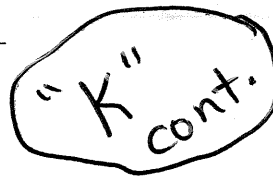


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"K" cont.

1 ***b0146/2.9* SECTION 2093bh.** 153.05 (8) (b) of the statutes is created to read:

2 153.05 (8) (b) Unless sub. (13) (b) applies, the entity under contract under sub.
3 (2m) (a) shall collect, analyze, and disseminate, in language that is understandable
4 to laypersons, claims information and other health care information, as adjusted for
5 case mix and severity, under the provisions of this chapter, from hospitals and
6 ambulatory surgery centers. Data from hospitals and ambulatory surgery centers
7 may be obtained through sampling techniques in lieu of collection of data on all
8 patient encounters, and data collection procedures shall minimize unnecessary
9 duplication and administrative burdens.

10 ***b0146/2.9* SECTION 2093c.** 153.05 (9) of the statutes is renumbered 153.05

11 (9) (a) and amended to read:

12 153.05 (9) (a) The department shall provide orientation and training to health
13 care providers, other than hospitals and ambulatory surgery centers, who submit
14 data under this chapter, to explain the process of data collection and analysis and the
15 procedures for data verification, comment, interpretation, and release.

16 ***b0146/2.9* SECTION 2093d.** 153.05 (9) (b) of the statutes is created to read:

17 153.05 (9) (b) The entity under contract under sub. (2m) (a) shall provide
18 orientation and training to hospitals and ambulatory surgery centers that submit
19 data under this chapter, to explain the process of data collection and analysis and the
20 procedures for data verification, comment, interpretation, and release.

21 ***b0146/2.9* SECTION 2093e.** 153.05 (12) of the statutes is renumbered 153.05

22 (12) (a).

23 ***b0146/2.9* SECTION 2093f.** 153.05 (12) (b) of the statutes is created to read:

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SECTION 2093f

1 153.05 (12) (b) The entity under contract under sub. (2m) (a) shall, to the extent
2 possible and upon request, assist members of the public in interpreting data in
3 health care information disseminated by the entity.

4 ***b0146/2.9* SECTION 2094c.** 153.05 (13) of the statutes is renumbered 153.05
5 (13) (a) and amended to read:

6 153.05 (13) (a) The department may waive the requirement under sub. (1) (a),
7 (5) (a), or (8) (a) for a health care provider, other than a hospital or ambulatory
8 surgery center, who requests the waiver and presents evidence to the department
9 that the requirement under sub. (1) (a), (5) (a), or (8) (a) is burdensome, under
10 standards established by the department by rule. The department shall develop a
11 form for use by ~~a~~ the health care provider in submitting a request under this
12 subsection paragraph.

13 ***b0146/2.9* SECTION 2094d.** 153.05 (13) (b) of the statutes is created to read:

14 153.05 (13) (b) The entity under contract under sub. (2m) (a) may waive the
15 requirement under sub. (1) (b), (5) (b), or (8) (b) for a hospital or ambulatory surgery
16 center that requests the waiver and presents evidence to the entity that the
17 requirement under sub. (1) (b), (5) (b), or (8) (b) is burdensome. The entity shall
18 develop a form for use by the hospital or ambulatory surgery center in submitting a
19 request under this paragraph.

20 ***b0146/2.9* SECTION 2094e.** 153.07 (1) of the statutes is amended to read:

21 153.07 (1) The board shall advise the department with regard to the collection,
22 analysis and dissemination of health care information required of the department
23 by this chapter.

24 ***b0146/2.9* SECTION 2094f.** 153.07 (4) (b) of the statutes is amended to read:

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1 153.07 (4) (b) Provide oversight on the standard reports required of the
2 department under this chapter, including the reports report under ss. 153.20 and s.
3 153.21 (1).

4 ***b0146/2.9* SECTION 2094g.** 153.07 (4) (c) of the statutes is amended to read:
5 153.07 (4) (c) Develop the overall strategy and direction for implementation of
6 the department's duties and powers under this chapter.

7 ***b0146/2.9* SECTION 2094h.** 153.08 (5) of the statutes is created to read:
8 153.08 (5) The entity under contract under s. 153.05 (2m) (a) shall annually
9 publish a hospital rate increase report that contains all of the following information:

10 (a) For each hospital that publishes a notice under sub. (4), all of the following:

11 1. The name of the hospital and the city, village, or town in which the hospital
12 is located.

13 2. The date the rate increase is to take effect.

14 3. The annualized percentage rate increase that will result.

15 4. The geographic area of analysis in which the hospital is located.

16 (b) A list of hospitals that have closed since 1993.

17 ***b0146/2.9* SECTION 2094i.** 153.10 of the statutes is renumbered 153.10 (1)
18 and amended to read:

19 153.10 (1) The department shall prepare, and submit to the governor and the
20 chief clerk of each house of the legislature for distribution to the legislature under
21 s. 13.172 (2), standard reports concerning health care providers other than hospitals
22 and ambulatory surgery centers that the department prepares and shall collect
23 information necessary for preparation of those reports.

24 ***b0146/2.9* SECTION 2094j.** 153.10 (2) of the statutes is created to read:

SENATE BILL 44**SECTION 2094j**

1 153.10 (2) The entity under contract under s. 153.05 (2m) (a) shall prepare, and
2 submit to the governor and the chief clerk of each house of the legislature for
3 distribution to the legislature under s. 13.172 (2), standard reports concerning
4 hospitals and ambulatory surgery centers that the entity prepares and shall collect
5 information necessary for preparation of those reports.

6 ***b0146/2.9* SECTION 2094k.** 153.20 of the statutes is amended to read:

7 **153.20 Uncompensated health care services report.** (1) ~~The department~~
8 entity under contract under s. 153.05 (2m) (a) shall prepare, and submit to the
9 governor and to the chief clerk of each house of the legislature for distribution to the
10 legislature under s. 13.172 (2), an annual report setting forth the number of patients
11 to whom uncompensated health care services were provided by each hospital and the
12 total charges for the uncompensated health care services provided to the patients for
13 the preceding year, together with the number of patients and the total charges that
14 were projected by the hospital for that year in the plan filed under sub. (2).

15 (2) Every hospital shall file with the ~~department~~ entity under contract under
16 s. 153.05 (2m) (a) an annual plan setting forth the projected number of patients to
17 whom uncompensated health care services will be provided by the hospital and the
18 projected total charges for the uncompensated health care services to be provided to
19 the patients for the ensuing year.

20 ***b0146/2.9* SECTION 2094L.** 153.21 of the statutes is renumbered 153.21 (1)
21 and amended to read:

22 153.21 (1) The department shall prepare and submit to the governor and to the
23 chief clerk of each house of the legislature for distribution to the legislature under
24 s. 13.172 (2) an annual guide to assist consumers in selecting health care providers
25 other than hospitals and ambulatory surgery centers and health care plans. The

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1 guide shall be written in language that is understandable to ~~lay persons~~ laypersons.

2 The department shall widely publicize and distribute the guide to consumers.

3 *b0146/2.9* SECTION 2094m. 153.21 (2) of the statutes is created to read:

4 153.21 (2) The entity under contract under s. 153.05 (2m) (a) shall prepare and
5 submit to the governor and to the chief clerk of each house of the legislature for
6 distribution to the legislature under s. 13.172 (2) an annual guide to assist
7 consumers in selecting hospitals and ambulatory surgery centers. The guide shall
8 be written in language that is understandable to laypersons and shall include data
9 derived from the annual survey of hospitals conducted by the American Hospital
10 Association and the annual hospital fiscal survey. The entity shall widely publicize
11 and distribute the guide to consumers.

12 *b0146/2.9* SECTION 2094n. 153.22 of the statutes is created to read:

13 **153.22 Patient-level data utilization, charge, and quality report. (1)**
14 The entity under contract under s. 153.05 (2m) (a) shall prepare and submit to the
15 governor and to the chief clerk of each house of the legislature for distribution to the
16 legislature under s. 13.172 (2), an annual report that summarizes utilization, charge,
17 and quality data on patients treated by hospitals and ambulatory surgery centers
18 during the most recent calendar year.

19 *b0146/2.9* SECTION 2094q. 153.45 (title) of the statutes is amended to read:

20 **153.45 (title) Release of data by department.**

21 *b0146/2.9* SECTION 2094r. 153.45 (1) (b) 1. of the statutes is renumbered
22 153.46 (1) (b) and amended to read:

23 153.46 (1) (b) For information that is submitted by hospitals or ambulatory
24 surgery centers, public use data files that do not permit the identification of specific
25 patients, employers, or health care providers, ~~as defined by rules promulgated by the~~

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SECTION 2094r

1 department. The identification of patients, employers, or health care providers shall
2 be protected by all necessary means, including the deletion of patient identifiers and
3 the use of calculated variables and aggregated variables.

4 *b0146/2.9* SECTION 2094s. 153.45 (1) (b) 2. of the statutes is renumbered
5 153.45 (1) (b), and 153.45 (1) (b) (intro.), as renumbered, is amended to read:

6 153.45 (1) (b) (intro.) For information that is submitted by health care
7 providers other than hospitals or ambulatory surgery centers, public use data files
8 that do not permit the identification of specific patients, employers, or health care
9 providers, as defined by rules promulgated by the department. The identification of
10 patients, employers, or health care providers shall be protected by all necessary
11 means, including the deletion of patient identifiers; the use of calculated variables
12 and aggregated variables; the specification of counties as to residence, rather than
13 zip codes; the use of 5–year categories for age, rather than exact age; not releasing
14 information concerning a patient’s race or ethnicity, or dates of admission,
15 discharge, procedures, or visits; and masking sensitive diagnoses and procedures by
16 use of larger diagnostic and procedure categories. Public use data files under this
17 subdivision paragraph may include only the following:

18 *b0146/2.9* SECTION 2094t. 153.45 (1) (c) (intro.) of the statutes is amended
19 to read:

20 153.45 (1) (c) (intro.) Custom–designed reports containing portions of the data
21 under par. (b). Of information submitted by health care providers that are not
22 hospitals or ambulatory surgery centers, requests under this paragraph for data
23 elements other than those available for public use data files under par. (b) 2.,
24 including the patient’s month and year of birth, require review and approval by the
25 independent review board before the data elements may be released. Information

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1 that contains the name of a health care provider that is not a hospital or ambulatory
2 surgery center may be released only if the independent review board first reviews
3 and approves the release or if the department promulgates rules that specify
4 circumstances under which the independent review board need not review and
5 approve the release. Reports under this paragraph may include the patient's zip code
6 only if at least one of the following applies:

7 *b0146/2.9* SECTION 2094u. 153.45 (2) of the statutes is amended to read:

8 153.45 (2) The department shall provide to other ~~entities~~ agencies or to
9 organizations the data necessary to fulfill their statutory mandates for
10 epidemiological purposes or to minimize the duplicate collection of similar data
11 elements.

