



1           **\*b0339/1.1\* SECTION 2020k.** 118.40 (2r) (c) 2. of the statutes is repealed and  
2 recreated to read:

3           118.40 (2r) (c) 2. A pupil who resides outside the school district operating under  
4 ch. 119 may attend a charter school established under this subsection in the school  
5 district operating under ch. 119.

6           **\*b0358/1.1\* SECTION 2020m.** 118.40 (2r) (cm) of the statutes is amended to  
7 read:

8           118.40 (2r) (cm) The chancellor of the University of Wisconsin–Parkside may  
9 establish or enter into a contract for the establishment of only one charter school  
10 under this subsection, which may not operate high school grades and which may not  
11 accommodate more than 400 pupils.

12           **\*-1571/4.1\* SECTION 2021.** 118.40 (2r) (e) 1. of the statutes is amended to read:

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

24           **\*b0358/1.2\* SECTION 2021f.** 118.40 (2r) (e) 2. of the statutes is amended to  
25 read:

1           118.40 (2r) (e) 2. If the chancellor of the University of Wisconsin–Parkside  
2 establishes or contracts for the establishment of a charter school under this  
3 subsection, in March the department shall pay to the unified school district in which  
4 the charter school is located, from the appropriation under s. 20.255 (2) (fm), an  
5 amount equal to the amount of school aid per pupil to which the unified school district  
6 is eligible in the current school year multiplied by the number of pupils, not to exceed  
7 400, attending the charter school who were previously enrolled in the unified school  
8 district.

9           **\*b0354/3.5\* SECTION 2021m.** 118.43 (3) (intro.) of the statutes is amended to  
10 read:

11           118.43 (3) CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am)  
12 and (ar) and sub. (4m), an achievement guarantee contract shall require the school  
13 board to do all of the following in each participating school:

14           **\*b0354/3.5\* SECTION 2021n.** 118.43 (4m) of the statutes is created to read:

15           118.43 (4m) EXCEPTIONS. A school district participating in the program under  
16 this section on the effective date of this subsection .... [revisor inserts date], may  
17 choose not to comply with the requirement to reduce class size to 15 in grades 2 or  
18 3 in any school.

19           **\*b0354/3.5\* SECTION 2021no.** 118.43 (6) (b) (intro.) of the statutes is amended  
20 to read:

21           118.43 (6) (b) (intro.) From the appropriations under s. 20.255 (2) (cu) and (cv),  
22 subject to par. (c), the department shall pay to each school district that has entered  
23 into a contract with the department under this section, except for a school district  
24 under sub. (4m), an amount determined as follows:

1           **\*b0354/3.5\* SECTION 2021nr.** 118.43 (6) (b) 8. of the statutes is amended to  
2 read:

3           118.43 (6) (b) 8. In the 2003–04 and 2004–05 school years, \$2,000 multiplied  
4 by the number of low–income pupils enrolled in grades eligible for funding in each  
5 school in the school district covered by contracts under sub. (3) (ar) and by renewals  
6 of contracts under sub. (2) (g) and \$2,000 multiplied by the number of low–income  
7 pupils enrolled in those grades under sub. (4m) in which the class size has been  
8 reduced to 15.

9           **\*b0338/1.1\* SECTION 2022d.** 119.23 (2) (a) (intro.) of the statutes is amended  
10 to read:

11           119.23 (2) (a) (intro.) Subject to par. (b) (e), any pupil in grades kindergarten  
12 to 12 who resides within the city may attend, at no charge, any private school located  
13 in the city Milwaukee County if all of the following apply:

14           **\*b0338/1.1\* SECTION 2022h.** 119.23 (2) (a) 2. of the statutes is repealed.

15           **\*b0338/1.1\* SECTION 2022p.** 119.23 (2) (b) of the statutes is repealed.

16           **\*b0338/1.1\* SECTION 2022t.** 119.23 (2) (e) of the statutes is created to read:

17           119.23 (2) (e) A pupil who attends a private school under this section is eligible  
18 to attend a private school under this section in succeeding school years even if the  
19 pupil no longer meets the criterion under par. (a) 1.

20           **\*-1571/4.2\* SECTION 2023.** 119.23 (4) (b) 2. of the statutes is amended to read:

21           119.23 (4) (b) 2. ~~The sum of the amount paid per pupil under this subsection~~  
22 ~~paragraph~~ in the previous school year ~~and the amount of revenue increase per pupil~~  
23 ~~allowed under subch. VII of ch. 121 in the current school year~~ multiplied by the sum  
24 of 1.0 plus the percentage change from the previous school year to the current school

1 year in the total amount appropriated under s. 20.255 (2) (ac) and (r) expressed as  
2 a decimal, but not less than zero.

3 \***-1752/3.47\*** SECTION 2024. 119.72 of the statutes is repealed.

4 \***-1752/3.48\*** SECTION 2025. 119.73 of the statutes is amended to read:

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

12 \***-1752/3.49\*** SECTION 2026. 119.80 of the statutes is repealed.

13 \***-1752/3.50\*** SECTION 2027. 119.82 (1) (a) of the statutes is renumbered 119.82  
14 (1m).

15 \***-1752/3.51\*** SECTION 2028. 119.82 (1) (b) of the statutes is renumbered 119.82  
16 (2m) and amended to read:

17 119.82 (2m) Programs under ~~par. (a)~~ sub. (1m) shall be designed to meet the  
18 high school graduation requirements under s. 118.33.

19 \***-1752/3.52\*** SECTION 2029. 119.82 (2) of the statutes is repealed.

20 \***-1752/3.53\*** SECTION 2030. 119.82 (3) of the statutes is repealed.

21 \***-1752/3.54\*** SECTION 2031. 119.82 (5) of the statutes is repealed.

22 \***b0306/4.45\*** SECTION 2032d. 120.18 (1) (i) of the statutes is amended to read:

23 120.18 (1) (i) A description of the educational technology used by the school  
24 district, including the uses made of the technology, the cost of the technology, and the

1 number of persons using or served by the technology. In this paragraph, “educational  
2 technology” has the meaning given in s. 44.70 16.99 (3).

3 **\*b0346/4.1\* SECTION 2032e.** 121.004 (7) (c) 1. c. of the statutes is created to  
4 read:

5 121.004 (7) (c) 1. c. A pupil enrolled in a 4–year–old kindergarten program who  
6 is not a child with a disability shall be counted as 0.25 pupil.

