

1 proportion, the ~~office~~ department may order such cost and expense so apportioned
2 to be paid by the parties against which the apportionment shall be made.

3 *~~1187/4.159~~* SECTION 2297. 195.29 (3) of the statutes is amended to read:

4 195.29 (3) RESTORATION OF SPUR TRACKS. Whenever the ~~office~~ department shall
5 have ordered a separation of the grade of a railway from the grade of a street or
6 highway, it may, if safe and practicable and if a necessity exists therefor, order the
7 alteration, restoration and connection of any track serving an industry. Demand for
8 such restoration shall be in writing and filed with the ~~office~~ department within 90
9 days after the date of the order for the separation of grades, and any such track for
10 which no such demand shall have been made shall be deemed abandoned. If the
11 ~~office~~ department shall order the alteration, restoration and connection of any such
12 track, it shall by its order apportion the cost thereof between the owner of the
13 industry served and the railway company, in such proportion as to the ~~office~~
14 department may seem just and equitable; and the ~~office~~ department shall in its order
15 prescribe the terms and conditions for securing the payment of such cost.

16 *~~1187/4.160~~* SECTION 2298. 195.29 (4) of the statutes is amended to read:

17 195.29 (4) GRADE SEPARATION IN MILWAUKEE COUNTY. The ~~office~~ department may
18 upon petition of any town, city or village, or upon its own motion, when the interests
19 of the public demand it and it is found practicable so to do, establish the grade of the
20 tracks of any railroad, or of all the railroads throughout any county having a
21 population of 500,000 or more, or any part thereof, and the grades of the streets or
22 highways, or any of them, where they cross such railroad track or tracks, in
23 anticipation of the future separation of grades of the railroad tracks from the grades
24 of such streets or highways. The ~~office~~ department, before making any such order,
25 shall mail notice to the railroad company or companies affected, the owners or

1 occupants of any building abutting on that part of the railroad the grade of which is
2 to be established, all 1st class cities in the county, and if the grades to be established
3 are outside the 1st class city, the towns, cities or villages in which such grades are
4 to be established, of the filing of such petition or that the ~~office~~ department
5 contemplates establishing such grades, and fixing a time at which the 1st class cities
6 and such other towns, cities or villages and the railroad company or companies
7 affected thereby and any other person or corporation interested therein may be
8 heard. The grades so established under this subsection shall be described by
9 reference to a base or datum line to be established by the ~~office~~ department, from
10 which all elevations and the height of all grades shall be measured, and the grades
11 so established shall be such that when brought to the established grade the railroad
12 tracks will cross the streets and highways above or below the same. Such order shall
13 not necessarily require a present change in grade but the ~~office~~ department may at
14 any time order the railroad track or tracks and the street and highways brought to
15 the grade established or any street or highways closed by the order, in accordance
16 with sub. (1), and may, at the time of making the order, apportion the cost of
17 separating the grades as provided in sub. (2).

18 *~~1187/4.161~~* SECTION 2299. 195.29 (5) of the statutes is amended to read:

19 195.29 (5) ELIMINATION OF GRADE CROSSINGS, COSTS. ~~Upon~~ If, upon its own motion
20 or upon petition of the ~~department, or of the~~ common council or board of any city,
21 village, town, or county, alleging that one or more of them have undertaken or
22 propose to undertake to relocate or improve an existing highway or to construct a new
23 highway in such manner as to eliminate a highway grade crossing with any railroad
24 or so as to permanently divert a material portion of the highway traffic from a
25 highway grade crossing with any railroad, the ~~office shall issue notice of~~

1 ~~investigation and hearing, as provided in s. 195.04. If upon such hearing the office~~
2 ~~department~~ finds that the public safety will be promoted by the highway relocation,
3 improvement, or new construction, the ~~office~~ department shall order the old
4 crossings closed and new crossings opened as are deemed necessary for public safety.
5 The department may issue an appropriate order without a public hearing. The order
6 shall require the railroad company or companies to pay to the interested
7 municipality or municipalities such sum as the ~~office~~ department finds to be an
8 equitable portion of the cost of the highway relocation, improvement, or new
9 construction, if the work is performed by the municipalities; or to the ~~state treasurer~~
10 secretary of administration if the work is performed by the state; or to the proper
11 county treasurer if the work is performed by the county. The sum shall be added to
12 the joint fund available for the improvement and may be expended in like manner
13 as the other portions of the fund.

****NOTE: This is reconciled s. 195.29 (5). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1187 and LRB-0529.

14 ***-1187/4.162* SECTION 2300.** 195.29 (6) of the statutes is amended to read:
15 **195.29 (6) VIEW AT CROSSINGS; TREES AND BRUSH NEAR CROSSINGS; FORFEITURE.**
16 Every railroad shall keep its right-of-way clear of brush or trees for a distance of not
17 less than 330 feet in each direction from the center of its intersection at grade with
18 any public highway, and for such further distance as is necessary to provide an
19 adequate view of approaching trains, from the highway. Every municipality shall
20 keep the public highways within its jurisdiction clear of brush and shall adequately
21 trim all trees within 330 feet of the center of any railroad highway grade crossing.
22 Every person or corporation owning or occupying any land adjacent to any railroad
23 highway grade crossing shall keep all brush cut and adequately trim all trees on the

1 land within the triangles bounded on 2 sides by the railway and the highway, and on
2 the 3rd side by a line connecting points on the center lines of the railway and the
3 highway, 330 feet from the intersection of the center lines. The office department,
4 upon its own motion, or upon any complaint to the effect that any work required by
5 this subsection has not been performed, after due notice and hearing, may order the
6 corporation, municipality or person at fault to perform the work; provided, however,
7 that if the physical conditions at any crossing are such that the performance of the
8 required work will not materially improve the view for highway traffic, or, if
9 unreasonable loss would be caused thereby, the office department may excuse the
10 party in interest from performing the same. The office department may also order
11 the cutting of brush and the trimming of trees at private farm crossings as may be
12 necessary and reasonable. If any person shall violate any provision of this section,
13 or shall fail, neglect or refuse to obey any order made by the office department under
14 this section, or any judgment, order, or decree made by the division of hearings and
15 appeals or any court upon such an order, for every such violation, failure or refusal
16 such person shall forfeit not less than \$25 nor more than \$150.

17 *–1187/4.163* SECTION 2301. 195.29 (7) of the statutes is amended to read:

18 195.29 (7) STRUCTURE REQUIREMENTS. Whenever the office department shall
19 order the construction or reconstruction of a crossing not at grade, it may direct that
20 the structure required shall be of such character and constructed of such materials
21 as it shall deem appropriate to the situation and necessary for the public interest.

22 *–1187/4.164* SECTION 2302. 195.29 (9) of the statutes is created to read:

23 195.29 (9) RULES. The department shall promulgate a rule establishing criteria
24 for determining the requirements of public safety with respect to railroad highway

1 crossings under this section. The rule shall include criteria for apportioning
2 expenses under this section.

3 ***-1187/4.165* SECTION 2303.** 195.29 (10) of the statutes is created to read:

4 195.29 (10) REVIEW OF DEPARTMENT ORDERS. If a petitioner, railroad or any
5 interested party objects to an order under this section within 20 days after the date
6 that the order is issued, the department shall refer the order to the division of
7 hearings and appeals for review as provided in s. 195.325.

8 ***-1187/4.166* SECTION 2304.** 195.295 of the statutes is created to read:

9 **195.295 Highway crossings; public warning.** Notwithstanding ss. 195.28,
10 195.285, 195.286, 195.29, and 195.30, the department shall monitor and investigate
11 all railroad highway grade crossings in this state, and determine, by order, rule or
12 otherwise, for each crossing whether any warning devices, advance warning signs
13 or other warning measures shall be required to protect and promote public safety.
14 The department may make a determination under this section without a hearing.
15 Any device, sign, or other measure, installed or maintained at a crossing, that
16 conforms to a determination of the department under this section or, if no such
17 determination has been made, that was approved by the office of the commissioner
18 of transportation under ch. 195, 1991 stats., or the office of the commissioner of
19 railroads under ch. 195, 2001 stats., before the effective date of this section
20 [revisor inserts date], whether by order or otherwise, shall be considered adequate
21 and appropriate warning for the crossing. If a railroad or interested party objects
22 to an order under this section within 20 days after the date that the order is issued,
23 the department shall refer the order to the division of hearings and appeals for
24 review as provided in s. 195.325.

25 ***-1187/4.167* SECTION 2305.** 195.30 (1) of the statutes is amended to read:

SECTION 2305

1 195.30 (1) Upon a petition by the common council of any city, or the board of
2 any village, town or county within which a railroad crosses another railroad at grade,
3 or by any such railroad, that public safety requires an alteration in the crossing or
4 the installation of protective appliances, ~~the office shall give notice to the parties in~~
5 ~~interest, and proceed to investigate the same and may order a hearing on the matter.~~
6 ~~The office shall determine what alteration in such crossing, if any, shall or on its own~~
7 ~~motion, the department may investigate the matter and determine what alteration~~
8 ~~in the crossing, if any, is necessary. The department shall make its determination~~
9 ~~on the basis of the criteria for public safety requirements promulgated as rules under~~
10 ~~ss. 84.05 and 195.28. The department may issue an order, with or without a hearing,~~
11 ~~specifying an alteration to be made, and by whom made and maintained, or what~~
12 ~~protective appliances shall be installed, operated and maintained at the crossing and~~
13 ~~by whom installed, operated and maintained. The office department's order shall fix~~
14 ~~the proportion of the cost and expense of such change in grade and maintenance of~~
15 ~~the crossing or of the installation, operation and maintenance of the safety appliance~~
16 ~~which shall be paid by the railroad companies, respectively. If an interested party~~
17 ~~objects to the order and requests a hearing within 20 days after the date on which~~
18 ~~the order is issued, the department shall refer the matter to the division of hearings~~
19 ~~and appeals for review as provided in s. 195.325.~~

20 *-1187/4.168* SECTION 2306. 195.305 of the statutes is amended to read:

21 **195.305 Railroad crossings; grade; expense.** Whenever a railroad
22 proposes to cross, intersect, join or unite its track with another railroad track, the
23 surface road of the proposed track shall be above, below or at grade of the tracks
24 proposed to be crossed as the ~~office~~ division of hearings and appeals determines after
25 hearing the parties upon reasonable notice. In its determination, the ~~office~~ division

1 of hearings and appeals shall fix the proportion of the expense of originally
2 constructing, operating, and maintaining such crossing, intersecting, joining or
3 uniting which shall be paid by the owners of the tracks respectively.