12 *b0146/2.9* SECTION 2094v. 153.45 (3) of the statutes is amended to read:

13 153.45 (3) The department may, but is not required to, release health care
14 provider-specific and employer-specific data that relates to health care providers
15 other than hospitals and ambulatory surgery centers, except in public use data files
16 as specified under sub. (1) (b), in a manner that is specified in rules promulgated by
17 the department.

18 *b0146/2.9* SECTION 2094w. 153.45 (5) of the statutes is amended to read:

19 153.45 (5) The department may not release any health care information that
20 is subject to rules promulgated under s. 153.75 (1) (b) until the verification, comment
21 and review procedures required under those rules have been complied with. Nothing
22 in this subsection prohibits release of ~~health care provider-specific~~ information to
23 the a health care provider that is not a hospital or ambulatory surgery center, to
24 whom the information ~~relates~~ is specific.

25 *b0146/2.9* SECTION 2094x. 153.46 of the statutes is created to read:

SENATE BILL 44**SECTION 2094x**

1 **153.46 Release of data by entity.** (1) After completion of data verification,
2 comment, and review procedures, the entity under contract under s. 153.05 (2m) (a)
3 shall release data, together with comments, if any, in the following forms:

4 (a) Standard reports.

5 (c) Custom–designed reports containing portions of the data under par. (b).

6 Reports under this paragraph may include the patient’s zip code only if at least one
7 of the following applies:

8 1. Other potentially identifying data elements are not released.

9 2. Population density is sufficient to mask patient identity.

10 3. Other potentially identifying data elements are grouped to provide
11 population density sufficient to protect identity.

12 4. Multiple years of data elements are added to protect identity.

13 **(1m)** After completion of data verification and review procedures specified
14 under s. 153.01 (4j), the entity may, but is not required to, release special data
15 compilations.

16 **(2)** The entity under contract under s. 153.05 (2m) (a) shall provide to the
17 department and to any other organization or agency the data necessary to fulfill the
18 department’s, organization’s, or agency’s statutory mandates for epidemiological
19 purposes.

20 **(3)** The entity under contract under s. 153.05 (2m) (a) may, but is not required
21 to, release hospital–specific, ambulatory surgery center–specific, and hospital or
22 ambulatory surgery center employer–specific data, except in public use data files as
23 specified under sub. (1) (b).

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1 (4) The entity under contract under s. 153.05 (2m) (a) shall, as limited by this
2 section and s. 153.50, provide equal access to the data collected and reports
3 generated by the entity to all requesters that pay the fees under s. 153.65 (2).

4 (5) The entity under contract under s. 153.05 (2m) (a) shall provide to the
5 department, without charge, claims and provider survey information that is
6 requested by or required to be provided to the department.

7 (6) No person who purchases a data compilation or report under s. 153.65 (2)
8 may release or sell the data sets so purchased, except that the department may
9 release data and information as part of reports created by the department.

10 ***b0146/2.9* SECTION 2094y.** 153.50 (3) (intro.) of the statutes is amended to
11 read:

12 153.50 (3) ~~DEPARTMENTAL MEASURES~~ MEASURES TO ENSURE PROTECTION OF PATIENT
13 IDENTITY. (intro.) To ensure that the identity of patients is protected when
14 information obtained by the department or by the entity under contract under s.
15 153.05 (2m) (a) is disseminated, the department and the entity shall do all of the
16 following:

17 ***b0146/2.9* SECTION 2095c.** 153.50 (3) (a) of the statutes is amended to read:

18 153.50 (3) (a) Aggregate any data element category containing small numbers,
19 using. The department, in so doing, shall use procedures that are developed by the
20 department and approved by the board and that follow commonly accepted
21 statistical methodology.

22 ***b0146/2.9* SECTION 2095d.** 153.50 (3) (b) (intro.) of the statutes is amended
23 to read:

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SECTION 2095d

1 153.50 (3) (b) (intro.) Remove and destroy all of the following data elements on
2 the uniform patient billing forms that are received by the department or by the entity
3 under the requirements of this chapter:

4 ***b0146/2.9* SECTION 2095e.** 153.50 (3) (b) 7. of the statutes is amended to read:

5 153.50 (3) (b) 7. The patient's account number, after use only as verification of
6 data by the department or by the entity.

7 ***b0146/2.9* SECTION 2095f.** 153.50 (3) (d) of the statutes is amended to read:

8 153.50 (3) (d) Require that a purchaser of data under this chapter sign and have
9 notarized the data use agreement of the department or of the entity specified in par.
10 (c).

11 ***b0146/2.9* SECTION 2095g.** 153.50 (4) (a) 1. of the statutes is renumbered
12 153.50 (4) (a) 1. a.

13 ***b0146/2.9* SECTION 2095h.** 153.50 (4) (a) 1. b. of the statutes is created to
14 read:

15 153.50 (4) (a) 1. b. An agent of the entity under contract under s. 153.05 (2m)
16 (a) who is responsible for the patient-identifiable data of the entity, in order to store
17 the data and ensure the accuracy of the information in the database of the entity.

18 ***b0146/2.9* SECTION 2095i.** 153.50 (4) (a) 2. of the statutes is amended to read:

19 153.50 (4) (a) 2. A health care provider that is not a hospital or ambulatory
20 surgery center or the agent of such a health care provider, to ensure the accuracy of
21 the information in the database of the department, or a health care provider that is
22 a hospital or ambulatory surgery center or the agent of such a health care provider,
23 to ensure the accuracy of the information in the database of the entity under contract
24 under s. 153.05 (2m) (a).

25 ***b0146/2.9* SECTION 2095j.** 153.50 (4) (a) 3. of the statutes is amended to read:

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1 153.50 (4) (a) 3. The department, for purposes of epidemiological investigation
2 or, with respect to information from health care providers that are not hospitals or
3 ambulatory surgery centers, to eliminate the need for duplicative databases.

4 ***b0146/2.9* SECTION 2095k.** 153.50 (4) (a) 4. of the statutes is amended to
5 read:

6 153.50 (4) (a) 4. An entity agency or organization that is required by federal
7 or state statute to obtain patient-identifiable data for purposes of epidemiological
8 investigation or to eliminate the need for duplicative databases.

9 ***b0146/2.9* SECTION 2095L.** 153.50 (5) (a) (intro.) of the statutes is amended
10 to read:

11 153.50 (5) (a) (intro.) The department or an entity that is under contract under
12 s. 153.05 (2m) (a) may not release or provide access to patient-identifiable data to
13 a person authorized under sub. (4) (a) unless the authorized person requests the
14 department or entity, in writing, to release the patient-identifiable data. The
15 request shall include all of the following:

16 ***b0146/2.9* SECTION 2095m.** 153.50 (5) (a) 4. (intro.) of the statutes is
17 amended to read:

18 153.50 (5) (a) 4. (intro.) For an entity agency or organization that is authorized
19 under sub. (4) (a) 4. to receive or have access to patient-identifiable data, evidence,
20 in writing, of all of the following:

21 ↑
 SPACE
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22 ***b0146/2.9* SECTION 2095n.** 153.50 (5) (b) (intro.) of the statutes is amended
23 to read:

24 153.50 (5) (b) (intro.) Upon receipt of a request under par. (a), the department
25 or entity under contract under s. 153.05 (2m) (a), whichever is appropriate, shall, as

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SECTION 2095n

1 soon as practicable, comply with the request or notify the requester, in writing, of all
2 of the following:

3 *b0146/2.9* SECTION 2095p. 153.50 (5) (b) 1. of the statutes is amended to
4 read:

5 153.50 (5) (b) 1. That the department or entity is denying the request in whole
6 or in part.

7 *b0146/2.9* SECTION 2095q. 153.50 (6) (a) of the statutes is amended to read:

8 153.50 (6) (a) The department or entity under contract under s. 153.05 (2m) (a)
9 may not require a health care provider submitting health care information under
10 this chapter to include the patient's name, street address or social security number.

11 *b0146/2.9* SECTION 2095rc. 153.60 (1) of the statutes is amended to read:

12 153.60 (1) The department shall, by the first October 1 after the
13 commencement of each fiscal year, estimate the total amount of expenditures under
14 this chapter for the department and the board for that fiscal year for data collection,
15 database development and maintenance, generation of data files and standard
16 reports, orientation and training provided under s. 153.05 (9) (a) and maintaining
17 the board. The department shall assess the estimated total amount for that fiscal
18 year less the estimated total amount to be received for purposes of administration
19 of this chapter under s. 20.435 (4) (hi) during the fiscal year, the unencumbered
20 balance of the amount received for purposes of administration of this chapter under
21 s. 20.435 (4) (hi) from the prior fiscal year and the amount in the appropriation
22 account under s. 20.435 (1) (dg), 1997 stats., for the fiscal year, to health care
23 providers, other than hospitals and ambulatory surgery centers, who are in a class
24 of health care providers from whom the department collects data under this chapter
25 in a manner specified by the department by rule. The department shall obtain

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1 approval from the board for the amounts of assessments for health care providers
2 other than hospitals and ambulatory surgery centers. The department shall work
3 together with the department of regulation and licensing to develop a mechanism for
4 collecting assessments from health care providers other than hospitals and
5 ambulatory surgery centers. No health care provider that is not a facility may be
6 assessed under this subsection an amount that exceeds \$75 per fiscal year. ~~Each~~
7 ~~hospital shall pay the assessment on or before December 1.~~ All payments of
8 assessments shall be deposited in credited to the appropriation under s. 20.435 (4)
9 (hg).

