

1           **SECTION 2094n.** 153.22 of the statutes is created to read:

2           **153.22 Patient-level data utilization, charge, and quality report. (1)**

3           The entity under contract under s. 153.05 (2m) (a) shall prepare and submit to the  
4           governor and to the chief clerk of each house of the legislature for distribution to the  
5           legislature under s. 13.172 (2), an annual report that summarizes utilization, charge,  
6           and quality data on patients treated by hospitals and ambulatory surgery centers  
7           during the most recent calendar year.

8           **SECTION 2094q.** 153.45 (title) of the statutes is amended to read:

9           **153.45 (title) Release of data by department.**

10          **SECTION 2094r.** 153.45 (1) (b) 1. of the statutes is renumbered 153.46 (1) (b) and  
11          amended to read:

12          153.46 (1) (b) For information that is submitted by hospitals or ambulatory  
13          surgery centers, public use data files that do not permit the identification of specific  
14          patients, employers, or health care providers, ~~as defined by rules promulgated by the~~  
15          department. The identification of patients, employers, or health care providers shall  
16          be protected by all necessary means, including the deletion of patient identifiers and  
17          the use of calculated variables and aggregated variables.

18          **SECTION 2094s.** 153.45 (1) (b) 2. of the statutes is renumbered 153.45 (1) (b),  
19          and 153.45 (1) (b) (intro.), as renumbered, is amended to read:

20          153.45 (1) (b) (intro.) For information that is submitted by health care  
21          providers other than hospitals or ambulatory surgery centers, public use data files  
22          that do not permit the identification of specific patients, employers, or health care  
23          providers, as defined by rules promulgated by the department. The identification of  
24          patients, employers, or health care providers shall be protected by all necessary  
25          means, including the deletion of patient identifiers; the use of calculated variables

1 and aggregated variables; the specification of counties as to residence, rather than  
2 zip codes; the use of 5–year categories for age, rather than exact age; not releasing  
3 information concerning a patient’s race or, ethnicity, or dates of admission,  
4 discharge, procedures, or visits; and masking sensitive diagnoses and procedures by  
5 use of larger diagnostic and procedure categories. Public use data files under this  
6 ~~subdivision~~ paragraph may include only the following:

7 **SECTION 2094t.** 153.45 (1) (c) (intro.) of the statutes is amended to read:

8 153.45 (1) (c) (intro.) Custom–designed reports containing portions of the data  
9 under par. (b). Of information submitted by health care providers that are not  
10 hospitals or ambulatory surgery centers, requests under this paragraph for data  
11 elements other than those available for public use data files under par. (b) 2.,  
12 including the patient’s month and year of birth, require review and approval by the  
13 independent review board before the data elements may be released. Information  
14 that contains the name of a health care provider that is not a hospital or ambulatory  
15 surgery center may be released only if the independent review board first reviews  
16 and approves the release or if the department promulgates rules that specify  
17 circumstances under which the independent review board need not review and  
18 approve the release. Reports under this paragraph may include the patient’s zip code  
19 only if at least one of the following applies:

20 **SECTION 2094u.** 153.45 (2) of the statutes is amended to read:

21 153.45 (2) The department shall provide to other ~~entities~~ agencies or to  
22 organizations the data necessary to fulfill their statutory mandates for  
23 epidemiological purposes or to minimize the duplicate collection of similar data  
24 elements.

25 **SECTION 2094v.** 153.45 (3) of the statutes is amended to read:

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

6           **SECTION 2094w.** 153.45 (5) of the statutes is amended to read:

7           153.45 (5) The department may not release any health care information that  
8 is subject to rules promulgated under s. 153.75 (1) (b) until the verification, comment  
9 and review procedures required under those rules have been complied with. Nothing  
10 in this subsection prohibits release of ~~health care provider-specific~~ information to  
11 the a health care provider that is not a hospital or ambulatory surgery center, to  
12 whom the information relates is specific.

13           **SECTION 2094x.** 153.46 of the statutes is created to read:

14           **153.46 Release of data by entity.** (1) After completion of data verification,  
15 comment, and review procedures, the entity under contract under s. 153.05 (2m) (a)  
16 shall release data, together with comments, if any, in the following forms:

17           (a) Standard reports.

18           (c) Custom-designed reports containing portions of the data under par. (b).

19 Reports under this paragraph may include the patient's zip code only if at least one  
20 of the following applies:

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

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

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

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

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

4           (2) The entity under contract under s. 153.05 (2m) (a) shall provide to the  
5 department and to any other organization or agency the data necessary to fulfill the  
6 department's, organization's, or agency's statutory mandates for epidemiological  
7 purposes.

8           (3) The entity under contract under s. 153.05 (2m) (a) may, but is not required  
9 to, release hospital-specific, ambulatory surgery center-specific, and hospital or  
10 ambulatory surgery center employer-specific data, except in public use data files as  
11 specified under sub. (1) (b).

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

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

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

21           **SECTION 2094y.** 153.50 (3) (intro.) of the statutes is amended to read:

22           153.50 (3) ~~DEPARTMENTAL MEASURES~~ MEASURES TO ENSURE PROTECTION OF PATIENT  
23 IDENTITY. (intro.) To ensure that the identity of patients is protected when  
24 information obtained by the department or by the entity under contract under s.

1 153.05 (2m) (a) is disseminated, the department and the entity shall do all of the  
2 following:

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

4 153.50 (3) (a) Aggregate any data element category containing small numbers,  
5 using. The department, in so doing, shall use procedures that are developed by the  
6 department and approved by the board and that follow commonly accepted  
7 statistical methodology.

8 **SECTION 2095d.** 153.50 (3) (b) (intro.) of the statutes is amended to read:

9 153.50 (3) (b) (intro.) Remove and destroy all of the following data elements on  
10 the uniform patient billing forms that are received by the department or by the entity  
11 under the requirements of this chapter:

12 **SECTION 2095e.** 153.50 (3) (b) 7. of the statutes is amended to read:

13 153.50 (3) (b) 7. The patient's account number, after use only as verification of  
14 data by the department or by the entity.

15 **SECTION 2095f.** 153.50 (3) (d) of the statutes is amended to read:

16 153.50 (3) (d) Require that a purchaser of data under this chapter sign and have  
17 notarized the data use agreement of the department or of the entity specified in par.  
18 (c).

19 **SECTION 2095g.** 153.50 (4) (a) 1. of the statutes is renumbered 153.50 (4) (a)

20 1. a.

