

1 **SECTION 2043z.** 125.14 (1) of the statutes is amended to read:

2 125.14 (1) **ARREST.** Any Subject to s. 175.38, any peace officer may arrest
3 without warrant any person committing in his or her presence a violation of this
4 chapter or ch. 139 and may, without a search warrant, seize any personal property
5 used in connection with the violation.

6 **SECTION 2044.** 125.14 (2) (e) of the statutes is amended to read:

7 125.14 (2) (e) *Disposal.* The department shall dispose of the alcohol beverages
8 turned over to it by the court by either giving it to law enforcement agencies free of
9 charge for use in criminal investigations, giving it to state-operated veterans'
10 hospitals in amounts needed for medicinal purposes, selling it to the highest bidder
11 if the bidder is a person holding a license or permit issued under this chapter, or
12 destroying it, at the discretion of the department. If the department elects to sell the
13 alcohol beverages, it shall publish a class 2 notice under ch. 985 asking for sealed bids
14 from qualified bidders. Any items or groups of items in the inventory subject to a
15 security interest, the existence of which was established in the proceedings for
16 conviction as being bona fide and as having been created without the secured party
17 having notice that the items were being used or were to be used in connection with
18 the violation, shall be sold separately. The net proceeds from the sale, less all costs
19 of seizure, storage, and sale, shall be turned over to the ~~state treasurer~~ secretary of
20 administration and credited to the common school fund.

21 **SECTION 2045.** 125.14 (2) (f) of the statutes is amended to read:

22 125.14 (2) (f) *Sale.* Any personal property, other than alcohol beverages, seized
23 under par. (a) and fit for sale, shall be turned over by the department to the
24 department of administration for disposal at public auction to the highest bidder, at
25 a time and place stated in a notice of sale which describes the property to be sold.

1 The sale shall be held in a conveniently accessible place in the county where the
2 property was confiscated. A copy of the notice shall be published as a class 2 notice
3 under ch. 985. The last insertion shall be at least 10 days before the sale. The
4 department of revenue shall serve a copy of the notice of sale at least 2 weeks before
5 the date thereof on all persons who are or may be owners or holders of security
6 interests in the property. Any confiscated property worth more than \$100 shall be
7 sold separately, and the balance of the confiscated property shall be sold in bulk or
8 separately at the discretion of the department of administration. The net proceeds
9 from the sale, less all costs of seizure, storage, and sale, shall be turned over to the
10 ~~state treasurer~~ secretary of administration. No motor vehicle or motorboat
11 confiscated under this section may be sold within 30 days after the date of seizure.

12 **SECTION 2048.** 134.80 of the statutes is amended to read:

13 **134.80 Home heating fuel dealers.** Any dealer selling fuel of any kind for
14 the purpose of heating a private residence shall notify each private residential
15 customer whose account is subject to disconnection of the existence of the fuel
16 assistance programs provided by the department of administration under s. ~~16.385~~
17 16.27.

18 **SECTION 2052.** 138.052 (5) (am) 2. a. of the statutes is amended to read:

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

1 last quarterly reporting period that ended at least 30 days before the determination
2 is made.

3 **SECTION 2053.** 138.052 (5) (am) 2. b. of the statutes is amended to read:

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

11 **SECTION 2054.** 138.055 (4) (a) of the statutes is repealed.

12 **SECTION 2055.** 138.056 (1) (a) 4. a. of the statutes is repealed.

13 **SECTION 2056.** 139.10 (title) of the statutes is amended to read:

14 **139.10 (title) Refunds by state treasurer secretary of administration.**

15 **SECTION 2057.** 139.10 (1) of the statutes is amended to read:

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

22 **SECTION 2057m.** 139.323 (intro.) of the statutes is amended to read:

23 **139.323 Refunds to Indian tribes.** (intro.) The department shall refund ~~70%~~
24 30% of the taxes collected under s. 139.31 (1) in respect to sales on reservations or
25 trust lands of an Indian tribe to the tribal council of the tribe having jurisdiction over

1 the reservation or trust land on which the sale is made if all the following conditions
2 are fulfilled:

3 **SECTION 2057v.** 139.362 of the statutes is created to read:

4 **139.362 Bad debt deductions.** (1) In this section, “bad debt” means an
5 amount that is equal to the purchase price of cigarettes, if such amount may be
6 claimed as a deduction under section 166 of the Internal Revenue Code. “Bad debt”
7 does not include financing charges, interest on the wholesale price of cigarettes,
8 uncollectible amounts on property that remains in the seller’s possession until the
9 full purchase price is paid, expenses incurred in attempting to collect any debt, debts
10 sold or assigned to 3rd parties for collection, and repossessed property.