10 *b0146/2.9* SECTION 2095rd. 153.65 of the statutes is renumbered 153.65 (1)
11 and amended to read:

12 153.65 (1) The department may, but is not required to, provide, upon request
13 from a person, a data compilation or a special report based on the information
14 collected by the department. The department shall establish user fees for the
15 provision of these compilations or reports, payable by the requester, which shall be
16 sufficient to fund the actual necessary and direct cost of the compilation or report.
17 All moneys collected under this ~~section~~ subsection shall be credited to the
18 appropriation under s. 20.435 (4) (hi).

19

↑
SPACE
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20 *b0146/2.9* SECTION 2095re. 153.65 (2) of the statutes is created to read:

21 153.65 (2) Beginning January 1, 2004, unless the entity under contract under
22 s. 153.05 (2m) (a) otherwise agrees and except as provided in s. 153.46 (6), the entity
23 has the exclusive right to use and to provide for a fee, upon request from a person,
24 a data compilation or a special report based on the information concerning hospitals
25 and ambulatory surgery centers that is collected by the entity or provided by the

SENATE BILL 44

SECTION 2095re

1 department to the entity. Subject to approval by the group specified under s. 153.01
2 (4j) (b), the entity shall establish reasonable and necessary user fees for the provision
3 of a compilation or report, payable by the requester, which shall be sufficient to fund
4 the actual necessary and direct cost of the compilation or report. The entity may
5 retain all user fees paid under this subsection.

6 *b0146/2.9* SECTION 2095rf. 153.75 (1) (a) of the statutes is amended to read:

7 153.75 (1) (a) Providing procedures, for information submitted by health care
8 providers who are not hospitals or ambulatory surgery centers, to ensure the
9 protection of patient confidentiality under s. 153.50.

10 *b0146/2.9* SECTION 2095rg. 153.75 (1) (b) of the statutes is amended to read:

11 153.75 (1) (b) Establishing procedures under which health care providers who
12 are not hospitals or ambulatory surgery centers are permitted to review, verify and
13 comment on information and include the comments with the information.

14 *b0146/2.9* SECTION 2095rh. 153.75 (1) (L) of the statutes is repealed.

15 *b0146/2.9* SECTION 2095ri. 153.75 (1) (m) of the statutes is amended to read:

16 153.75 (1) (m) Specifying the classes of health care providers, other than
17 hospitals and ambulatory surgery centers, from whom claims data and other health
18 care information will be collected.

19 *b0146/2.9* SECTION 2095rj. 153.75 (1) (n) of the statutes is amended to read:

20 153.75 (1) (n) Specifying the uniform data set of health care information, as
21 adjusted for case mix and severity, to be collected from health care providers other
22 than hospitals and ambulatory surgery centers.

23 *b0146/2.9* SECTION 2095rk. 153.75 (1) (p) of the statutes is amended to read:

24 153.75 (1) (p) Specifying the methods for using and disseminating health care
25 data in order for health care providers other than hospitals and ambulatory surgery

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1 centers to provide health care that is effective and economically efficient and for
2 consumers and purchasers to make informed decisions in selecting health care plans
3 and health care providers.

4 *b0146/2.9* SECTION 2095rL. 153.75 (1) (q) of the statutes is amended to read:

5 153.75 (1) (q) Specifying the information to be provided by the department in
6 the consumer guide under s. 153.21 (1).

7 *b0146/2.9* SECTION 2095rm. 153.75 (1) (r) of the statutes is amended to read:

8 153.75 (1) (r) Specifying the standard reports that will be issued by the
9 department in addition to those required in ~~ss. 153.20 and~~ s. 153.21 (1).

10 *b0146/2.9* SECTION 2095rn. 153.75 (1) (t) of the statutes is amended to read:

11 153.75 (1) (t) Establishing standards for determining under s. 153.05 (13) (a)
12 if a requirement under s. 153.05 (1) (a), (5) (a), or (8) (a) is burdensome for a health
13 care provider other than a hospital or ambulatory surgery center.

14 *b0146/2.9* SECTION 2095rp. 153.75 (1) (u) of the statutes is amended to read:

15 153.75 (1) (u) Specifying the methods for adjusting health care information
16 obtained from health care providers other than hospitals and ambulatory surgery
17 centers for case mix and severity.

18 *b0146/2.9* SECTION 2095rt. 153.75 (2) (a) of the statutes is amended to read:

19 153.75 (2) (a) Exempting certain classes of health care providers that are not
20 hospitals or ambulatory surgery centers from providing all or portions of the data
21 required under this chapter.

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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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 *b0350/2.3* SECTION 2099f. 165.60 of the statutes is amended to read:

7 **165.60 Law enforcement.** The department of justice is authorized to enforce
8 ss. 101.123 (2), (5), and (8), 944.30, 944.31, 944.33, 944.34, 945.02 (2), 945.03 (1m),
9 and 945.04 (1m) and is invested with the powers conferred by law upon sheriffs and
10 municipal police officers in the performance of those duties. This section does not
11 deprive or relieve sheriffs, constables, and other local police officers of the power and
12 duty to enforce those sections, and those officers shall likewise enforce those sections.

13 *b0350/2.3* SECTION 2099j. 165.70 (1) (b) of the statutes is amended to read:

14 165.70 (1) (b) ~~Enforce~~ Except as provided in sub. (1m), enforce chs. 945 and 961
15 and ss. 940.20 (3), 940.201, 941.25 to 941.27, 943.01 (2) (c), 943.011, 943.27, 943.28,
16 943.30, 944.30, 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4), 948.075,
17 and 948.08.

18 *b0350/2.3* SECTION 2099p. 165.70 (1m) of the statutes is created to read:

19 165.70 (1m) The department may not investigate violations of or otherwise
20 enforce s. 945.03 (2m) or 945.04 (2m).

21 *b0350/2.3* SECTION 2099v. 165.70 (3) of the statutes is amended to read:

22 165.70 (3) It is the intention of this section to give the attorney general
23 responsibility for devising programs to control crime statewide in nature,
24 importance or influence, drugs and narcotics abuse, commercial gambling other than
25 what is described in s. 945.03 (2m) or 945.04 (2m), prostitution, and arson. Nothing

SENATE BILL 44

1 herein shall deprive or relieve local peace officers of the power and duty to enforce
2 those provisions enumerated in sub. (1).

3 *~~1789/2.1~~* SECTION 2100. 165.755 (1) (a) of the statutes is amended to read:

4 165.755 (1) (a) Except as provided in par. (b), a court shall impose a crime
5 laboratories and drug law enforcement assessment of \$5 ~~\$7~~ if the court imposes a
6 sentence, places a person on probation or imposes a forfeiture for a violation of state
7 law or for a violation of a municipal or county ordinance.

8 *~~0529/4.189~~* SECTION 2101. 165.755 (3) of the statutes is amended to read:

9 165.755 (3) Except as provided in sub. (4), after the court determines the
10 amount due under sub. (1) (a), the clerk of the court shall collect and transmit the
11 amount to the county treasurer under s. 59.40 (2) (m). The county treasurer shall
12 then make payment to the ~~state treasurer~~ secretary of administration under s. 59.25
13 (3) (f) 2.

14 *~~0529/4.190~~* SECTION 2102. 165.755 (4) of the statutes is amended to read:

15 165.755 (4) If a municipal court imposes a forfeiture, after determining the
16 amount due under sub. (1) (a) the court shall collect and transmit such amount to the
17 treasurer of the county, city, town, or village, and that treasurer shall make payment
18 to the ~~state treasurer~~ secretary of administration as provided in s. 66.0114 (1) (bm).

19 *~~0529/4.191~~* SECTION 2103. 165.755 (5) of the statutes is amended to read:

20 165.755 (5) If any deposit of bail is made for a noncriminal offense to which sub.
21 (1) (a) applies, the person making the deposit shall also deposit a sufficient amount
22 to include the assessment prescribed in sub. (1) (a) for forfeited bail. If bail is
23 forfeited, the amount of the assessment under sub. (1) (a) shall be transmitted
24 monthly to the ~~state treasurer~~ secretary of administration under this section. If bail
25 is returned, the assessment shall also be returned.

SENATE BILL 44

SECTION 2104

1 *~~0529/4.192~~* SECTION 2104. 165.755 (6) of the statutes is amended to read:

2 165.755 (6) If an inmate in a state prison or a person sentenced to a state prison
3 has not paid the crime laboratories and drug law enforcement assessment under sub.
4 (1) (a), the department shall assess and collect the amount owed from the inmate’s
5 wages or other moneys. Any amount collected shall be transmitted to the state
6 ~~treasurer~~ secretary of administration.

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

8 165.755 (7) All moneys collected from crime laboratories and drug law
9 enforcement assessments under this section shall be deposited by the ~~state treasurer~~
10 secretary of administration and used as specified in s. 20.455 (2) (kd) and (Lm).

11 *~~1789/2.2~~* SECTION 2106. 165.82 (1) (intro.) of the statutes is amended to
12 read:

13 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
14 impose the following fees, plus any surcharge required under sub. (1m), for criminal
15 history searches for purposes unrelated to criminal justice or to s. 175.35:

16 *~~1789/2.3~~* SECTION 2107. 165.82 (1) (ar) of the statutes is amended to read:

17 165.82 (1) (ar) For each fingerprint card record check requested by a
18 governmental agency or nonprofit organization, ~~\$10~~ \$15.

19 *~~1789/2.4~~* SECTION 2108. 165.82 (1m) of the statutes is created to read:

20 165.82 (1m) The department of justice shall impose a \$5 surcharge if a person
21 requests a paper copy of the results of a criminal history search requested under sub.

22 (1).

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24 *~~1782/1.2~~* SECTION 2111. 166.03 (1) (b) 7. of the statutes is repealed.

25 *~~b0136/1.4~~* SECTION 2111g. 166.03 (2) (a) 7. of the statutes is created to read:

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1 166.03 (2) (a) 7. Apply for contracts and receive and expend any moneys or
2 grant from the federal government related to homeland security. Before the adjutant
3 general expends any moneys or grant under this subdivision, the adjutant general
4 shall notify the joint committee on finance in writing of the proposed action. If the
5 cochairpersons of the committee do not notify the adjutant general that the
6 committee has scheduled a meeting for the purpose of reviewing the proposed
7 expenditure within 14 working days after the date of the adjutant general's
8 notification, the expenditure may be completed. If, within 14 working days after the
9 date of the adjutant general's notification, the cochairpersons of the committee notify
10 the adjutant general that the committee has scheduled a meeting for the purpose of
11 reviewing the proposed expenditure, the expenditure may be completed under this
12 subdivision only upon approval of the committee.

