bail. If
16 bail is forfeited, the amount of the assessment shall be transmitted monthly to the
17 ~~state treasurer~~ secretary of administration under this subsection. If bail is returned,
18 the assessment shall also be returned.

19 *~~1289/7.117~~* **SECTION 2623.** 758.19 (7) of the statutes is amended to read:

20 758.19 (7) The director of state courts shall adopt, revise biennially and submit
21 to the cochairpersons of the joint committee on information policy and technology, the
22 governor and the ~~department of electronic government~~ secretary of administration,
23 no later than September 15 of each even-numbered year, a strategic plan for the
24 utilization of information technology to carry out the functions of the courts and
25 judicial branch agencies, as defined in s. 16.70 (5). The plan shall address the

1 business needs of the courts and judicial branch agencies and shall identify all
2 resources relating to information technology which the courts and judicial branch
3 agencies desire to acquire, contingent upon funding availability, the priority for such
4 acquisitions and the justification for such acquisitions. The plan shall also identify
5 any changes in the functioning of the courts and judicial branch agencies under the
6 plan.

7 ***-0016/1.1* SECTION 2624.** 767.027 (1) (intro.) of the statutes is amended to
8 read:

9 767.027 (1) (intro.) In any action under s. 767.02 (1) (i) to enforce or modify a
10 judgment or order with respect to child support, due process requirements related
11 to notice and service of process are satisfied to the extent that the court finds all of
12 the following:

13 ***-0015/2.1* SECTION 2625.** 767.075 (1) (c) of the statutes is amended to read:

14 767.075 (1) (c) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19, or 49.45
15 is provided on behalf of a dependent child or benefits are provided to the child's
16 custodial parent under s. 49.79 or under ss. 49.141 to 49.161.

17 ***-1824/6.52* SECTION 2626.** 767.29 (1) (dm) 1m. of the statutes is amended to
18 read:

19 767.29 (1) (dm) 1m. The department or its designee may collect any unpaid fees
20 under s. 814.61 (12) (b), 1997 stats., that are shown on the department's automated
21 payment and collection system on December 31, 1998, and shall deposit all fees
22 collected under this subdivision in the appropriation account under s. 20.445 (3) (ja).
23 The department or its designee may collect unpaid fees under this subdivision
24 through income withholding under s. 767.265 (2m). If the department or its designee
25 determines that income withholding is inapplicable, ineffective, or insufficient for

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SECTION 2626

1 the collection of any unpaid fees under this subdivision, the department or its
2 designee may move the court for a remedial sanction under ch. 785. The department
3 or its designee may contract with or employ a collection agency or other person for
4 the collection of any unpaid fees under this subdivision and, notwithstanding s.
5 20.930 and with the advice and consent of the attorney general, ~~may contract with~~
6 ~~or employ~~ retain an attorney to appear in any action in state or federal court to
7 enforce the payment obligation. The department or its designee may not deduct the
8 amount of unpaid fees from any maintenance, child or family support, or arrearage
9 payment.

10 *~~-0529/4.264~~* SECTION 2627. 778.135 of the statutes is amended to read:

11 **778.135 Campaign finance forfeitures; how recovered.** Notwithstanding
12 s. 778.13, whenever any action or proposed action by the elections board under s. 5.05
13 (1) (c) is settled as a result of agreement between the parties without approval of the
14 court, the moneys accruing to the state on account of such settlement shall be paid
15 to the board and deposited with the ~~state treasurer~~ secretary of administration.
16 Whenever any proposed action by a county board of election commissioners under s.
17 7.21 (2m) (a) is settled as a result of agreement between the parties, the moneys
18 accruing to the county on account of such settlement shall be paid to the board of
19 election commissioners and deposited with the county treasurer in the same manner
20 as provided for forfeitures under s. 778.13.