7 **\*b0346/4.1\* SECTION 2032g.** 121.004 (7) (cm) of the statutes is amended to  
8 read:

9 121.004 (7) (cm) A pupil enrolled in a 4–year–old kindergarten program that  
10 provides the required number of hours of direct pupil instruction under s. 121.02 (1)  
11 (f) 2. shall be counted as 0.6 pupil if the pupil is a child with a disability and the  
12 program annually provides at least 87.5 additional hours of outreach activities.

13 **\*b0361/1.1\* SECTION 2032m.** 121.004 (7) (f) of the statutes is renumbered  
14 121.004 (7) (f) (intro.) and amended to read:

15 121.004 (7) (f) (intro.) A pupil who transfers from one school district to another  
16 under s. 121.85 (3) (a) shall:

17 1. In the 2003–04 school year, be counted by the school district in which the  
18 pupil resides as 0.75 pupil or, if appropriate, as a number equal to the result obtained  
19 by multiplying 0.75 by the appropriate fraction under par. (c), (cm) or (d).

20 **\*b0361/1.1\* SECTION 2032n.** 121.004 (7) (f) 2. of the statutes is created to read:

21 121.004 (7) (f) 2. In the 2004–05 school year, be counted by the school district  
22 in which the pupil resides as 0.65 pupil, or, if appropriate, as a number equal to the  
23 result obtained by multiplying 0.65 by the appropriate fraction under par. (c), (cm),  
24 or (d).

25 **\*b0361/1.1\* SECTION 2032o.** 121.004 (7) (f) 3. of the statutes is created to read:

1           121.004 (7) (f) 3. In the 2005–06 school year and each subsequent school year,  
2 be counted by the school district in which the pupil resides as 0.50 pupil, or, if  
3 appropriate, as a number equal to the result obtained by multiplying 0.50 by the  
4 appropriate fraction under par. (c), (cm), or (d).

5           \*~~1599/1.7~~\* SECTION 2033. 121.007 of the statutes is amended to read:

6           **121.007 Use of state aid; exemption from execution.** All moneys paid to  
7 a school district under s. 20.255 (2) (ac), (bc), (cg), ~~and (cr)~~, and (r) shall be used by  
8 the school district solely for the purposes for which paid. Such moneys are exempt  
9 from execution, attachment, garnishment, or other process in favor of creditors,  
10 except as to claims for salaries or wages of teachers and other school employees and  
11 as to claims for school materials, supplies, fuel, and current repairs.

12           \*~~b0257/4.7~~\* SECTION 2033m. 121.007 of the statutes, as affected by 2003  
13 Wisconsin Act .... (this act), is amended to read:

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

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

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

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

3           **\*b0257/4.8\* SECTION 2034m.** 121.07 (7) (b) of the statutes, as affected by 2003  
4     Wisconsin Act .... (this act), is amended to read:

5           121.07 (7) (b) The “secondary guaranteed valuation per member” is an amount,  
6     rounded to the next lower dollar, that, after subtraction of payments under ss. 121.09  
7     and 121.85 (6) (b) 2. and 3. and (c), fully distributes an amount equal to the amount  
8     remaining in the ~~appropriations~~ appropriation under s. 20.255 (2) (ac) ~~and (r)~~.

9           **\*-1599/1.9\* SECTION 2036.** 121.08 (4) (a) (intro.) of the statutes is amended to  
10    read:

11           121.08 (4) (a) (intro.) The amount of state aid that a school district is eligible  
12    to be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and (r) shall  
13    be reduced by the amount determined as follows:

14           **\*b0257/4.9\* SECTION 2036m.** 121.08 (4) (a) (intro.) of the statutes, as affected  
15    by 2003 Wisconsin Act .... (this act), is amended to read:

16           121.08 (4) (a) (intro.) The amount of state aid that a school district is eligible  
17    to be paid from the ~~appropriations~~ appropriation under s. 20.255 (2) (ac) ~~and (r)~~ shall  
18    be reduced by the amount determined as follows:

19           **\*-1599/1.10\* SECTION 2037.** 121.08 (4) (a) 2. of the statutes is amended to read:

20           121.08 (4) (a) 2. Divide the sum under subd. 1. by the total amount of state aid  
21    that all school districts are eligible to be paid from the ~~appropriation~~ appropriations  
22    under s. 20.255 (2) (ac) and (r), calculated as if the reduction under par. (b) had not  
23    occurred.

24           **\*b0257/4.10\* SECTION 2037m.** 121.08 (4) (a) 2. of the statutes, as affected by  
25    2003 Wisconsin Act .... (this act), is amended to read:

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

5           \*~~1599/1.11~~\* SECTION 2038. 121.08 (4) (a) 3. of the statutes is amended to read:

6           121.08 (4) (a) 3. Multiply the amount of state aid that the school district is  
7 eligible to be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and  
8 (r), calculated as if the reduction under par. (b) had not occurred, by the quotient  
9 under subd. 2.

10           \*b0257/4.11\* SECTION 2038m. 121.08 (4) (a) 3. of the statutes, as affected by  
11 2003 Wisconsin Act .... (this act), is amended to read:

12           121.08 (4) (a) 3. Multiply the amount of state aid that the school district is  
13 eligible to be paid from the ~~appropriations~~ appropriation under s. 20.255 (2) (ac) ~~and~~  
14 ~~(r)~~, calculated as if the reduction under par. (b) had not occurred, by the quotient  
15 under subd. 2.

16           \*~~1599/1.12~~\* SECTION 2039. 121.08 (4) (b) of the statutes is amended to read:

17           121.08 (4) (b) The amount of state aid that the school district operating under  
18 ch. 119 is eligible to be paid from the ~~appropriation~~ appropriations under s. 20.255  
19 (2) (ac) and (r) shall also be reduced by 45% of the amounts paid under s. 119.23 (4)  
20 and (4m) in the current school year.

21           \*b0257/4.12\* SECTION 2039m. 121.08 (4) (b) of the statutes, as affected by 2003  
22 Wisconsin Act .... (this act), is amended to read:

23           121.08 (4) (b) The amount of state aid that the school district operating under  
24 ch. 119 is eligible to be paid from the ~~appropriations~~ appropriation under s. 20.255



1 (2) (ac) ~~and (r)~~ shall also be reduced by 45% of the amounts paid under s. 119.23 (4)  
2 and (4m) in the current school year.