4 *~~1187/4.169~~* SECTION 2307. 195.31 of the statutes is amended to read:

5 **195.31 Bridges made safe.** Whenever a complaint is lodged with the ~~office~~
6 department by the common council of any city, the village board of any village, a
7 member of a town board, or a supervisor of highways, or by 5 or more electors and
8 taxpayers in any town, or 5 or more electors of the county in which such bridge is
9 located, and who are users of such bridge or railway, to the effect that a bridge erected
10 over a stream intersecting a public highway or highways upon which a railway is
11 constructed and operated, is unsafe and dangerous to travelers over such highway
12 or highways or bridge or railroad, and that public safety requires the alteration, the
13 repair or reconstruction of such bridge, or the substitution of another bridge therefor,
14 ~~it shall be the duty of the office to give notice to the party or parties in interest, other~~
15 ~~than the petitioners, of the filing of such complaint, and to furnish a copy of the~~
16 ~~complaint to the party or parties in interest other than the petitioners, and to order~~
17 ~~a hearing thereon, in the manner provided for hearings in ss. 195.04 to 195.043. The~~
18 ~~office~~ the department shall investigate the matter. The department may proceed in
19 a similar manner in the absence of a petition when, in the opinion of the ~~office~~
20 department, public safety requires the alteration, repair or reconstruction of a bridge
21 or the substitution of another bridge for the bridge in question. ~~After the hearing,~~
22 ~~the office~~ The department shall determine what alteration or repair or
23 reconstruction of such bridge, and the approaches thereto, shall be made, or if it ~~shall~~
24 ~~determine~~ determines that public safety requires the substitution of a new bridge,
25 it shall determine the character, manner of construction and location of such bridge

1 and the approaches thereto. ~~The office department shall fix the proportion of the cost~~
2 ~~and expense of such alteration, repair, reconstruction or substitution of a new bridge,~~
3 ~~including the damage to any person whose land is taken, and the special damage~~
4 ~~which the owner of any land adjoining the approaches to said bridge shall sustain~~
5 ~~by reason of the alteration, repair, reconstruction or substitution of a new bridge, to~~
6 ~~be paid by the railroad company and the city, village or town in interest. The~~
7 ~~department may issue appropriate orders incorporating its determinations and may~~
8 ~~proceed without a hearing on the matter. The department shall make its~~
9 ~~determinations on the basis of investigation and criteria for bridge safety~~
10 ~~promulgated by rule. If a petitioner or interested party objects to an order under this~~
11 ~~section within 20 days after the date that the order is issued, the department shall~~
12 ~~refer the order to the division of hearings and appeals for review as provided in s.~~
13 ~~195.325.~~

14 *-1187/4.170* SECTION 2308. 195.32 of the statutes is amended to read:

15 **195.32 Safety gates on drawbridges.** Whenever a complaint is filed with
16 the office department to the effect that any drawbridge is not equipped with gates
17 or other safety devices, the office department may notify the proper party or parties
18 in interest of the complaint, and may proceed to investigate the complaint and to hold
19 a hearing on the matter in the manner provided for hearings in ss. 195.04 to 195.043
20 matter. If after the investigation the office department determines that public safety
21 requires the erection and maintenance of gates or other safety devices at the points
22 mentioned in the complaint, it may order the county, city, village, town, corporation
23 or person whose duty it is to maintain such bridge to erect and maintain at such
24 points such gates or other safety devices as the office department prescribes. The
25 office department may conduct the investigations, hold the hearings and make the

1 orders provided for in this section upon its own motion in the same manner and with
2 the same effect as though a complaint were filed. The department shall make its
3 determination on the basis of the investigation and criteria for drawbridge safety
4 promulgated by rule. If an interested party objects to an order under this section
5 within 20 days after the date that the order is issued, the department shall refer the
6 order to the division of hearings and appeals for review as provided in s. 195.325.

7 *–1187/4.171* SECTION 2309. 195.325 of the statutes is created to read:

8 **195.325 Review of department orders on crossings and bridges.** If an
9 order of the department under s. 84.05, 195.28, 195.285, 195.29, 195.295, 195.30,
10 195.31, or 195.32 is referred to the division of hearings and appeals for review, the
11 division of hearings and appeals shall review the order under s. 85.013 (3) in light
12 of the application of the criteria relating to the matter promulgated as rules by the
13 department.

14 *–1187/4.172* SECTION 2310. 195.33 of the statutes is repealed.

15 *–1187/4.173* SECTION 2311. 195.34 of the statutes is amended to read:

16 **195.34 Reports of accidents, investigation.** Every railroad shall report to
17 the ~~office~~ department all collisions, derailments or other accidents resulting in injury
18 to persons, equipment or roadway arising from its operation. The ~~office~~ department
19 may issue rules concerning the reporting of accidents and may also, if public
20 interests require, cause an investigation of any accident.

21 *–1187/4.174* SECTION 2312. 195.36 of the statutes is amended to read:

22 **195.36 General penalty upon railroads.** If any railroad shall violate any
23 provision of this chapter, or shall do any act herein prohibited, or shall fail or refuse
24 to perform any duty enjoined upon it, for which a penalty has not been provided, or
25 shall fail, neglect or refuse to obey any lawful requirement or order made by the ~~office~~

SECTION 2312

1 department or division of hearings and appeals, or any judgment or decree made by
2 any court upon its application, for every such violation, failure or refusal in respect
3 to any matter prescribed by this chapter such railroad shall forfeit not less than \$100
4 nor more than \$10,000. The act, omission or failure of any officer, agent or other
5 person employed by any railroad, acting within the scope of his or her employment,
6 shall be deemed to be the act, omission or failure of such railroad.

7 *~~1187/4.175~~* SECTION 2313. 195.37 of the statutes is repealed.

8 *~~1187/4.176~~* SECTION 2314. 195.38 of the statutes is repealed.

9 *~~1187/4.177~~* SECTION 2315. 195.45 (1) of the statutes is amended to read:

10 195.45 (1) No person shall operate as a common carrier of passengers or
11 property by water except in accordance with the terms and conditions of a certificate
12 of public convenience and necessity issued by the office. ~~The office shall issue any~~
13 ~~certificate upon a finding that the service proposed to be performed is in the public~~
14 ~~interest and required by public convenience and necessity~~ department.

15 *~~1187/4.178~~* SECTION 2316. 195.45 (2) of the statutes is amended to read:

16 195.45 (2) Application for the certificate shall be made on forms furnished by
17 the office department and shall contain such information as the office department
18 requires.

19 *~~1187/4.179~~* SECTION 2317. 195.45 (4) of the statutes is amended to read:

20 195.45 (4) ~~The office~~ department may promulgate rules for the operation of this
21 section.

22 *~~1187/4.180~~* SECTION 2318. 195.50 (1) of the statutes is amended to read:

23 195.50 (1) Any officer, agent or employee of any railroad who fails to fill out and
24 return any forms required by this chapter, or fails to answer any question therein,
25 or knowingly gives a false answer to any such question, or evades the answer to any

1 such question where the fact inquired of is within his or her knowledge, or who, upon
2 proper demand, fails to exhibit to the ~~office or department~~ or the division of hearings
3 and appeals or any person authorized to examine the same, any book, paper, account,
4 record or memoranda of such railroad which is in the possession or under control of
5 the officer, agent or employee, or who fails to properly use and keep the system of
6 accounting prescribed by the ~~office~~ department, or who refuses to do any act or thing
7 in connection with such system of accounting when so directed by the ~~office or its~~
8 department, the division of hearings and appeals, or their authorized
9 representatives, shall forfeit not less than \$100 nor more than \$1,000 for each
10 offense.

11 *~~1187/4.181~~* SECTION 2319. 195.60 (title) of the statutes is amended to read:

12 **195.60 (title) Payment of office department expenses by railroads.**

13 *~~1187/4.182~~* SECTION 2320. 195.60 (1) of the statutes is amended to read:

14 195.60 (1) Whenever the ~~office~~ department in a proceeding upon its own
15 motion, on complaint, or upon an application to it deems it necessary in order to carry
16 out the duties imposed upon it by law to investigate the books, accounts, practices
17 and activities of, or make appraisals of the property of any railroad or to render any
18 engineering or accounting services to any railroad, the railroad shall pay the
19 expenses attributable to such investigation, appraisal or service. The ~~office~~
20 department shall ascertain such expenses, ~~including all expenses incurred by the~~
21 ~~department at the request or direction of the office~~ and shall render a bill therefor,
22 by mail, to the railroad, either at the conclusion of the investigation, appraisal or
23 services, or during its progress. The bill shall constitute notice of assessment and
24 demand of payment thereof. The railroad shall, within 30 days after the mailing
25 thereof, pay to the ~~office~~ department the amount of the special expense for which it

1 is billed. Ninety percent of the payment shall be deposited in the general fund and
2 credited to the appropriation account under s. ~~20.155(2)(g)~~ 20.395(2)(gg). The total
3 amount, in any one calendar year, for which any railroad becomes liable, by reason
4 of costs incurred by the ~~office~~ department within such calendar year, shall not exceed
5 four-fifths of one percent of its gross operating revenues derived from intrastate
6 operations in the last preceding calendar year. Where, under this subsection, costs
7 are incurred within any calendar year, which are in excess of four-fifths of one
8 percent of such gross operating revenues, the excess costs shall not be chargeable as
9 part of the remainder under sub. (2) but shall be paid out of the general appropriation
10 to the ~~office~~ department. Nothing in this subsection shall prevent the ~~office~~
11 department from rendering bills in one calendar year for costs incurred within a
12 previous year. For the purpose of calculating the costs of investigations, appraisals
13 and other services under this subsection, 90% of the costs determined shall be costs
14 of the ~~office~~ department and 10% of the costs determined shall be costs of state
15 government operations.

16 *~~1187/4.183~~* SECTION 2321. 195.60 (2) of the statutes is amended to read:

17 195.60 (2) The ~~office~~ department shall annually, within 90 days after the close
18 of each fiscal year, ascertain the total of its expenditures during such year which are
19 reasonably attributable to the performance of its duties relating to railroads. For
20 purposes of such calculation, 90% of the expenditures so determined shall be
21 expenditures of the ~~office~~ department and 10% of the expenditures so determined
22 shall be expenditures for state government operations. The ~~office~~ department shall
23 deduct therefrom all amounts chargeable to railroads under sub. (1) and s. 201.10(3).
24 A sum equal to the remainder plus 10% of the remainder shall be assessed by the
25 ~~office~~ department to the several railroads in proportion to their respective gross

1 operating revenues during the last calendar year, derived from intrastate
2 operations. Such assessment shall be paid within 30 days after the bill has been
3 mailed to the several railroads, which bill shall constitute notice of assessment and
4 demand of payment thereof. The total amount which may be assessed to the
5 railroads under authority of this subsection shall not exceed 1.85% of the total gross
6 operating revenues of such railroads, during such calendar year, derived from
7 intrastate operations. Ninety percent of the payment shall be deposited in the
8 general fund and credited to the appropriation account under s. ~~20.155 (2) (g)~~ 20.395
9 (2) (gg). The railroads shall furnish such financial information as the ~~office~~
10 department requires.

