



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBb0373/P2  
CMH:wlj&kjf:sh

P3

LFB:.....Renner - Attorney consolidation

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

**SENATE AMENDMENT ,**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2007 SENATE BILL 40**

PH  
JA

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 18, line 12: after that line insert:

3 **"SECTION 27.** 15.04 (4) of the statutes is created to read:

4 15.04 (4) LEGAL SERVICES. If a department or independent agency is authorized  
5 or required to employ or retain an attorney, the department or independent agency  
6 may do so only in the following ways:

7 (a) Employ an attorney in a position authorized under s. 16.505.

8 (b) Contract with the department of administration for legal services under s.  
9 16.004 (15).

1 (c) Allow the department of justice to furnish legal services if the department  
2 of justice is required by law to furnish the services.

3 (d) 1. Allow the division of hearings and appeals created under s. 15.103 (1) to  
4 furnish legal services if the division of hearings and appeals is required or authorized  
5 by law to furnish the services.

6 2. Contract under s. 227.43 (1m) for contested case hearing services with the  
7 division of hearings and appeals if the department or independent agency is not  
8 prohibited by law to do so.

9 (e) Employ or retain any attorney who is not a state employee, subject to s.  
10 20.930.”.

11 **2.** Page 19, line 12: after that line insert:

12 “**SECTION 31.** 15.103 (1g) of the statutes is created to read:

13 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of  
14 administration a division of legal services. The administrator of the division shall  
15 be appointed by the secretary of administration in the classified service.”.

16 **3.** Page 26, line 3: after that line insert:

17 “**SECTION 72.** 16.004 (15) of the statutes is created to read:

18 16.004 (15) LEGAL SERVICES. (a) In this subsection, “state agency” means an  
19 office, commission, department, independent agency, or board in the executive  
20 branch of state government, and includes the building commission.

21 (b) The department may provide legal services to state agencies. Annually, the  
22 department shall assess each state agency for the cost of the legal services provided  
23 to the state agency. The department shall credit all moneys received from state  
24 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).”.



1           73.01 (4m) (b) No member of the commission, including the chairperson, or its  
2    a hearing examiner may receive any salary unless he or she first executes an  
3    affidavit at the end of each salary period stating that he or she has complied with the  
4    deadlines in par. (a). The affidavit shall be presented to and filed with every official  
5    who certifies, in whole or in part, the salary.

6           **SECTION 2145.** 73.01 (4m) (c) of the statutes is amended to read:

7           73.01 (4m) (c) If a member of the commission, including the chairperson, or its  
8    a hearing examiner is unable to comply with the deadline under par. (a), that person  
9    shall so certify in the record, and the period is then extended for one additional period  
10   not to exceed 90 days.”.

11          **8.** Page 1196, line 3: after that line insert:

12          “**SECTION 2539.** 85.013 (2) (a) of the statutes is amended to read:

13          85.013 (2) (a) The secretary shall designate ~~employees of the department as~~  
14    hearing examiners to preside over all hearings arising under ch. 344.”.

15          **9.** Page 1310, line 9: delete “14” and substitute “15”.

16          **10.** Page 1430, line 25: after that line insert:

17          “**SECTION 3348.** 343.33 (2) of the statutes is amended to read:

18          343.33 (2) Upon the hearing, the department or its a hearing examiner may  
19    administer oaths, issue subpoenas for the attendance of witnesses and the  
20    production of relevant books and papers and may require a reexamination of the  
21    licensee. No law enforcement officer or other witness produced by the person who  
22    has requested a hearing to testify on his or her behalf shall be paid a witness fee by  
23    the department nor shall any law enforcement officer called to appear for the  
24    department be paid any witness fee. All testimony shall be taken and transcribed.”.

1           **11.** Page 1643, line 21: after that line insert:

2           “(3i) TRANSFER OF ATTORNEY AND LEGAL STAFF POSITIONS.

3           (a) *Definitions.* In this subsection:

4           1. “Legal staff” means the individuals as determined by the secretary of  
5 administration who provide support services for attorneys.

6           2. “State agency” means an office, commission, department, independent  
7 agency, or board in the executive branch of state government, except the following:

8           a. The public service commission.

9           b. The public defender board.

10          c. The Board of Regents of the University of Wisconsin System.

11          d. The University of Wisconsin Hospitals and Clinics Board.

12          e. The state of Wisconsin investment board.

13          f. The office of the governor.

14          g. The government accountability board.

15          h. The department of justice.

16          i. The employment relations commission.

17          j. The department of military affairs.

18          k. The department of public instruction.

19          L. The Board on Aging and Long-Term Care.

20          (b) *State agency attorneys and legal staff.* Except as provided in paragraph (c)  
21 and subject to paragraph (d), on the effective date of this paragraph all attorney  
22 positions in state agencies and all legal staff positions in state agencies are  
23 transferred to the division of legal services in the department of administration.

24          (c) *Hearing officers, hearing examiners, and administrative law judges.*

1           1. Except as provided in subdivision 2. and subject to paragraph (d), on the  
2 effective date of this subdivision all positions identified by the secretary of  
3 administration as hearing officers, hearing examiners, or administrative law judges  
4 are transferred to the division of hearings and appeals in the department of  
5 administration.

6           2. Subdivision 1. does not apply to hearing officers, hearing examiners, or  
7 administrative law judges in the department of workforce development.

8           (d) *Exceptions.* Paragraphs (b) and (c) do not apply to any of the following:

9           1. State employees working in an office of a district attorney under section  
10 978.12 (1) (b) or (c) of the statutes.

11           2. One lead attorney in the office of state employment relations whose duties  
12 include the negotiation and interpretation of collective bargaining agreements  
13 entered into under subchapter V of chapter 111 of the statutes.

14           3. One attorney position in each of the following state agencies, identified by  
15 the secretary of administration as the general counsel or lead attorney position:

16           a. Department of administration.

17           b. Department of agriculture, trade and consumer protection.

18           c. Department of children and families.

19           d. Department of commerce.

20           e. Department of corrections.

21           f. Department of employee trust funds.

22           g. Department of financial institutions.

23           h. Department of health and family services.

24           j. Department of natural resources.

