

SENATE BILL

SECTION 1985

1 ~~decide, however, that any group of municipal employees constitutes an appropriate~~
2 ~~collective bargaining unit if the group includes both municipal employees who are~~
3 ~~school district professional employees and municipal employees who are not school~~
4 ~~district professional employees.~~ The commission shall not decide, however, that any
5 other group of municipal employees constitutes an appropriate collective bargaining
6 unit if the group includes both professional employees and nonprofessional
7 employees, unless a majority of the professional employees vote for inclusion in the
8 unit. The commission shall not decide that any group of municipal employees
9 constitutes an appropriate collective bargaining unit if the group includes both craft
10 employees and noncraft employees unless a majority of the craft employees vote for
11 inclusion in the unit. The commission shall place the professional employees who are
12 assigned to perform any services at a charter school, as defined in s. 115.001 (1), in
13 a separate collective bargaining unit from a unit that includes any other professional
14 employees whenever at least 30% of those professional employees request an election
15 to be held to determine that issue and a majority of the professional employees at the
16 charter school who cast votes in the election decide to be represented in a separate
17 collective bargaining unit. Any vote taken under this subsection shall be by secret
18 ballot.

19 ***-1102/6.21* SECTION 1986.** 111.70 (4) (p) of the statutes is created to read:

20 111.70 (4) (p) *Additional mandatory subjects of bargaining in school districts.*

21 1. In a school district, the municipal employer is required to bargain collectively with
22 respect to education policy, except that no dispute relating to an education policy
23 issue is subject to interest arbitration under par. (cm) 6. unless all parties to the
24 dispute agree, in writing, to make such an issue subject to interest arbitration under
25 par. (cm) 6.

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SECTION 1986

1 2. Notwithstanding subd. 1., in a school district, if the municipal employer
2 makes a proposal that provides that employee compensation or performance
3 expectations are linked with student academic performance, the labor organization
4 may include in its single final offer under par. (cm) 6. am. any proposal to meet the
5 performance expectations, including a proposal affecting education policy.

6 *~~0576/8.68~~* SECTION 1987. 111.81 (5) of the statutes is amended to read:

7 111.81 (5) “Department” means the department of ~~employment relations~~
8 administration.

9 *~~1373/8.14~~* SECTION 1988. 111.81 (5m) of the statutes is created to read:

10 111.81 (5m) “Assistant district attorney” includes an assignable prosecutor, as
11 defined in s. 978.001 (1c).

12 *~~0576/8.69~~* SECTION 1989. 111.815 (3) of the statutes is repealed.

13 *~~0576/8.70~~* SECTION 1990. 111.86 (2) of the statutes is amended to read:

14 111.86 (2) The department shall charge a state department or agency the
15 employer’s share of the cost related to grievance arbitration under sub. (1) for any
16 arbitration that involves one or more employees of the state department or agency.
17 Each state department or agency so charged shall pay the amount that the
18 department charges from the appropriation account or accounts used to pay the
19 salary of the grievant. Funds received under this subsection shall be credited to the
20 appropriation account under s. ~~20.512 (1) (km)~~ 20.505 (1) (ko).

21 *~~1373/8.15~~* SECTION 1991. 111.91 (2) (c) of the statutes is amended to read:

22 111.91 (2) (c) Disciplinary actions and position abandonments governed by s.
23 230.34 (1) ~~(a)~~ (ah), (am) and (ar), except as provided in those paragraphs.

24 *~~0912/2.15~~* SECTION 1992. 111.91 (2) (j) of the statutes is amended to read:

25 111.91 (2) (j) Creditable service to which s. ~~40.25 (7) (f)~~ 40.285 (2) (b) 4. applies.

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SECTION 1993

1 *~~1634/7.51~~* SECTION 1993. 114.33 (10) of the statutes is amended to read:

2 114.33 (10) Subject to the approval of the governor under this subsection, the
3 secretary may sell at public or private sale property of whatever nature owned by the
4 state and under the jurisdiction of the secretary when the secretary determines that
5 the property is no longer necessary for the state's use for airport purposes and, if real
6 property, the real property is not the subject of a petition under s. ~~16.375~~ 560.9810.
7 The secretary shall present to the governor a full and complete report of the property
8 to be sold, the reason for the sale, and the minimum price for which the property
9 should be sold, together with an application for the governor's approval of the sale.
10 The governor shall investigate the proposed sale as he or she deems necessary and
11 approve or disapprove the application. Upon approval and receipt of the full
12 purchase price, the secretary shall by appropriate deed or other instrument transfer
13 the property to the purchaser. The funds derived from the sale shall be deposited in
14 the appropriate airport fund, and the expense incurred by the secretary in
15 connection with the sale shall be paid from that fund.

16 *~~0666/9.95~~* SECTION 1994. 115.28 (25) of the statutes is repealed.

17 *~~1301/4.1~~* SECTION 1995. 115.28 (30) (b) 1. to 6. of the statutes are amended
18 to read:

19 115.28 (30) (b) 1. ~~Two~~ One full-time consultants consultant in agriculture
20 education.

21 2. ~~Two~~ One full-time consultants consultant in business education.

22 3. ~~Two~~ One full-time consultants consultant in technology education.

23 4. ~~Two~~ One full-time consultants consultant in family and consumer sciences
24 education.

25 5. ~~Two~~ One full-time consultants consultant in marketing education.

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SECTION 1995

1 6. One ~~full-time~~ half-time consultant in health science education.

2 ***-0099/3.2*** SECTION 1996. 115.29 (4) of the statutes is renumbered 115.29 (4)

3 (a).

4 ***-0099/3.3*** SECTION 1997. 115.29 (4) (b) of the statutes is created to read:

5 115.29 (4) (b) Promulgate rules establishing fees for issuing a declaration of
6 equivalency of high school graduation or a general educational development
7 certificate under par. (a). The rules may provide exemptions from the fees based on
8 financial need.