11 *~~0529/4.201~~* SECTION 2322. 195.60 (3) of the statutes is amended to read:

12 195.60 (3) If any railroad against which a bill has been rendered under sub. (1)
13 or (2) within 30 days after the rendering of such bill neglects or refuses to pay the
14 same or fails to file objections to the bill with the ~~office~~ division of hearings and
15 appeals, the ~~office~~ department shall transmit to the ~~state treasurer~~ secretary of
16 administration a certified copy of the bill, together with notice of neglect or refusal
17 to pay the bill, and on the same day the ~~office~~ department shall mail to the railroad
18 against which the bill has been rendered a copy of the notice which it has transmitted
19 to the ~~state treasurer~~ secretary of administration. Within 10 days after the receipt
20 of such notice and certified copy of such bill, the ~~state treasurer~~ secretary of
21 administration shall levy the amount stated on such bill to be due, with interest, by
22 distress and sale of any goods and chattels, including stocks, securities, bank
23 accounts, evidences of debt, and accounts receivable belonging to such delinquent
24 railroad. Such levy by distress and sale shall be governed by the provisions of s.
25 74.10, 1985 stats., except that it shall be made by the ~~state treasurer~~ secretary of

1 administration and that said goods and chattels anywhere within the state may be
2 levied upon.

***NOTE: This is reconciled s. 195.60 (3). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0529 and LRB-1187.

3 ***-1187/4.184* SECTION 2323.** 195.60 (4) (a) of the statutes is amended to read:
4 195.60 (4) (a) Within 30 days after the date of the mailing of any bill as provided
5 by subs. (1) and (2), the railroad against which such bill has been rendered may file
6 with the ~~office~~ division of hearings and appeals objections setting out in detail the
7 grounds upon which the objector regards the bill to be excessive, erroneous, unlawful
8 or invalid. The ~~office~~ division of hearings and appeals, after notice to the objector and
9 the department, shall hold a hearing upon such objections, not less than 5 nor more
10 than 10 days after such notice. If after such hearing the ~~office~~ division of hearings
11 and appeals finds any part of the bill to be excessive, erroneous, unlawful or invalid
12 it shall record its findings ~~upon its minutes~~ with respect to the objections and
13 transmit to the objector and the department an amended bill, in accordance with
14 such findings. The amended bill shall have in all ways the same force and effect
15 under this section as an original bill rendered under subs. (1) and (2).

16 ***-1187/4.185* SECTION 2324.** 195.60 (4) (b) of the statutes is amended to read:
17 195.60 (4) (b) If after the hearing the ~~office~~ division of hearings and appeals
18 finds the entire bill unlawful or invalid, it shall notify the objector and the
19 department of such determination, in which case the original bill shall be deemed
20 void.

21 ***-1187/4.186* SECTION 2325.** 195.60 (4) (c) of the statutes is amended to read:
22 195.60 (4) (c) If after the hearing the ~~office~~ division of hearings and appeals
23 finds that the bill as rendered is neither excessive, erroneous, unlawful or invalid,

1 either in whole or in part, it shall record such findings ~~upon its minutes~~ with respect
2 to the objections, and transmit to the objector and the department notice of such
3 finding.

4 ***-0529/4.202* SECTION 2326.** 195.60 (4) (d) of the statutes is amended to read:

5 195.60 (4) (d) If any bill against which objections have been filed is not paid
6 within 10 days after notice of a finding that such objections have been overruled and
7 disallowed by the ~~office~~ division of hearings and appeals has been mailed to the
8 objector, the ~~office~~ department shall give notice of such delinquency to the ~~state~~
9 ~~treasurer~~ secretary of administration and to the objector, in the manner provided in
10 sub. (3). ~~The state treasurer~~ secretary of administration shall then proceed to collect
11 the amount of the bill as provided in sub. (3). If an amended bill is not paid within
12 10 days after a copy thereof is mailed to the objector by registered mail, the ~~office~~
13 department shall notify the ~~state treasurer~~ secretary of administration and the
14 objector as in the case of delinquency in the payment of an original bill. ~~The state~~
15 ~~treasurer~~ secretary of administration shall then proceed to collect the amount of the
16 bill as provided in the case of an original bill.

****NOTE: This is reconciled s. 195.60 (4) (d). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0529 and LRB-1187.

17 ***-0529/4.203* SECTION 2327.** 195.60 (5) of the statutes is amended to read:

18 195.60 (5) No suit or proceeding shall be maintained in any court for the
19 purpose of restraining or in any way delaying the collection or payment of any bill
20 rendered under subs. (1) and (2). Every railroad against which a bill is rendered shall
21 pay the amount thereof, and after such payment may in the manner herein provided,
22 at any time within 2 years from the date the payment was made, sue the state in an
23 action at law to recover the amount paid with legal interest thereon from the date

SECTION 2327

1 of payment, upon the ground that the assessment was excessive, erroneous,
2 unlawful, or invalid in whole or in part. If it is finally determined in such action that
3 any part of the bill for which payment was made was excessive, erroneous, unlawful,
4 or invalid, the ~~state treasurer~~ secretary of administration shall make a refund to the
5 claimant as directed by the court, which shall be charged to the appropriations to the
6 office department.

***NOTE: This is reconciled s. 195.60 (5). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0529 and LRB-1187.

7 ***-1187/4.187* SECTION 2328.** 195.60 (6) of the statutes is amended to read:

8 195.60 (6) No action for recovery of any amount paid under this section shall
9 be maintained in any court unless objections have been filed with the ~~office~~ division
10 of hearings and appeals as provided in this section. In any action for recovery of any
11 payments made under this section the claimant shall be entitled to raise every
12 relevant issue of law, but the ~~office's~~ findings of fact of the division of hearings and
13 appeals made pursuant to this section shall be prima facie evidence of the facts
14 therein stated.

15 ***-1187/4.188* SECTION 2329.** 195.60 (7) (intro.) of the statutes is repealed.

16 ***-1187/4.189* SECTION 2330.** 195.60 (7) (a) of the statutes is renumbered
17 195.60 (7) and amended to read:

18 195.60 (7) Determinations of fact expressed in bills rendered under this
19 section; and shall be considered to be findings of fact of the division of hearings and
20 appeals, within the meaning of this section.

21 ***-1187/4.190* SECTION 2331.** 195.60 (7) (b) of the statutes is repealed.

22 ***-0529/4.204* SECTION 2332.** 196.199 (3) (d) of the statutes is amended to read:

1 196.199 (3) (d) If, at any time during a proceeding under this subsection, the
2 commission determines, after notice and reasonable opportunity to be heard, that a
3 person has made a filing in violation of par. (c), the commission shall order the person
4 to pay to any party to the proceeding the amount of reasonable expenses incurred by
5 that party because of the filing, including reasonable attorney fees, and the
6 commission may directly assess a forfeiture against the person of not less than \$25
7 nor more than \$5,000. A person against whom the commission assesses a forfeiture
8 under this paragraph shall pay the forfeiture to the commission within 10 days after
9 receipt of notice of the assessment or, if the person petitions for judicial review under
10 ch. 227, within 10 days after receipt of the final decision after exhaustion of judicial
11 review. The commission shall remit all forfeitures paid under this paragraph to the
12 ~~state treasurer~~ secretary of administration for deposit in the school fund. The
13 attorney general may bring an action in the name of the state to collect any forfeiture
14 assessed by the commission under this paragraph that has not been paid as provided
15 in this paragraph. The only contestable issue in such an action is whether or not the
16 forfeiture has been paid.

17 *~~0666/9.100~~* SECTION 2333. 196.218 (3) (a) 3. b. of the statutes is amended
18 to read:

19 196.218 (3) (a) 3. b. The amounts appropriated under ss. 20.255 (3) (q), ~~20.275~~
20 ~~(1)~~ and (4) (s), (t), and (tm) and 20.285 (1) (q).

21 *~~0666/9.101~~* SECTION 2334. 196.218 (4t) of the statutes is amended to read:

22 196.218 (4t) EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM RULES. The
23 commission, in consultation with the department of administration and the
24 ~~technology for educational achievement in Wisconsin board~~ department of public
25 instruction, shall promulgate rules specifying the telecommunications services

SECTION 2334

1 eligible for funding through the educational telecommunications access program
2 under s. 44.73 115.9995.

3 ***-0666/9.102* SECTION 2335.** 196.218 (5) (a) 5. of the statutes is amended to
4 read:

5 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 to the
6 extent that these costs are not paid under s. 44.73 115.9995 (2) (d), except that no
7 moneys in the universal service fund may be used to pay installation costs that are
8 necessary for a political subdivision to obtain access to bandwidth under a shared
9 service agreement under s. 44.73 115.9995 (2r) (a).

10 ***-1289/7.111* SECTION 2336.** 196.218 (5) (a) 5. of the statutes, as affected by
11 2003 Wisconsin Act (this act), is amended to read:

12 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 16.971
13 (13) to (16) to the extent that these costs are not paid under s. 115.9995 (2) (d), except
14 that no moneys in the universal service fund may be used to pay installation costs
15 that are necessary for a political subdivision to obtain access to bandwidth under a
16 shared service agreement under s. 115.9995 (2r) (a).

***NOTE: This is reconciled s. 196.218 (5) (a) 5. This SECTION has been affected by
drafts with the following LRB numbers: LRB-0666/9 and LRB-1289/6.

17 ***-1289/7.112* SECTION 2337.** 196.218 (5) (a) 6. of the statutes is amended to
18 read:

19 196.218 (5) (a) 6. To pay the department of ~~electronic government~~
20 administration for telecommunications services provided under s. 22.05 16.972 (1)
21 to the campuses of the University of Wisconsin System at River Falls, Stout, Superior
22 and Whitewater.

1 *~~0666/9.103~~* SECTION 2338. 196.218 (5) (a) 7. of the statutes is amended to
2 read:

3 196.218 (5) (a) 7. To make grants awarded by the ~~technology for educational~~
4 ~~achievement in Wisconsin board~~ department of public instruction to school districts
5 and private schools under s. 44.73 ~~115.9995~~ (6). This subdivision does not apply after
6 ~~June 30, 2002~~ December 31, 2005.

7 *~~0666/9.104~~* SECTION 2339. 196.218 (5) (a) 10. of the statutes is repealed.

8 *~~1634/7.53~~* SECTION 2340. 196.491 (2) (e) of the statutes is amended to read:
9 196.491 (2) (e) Any state agency, as defined in s. ~~16.375~~ 560.9810 (1), county,
10 municipality, town or person may submit written comments to the commission on a
11 strategic energy assessment within 90 days after copies of the draft are issued under
12 par. (b).

13 *~~1373/8.17~~* SECTION 2341. 196.675 (1) of the statutes is renumbered 196.675
14 (1r).

15 *~~1373/8.18~~* SECTION 2342. 196.675 (1g) of the statutes is created to read:
16 196.675 (1g) In this section, “assistant district attorney” includes an
17 assignable prosecutor, as defined in s. 978.001 (1c).