13 ***b0136/1.4* SECTION 2111j.** 166.03 (2) (a) 8. of the statutes is created to read:

14 166.03 (2) (a) 8. Administer the federal homeland security programs using the
15 funds received under s. 20.465 (3) (mg).

16 ***-1782/1.3* SECTION 2112.** 166.03 (2) (b) 9. of the statutes is repealed.

17 ***-0350/2.2* SECTION 2113.** 166.03 (8) (f) of the statutes is amended to read:

18 166.03 (8) (f) If the total liability for worker's compensation benefits under par.
19 (d), indemnification under par. (e), and loss from destruction of equipment under sub.
20 (9), incurred in any calendar year exceeds \$1 per capita of the sponsor's population,
21 the state shall reimburse the sponsor for the excess, except that if any additional
22 costs are incurred in a future calendar year for an injury that occurred in the
23 calendar year the state shall pay all of those additional costs. Payment shall be made
24 from the appropriation in s. 20.465 (3) (a) on certificate of the adjutant general.

25 ***-0529/4.194* SECTION 2114.** 167.31 (5) (c) of the statutes is amended to read:

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SECTION 2114

1 167.31 (5) (c) If any deposit is made for an offense to which this subsection
2 applies, the person making the deposit shall also deposit a sufficient amount to
3 include the weapons assessment under this subsection. If the deposit is forfeited, the
4 amount of the weapons assessment shall be transmitted to the ~~state treasurer~~
5 secretary of administration under par. (d). If the deposit is returned, the amount of
6 the weapons assessment shall also be returned.

7 ***-0529/4.195*** SECTION 2115. 167.31 (5) (d) of the statutes is amended to read:

8 167.31 (5) (d) The clerk of the circuit court shall collect and transmit to the
9 county treasurer the weapons assessment as required under s. 59.40 (2) (m). The
10 county treasurer shall then pay the state treasurer as provided in s. 59.25 (3) (f) 2.
11 The ~~state treasurer~~ secretary of administration shall deposit all amounts received
12 under this paragraph in the conservation fund to be appropriated under s. 20.370 (3)
13 (mu).

14 ***-0529/4.196*** SECTION 2116. 169.46 (1) (c) of the statutes is amended to read:

15 169.46 (1) (c) If any deposit is made for an offense to which this subsection
16 applies, the person making the deposit shall also deposit a sufficient amount to
17 include the natural resources assessment prescribed in this subsection. If the
18 deposit is forfeited, the amount of the natural resources assessment shall be
19 transmitted to the ~~state treasurer~~ secretary of administration under par. (d). If the
20 deposit is returned, the natural resources assessment shall also be returned.

21 ***-0529/4.197*** SECTION 2117. 169.46 (1) (d) of the statutes is amended to read:

22 169.46 (1) (d) The clerk of the court shall collect and transmit to the county
23 treasurer the natural resources assessment and other amounts required under s.
24 59.40 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~
25 secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~

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1 secretary of administration shall deposit the amount of the natural resources
2 assessment in the conservation fund.

3 ***-0529/4.198*** SECTION 2118. 169.46 (2) (c) of the statutes is amended to read:

4 169.46 (2) (c) If any deposit is made for an offense to which this subsection
5 applies, the person making the deposit shall also deposit a sufficient amount to
6 include the natural resources restitution payment prescribed in this subsection. If
7 the deposit is forfeited, the amount of the natural resources restitution payment
8 shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d).
9 If the deposit is returned, the natural resources restitution payment shall also be
10 returned.

11 ***-0529/4.199*** SECTION 2119. 169.46 (2) (d) of the statutes is amended to read:

12 169.46 (2) (d) The clerk of the court shall collect and transmit to the county
13 treasurer the natural resources restitution payment and other amounts required
14 under s. 59.40 (2) (m). The county treasurer shall then make payment to the state
15 ~~treasurer~~ secretary of administration as provided in s. 59.25 (3) (f) 2. The state
16 ~~treasurer~~ secretary of administration shall deposit the amount of the natural
17 resources restitution payment in the conservation fund.

18 ***b0130/3.2*** SECTION 2120b. 173.40 (title) of the statutes, as created by 2001
19 Wisconsin Act 16, is amended to read:

20 **173.40 (title) Pet dealers, pet breeders, kennels, and animal shelters.**

21 ***b0130/3.2*** ~~SECTION 2120bb.~~ 173.40 (1) (c) of the statutes, as created by 2001
22 Wisconsin Act 16, is repealed.

23 ***b0130/3.2*** SECTION 2120bd. 173.40 (1) (e) of the statutes, as created by 2001
24 Wisconsin Act 16, is repealed.

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SECTION 2120bf

1 ***b0130/3.2* SECTION 2120bf.** 173.40 (1) (f) of the statutes, as created by 2001
2 Wisconsin Act 16, is repealed.

3 ***b0130/3.2* SECTION 2120bh.** 173.40 (1) (fm) of the statutes, as created by
4 2001 Wisconsin Act 16, is amended to read:

5 173.40 (1) (fm) “Pet breeder” means a person who sells or offers to sell at least
6 ~~25~~ 50 dogs or cats for resale as pets in a year, except that “pet breeder” does not
7 include a pet dealer.

8 ***b0130/3.2* SECTION 2120bj.** 173.40 (2) (a) of the statutes, as created by 2001
9 Wisconsin Act 16, is repealed.

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11 ***b0130/3.2* SECTION 2120bL.** 173.40 (2) (b) of the statutes, as created by 2001
12 Wisconsin Act 16, is amended to read:

13 173.40 (2) (b) ~~Except as provided in par. (e), no~~ No person may act as a ~~pet dealer~~
14 ~~or~~ pet breeder without a license from the department. A person shall obtain a license
15 under this paragraph for each separate location at which the person conducts
16 business as a ~~pet dealer or~~ pet breeder.

17 ***b0130/3.2* SECTION 2120bn.** 173.40 (2) (c) of the statutes, as created by 2001
18 Wisconsin Act 16, is repealed.

19 ***b0130/3.2* SECTION 2120bp.** 173.40 (2) (d) of the statutes, as created by 2001
20 Wisconsin Act 16, is amended to read:

21 173.40 (2) (d) Licenses issued under ~~pars. (a) and~~ par. (b) expire on October 31
22 of each even-numbered year.

23 ***b0130/3.2* SECTION 2120br.** 173.40 (2) (e) of the statutes, as created by 2001
24 Wisconsin Act 16, is amended to read:

25 173.40 (2) (e) A license issued under ~~par. (a) or~~ (b) is not transferable.

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1 ***b0130/3.2* SECTION 2120bt.** 173.40 (4) (a) of the statutes, as created by 2001
2 Wisconsin Act 16, is repealed.

3 ***b0130/3.2* SECTION 2120bv.** 173.40 (4) (b) of the statutes, as created by 2001
4 Wisconsin Act 16, is renumbered 173.40 (4) and amended to read:

5 173.40 (4) INSPECTIONS. ~~In addition to the inspections required under par. (a),~~
6 ~~the~~ The department may enter and inspect a facility for which a person is required
7 to obtain a license under sub. (2) at any reasonable time when the department has
8 reason to suspect that human or animal health violations exist or when a person who
9 is not an employee of the department notifies the department of a potential health
10 hazard or violation.

11 ***b0130/3.2* SECTION 2120bw.** 173.40 (5) (a) of the statutes, as created by 2001
12 Wisconsin Act 16, is amended to read:

13 173.40 (5) (a) ~~Minimum standards for animal shelter and kennel facilities and~~
14 ~~facilities at which pet dealers and pet breeders operate.~~

15 ***b0119/2.1* SECTION 2120m.** 177.075 of the statutes is created to read:

16 **177.075 Distributions caused by certain insurance company activities.**

17 (1) Any intangible property distributable in the course of a rehabilitation or
18 reorganization, conversion, or other transformation of an insurance company is
19 presumed abandoned if the distribution remains unclaimed for more than 2 years
20 after the date on which the property is distributable and if all of the following apply:

21 (a) At the time the property is distributable, the holder knows that the
22 last-known address of the owner, as reflected in the records of the holder, is incorrect
23 or the holder has mailed the distribution or notice thereof to the owner at the
24 last-known address of the owner, as reflected in the records of the holder, and the
25 mailing has been returned to the holder as undeliverable.

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SECTION 2120m

1 (b) The holder has not communicated with the owner in writing concerning the
2 distribution after the date on which the property is distributable.

3 (c) The holder has not communicated with the owner in any other manner
4 concerning the distribution, as reflected in the records of the holder, after the date
5 on which the property is distributable.

6 (2) Any intangible property distributable in the course of a rehabilitation or
7 reorganization, conversion, or other transformation of an insurance company is
8 presumed abandoned as otherwise provided under this chapter if sub. (1) (a), (b), or
9 (c) does not apply with respect to the distribution.

10 *b0119/2.1* SECTION 2120p. 177.10 (1) (intro.) of the statutes is amended to
11 read:

12 177.10 (1) (intro.) Except as provided in subs. (2) and (5) and s. 177.075 (1), any
13 stock or other intangible ownership interest in a business association, the existence
14 of which is evidenced by records available to the association, is presumed abandoned
15 and, with respect to the interest, the association is the holder, if a dividend,
16 distribution or other sum payable as a result of the interest has remained unclaimed
17 by the owner for 5 years and the owner has not done either of the following within
18 5 years:

19 *b0119/2.1* SECTION 2120s. 177.17 (4) (b) of the statutes is amended to read:

20 177.17 (4) (b) The holder of an interest under s. 177.10 or a stock or other
21 intangible ownership interest presumed abandoned under s. 177.075 (1) shall
22 deliver to the administrator, upon filing the report required under this section, a
23 duplicate certificate or other evidence of ownership if the holder does not issue
24 certificates of ownership. Upon delivery of a duplicate certificate to the
25 administrator, the holder and any transfer agent, registrar or other person acting for

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1 or on behalf of a holder in executing or delivering the duplicate certificate are
2 relieved of all liability, as provided under s. 177.20, to any person, including any
3 person acquiring the original certificate or the duplicate of the certificate issued to
4 the administrator, for any loss or damage caused by the issuance and delivery of the
5 duplicate certificate to the administrator.