3 \*b0362/2.4\* **SECTION 2041m.** 121.09 (2m) of the statutes is created to read:

4 121.09 (2m) If after June 30, 1995, and before the effective date of this  
5 subsection .... [revisor inserts date], the state board of assessors, the office of the  
6 commissioner of tax appeals, or a court makes a final redetermination on the  
7 assessment of telephone company property subject to taxation under s. 70.112 (4)  
8 and subch. IV of ch. 76 that is lower than the previous assessment, the school board  
9 of the school district in which the property is located may, within 4 years after the  
10 effective date of this subsection .... [revisor inserts date], file the redetermination  
11 with the state superintendent, requesting an adjustment in state aid to the school  
12 district. If the state superintendent determines that the redetermination is final and  
13 that it has been filed within the 4-year period, the state shall pay to the school  
14 district in the subsequent fiscal year, from the appropriation under s. 20.255 (2) (ac),  
15 an amount equal to the difference between the state aid computed under s. 121.08  
16 for the school year commencing after the year subject to the valuation recertification,  
17 using the school district's equalized valuation as originally certified, and the state  
18 aid computed under s. 121.08 for that school year using the school district's equalized  
19 valuation as recertified under s. 70.57 (2).

20 \*b0362/2.4\* **SECTION 2041r.** 121.09 (2r) of the statutes is created to read:

21 121.09 (2r) If after the effective date of this subsection .... [revisor inserts date],  
22 the state board of assessors, the office of the commissioner of tax appeals, or a court  
23 makes a final redetermination on the assessment of telephone company property  
24 subject to taxation under s. 70.112 (4) and subch. IV of ch. 76 that is lower than the  
25 previous assessment, the school board of the school district in which the property is

1 located may, within 4 years after the redetermination, file the redetermination with  
2 the state superintendent, requesting an adjustment in state aid to the school district.  
3 If the state superintendent determines that the redetermination is final and that it  
4 has been filed within the 4–year period, the state shall pay to the school district in  
5 the subsequent fiscal year, from the appropriation under s. 20.255 (2) (ac), an amount  
6 equal to the difference between the state aid computed under s. 121.08 for the school  
7 year commencing after the year subject to the valuation recertification, using the  
8 school district’s equalized valuation as originally certified, and the state aid  
9 computed under s. 121.08 for that school year using the school district’s equalized  
10 valuation as recertified under s. 70.57 (2).

11 \*–1563/2.2\* SECTION 2042. 121.15 (3m) of the statutes is repealed.

12 \*b0337/1.5\* SECTION 2042c. 121.41 (1) of the statutes is repealed.

13 \*b0337/1.5\* SECTION 2042f. 121.41 (2) (title) of the statutes is repealed.

14 \*b0337/1.5\* SECTION 2042h. 121.41 (2) of the statutes is renumbered 121.41.

15 \*b0339/1.2\* SECTION 2042k. 121.54 (2) (c) of the statutes is amended to read:

16 121.54 (2) (c) An annual or special meeting of a common or union high school  
17 district, ~~or~~ the school board of a unified school district, or the board of school directors  
18 in charge of the school district operating under ch. 119, may elect to provide  
19 transportation for pupils who are not required to be transported under this section,  
20 including pupils attending public school under s. 118.145 (4). Transportation may  
21 be provided for all or some of the pupils who reside in the school district to and from  
22 the public school they are entitled to attend; the charter school that they attend; or  
23 the private school, within or outside the school district, within whose attendance  
24 area they reside. If transportation is provided for less than all such pupils there shall  
25 be reasonable uniformity in the minimum distance that pupils attending public,

1 charter, and private schools will be transported. Except for elementary school  
2 districts electing to furnish transportation under par. (b) 2., this paragraph does not  
3 permit a school district operating only elementary grades to provide transportation  
4 for pupils attending private schools.

5 \*b0361/1.2\* SECTION 2042m. 121.85 (6) (b) 2. of the statutes is amended to  
6 read:

7 121.85 (6) (b) 2. In each the 2003–04 school year, the school district of  
8 attendance of pupils transferring from one school district to another under sub. (3)  
9 (a) shall receive an amount equal to that produced by multiplying the number of  
10 pupils transferred into the school district under sub. (3) (a) in the previous school  
11 year by the amount produced by dividing the school district's net school cost by the  
12 sum of the membership, plus the number of pupils transferred into the school district  
13 of attendance in the previous school year under sub. (3) (a). This subdivision applies  
14 to aid paid in the 1995–96 school year only if the number of pupils transferring from  
15 one school district to another under sub. (3) (a) in the 1994–95 school year constitutes  
16 less than 5% of the total membership of the school district of attendance.

17 \*b0361/1.2\* SECTION 2042r. 121.85 (6) (b) 2m. of the statutes is created to read:

18 121.85 (6) (b) 2m. Following the 2003–04 school year, the school district of  
19 attendance of pupils transferring from one school district to another under sub. (3)  
20 (a) shall receive the lesser of the average net cost per pupil under subd. 2., as  
21 determined by the department, or:

22 a. In the 2004–05 school year, \$11,000 per pupil transferred.

23 b. In the 2005–06 school year, \$10,000 per pupil transferred.

24 c. In the 2006–07 school year, \$9,000 per pupil transferred.

1 d. In the 2007–08 school year and each subsequent school year, \$8,000 per pupil  
2 transferred.

3 \*b0346/4.2\* SECTION 2042v. 121.90 (1) (f) of the statutes is created to read:

4 121.90 (1) (f) In determining a school district's revenue limit for the 2003–04  
5 school year or for any school year thereafter, the department shall calculate the  
6 number of pupils enrolled in each school year prior to the 2003–04 school year by  
7 counting pupils enrolled in a 4-year-old kindergarten program as provided in s.  
8 121.004 (7) (c) and (cm).

9 SECTION 2043b. 121.905 (1) of the statutes is amended to read:

10 121.905 (1) In this section, “revenue ceiling” means ~~\$6,700 in the 2001–02~~  
11 ~~school year and in any subsequent school year means \$6,900, except that “revenue~~  
12 ~~ceiling” means \$7,400 in the 2003–04 school year and \$7,800 in any subsequent~~  
13 ~~school year if a school board adopts a resolution to that effect by a two-thirds vote~~  
14 ~~of the members elect.~~

15 \*b0342/4.2\* SECTION 2043d. 121.91 (2m) (e) (intro.) of the statutes is amended  
16 to read:

17 121.91 (2m) (e) (intro.) Except as provided in subs. (3) and (4), no school district  
18 may increase its revenues for the 1999–2000, 2000–01, 2001–02, or 2002–03 school  
19 year ~~or for any school year thereafter~~ to an amount that exceeds the amount  
20 calculated as follows:

21 \*b0342/4.2\* SECTION 2043h. 121.91 (2m) (f) of the statutes is created to read:

22 121.91 (2m) (f) Except as provided in subs. (3) and (4), no school district may  
23 increase its revenues for the 2003–04 school year to an amount that exceeds the  
24 amount calculated as follows:

1           1. Divide the sum of the amount of state aid received in the previous school year  
2 and property taxes levied for the previous school year, excluding property taxes  
3 levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4)  
4 (c), by the average of the number of pupils enrolled in the 3 previous school years.