11 (2) A person who pays the taxes imposed under this subchapter may claim as
12 a deduction on a return under s. 139.38, and against the purchase of stamps under
13 s. 139.32, the amount of any such taxes that are attributable to bad debt that the
14 person writes off as uncollectible in the person’s books and records and that is eligible
15 to be deducted as bad debt for federal income tax purposes, regardless of whether the
16 person is required to file a federal income tax return. A person who claims a
17 deduction under this section shall claim the deduction on the return under s. 139.38
18 that is submitted for the period in which the person writes off the amount of the bad
19 debt as uncollectible in the person’s books and records and in which such amount is
20 eligible to be deducted as bad debt for federal income tax purposes. If the person
21 subsequently collects in whole or in part any bad debt for which a deduction is
22 claimed under this section, the person shall submit to the department the portion of
23 the deduction related to the amount collected, in the manner prescribed by the
24 department and for the period in which the amount is collected.

1 (3) A person who claims a deduction under this section shall submit the claim
2 on a form prescribed by the department and shall submit with the form all of the
3 following:

4 (a) A copy of the original invoice for the sale of cigarettes that represents bad
5 debt.

6 (b) Evidence that the cigarettes described in the invoice under par. (a) were
7 delivered to the person who ordered them.

8 (c) Evidence that the person who ordered and received the cigarettes did not
9 pay the person who claims a deduction under this section for the cigarettes.

10 (d) Evidence that the person who claims a deduction under this section used
11 reasonable collection practices in attempting to collect the amount owed under par.

12 (c).

13 **SECTION 2058.** 139.39 (4) of the statutes is amended to read:

14 139.39 (4) No suit shall be maintained in any court to restrain or delay the
15 collection or payment of the tax levied in s. 139.31. The aggrieved taxpayer shall pay
16 the tax when due and, if paid under protest, may at any time within 90 days from the
17 date of payment, sue the state to recover the tax paid. If it is finally determined that
18 any part of the tax was wrongfully collected, the ~~department~~ secretary of
19 administration shall ~~issue a warrant on the state treasurer for~~ pay the amount
20 wrongfully collected, ~~and the treasurer shall pay the same out of the general fund.~~
21 A separate suit need not be filed for each separate payment made by any taxpayer,
22 but a recovery may be had in one suit for as many payments as may have been made.

23 **SECTION 2058f.** 139.801 of the statutes is created to read:

24 **139.801 Bad debt deductions.** (1) In this section, “bad debt” means an
25 amount that is equal to the purchase price of tobacco products, if such amount may

1 be claimed as a deduction under section 166 of the Internal Revenue Code. “Bad
2 debt” does not include financing charges, interest on the wholesale price of tobacco
3 products, uncollectible amounts on property that remains in the seller’s possession
4 until the full purchase price is paid, expenses incurred in attempting to collect any
5 debt, debts sold or assigned to 3rd parties for collection, and repossessed property.

6 (2) A distributor who pays the taxes imposed under s. 139.76 may claim as a
7 deduction on a return under s. 139.77 the amount of any such taxes that are
8 attributable to bad debt that the distributor writes off as uncollectible in the
9 distributor’s books and records and that is eligible to be deducted as bad debt for
10 federal income tax purposes, regardless of whether the distributor is required to file
11 a federal income tax return. A distributor who claims a deduction under this section
12 shall claim the deduction on the return under s. 139.77 that is submitted for the
13 period in which the distributor writes off the amount of the deduction as uncollectible
14 in the distributor’s books and records and in which such amount is eligible to be
15 deducted as bad debt for federal income tax purposes. If the distributor subsequently
16 collects in whole or in part any bad debt for which a deduction is claimed under this
17 section, the distributor shall include the amount collected in the return filed for the
18 period in which the amount is collected and shall pay the tax with the return.

19 (3) A distributor who claims a deduction under this section shall submit with
20 the return under sub. (2) all of the following:

21 (a) A copy of the original invoice for the sale of tobacco products that represents
22 bad debt.

23 (b) Evidence that the tobacco products described in the invoice under par. (a)
24 were delivered to the person who ordered them.

1 (c) Evidence that the person who ordered and received the cigarettes did not
2 pay the distributor for the tobacco products.

3 (d) Evidence that the distributor used reasonable collection practices in
4 attempting to collect the amount owed under par. (c).

5 **SECTION 2059.** 146.185 (1) (i) of the statutes is amended to read:

6 146.185 (1) (i) “State agency” has the meaning given in s. 16.70 ~~(1)~~ (1e).