25           L. Department of regulation and licensing.

- 1 m. Department of revenue.
- 2 n. Department of transportation.
- 3 o. Department of veterans affairs.
- 4 p. Department of workforce development.
- 5 q. Office of the commissioner of insurance.

6 (dm) *Position increases and decreases.*

7 1. The authorized FTE positions for the department of agriculture, trade and  
8 consumer protection, funded from the appropriation under section 20.115 (1) (gb) of  
9 the statutes, as affected by this act, are decreased by 1.0 FTE position, for the  
10 purpose of transferring positions under this section.

11 1g. The authorized FTE positions for the department of agriculture, trade and  
12 consumer protection, funded from the appropriation under section 20.115 (7) (r) of  
13 the statutes, as affected by this act, are decreased by 1.0 FTE position, for the  
14 purpose of transferring positions under this section.

15 1r. The authorized FTE positions for the department of agriculture, trade and  
16 consumer protection, funded from the appropriation under section 20.115 (8) (a) of  
17 the statutes, as affected by this act, are decreased by 4.5 FTE positions, for the  
18 purpose of transferring positions under this section.

19 2. The authorized FTE positions for the department of commerce, funded from  
20 the appropriation under section 20.143 (3) (r) of the statutes, as affected by this act,  
21 are decreased by 0.5 FTE position, for the purpose of transferring positions under  
22 this section.

23 2m. The authorized FTE positions for the department of commerce, funded  
24 from the appropriation under section 20.143 (3) (w) of the statutes, as affected by this

1 act, are decreased by 1.5 FTE positions, for the purpose of transferring positions  
2 under this section.

3 3. The authorized FTE positions for the department of financial institutions,  
4 funded from the appropriation under section 20.144 (1) (g) of the statutes, as affected  
5 by this act, are decreased by 5.0 FTE positions, for the purpose of transferring  
6 positions under this section.

7 4. The authorized FTE positions for the office of the commissioner of insurance,  
8 funded from the appropriation under section 20.145 (1) (g) of the statutes, as affected  
9 by this act, are decreased by 5.0 FTE positions, for the purpose of transferring  
10 positions under this section.

11 5. The authorized FTE positions for the department of regulation and licensing,  
12 funded from the appropriation under section 20.165 (1) (g) of the statutes, as affected  
13 by this act, are decreased by 28.0 FTE positions, for the purpose of transferring  
14 positions under this section.

15 5m. The authorized FTE positions for the department of regulation and  
16 licensing, funded from the appropriation under section 20.165 (1) (i) of the statutes,  
17 as affected by this act, are decreased by 1.0 FTE position, for the purpose of  
18 transferring positions under this section.

19 6. The authorized FTE positions for the department of natural resources,  
20 funded from the appropriation under section 20.370 (2) (gh) of the statutes, as  
21 affected by this act, are decreased by 0.5 FTE positions, for the purpose of  
22 transferring position under this section.

23 6d. The authorized FTE positions for the department of natural resources,  
24 funded from the appropriation under section 20.370 (3) (mk) of the statutes, as

1 affected by this act, are decreased by 0.5 FTE position, for the purpose of transferring  
2 positions under this section.

3 6h. The authorized FTE positions for the department of natural resources,  
4 funded from the appropriation under section 20.370 (8) (ma) of the statutes, as  
5 affected by this act, are decreased by 3.0 FTE positions, for the purpose of  
6 transferring positions under this section.

7 6k. The authorized FTE positions for the department of natural resources,  
8 funded from the appropriation under section 20.370 (8) (mq) of the statutes, as  
9 affected by this act, are decreased by 0.5 FTE position, for the purpose of transferring  
10 positions under this section.

11 6p. The authorized FTE positions for the department of natural resources,  
12 funded from the appropriation under section 20.370 (8) (mu) of the statutes, as  
13 affected by this act, are decreased by 6.0 FTE positions, for the purpose of  
14 transferring positions under this section.

15 6s. The authorized FTE positions for the department of natural resources,  
16 funded from the appropriation under section 20.370 (8) (mz) of the statutes, as  
17 affected by this act, are decreased by 6.0 FTE positions, for the purpose of  
18 transferring positions under this section.

19 7. The authorized FTE positions for the department of transportation, funded  
20 from the appropriation under section 20.395 (4) (aq) of the statutes, as affected by  
21 this act, are decreased by 10.0 FTE positions, for the purpose of transferring  
22 positions under this section.

23 8. The authorized FTE positions for the department of corrections, funded from  
24 the appropriation under section 20.410 (1) (a) of the statutes, as affected by this act,

1 are decreased by 6.5 FTE positions, for the purpose of transferring positions under  
2 this section.

3 8m. The authorized FTE positions for the department of corrections, funded  
4 from the appropriation under section 20.410 (3) (hm) of the statutes, as affected by  
5 this act, are decreased by 0.3 FTE position, for the purpose of transferring positions  
6 under this section.

7 9. The authorized FTE positions for the department of health and family  
8 services, funded from the appropriation under section 20.435 (8) (a) of the statutes,  
9 as affected by this act, are decreased by 9.56 FTE positions, for the purpose of  
10 transferring positions under this section.

11 9m. The authorized FTE positions for the department of health and family  
12 services, funded from the appropriation under section 20.435 (8) (n) of the statutes,  
13 as affected by this act, are decreased by 8.94 FTE positions, for the purpose of  
14 transferring positions under this section.

15 10. The authorized FTE positions for the department of children and families,  
16 funded from the appropriation under section 20.437 (2) (a) of the statutes, as affected  
17 by this act are decreased by 0.08 FTE position, for the purpose of transferring  
18 positions under this section.

19 10g. The authorized FTE positions for the department of children and families,  
20 funded from the appropriation under section 20.437 (2) (mc) of the statutes, as  
21 affected by this act, are decreased by 0.37 FTE position, for the purpose of  
22 transferring positions under this section.

23 10m. The authorized FTE positions for the department of children and  
24 families, funded from the appropriation under section 20.437 (3) (a) of the statutes,

1 as created by this act, are decreased by 2.55 FTE positions, for the purpose of  
2 transferring positions under this section.