5           2. Add \$120 to the result under subd. 1.

6           3. Multiply the result under subd. 2. by the average of the number of pupils  
7 enrolled in the current and the 2 preceding school years.

8           **\*b0342/4.2\* SECTION 2043s.** 121.91 (2m) (g) of the statutes is created to read:

9           121.91 (2m) (g) Except as provided in subs. (3) and (4), no school district may  
10 increase its revenues for the 2004–05 school year or for any school year thereafter  
11 to an amount that exceeds the amount calculated as follows:

12           1. Divide the sum of the amount of state aid received in the previous school year  
13 and property taxes levied for the previous school year, excluding property taxes  
14 levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4)  
15 (c), by the average of the number of pupils enrolled in the 3 previous school years.

16           2. Add \$100 to the result under subd. 1.

17           3. Multiply the result under subd. 2. by the average of the number of pupils  
18 enrolled in the current and the 2 preceding school years.

19           **\*b0342/4.2\* SECTION 2043u.** 121.91 (2m) (r) 1. (intro.) of the statutes is  
20 amended to read:

21           121.91 (2m) (r) 1. (intro.) Notwithstanding pars. (c), ~~(d) and (e)~~ to (g), if a school  
22 district is created under s. 117.105, its revenue limit under this section for the school  
23 year beginning with the effective date of the reorganization shall be determined as  
24 follows except as provided under subs. (3) and (4):

1           **\*b0342/4.2\* SECTION 2043w.** 121.91 (2m) (r) 2. (intro.) of the statutes is  
2 amended to read:

3           121.91 (2m) (r) 2. (intro.) If a school district is created under s. 117.105, the  
4 following adjustments to the calculations under pars. (c), ~~(d)~~ and (e) to (g) apply for  
5 the 2 school years beginning on the July 1 following the effective date of the  
6 reorganization:

7           **\*b0342/4.2\* SECTION 2043y.** 121.91 (4) (f) of the statutes is amended to read:

8           121.91 (4) (f) 1. For the 1999–2000 school year or any school year thereafter,  
9 if the average of the number of pupils enrolled in the current and the 2 preceding  
10 school years is less than the average of the number of pupils enrolled in the 3 previous  
11 school years, the limit otherwise applicable under sub. (2m) ~~(e)~~ (f) or (g) is increased  
12 by the additional amount that would have been calculated had the decline in average  
13 enrollment been 25% of what it was.

14           2. Any additional revenue received by a school district as a result of subd. 1.  
15 shall not be included in the base for determining the school district's limit under sub.  
16 (2m) ~~(e)~~ (f) or (g) for the following school year.

17           **\*b0350/2.2\* SECTION 2043z.** 125.14 (1) of the statutes is amended to read:

18           125.14 (1) ARREST. Any Subject to s. 175.38, any peace officer may arrest  
19 without warrant any person committing in his or her presence a violation of this  
20 chapter or ch. 139 and may, without a search warrant, seize any personal property  
21 used in connection with the violation.

22           **\*-0529/4.182\* SECTION 2044.** 125.14 (2) (e) of the statutes is amended to read:

23           125.14 (2) (e) *Disposal.* The department shall dispose of the alcohol beverages  
24 turned over to it by the court by either giving it to law enforcement agencies free of  
25 charge for use in criminal investigations, giving it to state–operated veterans'

1 hospitals in amounts needed for medicinal purposes, selling it to the highest bidder  
2 if the bidder is a person holding a license or permit issued under this chapter, or  
3 destroying it, at the discretion of the department. If the department elects to sell the  
4 alcohol beverages, it shall publish a class 2 notice under ch. 985 asking for sealed bids  
5 from qualified bidders. Any items or groups of items in the inventory subject to a  
6 security interest, the existence of which was established in the proceedings for  
7 conviction as being bona fide and as having been created without the secured party  
8 having notice that the items were being used or were to be used in connection with  
9 the violation, shall be sold separately. The net proceeds from the sale, less all costs  
10 of seizure, storage, and sale, shall be turned over to the ~~state treasurer~~ secretary of  
11 administration and credited to the common school fund.

12 \*~~0529/4.183~~\* SECTION 2045. 125.14 (2) (f) of the statutes is amended to read:

13 125.14 (2) (f) *Sale*. Any personal property, other than alcohol beverages, seized  
14 under par. (a) and fit for sale, shall be turned over by the department to the  
15 department of administration for disposal at public auction to the highest bidder, at  
16 a time and place stated in a notice of sale which describes the property to be sold.  
17 The sale shall be held in a conveniently accessible place in the county where the  
18 property was confiscated. A copy of the notice shall be published as a class 2 notice  
19 under ch. 985. The last insertion shall be at least 10 days before the sale. The  
20 department of revenue shall serve a copy of the notice of sale at least 2 weeks before  
21 the date thereof on all persons who are or may be owners or holders of security  
22 interests in the property. Any confiscated property worth more than \$100 shall be  
23 sold separately, and the balance of the confiscated property shall be sold in bulk or  
24 separately at the discretion of the department of administration. The net proceeds  
25 from the sale, less all costs of seizure, storage, and sale, shall be turned over to the

1 ~~state treasurer~~ secretary of administration. No motor vehicle or motorboat  
2 confiscated under this section may be sold within 30 days after the date of seizure.

3 **\*-1634/7.52\* SECTION 2048.** 134.80 of the statutes is amended to read:

4 **134.80 Home heating fuel dealers.** Any dealer selling fuel of any kind for  
5 the purpose of heating a private residence shall notify each private residential  
6 customer whose account is subject to disconnection of the existence of the fuel  
7 assistance programs provided by the department of administration under s. ~~16.385~~  
8 16.27.

9 **\*-1431/2.12\* SECTION 2052.** 138.052 (5) (am) 2. a. of the statutes is amended  
10 to read:

11 138.052 (5) (am) 2. a. ~~On January 1, 1994, and annually thereafter~~ Annually,  
12 the division of banking for banks, ~~the division of savings institutions~~ for savings and  
13 loan associations, and savings banks, and the office of credit unions for credit unions,  
14 shall determine the interest rate that is the average of the interest rates paid,  
15 rounded to the nearest one-hundredth of a percent, on regular passbook deposit  
16 accounts by institutions under the division's or office's jurisdiction at the close of the  
17 last quarterly reporting period that ended at least 30 days before the determination  
18 is made.