7 **SECTION 2059g.** 146.185 (3) of the statutes is amended to read:

8 146.185 (3) From the appropriation under s. 20.435 (5) (kb), the department
9 shall annually award ~~up to \$200,000 in~~ grants for activities to improve the health
10 status of economically disadvantaged minority group members. A person may apply,
11 in the manner specified by the department, for a grant of up to \$50,000 in each fiscal
12 year to conduct these activities. An awardee of a grant under this subsection shall
13 provide, for at least 50% of the grant amount, matching funds that may consist of
14 funding or an in-kind contribution. An applicant that is not a federally qualified
15 health center, as defined under 42 CFR 405.2401 (b) shall receive priority for grants
16 awarded under this subsection.

17 **SECTION 2060.** 146.59 (3) (b) of the statutes is amended to read:

18 146.59 (3) (b) Any authorization under par. (a) shall comply with all applicable
19 provisions of subch. V of ch. 111 and ch. 230, any delegation of authority by the
20 ~~department of employment relations~~ office of state human resources management
21 to the board, and any collective bargaining agreement with respect to employees of
22 the board.

23 **SECTION 2061.** 146.65 (1) (a) and (b) of the statutes are amended to read:

24 146.65 (1) (a) ~~In state fiscal year 2001–02, not more than \$618,000 and in fiscal~~
25 ~~year 2002–03~~ each fiscal year, not more than \$232,000, to the rural health dental

1 clinic located in Ladysmith that provides dental services to persons who are
2 developmentally disabled or elderly or who have low income, in the counties of Rusk,
3 Price, Taylor, Sawyer, and Chippewa.

4 (b) In fiscal year ~~2001–02, not more than \$294,500 and in state fiscal year~~
5 ~~2002–03~~ each fiscal year, not more than \$355,600, to the rural health dental clinic
6 located in Menomonie that provides dental services to persons who are
7 developmentally disabled or elderly or who have low income, in the counties of
8 Barron, Chippewa, Dunn, Pepin, Pierce, Polk, and St. Croix.

9 **SECTION 2061s.** 146.885 of the statutes is repealed.

10 **SECTION 2062.** 146.93 of the statutes is repealed.

11 **SECTION 2064.** 146.997 (4) (a) of the statutes is amended to read:

12 146.997 (4) (a) ~~Subject to par. (b), any~~ Any employee of a health care facility
13 or health care provider who is subjected to disciplinary action, or who is threatened
14 with disciplinary action, in violation of sub. (3) may file a complaint with the
15 department under s. 106.54 (6). If the department finds that a violation of sub. (3)
16 has been committed, the department may take such action under s. 111.39 as will
17 effectuate the purpose of this section.

18 **SECTION 2065.** 146.997 (4) (b) of the statutes is repealed.

19 **SECTION 2066.** 146.997 (4) (c) of the statutes is amended to read:

20 146.997 (4) (c) Section 111.322 (2m) applies to a disciplinary action arising in
21 connection with any proceeding under par. (a) ~~or (b)~~.

22 **SECTION 2067.** 149.10 (8b) of the statutes is repealed.

23 **SECTION 2068.** 149.14 (5) (e) of the statutes is amended to read:

24 149.14 (5) (e) Subject to sub. (8) (b), the department may, by rule under s. 149.17
25 (4), establish for prescription drug coverage under sub. (3) (d) copayment amounts,

1 coinsurance rates, and copayment and coinsurance out-of-pocket limits over which
2 the plan will pay 100% of covered costs under sub. (3) (d). The department may
3 provide subsidies for prescription drug copayment amounts paid by eligible persons
4 under s. 149.165 (2) (a) 1. to 5. Any copayment amount, coinsurance rate, or
5 out-of-pocket limit established under this paragraph is subject to the approval of the
6 board. Copayments and coinsurance paid by an eligible person under this paragraph
7 are separate from and do not count toward the deductible and covered costs not paid
8 by the plan under pars. (a) to (c).

9 **SECTION 2069.** 149.143 (1) (a) of the statutes is repealed.

10 **SECTION 2070.** 149.143 (1) (b) (intro.) of the statutes is repealed.

