



**SENATE AMENDMENT 13,
TO 1995 ASSEMBLY BILL 150**

June 27, 1995 – Offered by Senators MOEN, DECKER, RISSER and CHVALA.

1 At the locations indicated, amend the engrossed bill as follows:

2 **1.** Page 194, line 5: after that line insert:

3 “(3) CAPITAL EXPENDITURE REVIEW

4 (h) Review and approval activities:

5 general program operations PR A 204,100 204,100”.

6 **2.** Page 368, line 15: after that line insert:

7 “SECTION 529m. 20.155 (3) of the statutes is created to read:

8 20.155 (3) CAPITAL EXPENDITURE REVIEW. (h) *Review and approval activities;*
9 *general program operations.* The amounts in the schedule to fund the capital
10 expenditure review and approval activities and general program operations of the
11 public service commission under ch. 150. All moneys received under s. 150.66 shall
12 be credited to this appropriation account.”.

13 **3.** Page 436, line 25: after the 2nd “and” insert “subchs. I, II, IV, VII and VIII
of”.

1 **4.** Page 437, line 10: after the 2nd “and” insert “subchs. I, II, IV, VII and VIII
of”.

2 **5.** Page 486, line 13: delete lines 13 to 24 and substitute:

3 “**SECTION 1044b.** 20.488 of the statutes is repealed.”.

4 **6.** Page 1534, line 22: delete lines 22 to 24 and substitute:

5 “**SECTION 4383c.** 150.01 (6r) of the statutes is amended to read:

6 150.01 (6r) “Commission” means the ~~cost containment~~ public service
7 commission.”.

8 **7.** Page 1535, line 1: delete that line and substitute:

9 “**SECTION 4386b.** 150.10 of the statutes is amended to read:

10 **150.10 Commission staff.** The commission may employ staff. ~~The staff shall~~
11 ~~include a staff director who shall be in the unclassified service. The commission staff~~
12 ~~shall offer its services to the cost containment council.”.~~

13 **8.** Page 1535, line 2: delete lines 2 to 6.

14 **9.** Page 1535, line 11: delete lines 11 and 12 and substitute:

15 “**SECTION 4388m.** 150.61 (intro.) of the statutes is amended to read:

16 **150.61 Applicability Capital expenditure approval.** (intro.) Beginning
17 ~~July 1, 1993, no~~ No person may do any of the following without first obtaining the
18 commission’s approval:

19 **SECTION 4388p.** 150.66 of the statutes is amended to read:

20 **150.66 Application fee.** Each application for review of a project or activity
21 subject to this subchapter shall be accompanied by a fee that is established in rules
22 promulgated by the commission. The commission shall promulgate rules that

1 establish application fees that are sufficient to fund all of the commission's expenses
2 beginning on July 1, 1995.

3 **SECTION 4388r.** 150.80 of the statutes is repealed.

4 **SECTION 4388t.** 150.82 (1) of the statutes is amended to read:

5 150.82 (1) The commission shall adopt a state health services plan, based on
6 recommendations of the cost containment council made under s. 150.80 (4) and using
7 information provided by the office of health care information in the office of the
8 commissioner of insurance, at least once every 3 years that includes a description of
9 the hospital system in the state and identifies health care needs and surpluses with
10 respect to existing health care services, facilities and equipment and other
11 components the commission finds useful.”

12 **10.** Page 1537, line 16: delete that line and substitute:

13 “**SECTION 4393b.** 153.05 (4m) of the statutes is amended to read:

14 153.05 (4m) The office shall provide the cost containment public service
15 commission with information necessary for performance of duties of the cost
16 containment public service commission under s. 150.82 (1) and as requested of the
17 office by the cost containment public service commission.”

18 **11.** Page 1726, line 5: after that line insert:

19 “**SECTION 5234t.** 196.02 (1) of the statutes is renumbered 196.02 (1) (a).

20 **SECTION 5234u.** 196.02 (1) (b) of the statutes is created to read:

21 196.02 (1) (b) The commission has jurisdiction to review and approve or
22 disapprove medical expenditure proposals as specified in subch. III of ch. 150 and to
23 do all things necessary and convenient to its jurisdiction.

24 **SECTION 5234x.** 196.02 (7) of the statutes is amended to read:

1 196.02 (7) COMMISSION INITIATIVE. In any matter within its jurisdiction,
2 including, but not limited to, subch. III of ch. 150, chs. 184, 197 and this chapter, the
3 commission may initiate, investigate and order a hearing at its discretion upon such
4 notice as it deems proper.

5 **SECTION 5234xs.** 196.025 of the statutes is renumbered 196.025 (1).

6 **SECTION 5234xt.** 196.025 (2) of the statutes is created to read:

7 196.025 (2) The commission shall perform medical expenditure review duties
8 as specified in subch. III of ch. 150.”.