19 **\*-1431/2.13\* SECTION 2053.** 138.052 (5) (am) 2. b. of the statutes is amended  
20 to read:

21 138.052 (5) (am) 2. b. ~~The office of credit unions and the division of banking~~  
22 ~~shall report the rate calculated to the division of savings institutions within~~ Within  
23 5 days after the date on which the determination is made. ~~The, the~~ the division of savings  
24 institutions banking shall calculate the average, rounded to the nearest  
25 one-hundredth of a percent, of the 3 rates determined by the division of banking and



1 the office of credit unions and report that interest rate to the revisor of statutes  
2 within 5 days after the date on which the determination is made.

3 \***-1431/2.14\*** SECTION 2054. 138.055 (4) (a) of the statutes is repealed.

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

5 \***-0529/4.184\*** SECTION 2056. 139.10 (title) of the statutes is amended to read:

6 **139.10 (title) Refunds by ~~state treasurer~~ secretary of administration.**

7 \***-0529/4.185\*** SECTION 2057. 139.10 (1) of the statutes is amended to read:

8 139.10 (1) On the certificate of the secretary, the ~~state treasurer~~ secretary of  
9 administration shall refund to any purchaser or any banking institution in  
10 Wisconsin the tax paid on intoxicating liquor or on whole cases or full kegs of  
11 fermented malt beverages which are spoiled or unfit to drink and the tax paid on  
12 fermented malt beverages sold to the U.S. armed forces or the secretary may make  
13 allowance of the amount of the tax.

14 \***b0347/1.1\*** SECTION 2057m. 139.323 (intro.) of the statutes is amended to  
15 read:

16 **139.323 Refunds to Indian tribes.** (intro.) The department shall refund 70%  
17 30% of the taxes collected under s. 139.31 (1) in respect to sales on reservations or  
18 trust lands of an Indian tribe to the tribal council of the tribe having jurisdiction over  
19 the reservation or trust land on which the sale is made if all the following conditions  
20 are fulfilled:

21 \***b0185/1.1\*** SECTION 2057v. 139.362 of the statutes is created to read:

22 **139.362 Bad debt deductions.** (1) In this section, “bad debt” means an  
23 amount that is equal to the purchase price of cigarettes, if such amount may be  
24 claimed as a deduction under section 166 of the Internal Revenue Code. “Bad debt”  
25 does not include financing charges, interest on the wholesale price of cigarettes,

1 uncollectible amounts on property that remains in the seller's possession until the  
2 full purchase price is paid, expenses incurred in attempting to collect any debt, debts  
3 sold or assigned to 3rd parties for collection, and repossessed property.

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

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

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

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

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

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

6 **\*-0529/4.186\* SECTION 2058.** 139.39 (4) of the statutes is amended to read:

7 139.39 (4) No suit shall be maintained in any court to restrain or delay the  
8 collection or payment of the tax levied in s. 139.31. The aggrieved taxpayer shall pay  
9 the tax when due and, if paid under protest, may at any time within 90 days from the  
10 date of payment, sue the state to recover the tax paid. If it is finally determined that  
11 any part of the tax was wrongfully collected, the department secretary of  
12 administration shall ~~issue a warrant on the state treasurer for pay~~ the amount  
13 wrongfully collected, ~~and the treasurer shall pay the same~~ out of the general fund.  
14 A separate suit need not be filed for each separate payment made by any taxpayer,  
15 but a recovery may be had in one suit for as many payments as may have been made.

16 **\*b0185/1.2\* SECTION 2058f.** 139.801 of the statutes is created to read:

17 **139.801 Bad debt deductions.** (1) In this section, “bad debt” means an  
18 amount that is equal to the purchase price of tobacco products, if such amount may  
19 be claimed as a deduction under section 166 of the Internal Revenue Code. “Bad  
20 debt” does not include financing charges, interest on the wholesale price of tobacco  
21 products, uncollectible amounts on property that remains in the seller’s possession  
22 until the full purchase price is paid, expenses incurred in attempting to collect any  
23 debt, debts sold or assigned to 3rd parties for collection, and repossessed property.

24 (2) A distributor who pays the taxes imposed under s. 139.76 may claim as a  
25 deduction on a return under s. 139.77 the amount of any such taxes that are

1 attributable to bad debt that the distributor writes off as uncollectible in the  
2 distributor's books and records and that is eligible to be deducted as bad debt for  
3 federal income tax purposes, regardless of whether the distributor is required to file  
4 a federal income tax return. A distributor who claims a deduction under this section  
5 shall claim the deduction on the return under s. 139.77 that is submitted for the  
6 period in which the distributor writes off the amount of the deduction as uncollectible  
7 in the distributor's books and records and in which such amount is eligible to be  
8 deducted as bad debt for federal income tax purposes. If the distributor subsequently  
9 collects in whole or in part any bad debt for which a deduction is claimed under this  
10 section, the distributor shall include the amount collected in the return filed for the  
11 period in which the amount is collected and shall pay the tax with the return.

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

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

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

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

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

22 **\*-1327/1.17\* SECTION 2059.** 146.185 (1) (i) of the statutes is amended to read:  
23 146.185 (1) (i) "State agency" has the meaning given in s. 16.70 (1) (1e).

24 **\*b0348/2.1\* SECTION 2059g.** 146.185 (3) of the statutes is amended to read:

1           146.185 (3) From the appropriation under s. 20.435 (5) (kb), the department  
2 shall annually award ~~up to \$200,000 in~~ grants for activities to improve the health  
3 status of economically disadvantaged minority group members. A person may apply,  
4 in the manner specified by the department, for a grant of up to \$50,000 in each fiscal  
5 year to conduct these activities. An awardee of a grant under this subsection shall  
6 provide, for at least 50% of the grant amount, matching funds that may consist of  
7 funding or an in-kind contribution. An applicant that is not a federally qualified  
8 health center, as defined under 42 CFR 405.2401 (b) shall receive priority for grants  
9 awarded under this subsection.

10           \*~~0576/8.71~~\* SECTION 2060. 146.59 (3) (b) of the statutes is amended to read:

11           146.59 (3) (b) Any authorization under par. (a) shall comply with all applicable  
12 provisions of subch. V of ch. 111 and ch. 230, any delegation of authority by the  
13 ~~department of employment relations~~ office of state human resources management  
14 to the board, and any collective bargaining agreement with respect to employees of  
15 the board.