11 **SECTION 2071.** 149.143 (1) (b) 1. of the statutes is renumbered 149.143 (1) (am),
12 and 149.143 (1) (am) 1., 2., 3. and 4., as renumbered, are amended to read:

13 149.143 (1) (am) 1. First, from premiums from eligible persons with coverage
14 under s. 149.14 (2) (a) set at a rate that is 140% to 150% of the rate that a standard
15 risk would be charged under an individual policy providing substantially the same
16 coverage and deductibles as are provided under the plan and from eligible persons
17 with coverage under s. 149.14 (2) (b) set in accordance with s. 149.14 (5m), including
18 amounts received for premium ~~and, deductible, and prescription drug copayment~~
19 subsidies under s. 149.144 ~~and under the transfer to the fund from the appropriation~~
20 ~~account under s. 20.435 (4) (ah),~~ and from premiums collected from eligible persons
21 with coverage under s. 149.146 set in accordance with s. 149.146 (2) (b).

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

24 3. Third, by increasing premiums from eligible persons with coverage under s.
25 149.14 (2) (a) to more than the rate at which premiums were set under subd. 1. ~~a.~~

1 but not more than 200% of the rate that a standard risk would be charged under an
2 individual policy providing substantially the same coverage and deductibles as are
3 provided under the plan and from eligible persons with coverage under s. 149.14 (2)
4 (b) by a comparable amount in accordance with s. 149.14 (5m), including amounts
5 received for premium ~~and, deductible, and prescription drug copayment~~ subsidies
6 under s. 149.144 ~~and under the transfer to the fund from the appropriation account~~
7 ~~under s. 20.435 (4) (ah)~~, and by increasing premiums from eligible persons with
8 coverage under s. 149.146 in accordance with s. 149.146 (2) (b), to the extent that the
9 amounts under ~~subd. 1. a. subs. 1. and b. 2.~~ are insufficient to pay 60% of plan costs.

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

15 **SECTION 2072.** 149.143 (1) (b) 2. of the statutes is renumbered 149.143 (1) (bm).

16 **SECTION 2073.** 149.143 (2) (a) (intro.) of the statutes is amended to read:

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

22 **SECTION 2074.** 149.143 (2) (a) 1. a. of the statutes is amended to read:

23 149.143 (2) (a) 1. a. Estimate the amount of enrollee premiums that would be
24 received in the new plan year if the enrollee premiums were set at a level sufficient,
25 when including amounts received for premium ~~and, deductible, and prescription~~

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

7 **SECTION 2075.** 149.143 (2) (a) 1. b. of the statutes is amended to read:

8 149.143 (2) (a) 1. b. Estimate the amount of enrollee premiums that will be
9 received under sub. (1) ~~(b) 1. a.~~ (am) 1.

10 **SECTION 2076.** 149.143 (2) (a) 2. of the statutes is amended to read:

11 149.143 (2) (a) 2. After making the determinations under subd. 1., by rule set
12 premium rates for the new plan year, including the rates under s. 149.146 (2) (b), in
13 the manner specified in sub. (1) ~~(b) 1. a. and c.~~ (am) 1. and 3. and such that a rate for
14 coverage under s. 149.14 (2) (a) is approved by the board and is not less than 140%
15 nor more than 200% of the rate that a standard risk would be charged under an
16 individual policy providing substantially the same coverage and deductibles as are
17 provided under the plan.

18 **SECTION 2077.** 149.143 (2) (a) 3. of the statutes is amended to read:

19 149.143 (2) (a) 3. By rule set the total insurer assessments under s. 149.13 for
20 the new plan year by estimating and setting the assessments at the amount
21 necessary to equal the amounts specified in sub. (1) ~~(b) 1. d. and 2. a.~~ (am) 4. and (bm)
22 1. and notify the commissioner of the amount.

23 **SECTION 2078.** 149.143 (2) (a) 4. of the statutes is amended to read:

24 149.143 (2) (a) 4. By the same rule as under subd. 3. adjust the provider
25 payment rate for the new plan year, subject to s. 149.142 (1) (b), by estimating and

1 setting the rate at the level necessary to equal the amounts specified in sub. (1) ~~(b)~~
2 ~~1. d. and 2. b. (am) 4. and (bm) 2.~~ and as provided in s. 149.145.

3 **SECTION 2079.** 149.143 (2) (b) of the statutes is amended to read:

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

10 **SECTION 2080.** 149.143 (2m) (a) 1. of the statutes is amended to read:

11 149.143 (2m) (a) 1. The amount of premiums received in a plan year from all
12 eligible persons, including amounts received for premium ~~and, deductible, and~~
13 prescription drug copayment subsidies.