9 **12.** [Page 1734, line 11](#): after that line insert:

10 “**SECTION 5255m.** 197.10 (4) of the statutes is amended to read:

11 197.10 (4) Insofar as the use, operation, service, management, control, sale,
12 lease, purchase, extension, improvement, rates, value or earnings of the properties
13 of the public utility or provisions looking toward the ultimate acquisition of the same
14 are made subject to the terms of any contract provided for in sub. (1), and so long as
15 said contract remains in force, the following sections of the statutes shall be
16 inapplicable to the same: ss. 195.05, 195.10, 196.02 (1) (a) and (2), 196.05, 196.09,
17 196.10, 196.11, 196.15, 196.16, 196.19 (6), 196.20, 196.21, 196.22, 196.26, 196.28,
18 196.30, 196.37, 196.39, 196.40, 196.58, 196.70, 197.01 (2) to (4), 197.02, 197.03,
19 197.04, 197.05, 197.06, 197.08 and 197.09; provided that nothing in any contract
20 made hereunder shall operate to prevent an appeal to the public service commission
21 by any person, other than a party to said contract, upon any complaint alleging that
22 any rate, fare, charge or classification, or any joint rate, or any regulation, act or
23 practice relating to the production, transmission, delivery or furnishing of gas, heat,
24 light or power, or any service in connection therewith, is unjustly discriminatory, or

1 that any such service is inadequate or cannot be obtained. Upon said appeal the
2 commission shall, as provided by law, determine and by order fix a rate, fare, charge,
3 classification, joint rate or regulation, act or practice or service to be imposed,
4 observed or followed in the future in lieu of that found to be unjustly discriminatory
5 or inadequate.

6 **SECTION 5255p.** 197.10 (5) of the statutes is amended to read:

7 197.10 (5) Nothing in this section shall operate to deprive the public service
8 commission of its jurisdiction over service, rates and other matters, as provided in
9 subch. III of ch. 150 and chs. 196 and 197, outside of the limits of said 1st class city.
10 If any complaint or investigation before the commission as to service, rates or other
11 matters arising outside of any such city necessarily shall involve any contract
12 authorized in sub. (1), or any specifications, rules, regulations or acts in its conduct
13 or administration such city shall be made a party to such proceeding and to the extent
14 that such contract or its administration shall be determined by the commission to be
15 unreasonable or unjustly discriminatory as regards any person or municipality
16 outside of such city, the same shall be changed to conform to the rates, service or
17 regulations provided by the commission outside of such city.”.

18 **13.** Page 2617, line 9: after that line insert:

19 “(2e) TRANSFER OF CAPITAL EXPENDITURE REVIEW.

20 (a) *Commissioners.* Notwithstanding section 17.07 (3) of the statutes, the
21 terms of the commissioners of the cost containment commission terminate on the
22 effective date of this paragraph.

1 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets
2 and liabilities of the cost containment commission shall become the assets and
3 liabilities of the public service commission.

4 (c) *Position and employe transfers.* All incumbent employes, except the
5 commissioners, as specified in paragraph (a), and the staff director, holding positions
6 in the cost containment commission, and the positions of those employes, are
7 transferred on the effective date of this paragraph to the public service commission.

8 (d) *Employe status.* Employes transferred under paragraph (c) have all the
9 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
10 statutes in the public service commission that they enjoyed in the cost containment
11 commission immediately before the transfer. Notwithstanding section 230.28 (4) of
12 the statutes, no employe so transferred who has attained permanent status in class
13 is required to serve a probationary period.

14 (e) *Tangible personal property.* On the effective date of this paragraph, all
15 tangible personal property, including records, of the cost containment commission is
16 transferred to the public service commission.

17 (f) *Contracts.* All contracts entered into by the cost containment commission
18 in effect on the effective date of this paragraph remain in effect and are transferred
19 to the public service commission. The public service commission shall carry out any
20 such contractual obligations until modified or rescinded by the public service
21 commission to the extent allowed under the contracts.

22 (g) *Rules and orders.* All rules promulgated by the cost containment
23 commission that are in effect on the effective date of this paragraph remain in effect
24 until their specified expiration date or until amended or repealed by the public
25 service commission. All orders issued by the cost containment commission that are

1 in effect on the effective date of this paragraph remain in effect until their specified
2 expiration date or until modified or rescinded by the public service commission.

3 (h) *Pending matters.* Any matter pending with the cost containment
4 commission on the effective date of this paragraph is transferred to the public service
5 commission and all materials submitted to or actions taken by the cost containment
6 commission with respect to the pending matter are considered as having been
7 submitted to or taken by the public service commission.”.

8 **14.** Page 2677, line 14: delete lines 14 to 18.

9 (END)