3 10r. The authorized FTE positions for the department of children and families,  
4 funded from the appropriation under section 20.437 (3) (n) of the statutes, as created  
5 by this act, are decreased by 0.3 FTE position, for the purpose of transferring  
6 positions under this section.

7 11. The authorized FTE positions for the department of workforce  
8 development, funded from the appropriation under section 20.445 (1) (a) of the  
9 statutes, as affected by this act, are decreased by ~~0.5~~ FTE position, for the purpose  
10 of transferring positions under this section. 0.55

11 12. The authorized FTE positions for the department of veterans affairs,  
12 funded from the appropriation under section 20.485 (1) (gk) of the statutes, as  
13 affected by this act, are decreased by 0.1 FTE position, for the purpose of transferring  
14 positions under this section.

15 12g. The authorized FTE positions for the department of veterans affairs,  
16 funded from the appropriation under section 20.485 (2) (u) of the statutes, as affected  
17 by this act, are decreased by 0.4 FTE position, for the purpose of transferring  
18 positions under this section.

19 12r. The authorized FTE positions for the department of veterans affairs,  
20 funded from the appropriation under section 20.485 (3) (s) of the statutes, as affected  
21 by this act, are decreased by 1.5 FTE positions, for the purpose of transferring  
22 positions under this section.

23 13. The authorized FTE positions for the department of administration, funded  
24 from the appropriation under section 20.505 (1) (a) of the statutes, as affected by this

1 act, are decreased by 2.0 FTE positions, for the purpose of transferring positions  
2 under this section.

3 13m. The authorized FTE positions for the department of administration,  
4 funded from the appropriation under section 20.505 (1) (v) of the statutes, as affected  
5 by this act, are decreased by 1.0 FTE position, for the purpose of transferring  
6 positions under this section.

7 14. The authorized FTE positions for the department of employee trust funds,  
8 funded from the appropriation under section 20.515 (1) (w) of the statutes, as affected  
9 by this act, are decreased by 1.0 FTE position, for the purpose of transferring  
10 positions under this section.

11 15. The authorized FTE positions for the office of state employment relations,  
12 funded from the appropriation under section 20.545 (1) (a) of the statutes, as affected  
13 by this act, are decreased by 1.0 FTE position, for the purpose of transferring  
14 positions under this section.

15 16. The authorized FTE positions for the department of revenue, funded from  
16 the appropriation under section 20.566 (3) (a) of the statutes, as affected by this act,  
17 are decreased by 15.05 FTE positions, for the purpose of transferring positions under  
18 this section.

19 16m. The authorized FTE positions for the department of revenue, funded from  
20 the appropriation under section 20.566 (8) (q) of the statutes, as affected by this act,  
21 are decreased by 0.7 FTE position, for the purpose of transferring positions under  
22 this section.

23 17. The authorized FTE positions for the department of administration, funded  
24 from the appropriation under section 20.505 (1) (kr) of the statutes, as created by this

1 act, are increased by 125.90 FTE positions, for the purpose of transferring positions  
2 under this section.

3 (e) *Incumbents.* All incumbent employees holding positions that are  
4 transferred under paragraphs (b) and (c) are transferred on the effective date of this  
5 paragraph to the department of administration. Employees transferred under these  
6 paragraphs have all the rights and the same status under subchapter V of chapter  
7 111 and chapter 230 of the statutes in the department of administration that they  
8 enjoyed in their respective state agencies immediately before the transfer.  
9 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
10 has attained permanent status in class is required to serve a probationary period.

11 (f) *Materials.* On the effective date of this paragraph, all equipment, supplies,  
12 and furniture required for the provision of legal services by employees transferred  
13 under paragraphs (b) and (c) are transferred to the department of administration.  
14 The secretary of administration shall identify the equipment, supplies, and  
15 furniture to be transferred.”.

16 **12.** Page 1681, line 1: after that line insert:

17 “(1i) TRANSFER OF ATTORNEY POSITIONS. The treatment of sections 15.04 (4),  
18 15.103 (1g), 16.004 (15), 20.505 (1) (kr), 73.01 (4) (b) and (4m) (b) and (c), 85.013 (2)  
19 (a), and 343.33 (2) of the statutes and SECTION 9155 (3i) of this act take effect on July  
20 1, 2008.”.

21 (END)



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2007 - 2008 LEGISLATURE

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FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

**SENATE AMENDMENT ,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2007 SENATE BILL 40**

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 18, line 12: after that line insert:
- 3 **"SECTION 27.** 15.04 (4) of the statutes is created to read:
- 4 15.04 (4) LEGAL SERVICES. If a department or independent agency is authorized
- 5 or required to employ or retain an attorney, the department or independent agency
- 6 may do so only in the following ways:
- 7 (a) Employ an attorney in a position authorized under s. 16.505.
- 8 (b) Contract with the department of administration for legal services under s.
- 9 16.004 (15).

1 (c) Allow the department of justice to furnish legal services if the department  
2 of justice is required by law to furnish the services.

3 (d) 1. Allow the division of hearings and appeals created under s. 15.103 (1) to  
4 furnish legal services if the division of hearings and appeals is required or authorized  
5 by law to furnish the services.

6 2. Contract under s. 227.43 (1m) for contested case hearing services with the  
7 division of hearings and appeals if the department or independent agency is not  
8 prohibited by law to do so.

9 (e) Employ or retain any attorney who is not a state employee, subject to s.  
10 20.930.”.

11 **2.** Page 19, line 12: after that line insert:

12 “**SECTION 31.** 15.103 (1g) of the statutes is created to read:

13 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of  
14 administration a division of legal services. The administrator of the division shall  
15 be appointed by the secretary of administration in the classified service.”.

16 **3.** Page 26, line 3: after that line insert:

17 “**SECTION 72.** 16.004 (15) of the statutes is created to read:

18 16.004 (15) LEGAL SERVICES. (a) In this subsection, “state agency” means an  
19 office, commission, department, independent agency, or board in the executive  
20 branch of state government, and includes the building commission.

21 (b) The department may provide legal services to state agencies. Annually, the  
22 department shall assess each state agency for the cost of the legal services provided  
23 to the state agency. The department shall credit all moneys received from state  
24 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).”.