14 **SECTION 2081.** 149.143 (2m) (a) 2. of the statutes is amended to read:

15 149.143 (2m) (a) 2. The amount of premiums, including amounts received for
16 premium ~~and, deductible, and prescription drug copayment~~ subsidies, necessary to
17 cover 60% of the plan costs for the plan year, ~~after deducting the amount transferred~~
18 ~~to the fund from the appropriation account under s. 20.435 (4) (af).~~

19 **SECTION 2082.** 149.143 (2m) (b) 1. of the statutes is amended to read:

20 149.143 (2m) (b) 1. To reduce premiums in succeeding plan years as provided
21 in sub. (1) ~~(b) 1. b. (am) 2.~~ For eligible persons with coverage under s. 149.14 (2) (a),
22 premiums may not be reduced below 140% of the rate that a standard risk would be
23 charged under an individual policy providing substantially the same coverage and
24 deductibles as are provided under the plan.

25 **SECTION 2083.** 149.143 (3) (a) of the statutes is amended to read:

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

12 **SECTION 2084.** 149.143 (3) (b) of the statutes is amended to read:

13 149.143 (3) (b) If the department increases premium rates and insurer
14 assessments and adjusts the provider payment rate under par. (a) and determines
15 that there will still be a deficit and that premium rates have been increased to the
16 maximum extent allowable under par. (a), the department may further adjust, in
17 equal proportions, assessments set under sub. (2) (a) 3. and the provider payment
18 rate set under sub. (2) (a) 4., without regard to sub. (1) ~~(b) 2.~~ (bm) but subject to s.
19 149.142 (1) (b).

20 **SECTION 2085.** 149.144 of the statutes is amended to read:

21 **149.144 Adjustments to insurer assessments and provider payment**
22 **rates for premium and, deductible, and prescription drug copayment**
23 **reductions.** ~~If the moneys transferred to the fund under the appropriation under~~
24 ~~s. 20.435 (4) (ah) are insufficient to reimburse the plan for premium reductions under~~
25 ~~s. 149.165 and deductible reductions under s. 149.14 (5) (a), or the department~~

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

12 **SECTION 2086.** 149.145 of the statutes is amended to read:

13 **149.145 Program budget.** The department, in consultation with the board,
14 shall establish a program budget for each plan year. The program budget shall be
15 based on the provider payment rates specified in s. 149.142 and in the most recent
16 provider contracts that are in effect and on the funding sources specified in s. ss.
17 149.143 (1) and 149.144, including the methodologies specified in ss. 149.143,
18 149.144, and 149.146 for determining premium rates, insurer assessments, and
19 provider payment rates. Except as otherwise provided in s. 149.143 (3) (a) and (b)
20 and subject to s. 149.142 (1) (b), from the program budget the department shall derive
21 the actual provider payment rate for a plan year that reflects the providers'
22 proportional share of the plan costs, consistent with ss. 149.143 and 149.144. The
23 department may not implement a program budget established under this section
24 unless it is approved by the board.

25 **SECTION 2087.** 149.146 (2) (a) of the statutes is amended to read:

1 149.146 (2) (a) Except as specified by the department, the terms of coverage
2 under s. 149.14, including deductible reductions under s. 149.14 (5) (a) and
3 prescription drug copayment reductions under s. 149.14 (5) (e), do not apply to the
4 coverage offered under this section. Premium reductions under s. 149.165 do not
5 apply to the coverage offered under this section.

6 **SECTION 2088.** 149.16 (1) of the statutes is repealed.

7 **SECTION 2089.** 149.16 (1m) of the statutes is created to read:

8 149.16 (1m) The plan administrator may be selected by the department in a
9 competitive bidding process.

10 **SECTION 2090.** 149.16 (4) of the statutes is amended to read:

11 149.16 (4) The If the plan administrator is the fiscal agent under s. 49.45 (2)
12 (b) 2., the plan administrator shall account for costs related to the plan separately
13 from costs related to medical assistance under subch. IV of ch. 49.

14 **SECTION 2091.** 149.165 (4) of the statutes is amended to read:

15 149.165 (4) The department shall reimburse the plan for premium reductions
16 under sub. (2) and, deductible reductions under s. 149.14 (5) (a) with moneys
17 transferred to the fund, and prescription drug copayment reductions under s. 149.14
18 (5) (e) from the appropriation account under s. 20.435 (4) (ah) (v).

19 **SECTION 2092.** 150.963 (3) (e) of the statutes is amended to read:

20 150.963 (3) (e) Accept on behalf of the state and deposit with the ~~state treasurer~~
21 secretary of administration any grant, gift, or contribution made to assist in meeting
22 the cost of carrying out the purposes of this subchapter, and expend those funds for
23 the purposes of this subchapter.

24 **SECTION 2092c.** 153.01 (4j) of the statutes is created to read:

1 153.01 (4j) “Entity” means a nonstock corporation organized under ch. 181 that
2 is described in section 501 (c) (6) of the Internal Revenue Code and is exempt from
3 federal income tax under section 501 (a) of the Internal Revenue Code, and that does
4 all of the following:

5 (a) Represents at least 70% of the hospitals in Wisconsin.