18 *~~0529/4.205~~* SECTION 2343. 196.85 (3) of the statutes is amended to read:
19 196.85 (3) If any public utility, sewerage system, joint local water authority, or
20 power district is billed under sub. (1), (2), or (2e) and fails to pay the bill within 30
21 days or fails to file objections to the bill with the commission, as provided in this
22 subsection, the commission shall transmit to the ~~state treasurer~~ secretary of
23 administration a certified copy of the bill, together with notice of failure to pay the
24 bill, and on the same day the commission shall mail by registered mail to the public
25 utility, sewerage system, joint local water authority, or power district a copy of the

SECTION 2343

1 notice that it has transmitted to the state treasurer. Within 10 days after receipt of
2 the notice and certified copy of the bill, the ~~state treasurer~~ secretary of
3 administration shall levy the amount stated on the bill to be due, with interest, by
4 distress and sale of any property, including stocks, securities, bank accounts,
5 evidences of debt, and accounts receivable belonging to the delinquent public utility,
6 sewerage system, joint local water authority, or power district. The levy by distress
7 and sale shall be governed by s. 74.10, 1985 stats., except that it shall be made by the
8 ~~state treasurer~~ secretary of administration and that goods and chattels anywhere
9 within the state may be levied upon.

10 *~~0529/4.206~~* SECTION 2344. 196.85 (4) (d) of the statutes is amended to read:

11 196.85 (4) (d) If any bill against which objections have been filed is not paid
12 within 10 days after notice of a finding that the objections have been overruled and
13 disallowed by the commission has been mailed to the objector as provided in this
14 subsection, the commission shall give notice of the delinquency to the ~~state treasurer~~
15 secretary of administration and to the objector, in the manner provided in sub. (3).
16 The ~~state treasurer~~ secretary of administration shall then proceed to collect the
17 amount of the delinquent bill as provided in sub. (3). If an amended bill is not paid
18 within 10 days after a copy of the amended bill is mailed to the objector by registered
19 mail, the commission shall notify the ~~state treasurer~~ secretary of administration and
20 the objector as in the case of delinquency in the payment of an original bill. The ~~state~~
21 ~~treasurer~~ secretary of administration shall then proceed to collect the amount of the
22 amended bill as provided in the case of an original bill.

23 *~~0529/4.207~~* SECTION 2345. 196.85 (5) of the statutes is amended to read:

24 196.85 (5) No suit or proceeding may be maintained in any court to restrain or
25 delay the collection or payment of any bill rendered under sub. (1), (2), or (2e). Every

1 public utility, sewerage system, joint local water authority, or power district that is
2 billed shall pay the amount of the bill, and after payment may in the manner
3 provided under this section, at any time within 2 years from the date the payment
4 was made, sue the state to recover the amount paid plus interest from the date of
5 payment, upon the ground that the assessment was excessive, erroneous, unlawful,
6 or invalid in whole or in part. If the court finds that any part of the bill for which
7 payment was made was excessive, erroneous, unlawful, or invalid, the state
8 ~~treasurer~~ secretary of administration shall make a refund to the claimant as directed
9 by the court. The refund shall be charged to the appropriations to the commission.

10 *~~1289/7.113~~* SECTION 2346. 196.858 (1) and (2) of the statutes are amended
11 to read:

12 196.858 (1) The commission shall annually assess against local exchange and
13 interexchange telecommunications utilities the total, not to exceed \$5,000,000, of the
14 amounts appropriated under s. ~~20.530~~ 20.505 (1) (ir).

15 (2) The commission shall assess a sum equal to the annual total amount under
16 sub. (1) to local exchange and interexchange telecommunications utilities in
17 proportion to their gross operating revenues during the last calendar year. If total
18 expenditures for telephone relay service exceeded the payment made under this
19 section in the prior year, the commission shall charge the remainder to assessed
20 telecommunications utilities in proportion to their gross operating revenues during
21 the last calendar year. A telecommunications utility shall pay the assessment within
22 30 days after the bill has been mailed to the assessed telecommunication utility. The
23 bill constitutes notice of the assessment and demand of payment. Payments shall
24 be credited to the appropriation account under s. ~~20.530~~ 20.505 (1) (ir).

25 *~~1187/4.191~~* SECTION 2347. 197.10 (4) of the statutes is amended to read:

1 197.10 (4) Insofar as the use, operation, service, management, control, sale,
2 lease, purchase, extension, improvement, rates, value or earnings of the properties
3 of the public utility or provisions looking toward the ultimate acquisition of the same
4 are made subject to the terms of any contract provided for in sub. (1), and so long as
5 said contract remains in force, the following sections of the statutes shall be
6 inapplicable to the same: ss. ~~195.05, 195.10~~, 196.02 (1) and (2), 196.05, 196.09,
7 196.10, 196.11, 196.15, 196.16, 196.19 (6), 196.20, 196.21, 196.22, 196.26, 196.28,
8 196.30, 196.37, 196.39, 196.40, 196.58, 196.70, 197.01 (2) to (4), 197.02, 197.03,
9 197.04, 197.05, 197.06, 197.08 and 197.09; provided that nothing in any contract
10 made hereunder shall operate to prevent an appeal to the public service commission
11 by any person, other than a party to said contract, upon any complaint alleging that
12 any rate, fare, charge or classification, or any joint rate, or any regulation, act or
13 practice relating to the production, transmission, delivery or furnishing of gas, heat,
14 light or power, or any service in connection therewith, is unjustly discriminatory, or
15 that any such service is inadequate or cannot be obtained. Upon said appeal the
16 commission shall, as provided by law, determine and by order fix a rate, fare, charge,
17 classification, joint rate or regulation, act or practice or service to be imposed,
18 observed or followed in the future in lieu of that found to be unjustly discriminatory
19 or inadequate.

20 *~~1187/4.192~~* SECTION 2348. 201.01 (1) of the statutes is amended to read:

21 201.01 (1) “Commission” means the ~~office of the commissioner of railroads in~~
22 ~~the case of railroads and the public service commission in the case of other public~~
23 ~~service corporations.~~

24 *~~1187/4.193~~* SECTION 2349. 201.01 (2) of the statutes is amended to read:

1 201.01 (2) “Public service corporation” means and embraces every corporation,
2 except municipalities and other political subdivisions, which is a public utility as
3 defined in s. 196.01, ~~and every corporation which is a railroad as defined in s. 195.02,~~
4 but shall not include a public utility corporation receiving an annual gross revenue
5 of less than \$1,000 for the calendar year next preceding the issuance of any securities
6 by it. “Public service corporation” includes a holding company, as defined under s.
7 196.795 (1) (h), which is a public utility, as defined under s. 196.01 (5). “Public service
8 corporation” does not include a telecommunications utility, as defined in s. 196.01
9 (10). “Public service corporation” does not include any other holding company unless
10 the holding company was formed after November 28, 1985, and unless the
11 commission has determined, under s. 196.795 (7) (a), that each nonutility affiliate,
12 as defined under s. 196.795 (1) (j), does not and cannot reasonably be expected to do
13 at least one of the items specified in s. 196.795 (7) (a). “Public service corporation”
14 does not include a company, as defined in s. 196.795 (1) (f), which owns, operates,
15 manages or controls a telecommunications utility, as defined in s. 196.01 (10), unless
16 such company also owns, operates, manages or controls a public utility which is not
17 a telecommunications utility. “Public service corporation” does not include a
18 transmission company, as defined in s. 196.485 (1) (ge).

19 *~~1187/4.194~~* SECTION 2350. 201.10 (3) of the statutes is amended to read:

20 201.10 (3) Whenever the commission deems it necessary to make an
21 investigation of the books, accounts and practices or to make an appraisal of the
22 property of any public service corporation which has filed an application for
23 authority to issue any securities to which this chapter is applicable, such public
24 service corporation shall pay all expenses reasonably attributable to such special
25 investigation, or to such an appraisal of the property. For the purpose of calculating

SECTION 2350

1 investigative and appraisal expenses of the commission, 90% of the costs determined
2 shall be costs of the commission and 10% of the costs determined shall be costs of
3 state government operations. The procedure set up by s. ~~195.60 or 196.85, whichever~~
4 ~~is appropriate~~, for the rendering and collection of bills shall be in all ways applicable
5 to the rendering and collection of bills under this section. Ninety percent of the
6 amounts paid to the ~~public service~~ commission under authority of this subsection
7 shall be credited to the appropriation account under s. 20.155 (1) (g).

8 *~~1187/4.195~~* SECTION 2351. 201.13 of the statutes is amended to read:

9 **201.13 Stock.** Subject to the regulatory jurisdiction of the commission under
10 this chapter and to all other applicable provisions of law relating to ~~railroad or other~~
11 special types of corporations, all classes and series of stock of a public service
12 corporation shall be governed by the provisions of ch. 180.

13 *~~1431/2.17~~* SECTION 2352. 214.01 (1) (im) of the statutes is amended to read:

14 214.01 (1) (im) "Division" means the division of ~~savings institutions~~ banking.

15 *~~1431/2.18~~* SECTION 2353. 214.01 (1) (sr) of the statutes is amended to read:

16 214.01 (1) (sr) "Review board" means the savings ~~bank~~ institutions review
17 board.

18 *~~1431/2.19~~* SECTION 2354. 214.592 of the statutes is amended to read:

19 **214.592 Financially related services tie-ins.** In any transaction conducted
20 by a savings bank, a savings bank holding company, or a subsidiary of either with
21 a customer who is also a customer of any other subsidiary of any of them, the
22 customer shall be given a notice in 12-point boldface type in substantially the
23 following form:

24 NOTICE OF RELATIONSHIP

1 This company, (insert name and address of savings bank, savings bank
2 holding company, or subsidiary), is related to (insert name and address of savings
3 bank, savings bank holding company, or subsidiary) of which you are also a customer.
4 You may not be compelled to buy any product or service from either of the above
5 companies or any other related company in order to participate in this transaction.

6 If you feel that you have been compelled to buy any product or service from
7 either of the above companies or any other related company in order to participate
8 in this transaction, you should contact the management of either of the above
9 companies at either of the above addresses or the division of ~~savings institutions~~
10 banking at (insert address).

11 ***-1824/6.42* SECTION 2355.** 214.72 (1) (b) of the statutes is amended to read:
12 214.72 (1) (b) “Financial regulator” means the department secretary and
13 deputy secretary, and an administrator, a supervisor of data processing, ~~legal counsel~~
14 and a financial institution examiner employed by the department and the
15 department’s legal counsel and includes any member of a financial regulator’s
16 immediate family, as defined in s. 19.42 (7).

17 ***-1431/2.20* SECTION 2356.** 215.01 (6) of the statutes is amended to read:
18 215.01 (6) “Division” means the division of ~~savings institutions~~ banking.

19 ***-1431/2.21* SECTION 2357.** 215.01 (22) of the statutes is amended to read:
20 215.01 (22) “Review board” means the savings ~~and loan~~ institutions review
21 board.