9 ***-0529/4.181*** SECTION 1998. 115.345 (5) of the statutes is amended to read:

10 115.345 (5) The school board may file a claim with the department for
11 reimbursement for reasonable expenses incurred, excluding capital equipment
12 costs, but not to exceed 15% of the cost of the meal or 50 cents per meal, whichever
13 is less. Any cost in excess of the lesser amount may be charged to participants. If
14 the department approves the claim, it shall certify that payment is due and the ~~state~~
15 ~~treasurer~~ secretary of administration shall pay the claim from the appropriation
16 under s. 20.255 (2) (cn).

17 ***-0194/9.16*** SECTION 1999. 115.882 of the statutes is amended to read:

18 **115.882 Payment of state aid.** Funds appropriated under s. 20.255 (2) (b)
19 shall be used first for the purpose of s. 115.88 (4). Costs eligible for reimbursement
20 from the appropriation under s. 20.255 (2) (b) under ss. 115.88 (1m) to (3), (6) and (8),
21 115.93, and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount
22 appropriated for reimbursement for the costs, less the amount paid by the
23 department of health and family services under s. 20.435 (4) (hm) and (o) under s.
24 49.45 (39) (b) 1m., not to exceed 100%.

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1 under this section and to make full payment of the amounts determined by the
2 building commission under s. 13.488 (1) (m). If the moneys available to forgive the
3 repayment of loans provided to school districts and public library boards under this
4 section, including loans to municipalities on behalf of public library boards, is
5 insufficient to forgive the repayment of all of those loans, the department shall
6 forgive the repayment of those loans on a prorated basis.

7 ***-1289/7.109* SECTION 2004.** 115.9995 (3) of the statutes, as affected by 2003
8 Wisconsin Act (this act), is amended to read:

9 115.9995 (3) The department of public instruction shall submit an annual
10 report to the department of administration on the status of providing data lines and
11 video links that are requested under sub. (2) (a) and the impact on the universal
12 service fund of any payment under contracts, under s. ~~16.974~~ 16.971 (13) to (16).

****NOTE: This is reconciled s. 115.9995 (3). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0666/9 and LRB-1289/6.

13 ***-1289/7.110* SECTION 2005.** 115.9995 (6) (a) of the statutes, as affected by
14 2003 Wisconsin Act (this act), is amended to read:

15 115.9995 (6) (a) From the appropriation under s. 20.255 (4) (s) or (tm), the
16 department may award an annual grant to a school district or private school that had
17 in effect on October 14, 1997, a contract for access to a data line or video link, as
18 documented by the department. The department shall determine the amount of the
19 grant, which shall be equal to the cost incurred by the state to provide
20 telecommunications access to a school district or private school under a contract
21 entered into under s. ~~16.974 (1) or (3)~~ 16.971 (13) or (15) less the amount that the
22 school district or private school would be paying under sub. (2) (d) if the school district
23 or private school were participating in the program established under sub. (1), except

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1 that the amount may not be greater than the cost that a school district or private
2 school incurs under the contract in effect on October 14, 1997. A school district or
3 private school receiving a grant under this subsection is not eligible to participate in
4 the program under sub. (1). No grant may be awarded under this subsection after
5 December 31, 2005.

****NOTE: This is reconciled s. 115.9995 (6) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0666/9 and LRB-1289/6.

6 ***-1269/1.1* SECTION 2006.** 118.153 (1) (a) (intro.) of the statutes is amended
7 to read:

8 118.153 (1) (a) (intro.) “Children at risk” means pupils in grades 5 to 12 who
9 are at risk of not graduating from high school because they ~~failed the high school~~
10 ~~graduation examination administered under s. 118.30 (1m) (d)~~, are dropouts, or are
11 2 or more of the following:

12 ***-1599/1.6* SECTION 2007.** 118.153 (4) (b) of the statutes is amended to read:

13 118.153 (4) (b) Upon receipt of a school board’s annual report under par. (a) the
14 state superintendent shall pay to the school district from the appropriation under s.
15 20.255 (2) (bc), for each pupil enrolled in a program for children at risk who achieved
16 at least 3 of the objectives under par. (c) in the previous school year, additional state
17 aid in an amount equal to 10% of the school district’s average per pupil aids provided
18 under s. 20.835 (7) (a), 1991 stats., and s. 20.255 (2) (ac) and (r) in the previous school
19 year.

20 ***-1269/1.2* SECTION 2008.** 118.153 (4) (c) 3. of the statutes is amended to read:

21 118.153 (4) (c) 3. The pupil, if a high school senior, received a high school
22 diploma ~~or passed the high school graduation examination administered under s.~~
23 ~~118.30 (1m) (d)~~.

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SECTION 2009

1 ***-1102/6.23*** SECTION 2009. 118.245 of the statutes is repealed.

2 ***-1269/1.3*** SECTION 2010. 118.30 (1) (a) of the statutes is renumbered 118.30
3 (1).

4 ***-1269/1.4*** SECTION 2011. 118.30 (1) (b) of the statutes is repealed.

5 ***-1269/1.5*** SECTION 2012. 118.30 (1g) (b) of the statutes is repealed.

6 ***-1269/1.6*** SECTION 2013. 118.30 (1m) (d) of the statutes is repealed.

7 ***-1269/1.7*** SECTION 2014. 118.30 (1r) (a) 1. of the statutes is amended to read:

8 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade
9 examination adopted or approved by the state superintendent under sub. (1) (a) to
10 all pupils enrolled in the charter school in the 4th grade.

11 ***-1269/1.8*** SECTION 2015. 118.30 (1r) (am) 1. of the statutes is amended to
12 read:

13 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade
14 examination adopted or approved by the state superintendent under sub. (1) (a) to
15 all pupils enrolled in the charter school in the 8th grade.

16 ***-1269/1.9*** SECTION 2016. 118.30 (1r) (d) of the statutes is repealed.

17 ***-1269/1.10*** SECTION 2017. 118.30 (2) (e) of the statutes is repealed.