6 (b) Receives oversight with respect to services performed by the entity under
7 this chapter from a group that is composed of all of the following:

8 1. The secretary of health and family services, who shall serve as chairperson
9 and nonvoting member of the group.

10 2. Two members designated by Wisconsin Manufacturers and Commerce, Inc.

11 3. Two members designated by the Wisconsin Association of Health Plans, Inc.

12 4. One member designated by the Wisconsin State AFL–CIO.

13 5. Two members designated by the Wisconsin Hospital Association, Inc.

14 6. One member designated by the speaker of the assembly.

15 7. One member designated by the senate majority leader.

16 **SECTION 2092d.** 153.05 (1) of the statutes is amended to read:

17 153.05 (1) In order to provide to ~~hospitals~~, health care providers, insurers,
18 consumers, governmental agencies and others information concerning health care
19 providers and uncompensated health care services, and in order to provide
20 information to assist in peer review for the purpose of quality assurance, ~~the~~

21 (a) The department shall collect from health care providers other than
22 hospitals and ambulatory surgery centers, analyze, and disseminate health care
23 information, as adjusted for case mix and severity, in language that is
24 understandable to ~~lay persons~~ laypersons.

25 **SECTION 2092e.** 153.05 (1) (b) of the statutes is created to read:

1 153.05 (1) (b) The entity under contract under sub. (2m) (a) shall collect from
2 hospitals and ambulatory surgery centers the health care information required of
3 hospitals and ambulatory surgery centers by the department under ch. 153, 2001
4 stats., and the rules promulgated under ch. 153, 2001 stats., including, by the date
5 that is 18 months after the date of the contract under sub. (2m) (a), all outpatient
6 hospital-based services. The entity shall analyze and disseminate that health care
7 information, as adjusted for case mix and severity, in the manner required under this
8 chapter, under ch. 153, 2001 stats., and under the rules promulgated under ch. 153,
9 2001 stats., and in language that is understandable to laypersons.

10 **SECTION 2092f.** 153.05 (2m) of the statutes is created to read:

11 153.05 (2m) (a) Notwithstanding s. 16.75 (1), (2), and (3m), by the date that is
12 the first day of the 2nd month after the effective date of this paragraph [revisor
13 inserts date], the department of administration shall, from the appropriation under
14 s. 20.505 (1) (im), contract with an entity to perform services under this chapter that
15 are specified for the entity with respect to the collection, analysis, and dissemination
16 of health care information of hospitals and ambulatory surgery centers. The
17 department of administration may not, by this contract, require from the entity any
18 collection, analysis, or dissemination of health care information of hospitals and
19 ambulatory surgery centers that is in addition to that required under this chapter,
20 and may include in the contract only terms standard to contracts with the
21 department of administration under subch. IV of ch. 16.

22 (b) Biennially, the group specified under s. 153.01 (4j) (b) shall review the
23 entity's performance, including the timeliness and quality of the reports generated
24 by the entity. If the group is dissatisfied with the entity's performance, the group may
25 recommend to the department of administration that that department use a

1 competitive request-for-proposal process to solicit offers from other organizations
2 for performance of the services. If no organization responds to the request for
3 proposal, the department of health and family services shall perform the services
4 specified for the entity with respect to the collection, analysis, and dissemination of
5 health care information of hospitals and ambulatory surgery centers under this
6 chapter.

7 (c) By April 1, 2004, and annually thereafter, the secretary of health and family
8 services, as chairperson of the group specified under s. 153.01 (4j) (b), shall submit
9 to the chief clerk of each house of the legislature for distribution to the legislature
10 under s. 13.172 (2), a report concerning the content and number of reports and
11 currency of information and reports generated in the previous calendar year by the
12 entity under contract under s. 153.05 (2m).

13 **SECTION 2092g.** 153.05 (3) of the statutes is renumbered 153.05 (3) (a) and
14 amended to read:

15 153.05 (3) (a) Upon request of the department for health care information
16 relating to health care providers other than hospitals and ambulatory surgery
17 centers, state agencies shall provide that health care information to the department
18 for use in preparing reports under this chapter.

19 **SECTION 2092h.** 153.05 (3) (b) of the statutes is created to read:

20 153.05 (3) (b) Upon request of the entity under contract under sub. (2m) (a) for
21 health care information relating to hospitals and ambulatory surgery centers, state
22 agencies shall provide that health care information to the entity for use in preparing
23 reports under this chapter.