21 *~~-0529/4.265~~* SECTION 2628. 778.136 of the statutes is amended to read:

22 **778.136 Ethics and lobbying forfeitures; how recovered.**
23 Notwithstanding s. 778.13, whenever any moneys are received by the ethics board
24 or attorney general in settlement of a civil action or other civil matter for violation
25 of the lobbying law or code of ethics for state public officials and employees under s.

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1 19.545, the moneys shall accrue to the state and be deposited with the state treasurer
2 secretary of administration.

3 *–0529/4.266* SECTION 2629. 778.17 of the statutes is amended to read:

4 **778.17 Statement to county board; payment to state.** Every county
5 treasurer shall, on the first day of the annual meeting of the county board, submit
6 to it a verified statement of all moneys received by the county treasurer during the
7 year next preceding from town, village, and city treasurers under this chapter,
8 containing the names of such treasurers, the amount received from each, and the
9 date of receipt. The county clerk shall deduct all expenses incurred by the county in
10 recovering such forfeitures from the aggregate amount so received, and shall
11 immediately certify to the county treasurer the amount of clear proceeds of such
12 forfeitures, so ascertained, who shall pay the same to the state treasurer secretary
13 of administration.

14 *–1111/4.103* SECTION 2630. 779.41 (1m) of the statutes is amended to read:

15 **779.41 (1m)** Annually, on January 1, the department of agriculture, trade and
16 ~~consumer protection justice~~ shall adjust the dollar amounts identified under sub. (1)
17 (intro.), (a), (b) and (c) 1. to 4. by the annual change in the consumer price index, as
18 determined under s. 16.004 (8) (e) 1., and publish the adjusted figures.

19 *–1111/4.104* SECTION 2631. 779.93 (title) of the statutes is amended to read:

20 **779.93 (title) Duties of the department of agriculture, trade and**
21 **~~consumer protection justice.~~**

22 *–1111/4.105* SECTION 2632. 779.93 (1) of the statutes is amended to read:

23 **779.93 (1)** The department of agriculture, trade and ~~consumer protection~~
24 ~~justice~~ shall investigate violations of this subchapter and attempts to circumvent
25 this subchapter. The department of agriculture, trade and ~~consumer protection~~

1 justice may subpoena persons and records to facilitate its investigations, and may
2 enforce compliance with such subpoenas as provided in s. 885.12.

3 *–1111/4.106* **SECTION 2633.** 779.93 (2) (intro.) of the statutes is amended to
4 read:

5 779.93 (2) (intro.) The department of ~~agriculture, trade and consumer~~
6 ~~protection~~ justice may ~~in~~ on behalf of the state or ~~in~~ on behalf of any person who holds
7 a prepaid maintenance lien:

8 *–1765/1.1* **SECTION 2634.** 809.25 (2) (a) 1. of the statutes is amended to read:
9 809.25 (2) (a) 1. For filing an appeal, cross–appeal, petition for review, petition
10 to bypass, or other proceeding, ~~\$150~~ \$195.

11 *–0529/4.267* **SECTION 2635.** 812.42 (2) (c) of the statutes is amended to read:
12 812.42 (2) (c) In addition to the \$15 garnishee fee, the garnishee shall receive
13 a \$3 fee for each payment delivered to the creditor under s. 812.39 after the first
14 payment. That additional fee shall be deducted from the moneys delivered to the
15 creditor. Those fees become part of the funds of the state if the department of
16 administration is the garnishee, or funds of the appropriate governmental
17 subdivision if any other governmental entity is the garnishee. The judgment creditor
18 shall pay the initial garnishee fee to the ~~treasurer of the state~~ secretary of
19 administration or other governmental subdivision, as applicable.

20 *–1431/2.43* **SECTION 2636.** 813.16 (7) of the statutes is amended to read:
21 813.16 (7) If the person seeking the appointment of a receiver under sub. (1)
22 is a savings and loan association or savings bank supervised by the division of
23 banking or a corporation supervised by the division of savings institutions, home
24 loan bank board, U.S. federal office of thrift supervision, federal deposit insurance
25 corporation, or resolution trust corporation, the court, unless the opposing party

1 objects, shall appoint an officer of such corporation as receiver to act without
2 compensation and to give such bond as the court requires.