21 **SECTION 2095h.** 153.50 (4) (a) 1. b. of the statutes is created to read:

22 153.50 (4) (a) 1. b. An agent of the entity under contract under s. 153.05 (2m)  
23 (a) who is responsible for the patient-identifiable data of the entity, in order to store  
24 the data and ensure the accuracy of the information in the database of the entity.

25 **SECTION 2095i.** 153.50 (4) (a) 2. of the statutes is amended to read:

1           153.50 (4) (a) 2. A health care provider that is not a hospital or ambulatory  
2 surgery center or the agent of such a health care provider, to ensure the accuracy of  
3 the information in the database of the department, or a health care provider that is  
4 a hospital or ambulatory surgery center or the agent of such a health care provider,  
5 to ensure the accuracy of the information in the database of the entity under contract  
6 under s. 153.05 (2m) (a).

7           **SECTION 2095j.** 153.50 (4) (a) 3. of the statutes is amended to read:

8           153.50 (4) (a) 3. The department, for purposes of epidemiological investigation  
9 or, with respect to information from health care providers that are not hospitals or  
10 ambulatory surgery centers, to eliminate the need for duplicative databases.

11           **SECTION 2095k.** 153.50 (4) (a) 4. of the statutes is amended to read:

12           153.50 (4) (a) 4. An entity agency or organization that is required by federal  
13 or state statute to obtain patient-identifiable data for purposes of epidemiological  
14 investigation or to eliminate the need for duplicative databases.

15           **SECTION 2095L.** 153.50 (5) (a) (intro.) of the statutes is amended to read:

16           153.50 (5) (a) (intro.) The department or an entity that is under contract under  
17 s. 153.05 (2m) (a) may not release or provide access to patient-identifiable data to  
18 a person authorized under sub. (4) (a) unless the authorized person requests the  
19 department or entity, in writing, to release the patient-identifiable data. The  
20 request shall include all of the following:

21           **SECTION 2095m.** 153.50 (5) (a) 4. (intro.) of the statutes is amended to read:

22           153.50 (5) (a) 4. (intro.) For an entity agency or organization that is authorized  
23 under sub. (4) (a) 4. to receive or have access to patient-identifiable data, evidence,  
24 in writing, of all of the following:

25           **SECTION 2095n.** 153.50 (5) (b) (intro.) of the statutes is amended to read:

1           153.50 (5) (b) (intro.) Upon receipt of a request under par. (a), the department  
2           or entity under contract under s. 153.05 (2m) (a), whichever is appropriate, shall, as  
3           soon as practicable, comply with the request or notify the requester, in writing, of all  
4           of the following:

5           **SECTION 2095p.** 153.50 (5) (b) 1. of the statutes is amended to read:

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

8           **SECTION 2095q.** 153.50 (6) (a) of the statutes is amended to read:

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

12          **SECTION 2095rc.** 153.60 (1) of the statutes is amended to read:

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

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

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

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

20 **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



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 **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 **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 **SECTION 2095rh.** 153.75 (1) (L) of the statutes is repealed.

15 **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 **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 **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

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 **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 **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 **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 **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 **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 **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.

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 **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 **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 **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 **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

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

3 **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 **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 **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 **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.

1           **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           **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           **SECTION 2106.** 165.82 (1) (intro.) of the statutes is amended to read:

12           165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall  
13 impose the following fees, plus any surcharge required under sub. (1m), for criminal  
14 history searches for purposes unrelated to criminal justice or to s. 175.35:

15           **SECTION 2107.** 165.82 (1) (ar) of the statutes is amended to read:

16           165.82 (1) (ar) For each fingerprint card record check requested by a  
17 governmental agency or nonprofit organization, \$10 \$15.

18           **SECTION 2108.** 165.82 (1m) of the statutes is created to read:

19           165.82 (1m) The department of justice shall impose a \$5 surcharge if a person  
20 requests a paper copy of the results of a criminal history search requested under sub.  
21 (1).

22           **SECTION 2111.** 166.03 (1) (b) 7. of the statutes is repealed.

23           **SECTION 2111g.** 166.03 (2) (a) 7. of the statutes is created to read:

24           166.03 (2) (a) 7. Apply for contracts and receive and expend any moneys or  
25 grant from the federal government related to homeland security. Before the adjutant

1 general expends any moneys or grant under this subdivision, the adjutant general  
2 shall notify the joint committee on finance in writing of the proposed action. If the  
3 cochairpersons of the committee do not notify the adjutant general that the  
4 committee has scheduled a meeting for the purpose of reviewing the proposed  
5 expenditure within 14 working days after the date of the adjutant general's  
6 notification, the expenditure may be completed. If, within 14 working days after the  
7 date of the adjutant general's notification, the cochairpersons of the committee notify  
8 the adjutant general that the committee has scheduled a meeting for the purpose of  
9 reviewing the proposed expenditure, the expenditure may be completed under this  
10 subdivision only upon approval of the committee.

11 **SECTION 2111j.** 166.03 (2) (a) 8. of the statutes is created to read:

12 166.03 (2) (a) 8. Administer the federal homeland security programs using the  
13 funds received under s. 20.465 (3) (mg).

14 **SECTION 2112.** 166.03 (2) (b) 9. of the statutes is repealed.

15 **SECTION 2113.** 166.03 (8) (f) of the statutes is amended to read:

16 166.03 (8) (f) If the total liability for worker's compensation benefits under par.  
17 (d), indemnification under par. (e), and loss from destruction of equipment under sub.  
18 (9), incurred in any calendar year exceeds \$1 per capita of the sponsor's population,  
19 the state shall reimburse the sponsor for the excess, except that if any additional  
20 costs are incurred in a future calendar year for an injury that occurred in the  
21 calendar year the state shall pay all of those additional costs. Payment shall be made  
22 from the appropriation in s. 20.465 (3) (a) on certificate of the adjutant general.

23 **SECTION 2114.** 167.31 (5) (c) of the statutes is amended to read:

24 167.31 (5) (c) If any deposit is made for an offense to which this subsection  
25 applies, the person making the deposit shall also deposit a sufficient amount to

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

5 **SECTION 2115.** 167.31 (5) (d) of the statutes is amended to read:

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

12 **SECTION 2116.** 169.46 (1) (c) of the statutes is amended to read:

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

19 **SECTION 2117.** 169.46 (1) (d) of the statutes is amended to read:

20 169.46 (1) (d) The clerk of the court shall collect and transmit to the county  
21 treasurer the natural resources assessment and other amounts required under s.  
22 59.40 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~  
23 secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~  
24 secretary of administration shall deposit the amount of the natural resources  
25 assessment in the conservation fund.