18 ***-1269/1.11*** SECTION 2018. 118.33 (1) (f) 1. of the statutes is amended to read:

19 118.33 (1) (f) 1. By September 1, 2004, each school board operating high school
20 grades shall develop a written policy specifying criteria for granting a high school
21 diploma that are in addition to the requirements under par. (a). The criteria shall
22 include ~~the pupil's score on the examination administered under s. 118.30 (1m) (d),~~
23 the pupil's academic performance, and the recommendations of teachers. Except as
24 provided in subd. 2., the criteria apply to pupils enrolled in charter schools located
25 in the school district.

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SECTION 2019

1 *~~1269/1.12~~* SECTION 2019. 118.33 (1) (f) 2. of the statutes is amended to read:

2 118.33 (1) (f) 2. By September 1, 2004, each operator of a charter school under
3 s. 118.40 (2r) that operates high school grades shall develop a policy specifying
4 criteria for granting a high school diploma. The criteria shall include ~~the pupil's~~
5 ~~score on the examination administered under s. 118.30 (1r) (d),~~ the pupil's academic
6 performance, and the recommendations of teachers.

7 *~~1689/3.47~~* SECTION 2020. 118.34 (4) of the statutes is repealed.

8 *~~1571/4.1~~* SECTION 2021. 118.40 (2r) (e) 1. of the statutes is amended to read:

9 118.40 (2r) (e) 1. From the appropriation under s. 20.255 (2) (fm), the
10 department shall pay to the operator of the charter school an amount equal to the
11 sum of the amount paid per pupil under this subdivision in the previous school year
12 and the amount of revenue increase in the per pupil allowed under subch. VII of ch.
13 121 amount paid to private schools under s. 119.23 (4) (b) 2. in the current school year
14 as compared to the previous school year, multiplied by the number of pupils
15 attending the charter school. The amount paid per pupil may not be less than the
16 amount paid per pupil under this subdivision in the previous school year. The
17 department shall pay 25% of the total amount in September, 25% in December, 25%
18 in February, and 25% in June. The department shall send the check to the operator
19 of the charter school.

20 *~~1102/6.22~~* SECTION 2022. 119.04 (1) of the statutes is amended to read:

21 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
22 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
23 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to
24 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
25 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), ~~118.245,~~ 118.255, 118.258, 118.291,

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1 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125, 120.13
2 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14 and 120.25 are
3 applicable to a 1st class city school district and board.

4 ***-1571/4.2* SECTION 2023.** 119.23 (4) (b) 2. of the statutes is amended to read:

5 119.23 (4) (b) 2. The ~~sum of the~~ amount paid per pupil under this subsection
6 paragraph in the previous school year ~~and the amount of revenue increase per pupil~~
7 ~~allowed under subch. VII of ch. 121 in the current school year~~ multiplied by the sum
8 of 1.0 plus the percentage change from the previous school year to the current school
9 year in the total amount appropriated under s. 20.255 (2) (ac) and (r) expressed as
10 a decimal, but not less than zero.

****NOTE: This is reconciled s. 119.23 (4) (b) 2. It cross-references s. 20.255 (2) (r),
created in LRB–1599.

11 ***-1752/3.47* SECTION 2024.** 119.72 of the statutes is repealed.

12 ***-1752/3.48* SECTION 2025.** 119.73 of the statutes is amended to read:

13 **119.73 Kindergarten and ~~early childhood~~ programs.** The board shall
14 evaluate the effectiveness of the expanded 5-year-old kindergarten programs under
15 s. 119.71 ~~and the early childhood education programs under s. 119.72~~ in meeting the
16 needs of disadvantaged children. Annually by January 1, the board shall submit a
17 report summarizing its findings to the state superintendent and to the chief clerk of
18 each house of the legislature for distribution to the appropriate standing committees
19 under s. 13.172 (3).

20 ***-1752/3.49* SECTION 2026.** 119.80 of the statutes is repealed.

21 ***-1752/3.50* SECTION 2027.** 119.82 (1) (a) of the statutes is renumbered 119.82
22 (1m).

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SECTION 2028

1 *~~1752/3.51~~* **SECTION 2028.** 119.82 (1) (b) of the statutes is renumbered 119.82
2 (2m) and amended to read:

3 119.82 **(2m)** Programs under par. ~~(a)~~ sub. (1m) shall be designed to meet the
4 high school graduation requirements under s. 118.33.

5 *~~1752/3.52~~* **SECTION 2029.** 119.82 (2) of the statutes is repealed.

6 *~~1752/3.53~~* **SECTION 2030.** 119.82 (3) of the statutes is repealed.

7 *~~1752/3.54~~* **SECTION 2031.** 119.82 (5) of the statutes is repealed.

8 *~~0666/9.99~~* **SECTION 2032.** 120.18 (1) (i) of the statutes is amended to read:

9 120.18 **(1) (i)** A description of the educational technology used by the school
10 district, including the uses made of the technology, the cost of the technology, and the
11 number of persons using or served by the technology. In this paragraph, “educational
12 technology” has the meaning given in s. 44.70 115.997 (3).

13 *~~1599/1.7~~* **SECTION 2033.** 121.007 of the statutes is amended to read:

14 **121.007 Use of state aid; exemption from execution.** All moneys paid to
15 a school district under s. 20.255 (2) (ac), (bc), (cg), ~~and (cr)~~, and (r) shall be used by
16 the school district solely for the purposes for which paid. Such moneys are exempt
17 from execution, attachment, garnishment, or other process in favor of creditors,
18 except as to claims for salaries or wages of teachers and other school employees and
19 as to claims for school materials, supplies, fuel, and current repairs.

20 *~~1599/1.8~~* **SECTION 2034.** 121.07 (7) (b) of the statutes is amended to read:

21 121.07 **(7) (b)** The “secondary guaranteed valuation per member” is an amount,
22 rounded to the next lower dollar, that, after subtraction of payments under ss. 121.09
23 and 121.85 (6) (b) 2. and 3. and (c), fully distributes an amount equal to the amount
24 remaining in the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) plus

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SECTION 2034

1 \$75,000,000 in the 1997–98 school year and \$100,000,000 in the 1998–99 school year
2 for payments under ss. 121.08, 121.105, 121.85 (6) (a) and (g) and 121.86 and (r).