22 ***-1431/2.22* SECTION 2358.** 215.02 (title) of the statutes is repealed and
23 recreated to read:

24 **215.02 (title) Powers of the division.**

1 *–1431/2.23* SECTION 2359. 215.02 (10) (a) 3. of the statutes is amended to
2 read:

3 215.02 (10) (a) 3. An order of removal takes effect on the date issued. A copy
4 of the order shall be served upon the association and upon the officer, director, or
5 employee in the manner provided by law for service of a summons in a court of record
6 or by mailing a copy to the association and officer, director, or employee at their
7 last-known, post-office addresses. Any removal under this subsection has the same
8 effect as if made by the board of directors or the members or stockholders of the
9 association. An officer, director, or employee removed from office or employment
10 under this subsection may not be elected as an officer or director of, or be employed
11 by, an association without the approval of the division and the review board. An
12 order of removal under this subsection is a final order or determination of the review
13 board under s. 215.04 ~~(6)~~ (5).

14 *–1431/2.24* SECTION 2360. 215.04 of the statutes is repealed and recreated
15 to read:

16 **215.04 Review board. (1) DUTIES.** The review board shall do all of the
17 following:

- 18 (a) Advise the division on matters related to this chapter.
19 (b) Review the acts, orders, and determinations of the division.
20 (c) Act on any matters pertaining to this chapter that are submitted to it by the
21 division.
22 (d) Perform other review functions relating to this chapter.
23 (e) Conduct hearings and take testimony, and subpoena and swear witnesses
24 at such hearings. The review board shall have the subpoena powers under s. 885.01
25 (4).

1 (2) APPEARANCES. An interested party may appear at a proceeding of the review
2 board and may participate in the examination of witnesses and present evidence.

3 (3) WITNESS FEES. A person who causes a witness to be subpoenaed shall
4 advance the fees and mileage expense of the witness. Witness fees shall be the same
5 as fees under s. 814.67 (1) (b) and (c). The fees of witnesses who are called by the
6 review board in the interests of the state shall be paid by the state upon presentation
7 of proper vouchers approved by the chairperson of the review board and charged to
8 the appropriation under s. 20.144 (1) (g).

9 (4) REVIEW OF ACTS, ORDERS, OR DETERMINATIONS. Any interested person or a
10 savings association aggrieved by any act, order, or determination of the division,
11 which relates to savings and loan associations, may, within 20 days after receipt or
12 service of a copy of the act, order, or determination, file a written notice requesting
13 the review board's review of the division's act, order, or determination. The review
14 of the division's decision shall be solely to determine if the division acted within the
15 scope of the division's authority and did not act in an arbitrary or capricious manner
16 and to determine if the act, order, or determination of the division is supported by
17 substantial evidence in view of the entire record as submitted. The review of
18 applications for new charters, branch offices, or relocation of offices shall be based
19 exclusively on the record and new evidence may not be taken by the review board.
20 Requests for review under this subsection shall be considered and disposed of as
21 speedily as possible.

22 (5) REVIEW. A determination of the review board is subject to review under ch.
23 227. If an act, order, or determination of the division is reversed or modified by the
24 review board, the division shall be considered to be a person aggrieved and directly
25 affected by the decision under s. 227.53 (1).

SECTION 2360

(6) BOARD MEMBER NOT TO ACT. A member of the review board may not act on any matter involving a savings and loan association or savings and loan holding company of which the member is an officer, director, employee, or agent.

-1431/2.25 SECTION 2361. 215.141 of the statutes is amended to read:

215.141 Financially related services tie-ins. In any transaction conducted by an association, a savings and loan holding company, or a subsidiary of either with a customer who is also a customer of any other subsidiary of any of them, the customer shall be given a notice in 12-point boldface type in substantially the following form:

NOTICE OF RELATIONSHIP

This company, (insert name and address of association, savings and loan holding company, or subsidiary), is related to (insert name and address of association, savings and loan holding company, or subsidiary) of which you are also a customer. You may not be compelled to buy any product or service from either of the above companies or any other related company in order to participate in this transaction.

If you feel that you have been compelled to buy any product or service from either of the above companies or any other related company in order to participate in this transaction, you should contact the management of either of the above companies at either of the above addresses or the division of savings institutions banking at (insert address).

-1824/6.43 SECTION 2362. 215.32 (3) of the statutes is amended to read:

215.32 (3) EMPLOYMENT ~~RETENTION OF~~ COUNSEL; RETENTION OF OFFICERS AND EMPLOYEES OF ASSOCIATION. The division may employ ~~retain~~ necessary counsel, with the advice and consent of the attorney general, and may employ experts in a

On behalf of the division, the department of administration

PLAIN

PLAIN

the division

1 liquidation under this section and may retain any officer or employee of the
2 association.

3 ***-0529/4.208* SECTION 2363.** 215.33 (3) (b) 2. of the statutes is amended to
4 read:

5 215.33 (3) (b) 2. The accounts of the association are insured by the deposit
6 insurance corporation or any other insurer acceptable to the division, or that
7 adequate and sufficient securities have been deposited with the ~~state treasurer~~
8 secretary of administration to assure that the association will meet its obligations
9 to the residents of this state.

10 ***-1431/2.26* SECTION 2364.** 215.40 (18) of the statutes is amended to read:

11 215.40 (18) APPEAL BY APPLICANTS AFTER BEING DENIED CERTIFICATE OF AUTHORITY.
12 If the division refuses to grant a certificate of authority to organize an association,
13 and the applicants feel aggrieved thereby, they may appeal to the review board to
14 review the division's determination under s. 215.04 (1) ~~(d)~~ (b) and (4).

15 ***-1431/2.27* SECTION 2365.** 220.02 (2) (e) and (f) of the statutes are created
16 to read:

17 220.02 (2) (e) Savings banks under ch. 214.

18 (f) Savings and loan associations under ch. 215.

19 ***-1431/2.28* SECTION 2366.** 220.02 (3) of the statutes is amended to read:

20 220.02 (3) It is the intent of sub. (2) to give the division jurisdiction to enforce
21 and carry out all laws relating to banks or banking in this state, including those
22 relating to state banks, savings banks, savings and loan associations, and trust
23 company banks, and also all laws relating to small loan companies or other loan
24 companies or agencies, finance companies, motor vehicle dealers, adjustment service
25 companies, community currency exchanges, and collection agencies and those

SECTION 2366

1 relating to sellers of checks under ch. 217, whether doing business as corporations,
2 individuals, or otherwise, but to exclude laws relating to credit unions.

3 *-1824/6.44* SECTION 2367. 220.08 (4) of the statutes is amended to read:

4 220.08 (4) The division may appoint one or more special deputies, as agent or
5 agents, to assist the division in the duty of reorganization, consolidation, liquidation
6 and distribution, the certificate of appointment to be filed with the division and a
7 certified copy in the office of the clerk of the circuit court for the county in which such
8 bank or banking corporation is located. Such special deputies may execute,
9 acknowledge and deliver any and all deeds, assignments, releases or other
10 instruments necessary and proper to effect any sale and transfer or encumbrance of
11 real estate or personal property after the same has been approved by the division,
12 and an order obtained from the circuit court of the county in which the bank
13 concerned is located. The division may from time to time authorize a special deputy
14 to perform such duties connected with such reorganization, consolidation,
15 liquidation and distribution as the division deems proper. ~~The division may employ~~
16 ~~retain~~ such counsel with the advice and consent of the attorney general and may
17 procure such expert assistance and advice as may be necessary in the reorganization,
18 consolidation, liquidation and distribution of the assets of such banks or banking
19 corporations. The division may retain such of the officers or employees of such banks
20 or banking corporations as necessary.

On behalf of
the
division
PLAIN
The
department
of
admini-
stration
PLAIN
the
division

21 *-1431/2.29* SECTION 2368. 221.0303 (2) of the statutes is amended to read:

22 221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS
23 TERMINALS. A bank may, directly or indirectly, acquire, place, and operate, or
24 participate in the acquisition, placement, and operation of, at locations other than
25 its main or branch offices, customer bank communications terminals, in accordance

1 with rules established by the division. The rules of the division shall provide that
2 any such customer bank communications terminal shall be available for use, on a
3 nondiscriminatory basis, by any state or national bank and by all customers
4 designated by a bank using the terminal. This subsection does not authorize a bank
5 which has its principal place of business outside this state to conduct banking
6 business in this state. The customer bank communications terminals also shall be
7 available for use, on a nondiscriminatory basis, by any credit union, savings and loan
8 association, or savings bank, if the credit union, savings and loan association, or
9 savings bank requests to share its use, subject to rules jointly established by the
10 division of banking, and the office of credit unions ~~and the division of savings~~
11 ~~institutions~~. The division by order may authorize the installation and operation of
12 a customer bank communications terminal in a mobile facility, after notice and
13 hearing upon the proposed service stops of the mobile facility.

14 *~~1289/7.114~~* SECTION 2369. 221.0320 (3) (a) of the statutes is amended to
15 read:

16 221.0320 (3) (a) In this subsection, "local governmental unit" has the meaning
17 given in s. ~~22.01~~ 16.97 (7).

18 *~~1431/2.30~~* SECTION 2370. 221.0321 (5) of the statutes is amended to read:

19 221.0321 (5) CERTAIN SECURED LOANS. A bank may make loans secured by
20 assignment or transfer of stock certificates or other evidence of the borrower's
21 ownership interest in a corporation formed for the cooperative ownership of real
22 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage
23 involving a one-family residence, apply to a proceeding to enforce the lender's rights
24 in security given for a loan under this subsection. The division shall promulgate joint
25 rules with the office of credit unions ~~and the division of savings institutions~~ that

1 establish procedures for enforcing a lender's rights in security given for a loan under
2 this subsection.

3 *~~0529/4.209~~* SECTION 2371. 223.02 (1) (intro.) of the statutes is amended to
4 read:

5 223.02 (1) INDEMNITY FUND DEPOSIT. (intro.) Deposit at least \$100,000 with the
6 ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~ secretary's agent
7 in accordance with the following provisions:

8 *~~0529/4.210~~* SECTION 2372. 223.02 (1) (b) of the statutes is amended to read:

9 223.02 (1) (b) The ~~state treasurer~~ secretary of administration or the ~~state~~
10 ~~treasurer's~~ secretary's agent shall pay over to the bank trust company the interest,
11 dividends, or other income on deposit or may authorize the bank trust company to
12 collect the interest, dividends, or other income. The ~~state treasurer~~ secretary of
13 administration shall issue a certificate stating that a deposit has been made with the
14 ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~ secretary's agent
15 in the manner provided in this section.