1           **SECTION 2118.** 169.46 (2) (c) of the statutes is amended to read:

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

9           **SECTION 2119.** 169.46 (2) (d) of the statutes is amended to read:

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

16           **SECTION 2120b.** 173.40 (title) of the statutes, as created by 2001 Wisconsin Act  
17 16, is amended to read:

18           ~~173.40 (title) **Pet dealers, pet breeders, kennels, and animal shelters.**~~

19           **SECTION 2120bb.** 173.40 (1) (c) of the statutes, as created by 2001 Wisconsin  
20 Act 16, is repealed.

21           **SECTION 2120bd.** 173.40 (1) (e) of the statutes, as created by 2001 Wisconsin  
22 Act 16, is repealed.

23           **SECTION 2120bf.** 173.40 (1) (f) of the statutes, as created by 2001 Wisconsin Act  
24 16, is repealed.



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

3           173.40 (1) (fm) “Pet breeder” means a person who sells or offers to sell at least  
4 25 50 dogs or cats for resale as pets in a year, except that “pet breeder” does not  
5 include a pet dealer.

6           **SECTION 2120bj.** 173.40 (2) (a) of the statutes, as created by 2001 Wisconsin  
7 Act 16, is repealed.

8           **SECTION 2120bL.** 173.40 (2) (b) of the statutes, as created by 2001 Wisconsin  
9 Act 16, is amended to read:

10           173.40 (2) (b) ~~Except as provided in par. (e), no~~ No person may act as a pet dealer  
11 ~~or~~ pet breeder without a license from the department. A person shall obtain a license  
12 under this paragraph for each separate location at which the person conducts  
13 business as a ~~pet dealer or~~ pet breeder.

14           **SECTION 2120bn.** 173.40 (2) (c) of the statutes, as created by 2001 Wisconsin  
15 Act 16, is repealed.

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

18           173.40 (2) (d) Licenses issued under ~~pars. (a) and~~ par. (b) expire on October 31  
19 of each even-numbered year.

20           **SECTION 2120br.** 173.40 (2) (e) of the statutes, as created by 2001 Wisconsin  
21 Act 16, is amended to read:

22           173.40 (2) (e) A license issued under par. ~~(a) or~~ (b) is not transferable.

23           **SECTION 2120bt.** 173.40 (4) (a) of the statutes, as created by 2001 Wisconsin  
24 Act 16, is repealed.

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

3           173.40 (4) INSPECTIONS. ~~In addition to the inspections required under par. (a),~~  
4 the The department may enter and inspect a facility for which a person is required  
5 to obtain a license under sub. (2) at any reasonable time when the department has  
6 reason to suspect that human or animal health violations exist or when a person who  
7 is not an employee of the department notifies the department of a potential health  
8 hazard or violation.

9           **SECTION 2120bw.** 173.40 (5) (a) of the statutes, as created by 2001 Wisconsin  
10 Act 16, is amended to read:

11           173.40 (5) (a) Minimum standards for ~~animal shelter and kennel facilities and~~  
12 facilities at which ~~pet dealers and pet breeders~~ operate.

13           **SECTION 2120m.** 175.38 of the statutes is created to read:

14           **175.38 Enforcement of video gambling law.** (1) In this section, “law  
15 enforcement officer” has the meaning given in s. 165.85 (2) (c) but does not include  
16 a special agent of the department of revenue.

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

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

23           **SECTION 2120m.** <sup>(b)</sup> 177.075 of the statutes is created to read:

24           **177.075 Distributions caused by certain insurance company activities.**

25           (1) Any intangible property distributable in the course of a rehabilitation or

1 reorganization, conversion, or other transformation of an insurance company is  
2 presumed abandoned if the distribution remains unclaimed for more than 2 years  
3 after the date on which the property is distributable and if all of the following apply:

4 (a) At the time the property is distributable, the holder knows that the  
5 last-known address of the owner, as reflected in the records of the holder, is incorrect  
6 or the holder has mailed the distribution or notice thereof to the owner at the  
7 last-known address of the owner, as reflected in the records of the holder, and the  
8 mailing has been returned to the holder as undeliverable.

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

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

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

18 **SECTION 2120p.** 177.10 (1) (intro.) of the statutes is amended to read:

19 177.10 (1) (intro.) Except as provided in subs. (2) and (5) and s. 177.075 (1), any  
20 stock or other intangible ownership interest in a business association, the existence  
21 of which is evidenced by records available to the association, is presumed abandoned  
22 and, with respect to the interest, the association is the holder, if a dividend,  
23 distribution or other sum payable as a result of the interest has remained unclaimed  
24 by the owner for 5 years and the owner has not done either of the following within  
25 5 years:

1           **SECTION 2120s.** 177.17 (4) (b) of the statutes is amended to read:

2           177.17 (4) (b) The holder of an interest under s. 177.10 or a stock or other  
3 intangible ownership interest presumed abandoned under s. 177.075 (1) shall  
4 deliver to the administrator, upon filing the report required under this section, a  
5 duplicate certificate or other evidence of ownership if the holder does not issue  
6 certificates of ownership. Upon delivery of a duplicate certificate to the  
7 administrator, the holder and any transfer agent, registrar or other person acting for  
8 or on behalf of a holder in executing or delivering the duplicate certificate are  
9 relieved of all liability, as provided under s. 177.20, to any person, including any  
10 person acquiring the original certificate or the duplicate of the certificate issued to  
11 the administrator, for any loss or damage caused by the issuance and delivery of the  
12 duplicate certificate to the administrator.

13           **SECTION 2122.** 183.0105 (2) (c) of the statutes is amended to read:

14           183.0105 (2) (c) ~~In the case of a foreign limited liability company, including~~  
15 Including the name of its registered agent and the street address of its registered  
16 office, as changed, in its annual report under s. 183.0120. This paragraph also  
17 applies to a foreign limited liability company. A change under this paragraph is  
18 effective on the date the annual report is filed by ~~the office of the department.~~

19           **SECTION 2123.** 183.0109 (1) (a) 4. of the statutes is amended to read:

20           183.0109 (1) (a) 4. ~~A foreign limited liability company's~~ An annual report under  
21 s. 183.0120.