6 ***b0350/2.4* SECTION 2120m.** 175.38 of the statutes is created to read:

7 **175.38 Enforcement of video gambling law.** (1) In this section, “law
8 enforcement officer” has the meaning given in s. 165.85 (2) (c) but does not include
9 a special agent of the department of revenue.

10 (2) Notwithstanding s. 945.041, no law enforcement officer may investigate
11 violations of or otherwise enforce s. 945.03 (2m) or 945.04 (2m).

12 (3) No law enforcement officer may investigate violations of or otherwise
13 enforce s. 945.05 (1m) unless he or she reasonably believes that the video gambling
14 machine involved may be used in connection with a violation of ch. 945 other than
15 a violation of s. 945.03 (2m) or 945.04 (2m).

16 ***-0419/2.1* SECTION 2122.** 183.0105 (2) (c) of the statutes is amended to read:

17 183.0105 (2) (c) ~~In the case of a foreign limited liability company, including~~
18 Including the name of its registered agent and the street address of its registered
19 office, as changed, in its annual report under s. 183.0120. This paragraph also
20 applies to a foreign limited liability company. A change under this paragraph is
21 effective on the date the annual report is filed by ~~the office of~~ the department.

22 ***-0419/2.2* SECTION 2123.** 183.0109 (1) (a) 4. of the statutes is amended to
23 read:

24 183.0109 (1) (a) 4. ~~A foreign limited liability company's~~ An annual report under
25 s. 183.0120.

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SECTION 2124

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

3 183.0113 (2) (b) 1m. ~~In the case of a foreign limited liability company, the~~ The
4 domestic or foreign limited liability company has, during its most recently completed
5 report year, filed with the department an annual report required by s. 183.0120.

6 ***-0419/2.4*** SECTION 2125. 183.0114 (1) (v) of the statutes is created to read:
7 183.0114 (1) (v) Annual report of a domestic limited liability company, \$25.

8 ***-0419/2.5*** SECTION 2126. 183.0120 (title) of the statutes is amended to read:
9 **183.0120 (title) Annual report for foreign limited liability companies.**

10 ***-0419/2.6*** SECTION 2127. 183.0120 (1) of the statutes is amended to read:
11 183.0120 (1) Each foreign limited liability company registered to transact
12 business in this state and each domestic limited liability company shall file with the
13 department an annual report that includes all of the following information:

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

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

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

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

23 (e) ~~The~~ If the company is a foreign limited liability company, the name and
24 business address of each member of the foreign limited liability company.

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

3 ***-0419/2.7* SECTION 2128.** 183.0120 (2) of the statutes is amended to read:

4 183.0120 (2) Information in the annual report shall be current as of the date
5 on which the annual report is executed on behalf of a the domestic or foreign limited
6 liability company, except that the information required by sub. (1) (e) shall be current
7 as of the close of the domestic or foreign limited liability company's fiscal year
8 immediately before the date by which the annual report is required to be delivered
9 to the department.

10 ***-0419/2.8* SECTION 2129.** 183.0120 (3) of the statutes is amended to read:

11 183.0120 (3) A domestic limited liability company shall deliver its annual
12 report to the department during the calendar quarter during which each
13 anniversary of the effective date of the limited liability company's articles of
14 organization under s. 183.0111 occurs. A foreign limited liability company
15 registered to transact business in this state shall deliver its annual report to the
16 department during the first calendar quarter of each year following the calendar
17 year in which the foreign limited liability company becomes registered to transact
18 business in this state.

19 ***-0419/2.9* SECTION 2130.** 183.0120 (4) of the statutes is amended to read:

20 183.0120 (4) If an annual report does not contain the information required by
21 this section, the department shall promptly notify the reporting domestic or foreign
22 limited liability company in writing and return the report to it for correction.

23 ***-0419/2.10* SECTION 2131.** 183.0901 (3) of the statutes is created to read:

24 183.0901 (3) The department administratively dissolves the limited liability
25 company under s. 183.09025 (2) (c), unless the limited liability company is

SENATE BILL 44**SECTION 2131**

1 subsequently reinstated under s. 183.09025 (4) (b) or pursuant to judicial review
2 under ss. 227.52 to 227.58.

3 ***-0419/2.11*** **SECTION 2132.** 183.09025 of the statutes is created to read:

4 **183.09025 Administrative dissolution and reinstatement. (1) GROUNDS**
5 **FOR ADMINISTRATIVE DISSOLUTION.** The department may bring a proceeding under sub.
6 (2) to administratively dissolve any limited liability company that does not deliver
7 to the department the limited liability company's complete annual report within one
8 year after the annual report is due.

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

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

19 (c) If a limited liability company fails to satisfy par. (b), the department shall
20 administratively dissolve the limited liability company. The department shall enter
21 a notation in its records to reflect each ground for dissolution and the effective date
22 of dissolution and shall mail the limited liability company a notice of those facts and
23 a certificate of dissolution. The notice and certificate shall be in writing and
24 addressed to the registered office of the limited liability company. The dissolution
25 is subject to judicial review as provided in ss. 227.52 to 227.58.

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

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

9 **(4) REINSTATEMENT.** (a) A limited liability company that is administratively
10 dissolved under sub. (2) (c) may apply to the department for reinstatement within
11 30 days after the date on which the limited liability company is dissolved. The
12 application shall include all of the following:

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

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

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

18 (b) The department shall cancel the certificate of dissolution and issue a
19 certificate of reinstatement under this paragraph if the department determines that
20 the application contains the information required under par. (a), that the
21 information is correct, and that all fees and penalties owed by the limited liability
22 company to the department under this chapter have been paid. The certificate of
23 reinstatement shall state the department's determination under this paragraph and
24 the effective date of reinstatement. The department shall file the certificate and
25 provide a copy to the limited liability company or its representative.

SENATE BILL 44

SECTION 2132

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

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

9 *-1431/2.16* SECTION 2133. 186.098 (12) of the statutes is amended to read:

10 186.098 (12) LOANS TO MEMBERS. A credit union may make loans to members
 11 secured by assignment or transfer of stock certificates or other evidence of the
 12 borrower's ownership interest in a corporation formed for the cooperative ownership
 13 of real estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a
 14 mortgage involving a one-family residence, apply to a proceeding to enforce the
 15 lender's rights in security given for a loan under this subsection. The office of credit
 16 unions shall promulgate joint rules with ~~the division of savings institutions and the~~
 17 ~~division of banking~~ that establish procedures for enforcing a lender's rights in
 18 security given for a loan under this subsection.

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24 *-0529/4.200* SECTION 2204. 194.51 of the statutes is amended to read:

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1 **194.51 Suit to recover protested tax.** No suit shall be maintained in any
2 court to restrain or delay the collection or payment of the taxes levied in this chapter.
3 The aggrieved taxpayer shall pay the tax as and when due, and, if paid under protest,
4 may at any time within 90 days from the date of such payment, sue the state in an
5 action at law to recover the tax so paid. If it is finally determined that said tax, or
6 any part thereof, was wrongfully collected for any reason, it shall be the duty of the
7 ~~department secretary~~ of administration to ~~issue a warrant on the state treasurer for~~
8 pay out of the transportation fund the amount of such tax so adjudged to have been
9 wrongfully collected, ~~and the treasurer shall pay the same out of the transportation~~
10 ~~fund.~~ A separate suit need not be filed for each separate payment made by any
11 taxpayer, but a recovery may be had in one suit for as many payments as may have
12 been made within any 90-day period preceding the commencement of such an action.
13 Such suits shall be commenced as provided in s. 775.01.

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18 ***b0107/1.27* SECTION 2273d.** 195.29 (5) of the statutes is amended to read:
19 195.29 (5) ELIMINATION OF GRADE CROSSINGS, COSTS. Upon petition of the
20 department, or of the common council or board of any city, village, town, or county,
21 alleging that one or more of them have undertaken or propose to undertake to
22 relocate or improve an existing highway or to construct a new highway in such
23 manner as to eliminate a highway grade crossing with any railroad or so as to
24 permanently divert a material portion of the highway traffic from a highway grade
25 crossing with any railroad, the office shall issue notice of investigation and hearing,

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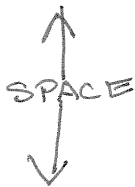
SECTION 2273d

1 as provided in s. 195.04. If upon such hearing the office finds that the public safety
 2 will be promoted by the highway relocation, improvement, or new construction, the
 3 office shall order the old crossings closed and new crossings opened as are deemed
 4 necessary for public safety. The order shall require the railroad company or
 5 companies to pay to the interested municipality or municipalities such sum as the
 6 office finds to be an equitable portion of the cost of the highway relocation,
 7 improvement, or new construction, if the work is performed by the municipalities;
 8 or to the ~~state treasurer~~ secretary of administration if the work is performed by the
 9 state; or to the proper county treasurer if the work is performed by the county. The
 10 sum shall be added to the joint fund available for the improvement and may be
 11 expended in like manner as the other portions of the fund.

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

12

13



14 *b0107/1.29* SECTION 2297m. 195.60 (3) of the statutes is amended to read:
 15 195.60 (3) If any railroad against which a bill has been rendered under sub. (1)
 16 or (2) within 30 days after the rendering of such bill neglects or refuses to pay the
 17 same or fails to file objections to the bill with the office, the office shall transmit to
 18 the ~~state treasurer~~ secretary of administration a certified copy of the bill, together
 19 with notice of neglect or refusal to pay the bill, and on the same day the office shall
 20 mail to the railroad against which the bill has been rendered a copy of the notice
 21 which it has transmitted to the ~~state treasurer~~ secretary of administration. Within
 22 10 days after the receipt of such notice and certified copy of such bill, the ~~state~~
 23 ~~treasurer~~ secretary of administration shall levy the amount stated on such bill to be

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1 due, with interest, by distress and sale of any goods and chattels, including stocks,
2 securities, bank accounts, evidences of debt, and accounts receivable belonging to
3 such delinquent railroad. Such levy by distress and sale shall be governed by the
4 provisions of s. 74.10, 1985 stats., except that it shall be made by the ~~state treasurer~~
5 secretary of administration and that said goods and chattels anywhere within the
6 state may be levied upon.