24 **SECTION 2092i.** 153.05 (5) of the statutes is renumbered 153.05 (5) (a) and
25 amended to read:

1 153.05 (5) (a) Unless sub. (13) (a) applies, the department may require health
2 care providers other than hospitals and ambulatory surgery centers to submit to the
3 department information specified by rule under s. 153.75 (1) (n) for the preparation
4 of reports, plans, and recommendations in the form specified by the department by
5 rule.

6 **SECTION 2092j.** 153.05 (5) (b) of the statutes is created to read:

7 153.05 (5) (b) Unless sub. (13) (b) applies, the entity under contract under sub.
8 (2m) (a) may require hospitals and ambulatory surgery centers to submit to the
9 entity information for the preparation of reports, plans, and recommendations in the
10 form specified by the entity.

11 **SECTION 2092k.** 153.05 (6) of the statutes is amended to read:

12 153.05 (6) The department may contract with a public or private entity
13 organization that is not a major purchaser, payer or provider of health care services
14 in this state for the provision of data processing services for the collection, analysis
15 and dissemination of health care information under sub. (1) (a).

16 **SECTION 2092L.** 153.05 (6r) of the statutes is amended to read:

17 153.05 (6r) The department shall study and, based on the results of the study,
18 may develop and implement a voluntary system of health care plan reporting that
19 enables purchasers and consumers to assess the performance of health care plans
20 and the health care providers, other than hospitals and ambulatory surgery centers,
21 that are employed or reimbursed by the health care plans. The department shall
22 undertake the study and any development and implementation in cooperation with
23 private health care purchasers, the board, the department of employee trust funds,
24 the office of the commissioner of insurance, the interagency coordinating council
25 created under s. 15.107 (7), major associations of health care providers, health care

1 plans and consumers. If implemented, the department shall operate the system in
2 a manner so as to enable purchasers, consumers, the public, the governor and
3 legislators to assess the performance of health care plans and health care providers
4 other than hospitals and ambulatory surgery centers.

5 **SECTION 2093bg.** 153.05 (8) of the statutes is renumbered 153.05 (8) (a) and
6 amended to read:

7 153.05 (8) (a) Unless sub. (13) (a) applies, the department shall collect, analyze
8 and disseminate, in language that is understandable to ~~lay persons~~ laypersons,
9 claims information and other health care information, as adjusted for case mix and
10 severity, under the provisions of this chapter, as determined by rules promulgated
11 by the department, from health care providers, other than hospitals and ambulatory
12 surgery centers, specified by rules promulgated by the department. Data from those
13 health care providers may be obtained through sampling techniques in lieu of
14 collection of data on all patient encounters and data collection procedures shall
15 minimize unnecessary duplication and administrative burdens. If the department
16 collects ~~health care provider-specific data from health care plans~~ data that is specific
17 to health care providers other than hospitals and ambulatory surgery centers, the
18 department shall attempt to avoid collecting the same data from those health care
19 providers.

20 **SECTION 2093bh.** 153.05 (8) (b) of the statutes is created to read:

21 153.05 (8) (b) Unless sub. (13) (b) applies, the entity under contract under sub.
22 (2m) (a) shall collect, analyze, and disseminate, in language that is understandable
23 to laypersons, claims information and other health care information, as adjusted for
24 case mix and severity, under the provisions of this chapter, from hospitals and
25 ambulatory surgery centers. Data from hospitals and ambulatory surgery centers

1 may be obtained through sampling techniques in lieu of collection of data on all
2 patient encounters, and data collection procedures shall minimize unnecessary
3 duplication and administrative burdens.

4 **SECTION 2093c.** 153.05 (9) of the statutes is renumbered 153.05 (9) (a) and
5 amended to read:

6 153.05 (9) (a) The department shall provide orientation and training to health
7 care providers, other than hospitals and ambulatory surgery centers, who submit
8 data under this chapter, to explain the process of data collection and analysis and the
9 procedures for data verification, comment, interpretation, and release.

10 **SECTION 2093d.** 153.05 (9) (b) of the statutes is created to read:

11 153.05 (9) (b) The entity under contract under sub. (2m) (a) shall provide
12 orientation and training to hospitals and ambulatory surgery centers that submit
13 data under this chapter, to explain the process of data collection and analysis and the
14 procedures for data verification, comment, interpretation, and release.

15 **SECTION 2093e.** 153.05 (12) of the statutes is renumbered 153.05 (12) (a).

16 **SECTION 2093f.** 153.05 (12) (b) of the statutes is created to read:

17 153.05 (12) (b) The entity under contract under sub. (2m) (a) shall, to the extent
18 possible and upon request, assist members of the public in interpreting data in
19 health care information disseminated by the entity.