22           **SECTION 2124.** 183.0113 (2) (b) 1m. of the statutes is amended to read:

23           183.0113 (2) (b) 1m. ~~In the case of a foreign limited liability company, the~~ The  
24 domestic or foreign limited liability company has, during its most recently completed  
25 report year, filed with the department an annual report required by s. 183.0120.

1           **SECTION 2125.** 183.0114 (1) (v) of the statutes is created to read:

2           183.0114 (1) (v) Annual report of a domestic limited liability company, \$25.

3           **SECTION 2126.** 183.0120 (title) of the statutes is amended to read:

4           **183.0120 (title) Annual report for foreign limited liability companies.**

5           **SECTION 2127.** 183.0120 (1) of the statutes is amended to read:

6           183.0120 (1) Each foreign limited liability company registered to transact  
7 business in this state and each domestic limited liability company shall file with the  
8 department an annual report that includes all of the following information:

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

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

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

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

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

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

22           **SECTION 2128.** 183.0120 (2) of the statutes is amended to read:

23           183.0120 (2) Information in the annual report shall be current as of the date  
24 on which the annual report is executed on behalf of a the domestic or foreign limited  
25 liability company, except that the information required by sub. (1) (e) shall be current

1 as of the close of the domestic or foreign limited liability company's fiscal year  
2 immediately before the date by which the annual report is required to be delivered  
3 to the department.

4 **SECTION 2129.** 183.0120 (3) of the statutes is amended to read:

5 183.0120 (3) A domestic limited liability company shall deliver its annual  
6 report to the department during the calendar quarter during which each  
7 anniversary of the effective date of the limited liability company's articles of  
8 organization under s. 183.0111 occurs. A foreign limited liability company registered  
9 to transact business in this state shall deliver its annual report to the department  
10 during the first calendar quarter of each year following the calendar year in which  
11 the foreign limited liability company becomes registered to transact business in this  
12 state.

13 **SECTION 2130.** 183.0120 (4) of the statutes is amended to read:

14 183.0120 (4) If an annual report does not contain the information required by  
15 this section, the department shall promptly notify the reporting domestic or foreign  
16 limited liability company in writing and return the report to it for correction.

17 **SECTION 2131.** 183.0901 (3) of the statutes is created to read:

18 183.0901 (3) The department administratively dissolves the limited liability  
19 company under s. 183.09025 (2) (c), unless the limited liability company is  
20 subsequently reinstated under s. 183.09025 (4) (b) or pursuant to judicial review  
21 under ss. 227.52 to 227.58.

22 **SECTION 2132.** 183.09025 of the statutes is created to read:

23 **183.09025 Administrative dissolution and reinstatement.** (1) GROUNDS  
24 FOR ADMINISTRATIVE DISSOLUTION. The department may bring a proceeding under sub.  
25 (2) to administratively dissolve any limited liability company that does not deliver

1 to the department the limited liability company's complete annual report within one  
2 year after the annual report is due.

3 (2) PROCEDURE FOR ADMINISTRATIVE DISSOLUTION. (a) If the department  
4 determines that grounds exist under sub. (1) for dissolving a limited liability  
5 company, the department shall mail the limited liability company a notice of the  
6 determination. The notice shall be in writing and addressed to the registered office  
7 of the limited liability company.

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

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

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

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

4           (4) REINSTATEMENT. (a) A limited liability company that is administratively  
5 dissolved under sub. (2) (c) may apply to the department for reinstatement within  
6 30 days after the date on which the limited liability company is dissolved. The  
7 application shall include all of the following:

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

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

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

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

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



# SECTION H'S

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

5 **SECTION 2133.** 186.098 (12) of the statutes is amended to read:

6 186.098 (12) LOANS TO MEMBERS. A credit union may make loans to members  
7 secured by assignment or transfer of stock certificates or other evidence of the  
8 borrower's ownership interest in a corporation formed for the cooperative ownership  
9 of real estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a  
10 mortgage involving a one-family residence, apply to a proceeding to enforce the  
11 lender's rights in security given for a loan under this subsection. The office of credit  
12 unions shall promulgate joint rules with the division of savings institutions and the  
13 division of banking that establish procedures for enforcing a lender's rights in  
14 security given for a loan under this subsection.

15 **SECTION 2204.** 194.51 of the statutes is amended to read:

16 **194.51 Suit to recover protested tax.** No suit shall be maintained in any  
17 court to restrain or delay the collection or payment of the taxes levied in this chapter.  
18 The aggrieved taxpayer shall pay the tax as and when due, and, if paid under protest,  
19 may at any time within 90 days from the date of such payment, sue the state in an  
20 action at law to recover the tax so paid. If it is finally determined that said tax, or  
21 any part thereof, was wrongfully collected for any reason, it shall be the duty of the  
22 department secretary of administration to ~~issue a warrant on the state treasurer for~~  
23 pay out of the transportation fund the amount of such tax so adjudged to have been  
24 wrongfully collected, ~~and the treasurer shall pay the same out of the transportation~~  
25 fund. A separate suit need not be filed for each separate payment made by any

1 taxpayer, but a recovery may be had in one suit for as many payments as may have  
2 been made within any 90-day period preceding the commencement of such an action.  
3 Such suits shall be commenced as provided in s. 775.01.

4 **SECTION 2273d.** 195.29 (5) of the statutes is amended to read:

5 195.29 (5) ELIMINATION OF GRADE CROSSINGS, COSTS. Upon petition of the  
6 department, or of the common council or board of any city, village, town, or county,  
7 alleging that one or more of them have undertaken or propose to undertake to  
8 relocate or improve an existing highway or to construct a new highway in such  
9 manner as to eliminate a highway grade crossing with any railroad or so as to  
10 permanently divert a material portion of the highway traffic from a highway grade  
11 crossing with any railroad, the office shall issue notice of investigation and hearing,  
12 as provided in s. 195.04. If upon such hearing the office finds that the public safety  
13 will be promoted by the highway relocation, improvement, or new construction, the  
14 office shall order the old crossings closed and new crossings opened as are deemed  
15 necessary for public safety. The order shall require the railroad company or  
16 companies to pay to the interested municipality or municipalities such sum as the  
17 office finds to be an equitable portion of the cost of the highway relocation,  
18 improvement, or new construction, if the work is performed by the municipalities;  
19 or to the ~~state treasurer~~ secretary of administration if the work is performed by the  
20 state; or to the proper county treasurer if the work is performed by the county. The  
21 sum shall be added to the joint fund available for the improvement and may be  
22 expended in like manner as the other portions of the fund.