1           73.01 (4m) (b) No member of the commission, including the chairperson, or its  
2    a hearing examiner may receive any salary unless he or she first executes an  
3    affidavit at the end of each salary period stating that he or she has complied with the  
4    deadlines in par. (a). The affidavit shall be presented to and filed with every official  
5    who certifies, in whole or in part, the salary.

6           **SECTION 2145.** 73.01 (4m) (c) of the statutes is amended to read:

7           73.01 (4m) (c) If a member of the commission, including the chairperson, or its  
8    a hearing examiner is unable to comply with the deadline under par. (a), that person  
9    shall so certify in the record, and the period is then extended for one additional period  
10   not to exceed 90 days.”.

11          **8.** Page 1196, line 3: after that line insert:

12          “**SECTION 2539.** 85.013 (2) (a) of the statutes is amended to read:

13          85.013 (2) (a) The secretary shall designate ~~employees of the department as~~  
14    hearing examiners to preside over all hearings arising under ch. 344.”.

15          **9.** Page 1310, line 9: delete “14” and substitute “15”.

16          **10.** Page 1430, line 25: after that line insert:

17          “**SECTION 3348.** 343.33 (2) of the statutes is amended to read:

18          343.33 (2) Upon the hearing, the department or its a hearing examiner may  
19    administer oaths, issue subpoenas for the attendance of witnesses and the  
20    production of relevant books and papers and may require a reexamination of the  
21    licensee. No law enforcement officer or other witness produced by the person who  
22    has requested a hearing to testify on his or her behalf shall be paid a witness fee by  
23    the department nor shall any law enforcement officer called to appear for the  
24    department be paid any witness fee. All testimony shall be taken and transcribed.”.

1           **11.** Page 1643, line 21: after that line insert:

2           “(3i) TRANSFER OF ATTORNEY AND LEGAL STAFF POSITIONS.

3           (a) *Definitions.* In this subsection:

4           1. “Legal staff” means the individuals as determined by the secretary of  
5 administration who provide support services for attorneys.

6           2. “State agency” means an office, commission, department, independent  
7 agency, or board in the executive branch of state government, except the following:

8           a. The public service commission.

9           b. The public defender board.

10          c. The Board of Regents of the University of Wisconsin System.

11          d. The University of Wisconsin Hospitals and Clinics Board.

12          e. The state of Wisconsin investment board.

13          f. The office of the governor.

14          g. The government accountability board.

15          h. The department of justice.

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17          j. The department of military affairs.

18          k. The department of public instruction.

19          L. The Board on Aging and Long-Term Care.

20          (b) *State agency attorneys and legal staff.* Except as provided in paragraph (c)  
21 and subject to paragraph (d), on the effective date of this paragraph all attorney  
22 positions in state agencies and all legal staff positions in state agencies are  
23 transferred to the division of legal services in the department of administration.

24          (c) *Hearing officers, hearing examiners, and administrative law judges.*

1           1. Except as provided in subdivision 2. and subject to paragraph (d), on the  
2 effective date of this subdivision all positions identified by the secretary of  
3 administration as hearing officers, hearing examiners, or administrative law judges  
4 are transferred to the division of hearings and appeals in the department of  
5 administration.

6           2. Subdivision 1. does not apply to hearing officers, hearing examiners, or  
7 administrative law judges in the department of workforce development.

8           (d) *Exceptions.* Paragraphs (b) and (c) do not apply to any of the following:

9           1. State employees working in an office of a district attorney under section  
10 978.12 (1) (b) or (c) of the statutes.

11           2. One lead attorney in the office of state employment relations whose duties  
12 include the negotiation and interpretation of collective bargaining agreements  
13 entered into under subchapter V of chapter 111 of the statutes.

14           3. One attorney position in each of the following state agencies, identified by  
15 the secretary of administration as the general counsel or lead attorney position:

16           a. Department of administration.

17           b. Department of agriculture, trade and consumer protection.

18           c. Department of children and families.

19           d. Department of commerce.

20           e. Department of corrections.

21           f. Department of employee trust funds.

22           g. Department of financial institutions.

23           h. Department of health and family services.

24           j. Department of natural resources.

25           L. Department of regulation and licensing.

1 m. Department of revenue.

2 n. Department of transportation.

3 o. Department of veterans affairs.

4 p. Department of workforce development.

5 q. Office of the commissioner of insurance.

6 (dm) *Position increases and decreases.*

7 1. The authorized FTE positions for the department of agriculture, trade and  
8 consumer protection, funded from the appropriation under section 20.115 (1) (gb) of  
9 the statutes, as affected by this act, are decreased by 1.0 FTE position, for the  
10 purpose of transferring positions under this section.

11 1g. The authorized FTE positions for the department of agriculture, trade and  
12 consumer protection, funded from the appropriation under section 20.115 (7) (r) of  
13 the statutes, as affected by this act, are decreased by 1.0 FTE position, for the  
14 purpose of transferring positions under this section.

15 1r. The authorized FTE positions for the department of agriculture, trade and  
16 consumer protection, funded from the appropriation under section 20.115 (8) (a) of  
17 the statutes, as affected by this act, are decreased by 4.5 FTE positions, for the  
18 purpose of transferring positions under this section.

19 2. The authorized FTE positions for the department of commerce, funded from  
20 the appropriation under section 20.143 (3) (r) of the statutes, as affected by this act,  
21 are decreased by 0.5 FTE position, for the purpose of transferring positions under  
22 this section.

23 2m. The authorized FTE positions for the department of commerce, funded  
24 from the appropriation under section 20.143 (3) (w) of the statutes, as affected by this

1 act, are decreased by 1.5 FTE positions, for the purpose of transferring positions  
2 under this section.

3 3. The authorized FTE positions for the department of financial institutions,  
4 funded from the appropriation under section 20.144 (1) (g) of the statutes, as affected  
5 by this act, are decreased by 5.0 FTE positions, for the purpose of transferring  
6 positions under this section.

7 4. The authorized FTE positions for the office of the commissioner of insurance,  
8 funded from the appropriation under section 20.145 (1) (g) of the statutes, as affected  
9 by this act, are decreased by 5.0 FTE positions, for the purpose of transferring  
10 positions under this section.