3 ***-0529/4.268* SECTION 2637.** 813.31 (1) of the statutes is amended to read:

4 813.31 (1) In each case of termination of receivership as provided in s. 813.28,
5 the court, except in cases where the proceedings have been certified to the proper
6 court under s. 813.26 (1), shall set aside the sum there named and direct its payment
7 by the receiver, to the ~~state treasurer~~ secretary of administration.

8 ***-0529/4.269* SECTION 2638.** 813.31 (2) of the statutes is amended to read:

9 813.31 (2) The ~~state treasurer~~ secretary of administration shall retain or invest
10 the funds thus paid in.

11 ***-0529/4.270* SECTION 2639.** 813.31 (3) of the statutes is amended to read:

12 813.31 (3) If at any time thereafter an absentee whose estate has been
13 distributed under a final finding and judgment made as herein provided shall appear
14 and make claim for reimbursement, the court may in a proceeding by the claimant
15 against the ~~state treasurer~~ secretary of administration order payment to the
16 claimant as in its opinion may be fair and adequate under the circumstances.

17 ***-0529/4.271* SECTION 2640.** 814.60 (1) of the statutes is amended to read:

18 814.60 (1) In a criminal action, the clerk of circuit court shall collect a fee of \$20
19 for all necessary filing, entering, or recording, to be paid by the defendant when
20 judgment is entered against the defendant. Of the fees received by the clerk of circuit
21 court under this subsection, the county treasurer shall pay 50% to the ~~state treasurer~~
22 secretary of administration for deposit in the general fund and shall retain the
23 balance for the use of the county.

24 ***-0529/4.272* SECTION 2641.** 814.61 (1) (a) of the statutes is amended to read:

SECTION 2641

1 814.61 (1) (a) Except as provided under pars. (c), (d), and (e), at the
2 commencement of all civil actions and special proceedings not specified in ss. 814.62
3 to 814.66, \$75. Of the fees received by the clerk under this paragraph, the county
4 treasurer shall pay \$45 to the ~~state treasurer~~ secretary of administration for deposit
5 in the general fund and shall retain the balance for the use of the county. The ~~state~~
6 ~~treasurer~~ secretary of administration shall credit \$15 of the \$45 to the appropriation
7 under s. 20.680 (2) (j).

8 *~~-0529/4.273~~* SECTION 2642. 814.61 (3) of the statutes is amended to read:

9 814.61 (3) THIRD-PARTY COMPLAINT. When any defendant files a 3rd-party
10 complaint, the defendant shall pay a fee of \$45. The defendant shall pay only one
11 such \$45 fee in an action. Of the fees received by the clerk under this subsection, the
12 county treasurer shall pay \$25 to the ~~state treasurer~~ secretary of administration for
13 deposit in the general fund and shall retain the balance for the use of the county. The
14 ~~state treasurer~~ secretary of administration shall credit \$5 of the \$25 to the
15 appropriation under s. 20.680 (2) (j).

16 *~~-0529/4.274~~* SECTION 2643. 814.61 (7) (a) of the statutes is amended to read:

17 814.61 (7) (a) Except as provided in par. (b), upon the filing of any petition
18 under s. 767.32 (1) or any motion, by either party, for the revision of a judgment or
19 order in an action affecting the family, \$30. No fee may be collected under this
20 paragraph for any petition or motion by either party for the revision of a judgment
21 or order involving child support, family support, or maintenance if both parties have
22 stipulated to the revision of the judgment or order. Of the fees received by the clerk
23 under this paragraph, the county treasurer shall pay 50% to the ~~state treasurer~~
24 secretary of administration for deposit in the general fund and shall retain the
25 balance for the use of the county.