16           \*~~0733/3.1~~\* SECTION 2061. 146.65 (1) (a) and (b) of the statutes are amended  
17 to read:

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

23           (b) ~~In fiscal year 2001–02, not more than \$294,500 and in state fiscal year~~  
24 ~~2002–03~~ each fiscal year, not more than \$355,600, to the rural health dental clinic  
25 located in Menomonie that provides dental services to persons who are

1 developmentally disabled or elderly or who have low income, in the counties of  
2 Barron, Chippewa, Dunn, Pepin, Pierce, Polk, and St. Croix.

3 \*b0196/1.2\* SECTION 2061s. 146.885 of the statutes is repealed.

4 \*-1760/2.19\* SECTION 2062. 146.93 of the statutes is repealed.

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

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

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

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

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

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

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

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

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

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

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

5 **\*-1300/1.9\* SECTION 2071.** 149.143 (1) (b) 1. of the statutes is renumbered  
6 149.143 (1) (am), and 149.143 (1) (am) 1., 2., 3. and 4., as renumbered, are amended  
7 to read:

8 149.143 (1) (am) 1. First, from premiums from eligible persons with coverage  
9 under s. 149.14 (2) (a) set at a rate that is 140% to 150% of the rate that a standard  
10 risk would be charged under an individual policy providing substantially the same  
11 coverage and deductibles as are provided under the plan and from eligible persons  
12 with coverage under s. 149.14 (2) (b) set in accordance with s. 149.14 (5m), including  
13 amounts received for premium ~~and, deductible, and prescription drug copayment~~  
14 subsidies under s. 149.144 ~~and under the transfer to the fund from the appropriation~~  
15 ~~account under s. 20.435 (4) (ah)~~, and from premiums collected from eligible persons  
16 with coverage under s. 149.146 set in accordance with s. 149.146 (2) (b).

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

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

1 under s. 149.144 and under the transfer to the fund from the appropriation account  
2 under s. 20.435 (4) (ah), and by increasing premiums from eligible persons with  
3 coverage under s. 149.146 in accordance with s. 149.146 (2) (b), to the extent that the  
4 amounts under ~~subd. 1. a.~~ subds. 1. and b. 2. are insufficient to pay 60% of plan costs.

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

10 \*~~1300/1.10~~\* SECTION 2072. 149.143 (1) (b) 2. of the statutes is renumbered  
11 149.143 (1) (bm).

12 \*~~1300/1.11~~\* SECTION 2073. 149.143 (2) (a) (intro.) of the statutes is amended  
13 to read:

14 149.143 (2) (a) (intro.) Prior to each plan year, the department shall estimate  
15 the operating and administrative costs of the plan and the costs of the premium  
16 reductions under s. 149.165 ~~and~~, the deductible reductions under s. 149.14 (5) (a),  
17 and any prescription drug copayment reductions under s. 149.14 (5) (e) for the new  
18 plan year and do all of the following:

19 \*~~1300/1.12~~\* SECTION 2074. 149.143 (2) (a) 1. a. of the statutes is amended to  
20 read:

21 149.143 (2) (a) 1. a. Estimate the amount of enrollee premiums that would be  
22 received in the new plan year if the enrollee premiums were set at a level sufficient,  
23 when including amounts received for premium ~~and~~, deductible, and prescription  
24 drug copayment subsidies under s. 149.144 ~~and under the transfer to the fund from~~  
25 ~~the appropriation account under s. 20.435 (4) (ah)~~ and from premiums collected from



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

5 \*~~1300/1.13~~\* SECTION 2075. 149.143 (2) (a) 1. b. of the statutes is amended to  
6 read:

7 149.143 (2) (a) 1. b. Estimate the amount of enrollee premiums that will be  
8 received under sub. (1) ~~(b) 1. a.~~ (am) 1.

9 \*~~1300/1.14~~\* SECTION 2076. 149.143 (2) (a) 2. of the statutes is amended to  
10 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 e.~~ (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 \*~~1300/1.15~~\* SECTION 2077. 149.143 (2) (a) 3. of the statutes is amended to  
19 read:

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

24 \*~~1300/1.16~~\* SECTION 2078. 149.143 (2) (a) 4. of the statutes is amended to  
25 read:

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

5           \*~~1300/1.17~~\* SECTION 2079. 149.143 (2) (b) of the statutes is amended to read:

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

12           \*~~1300/1.18~~\* SECTION 2080. 149.143 (2m) (a) 1. of the statutes is amended to  
13 read:

14           149.143 (2m) (a) 1. The amount of premiums received in a plan year from all  
15 eligible persons, including amounts received for premium ~~and, deductible, and~~  
16 prescription drug copayment subsidies.

17           \*~~1300/1.19~~\* SECTION 2081. 149.143 (2m) (a) 2. of the statutes is amended to  
18 read:

19           149.143 (2m) (a) 2. The amount of premiums, including amounts received for  
20 premium ~~and, deductible, and~~ prescription drug copayment subsidies, necessary to  
21 cover 60% of the plan costs for the plan year, ~~after deducting the amount transferred~~  
22 ~~to the fund from the appropriation account under s. 20.435 (4) (af).~~

23           \*~~1300/1.20~~\* SECTION 2082. 149.143 (2m) (b) 1. of the statutes is amended to  
24 read:

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

6           \*~~1300/1.21~~\* **SECTION 2083.** 149.143 (3) (a) of the statutes is amended to read:

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

18           \*~~1300/1.22~~\* **SECTION 2084.** 149.143 (3) (b) of the statutes is amended to read:

19           149.143 **(3)** (b) If the department increases premium rates and insurer  
20 assessments and adjusts the provider payment rate under par. (a) and determines  
21 that there will still be a deficit and that premium rates have been increased to the  
22 maximum extent allowable under par. (a), the department may further adjust, in  
23 equal proportions, assessments set under sub. (2) (a) 3. and the provider payment  
24 rate set under sub. (2) (a) 4., without regard to sub. (1) ~~(b) 2.~~ (bm) but subject to s.  
25 149.142 (1) (b).