11 5. The authorized FTE positions for the department of regulation and licensing,  
12 funded from the appropriation under section 20.165 (1) (g) of the statutes, as affected  
13 by this act, are decreased by 28.0 FTE positions, for the purpose of transferring  
14 positions under this section.

15 5m. The authorized FTE positions for the department of regulation and  
16 licensing, funded from the appropriation under section 20.165 (1) (i) of the statutes,  
17 as affected by this act, are decreased by 1.0 FTE position, for the purpose of  
18 transferring positions under this section.

19 6. The authorized FTE positions for the department of natural resources,  
20 funded from the appropriation under section 20.370 (2) (gh) of the statutes, as  
21 affected by this act, are decreased by 0.5 FTE positions, for the purpose of  
22 transferring position under this section.

23 6d. The authorized FTE positions for the department of natural resources,  
24 funded from the appropriation under section 20.370 (3) (mk) of the statutes, as

1 affected by this act, are decreased by 0.5 FTE position, for the purpose of transferring  
2 positions under this section.

3 6h. The authorized FTE positions for the department of natural resources,  
4 funded from the appropriation under section 20.370 (8) (ma) of the statutes, as  
5 affected by this act, are decreased by 3.0 FTE positions, for the purpose of  
6 transferring positions under this section.

7 6k. The authorized FTE positions for the department of natural resources,  
8 funded from the appropriation under section 20.370 (8) (mq) of the statutes, as  
9 affected by this act, are decreased by 0.5 FTE position, for the purpose of transferring  
10 positions under this section.

11 6p. The authorized FTE positions for the department of natural resources,  
12 funded from the appropriation under section 20.370 (8) (mu) of the statutes, as  
13 affected by this act, are decreased by 6.0 FTE positions, for the purpose of  
14 transferring positions under this section.

15 6s. The authorized FTE positions for the department of natural resources,  
16 funded from the appropriation under section 20.370 (8) (mz) of the statutes, as  
17 affected by this act, are decreased by 6.0 FTE positions, for the purpose of  
18 transferring positions under this section.

19 7. The authorized FTE positions for the department of transportation, funded  
20 from the appropriation under section 20.395 (4) (aq) of the statutes, as affected by  
21 this act, are decreased by 10.0 FTE positions, for the purpose of transferring  
22 positions under this section.

23 8. The authorized FTE positions for the department of corrections, funded from  
24 the appropriation under section 20.410 (1) (a) of the statutes, as affected by this act,

1 are decreased by 6.5 FTE positions, for the purpose of transferring positions under  
2 this section.

3 8m. The authorized FTE positions for the department of corrections, funded  
4 from the appropriation under section 20.410 (3) (hm) of the statutes, as affected by  
5 this act, are decreased by 0.3 FTE position, for the purpose of transferring positions  
6 under this section.

7 9. The authorized FTE positions for the department of health and family  
8 services, funded from the appropriation under section 20.435 (8) (a) of the statutes,  
9 as affected by this act, are decreased by 9.56 FTE positions, for the purpose of  
10 transferring positions under this section.

11 9m. The authorized FTE positions for the department of health and family  
12 services, funded from the appropriation under section 20.435 (8) (n) of the statutes,  
13 as affected by this act, are decreased by 8.94 FTE positions, for the purpose of  
14 transferring positions under this section.

15 10. The authorized FTE positions for the department of children and families,  
16 funded from the appropriation under section 20.437 (2) (a) of the statutes, as affected  
17 by this act are decreased by 0.08 FTE position, for the purpose of transferring  
18 positions under this section.

19 10g. The authorized FTE positions for the department of children and families,  
20 funded from the appropriation under section 20.437 (2) (mc) of the statutes, as  
21 affected by this act, are decreased by 0.37 FTE position, for the purpose of  
22 transferring positions under this section.

23 10m. The authorized FTE positions for the department of children and  
24 families, funded from the appropriation under section 20.437 (3) (a) of the statutes,

1 as created by this act, are decreased by 2.55 FTE positions, for the purpose of  
2 transferring positions under this section.

3 10r. The authorized FTE positions for the department of children and families,  
4 funded from the appropriation under section 20.437 (3) (n) of the statutes, as created  
5 by this act, are decreased by 0.3 FTE position, for the purpose of transferring  
6 positions under this section.

7 11. The authorized FTE positions for the department of workforce  
8 development, funded from the appropriation under section 20.445 (1) (a) of the  
9 statutes, as affected by this act, are decreased by .055 FTE position, for the purpose  
10 of transferring positions under this section. 0.55

11 12. The authorized FTE positions for the department of veterans affairs,  
12 funded from the appropriation under section 20.485 (1) (gk) of the statutes, as  
13 affected by this act, are decreased by 0.1 FTE position, for the purpose of transferring  
14 positions under this section.

15 12g. The authorized FTE positions for the department of veterans affairs,  
16 funded from the appropriation under section 20.485 (2) (u) of the statutes, as affected  
17 by this act, are decreased by 0.4 FTE position, for the purpose of transferring  
18 positions under this section.

19 12r. The authorized FTE positions for the department of veterans affairs,  
20 funded from the appropriation under section 20.485 (3) (s) of the statutes, as affected  
21 by this act, are decreased by 1.5 FTE positions, for the purpose of transferring  
22 positions under this section.

23 13. The authorized FTE positions for the department of administration, funded  
24 from the appropriation under section 20.505 (1) (a) of the statutes, as affected by this

1 act, are decreased by 2.0 FTE positions, for the purpose of transferring positions  
2 under this section.

3 13m. The authorized FTE positions for the department of administration,  
4 funded from the appropriation under section 20.505 (1) (v) of the statutes, as affected  
5 by this act, are decreased by 1.0 FTE position, for the purpose of transferring  
6 positions under this section.

7 14. The authorized FTE positions for the department of employee trust funds,  
8 funded from the appropriation under section 20.515 (1) (w) of the statutes, as affected  
9 by this act, are decreased by 1.0 FTE position, for the purpose of transferring  
10 positions under this section.

11 15. The authorized FTE positions for the office of state employment relations,  
12 funded from the appropriation under section 20.545 (1) (a) of the statutes, as affected  
13 by this act, are decreased by 1.0 FTE position, for the purpose of transferring  
14 positions under this section.