3 *-1558/3.1* SECTION 2035. 121.08 (2) of the statutes is amended to read:

4 121.08 (2) The aid computed under sub. (1) shall be reduced by the sum of the
5 amount by which the school district equalized valuation exceeds the secondary
6 guaranteed valuation, multiplied by the secondary required levy rate, and the
7 amount by which the school district equalized valuation exceeds the tertiary
8 guaranteed valuation, multiplied by the tertiary required levy rate. In no case may
9 the aid under this section be less than ~~the amount under sub. (1) (a)~~ zero.

10 *-1599/1.9* SECTION 2036. 121.08 (4) (a) (intro.) of the statutes is amended to
11 read:

12 121.08 (4) (a) (intro.) The amount of state aid that a school district is eligible
13 to be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and (r) shall
14 be reduced by the amount determined as follows:

15 *-1599/1.10* SECTION 2037. 121.08 (4) (a) 2. of the statutes is amended to read:

16 121.08 (4) (a) 2. Divide the sum under subd. 1. by the total amount of state aid
17 that all school districts are eligible to be paid from the ~~appropriation~~ appropriations
18 under s. 20.255 (2) (ac) and (r), calculated as if the reduction under par. (b) had not
19 occurred.

20 *-1599/1.11* SECTION 2038. 121.08 (4) (a) 3. of the statutes is amended to read:

21 121.08 (4) (a) 3. Multiply the amount of state aid that the school district is
22 eligible to be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and
23 (r), calculated as if the reduction under par. (b) had not occurred, by the quotient
24 under subd. 2.

25 *-1599/1.12* SECTION 2039. 121.08 (4) (b) of the statutes is amended to read:

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1 121.08 (4) (b) The amount of state aid that the school district operating under
2 ch. 119 is eligible to be paid from the ~~appropriation~~ appropriations under s. 20.255
3 (2) (ac) and (r) shall also be reduced by 45% of the amounts paid under s. 119.23 (4)
4 and (4m) in the current school year.

5 *~~1767/3.59~~* **SECTION 2040.** 121.09 (1) of the statutes is amended to read:

6 121.09 (1) If, on or after July 1, 1980, the office of the commissioner of tax
7 ~~appeals commission~~ or a court makes a final redetermination on the assessment of
8 property subject to taxation under s. 70.995 that is lower than the previous
9 assessment, or if, on or after January 1, 1982, the state board of assessors makes a
10 final redetermination on the assessment of property subject to taxation under s.
11 70.995 that is lower than the previous assessment, the school board of the school
12 district in which the property is located may, within 4 years after the date of the
13 determination, decision, or judgment, file the determination of the state board of
14 assessors, the decision of the office of the commissioner of tax ~~appeals commission~~,
15 or the judgment of the court with the state superintendent, requesting an
16 adjustment in state aid to the school district. If the state superintendent determines
17 that the determination, decision, or judgment is final and that it has been filed
18 within the 4-year period, the state shall pay to the school district in the subsequent
19 fiscal year, from the appropriation under s. 20.255 (2) (ac), an amount equal to the
20 difference between the state aid computed under s. 121.08 for the school year
21 commencing after the year subject to the valuation recertification, using the school
22 district's equalized valuation as originally certified, and the state aid computed
23 under s. 121.08 for that school year using the school district's equalized valuation as
24 recertified under s. 70.57 (2).

25 *~~1767/3.60~~* **SECTION 2041.** 121.09 (2) of the statutes is amended to read:

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SECTION 2041

1 121.09 (2) If, on or after May 3, 1984, the state board of assessors, the office of
2 the commissioner of tax appeals ~~commission~~ or a court makes a final
3 redetermination on the assessment of property subject to taxation under s. 70.995
4 that is higher than the previous assessment, the state superintendent shall notify
5 the school district in which the property is located of the recertification by the
6 department of revenue under s. 70.57 (2). The state superintendent shall, in the
7 subsequent fiscal year, withhold from the school district's state aid entitlement
8 under s. 121.08 an amount equal to the difference between the state aid computed
9 under s. 121.08 for the school year commencing after the year subject to the valuation
10 recertification, using the school district's equalized valuation as originally certified,
11 and the state aid computed under s. 121.08 for that school year, using the school
12 district's equalized valuation as recertified under s. 70.57 (2).

13 *~~1563/2.2~~* SECTION 2042. 121.15 (3m) of the statutes is repealed.

14 *~~1572/4.1~~* SECTION 2043. 121.905 (1) of the statutes is amended to read:

15 121.905 (1) In this section, "revenue ceiling" means ~~\$6,700~~ \$7,400 in the
16 ~~2001-02~~ 2003-04 school year and in any subsequent school year means ~~\$6,900~~
17 \$7,800.

18 *~~0529/4.182~~* SECTION 2044. 125.14 (2) (e) of the statutes is amended to read:

19 125.14 (2) (e) *Disposal*. The department shall dispose of the alcohol beverages
20 turned over to it by the court by either giving it to law enforcement agencies free of
21 charge for use in criminal investigations, giving it to state-operated veterans'
22 hospitals in amounts needed for medicinal purposes, selling it to the highest bidder
23 if the bidder is a person holding a license or permit issued under this chapter, or
24 destroying it, at the discretion of the department. If the department elects to sell the
25 alcohol beverages, it shall publish a class 2 notice under ch. 985 asking for sealed bids

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SECTION 2044

1 from qualified bidders. Any items or groups of items in the inventory subject to a
2 security interest, the existence of which was established in the proceedings for
3 conviction as being bona fide and as having been created without the secured party
4 having notice that the items were being used or were to be used in connection with
5 the violation, shall be sold separately. The net proceeds from the sale, less all costs
6 of seizure, storage, and sale, shall be turned over to the ~~state treasurer~~ secretary of
7 administration and credited to the common school fund.