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

7 ***b0107/1.31* SECTION 2302m.** 195.60 (4) (d) of the statutes is amended to read:
8 195.60 (4) (d) If any bill against which objections have been filed is not paid
9 within 10 days after notice of a finding that such objections have been overruled and
10 disallowed by the office has been mailed to the objector, the office shall give notice
11 of such delinquency to the ~~state treasurer~~ secretary of administration and to the
12 objector, in the manner provided in sub. (3). The ~~state treasurer~~ secretary of
13 administration shall then proceed to collect the amount of the bill as provided in sub.
14 (3). If an amended bill is not paid within 10 days after a copy thereof is mailed to the
15 objector by registered mail, the office shall notify the ~~state treasurer~~ secretary of
16 administration and the objector as in the case of delinquency in the payment of an
17 original bill. The ~~state treasurer~~ secretary of administration shall then proceed to
18 collect the amount of the bill as provided in the case of an original bill.

19 ***b0107/1.31* SECTION 2304m.** 195.60 (5) of the statutes is amended to read:
20 195.60 (5) No suit or proceeding shall be maintained in any court for the
21 purpose of restraining or in any way delaying the collection or payment of any bill
22 rendered under subs. (1) and (2). Every railroad against which a bill is rendered shall
23 pay the amount thereof, and after such payment may in the manner herein provided,

SENATE BILL 44

SECTION 2304m

1 at any time within 2 years from the date the payment was made, sue the state in an
 2 action at law to recover the amount paid with legal interest thereon from the date
 3 of payment, upon the ground that the assessment was excessive, erroneous,
 4 unlawful, or invalid in whole or in part. If it is finally determined in such action that
 5 any part of the bill for which payment was made was excessive, erroneous, unlawful,
 6 or invalid, the ~~state treasurer~~ secretary of administration shall make a refund to the
 7 claimant as directed by the court, which shall be charged to the appropriations to the
 8 office.

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

9

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10 *~~0529/4.204~~* SECTION 2310. 196.199 (3) (d) of the statutes is amended to read:
 11 196.199 (3) (d) If, at any time during a proceeding under this subsection, the
 12 commission determines, after notice and reasonable opportunity to be heard, that a
 13 person has made a filing in violation of par. (c), the commission shall order the person
 14 to pay to any party to the proceeding the amount of reasonable expenses incurred by
 15 that party because of the filing, including reasonable attorney fees, and the
 16 commission may directly assess a forfeiture against the person of not less than \$25
 17 nor more than \$5,000. A person against whom the commission assesses a forfeiture
 18 under this paragraph shall pay the forfeiture to the commission within 10 days after
 19 receipt of notice of the assessment or, if the person petitions for judicial review under
 20 ch. 227, within 10 days after receipt of the final decision after exhaustion of judicial
 21 review. The commission shall remit all forfeitures paid under this paragraph to the
 22 ~~state treasurer~~ secretary of administration for deposit in the school fund. The
 23 attorney general may bring an action in the name of the state to collect any forfeiture

SENATE BILL 44

1 assessed by the commission under this paragraph that has not been paid as provided
2 in this paragraph. The only contestable issue in such an action is whether or not the
3 forfeiture has been paid.

4

↑
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5 *b0364/3.2* SECTION 2311e. 196.218 (3) (a) 4. of the statutes is amended to
6 read:

7 196.218 (3) (a) 4. In calculating contribution amounts that must be paid into
8 the universal service fund by telecommunications utilities that provide local
9 exchange service, the commission shall determine the portion of the contributions
10 that are is used for the purposes specified in sub. (5) (a) 5. to 7. 11.

11 *b0364/3.2* SECTION 2311m. 196.218 (3) (e) of the statutes is amended to read:

12 196.218 (3) (e) Except as provided in par. (f) and s. 196.196 (2) (d), a
13 telecommunications provider or other person may not establish a surcharge on
14 customers' bills to collect from customers contributions required under this
15 subsection.

16 *b0364/3.2* SECTION 2311s. 196.218 (3) (f) of the statutes is amended to read:

17 196.218 (3) (f) Notwithstanding ss. 196.196 (1) and (5) (d) 2., 196.20 (2m), (5)
18 and (6), 196.213 and 196.215, a telecommunications utility that provides local
19 exchange service may make adjustments to local exchange service rates for the
20 purpose of recovering the portion of its contributions to the universal service fund
21 that is determined by the commission under par. (a) 4. A telecommunications utility
22 that adjusts local exchange service rates for the purpose of recovering all or any
23 amount of that portion shall identify on customer bills a single amount that is the
24 total amount of the adjustment.

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SECTION 2311d

1 ***b0306/4.47* SECTION 2311d.** 196.218 (3) (a) 3. b. of the statutes is amended
2 to read:

3 196.218 (3) (a) 3. b. The amounts appropriated under ss. 20.255 (3) (q), ~~20.275~~
4 ~~(1) (s), (t) and (tm)~~ and (qm), 20.285 (1) (q), and 20.505 (4) (s), (t), ~~(tm)~~, (tu), and (tw).

5 ***b0306/4.47* SECTION 2312d.** 196.218 (4t) of the statutes is amended to read:

6 196.218 (4t) EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM RULES. The
7 commission, in consultation with the department of administration and the
8 ~~technology for educational achievement in Wisconsin board~~, shall promulgate rules
9 specifying the telecommunications services eligible for funding through the
10 educational telecommunications access program under s. ~~44.73~~ 16.997.

11 ***b0306/4.47* SECTION 2313d.** 196.218 (5) (a) 5. of the statutes is amended to
12 read:

13 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 to the
14 extent that these costs are not paid under s. ~~44.73~~ 16.997 (2) (d), except that no
15 moneys in the universal service fund may be used to pay installation costs that are
16 necessary for a political subdivision to obtain access to bandwidth under a shared
17 service agreement under s. ~~44.73~~ 16.997 (2r) (a).

18 ***b0306/4.47* SECTION 2314d.** 196.218 (5) (a) 5. of the statutes, as affected by
19 2003 Wisconsin Act (this act), is amended to read:

20 196.218 (5) (a) 5. To pay costs incurred under contracts under s. ~~16.974~~ 16.971
21 (13) to (16) to the extent that these costs are not paid under s. 16.997 (2) (d), except
22 that no moneys in the universal service fund may be used to pay installation costs
23 that are necessary for a political subdivision to obtain access to bandwidth under a
24 shared service agreement under s. 16.997 (2r) (a).

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SECTION 2314d

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

1 *~~1289/7.112~~* SECTION 2315. 196.218 (5) (a) 6. of the statutes is amended to
2 read:

3 196.218 (5) (a) 6. To pay the department of ~~electronic government~~
4 administration for telecommunications services provided under s. ~~22.05~~ 16.972 (1)
5 to the campuses of the University of Wisconsin System at River Falls, Stout, Superior
6 and Whitewater.

7 *~~b0306/4.48~~* SECTION 2316d. 196.218 (5) (a) 7. of the statutes is amended to
8 read:

9 196.218 (5) (a) 7. To make grants awarded by the ~~technology for educational~~
10 achievement in Wisconsin board department of administration to school districts
11 and private schools under s. ~~44.73~~ 16.997 (6). This subdivision does not apply after
12 ~~June 30, 2002~~ December 31, 2005.

13 *~~0666/9.104~~* SECTION 2317. 196.218 (5) (a) 10. of the statutes is repealed.

14 *~~b0364/3.3~~* SECTION 2317c. 196.218 (5) (a) 11. of the statutes is created to
15 read:

16 196.218 (5) (a) 11. To provide for state aid to public library systems under s.
17 43.24.

18 *~~b0384/2.1~~* SECTION 2317m. 196.374 (5) of the statutes is created to read:

19 196.374 (5) The commission may not require any public utility to operate or
20 otherwise provide for, or impose any assessment on public utility customers for, any
21 program established by the department of administration under s. 16.957 (2) (b) 1.
22 This subsection does not apply to contributions that are required under sub. (3).

23 *~~1634/7.53~~* SECTION 2318. 196.491 (2) (e) of the statutes is amended to read:

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SECTION 2318

1 196.491 (2) (e) Any state agency, as defined in s. ~~16.375~~ 560.9810 (1), county,
2 municipality, town or person may submit written comments to the commission on a
3 strategic energy assessment within 90 days after copies of the draft are issued under
4 par. (b).

5 *~~0529/4.205~~* SECTION 2321. 196.85 (3) of the statutes is amended to read:

6 196.85 (3) If any public utility, sewerage system, joint local water authority, or
7 power district is billed under sub. (1), (2), or (2e) and fails to pay the bill within 30
8 days or fails to file objections to the bill with the commission, as provided in this
9 subsection, the commission shall transmit to the ~~state treasurer~~ secretary of
10 administration a certified copy of the bill, together with notice of failure to pay the
11 bill, and on the same day the commission shall mail by registered mail to the public
12 utility, sewerage system, joint local water authority, or power district a copy of the
13 notice that it has transmitted to the state treasurer. Within 10 days after receipt of
14 the notice and certified copy of the bill, the ~~state treasurer~~ secretary of
15 administration shall levy the amount stated on the bill to be due, with interest, by
16 distress and sale of any property, including stocks, securities, bank accounts,
17 evidences of debt, and accounts receivable belonging to the delinquent public utility,
18 sewerage system, joint local water authority, or power district. The levy by distress
19 and sale shall be governed by s. 74.10, 1985 stats., except that it shall be made by the
20 ~~state treasurer~~ secretary of administration and that goods and chattels anywhere
21 within the state may be levied upon.

22 *~~0529/4.206~~* SECTION 2322. 196.85 (4) (d) of the statutes is amended to read:

23 196.85 (4) (d) If any bill against which objections have been filed is not paid
24 within 10 days after notice of a finding that the objections have been overruled and
25 disallowed by the commission has been mailed to the objector as provided in this

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1 subsection, the commission shall give notice of the delinquency to the ~~state treasurer~~
2 secretary of administration and to the objector, in the manner provided in sub. (3).
3 The ~~state treasurer~~ secretary of administration shall then proceed to collect the
4 amount of the delinquent bill as provided in sub. (3). If an amended bill is not paid
5 within 10 days after a copy of the amended bill is mailed to the objector by registered
6 mail, the commission shall notify the ~~state treasurer~~ secretary of administration and
7 the objector as in the case of delinquency in the payment of an original bill. The ~~state~~
8 ~~treasurer~~ secretary of administration shall then proceed to collect the amount of the
9 amended bill as provided in the case of an original bill.