15 16. The authorized FTE positions for the department of revenue, funded from  
16 the appropriation under section 20.566 (3) (a) of the statutes, as affected by this act,  
17 are decreased by 15.05 FTE positions, for the purpose of transferring positions under  
18 this section.

19 16m. The authorized FTE positions for the department of revenue, funded from  
20 the appropriation under section 20.566 (8) (q) of the statutes, as affected by this act,  
21 are decreased by 0.7 FTE position, for the purpose of transferring positions under  
22 this section.

23 17. The authorized FTE positions for the department of administration, funded  
24 from the appropriation under section 20.505 (1) (kr) of the statutes, as created by this

1 act, are increased by 125.90 FTE positions, for the purpose of transferring positions  
2 under this section.

3 (e) *Incumbents.* All incumbent employees holding positions that are  
4 transferred under paragraphs (b) and (c) are transferred on the effective date of this  
5 paragraph to the department of administration. Employees transferred under these  
6 paragraphs have all the rights and the same status under subchapter V of chapter  
7 111 and chapter 230 of the statutes in the department of administration that they  
8 enjoyed in their respective state agencies immediately before the transfer.  
9 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
10 has attained permanent status in class is required to serve a probationary period.

11 (f) *Materials.* On the effective date of this paragraph, all equipment, supplies,  
12 and furniture required for the provision of legal services by employees transferred  
13 under paragraphs (b) and (c) are transferred to the department of administration.  
14 The secretary of administration shall identify the equipment, supplies, and  
15 furniture to be transferred.”

16 **12.** Page 1681, line 1: after that line insert:

17 “(1i) TRANSFER OF ATTORNEY POSITIONS. The treatment of sections 15.04 (4),  
18 15.103 (1g), 16.004 (15), 20.505 (1) (kr), 73.01 (4) (b) and (4m) (b) and (c), 85.013 (2)  
19 (a), and 343.33 (2) of the statutes and SECTION 9155 (3i) of this act take effect on July  
20 1, 2008.”

21 (END)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBb0373/P3  
CMH:wlj&kjf:rs

LFB:.....Renner - Attorney consolidation

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

**SENATE AMENDMENT ,**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2007 SENATE BILL 40**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 18, line 12: after that line insert:

3 **"SECTION 27.** 15.04 (4) of the statutes is created to read:

4 15.04 (4) LEGAL SERVICES. If a department or independent agency is authorized  
5 or required to employ or retain an attorney, the department or independent agency  
6 may do so only in the following ways:

7 (a) Employ an attorney in a position authorized under s. 16.505.

8 (b) Contract with the department of administration for legal services under s.  
9 16.004 (15).

1 (c) Allow the department of justice to furnish legal services if the department  
2 of justice is required by law to furnish the services.

3 (d) 1. Allow the division of hearings and appeals created under s. 15.103 (1) to  
4 furnish legal services if the division of hearings and appeals is required or authorized  
5 by law to furnish the services.

6 2. Contract under s. 227.43 (1m) for contested case hearing services with the  
7 division of hearings and appeals if the department or independent agency is not  
8 prohibited by law to do so.

9 (e) Employ or retain any attorney who is not a state employee, subject to s.  
10 20.930.”.

11 **2.** Page 19, line 12: after that line insert:

12 “SECTION 31. 15.103 (1g) of the statutes is created to read:

13 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of  
14 administration a division of legal services. The administrator of the division shall  
15 be appointed by the secretary of administration in the classified service.”.

16 **3.** Page 26, line 3: after that line insert:

17 “SECTION 72. 16.004 (15) of the statutes is created to read:

18 16.004 (15) LEGAL SERVICES. (a) In this subsection, “state agency” means an  
19 office, commission, department, independent agency, or board in the executive  
20 branch of state government, and includes the building commission.

21 (b) The department may provide legal services to state agencies. Annually, the  
22 department shall assess each state agency for the cost of the legal services provided  
23 to the state agency. The department shall credit all moneys received from state  
24 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).”.



1           73.01 (4m) (b) No member of the commission, including the chairperson, or its  
2    a hearing examiner may receive any salary unless he or she first executes an  
3    affidavit at the end of each salary period stating that he or she has complied with the  
4    deadlines in par. (a). The affidavit shall be presented to and filed with every official  
5    who certifies, in whole or in part, the salary.

6           **SECTION 2145.** 73.01 (4m) (c) of the statutes is amended to read:

7           73.01 (4m) (c) If a member of the commission, including the chairperson, or its  
8    a hearing examiner is unable to comply with the deadline under par. (a), that person  
9    shall so certify in the record, and the period is then extended for one additional period  
10   not to exceed 90 days.”.

11          **8.** Page 1196, line 3: after that line insert:

12          “**SECTION 2539.** 85.013 (2) (a) of the statutes is amended to read:

13          85.013 (2) (a) The secretary shall designate employees of the department as  
14    hearing examiners to preside over all hearings arising under ch. 344.”.

15          **9.** Page 1310, line 9: delete “14” and substitute “15”.

16          **10.** Page 1430, line 25: after that line insert:

17          “**SECTION 3348.** 343.33 (2) of the statutes is amended to read:

18          343.33 (2) Upon the hearing, the department or its a hearing examiner may  
19    administer oaths, issue subpoenas for the attendance of witnesses and the  
20    production of relevant books and papers and may require a reexamination of the  
21    licensee. No law enforcement officer or other witness produced by the person who  
22    has requested a hearing to testify on his or her behalf shall be paid a witness fee by  
23    the department nor shall any law enforcement officer called to appear for the  
24    department be paid any witness fee. All testimony shall be taken and transcribed.”.

1           **11.** Page 1643, line 21: after that line insert:

2           “(3i) TRANSFER OF ATTORNEY AND LEGAL STAFF POSITIONS.

3           (a) *Definitions.* In this subsection:

4           1. “Legal staff” means the individuals as determined by the secretary of  
5 administration who provide support services for attorneys.

6           2. “State agency” means an office, commission, department, independent  
7 agency, or board in the executive branch of state government, except the following:

8           a. The public service commission.