8 ***-0529/4.183*** SECTION 2045. 125.14 (2) (f) of the statutes is amended to read:

9 125.14 (2) (f) *Sale*. Any personal property, other than alcohol beverages, seized
10 under par. (a) and fit for sale, shall be turned over by the department to the
11 department of administration for disposal at public auction to the highest bidder, at
12 a time and place stated in a notice of sale which describes the property to be sold.
13 The sale shall be held in a conveniently accessible place in the county where the
14 property was confiscated. A copy of the notice shall be published as a class 2 notice
15 under ch. 985. The last insertion shall be at least 10 days before the sale. The
16 department of revenue shall serve a copy of the notice of sale at least 2 weeks before
17 the date thereof on all persons who are or may be owners or holders of security
18 interests in the property. Any confiscated property worth more than \$100 shall be
19 sold separately, and the balance of the confiscated property shall be sold in bulk or
20 separately at the discretion of the department of administration. The net proceeds
21 from the sale, less all costs of seizure, storage, and sale, shall be turned over to the
22 ~~state treasurer~~ secretary of administration. No motor vehicle or motorboat
23 confiscated under this section may be sold within 30 days after the date of seizure.

24 ***-1373/8.16*** SECTION 2046. 134.50 (2) of the statutes is amended to read:

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1 134.50 (2) Every poultry dealer shall keep a record of all purchases of poultry
2 made by the poultry dealer showing in detail the place and date of purchase and the
3 name and address of the person from whom the purchase was made, together with
4 a general description of the kind of poultry purchased. Such record shall be kept in
5 permanent form and be open to inspection at all reasonable times to any district
6 attorney, ~~assistant district attorney~~, sheriff, deputy sheriff or any police officer.

7 *~~1111/4.88~~* **SECTION 2047.** 134.71 (12) of the statutes is amended to read:

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

15 *~~1634/7.52~~* **SECTION 2048.** 134.80 of the statutes is amended to read:

16 **134.80 Home heating fuel dealers.** Any dealer selling fuel of any kind for
17 the purpose of heating a private residence shall notify each private residential
18 customer whose account is subject to disconnection of the existence of the fuel
19 assistance programs provided by the department of administration under s. ~~16.385~~
20 16.27.

21 *~~1111/4.89~~* **SECTION 2049.** 136.03 (title) of the statutes is amended to read:

22 **136.03 (title) Duties of the department of agriculture, trade and**
23 **~~consumer protection justice.~~**

24 *~~1111/4.90~~* **SECTION 2050.** 136.03 (1) (intro.) of the statutes is amended to
25 read:

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SECTION 2050

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

6 *~~1111/4.91~~* SECTION 2051. 136.04 of the statutes is amended to read:

7 **136.04 Powers of the department of ~~agriculture, trade and consumer~~**
8 ~~protection~~ justice. (1) The department of ~~agriculture, trade and consumer~~
9 ~~protection~~ justice may adopt such rules as may be required to carry out the purposes
10 of this chapter.

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

15 *~~1431/2.12~~* SECTION 2052. 138.052 (5) (am) 2. a. of the statutes is amended
16 to read:

17 138.052 (5) (am) 2. a. ~~On January 1, 1994, and annually thereafter~~ Annually,
18 the division of banking for banks, ~~the division of savings institutions for savings and~~
19 ~~loan associations, and savings banks, and the office of credit unions for credit unions,~~
20 shall determine the interest rate that is the average of the interest rates paid,
21 rounded to the nearest one-hundredth of a percent, on regular passbook deposit
22 accounts by institutions under the division's or office's jurisdiction at the close of the
23 last quarterly reporting period that ended at least 30 days before the determination
24 is made.

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1 ***-1431/2.13*** **SECTION 2053.** 138.052 (5) (am) 2. b. of the statutes is amended
2 to read:

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

10 ***-1431/2.14*** **SECTION 2054.** 138.055 (4) (a) of the statutes is repealed.

11 ***-1431/2.15*** **SECTION 2055.** 138.056 (1) (a) 4. a. of the statutes is repealed.

12 ***-0529/4.184*** **SECTION 2056.** 139.10 (title) of the statutes is amended to read:
13 **139.10 (title) Refunds by state treasurer secretary of administration.**

14 ***-0529/4.185*** **SECTION 2057.** 139.10 (1) of the statutes is amended to read:

15 139.10 (1) On the certificate of the secretary, the ~~state treasurer~~ secretary of
16 administration shall refund to any purchaser or any banking institution in
17 Wisconsin the tax paid on intoxicating liquor or on whole cases or full kegs of
18 fermented malt beverages which are spoiled or unfit to drink and the tax paid on
19 fermented malt beverages sold to the U.S. armed forces or the secretary may make
20 allowance of the amount of the tax.

21 ***-0529/4.186*** **SECTION 2058.** 139.39 (4) of the statutes is amended to read:

22 139.39 (4) No suit shall be maintained in any court to restrain or delay the
23 collection or payment of the tax levied in s. 139.31. The aggrieved taxpayer shall pay
24 the tax when due and, if paid under protest, may at any time within 90 days from the
25 date of payment, sue the state to recover the tax paid. If it is finally determined that

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1 any part of the tax was wrongfully collected, the department secretary of
2 administration shall ~~issue a warrant on the state treasurer for pay~~ the amount
3 wrongfully collected, ~~and the treasurer shall pay the same~~ out of the general fund.

4 A separate suit need not be filed for each separate payment made by any taxpayer,
5 but a recovery may be had in one suit for as many payments as may have been made.

6 ***-1327/1.17* SECTION 2059.** 146.185 (1) (i) of the statutes is amended to read:
7 146.185 (1) (i) “State agency” has the meaning given in s. 16.70 ~~(1)~~ (1e).