16 *~~0529/4.211~~* SECTION 2373. 223.02 (1) (c) of the statutes is amended to read:

17 223.02 (1) (c) The ~~state treasurer~~ secretary of administration or the ~~state~~
18 ~~treasurer's~~ secretary's agent shall hold the deposit as security for the faithful
19 execution of any trust which may be lawfully imposed upon and accepted by the trust
20 company bank. The cash or securities shall remain in the possession of the ~~state~~
21 ~~treasurer~~ secretary of administration or the ~~state treasurer's~~ secretary's agent until
22 otherwise ordered by a court of competent jurisdiction, unless released pursuant to
23 par. (d).

24 *~~0529/4.212~~* SECTION 2374. 223.02 (1) (d) of the statutes is amended to read:

1 223.02 (1) (d) The securities and cash deposited by a trust company bank may
2 be released by the ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~
3 secretary's agent and returned to the bank, if the division certifies to the ~~state~~
4 treasurer secretary of administration that the bank no longer exercises trust powers
5 and that the division is satisfied that there are no outstanding trust liabilities.

6 *~~0529/4.213~~* SECTION 2375. 223.02 (1) (e) of the statutes is amended to read:

7 223.02 (1) (e) The ~~state treasurer~~ secretary of administration may designate
8 a banking corporation, having an authorized capital of \$1,000,000 or more, to act as
9 an agent to hold the cash or securities in safekeeping. The agent shall furnish to the
10 ~~state treasurer~~ secretary of administration a safekeeping receipt for all cash and
11 securities received by it. The agent shall pay the cash and securities to the ~~state~~
12 treasurer secretary of administration on demand without conditions.

13 *~~1431/2.31~~* SECTION 2376. 223.105 (3) (a) of the statutes is amended to read:

14 223.105 (3) (a) To assure compliance with such rules as may be established
15 under s. 220.04 (7), the division of banking, and the office of credit unions ~~and the~~
16 ~~division of savings institutions~~ shall, at least once every 18 months, examine the
17 fiduciary operations of each organization which is under its respective jurisdiction
18 and is subject to examination under sub. (2). If a particular organization subject to
19 examination under sub. (2) is not otherwise under the jurisdiction of one of the
20 foregoing agencies, such examination shall be conducted by the division of banking.

21 *~~1431/2.32~~* SECTION 2377. 223.105 (4) of the statutes is amended to read:

22 223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations
23 licensed under ch. 221 or this chapter, any organization engaged in fiduciary
24 operations as defined in this section shall, as required by rule, notify the division of
25 banking, or the office of credit unions ~~or the division of savings institutions~~ of that

1 fact, directing the notice to the agency then exercising regulatory authority over the
2 organization or, if there is none, to the division of banking. Any organization which
3 intends to engage in fiduciary operations shall, prior to engaging in such operations,
4 notify the appropriate agency of this intention. The notifications required under this
5 subsection shall be on forms and contain information required by the rules
6 promulgated by the division of banking.

7 *~~1431/2.33~~* SECTION 2378. 223.105 (5) of the statutes is amended to read:

8 223.105 (5) ENFORCEMENT REMEDY. The division of banking ~~or the division of~~
9 ~~savings institutions~~ or office of credit unions shall, upon the failure of such
10 organization to submit notifications or reports required under this section or
11 otherwise to comply with the provisions of this section, or rules established by the
12 division of banking under s. 220.04 (7), upon due notice, order such defaulting
13 organization to cease and desist from engaging in fiduciary activities and may apply
14 to the appropriate court for enforcement of such order.

15 *~~1431/2.34~~* SECTION 2379. 223.105 (6) of the statutes is amended to read:

16 223.105 (6) SUNSET. Except for an organization regulated by the office of credit
17 unions ~~or the division of savings institutions~~, a savings bank or savings and loan
18 association regulated by the division of banking, or an organization authorized by
19 the division of banking to operate as a bank or trust company under ch. 221 or this
20 chapter, an organization may not begin activity as a fiduciary operation under this
21 section after May 12, 1992. An organization engaged in fiduciary operations under
22 this section on May 12, 1992, may continue to engage in fiduciary operations after
23 that date.

24 *~~0529/4.214~~* SECTION 2380. 223.20 (3) of the statutes is amended to read:

1 223.20 (3) SURRENDER OF TRUST POWERS. If a converted trust company bank has
2 been fully discharged of all trusts committed to it, it may, by amendment to its
3 articles of incorporation, duly adopted by its stockholders and approved by the
4 division, surrender its powers to act in a fiduciary capacity. A trust company bank
5 that surrenders its trust powers under this subsection shall eliminate from its
6 corporate name the word “~~trust;~~” “trust” and may thereupon withdraw from the state
7 ~~treasurer~~ secretary of administration all securities and cash that it has deposited
8 with the ~~state treasurer~~ secretary of administration pursuant to s. 223.02.

9 *~~1634/7.54~~* SECTION 2381. 224.71 (3) (b) 1m. of the statutes is amended to
10 read:

11 224.71 (3) (b) 1m. A community-based organization, as defined in s. ~~16.30~~
12 560.9801 (1), or a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

13 *~~1634/7.55~~* SECTION 2382. 224.71 (4) (b) 1m. of the statutes is amended to
14 read:

15 224.71 (4) (b) 1m. A community-based organization, as defined in s. ~~16.30~~
16 560.9801 (1), or a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

17 *~~0529/4.215~~* SECTION 2383. 224.77 (1m) (c) of the statutes is amended to
18 read:

19 224.77 (1m) (c) All forfeitures shall be paid to the division of banking within
20 10 days after receipt of notice of assessment or, if the forfeiture is contested under
21 par. (b), within 10 days after receipt of the final decision after exhaustion of
22 administrative review. The division of banking shall remit all forfeitures paid to the
23 ~~state treasurer~~ secretary of administration for deposit in the school fund.

24 *~~1187/4.196~~* SECTION 2384. 226.025 (3) of the statutes is amended to read:

1 226.025 (3) The appointment of the department of financial institutions or the
2 designation of a resident agent as attorney for the service of summons, notice,
3 pleadings or process under s. 180.1507 shall be applicable only to actions or
4 proceedings against the foreign corporations described in this section (unless such
5 corporations have been admitted to this state for purposes other than those
6 mentioned in this section) where the cause of action or proceeding arises out of
7 transactions between such foreign corporations and public utilities operating in this
8 state with which such foreign corporations are affiliated; and to actions or
9 proceedings by or before the public service commission ~~or office of the commissioner~~
10 ~~of railroads~~ involving the transactions described in sub. (1), or involving the relation
11 between such foreign corporations and public utilities operating in this state with
12 which they are affiliated.

13 *~~1187/4.197~~* SECTION 2385. 227.01 (13) (s) of the statutes is amended to read:

14 227.01 (13) (s) Prescribes or relates to a uniform system of accounts for any
15 person, including a municipality, that is regulated by the ~~office of the commissioner~~
16 ~~of railroads or the public service commission.~~

17 *~~1688/2.27~~* SECTION 2386. 227.01 (13) (zk) of the statutes is repealed.

18 *~~1256/5.77~~* SECTION 2387. 227.01 (13) (zL) of the statutes is created to read:

19 227.01 (13) (zL) Establishes guidelines under s. 49.147 (3m) (c), (d) 2., (f) 1. or
20 2. b., or (g) 2. for transitional subsidized private sector jobs under Wisconsin Works.

21 *~~1711/5.93~~* SECTION 2388. 227.01 (13) (zv) of the statutes is created to read:

22 227.01 (13) (zv) Establishes policies under subch. III of ch. 39.

23 *~~1295/2.30~~* SECTION 2389. 227.03 (7) of the statutes is amended to read:

1 227.03 (7) Except as provided in s. 230.44 (4) (bm), this chapter does not apply
2 to proceedings before the ~~personnel~~ employment relations commission in matters
3 that are arbitrated in accordance with s. 230.44 (4) (bm).

4 *~~0576/8.72~~* SECTION 2390. 227.10 (3) (e) of the statutes is amended to read:

5 227.10 (3) (e) Nothing in this subsection prohibits the administrator of the
6 division of merit recruitment and selection in the department of ~~employment~~
7 ~~relations~~ administration from promulgating rules relating to expanded certification
8 under s. 230.25 (1n).

9 *~~1634/7.56~~* SECTION 2391. 227.115 (1) (a) and (b) of the statutes are amended
10 to read:

11 227.115 (1) (a) “Department” means the department of ~~administration~~
12 commerce.

13 (b) “State housing strategy plan” means the plan developed under s. ~~16.31~~
14 560.9802.

15 *~~1634/7.57~~* SECTION 2392. 227.115 (3) (a) 5. of the statutes is amended to
16 read:

17 227.115 (3) (a) 5. Housing costs, as defined in s. ~~16.30~~ 560.9801 (3) (a) and (b).

18 *~~1187/4.198~~* SECTION 2393. 227.43 (1) (bk) of the statutes is created to read:

19 227.43 (1) (bk) Assign a hearing examiner to preside over any hearing or review
20 under ss. 26.20 (3) and (10), 84.05, 88.66 (2), 88.87 (4), 88.88 (2), 190.02 (6), 190.16
21 (4) and (5), 192.324, 192.34, 192.52, 192.56, 195.28 (1), 195.285 (1), 195.29 (10),
22 195.295, 195.30 (1), 195.305, 195.31, 195.32, 195.325, and 195.60.

23 *~~1187/4.199~~* SECTION 2394. 227.43 (4) (b) of the statutes is amended to read:

1 227.43 (4) (b) The department of transportation shall pay all costs of the
2 services of a hearing examiner assigned under sub. (1) (bg) or (bk) or assigned to the
3 department under sub. (1) (br), according to the fees set under sub. (3) (b).

4 *~~1295/2.31~~* SECTION 2395. 227.44 (2s) of the statutes is repealed.

5 *~~1187/4.200~~* SECTION 2396. 227.46 (2m) of the statutes is amended to read:

6 227.46 (2m) In any hearing or review assigned to a hearing examiner under
7 s. 227.43 (1) (bg) or (bk), the hearing examiner presiding at the hearing shall prepare
8 a proposed decision, including findings of fact, conclusions of law, order and opinion,
9 in a form that may be adopted as the final decision in the case. The proposed decision
10 shall be a part of the record and shall be served by the division of hearings and
11 appeals in the department of administration on all parties. Each party adversely
12 affected by the proposed decision shall be given an opportunity to file objections to
13 the proposed decision within 15 days, briefly stating the reasons and authorities for
14 each objection, and to argue with respect to them before the administrator of the
15 division of hearings and appeals. The administrator of the division of hearings and
16 appeals may direct whether such argument shall be written or oral. If the decision
17 of the administrator of the division of hearings and appeals varies in any respect from
18 the decision of the hearing examiner, the decision of the administrator of the division
19 of hearings and appeals shall include an explanation of the basis for each variance.
20 The decision of the administrator of the division of hearings and appeals is a final
21 decision of the agency subject to judicial review under s. 227.52. The department of
22 transportation may petition for judicial review.