9           b. The public defender board.

10          c. The Board of Regents of the University of Wisconsin System.

11          d. The University of Wisconsin Hospitals and Clinics Board.

12          e. The state of Wisconsin investment board.

13          f. The office of the governor.

14          g. The government accountability board.

15          h. The department of justice.

16          i. The employment relations commission.

17          j. The department of military affairs.

18          k. The department of public instruction.

19          L. The Board on Aging and Long-Term Care.

20          (b) *State agency attorneys and legal staff.* Except as provided in paragraph (c)  
21 and subject to paragraph (d), on the effective date of this paragraph all attorney  
22 positions in state agencies and all legal staff positions in state agencies are  
23 transferred to the division of legal services in the department of administration.

24          (c) *Hearing officers, hearing examiners, and administrative law judges.*

1           1. Except as provided in subdivision 2. and subject to paragraph (d), on the  
2 effective date of this subdivision all positions identified by the secretary of  
3 administration as hearing officers, hearing examiners, or administrative law judges  
4 are transferred to the division of hearings and appeals in the department of  
5 administration.

6           2. Subdivision 1. does not apply to hearing officers, hearing examiners, or  
7 administrative law judges in the department of workforce development.

8           (d) *Exceptions.* Paragraphs (b) and (c) do not apply to any of the following:

9           1. State employees working in an office of a district attorney under section  
10 978.12 (1) (b) or (c) of the statutes.

11           2. One lead attorney in the office of state employment relations whose duties  
12 include the negotiation and interpretation of collective bargaining agreements  
13 entered into under subchapter V of chapter 111 of the statutes.

14           3. One attorney position in each of the following state agencies, identified by  
15 the secretary of administration as the general counsel or lead attorney position:

16           a. Department of administration.

17           b. Department of agriculture, trade and consumer protection.

18           c. Department of children and families.

19           d. Department of commerce.

20           e. Department of corrections.

21           f. Department of employee trust funds.

22           g. Department of financial institutions.

23           h. Department of health and family services.

24           j. Department of natural resources.

25           L. Department of regulation and licensing.

1 m. Department of revenue.

2 n. Department of transportation.

3 o. Department of veterans affairs.

4 p. Department of workforce development.

5 q. Office of the commissioner of insurance.

6 (dm) *Position increases and decreases.*

7 1. The authorized FTE positions for the department of agriculture, trade and  
8 consumer protection, funded from the appropriation under section 20.115 (1) (gb) of  
9 the statutes, as affected by this act, are decreased by 1.0 FTE position, for the  
10 purpose of transferring positions under this section.

11 1g. The authorized FTE positions for the department of agriculture, trade and  
12 consumer protection, funded from the appropriation under section 20.115 (7) (r) of  
13 the statutes, as affected by this act, are decreased by 1.0 FTE position, for the  
14 purpose of transferring positions under this section.

15 1r. The authorized FTE positions for the department of agriculture, trade and  
16 consumer protection, funded from the appropriation under section 20.115 (8) (a) of  
17 the statutes, as affected by this act, are decreased by 4.5 FTE positions, for the  
18 purpose of transferring positions under this section.

19 2. The authorized FTE positions for the department of commerce, funded from  
20 the appropriation under section 20.143 (3) (r) of the statutes, as affected by this act,  
21 are decreased by 0.5 FTE position, for the purpose of transferring positions under  
22 this section.

23 2m. The authorized FTE positions for the department of commerce, funded  
24 from the appropriation under section 20.143 (3) (w) of the statutes, as affected by this

1 act, are decreased by 1.5 FTE positions, for the purpose of transferring positions  
2 under this section.

3 3. The authorized FTE positions for the department of financial institutions,  
4 funded from the appropriation under section 20.144 (1) (g) of the statutes, as affected  
5 by this act, are decreased by 5.0 FTE positions, for the purpose of transferring  
6 positions under this section.

7 4. The authorized FTE positions for the office of the commissioner of insurance,  
8 funded from the appropriation under section 20.145 (1) (g) of the statutes, as affected  
9 by this act, are decreased by 5.0 FTE positions, for the purpose of transferring  
10 positions under this section.

11 5. The authorized FTE positions for the department of regulation and licensing,  
12 funded from the appropriation under section 20.165 (1) (g) of the statutes, as affected  
13 by this act, are decreased by 28.0 FTE positions, for the purpose of transferring  
14 positions under this section.

15 5m. The authorized FTE positions for the department of regulation and  
16 licensing, funded from the appropriation under section 20.165 (1) (i) of the statutes,  
17 as affected by this act, are decreased by 1.0 FTE position, for the purpose of  
18 transferring positions under this section.

19 6. The authorized FTE positions for the department of natural resources,  
20 funded from the appropriation under section 20.370 (2) (gh) of the statutes, as  
21 affected by this act, are decreased by 0.5 FTE positions, for the purpose of  
22 transferring position under this section.

23 6d. The authorized FTE positions for the department of natural resources,  
24 funded from the appropriation under section 20.370 (3) (mk) of the statutes, as

1 affected by this act, are decreased by 0.5 FTE position, for the purpose of transferring  
2 positions under this section.

3 6h. The authorized FTE positions for the department of natural resources,  
4 funded from the appropriation under section 20.370 (8) (ma) of the statutes, as  
5 affected by this act, are decreased by 3.0 FTE positions, for the purpose of  
6 transferring positions under this section.

7 6k. The authorized FTE positions for the department of natural resources,  
8 funded from the appropriation under section 20.370 (8) (mq) of the statutes, as  
9 affected by this act, are decreased by 0.5 FTE position, for the purpose of transferring  
10 positions under this section.

11 6p. The authorized FTE positions for the department of natural resources,  
12 funded from the appropriation under section 20.370 (8) (mu) of the statutes, as  
13 affected by this act, are decreased by 6.0 FTE positions, for the purpose of  
14 transferring positions under this section.

15 6s. The authorized FTE positions for the department of natural resources,  
16 funded from the appropriation under section 20.370 (8) (mz) of the statutes, as  
17 affected by this act, are decreased by 6.0 FTE positions, for the purpose of  
18 transferring positions under this section.