23 **SECTION 2297m.** 195.60 (3) of the statutes is amended to read:

24 195.60 (3) If any railroad against which a bill has been rendered under sub. (1)  
25 or (2) within 30 days after the rendering of such bill neglects or refuses to pay the

1 same or fails to file objections to the bill with the office, the office shall transmit to  
2 the ~~state treasurer~~ secretary of administration a certified copy of the bill, together  
3 with notice of neglect or refusal to pay the bill, and on the same day the office shall  
4 mail to the railroad against which the bill has been rendered a copy of the notice  
5 which it has transmitted to the ~~state treasurer~~ secretary of administration. Within  
6 10 days after the receipt of such notice and certified copy of such bill, the ~~state~~  
7 ~~treasurer~~ secretary of administration shall levy the amount stated on such bill to be  
8 due, with interest, by distress and sale of any goods and chattels, including stocks,  
9 securities, bank accounts, evidences of debt, and accounts receivable belonging to  
10 such delinquent railroad. Such levy by distress and sale shall be governed by the  
11 provisions of s. 74.10, 1985 stats., except that it shall be made by the ~~state treasurer~~  
12 secretary of administration and that said goods and chattels anywhere within the  
13 state may be levied upon.

14 **SECTION 2302m.** 195.60 (4) (d) of the statutes is amended to read:

15 195.60 (4) (d) If any bill against which objections have been filed is not paid  
16 within 10 days after notice of a finding that such objections have been overruled and  
17 disallowed by the office has been mailed to the objector, the office shall give notice  
18 of such delinquency to the ~~state treasurer~~ secretary of administration and to the  
19 objector, in the manner provided in sub. (3). The ~~state treasurer~~ secretary of  
20 administration shall then proceed to collect the amount of the bill as provided in sub.  
21 (3). If an amended bill is not paid within 10 days after a copy thereof is mailed to the  
22 objector by registered mail, the office shall notify the ~~state treasurer~~ secretary of  
23 administration and the objector as in the case of delinquency in the payment of an  
24 original bill. The ~~state treasurer~~ secretary of administration shall then proceed to  
25 collect the amount of the bill as provided in the case of an original bill.

1           **SECTION 2304m.** 195.60 (5) of the statutes is amended to read:

2           195.60 (5) No suit or proceeding shall be maintained in any court for the  
3 purpose of restraining or in any way delaying the collection or payment of any bill  
4 rendered under subs. (1) and (2). Every railroad against which a bill is rendered shall  
5 pay the amount thereof, and after such payment may in the manner herein provided,  
6 at any time within 2 years from the date the payment was made, sue the state in an  
7 action at law to recover the amount paid with legal interest thereon from the date  
8 of payment, upon the ground that the assessment was excessive, erroneous,  
9 unlawful, or invalid in whole or in part. If it is finally determined in such action that  
10 any part of the bill for which payment was made was excessive, erroneous, unlawful,  
11 or invalid, the ~~state treasurer~~ secretary of administration shall make a refund to the  
12 claimant as directed by the court, which shall be charged to the appropriations to the  
13 office.

14           **SECTION 2310.** 196.199 (3) (d) of the statutes is amended to read:

15           196.199 (3) (d) If, at any time during a proceeding under this subsection, the  
16 commission determines, after notice and reasonable opportunity to be heard, that a  
17 person has made a filing in violation of par. (c), the commission shall order the person  
18 to pay to any party to the proceeding the amount of reasonable expenses incurred by  
19 that party because of the filing, including reasonable attorney fees, and the  
20 commission may directly assess a forfeiture against the person of not less than \$25  
21 nor more than \$5,000. A person against whom the commission assesses a forfeiture  
22 under this paragraph shall pay the forfeiture to the commission within 10 days after  
23 receipt of notice of the assessment or, if the person petitions for judicial review under  
24 ch. 227, within 10 days after receipt of the final decision after exhaustion of judicial  
25 review. The commission shall remit all forfeitures paid under this paragraph to the

1 ~~state treasurer~~ secretary of administration for deposit in the school fund. The  
2 attorney general may bring an action in the name of the state to collect any forfeiture  
3 assessed by the commission under this paragraph that has not been paid as provided  
4 in this paragraph. The only contestable issue in such an action is whether or not the  
5 forfeiture has been paid.

6 **SECTION 2311d.** 196.218 (3) (a) 3. b. of the statutes is amended to read:

7 196.218 (3) (a) 3. b. The amounts appropriated under ss. 20.255 (3) (q), ~~20.275~~  
8 ~~(1) (s), (t) and (tm)~~ and (qm), 20.285 (1) (q), and 20.505 (4) (s), (t), (tm), (tu), and (tw).

9 **SECTION 2311e.** 196.218 (3) (a) 4. of the statutes is amended to read:

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

14 **SECTION 2311m.** 196.218 (3) (e) of the statutes is amended to read:

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

19 **SECTION 2311s.** 196.218 (3) (f) of the statutes is amended to read:

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

1 amount of that portion shall identify on customer bills a single amount that is the  
2 total amount of the adjustment.

3 **SECTION 2312d.** 196.218 (4t) of the statutes is amended to read:

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

9 **SECTION 2313d.** 196.218 (5) (a) 5. of the statutes is amended to read:

10 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 to the  
11 extent that these costs are not paid under s. ~~44.73~~ 16.997 (2) (d), except that no  
12 moneys in the universal service fund may be used to pay installation costs that are  
13 necessary for a political subdivision to obtain access to bandwidth under a shared  
14 service agreement under s. ~~44.73~~ 16.997 (2r) (a).

15 **SECTION 2314d.** 196.218 (5) (a) 5. of the statutes, as affected by 2003 Wisconsin  
16 Act .... (this act), is amended to read:

17 196.218 (5) (a) 5. To pay costs incurred under contracts under s. ~~16.974~~ 16.971  
18 (13) to (16) to the extent that these costs are not paid under s. 16.997 (2) (d), except  
19 that no moneys in the universal service fund may be used to pay installation costs  
20 that are necessary for a political subdivision to obtain access to bandwidth under a  
21 shared service agreement under s. 16.997 (2r) (a).

22 **SECTION 2315.** 196.218 (5) (a) 6. of the statutes is amended to read:

23 196.218 (5) (a) 6. To pay the department of ~~electronic government~~  
24 administration for telecommunications services provided under s. ~~22.05~~ 16.972 (1)

1 to the campuses of the University of Wisconsin System at River Falls, Stout, Superior  
2 and Whitewater.