23 *~~1187/4.201~~* SECTION 2397. 227.46 (3) (intro.) of the statutes is amended to
24 read:

1 227.46 (3) (intro.) With respect to contested cases except a hearing or review
2 assigned to a hearing examiner under s. 227.43 (1) (bg) or (bk), an agency may by rule
3 or in a particular case may by order:

4 ***-1295/2.32*** SECTION 2398. 227.47 (2) of the statutes is amended to read:

5 227.47 (2) Except as otherwise provided in this subsection, a proposed or final
6 decision of the ~~personnel~~ employment relations commission, hearing examiner or
7 arbitrator concerning an appeal of the decision of the secretary of employment
8 relations made under s. 230.09 (2) (a) or (d) shall not be accompanied by findings of
9 fact or conclusions of law. If within 30 days after the commission issues a decision
10 in such an appeal either party files a petition for judicial review of the decision under
11 s. 227.53 and files a written notice with the commission that the party has filed such
12 a petition, the commission shall issue written findings of fact and conclusions of law
13 within 90 days after receipt of the notice. The court shall stay the proceedings
14 pending receipt of the findings and conclusions.

15 ***-0576/8.73*** SECTION 2399. 227.47 (2) of the statutes, as affected by 2003
16 Wisconsin Act (this act), is amended to read:

17 227.47 (2) Except as otherwise provided in this subsection, a proposed or final
18 decision of the employment relations commission, hearing examiner or arbitrator
19 concerning an appeal of the decision of the secretary of ~~employment relations~~
20 administration made under s. 230.09 (2) (a) or (d) shall not be accompanied by
21 findings of fact or conclusions of law. If within 30 days after the commission issues
22 a decision in such an appeal either party files a petition for judicial review of the
23 decision under s. 227.53 and files a written notice with the commission that the party
24 has filed such a petition, the commission shall issue written findings of fact and

1 conclusions of law within 90 days after receipt of the notice. The court shall stay the
2 proceedings pending receipt of the findings and conclusions.

***NOTE: This is reconciled s. 227.47 (2). It is affected by LRB-0576 and
LRB-1295.

3 ***-1431/2.35* SECTION 2400.** 227.52 (3) of the statutes is amended to read:

4 227.52 (3) Those decisions of the division of banking that are subject to review,
5 prior to any judicial review, by the banking review board, and decisions of the division
6 of banking relating to savings banks or savings and loan associations, but no other
7 institutions subject to the jurisdiction of the division of banking.

8 ***-1431/2.36* SECTION 2401.** 227.52 (5) of the statutes is repealed.

9 ***-1431/2.37* SECTION 2402.** 227.53 (1) (a) 1. of the statutes is amended to read:

10 227.53 (1) (a) 1. Proceedings for review shall be instituted by serving a petition
11 therefor personally or by certified mail upon the agency or one of its officials, and
12 filing the petition in the office of the clerk of the circuit court for the county where
13 the judicial review proceedings are to be held. If the agency whose decision is sought
14 to be reviewed is the office of the commissioner of tax appeals commission, the
15 banking review board, the credit union review board, or the savings and loan
16 institutions review board ~~or the savings bank review board~~, the petition shall be
17 served upon both the agency whose decision is sought to be reviewed and the
18 corresponding named respondent, as specified under par. (b) 1. to 5. 4.

***NOTE: This is reconciled s. 227.53 (1) (a) 1. This SECTION has been affected by
draft LRB-1767/2, which creates the office of the commissioner of tax appeals.

19 ***-1767/3.61* SECTION 2403.** 227.53 (1) (b) 1. of the statutes is amended to read:

20 227.53 (1) (b) 1. The office of the commissioner of tax appeals commission, the
21 department of revenue.

22 ***-1431/2.38* SECTION 2404.** 227.53 (1) (b) 4. of the statutes is amended to read:

1 227.53 (1) (b) 4. The savings ~~and loan~~ institutions review board, the division
2 of ~~savings institutions~~ banking, except if the petitioner is the division of ~~savings~~
3 ~~institutions~~ banking, the prevailing parties before the savings ~~and loan~~ institutions
4 review board shall be the named respondents.

5 *~~1431/2.39~~* SECTION 2405. 227.53 (1) (b) 5. of the statutes is repealed.

6 *~~1431/2.40~~* SECTION 2406. 227.53 (1) (d) of the statutes is amended to read:

7 227.53 (1) (d) Except in the case of the office of the commissioner of tax appeals
8 ~~commission~~, the banking review board, the credit union review board, and the
9 savings ~~and loan~~ institutions review board ~~and the savings bank review board~~, the
10 agency and all parties to the proceeding before it, shall have the right to participate
11 in the proceedings for review. The court may permit other interested persons to
12 intervene. Any person petitioning the court to intervene shall serve a copy of the
13 petition on each party who appeared before the agency and any additional parties
14 to the judicial review at least 5 days prior to the date set for hearing on the petition.

****NOTE: This is reconciled s. 227.53 (1) (d). This SECTION has been affected by
draft LRB-1767/2, which creates the office of the commissioner of tax appeals.

15 *~~1295/2.33~~* SECTION 2407. 230.03 (8) of the statutes is amended to read:

16 230.03 (8) “Commission” means the ~~personnel~~ employment relations
17 commission.

18 *~~0576/8.74~~* SECTION 2408. 230.03 (9) of the statutes is amended to read:

19 230.03 (9) “Department” means the department of ~~employment relations~~
20 administration.

21 *~~1295/2.34~~* SECTION 2409. 230.03 (10e) of the statutes is created to read:

22 230.03 (10e) “Division of equal rights” means the division of equal rights in the
23 department of workforce development.

SECTION 2410

1 ***-1295/2.35*** SECTION 2410. 230.04 (1) of the statutes is amended to read:

2 230.04 (1) The secretary is charged with the effective administration of this
3 chapter. All powers and duties, necessary to that end, which are not exclusively
4 vested by statute in the commission, the division of equal rights, the administrator
5 or appointing authorities, are reserved to the secretary.

6 ***-1295/2.36*** SECTION 2411. 230.04 (1m) of the statutes is amended to read:

7 230.04 (1m) The secretary may delegate, in writing, any of his or her functions
8 set forth in this chapter to an appointing authority, within prescribed standards if
9 the secretary finds that the agency has personnel management capabilities to
10 perform such functions effectively and has indicated its approval and willingness to
11 accept such responsibility by written agreement. If the secretary determines that
12 any agency is not performing such delegated function within prescribed standards,
13 the secretary shall forthwith withdraw such delegated function. Subject to the
14 approval of the joint committee on finance, the secretary may order transferred to
15 the department from the agency to which delegation was made such agency staff and
16 other resources as necessary to perform such functions if increased staff was
17 authorized to that agency as a consequence of such delegation or if the department
18 reduced staff or shifted staff to new responsibilities as a result of such delegation.
19 Any delegatory action taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an
20 appointing authority may be appealed to the ~~personnel~~ commission under s. 230.44
21 (1) (b). The secretary shall be a party in such an appeal.

22 ***-0576/8.76*** SECTION 2412. 230.04 (7) of the statutes is repealed.

23 ***-1295/2.37*** SECTION 2413. 230.05 (2) (a) of the statutes is amended to read:

24 230.05 (2) (a) Except as provided under par. (b), the administrator may
25 delegate, in writing, any of his or her functions set forth in this subchapter to an

1 appointing authority, within prescribed standards if the administrator finds that the
2 agency has personnel management capabilities to perform such functions effectively
3 and has indicated its approval and willingness to accept such responsibility by
4 written agreement. If the administrator determines that any agency is not
5 performing such delegated function within prescribed standards, the administrator
6 shall withdraw such delegated function. The administrator may order transfer to
7 the division from the agency to which delegation was made such agency staff and
8 other resources as necessary to perform such functions if increased staff was
9 authorized to that agency as a consequence of such delegation or if the division
10 reduced staff or shifted staff to new responsibilities as a result of such delegation
11 subject to the approval of the joint committee on finance. Any delegatory action
12 taken under this subsection by any appointing authority may be appealed to the
13 personnel commission under s. 230.44 (1) (a). The administrator shall be a party in
14 such appeal.

15 *~~0576/8.77~~* SECTION 2414. 230.08 (2) (e) 1. of the statutes is amended to read:
16 230.08 (2) (e) 1. Administration — ~~10~~ 13.

****NOTE: This is reconciled s. 230.08 (2) (e) 1. It is affected by LRB-0576 and
LRB-1289.

17 *~~1636/1.1~~* SECTION 2415. 230.08 (2) (e) 2. of the statutes is amended to read:
18 230.08 (2) (e) 2. Agriculture, trade and consumer protection — ~~6~~ 5.

19 *~~1381/3.1~~* SECTION 2416. 230.08 (2) (e) 3. of the statutes is amended to read:
20 230.08 (2) (e) 3. Commerce — ~~7~~ 6.

21 *~~1289/7.115~~* SECTION 2417. 230.08 (2) (e) 3r. of the statutes is repealed.

22 *~~0576/8.78~~* SECTION 2418. 230.08 (2) (e) 4. of the statutes is repealed.

SECTION 2419

1 *–1431/2.41* SECTION 2419. 230.08 (2) (e) 4f. of the statutes is amended to
2 read:

3 230.08 (2) (e) 4f. Financial institutions — 4 3.

4 *–1794/1.2* SECTION 2420. 230.08 (2) (e) 7. of the statutes is amended to read:
5 230.08 (2) (e) 7. Justice — 4 3.

6 *–1711/5.94* SECTION 2421. 230.08 (2) (L) 4. of the statutes is repealed.

7 *–1373/8.19* SECTION 2422. 230.08 (2) (sm) of the statutes is created to read:
8 230.08 (2) (sm) Assignable prosecutors, as defined in s. 978.001 (1c), in the
9 department of administration.

10 *–1614/1.3* SECTION 2423. 230.08 (2) (x) of the statutes is repealed.

11 *–0576/8.79* SECTION 2424. 230.08 (2) (xe) of the statutes is amended to read:
12 230.08 (2) (xe) The director of Indian gaming in the department of
13 ~~administration~~, and the attorney in the department of ~~administration~~, appointed
14 under s. 569.015 (2).

15 *–0576/8.80* SECTION 2425. 230.08 (2) (xt) of the statutes is created to read:
16 230.08 (2) (xt) A position in the office of the secretary of administration to
17 advise and assist the secretary on matters related to affirmative action, equal
18 employment opportunity, diversity, and other state employment relation matters.

19 *–0576/8.81* SECTION 2426. 230.08 (2) (y) of the statutes is amended to read:
20 230.08 (2) (y) The director and staff assistant of the federal–state relations
21 office of the department of ~~administration~~.

22 *–1689/3.48* SECTION 2427. 230.08 (2) (yr) of the statutes is amended to read:
23 230.08 (2) (yr) The executive director of the governor’s work–based learning
24 ~~board~~ council.