8 ***-0576/8.71* SECTION 2060.** 146.59 (3) (b) of the statutes is amended to read:
9 146.59 (3) (b) Any authorization under par. (a) shall comply with all applicable
10 provisions of subch. V of ch. 111 and ch. 230, any delegation of authority by the
11 department of ~~employment relations~~ administration to the board, and any collective
12 bargaining agreement with respect to employees of the board.

13 ***-0733/3.1* SECTION 2061.** 146.65 (1) (a) and (b) of the statutes are amended
14 to read:

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

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

25 ***-1760/2.19* SECTION 2062.** 146.93 of the statutes is repealed.

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1 *–1272/P3.1* **SECTION 2063.** 146.946 of the statutes is created to read:

2 **146.946 Pharmacy benefits purchasing pool for governmental units.**

3 **(1)** In this section:

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

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

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

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

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

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

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

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

5 ***-1295/2.27* SECTION 2064.** 146.997 (4) (a) of the statutes is amended to read:

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

12 ***-1295/2.28* SECTION 2065.** 146.997 (4) (b) of the statutes is repealed.

13 ***-1295/2.29* SECTION 2066.** 146.997 (4) (c) of the statutes is amended to read:

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

16 ***-0133/1.1* SECTION 2067.** 149.10 (8b) of the statutes is repealed.

17 ***-1300/1.6* SECTION 2068.** 149.14 (5) (e) of the statutes is amended to read:

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

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

3 ***-1300/1.7*** SECTION 2069. 149.143 (1) (a) of the statutes is repealed.

4 ***-1300/1.8*** SECTION 2070. 149.143 (1) (b) (intro.) of the statutes is repealed.

5 ***-1300/1.9*** SECTION 2071. 149.143 (1) (b) 1. of the statutes is renumbered
6 149.143 (1) (am) and amended to read:

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

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

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

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

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

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

12 *~~1300/1.10~~* SECTION 2072. 149.143 (1) (b) 2. of the statutes is renumbered
13 149.143 (1) (bm), and 149.143 (1) (bm) (intro.), as renumbered, is amended to read:

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

15 *~~1300/1.11~~* SECTION 2073. 149.143 (2) (a) (intro.) of the statutes is amended
16 to read:

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

22 *~~1300/1.12~~* SECTION 2074. 149.143 (2) (a) 1. a. of the statutes is amended to
23 read:

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

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

8 ***-1300/1.13* SECTION 2075.** 149.143 (2) (a) 1. b. of the statutes is amended to
9 read:

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

12 ***-1300/1.14* SECTION 2076.** 149.143 (2) (a) 2. of the statutes is amended to
13 read:

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

21 ***-1300/1.15* SECTION 2077.** 149.143 (2) (a) 3. of the statutes is amended to
22 read:

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

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

3 ***-1300/1.16* SECTION 2078.** 149.143 (2) (a) 4. of the statutes is amended to
4 read:

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

9 ***-1300/1.17* SECTION 2079.** 149.143 (2) (b) of the statutes is amended to read:

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

16 ***-1300/1.18* SECTION 2080.** 149.143 (2m) (a) 1. of the statutes is amended to
17 read:

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

21 ***-1300/1.19* SECTION 2081.** 149.143 (2m) (a) 2. of the statutes is amended to
22 read:

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

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

3 ***-1300/1.20* SECTION 2082.** 149.143 (2m) (b) 1. of the statutes is amended to
4 read:

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

10 ***-1300/1.21* SECTION 2083.** 149.143 (3) (a) of the statutes is amended to read:

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

22 ***-1300/1.22* SECTION 2084.** 149.143 (3) (b) of the statutes is amended to read:

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

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

5 ***-1300/1.23* SECTION 2085.** 149.144 of the statutes is amended to read:

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

22 ***-1300/1.24* SECTION 2086.** 149.145 of the statutes is amended to read:

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

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

10 ***-1300/1.25*** SECTION 2087. 149.146 (2) (a) of the statutes is amended to read:

11 149.146 (2) (a) Except as specified by the department, the terms of coverage
12 under s. 149.14, including deductible reductions under s. 149.14 (5) (a) and
13 prescription drug copayment reductions under s. 149.14 (5) (e), do not apply to the
14 coverage offered under this section. Premium reductions under s. 149.165 do not
15 apply to the coverage offered under this section.

16 ***-0133/1.2*** SECTION 2088. 149.16 (1) of the statutes is repealed.

17 ***-0133/1.3*** SECTION 2089. 149.16 (1m) of the statutes is created to read:

18 149.16 (1m) The plan administrator may be selected by the department in a
19 competitive bidding process.

20 ***-0133/1.4*** SECTION 2090. 149.16 (4) of the statutes is amended to read:

21 149.16 (4) ~~The~~ If the plan administrator is the fiscal agent under s. 49.45 (2)
22 (b) 2., the plan administrator shall account for costs related to the plan separately
23 from costs related to medical assistance ~~under subch. IV of ch. 49.~~

24 ***-1300/1.26*** SECTION 2091. 149.165 (4) of the statutes is amended to read:

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

5 *~~0529/4.187~~* SECTION 2092. 150.963 (3) (e) of the statutes is amended to read:

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

10 *~~1913/1.1~~* SECTION 2093. 153.05 (8) of the statutes is repealed.

11 *~~1913/1.2~~* SECTION 2094. 153.05 (13) of the statutes is amended to read:

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

18 *~~1913/1.3~~* SECTION 2095. 153.75 (1) (t) of the statutes is amended to read:

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

22 *~~1111/4.92~~* SECTION 2096. 165.065 (2) of the statutes is amended to read:

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

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

6 ***-1111/5* SECTION 2097.** 165.25 (4) (ar) of the statutes is amended to read:

7 165.25 (4) (ar) The department of justice shall ~~furnish all legal services~~
8 ~~required by~~ represent the department of agriculture, trade and consumer protection
9 in any court action relating to the enforcement of ~~ss. 100.171, 100.173, 100.174,~~
10 ~~100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21,~~
11 ~~100.28, 100.37, 100.42, 100.50 and 100.51 and chs. 126, 136, 344, 704, 707, and 779~~
12 ch. 126 and ss. 100.01 to 100.025, 100.05, 100.07, 100.14, 100.183 to 100.19, 100.201,
13 100.22, 100.235, 100.27, 100.285 to 100.297, 100.33 to 100.36, 100.45, 100.47, and
14 100.48, together with any other services as are necessarily connected to the legal
15 services.