3 **SECTION 2316d.** 196.218 (5) (a) 7. of the statutes is amended to read:

4 196.218 (5) (a) 7. To make grants awarded by the ~~technology for educational~~  
5 ~~achievement in Wisconsin board~~ department of administration to school districts  
6 and private schools under s. ~~44.73~~ 16.997 (6). This subdivision does not apply after  
7 ~~June 30, 2002~~ December 31, 2005.

8 **SECTION 2317.** 196.218 (5) (a) 10. of the statutes is repealed.

9 **SECTION 2317c.** 196.218 (5) (a) 11. of the statutes is created to read:

10 196.218 (5) (a) 11. To provide for state aid to public library systems under s.  
11 43.24.

12 **SECTION 2317m.** 196.374 (5) of the statutes is created to read:

13 196.374 (5) The commission may not require any public utility to operate or  
14 otherwise provide for, or impose any assessment on public utility customers for, any  
15 program established by the department of administration under s. 16.957 (2) (b) 1.  
16 This subsection does not apply to contributions that are required under sub. (3).

17 **SECTION 2318.** 196.491 (2) (e) of the statutes is amended to read:

18 196.491 (2) (e) Any state agency, as defined in s. ~~16.375~~ 560.9810 (1), county,  
19 municipality, town or person may submit written comments to the commission on a  
20 strategic energy assessment within 90 days after copies of the draft are issued under  
21 par. (b).

22 **SECTION 2321.** 196.85 (3) of the statutes is amended to read:

23 196.85 (3) If any public utility, sewerage system, joint local water authority, or  
24 power district is billed under sub. (1), (2), or (2e) and fails to pay the bill within 30  
25 days or fails to file objections to the bill with the commission, as provided in this

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

14 **SECTION 2322.** 196.85 (4) (d) of the statutes is amended to read:

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



1 ~~treasurer~~ secretary of administration shall then proceed to collect the amount of the  
2 amended bill as provided in the case of an original bill.

3 **SECTION 2323.** 196.85 (5) of the statutes is amended to read:

4 196.85 (5) No suit or proceeding may be maintained in any court to restrain or  
5 delay the collection or payment of any bill rendered under sub. (1), (2), or (2e). Every  
6 public utility, sewerage system, joint local water authority, or power district that is  
7 billed shall pay the amount of the bill, and after payment may in the manner  
8 provided under this section, at any time within 2 years from the date the payment  
9 was made, sue the state to recover the amount paid plus interest from the date of  
10 payment, upon the ground that the assessment was excessive, erroneous, unlawful,  
11 or invalid in whole or in part. If the court finds that any part of the bill for which  
12 payment was made was excessive, erroneous, unlawful, or invalid, the state  
13 ~~treasurer~~ secretary of administration shall make a refund to the claimant as directed  
14 by the court. The refund shall be charged to the appropriations to the commission.

15 **SECTION 2324.** 196.858 (1) and (2) of the statutes are amended to read:

16 196.858 (1) The commission shall annually assess against local exchange and  
17 interexchange telecommunications utilities the total, not to exceed \$5,000,000, of the  
18 amounts appropriated under s. ~~20-530~~ 20.505 (1) (ir).

19 (2) The commission shall assess a sum equal to the annual total amount under  
20 sub. (1) to local exchange and interexchange telecommunications utilities in  
21 proportion to their gross operating revenues during the last calendar year. If total  
22 expenditures for telephone relay service exceeded the payment made under this  
23 section in the prior year, the commission shall charge the remainder to assessed  
24 telecommunications utilities in proportion to their gross operating revenues during  
25 the last calendar year. A telecommunications utility shall pay the assessment within

1 30 days after the bill has been mailed to the assessed telecommunication utility. The  
2 bill constitutes notice of the assessment and demand of payment. Payments shall  
3 be credited to the appropriation account under s. ~~20.530~~ 20.505 (1) (ir).

4 **SECTION 2330.** 214.01 (1) (im) of the statutes is amended to read:

5 214.01 (1) (im) “Division” means the division of ~~savings institutions~~ banking.

6 **SECTION 2331.** 214.01 (1) (sr) of the statutes is amended to read:

7 214.01 (1) (sr) “Review board” means the ~~savings bank~~ institutions review  
8 board.

9 **SECTION 2332.** 214.592 of the statutes is amended to read:

10 **214.592 Financially related services tie-ins.** In any transaction conducted  
11 by a savings bank, a savings bank holding company, or a subsidiary of either with  
12 a customer who is also a customer of any other subsidiary of any of them, the  
13 customer shall be given a notice in 12–point boldface type in substantially the  
14 following form:

15 **NOTICE OF RELATIONSHIP**

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

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

1           **SECTION 2334.** 215.01 (6) of the statutes is amended to read:

2           215.01 (6) “Division” means the division of savings institutions banking.

3           **SECTION 2335.** 215.01 (22) of the statutes is amended to read:

4           215.01 (22) “Review board” means the savings and loan institutions review  
5 board.

6           **SECTION 2336.** 215.02 (title) of the statutes is repealed and recreated to read:

7           **215.02 (title) Powers of the division.**

8           **SECTION 2337.** 215.02 (10) (a) 3. of the statutes is amended to read:

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

20           **SECTION 2338.** 215.04 of the statutes is repealed and recreated to read:

21           **215.04 Review board. (1) DUTIES.** The review board shall do all of the  
22 following:

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

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

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

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

4 (e) Conduct hearings and take testimony, and subpoena and swear witnesses  
5 at such hearings. The review board shall have the subpoena powers under s. 885.01  
6 (4).

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

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

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

1 Requests for review under this subsection shall be considered and disposed of as  
2 speedily as possible.

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

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

10 SECTION 2339. 215.141 of the statutes is amended to read:

11 **215.141 Financially related services tie-ins.** In any transaction conducted  
12 by an association, a savings and loan holding company, or a subsidiary of either with  
13 a customer who is also a customer of any other subsidiary of any of them, the  
14 customer shall be given a notice in 12-point boldface type in substantially the  
15 following form:

16 NOTICE OF RELATIONSHIP

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

23 If you feel that you have been compelled to buy any product or service from  
24 either of the above companies or any other related company in order to participate  
25 in this transaction, you should contact the management of either of the above

1 companies at either of the above addresses or the division of savings institutions  
2 banking at .... (insert address).