20 **SECTION 2094c.** 153.05 (13) of the statutes is renumbered 153.05 (13) (a) and
21 amended to read:

22 153.05 (13) (a) The department may waive the requirement under sub. (1) (a),
23 (5) (a), or (8) (a) for a health care provider, other than a hospital or ambulatory
24 surgery center, who requests the waiver and presents evidence to the department
25 that the requirement under sub. (1) (a), (5) (a), or (8) (a) is burdensome, under

1 standards established by the department by rule. The department shall develop a
2 form for use by ~~a~~ the health care provider in submitting a request under this
3 subsection paragraph.

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

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

11 **SECTION 2094e.** 153.07 (1) of the statutes is amended to read:

12 153.07 (1) The board shall advise the department with regard to the collection,
13 analysis and dissemination of health care information required of the department
14 by this chapter.

15 **SECTION 2094f.** 153.07 (4) (b) of the statutes is amended to read:

16 153.07 (4) (b) Provide oversight on the standard reports required of the
17 department under this chapter, including the reports report under ss. 153.20 and s.
18 153.21 (1).

19 **SECTION 2094g.** 153.07 (4) (c) of the statutes is amended to read:

20 153.07 (4) (c) Develop the overall strategy and direction for implementation of
21 the department's duties and powers under this chapter.

22 **SECTION 2094h.** 153.08 (5) of the statutes is created to read:

23 153.08 (5) The entity under contract under s. 153.05 (2m) (a) shall annually
24 publish a hospital rate increase report that contains all of the following information:

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

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

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

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

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

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

7 **SECTION 2094i.** 153.10 of the statutes is renumbered 153.10 (1) and amended
8 to read:

9 153.10 (1) The department shall prepare, and submit to the governor and the
10 chief clerk of each house of the legislature for distribution to the legislature under
11 s. 13.172 (2), standard reports concerning health care providers other than hospitals
12 and ambulatory surgery centers that the department prepares and shall collect
13 information necessary for preparation of those reports.

14 **SECTION 2094j.** 153.10 (2) of the statutes is created to read:

15 153.10 (2) The entity under contract under s. 153.05 (2m) (a) shall prepare, and
16 submit to the governor and the chief clerk of each house of the legislature for
17 distribution to the legislature under s. 13.172 (2), standard reports concerning
18 hospitals and ambulatory surgery centers that the entity prepares and shall collect
19 information necessary for preparation of those reports.

20 **SECTION 2094k.** 153.20 of the statutes is amended to read:

21 **153.20 Uncompensated health care services report.** (1) The department
22 entity under contract under s. 153.05 (2m) (a) shall prepare, and submit to the
23 governor and to the chief clerk of each house of the legislature for distribution to the
24 legislature under s. 13.172 (2), an annual report setting forth the number of patients
25 to whom uncompensated health care services were provided by each hospital and the

1 total charges for the uncompensated health care services provided to the patients for
2 the preceding year, together with the number of patients and the total charges that
3 were projected by the hospital for that year in the plan filed under sub. (2).

4 (2) Every hospital shall file with the department entity under contract under
5 s. 153.05 (2m) (a) an annual plan setting forth the projected number of patients to
6 whom uncompensated health care services will be provided by the hospital and the
7 projected total charges for the uncompensated health care services to be provided to
8 the patients for the ensuing year.

9 **SECTION 2094L.** 153.21 of the statutes is renumbered 153.21 (1) and amended
10 to read:

11 153.21 (1) The department shall prepare and submit to the governor and to the
12 chief clerk of each house of the legislature for distribution to the legislature under
13 s. 13.172 (2) an annual guide to assist consumers in selecting health care providers
14 other than hospitals and ambulatory surgery centers and health care plans. The
15 guide shall be written in language that is understandable to ~~lay persons~~ laypersons.
16 The department shall widely publicize and distribute the guide to consumers.

17 **SECTION 2094m.** 153.21 (2) of the statutes is created to read:

18 153.21 (2) The entity under contract under s. 153.05 (2m) (a) shall prepare and
19 submit to the governor and to the chief clerk of each house of the legislature for
20 distribution to the legislature under s. 13.172 (2) an annual guide to assist
21 consumers in selecting hospitals and ambulatory surgery centers. The guide shall
22 be written in language that is understandable to laypersons and shall include data
23 derived from the annual survey of hospitals conducted by the American Hospital
24 Association and the annual hospital fiscal survey. The entity shall widely publicize
25 and distribute the guide to consumers.

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.~~ 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 2120n.** 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.

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.