16 ***-1111/4.93* SECTION 2098.** 165.252 of the statutes is created to read:

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

22 ***-0529/4.188* SECTION 2099.** 165.30 (3) of the statutes is amended to read:

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

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SECTION 2099

1 (b) From the amount of obligations collected by the department of justice under
2 this section, the ~~treasurer~~ secretary of administration shall credit an amount equal
3 to the reasonable and necessary expenses incurred by the department of justice
4 related to collecting those obligations to the appropriation account under s. 20.455
5 (1) (gs).

6 ***-1789/2.1* SECTION 2100.** 165.755 (1) (a) of the statutes is amended to read:

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

11 ***-0529/4.189* SECTION 2101.** 165.755 (3) of the statutes is amended to read:

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

17 ***-0529/4.190* SECTION 2102.** 165.755 (4) of the statutes is amended to read:

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

22 ***-0529/4.191* SECTION 2103.** 165.755 (5) of the statutes is amended to read:

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

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SECTION 2103

1 forfeited, the amount of the assessment under sub. (1) (a) shall be transmitted
2 monthly to the ~~state treasurer~~ secretary of administration under this section. If bail
3 is returned, the assessment shall also be returned.

4 ***-0529/4.192* SECTION 2104.** 165.755 (6) of the statutes is amended to read:

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

10 ***-0529/4.193* SECTION 2105.** 165.755 (7) of the statutes is amended to read:

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

14 ***-1789/2.2* SECTION 2106.** 165.82 (1) (intro.) of the statutes is amended to
15 read:

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

19 ***-1789/2.3* SECTION 2107.** 165.82 (1) (ar) of the statutes is amended to read:

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

22 ***-1789/2.4* SECTION 2108.** 165.82 (1m) of the statutes is created to read:

23 165.82 (1m) The department of justice shall impose a \$5 surcharge if a person
24 requests a paper copy of the results of a criminal history search requested under sub.
25 (1).

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SECTION 2109

1 *~~1887/1.14~~* SECTION 2109. 165.90 of the statutes is repealed.

2 *~~1887/1.15~~* SECTION 2110. 165.92 (3) (a) of the statutes is amended to read:

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

9 *~~1782/1.2~~* SECTION 2111. 166.03 (1) (b) 7. of the statutes is repealed.

10 *~~1782/1.3~~* SECTION 2112. 166.03 (2) (b) 9. of the statutes is repealed.

11 *~~0350/2.2~~* SECTION 2113. 166.03 (8) (f) of the statutes is amended to read:

12 166.03 (8) (f) If the total liability for worker's compensation benefits under par.
13 (d), indemnification under par. (e), and loss from destruction of equipment under sub.
14 (9), incurred in any calendar year exceeds \$1 per capita of the sponsor's population,
15 the state shall reimburse the sponsor for the excess. Payment shall be made from
16 the appropriation in s. ~~20.465 (3) (a)~~ 20.865 (1) (a) on certificate of the adjutant
17 general and, if appropriate, subject to the approval of the attorney general under s.
18 20.865 (1) (a).

19 *~~0529/4.194~~* SECTION 2114. 167.31 (5) (c) of the statutes is amended to read:

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

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1 *~~0529/4.195~~* SECTION 2115. 167.31 (5) (d) of the statutes is amended to read:

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

8 *~~0529/4.196~~* SECTION 2116. 169.46 (1) (c) of the statutes is amended to read:

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

15 *~~0529/4.197~~* SECTION 2117. 169.46 (1) (d) of the statutes is amended to read:

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

22 *~~0529/4.198~~* SECTION 2118. 169.46 (2) (c) of the statutes is amended to read:

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

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

5 *~~0529/4.199~~* SECTION 2119. 169.46 (2) (d) of the statutes is amended to read:

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

12 *~~1502/1.2~~* SECTION 2120. 173.40 of the statutes, as affected by 2001
13 Wisconsin Act 16, is repealed.

14 *~~1187/4.25~~* SECTION 2121. 182.36 (3) of the statutes is amended to read:

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

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1 the order of the public service commission or department of transportation it shall
2 be liable to the corporation for all damages occasioned by such failure.

3 ***-0419/2.1* SECTION 2122.** 183.0105 (2) (c) of the statutes is amended to read:

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

9 ***-0419/2.2* SECTION 2123.** 183.0109 (1) (a) 4. of the statutes is amended to
10 read:

11 183.0109 (1) (a) 4. ~~A foreign limited liability company's~~ An annual report under
12 s. 183.0120.

13 ***-0419/2.3* SECTION 2124.** 183.0113 (2) (b) 1m. of the statutes is amended to
14 read:

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

18 ***-0419/2.4* SECTION 2125.** 183.0114 (1) (v) of the statutes is created to read:
19 183.0114 (1) (v) Annual report of a domestic limited liability company, \$25.

20 ***-0419/2.5* SECTION 2126.** 183.0120 (title) of the statutes is amended to read:
21 **183.0120 (title) Annual report for foreign limited liability companies.**

22 ***-0419/2.6* SECTION 2127.** 183.0120 (1) of the statutes is amended to read:
23 183.0120 (1) Each foreign limited liability company registered to transact
24 business in this state and each domestic limited liability company shall file with the
25 department an annual report that includes all of the following information:

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

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

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

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

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

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

14 ***-0419/2.7* SECTION 2128.** 183.0120 (2) of the statutes is amended to read:

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

21 ***-0419/2.8* SECTION 2129.** 183.0120 (3) of the statutes is amended to read:

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

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

6 ***-0419/2.9* SECTION 2130.** 183.0120 (4) of the statutes is amended to read:

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

10 ***-0419/2.10* SECTION 2131.** 183.0901 (3) of the statutes is created to read:

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

15 ***-0419/2.11* SECTION 2132.** 183.09025 of the statutes is created to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

22 *–1431/2.16* **SECTION 2133.** 186.098 (12) of the statutes is amended to read:

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

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

7 *~~1824/6.41~~* SECTION 2134. 186.235 (11) (dg) of the statutes is amended to
8 read:

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

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1 unions and an order obtained from the circuit court of the county in which the credit
2 union is located.