3 **SECTION 2341.** 215.33 (3) (b) 2. of the statutes is amended to read:

4 215.33 (3) (b) 2. The accounts of the association are insured by the deposit  
5 insurance corporation or any other insurer acceptable to the division, or that  
6 adequate and sufficient securities have been deposited with the ~~state treasurer~~  
7 secretary of administration to assure that the association will meet its obligations  
8 to the residents of this state.

9 **SECTION 2342.** 215.40 (18) of the statutes is amended to read:

10 215.40 (18) APPEAL BY APPLICANTS AFTER BEING DENIED CERTIFICATE OF AUTHORITY.  
11 If the division refuses to grant a certificate of authority to organize an association,  
12 and the applicants feel aggrieved thereby, they may appeal to the review board to  
13 review the division's determination under s. 215.04 (1) ~~(d)~~ (b) and (4).

14 **SECTION 2343.** 220.02 (2) (e) and (f) of the statutes are created to read:

15 220.02 (2) (e) Savings banks under ch. 214.

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

17 **SECTION 2344.** 220.02 (3) of the statutes is amended to read:

18 220.02 (3) It is the intent of sub. (2) to give the division jurisdiction to enforce  
19 and carry out all laws relating to banks or banking in this state, including those  
20 relating to state banks, savings banks, savings and loan associations, and trust  
21 company banks, and also all laws relating to small loan companies or other loan  
22 companies or agencies, finance companies, motor vehicle dealers, adjustment service  
23 companies, community currency exchanges, and collection agencies and those  
24 relating to sellers of checks under ch. 217, whether doing business as corporations,  
25 individuals, or otherwise, but to exclude laws relating to credit unions.

1           **SECTION 2346.** 221.0303 (2) of the statutes is amended to read:

2           221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS  
3 TERMINALS. A bank may, directly or indirectly, acquire, place, and operate, or  
4 participate in the acquisition, placement, and operation of, at locations other than  
5 its main or branch offices, customer bank communications terminals, in accordance  
6 with rules established by the division. The rules of the division shall provide that  
7 any such customer bank communications terminal shall be available for use, on a  
8 nondiscriminatory basis, by any state or national bank and by all customers  
9 designated by a bank using the terminal. This subsection does not authorize a bank  
10 which has its principal place of business outside this state to conduct banking  
11 business in this state. The customer bank communications terminals also shall be  
12 available for use, on a nondiscriminatory basis, by any credit union, savings and loan  
13 association, or savings bank, if the credit union, savings and loan association, or  
14 savings bank requests to share its use, subject to rules jointly established by the  
15 division of banking, and the office of credit unions ~~and the division of savings~~  
16 ~~institutions~~. The division by order may authorize the installation and operation of  
17 a customer bank communications terminal in a mobile facility, after notice and  
18 hearing upon the proposed service stops of the mobile facility.

19           **SECTION 2347.** 221.0320 (3) (a) of the statutes is amended to read:

20           221.0320 (3) (a) In this subsection, “local governmental unit” has the meaning  
21 given in s. ~~22.01~~ 16.97 (7).

22           **SECTION 2348.** 221.0321 (5) of the statutes is amended to read:

23           221.0321 (5) CERTAIN SECURED LOANS. A bank may make loans secured by  
24 assignment or transfer of stock certificates or other evidence of the borrower’s  
25 ownership interest in a corporation formed for the cooperative ownership of real

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

7 **SECTION 2349.** 223.02 (1) (intro.) of the statutes is amended to read:

8 223.02 (1) INDEMNITY FUND DEPOSIT. (intro.) Deposit at least \$100,000 with the  
9 ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~ secretary's agent  
10 in accordance with the following provisions:

11 **SECTION 2350.** 223.02 (1) (b) of the statutes is amended to read:

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

19 **SECTION 2351.** 223.02 (1) (c) of the statutes is amended to read:

20 223.02 (1) (c) The ~~state treasurer~~ secretary of administration or the ~~state~~  
21 ~~treasurer's~~ secretary's agent shall hold the deposit as security for the faithful  
22 execution of any trust which may be lawfully imposed upon and accepted by the trust  
23 company bank. The cash or securities shall remain in the possession of the ~~state~~  
24 ~~treasurer~~ secretary of administration or the ~~state treasurer's~~ secretary's agent until



1 otherwise ordered by a court of competent jurisdiction, unless released pursuant to  
2 par. (d).

3 **SECTION 2352.** 223.02 (1) (d) of the statutes is amended to read:

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

9 **SECTION 2353.** 223.02 (1) (e) of the statutes is amended to read:

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

16 **SECTION 2354.** 223.105 (3) (a) of the statutes is amended to read:

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

24 **SECTION 2355.** 223.105 (4) of the statutes is amended to read:

1           223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations  
2 licensed under ch. 221 or this chapter, any organization engaged in fiduciary  
3 operations as defined in this section shall, as required by rule, notify the division of  
4 banking, or the office of credit unions or the division of savings institutions of that  
5 fact, directing the notice to the agency then exercising regulatory authority over the  
6 organization or, if there is none, to the division of banking. Any organization which  
7 intends to engage in fiduciary operations shall, prior to engaging in such operations,  
8 notify the appropriate agency of this intention. The notifications required under this  
9 subsection shall be on forms and contain information required by the rules  
10 promulgated by the division of banking.

11           **SECTION 2356.** 223.105 (5) of the statutes is amended to read:

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

19           **SECTION 2357.** 223.105 (6) of the statutes is amended to read:

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

1 this section on May 12, 1992, may continue to engage in fiduciary operations after  
2 that date.

3 **SECTION 2358.** 223.20 (3) of the statutes is amended to read:

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

12 **SECTION 2359.** 224.71 (3) (b) 1m. of the statutes is amended to read:

13 224.71 (3) (b) 1m. A community-based organization, as defined in s. ~~16.30~~  
14 560.9801 (1), or a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

15 **SECTION 2360.** 224.71 (4) (b) 1m. of the statutes is amended to read:

16 224.71 (4) (b) 1m. A community-based organization, as defined in s. ~~16.30~~  
17 560.9801 (1), or a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

18 **SECTION 2361.** 224.77 (1m) (c) of the statutes is amended to read:

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

24 **SECTION 2364.** 227.01 (13) (zk) of the statutes is repealed.

25 **SECTION 2367.** 227.03 (7) of the statutes is amended to read:

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

4           **SECTION 2368.** 227.10 (3) (e) of the statutes is amended to read:

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

9           **SECTION 2369.** 227.115 (1) (a) and (b) of the statutes are amended to read:

10           227.115 (1) (a) “Department” means the department of ~~administration~~  
11 commerce.