10 *~~0529/4.207~~* SECTION 2323. 196.85 (5) of the statutes is amended to read:

11 196.85 (5) No suit or proceeding may be maintained in any court to restrain or
12 delay the collection or payment of any bill rendered under sub. (1), (2), or (2e). Every
13 public utility, sewerage system, joint local water authority, or power district that is
14 billed shall pay the amount of the bill, and after payment may in the manner
15 provided under this section, at any time within 2 years from the date the payment
16 was made, sue the state to recover the amount paid plus interest from the date of
17 payment, upon the ground that the assessment was excessive, erroneous, unlawful,
18 or invalid in whole or in part. If the court finds that any part of the bill for which
19 payment was made was excessive, erroneous, unlawful, or invalid, the ~~state~~
20 ~~treasurer~~ secretary of administration shall make a refund to the claimant as directed
21 by the court. The refund shall be charged to the appropriations to the commission.

22 *~~1289/7.113~~* SECTION 2324. 196.858 (1) and (2) of the statutes are amended
23 to read:

SENATE BILL 44

SECTION 2324

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

4 (2) The commission shall assess a sum equal to the annual total amount under
5 sub. (1) to local exchange and interexchange telecommunications utilities in
6 proportion to their gross operating revenues during the last calendar year. If total
7 expenditures for telephone relay service exceeded the payment made under this
8 section in the prior year, the commission shall charge the remainder to assessed
9 telecommunications utilities in proportion to their gross operating revenues during
10 the last calendar year. A telecommunications utility shall pay the assessment within
11 30 days after the bill has been mailed to the assessed telecommunication utility. The
12 bill constitutes notice of the assessment and demand of payment. Payments shall
13 be credited to the appropriation account under s. ~~20.530~~ 20.505 (1) (ir).

14

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15 *~~1431/2.17~~* SECTION 2330. 214.01 (1) (im) of the statutes is amended to read:

16 214.01 (1) (im) “Division” means the division of ~~savings institutions~~ banking.

17 *~~1431/2.18~~* SECTION 2331. 214.01 (1) (sr) of the statutes is amended to read:

18 214.01 (1) (sr) “Review board” means the savings ~~bank~~ institutions review
19 board.

20 *~~1431/2.19~~* SECTION 2332. 214.592 of the statutes is amended to read:

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

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NOTICE OF RELATIONSHIP

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

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

12 *~~1431/2.20~~* SECTION 2334. 215.01 (6) of the statutes is amended to read:

13 215.01 (6) "Division" means the division of ~~savings institutions~~ banking.

14 *~~1431/2.21~~* SECTION 2335. 215.01 (22) of the statutes is amended to read:

15 215.01 (22) "Review board" means the savings and loan institutions review
16 board.

17 *~~1431/2.22~~* SECTION 2336. 215.02 (title) of the statutes is repealed and
18 recreated to read:

19 **215.02 (title) Powers of the division.**

20 *~~1431/2.23~~* SECTION 2337. 215.02 (10) (a) 3. of the statutes is amended to
21 read:

22 215.02 (10) (a) 3. An order of removal takes effect on the date issued. A copy
23 of the order shall be served upon the association and upon the officer, director, or
24 employee in the manner provided by law for service of a summons in a court of record
25 or by mailing a copy to the association and officer, director, or employee at their

SENATE BILL 44**SECTION 2337**

1 last-known, post-office addresses. Any removal under this subsection has the same
2 effect as if made by the board of directors or the members or stockholders of the
3 association. An officer, director, or employee removed from office or employment
4 under this subsection may not be elected as an officer or director of, or be employed
5 by, an association without the approval of the division and the review board. An
6 order of removal under this subsection is a final order or determination of the review
7 board under s. 215.04 (6) (5).

8 *~~1431/2.24~~* **SECTION 2338.** 215.04 of the statutes is repealed and recreated
9 to read:

10 **215.04 Review board.** (1) **DUTIES.** The review board shall do all of the
11 following:

12 (a) Advise the division on matters related to this chapter.

13 (b) Review the acts, orders, and determinations of the division.

14 (c) Act on any matters pertaining to this chapter that are submitted to it by the
15 division.

16 (d) Perform other review functions relating to this chapter.

17 (e) Conduct hearings and take testimony, and subpoena and swear witnesses
18 at such hearings. The review board shall have the subpoena powers under s. 885.01

19 (4).

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

22 (3) **WITNESS FEES.** A person who causes a witness to be subpoenaed shall
23 advance the fees and mileage expense of the witness. Witness fees shall be the same
24 as fees under s. 814.67 (1) (b) and (c). The fees of witnesses who are called by the
25 review board in the interests of the state shall be paid by the state upon presentation

SENATE BILL 44

1 of proper vouchers approved by the chairperson of the review board and charged to
2 the appropriation under s. 20.144 (1) (g).

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

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

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

23 *-1431/2.25* SECTION 2339. 215.141 of the statutes is amended to read:

24 **215.141 Financially related services tie-ins.** In any transaction conducted
25 by an association, a savings and loan holding company, or a subsidiary of either with

SENATE BILL 44**SECTION 2339**

1 a customer who is also a customer of any other subsidiary of any of them, the
2 customer shall be given a notice in 12–point boldface type in substantially the
3 following form:

NOTICE OF RELATIONSHIP

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

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

16 *–0529/4.208* **SECTION 2341.** 215.33 (3) (b) 2. of the statutes is amended to
17 read:

18 215.33 (3) (b) 2. The accounts of the association are insured by the deposit
19 insurance corporation or any other insurer acceptable to the division, or that
20 adequate and sufficient securities have been deposited with the ~~state treasurer~~
21 secretary of administration to assure that the association will meet its obligations
22 to the residents of this state.

23 *–1431/2.26* **SECTION 2342.** 215.40 (18) of the statutes is amended to read:

24 215.40 (18) **APPEAL BY APPLICANTS AFTER BEING DENIED CERTIFICATE OF AUTHORITY.**

25 If the division refuses to grant a certificate of authority to organize an association,

SENATE BILL 44

1 and the applicants feel aggrieved thereby, they may appeal to the review board to
2 review the division's determination under s. 215.04 (1) (d) (b) and (4).

3 ***-1431/2.27* SECTION 2343.** 220.02 (2) (e) and (f) of the statutes are created
4 to read:

5 220.02 (2) (e) Savings banks under ch. 214.

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

7 ***-1431/2.28* SECTION 2344.** 220.02 (3) of the statutes is amended to read:

8 220.02 (3) It is the intent of sub. (2) to give the division jurisdiction to enforce
9 and carry out all laws relating to banks or banking in this state, including those
10 relating to state banks, savings banks, savings and loan associations, and trust
11 company banks, and also all laws relating to small loan companies or other loan
12 companies or agencies, finance companies, motor vehicle dealers, adjustment service
13 companies, community currency exchanges, and collection agencies and those
14 relating to sellers of checks under ch. 217, whether doing business as corporations,
15 individuals, or otherwise, but to exclude laws relating to credit unions.

16 ***-1431/2.29* SECTION 2346.** 221.0303 (2) of the statutes is amended to read:

17 221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS
18 TERMINALS. A bank may, directly or indirectly, acquire, place, and operate, or
19 participate in the acquisition, placement, and operation of, at locations other than
20 its main or branch offices, customer bank communications terminals, in accordance
21 with rules established by the division. The rules of the division shall provide that
22 any such customer bank communications terminal shall be available for use, on a
23 nondiscriminatory basis, by any state or national bank and by all customers
24 designated by a bank using the terminal. This subsection does not authorize a bank
25 which has its principal place of business outside this state to conduct banking

SENATE BILL 44**SECTION 2346**

1 business in this state. The customer bank communications terminals also shall be
2 available for use, on a nondiscriminatory basis, by any credit union, savings and loan
3 association, or savings bank, if the credit union, savings and loan association, or
4 savings bank requests to share its use, subject to rules jointly established by the
5 division of banking, and the office of credit unions ~~and the division of savings~~
6 ~~institutions~~. The division by order may authorize the installation and operation of
7 a customer bank communications terminal in a mobile facility, after notice and
8 hearing upon the proposed service stops of the mobile facility.

9 ***-1289/7.114* SECTION 2347.** 221.0320 (3) (a) of the statutes is amended to
10 read:

11 221.0320 (3) (a) In this subsection, “local governmental unit” has the meaning
12 given in s. ~~22.01~~ 16.97 (7).

13 ***-1431/2.30* SECTION 2348.** 221.0321 (5) of the statutes is amended to read:

14 221.0321 (5) CERTAIN SECURED LOANS. A bank may make loans secured by
15 assignment or transfer of stock certificates or other evidence of the borrower’s
16 ownership interest in a corporation formed for the cooperative ownership of real
17 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage
18 involving a one-family residence, apply to a proceeding to enforce the lender’s rights
19 in security given for a loan under this subsection. The division shall promulgate joint
20 rules with the office of credit unions ~~and the division of savings institutions~~ that
21 establish procedures for enforcing a lender’s rights in security given for a loan under
22 this subsection.

23 ***-0529/4.209* SECTION 2349.** 223.02 (1) (intro.) of the statutes is amended to
24 read:

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

4 ***-0529/4.210*** SECTION 2350. 223.02 (1) (b) of the statutes is amended to read:

5 223.02 (1) (b) The ~~state treasurer~~ secretary of administration or the ~~state~~
6 ~~treasurer's~~ secretary's agent shall pay over to the bank trust company the interest,
7 dividends, or other income on deposit or may authorize the bank trust company to
8 collect the interest, dividends, or other income. The ~~state treasurer~~ secretary of
9 administration shall issue a certificate stating that a deposit has been made with the
10 ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~ secretary's agent
11 in the manner provided in this section.

12 ***-0529/4.211*** SECTION 2351. 223.02 (1) (c) of the statutes is amended to read:

13 223.02 (1) (c) The ~~state treasurer~~ secretary of administration or the ~~state~~
14 ~~treasurer's~~ secretary's agent shall hold the deposit as security for the faithful
15 execution of any trust which may be lawfully imposed upon and accepted by the trust
16 company bank. The cash or securities shall remain in the possession of the ~~state~~
17 ~~treasurer~~ secretary of administration or the ~~state treasurer's~~ secretary's agent until
18 otherwise ordered by a court of competent jurisdiction, unless released pursuant to
19 par. (d).