3 ***-0596/2.1* SECTION 2135.** 186.235 (16) (title) and (a) of the statutes are
4 amended to read:

5 186.235 (16) (title) ANNUAL PERIODIC EXAMINATION.

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

11 ***-0596/2.2* SECTION 2136.** 186.235 (16) (b) of the statutes is amended to read:

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

17 ***-1187/4.26* SECTION 2137.** Chapter 189 of the statutes is repealed.

18 ***-1187/4.27* SECTION 2138.** 190.001 of the statutes is repealed and recreated
19 to read:

20 **190.001 Definition.** In this chapter, "division of hearings and appeals" means
21 the division of hearings and appeals in the department of administration.

22 ***-1187/4.28* SECTION 2139.** 190.02 (6) of the statutes is amended to read:

23 190.02 (6) **RAILROAD INTERSECTIONS.** To cross, intersect, join or unite its railroad
24 with any other railroad, at any point, with the necessary turnouts, sidings and
25 switches and other conveniences in furtherance of the objects of its connections. And

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1 if the 2 corporations cannot agree upon the amount of compensation to be made
2 therefor or the points and manner of such crossings and connections the same shall
3 be ascertained by the ~~office~~ division of hearings and appeals on application of either
4 corporation.

5 *~~1187/4.29~~* SECTION 2140. 190.025 (2) (b) of the statutes is amended to read:

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

21 *~~1187/4.30~~* SECTION 2141. 190.03 of the statutes is amended to read:

22 **190.03 Office in state; books produced.** Any railroad corporation existing
23 under the laws of this state shall produce before the ~~office of the commissioner of~~
24 ~~railroads~~ department of financial institutions, the legislature, or any committee of
25 either house, or any court of record, its books of account and stock books, or so many

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

12 *~~1187/4.31~~* SECTION 2142. 190.13 of the statutes is amended to read:

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

23 *~~1187/4.32~~* SECTION 2143. 190.16 (4) (a) of the statutes is amended to read:

24 190.16 (4) (a) Every railroad shall acquire the necessary right-of-way for and
25 shall construct, connect, maintain and operate a reasonably adequate spur track

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1 whenever such spur track does not necessarily exceed 3 miles in length, is practically
2 indispensable to the successful operation of any existing or proposed industry or
3 enterprise, and its construction and operation is not unusually dangerous, and is not
4 unreasonably harmful to public interest, and any person aggrieved by the failure of
5 any railroad to fully perform such obligation may prosecute proceedings before the
6 office division of hearings and appeals to compel compliance therewith.

7 *~~1187/4.33~~* SECTION 2144. 190.16 (4) (b) of the statutes is amended to read:

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

25 *~~1187/4.34~~* SECTION 2145. 190.16 (4) (c) of the statutes is amended to read:

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1 190.16 (4) (c) Whenever a spur track is so constructed at the expense of the
2 owner of any industry or enterprise, and any other person shall desire a connection
3 with such spur track, application therefor shall be made to the ~~office~~ department of
4 transportation or the division of hearings and appeals, and such other person shall
5 be required to pay to such owner an equitable proportion of the cost thereof, to be
6 determined by the ~~office~~ department of transportation or the division of hearings and
7 appeals.

8 *~~1187/4.35~~* SECTION 2146. 190.16 (5) of the statutes is amended to read:

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

19 *~~1187/4.36~~* SECTION 2147. 191.001 of the statutes is amended to read:

20 191.001 Definition. In this chapter, “~~office~~” “department” means the ~~office~~ of
21 ~~the commissioner of railroads~~ department of transportation.

22 *~~1187/4.37~~* SECTION 2148. 191.01 (2) of the statutes is amended to read:

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

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1 ~~public convenience and a necessity~~ require authorizing the construction of the
2 railroad, and the certificate shall constitute the license from this state to the
3 company to build its proposed railroad.

4 *~~1187/4.38~~* SECTION 2149. 191.02 (title) of the statutes is amended to read:

5 **191.02 (title) Application for certificate of necessity.**

6 *~~1187/4.39~~* SECTION 2150. 191.03 of the statutes is amended to read:

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

13 *~~1187/4.40~~* SECTION 2151. 191.05 of the statutes is amended to read:

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

19 *~~1187/4.41~~* SECTION 2152. 191.06 of the statutes is amended to read:

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

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1 *~~1187/4.42~~* SECTION 2153. 191.07 of the statutes is amended to read:

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

12 *~~1187/4.43~~* SECTION 2154. 191.09 of the statutes is repealed and recreated
13 to read:

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

16 *~~1187/4.44~~* SECTION 2155. 191.10 (title) of the statutes is amended to read:

17 **191.10 (title) Certificate of necessity.**

18 *~~1187/4.45~~* SECTION 2156. 191.10 (1) of the statutes is amended to read:

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

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

9 *~~1187/4.46~~* SECTION 2157. 191.10 (2) of the statutes is amended to read:

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

16 *~~1187/4.47~~* SECTION 2158. 191.10 (3) of the statutes is amended to read:

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

23 *~~1187/4.48~~* SECTION 2159. 191.11 of the statutes is amended to read:

24 191.11 **Revocation of certificate.** ~~If any railroad company after obtaining~~
25 ~~a certificate that public convenience and a necessity require~~ authorizing the

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

6 ***-1187/4.49* SECTION 2160.** 191.13 (2) of the statutes is amended to read:

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

18 ***-1187/4.50* SECTION 2161.** 191.16 of the statutes is amended to read:

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