25 *–0576/8.82* SECTION 2428. 230.08 (4) (c) of the statutes is amended to read:

1 230.08 (4) (c) Any proposal of a board, department or commission, as defined
2 in par. (a) and s. 15.01 (5), or of the historical society, for a change in the number of
3 positions enumerated in sub. (2) (e), before being submitted to the legislature, shall
4 first be submitted by the board, department or commission or by the historical society
5 for a separate review by the ~~department of administration and by the secretary.~~ The
6 ~~department of administration's~~ secretary's review shall include information on the
7 appropriateness of the proposed change with regard to a board's, department's,
8 commission's or society's current or proposed internal organizational structure
9 under s. 15.02 (4). ~~The secretary's review~~ and shall include information on whether
10 the existing classified or existing or proposed unclassified division administrator
11 position involved is or would be assigned to pay range 1-18 or above in schedule 1,
12 or a comparable level, of the compensation plan under s. 230.12. The results of ~~these~~
13 ~~reviews~~ this review shall be provided by ~~the department of administration and by the~~
14 secretary to the joint committee on finance and the joint committee on employment
15 relations at the same time that the board's, department's, commission's or society's
16 proposal is presented to either committee.

17 *~~0576/8.83~~* SECTION 2429. 230.08 (7) of the statutes is amended to read:

18 230.08 (7) EXCEPTIONAL EMPLOYMENT SITUATIONS. The ~~administrator~~ secretary
19 shall provide, by rule, for exceptional methods and kinds of employment to meet the
20 needs of the service during periods of disaster or national emergency, and for other
21 exceptional employment situations such as to employ the mentally disabled, the
22 physically disabled and the disadvantaged.

23 *~~0576/8.84~~* SECTION 2430. 230.09 (2) (g) of the statutes is amended to read:

24 230.09 (2) (g) When filling a new or vacant position, if the secretary determines
25 that the classification for a position is different than that provided for by the

SECTION 2430

1 legislature as established by law or in budget determinations, or as authorized by the
2 joint committee on finance under s. 13.10, or as specified by the governor creating
3 positions under s. 16.505 (1) (c) or (2), the University of Wisconsin Hospitals and
4 Clinics Board creating positions under s. 16.505 (2n) or the board of regents of the
5 University of Wisconsin System creating positions under s. 16.505 (2m), or is
6 different than that of the previous incumbent, the secretary shall notify the
7 administrator ~~and the secretary of administration~~. The administrator shall
8 withhold action on the selection and certification process for filling the position. The
9 secretary ~~of administration~~ shall review the position to determine that sufficient
10 funds exist for the position and that the duties and responsibilities of the proposed
11 position reflect the intent of the legislature as established by law or in budget
12 determinations, the intent of the joint committee on finance acting under s. 13.10,
13 the intent of the governor creating positions under s. 16.505 (1) (c) or (2), the
14 University of Wisconsin Hospitals and Clinics Board creating positions under s.
15 16.505 (2n) or the intent of the board of regents of the University of Wisconsin System
16 creating positions under s. 16.505 (2m). The administrator may not proceed with the
17 selection and certification process until the secretary ~~of administration~~ has
18 authorized the position to be filled.

19 *~~0576/8.85~~* SECTION 2431. 230.12 (7m) of the statutes is amended to read:

20 230.12 (7m) PAY ADJUSTMENT FILING REQUIREMENTS. Except as provided in the
21 rules of the secretary and in the compensation plan, pay increases shall be made only
22 on the dates prescribed under sub. (8). Appointing authorities shall at such times
23 each year as specified by the secretary file with the ~~secretary and with the~~
24 department ~~of administration~~ a list of employees showing their then existing pay
25 rates and their proposed new pay rates.

1 ***-0576/8.86*** SECTION 2432. 230.14 (4) of the statutes is amended to read:

2 230.14 (4) The administrator may charge an agency a fee to announce any
3 vacancy to be filled in a classified or unclassified position in that agency. Funds
4 received under this subsection shall be credited to the appropriation account under
5 s. ~~20.512 (1) (ka)~~ 20.505 (1) (kp).

6 ***-1712/5.78*** SECTION 2433. 230.143 (3) of the statutes is repealed.

7 ***-0576/8.87*** SECTION 2434. 230.147 (3) of the statutes is amended to read:

8 230.147 (3) Notwithstanding subs. (1) and (2), the state fair park board shall
9 make every reasonable effort to employ in permanent full-time equivalent positions
10 persons who, at the time determined under sub. (4), receive aid under s. 49.19 or
11 benefits under s. 49.147 (3) to (5). The state fair park board shall consult with the
12 department of ~~employment relations~~ to assure that its efforts under this subsection
13 comply with ch. 230.

14 ***-0576/8.88*** SECTION 2435. 230.215 (3) (a) of the statutes is amended to read:

15 230.215 (3) (a) An agency may, with the approval of the secretary ~~and with the~~
16 ~~approval of the secretary of administration under s. 16.50~~, restructure budgeted
17 permanent positions as such positions become vacant or if an employee voluntarily
18 requests a job-sharing or permanent part-time employment opportunity. No
19 employee occupying a full-time permanent position may be involuntarily
20 terminated, demoted, transferred or reassigned in order to restructure that position
21 for permanent part-time employment and no such employee may be required to
22 accept a permanent part-time position as a condition of continued employment.

23 ***-1373/8.20*** SECTION 2436. 230.34 (1) (a) of the statutes is renumbered 230.34
24 (1) (ah).

25 ***-1373/8.21*** SECTION 2437. 230.34 (1) (ac) of the statutes is created to read:

1 230.34 (1) (ac) In this section, “assistant district attorney” includes an
2 assignable prosecutor, as defined in s. 978.001 (1c).

3 *~~1373/8.22~~* SECTION 2438. 230.34 (1) (ar) of the statutes is amended to read:

4 230.34 (1) (ar) Paragraphs (a) (ah) and (am) apply to all employees with
5 permanent status in class in the classified service and all employees who have served
6 with the state as an assistant district attorney for a continuous period of 12 months
7 or more, except that for employees specified in s. 111.81 (7) (a) in a collective
8 bargaining unit for which a representative is recognized or certified, or for employees
9 specified in s. 111.81 (7) (b) or (c) in a collective bargaining unit for which a
10 representative is certified, if a collective bargaining agreement is in effect covering
11 employees in the collective bargaining unit, the determination of just cause and all
12 aspects of the appeal procedure shall be governed by the provisions of the collective
13 bargaining agreement.

14 *~~1373/8.23~~* SECTION 2439. 230.44 (1) (c) of the statutes is amended to read:

15 230.44 (1) (c) *Demotion, layoff, suspension or discharge.* ~~If an employee has~~
16 ~~permanent status in class, or an employee has served with the state as an assistant~~
17 ~~district attorney for a continuous period of 12 months or more, the An employee~~
18 described in s. 230.34 (1) (ah) may appeal a demotion, layoff, suspension, discharge
19 or reduction in base pay to the commission, if the appeal alleges that the decision was
20 not based on just cause.

21 *~~1295/2.38~~* SECTION 2440. 230.45 (title) of the statutes is amended to read:

22 230.45 (title) **Powers and duties of personnel commission and division**
23 **of equal rights.**

24 *~~1295/2.39~~* SECTION 2441. 230.45 (1) (b) of the statutes is repealed.

25 *~~0190/7.22~~* SECTION 2442. 230.45 (1) (e) of the statutes is amended to read:

1 230.45 (1) (e) Hear appeals, when authorized under county merit system rules
2 under s. ~~49.33~~ 49.78 (4), from any interested party.

3 *~~1295/2.40~~* SECTION 2443. 230.45 (1) (g) of the statutes is repealed.

4 *~~1295/2.41~~* SECTION 2444. 230.45 (1) (gm) of the statutes is repealed.

5 *~~1295/2.42~~* SECTION 2445. 230.45 (1) (j) of the statutes is repealed.

6 *~~1295/2.43~~* SECTION 2446. 230.45 (1) (k) of the statutes is repealed.

7 *~~1295/2.44~~* SECTION 2447. 230.45 (1) (L) of the statutes is repealed.

8 *~~1295/2.45~~* SECTION 2448. 230.45 (1) (m) of the statutes is repealed.

9 *~~1295/2.46~~* SECTION 2449. 230.45 (1e) of the statutes is created to read:

10 230.45 (1e) The division of equal rights shall:

11 (a) Receive and process complaints of discrimination of state employees under
12 s. 111.375. In the course of investigating or otherwise processing such a complaint,
13 the division of equal rights may require that an interview with any state employee,
14 except a management or supervisory employee who is a party to or immediately
15 involved in the subject matter of the complaint, be conducted outside the presence
16 of the appointing authority or any representative or agent thereof unless the
17 employee voluntarily requests that presence. An appointing authority shall permit
18 an employee to be interviewed without loss of pay and to have an employee
19 representative present at the interview. An appointing authority of an employee to
20 be interviewed may require the division of equal rights to give the appointing
21 authority reasonable notice prior to the interview.

22 (b) Receive and process complaints of retaliatory disciplinary action under s.
23 230.85.

24 (c) Keep minutes of its own proceedings and other official actions relating to
25 this chapter. All such records shall, subject to reasonable rules, be open to public

1 inspection. Records of the secretary or the administrator which are confidential shall
2 be kept confidential by the division of equal rights.

3 (d) Adopt rules necessary to carry out this section. Notice of the contents of such
4 rules and amendments thereto shall be given promptly to the secretary, the
5 administrator, and appointing authorities affected thereby.

6 ***-1295/2.47* SECTION 2450.** 230.81 (1) (b) of the statutes is amended to read:

7 230.81 (1) (b) After asking the ~~commission~~ division of equal rights which
8 governmental unit is appropriate to receive the information, disclose the information
9 in writing only to the governmental unit that the ~~commission~~ division of equal rights
10 determines is appropriate. The ~~commission~~ division of equal rights may not
11 designate the department of justice, the courts, the legislature or a service agency
12 under subch. IV of ch. 13 as an appropriate governmental unit to receive information.
13 Each appropriate governmental unit shall designate an employee to receive
14 information under this section.

15 ***-1295/2.48* SECTION 2451.** 230.85 (1) of the statutes is amended to read:

16 230.85 (1) An employee who believes that a supervisor or appointing authority
17 has initiated or administered, or threatened to initiate or administer, a retaliatory
18 action against that employee in violation of s. 230.83 may file a written complaint
19 with the ~~commission~~ division of equal rights, specifying the nature of the retaliatory
20 action or threat thereof and requesting relief, within 60 days after the retaliatory
21 action allegedly occurred or was threatened or after the employee learned of the
22 retaliatory action or threat thereof, whichever occurs last.

23 ***-1295/2.49* SECTION 2452.** 230.85 (2) of the statutes is amended to read:

24 230.85 (2) The ~~commission~~ division of equal rights shall receive and, except as
25 provided in s. 230.45 (1m), investigate any complaint under sub. (1). In the course