20 ***-0529/4.212*** SECTION 2352. 223.02 (1) (d) of the statutes is amended to read:

21 223.02 (1) (d) The securities and cash deposited by a trust company bank may
22 be released by the ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~
23 ~~secretary's~~ agent and returned to the bank, if the division certifies to the ~~state~~
24 ~~treasurer~~ secretary of administration that the bank no longer exercises trust powers
25 and that the division is satisfied that there are no outstanding trust liabilities.

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SECTION 2353

1 *~~0529/4.213~~* SECTION 2353. 223.02 (1) (e) of the statutes is amended to read:

2 223.02 (1) (e) The ~~state treasurer~~ secretary of administration may designate
3 a banking corporation, having an authorized capital of \$1,000,000 or more, to act as
4 an agent to hold the cash or securities in safekeeping. The agent shall furnish to the
5 ~~state treasurer~~ secretary of administration a safekeeping receipt for all cash and
6 securities received by it. The agent shall pay the cash and securities to the ~~state~~
7 ~~treasurer~~ secretary of administration on demand without conditions.

8 *~~1431/2.31~~* SECTION 2354. 223.105 (3) (a) of the statutes is amended to read:

9 223.105 (3) (a) To assure compliance with such rules as may be established
10 under s. 220.04 (7), the division of banking, and the office of credit unions ~~and the~~
11 ~~division of savings institutions~~ shall, at least once every 18 months, examine the
12 fiduciary operations of each organization which is under its respective jurisdiction
13 and is subject to examination under sub. (2). If a particular organization subject to
14 examination under sub. (2) is not otherwise under the jurisdiction of one of the
15 foregoing agencies, such examination shall be conducted by the division of banking.

16 *~~1431/2.32~~* SECTION 2355. 223.105 (4) of the statutes is amended to read:

17 223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations
18 licensed under ch. 221 or this chapter, any organization engaged in fiduciary
19 operations as defined in this section shall, as required by rule, notify the division of
20 banking, or the office of credit unions ~~or the division of savings institutions~~ of that
21 fact, directing the notice to the agency then exercising regulatory authority over the
22 organization or, if there is none, to the division of banking. Any organization which
23 intends to engage in fiduciary operations shall, prior to engaging in such operations,
24 notify the appropriate agency of this intention. The notifications required under this

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1 subsection shall be on forms and contain information required by the rules
2 promulgated by the division of banking.

3 ***-1431/2.33* SECTION 2356.** 223.105 (5) of the statutes is amended to read:

4 223.105 (5) ENFORCEMENT REMEDY. The division of banking ~~or the division of~~
5 ~~savings institutions~~ or office of credit unions shall, upon the failure of such
6 organization to submit notifications or reports required under this section or
7 otherwise to comply with the provisions of this section, or rules established by the
8 division of banking under s. 220.04 (7), upon due notice, order such defaulting
9 organization to cease and desist from engaging in fiduciary activities and may apply
10 to the appropriate court for enforcement of such order.

11 ***-1431/2.34* SECTION 2357.** 223.105 (6) of the statutes is amended to read:

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

20 ***-0529/4.214* SECTION 2358.** 223.20 (3) of the statutes is amended to read:

21 223.20 (3) SURRENDER OF TRUST POWERS. If a converted trust company bank has
22 been fully discharged of all trusts committed to it, it may, by amendment to its
23 articles of incorporation, duly adopted by its stockholders and approved by the
24 division, surrender its powers to act in a fiduciary capacity. A trust company bank
25 that surrenders its trust powers under this subsection shall eliminate from its

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SECTION 2358

1 corporate name the word “~~trust;~~” “trust” and may thereupon withdraw from the state
2 ~~treasurer~~ secretary of administration all securities and cash that it has deposited
3 with the state ~~treasurer~~ secretary of administration pursuant to s. 223.02.

4 *~~-1634/7.54~~* SECTION 2359. 224.71 (3) (b) 1m. of the statutes is amended to
5 read:

6 224.71 (3) (b) 1m. A community-based organization, as defined in s. ~~16.30~~
7 560.9801 (1), or a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

8 *~~-1634/7.55~~* SECTION 2360. 224.71 (4) (b) 1m. of the statutes is amended to
9 read:

10 224.71 (4) (b) 1m. A community-based organization, as defined in s. ~~16.30~~
11 560.9801 (1), or a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

12 *~~-0529/4.215~~* SECTION 2361. 224.77 (1m) (c) of the statutes is amended to
13 read:

14 224.77 (1m) (c) All forfeitures shall be paid to the division of banking within
15 10 days after receipt of notice of assessment or, if the forfeiture is contested under
16 par. (b), within 10 days after receipt of the final decision after exhaustion of
17 administrative review. The division of banking shall remit all forfeitures paid to the
18 state ~~treasurer~~ secretary of administration for deposit in the school fund.

19

↑
SPACE

20 *~~-1688/2.27~~* SECTION 2364. 227.01 (13) (zk) of the statutes is repealed.

21 *~~-1295/2.30~~* SECTION 2367. 227.03 (7) of the statutes is amended to read:

22 227.03 (7) Except as provided in s. 230.44 (4) (bm), this chapter does not apply
23 to proceedings before the ~~personnel~~ employment relations commission in matters
24 that are arbitrated in accordance with s. 230.44 (4) (bm).

25 *~~-0576/8.72~~* SECTION 2368. 227.10 (3) (e) of the statutes is amended to read:

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1 227.10 (3) (e) Nothing in this subsection prohibits the administrator of the
2 division of merit recruitment and selection in the ~~department of employment~~
3 relations office of state human resources management from promulgating rules
4 relating to expanded certification under s. 230.25 (1n).

5 *~~1634/7.56~~* SECTION 2369. 227.115 (1) (a) and (b) of the statutes are amended
6 to read:

7 227.115 (1) (a) “Department” means the department of ~~administration~~
8 commerce.

9 (b) “State housing strategy plan” means the plan developed under s. ~~16.31~~
10 560.9802.

11 *~~1634/7.57~~* SECTION 2370. 227.115 (3) (a) 5. of the statutes is amended to
12 read:

13 227.115 (3) (a) 5. Housing costs, as defined in s. ~~16.30~~ 560.9801 (3) (a) and (b).

15 *~~1295/2.31~~* SECTION 2373. 227.44 (2s) of the statutes is repealed.

16 *~~1295/2.32~~* SECTION 2376. 227.47 (2) of the statutes is amended to read:

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

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SECTION 2376

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

3 *~~0576/8.73~~* SECTION 2377. 227.47 (2) of the statutes, as affected by 2003
4 Wisconsin Act (this act), is amended to read:

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

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

16 *~~1431/2.35~~* SECTION 2378. 227.52 (3) of the statutes is amended to read:

17 227.52 (3) Those decisions of the division of banking that are subject to review,
18 prior to any judicial review, by the banking review board, and decisions of the division
19 of banking relating to savings banks or savings and loan associations, but no other
20 institutions subject to the jurisdiction of the division of banking.

21 *~~1431/2.36~~* SECTION 2379. 227.52 (5) of the statutes is repealed.

22 *~~1431/2.37~~* SECTION 2380. 227.53 (1) (a) 1. of the statutes is amended to read:

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1 227.53 (1) (a) 1. Proceedings for review shall be instituted by serving a petition
 2 therefor personally or by certified mail upon the agency or one of its officials, and
 3 filing the petition in the office of the clerk of the circuit court for the county where
 4 the judicial review proceedings are to be held. If the agency whose decision is sought
 5 to be reviewed is the ~~tax appeals~~ ^{tax appeals} commission, the banking review board, the credit
 6 union review board, or the savings and loan institutions review board ~~or the savings~~
 7 ~~bank review board~~, the petition shall be served upon both the agency whose decision
 8 is sought to be reviewed and the corresponding named respondent, as specified under
 9 par. (b) 1. to ~~5.~~ 4.

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

10 *~~1431/2.38~~* SECTION 2382. 227.53 (1) (b) 4. of the statutes is amended to read:
 11 227.53 (1) (b) 4. The ~~savings and loan~~ savings and loan institutions review board, the division
 12 of ~~savings institutions~~ banking, except if the petitioner is the division of ~~savings~~
 13 ~~institutions~~ banking, the prevailing parties before the ~~savings and loan~~ savings and loan institutions
 14 review board shall be the named respondents.

15 *~~1431/2.39~~* SECTION 2383. 227.53 (1) (b) 5. of the statutes is repealed.

16 *~~1431/2.40~~* SECTION 2384. 227.53 (1) (d) of the statutes is amended to read:
 17 227.53 (1) (d) Except in the case of the ~~tax appeals~~ ^{tax appeals} commission, the banking
 18 review board, the credit union review board, and the ~~savings and loan~~ savings and loan institutions
 19 review board ~~and the savings bank review board~~, the agency and all parties to the
 20 proceeding before it, shall have the right to participate in the proceedings for review.
 21 The court may permit other interested persons to intervene. Any person petitioning
 22 the court to intervene shall serve a copy of the petition on each party who appeared

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SECTION 2384

1 before the agency and any additional parties to the judicial review at least 5 days
2 prior to the date set for hearing on the petition.

3 *b0155/3.98* SECTION 2384e. 230.01 (2) of the statutes is amended to read:

4 230.01 (2) It is the policy of the state and the responsibility of the secretary
5 director and the administrator to maintain a system of personnel management
6 which fills positions in the classified service through methods which apply the merit
7 principle, with adequate civil service safeguards. It is the policy of this state to
8 provide for equal employment opportunity by ensuring that all personnel actions
9 including hire, tenure or term, and condition or privilege of employment be based on
10 the ability to perform the duties and responsibilities assigned to the particular
11 position without regard to age, race, creed or religion, color, disability, sex, national
12 origin, ancestry, sexual orientation or political affiliation. It is the policy of this state
13 to take affirmative action which is not in conflict with other provisions of this chapter.
14 It is the policy of the state to ensure its employees opportunities for satisfying careers
15 and fair treatment based on the value of each employee's services. It is the policy of
16 this state to encourage disclosure of information under subch. III and to ensure that
17 any employee employed by a governmental unit is protected from retaliatory action
18 for disclosing information under subch. III. It is the policy of this state to correct pay
19 inequities based on gender or race in the state civil service system.

20 *b0155/3.98* SECTION 2384m. 230.02 of the statutes is amended to read:

21 230.02 **Liberal construction of statutes.** Statutes applicable to the
22 ~~department~~ office shall be construed liberally in aid of the purposes declared in s.
23 230.01.

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