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

14           **SECTION 2370.** 227.115 (3) (a) 5. of the statutes is amended to read:

15           227.115 (3) (a) 5. Housing costs, as defined in s. ~~16.30~~ 560.9801 (3) (a) and (b).

16           **SECTION 2373.** 227.44 (2s) of the statutes is repealed.

17           **SECTION 2376.** 227.47 (2) of the statutes is amended to read:

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

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

3 **SECTION 2377.** 227.47 (2) of the statutes, as affected by 2003 Wisconsin Act ....  
4 (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 (2)  
9 (a) or (d) shall not be accompanied by findings of fact or conclusions of law. If within  
10 30 days after the commission issues a decision in such an appeal either party files  
11 a petition for judicial review of the decision under s. 227.53 and files a written notice  
12 with the commission that the party has filed such a petition, the commission shall  
13 issue written findings of fact and conclusions of law within 90 days after receipt of  
14 the notice. The court shall stay the proceedings pending receipt of the findings and  
15 conclusions.

16 **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 **SECTION 2379.** 227.52 (5) of the statutes is repealed.

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

23 227.53 (1) (a) 1. Proceedings for review shall be instituted by serving a petition  
24 therefor personally or by certified mail upon the agency or one of its officials, and  
25 filing the petition in the office of the clerk of the circuit court for the county where

1 the judicial review proceedings are to be held. If the agency whose decision is sought  
2 to be reviewed is the tax appeals commission, the banking review board, the credit  
3 union review board, or the savings and loan institutions review board ~~or the savings~~  
4 ~~bank review board~~, the petition shall be served upon both the agency whose decision  
5 is sought to be reviewed and the corresponding named respondent, as specified under  
6 par. (b) 1. to ~~5.~~ 4.

7 **SECTION 2382.** 227.53 (1) (b) 4. of the statutes is amended to read:

8 227.53 (1) (b) 4. The savings and loan institutions review board, the division  
9 of ~~savings institutions~~ banking, except if the petitioner is the division of savings  
10 ~~institutions~~ banking, the prevailing parties before the savings and loan institutions  
11 review board shall be the named respondents.

12 **SECTION 2383.** 227.53 (1) (b) 5. of the statutes is repealed.

13 **SECTION 2384.** 227.53 (1) (d) of the statutes is amended to read:

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

22 **SECTION 2384e.** 230.01 (2) of the statutes is amended to read:

23 230.01 (2) It is the policy of the state and the responsibility of the ~~secretary~~  
24 director and the administrator to maintain a system of personnel management  
25 which fills positions in the classified service through methods which apply the merit

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

14 **SECTION 2384m.** 230.02 of the statutes is amended to read:

15 **230.02 Liberal construction of statutes.** Statutes applicable to the  
16 ~~department~~ office shall be construed liberally in aid of the purposes declared in s.  
17 230.01.

18 **SECTION 2385.** 230.03 (8) of the statutes is amended to read:

19 230.03 (8) "Commission" means the personnel employment relations  
20 commission.

21 **SECTION 2386e.** 230.03 (9) of the statutes is repealed.

22 **SECTION 2386m.** 230.03 (9e) of the statutes is created to read:

23 230.03 (9e) "Director" means the director of the office.

24 **SECTION 2386s.** 230.03 (10) of the statutes is amended to read:

1           230.03 (10) “Division” means the division of merit recruitment and selection  
2 in the department office.

3           **SECTION 2387.** 230.03 (10e) of the statutes is created to read:

4           230.03 (10e) “Division of equal rights” means the division of equal rights in the  
5 department of workforce development.

6           **SECTION 2387e.** 230.03 (10r) of the statutes is amended to read:

7           230.03 (10r) “Job group” means a set of classifications combined by the  
8 department office on the basis of similarity in responsibility, pay range and nature  
9 of work.

10          **SECTION 2387m.** 230.03 (10w) of the statutes is created to read:

11          230.03 (10w) “Office” means the office of state human resources management.

12          **SECTION 2387s.** 230.03 (13) of the statutes is repealed.

13          **SECTION 2387w.** 230.04 (title) of the statutes is amended to read:

14          **230.04 (title) Powers and duties of the secretary director.**

15          **SECTION 2388.** 230.04 (1) of the statutes is amended to read:

16          230.04 (1) The secretary director is charged with the effective administration  
17 of this chapter. All powers and duties, necessary to that end, which are not  
18 exclusively vested by statute in the commission, the division of equal rights, the  
19 administrator or appointing authorities, are reserved to the secretary director.

20          **SECTION 2389.** 230.04 (1m) of the statutes is amended to read:

21          230.04 (1m) The secretary director may delegate, in writing, any of his or her  
22 functions set forth in this chapter to an appointing authority, within prescribed  
23 standards if the secretary director finds that the agency has personnel management  
24 capabilities to perform such functions effectively and has indicated its approval and  
25 willingness to accept such responsibility by written agreement. If the secretary



1 director determines that any agency is not performing such delegated function  
2 within prescribed standards, the secretary director shall forthwith withdraw such  
3 delegated function. Subject to the approval of the joint committee on finance, the  
4 secretary director may order transferred to the department office from the agency to  
5 which delegation was made such agency staff and other resources as necessary to  
6 perform such functions if increased staff was authorized to that agency as a  
7 consequence of such delegation or if the department office reduced staff or shifted  
8 staff to new responsibilities as a result of such delegation. Any delegatory action  
9 taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an appointing authority may be  
10 appealed to the personnel commission under s. 230.44 (1) (b). The secretary director  
11 shall be a party in such an appeal.

12 **SECTION 2389d.** 230.04 (2) of the statutes is amended to read:

13 230.04 (2) The secretary director may utilize the services of technical or  
14 specialized personnel to assist in implementing and maintaining a sound personnel  
15 management program. These services may be obtained from persons inside or  
16 outside of state service.

17 **SECTION 2389h.** 230.04 (3) of the statutes is amended to read:

18 230.04 (3) The secretary director may issue enforceable orders on all matters  
19 relating to the administration, enforcement and effect of this chapter and the rules  
20 prescribed thereunder except on matters relating to the provisions of subch. III or  
21 to those provisions of subch. II for which responsibility is specifically charged to the  
22 administrator.

23 **SECTION 2389p.** 230.04 (4) of the statutes is amended to read:

24 230.04 (4) The secretary director shall establish and maintain a collective  
25 bargaining capability under s. 111.815 (2).