1           \*~~1300/1.23~~\* SECTION 2085. 149.144 of the statutes is amended to read:

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

18           \*~~1300/1.24~~\* SECTION 2086. 149.145 of the statutes is amended to read:

19           **149.145 Program budget.** The department, in consultation with the board,  
20 shall establish a program budget for each plan year. The program budget shall be  
21 based on the provider payment rates specified in s. 149.142 and in the most recent  
22 provider contracts that are in effect and on the funding sources specified in ~~s. ss.~~  
23 149.143 (1) and 149.144, including the methodologies specified in ss. 149.143,  
24 149.144, and 149.146 for determining premium rates, insurer assessments, and  
25 provider payment rates. Except as otherwise provided in s. 149.143 (3) (a) and (b)

1 and subject to s. 149.142 (1) (b), from the program budget the department shall derive  
2 the actual provider payment rate for a plan year that reflects the providers'  
3 proportional share of the plan costs, consistent with ss. 149.143 and 149.144. The  
4 department may not implement a program budget established under this section  
5 unless it is approved by the board.

6 **\*-1300/1.25\* SECTION 2087.** 149.146 (2) (a) of the statutes is amended to read:

7 149.146 (2) (a) Except as specified by the department, the terms of coverage  
8 under s. 149.14, including deductible reductions under s. 149.14 (5) (a) and  
9 prescription drug copayment reductions under s. 149.14 (5) (e), do not apply to the  
10 coverage offered under this section. Premium reductions under s. 149.165 do not  
11 apply to the coverage offered under this section.

12 **\*-0133/1.2\* SECTION 2088.** 149.16 (1) of the statutes is repealed.

13 **\*-0133/1.3\* SECTION 2089.** 149.16 (1m) of the statutes is created to read:

14 149.16 (1m) The plan administrator may be selected by the department in a  
15 competitive bidding process.

16 **\*-0133/1.4\* SECTION 2090.** 149.16 (4) of the statutes is amended to read:

17 149.16 (4) ~~The~~ If the plan administrator is the fiscal agent under s. 49.45 (2)  
18 (b) 2., the plan administrator shall account for costs related to the plan separately  
19 from costs related to medical assistance ~~under subch. IV of ch. 49.~~

20 **\*-1300/1.26\* SECTION 2091.** 149.165 (4) of the statutes is amended to read:

21 149.165 (4) The department shall reimburse the plan for premium reductions  
22 under sub. (2) ~~and~~, deductible reductions under s. 149.14 (5) (a) ~~with moneys~~  
23 ~~transferred to the fund, and~~ prescription drug copayment reductions under s. 149.14  
24 (5) (e) from the appropriation account under s. 20.435 (4) ~~(ah)~~ (v).

25 **\*-0529/4.187\* SECTION 2092.** 150.963 (3) (e) of the statutes is amended to read:

1           150.963 (3) (e) Accept on behalf of the state and deposit with the ~~state treasurer~~  
2 secretary of administration any grant, gift, or contribution made to assist in meeting  
3 the cost of carrying out the purposes of this subchapter, and expend those funds for  
4 the purposes of this subchapter.

5           **\*b0146/2.8\* SECTION 2092c.** 153.01 (4j) of the statutes is created to read:

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

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

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

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

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

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

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

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

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

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

21           **\*b0146/2.8\* SECTION 2092d.** 153.05 (1) of the statutes is amended to read:

22           153.05 (1) In order to provide to ~~hospitals,~~ health care providers, insurers,  
23 consumers, governmental agencies and others information concerning health care  
24 providers and uncompensated health care services, and in order to provide  
25 information to assist in peer review for the purpose of quality assurance, the:

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

5           **\*b0146/2.8\* SECTION 2092e.** 153.05 (1) (b) of the statutes is created to read:

6           153.05 (1) (b) The entity under contract under sub. (2m) (a) shall collect from  
7 hospitals and ambulatory surgery centers the health care information required of  
8 hospitals and ambulatory surgery centers by the department under ch. 153, 2001  
9 stats., and the rules promulgated under ch. 153, 2001 stats., including, by the date  
10 that is 18 months after the date of the contract under sub. (2m) (a), all outpatient  
11 hospital-based services. The entity shall analyze and disseminate that health care  
12 information, as adjusted for case mix and severity, in the manner required under this  
13 chapter, under ch. 153, 2001 stats., and under the rules promulgated under ch. 153,  
14 2001 stats., and in language that is understandable to laypersons.

15           **\*b0146/2.8\* SECTION 2092f.** 153.05 (2m) of the statutes is created to read:

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

1 and may include in the contract only terms standard to contracts with the  
2 department of administration under subch. IV of ch. 16.

3 (b) Biennially, the group specified under s. 153.01 (4j) (b) shall review the  
4 entity's performance, including the timeliness and quality of the reports generated  
5 by the entity. If the group is dissatisfied with the entity's performance, the group may  
6 recommend to the department of administration that that department use a  
7 competitive request-for-proposal process to solicit offers from other organizations  
8 for performance of the services. If no organization responds to the request for  
9 proposal, the department of health and family services shall perform the services  
10 specified for the entity with respect to the collection, analysis, and dissemination of  
11 health care information of hospitals and ambulatory surgery centers under this  
12 chapter.

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

19 **\*b0146/2.8\* SECTION 2092g.** 153.05 (3) of the statutes is renumbered 153.05  
20 (3) (a) and amended to read:

21 153.05 (3) (a) Upon request of the department for health care information  
22 relating to health care providers other than hospitals and ambulatory surgery  
23 centers, state agencies shall provide that health care information to the department  
24 for use in preparing reports under this chapter.

25 **\*b0146/2.8\* SECTION 2092h.** 153.05 (3) (b) of the statutes is created to read:



1           153.05 (3) (b) Upon request of the entity under contract under sub. (2m) (a) for  
2 health care information relating to hospitals and ambulatory surgery centers, state  
3 agencies shall provide that health care information to the entity for use in preparing  
4 reports under this chapter.

5           **\*b0146/2.8\* SECTION 2092i.** 153.05 (5) of the statutes is renumbered 153.05  
6 (5) (a) and amended to read:

7           153.05 (5) (a) Unless sub. (13) (a) applies, the department may require health  
8 care providers other than hospitals and ambulatory surgery centers to submit to the  
9 department information specified by rule under s. 153.75 (1) (n) for the preparation  
10 of reports, plans, and recommendations in the form specified by the department by  
11 rule.

12           **\*b0146/2.8\* SECTION 2092j.** 153.05 (5) (b) of the statutes is created to read:

13           153.05 (5) (b) Unless sub. (13) (b) applies, the entity under contract under sub.  
14 (2m) (a) may require hospitals and ambulatory surgery centers to submit to the  
15 entity information for the preparation of reports, plans, and recommendations in the  
16 form specified by the entity.

17           **\*b0146/2.8\* SECTION 2092k.** 153.05 (6) of the statutes is amended to read:

18           153.05 (6) The department may contract with a public or private entity  
19 organization that is not a major purchaser, payer or provider of health care services  
20 in this state for the provision of data processing services for the collection, analysis  
21 and dissemination of health care information under sub. (1) (a).