19 7. The authorized FTE positions for the department of transportation, funded  
20 from the appropriation under section 20.395 (4) (aq) of the statutes, as affected by  
21 this act, are decreased by 10.0 FTE positions, for the purpose of transferring  
22 positions under this section.

23 8. The authorized FTE positions for the department of corrections, funded from  
24 the appropriation under section 20.410 (1) (a) of the statutes, as affected by this act,

1 are decreased by 6.5 FTE positions, for the purpose of transferring positions under  
2 this section.

3 8m. The authorized FTE positions for the department of corrections, funded  
4 from the appropriation under section 20.410 (3) (hm) of the statutes, as affected by  
5 this act, are decreased by 0.3 FTE position, for the purpose of transferring positions  
6 under this section.

7 9. The authorized FTE positions for the department of health and family  
8 services, funded from the appropriation under section 20.435 (8) (a) of the statutes,  
9 as affected by this act, are decreased by 9.56 FTE positions, for the purpose of  
10 transferring positions under this section.

11 9m. The authorized FTE positions for the department of health and family  
12 services, funded from the appropriation under section 20.435 (8) (n) of the statutes,  
13 as affected by this act, are decreased by 8.94 FTE positions, for the purpose of  
14 transferring positions under this section.

15 10. The authorized FTE positions for the department of children and families,  
16 funded from the appropriation under section 20.437 (2) (a) of the statutes, as affected  
17 by this act are decreased by 0.08 FTE position, for the purpose of transferring  
18 positions under this section.

19 10g. The authorized FTE positions for the department of children and families,  
20 funded from the appropriation under section 20.437 (2) (mc) of the statutes, as  
21 affected by this act, are decreased by 0.37 FTE position, for the purpose of  
22 transferring positions under this section.

23 10m. The authorized FTE positions for the department of children and  
24 families, funded from the appropriation under section 20.437 (3) (a) of the statutes,

1 as created by this act, are decreased by 2.55 FTE positions, for the purpose of  
2 transferring positions under this section.

3 10r. The authorized FTE positions for the department of children and families,  
4 funded from the appropriation under section 20.437 (3) (n) of the statutes, as created  
5 by this act, are decreased by 0.3 FTE position, for the purpose of transferring  
6 positions under this section.

7 11. The authorized FTE positions for the department of workforce  
8 development, funded from the appropriation under section 20.445 (1) (a) of the  
9 statutes, as affected by this act, are decreased by 0.55 FTE position, for the purpose  
10 of transferring positions under this section.

11 12. The authorized FTE positions for the department of veterans affairs,  
12 funded from the appropriation under section 20.485 (1) (gk) of the statutes, as  
13 affected by this act, are decreased by 0.1 FTE position, for the purpose of transferring  
14 positions under this section.

15 12g. The authorized FTE positions for the department of veterans affairs,  
16 funded from the appropriation under section 20.485 (2) (u) of the statutes, as affected  
17 by this act, are decreased by 0.4 FTE position, for the purpose of transferring  
18 positions under this section.

19 12r. The authorized FTE positions for the department of veterans affairs,  
20 funded from the appropriation under section 20.485 (3) (s) of the statutes, as affected  
21 by this act, are decreased by 1.5 FTE positions, for the purpose of transferring  
22 positions under this section.

23 13. The authorized FTE positions for the department of administration, funded  
24 from the appropriation under section 20.505 (1) (a) of the statutes, as affected by this

1 act, are decreased by 2.0 FTE positions, for the purpose of transferring positions  
2 under this section.

3 13m. The authorized FTE positions for the department of administration,  
4 funded from the appropriation under section 20.505 (1) (v) of the statutes, as affected  
5 by this act, are decreased by 1.0 FTE position, for the purpose of transferring  
6 positions under this section.

7 14. The authorized FTE positions for the department of employee trust funds,  
8 funded from the appropriation under section 20.515 (1) (w) of the statutes, as affected  
9 by this act, are decreased by 1.0 FTE position, for the purpose of transferring  
10 positions under this section.

11 15. The authorized FTE positions for the office of state employment relations,  
12 funded from the appropriation under section 20.545 (1) (a) of the statutes, as affected  
13 by this act, are decreased by 1.0 FTE position, for the purpose of transferring  
14 positions under this section.

15 16. The authorized FTE positions for the department of revenue, funded from  
16 the appropriation under section 20.566 (3) (a) of the statutes, as affected by this act,  
17 are decreased by 15.05 FTE positions, for the purpose of transferring positions under  
18 this section.

19 16m. The authorized FTE positions for the department of revenue, funded from  
20 the appropriation under section 20.566 (8) (q) of the statutes, as affected by this act,  
21 are decreased by 0.7 FTE position, for the purpose of transferring positions under  
22 this section.

23 17. The authorized FTE positions for the department of administration, funded  
24 from the appropriation under section 20.505 (1) (kr) of the statutes, as created by this

1 act, are increased by 125.90 FTE positions, for the purpose of transferring positions  
2 under this section.

3 (e) *Incumbents.* All incumbent employees holding positions that are  
4 transferred under paragraphs (b) and (c) are transferred on the effective date of this  
5 paragraph to the department of administration. Employees transferred under these  
6 paragraphs have all the rights and the same status under subchapter V of chapter  
7 111 and chapter 230 of the statutes in the department of administration that they  
8 enjoyed in their respective state agencies immediately before the transfer.  
9 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
10 has attained permanent status in class is required to serve a probationary period.

11 (f) *Materials.* On the effective date of this paragraph, all equipment, supplies,  
12 and furniture required for the provision of legal services by employees transferred  
13 under paragraphs (b) and (c) are transferred to the department of administration.  
14 The secretary of administration shall identify the equipment, supplies, and  
15 furniture to be transferred.”.

16 **12.** Page 1681, line 1: after that line insert:

17 “(li) TRANSFER OF ATTORNEY POSITIONS. The treatment of sections 15.04 (4),  
18 15.103 (1g), 16.004 (15), 20.505 (1) (kr), 73.01 (4) (b) and (4m) (b) and (c), 85.013 (2)  
19 (a), and 343.33 (2) of the statutes and SECTION 9155 (3i) of this act take effect on July  
20 1, 2008.”.

21 (END)