22           **\*b0146/2.8\* SECTION 2092L.** 153.05 (6r) of the statutes is amended to read:

23           153.05 (6r) The department shall study and, based on the results of the study,  
24 may develop and implement a voluntary system of health care plan reporting that  
25 enables purchasers and consumers to assess the performance of health care plans

1 and the health care providers, other than hospitals and ambulatory surgery centers,  
2 that are employed or reimbursed by the health care plans. The department shall  
3 undertake the study and any development and implementation in cooperation with  
4 private health care purchasers, the board, the department of employee trust funds,  
5 the office of the commissioner of insurance, the interagency coordinating council  
6 created under s. 15.107 (7), major associations of health care providers, health care  
7 plans and consumers. If implemented, the department shall operate the system in  
8 a manner so as to enable purchasers, consumers, the public, the governor and  
9 legislators to assess the performance of health care plans and health care providers  
10 other than hospitals and ambulatory surgery centers.

11 **\*b0146/2.9\* SECTION 2093bg.** 153.05 (8) of the statutes is renumbered 153.05  
12 (8) (a) and amended to read:

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

1           **\*b0146/2.9\* SECTION 2093bh.** 153.05 (8) (b) of the statutes is created to read:  
2           153.05 (8) (b) Unless sub. (13) (b) applies, the entity under contract under sub.  
3           (2m) (a) shall collect, analyze, and disseminate, in language that is understandable  
4           to laypersons, claims information and other health care information, as adjusted for  
5           case mix and severity, under the provisions of this chapter, from hospitals and  
6           ambulatory surgery centers. Data from hospitals and ambulatory surgery centers  
7           may be obtained through sampling techniques in lieu of collection of data on all  
8           patient encounters, and data collection procedures shall minimize unnecessary  
9           duplication and administrative burdens.

10           **\*b0146/2.9\* SECTION 2093c.** 153.05 (9) of the statutes is renumbered 153.05  
11           (9) (a) and amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4           **\*b0146/2.9\* SECTION 2094g.** 153.07 (4) (c) of the statutes is amended to read:

5           153.07 (4) (c) Develop the overall strategy and direction for implementation of  
6 the department's duties and powers under this chapter.

7           **\*b0146/2.9\* SECTION 2094h.** 153.08 (5) of the statutes is created to read:

8           153.08 (5) The entity under contract under s. 153.05 (2m) (a) shall annually  
9 publish a hospital rate increase report that contains all of the following information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

4           (a) Standard reports.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 153.50 (4) (a) 1. a.

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

14 read:

15           153.50 (4) (a) 1. b. An agent of the entity under contract under s. 153.05 (2m)

16 (a) who is responsible for the patient-identifiable data of the entity, in order to store  
17 the data and ensure the accuracy of the information in the database of the entity.

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

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

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

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

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

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

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

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

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

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

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

23          153.50 (5) (b) (intro.) Upon receipt of a request under par. (a), the department  
24          or entity under contract under s. 153.05 (2m) (a), whichever is appropriate, shall, as

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

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

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

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

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

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

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

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

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

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

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

20 153.65 (2) Beginning January 1, 2004, unless the entity under contract under  
21 s. 153.05 (2m) (a) otherwise agrees and except as provided in s. 153.46 (6), the entity  
22 has the exclusive right to use and to provide for a fee, upon request from a person,  
23 a data compilation or a special report based on the information concerning hospitals  
24 and ambulatory surgery centers that is collected by the entity or provided by the  
25 department to the entity. Subject to approval by the group specified under s. 153.01

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

5 \*b0146/2.9\* SECTION 2095rf. 153.75 (1) (a) of the statutes is amended to read:  
6 153.75 (1) (a) Providing procedures, for information submitted by health care  
7 providers who are not hospitals or ambulatory surgery centers, to ensure the  
8 protection of patient confidentiality under s. 153.50.

9 \*b0146/2.9\* SECTION 2095rg. 153.75 (1) (b) of the statutes is amended to read:  
10 153.75 (1) (b) Establishing procedures under which health care providers who  
11 are not hospitals or ambulatory surgery centers are permitted to review, verify and  
12 comment on information and include the comments with the information.

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

14 \*b0146/2.9\* SECTION 2095ri. 153.75 (1) (m) of the statutes is amended to read:  
15 153.75 (1) (m) Specifying the classes of health care providers, other than  
16 hospitals and ambulatory surgery centers, from whom claims data and other health  
17 care information will be collected.

18 \*b0146/2.9\* SECTION 2095rj. 153.75 (1) (n) of the statutes is amended to read:  
19 153.75 (1) (n) Specifying the uniform data set of health care information, as  
20 adjusted for case mix and severity, to be collected from health care providers other  
21 than hospitals and ambulatory surgery centers.

22 \*b0146/2.9\* SECTION 2095rk. 153.75 (1) (p) of the statutes is amended to read:  
23 153.75 (1) (p) Specifying the methods for using and disseminating health care  
24 data in order for health care providers other than hospitals and ambulatory surgery  
25 centers to provide health care that is effective and economically efficient and for



1 consumers and purchasers to make informed decisions in selecting health care plans  
2 and health care providers.

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

4 153.75 (1) (q) Specifying the information to be provided by the department in  
5 the consumer guide under s. 153.21 (1).

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

7 153.75 (1) (r) Specifying the standard reports that will be issued by the  
8 department in addition to those required in ~~ss. 153.20~~ and s. 153.21 (1).

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

10 153.75 (1) (t) Establishing standards for determining under s. 153.05 (13) (a)  
11 if a requirement under s. 153.05 (1) (a), (5) (a), or (8) (a) is burdensome for a health  
12 care provider other than a hospital or ambulatory surgery center.

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

14 153.75 (1) (u) Specifying the methods for adjusting health care information  
15 obtained from health care providers other than hospitals and ambulatory surgery  
16 centers for case mix and severity.

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

18 153.75 (2) (a) Exempting certain classes of health care providers that are not  
19 hospitals or ambulatory surgery centers from providing all or portions of the data  
20 required under this chapter.

21 **\*-0529/4.188\* SECTION 2099.** 165.30 (3) of the statutes is amended to read:

22 165.30 (3) COLLECTION PROCEEDS. (a) All obligations collected by the  
23 department of justice under this section shall be paid to the ~~state treasurer~~ secretary  
24 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 \*b0350/2.3\* SECTION 2099f. 165.60 of the statutes is amended to read:

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

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

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

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

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

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

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